HISTORICAL RECORDS

OF

AUSTRALIA.
COMMONWEALTH OF AUSTRALIA.

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AUSTRALIA.

SERIES I.

GOVERNORS' DESPATCHES TO AND FROM ENGLAND.

VOLUME III.

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INTRODUCTION.

GOVERNOR KING.

Philip Gidley King, when he assumed the government of New South Wales, had little experience in the exercise of authority, except that acquired within the confined limits of Norfolk Island. He possessed a wayward temper, a suspicious and jealous disposition, and a self-satisfied manner which isolated him from his subordinates, and prevented him from taking or seeking advice when necessary. On the 15th of April, 1800, he arrived in Port Jackson on board the *Speedy* to take up the government. From the moment of his arrival, he endeavoured to impress on Governor Hunter and the colonists that he was the great reformer, holding special instructions from the King. During the first five and a half months after his arrival, he wrote lengthy letters to England, detailing reforms he intended to make when Governor Hunter departed; when he was succeeded by Governor Bligh, nearly six years later, the colony was in as great a state of chaos as at the commencement of his administration.

Philip Gidley King was born at Launceston in Cornwall on the 23rd of April, 1758. His father was Philip King, a draper of that town, and his mother a daughter of John Gidley, an attorney-at-law, of Exeter. He was educated by a Mr. Bailey, of Yarmouth. When twelve years of age, he shipped on board the frigate *Swallow*, commanded by — Shirley, by whom he was rated as a midshipman. In this frigate and in His Majesty’s ships *Dolphin* and *Prudent* he served five years (1770-1774) on the East Indies station. When he returned in 1775, he was appointed a midshipman on the frigate *Liverpool*, under Captain Bellew, and sailed for the Virginian station in the same year. He remained in the *Liverpool* until she was wrecked in Delaware Bay. In October, 1778, he entered on board the *Princess Royal*, and on the 26th of November following, Admiral Byron promoted him to a lieutenancy, and transferred him to the *Renown*. In the following year, he returned to England, and served for nearly four
years in home waters, at first on the cutter *Kite*, and then on the frigate *Ariadne*. On the *Ariadne*, Governor (then post-captain) Arthur Phillip was in command, until on the 23rd of December, 1782, he was appointed to the *Europe*, of sixty-four guns. In January, 1783, King was appointed lieutenant on the *Europe*, prior to her sailing for the East Indies with reinforcements. On this voyage, Phillip and King became thoroughly acquainted, and Phillip was henceforth a patron of King. When peace was restored, King returned to England on the *Europe*, in May, 1784.

At that time, a settlement at Botany Bay was under consideration. In September, 1786, preparations were commenced to form an establishment there, and Phillip was selected as governor, receiving his first commission to that office, dated 12th October, 1786. The *Sirius* and the *Supply* were detailed to convoy the transport and store-ships, and when the *Sirius* was commissioned, King received the appointment of second lieutenant, on the 25th of October,* 1786.

The fleet sailed on the 13th of May, 1787. On the 25th of November following, Governor Phillip, with Lieutenants King and Dawes, transhipped to the *Supply*, and on the 18th of January, 1788, anchored in Botany Bay. The selection of Port Jackson as the site of the settlement was soon made, and all the fleet were safely anchored in Sydney Cove on the 26th of January, 1788.

On the 1st of February, Governor Phillip notified King that he had selected him as superintendent and commandant of the new settlement at Norfolk Island, and that he was to prepare to sail at once. The reason for the selection of King is not clear. Exclusive of Captain Hunter, who would probably not be considered, and other members of the military and civil staffs, there was one naval officer senior to King—first lieutenant Bradley, of the *Sirius*. Phillip gave no reason for his choice, except: “I beg leave to recommend him as an officer of merit, and whose perseverance in that or any other service may be depended upon.”† Phillip’s preference for King was also shown when selecting an officer to accompany him in the *Supply*, and to carry his compliments to Monsr. de la Perouse, who had arrived in Botany Bay.

*In his private journal, King stated the date was the 24th October, but this was the date given by the Admiralty.
†See volume I, page 20.
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On the 13th of February, King embarked his small company of seventeen men and six women,* exclusive of himself, who were destined to form the settlement at Norfolk Island, and on the same day he received his commission and instructions† from Phillip. He sailed from Sydney on the 15th of February, and founded the settlement at Sydney Bay on the 6th of March, 1788. King at that time was in his thirtieth year. He remained at his post until March, 1790, when he was recalled by Governor Phillip to carry despatches to England, and left the island in the Supply on the 24th of March.

During this, his first administration, lasting two years, King was frequently mentioned by Governor Phillip, both in his public and private despatches.‡ It was in consequence of Phillip's private recommendation only to Lord Sydney, and King's own reports of his control for five months of twenty-three persons, that he was appointed lieutenant-governor of Norfolk Island.§ by warrant, dated the 28th of January, 1790, at a salary of £250 a year, but this commission was not received in the colony prior to King's departure therefrom on the 17th April, 1790. The recommendation of King for promotion was contained in a private letter|| to Lord Sydney, dated July, 1788, written by Phillip, before he had received any account of King's administration at Norfolk Island, for the Supply did not return from her second voyage to that island until the 26th of August, 1788. The Right Hon. W. W. Grenville was in office when this letter and King's reports reached England, and it is probable that Lord Sydney, who was Phillip's admirer, used his influence to obtain the appointment for King. This is strong evidence of Phillip's desire to further King's interests, a desire which eventually found expression in the recommendation of King, in a letter dated 26th October, 1793, as his successor in the government.

King arrived in London on the 21st of December, 1790, and delivered his despatches. For the first time, he learnt that he had been appointed, nearly eleven months earlier, lieutenant-governor of Norfolk Island. On the 2nd of March, 1791, he was promoted

* King's inaccuracy with regard to figures was similar to that of other governors (see note II, volume I).
† See volume I, pages 32 and 33.
‡ See volume I: public, pages 147, 168, 170; private, pages 67, 169.
from lieutenant to commander in the navy. During his stay in England, he married Miss Anna Josepha Coombes, and with her he embarked on H.M.S. *Gorgon*, sailing from England in March, and arriving at Sydney on the 21st of September, 1791.

King sailed from Sydney in the *Atlantic* on the 26th of October, 1791, and arrived at Norfolk Island nine days later, to commence his second period of administration on the island, which lasted until the 22nd of October, 1796. When he left the island, in March, 1790, the population was about 160 men, women, and children; when he returned, in November, 1791, it numbered over one thousand individuals. The problems of administration were altered, and larger questions were involved. King's first actions were a reversal of some which his predecessor (Ross) had initiated, and the suggestion of numerous reforms.*

His conduct towards Ross in 1791 was similar to his conduct towards Hunter in 1800. On both occasions he adversely criticised the administration of his predecessors, and promptly announced many changes in lengthy general orders. When he succeeded Hunter, he avoided the responsibility of several of the reforms by means of imaginary royal instructions.

Governor Phillip left Port Jackson on the 11th of December, 1792, and King's patron was thus removed from authority. King now became a subordinate to Lieutenant-Governor Grose. He soon had his first experience of friction with the military, represented by Grose. In November, 1793, the *Britannia*, when under charter to the government to procure live stock and provisions from India, called at the island; King gave the master personal instructions to proceed to New Zealand to repatriate the two Maoris then living on Norfolk Island. Captain Nepean, of the N.S.W. Corps, being a passenger on board the *Britannia*, King decided to leave him in charge of the island, and to visit New Zealand himself. He was accordingly absent from his government from the 8th to the 18th November, 1793. For these actions—for delaying the fulfilment of the *Britannia’s* contract, for quitting his government without leave, and for placing it in the hands of another, without having previously obtained permission—King was censured by both Grose and the Duke of Portland.†

*See* Norfolk Island papers, King to Nepean, 23rd Nov., 1791; King to Phillip, 29th Dec., 1791.
† See *volume I*, page 496.
King was also censured by Grose for his action with regard to the mutiny of the soldiers in December, 1793; but in this instance his conduct was approved by the Duke of Portland.

During his administration, King suffered constantly from ill-health, and made frequent applications for sick leave, which was finally granted by Governor Hunter in August, 1796. Hunter, at that time, had chartered the Britannia to take all invalided officers to England, and she was ordered to call at Norfolk Island. King embarked on her on the 22nd of October, 1796, and arrived in Plymouth on the 6th of May following.

The first twelve months of King's visit to England were spent in anxious efforts to obtain work and promotion. His seniority in the list of commanders was against him, as it appeared some professional disgrace was attached to those of high standing in the list of commanders, from the probability that they had been frequently passed by in promotion. He had a wife and two children, and had his half-pay and the interest on £1,700* at four per cent. to support them with. On the 15th of June, 1797, he wrote to the Duke of Portland, asking for promotion to the rank of post-captain, but this request was refused. In a letter to Sir Joseph Banks, dated 7th October, 1797, King stated that "everything has been, and will be, done by the department with whom I am connected; but that which I belong to—and with which I alone wish to be considered by—seems to look upon me as an alien. . . . . Indeed, my dear sir, I sometimes think most seriously of resigning my Lieut.-Government, and throwing myself on the Admiralty." From this it appears that King was not at that time in high favour at the admiralty office. This letter to Banks, however, bore fruit.

Sir Joseph Banks during this period was at the zenith of his power in controlling colonial affairs. He obtained for King a dormant commission† "in the case of the death or during the absence of Captain John Hunter." It was frankly announced in the press‡ that King had received this commission through "the

*In a letter to the Duke of Portland, dated 15th June, 1797, King stated these figures, which included £650, savings from his pay. In a letter, dated 1st October, 1799, he stated that the savings from his pay at Norfolk Island alone amounted to £1,200.
†See volume II, page 605.
‡Dublin Evening Post, 27th January, 1798.
interest of Sir Joseph Banks, whose collection he has much enriched." The commission was dated the 1st day of May, 1798. It was limited in scope, and did not give King the titles of captain-general and governor-in-chief, which had been given to Governors Phillip and Hunter. The commission was practically the appointment of a locum tenens or a governor-in-chief on probation, and was recognised as such by both King and the English officials, when it became operative. Hunter was not officially informed of the issue of this limited commission until it was mentioned in a postscript* to a despatch by the Duke of Portland, dated 26th February, 1799. This despatch was delivered on the 3rd November following, per the Walker.

King's return to New South Wales was first arranged for in the original Porpoise,† but owing to the defects in her construction, he was ordered to embark on the whaler Walker, which carried Portland's despatch announcing the issue of King's dormant commission. This arrangement was unsatisfactory, and the embarkation of King and his family was delayed, until the departure of the transport Speedy, on the 26th of November, 1799. In this ship, King carried the despatch‡ to Governor Hunter, dated 5th November, 1799, by which Hunter was recalled and was ordered to transfer the administration to King.

The delay of more than five months in Hunter's departure from Port Jackson seems to disprove King's statement, in a subsequent despatch, that the authorities in England considered Hunter's recall an urgent matter. This view is confirmed by the fact that when King arrived, on the 15th of April, 1800, he possessed only a limited commission. Ample time had elapsed for the preparation of a full commission and instructions, similar to those of Governors Phillip and Hunter; yet the completion of King's was delayed until the 20th and 23rd of February, 1802 (twenty-seven months later). It is probable, therefore, that the home department was not prepared to give King the full appointment of governor-in-chief in the year 1799.

King arrived in Port Jackson on the 15th April, 1800, to take charge of the administration as soon as Governor Hunter departed, and this may be said to terminate the second period of his life.

INTRODUCTION.

King's life, exclusive of the period of two years and three weeks which elapsed between the dates of relinquishing the government of New South Wales and of his death, may be divided into five distinct periods, the first three of which have been discussed already, but may now be summarised.

The first period extended from the date of his birth, 23rd April, 1758, to January, 1783, when he became a lieutenant on the Europe, under Captain Phillip. The last thirteen of these years had been spent in the navy, in which he had risen to the rank of a lieutenant in a line of battleship. During this period his achievements were of no consequence or value, and he gained little beyond a knowledge of the ordinary naval life.

The second period ended with his arrival at Sydney in the Speedy, on the 15th April, 1800. For practically the first half of this epoch, his advancement was due to Phillip's patronage; his commission, in 1786, as second lieutenant of the Sirius, was probably obtained through Phillip; his appointments, as commandant at Norfolk Island, in 1788, and later as lieutenant-governor, in 1790, were due directly to Phillip; and many minor favours were shown him also by Phillip. The influence of Phillip at the home department waned about 1792-1793, and King's appointment as governor, suggested by Phillip, in 1793, seems to have received little consideration. In fact, the home department appear to have paid little attention to King, until, in 1797, Sir Joseph Banks took an interest in his case.

From March, 1788, to October, 1796, King was in charge of Norfolk Island, with the exception of the interregnum caused by his visit to England, when charged with despatches. The administration of a community commencing with twenty-four in 1788, and numbering eight hundred and eighty-seven* at the time of King's final departure, was not a problem of great consequence; yet, on several occasions, he was censured for his actions. In the second half of this period, King concluded his active service as lieutenant-governor practically on his departure for England, in October, 1796. On his arrival in London, he received little attention from the home department or the admiralty office, and appears to have been treated with scant courtesy, as if he were

* These were the figures at the census on the 16th October, 1796. During the period 1788-1796, the numbers had occasionally risen to over one thousand.
under a shadow of disgrace. He obtained his dormant commission, dated 1st May, 1798, through the influence of Sir Joseph Banks. During the last eighteen months in England, he exhibited one trait of his character in writing querulous letters about the delay in his embarkation, and the resultant cost to himself. This period may be summed up as one of advancement, due to the patronage of Governor Phillip and Sir Joseph Banks, during which King gained a little experience of administration at Norfolk Island in controlling a community, which was usually less than one thousand men, women, and children. Governor Phillip appears to have honestly considered King to be a suitable man in many positions; but Sir Joseph Banks, in many of his private letters, showed that, while holding a high opinion of King's character and abilities, he was aware that he had many limitations, which would militate against his success as an administrator in a big position.

The third period of his life commenced with his arrival at Port Jackson, on the 15th April, 1800 (when he was nearly 42 years of age), and closed on the 28th September, 1800, when he assumed the government of New South Wales. This period has already been discussed.* It is necessary only to mention a few of his actions, and to summarise his character at the end of the period. He showed a vindictiveness and over-anxiety to obtain the administration for himself as early as possible, and appeared disappointed† that Hunter did not sail, eighteen days after his arrival, in the Friendship, via India. His total lack of the finer feelings is illustrated by the fact that he submitted to the perusal of Hunter the despatch† in which he made serious insinuations in respect to him; and this at a time when Hunter was treating him with every consideration, allowing him, for example, when Hunter was still governor, to draw up the commission and instructions‡ to Major Foveaux, as commandant at Norfolk Island. He gave evidence of gross unscrupulousness or a desire to cover his actions with superior authority by constant quotations from royal instructions§ that did not exist. He admitted|| to Under Secretary King that his actions were "not strictly warrantable," and he hoped|| that they would be excused by the authorities in

* See volume II, pages xvii, xviii, xix. † See volume II, page 501.
‡ See volume II, page 511 et seq.
§ See volume II, pages 513 to 516 and 543. || See volume II, page 507.
England. King, by these and other actions, showed that the man who was to assume the government possessed little dignity, an overpowering conceit, and a jealous, suspicious, hasty, and ungovernable temper.*

The fourth period of King's life extended from the 28th of September, 1800, to the 16th of October, 1802, the day on which King's instructions as governor-in-chief were delivered at Port Jackson. This period has now to be examined.

The discussion of the fifth period, which extended to the 13th August, 1806, will be found in volumes IV and V.

Philip Gidley King assumed charge of the administration on the 28th of September, 1800, immediately after Governor Hunter's embarkation on H.M.S. Buffalo, by virtue of the dormant commission,† dated 1st May, 1798, which appointed him "(in the case of the death or during the absence of Captain John Hunter) to be Governor of our territory, called New South Wales." The commission was a very brief one, and, after reciting his jurisdiction, empowered him to discharge "the duty of Governor." He was provided with no instructions, and it is very doubtful if Hunter was directed to give King a copy of his (Hunter's). Hunter received no orders to that effect in Portland's letters‡ of the 26th February and 5th November, 1799. In a letter, written three days after his arrival, King stated to Hunter: "Agreeable to the commission I have the honor to hold, it is His Grace's directions, that you will be pleased to furnish me with copies of His Majesty's commission to you, the Royal Instructions you received in England, and such orders . . . . relative to the King's service in this territory."§ It seems strange that the Duke of Portland should not have communicated such an important order in writing, and that King should have been so hasty as to communicate it to Hunter before even he had disembarked from the Speedy.

The commissions of Phillip and Hunter appointed them captains-general and governors-in-chief, and made two provisions in the event of their death or absence from office. The adminis-

* Sir Joseph Banks, in a private letter, stated that capsicum should be planted in N.S.W., "as it might be beneficial to Governor King's constitution."
† See volume II, page 605.
‡ See volume II, pages 338 et seq. and 387 et seq.
§ See volume II, page 502.
tration was, first of all, to devolve on the lieutenant-governor of the territory, if one was present and duly appointed, and in the event of his absence, on "the officer highest in rank." If an administrator became necessary under these commissions, he was granted the full powers of the governor-in-chief for whom he acted. King's commission,* dated 1st May, 1798, did not appoint him captain-general and governor-in-chief, but instructed him simply "to discharge the duty of Governor . . . . by doing and performing all and all manner of things thereunto belonging."

His status during this period was unique in the history of New South Wales before constitutional government; and later, the administration of Sir John Young, between the 22nd March and 15th May, 1861, formed only a modified parallel on one point.

Unfortunately all the addresses of the various despatches are not available, and therefore it is impossible to define the usual method of address to King. In one case a despatch† from Lord Hobart, dated 6th August, 1801, was copied into King's private letter-book as addressed to Lieutenant-Governor King. But on the other hand, a despatch‡ from Secretary Nepean, dated 5th May, 1802, after the signing of King's full commission, was addressed by a similar title. If King had been sent out in 1800 to assume the full office of captain-general and governor-in-chief, it seems improbable that the completion of his commission and instructions would have been delayed for twenty-seven months after his departure. King was aware of some doubt existing in the minds of the authorities in England, for in a despatch,.§ dated 28th September, 1800, he used the phrase "in the event of the government of this territory being continued to me."

King, notwithstanding his knowledge of his position, did not hesitate to use the full title, "Captain-General and Governor-in-Chief," in a proclamation,|| dated 28th March, 1801, and the title of "Governor-in-Chief" in a general order,§ dated 16th December, 1801. His predecessors, Grose and Paterson, when administering the government, described themselves in legal documents simply as "Lieut.-Governor," and "senior officer . . . . executing the office of Governor" respectively.

* See volume II, page 605. † See pages 119 and 487.
‡ See volume II, page 663.
§ See pages 140 and 467. || See volume I, pages 448 and 503.
It is probable that, to the mind of the British government, King’s position during this period was that of acting-governor, pending a permanent appointment.

King does not appear to have felt any doubts with regard to the interpretation of his commission, in respect to the limits of his jurisdiction. Proof positive of this was given by his appointment of the Revd. John Jefferson to the position of a justice of the peace at Otaheite, whereas the commissions of Phillip and Hunter empowered them to make such appointments only “in our said territory and its dependencies.” Thus King claimed jurisdiction over all land lying within seventy-five degrees of longitude. This is also proved by his proclamation* to merchant captains at Otaheite.

King commenced his administration with Hunter’s commission and instructions for guidance. He was, however, little daunted by their limitations, for when the instructions failed him, he manufactured new ones for himself, and clothed them with the royal authority.

His first efforts were directed against the spirit traffic. He commenced the campaign by the communication† of pseudo royal instructions to Paterson on the 8th of September, 1800, about officers’ traffic in spirits. This was followed by a whole series of general orders, with reference to the importation of, licensed vending of, duties on, fixation of prices of, and transference of spirits. The result of these efforts is difficult to analyse, as the figures during the government of Hunter are not fully available.

The figures‡ under King’s administration, however, are complete, and an analysis of them gives some extraordinary results. Between September, 1800, and October, 1802, 69,880 gallons of spirits were landed, and 37,691 gallons sent away; of the latter, 86½ per cent. was imported in four ships, out of twenty-five. In the same time, 33,246 gallons of wine were landed, and 22,932 gallons sent away; of the latter, 91½ per cent. was imported in two ships, out of fourteen. The four ships, mentioned first, included the latter two, and they were the Follensbe, Missouri, John, and Harrington. The first two sailed from America, the last two from India. The Follensbe attempted to land 15 per cent. of the total spirits imported and sent away, and 45 per cent. of the total wine. The average population during these twenty-five

* See page 140. † See volume II, page 542. ‡ See page 594.
months was 5,807 men, women, and children, so King permitted the landing of sufficient spirits and wine to permit the consumption of an average* per annum of 3'876 gallons of spirits, and '889 gallons of wine by each man, woman, and child. The non-consumption of beer, which was not available to the colonists, is known to have little effect on these figures.

The method adopted in the restriction of the landing of spirits appears to have been capricious. The Trimmer arrived on the 18th December, 1800, with 4,000 gallons of spirits, which were all landed; the next ship, the Harbinger, arrived on the 12th January, 1800, with 2,800 gallons of spirits and 3,000 gallons of wine, and all were landed; the next ship, the Follensbe, arrived on the 21st January, 1800, with 13,000 gallons and 15,000 gallons of spirits and wine respectively, and all were sent away; the next ship, the Margaret, arrived on the 7th February with 3,000 gallons and 700 gallons, which were all landed; then came the Anne, on the 21st February, 1801, with 7,500 gallons of spirits, which were all landed. Further detail would be tedious. From a full examination, it appears that there was no consistent regulation of the supply; that there was some feeling against vessels from America and India; that the prices fixed varied between 10s. and 4s. per gallon, during the first twenty-seven months of King’s administration; and that this variation was allowed within a period of twenty-six days in favour of an American ship landing 4,000 gallons, as against a British ship landing 7,000 gallons, none of which was bonded.

The result of King’s efforts to restrict the spirit traffic is thus difficult to analyse. He allowed an enormous quantity to be landed, and at the same time sent a large amount away. The mere fact of sending it away does not prove that he was lessening the consumption. During his administration, the inward shipping had increased with the development of the colony and the whale fishery, and many a whaler brought a cargo on her outward voyage containing a proportion of spirits for trading at Sydney. King’s efforts did not produce any permanent change for the better, as the after results proved, and it is doubtful if they produced a temporary improvement.

*The average consumption given in the Commonwealth Year Book for 1912 for the whole of the Commonwealth is '85 and '5 imperial gallons for the similar figures.
INTRODUCTION.

King commenced his administration by the issue of lengthy orders,* within the space of twelve days, appointing a lieutenant-governor and numerous civil officers; regulating the assignment, punishment, clothing, and feeding of convicts; controlling the entrance of ships, the sale of their cargoes, and the movements of their crews; limiting the price of spirits; fixing the price of spirits in any civil prosecution; regulating the prices of commodities to be charged by wholesale and retail dealers; fixing standard prices for articles and rations sold from the public stores, and for a convict's ration; establishing shipping and harbour dues; and the method of recovery of debts.

Before the end of the year 1800, orders† were issued, directing that permits must be secured for moving spirits from one house to the other, and for taking a boat to Botany Bay, the Hawkesbury, or beyond Broken Bay; limiting the payment and the amount of labour to be performed by servants; regulating the issue of licenses for retailing spirits and the conduct of retailers; ordering the registration of agreements; directing that all persons leaving the colony should give notice; fixing the sterling value of specie circulating in the colony; regulating the priority of debts in a deceased estate; forbidding officers and others from horse-whipping their assigned servants; giving preference in price on purchase of spirits to the military as against the settlers; and regulating the procedure to be adopted in the event of an Irish rising.

Undoubtedly these were an extraordinary series of orders to be issued within three months. A very few were issued owing to the necessities of the moment, several were excellent reforms, but one was perpetuating the evil which King had so often said he was appointed to suppress. King, having already spent five and a half months in the colony, must have been conversant with the abuses rampant, and so was in a position to commence the necessary remedies; but to attempt so many reforms, which altered the actual daily life of the colonists, in the short space of three months, was an unwise act for an administrator.

The order‡ of the 20th December, 1800, is inexplicable and inexcusable. The Royal Admiral had landed 7,000 gallons of spirits, of which the government had then purchased 2,000 gallons

* See volume II, page 621 et seq. † See pages 33 to 45. ‡ See page 43.
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at 4s. per gallon. King then ordered the distribution of the
government purchase, allowing 1,171 gallons to be divided
amongst the officers, civil and military, at 5s. per gallon; 259
gallons amongst the non-commissioned officers and soldiers, at
4s. per gallon; and 570 gallons amongst the settlers at Norfolk
Island and Port Jackson, at 5s. 6d. per gallon. In addition, the
officers and the regiment were granted the remission of the
assessment of 1s. per gallon for forty gallons per annum each, all
above that amount being liable to the assessment. This order gave
the officers, on a re-sale at the price which was charged to the
settlers, a profit of 30 per cent. on 40 gallons per annum, and
10 per cent. on all exceeding that quantity, and to the non-
commissioned officers and soldiers a profit of 37½ per cent. on
all sales. This undoubtedly was a direct encouragement for
traffic by the military, which King had said he was instructed to
suppress. The reason for this order probably lies in the fact
that King had already experienced antagonism from the military
by his orders* of October 1st and 2nd, 1800, and that this order,
of the 20th December following, was the conciliatory act of a
weak man. King’s friction with the military, however, had
hardly begun.

The military at this period consisted of the New South Wales
Corps, under the command of Lieutenant-Colonel Paterson. The
second in command was Captain Macarthur, owing to Major
Foveaux’s absence at Norfolk Island, and Captain Johnston’s
absence in England. During the early months of King’s adminis-
tration, there had been some simmering discontent amongst the
military against King, and Macarthur appeared to be the leader
of the discontented party. This discontent became acute
primarily through the trial of Lieutenant Marshall for an assault
on Captain Macarthur. Macarthur had challenged Marshall to a
duel.† The duel was not fought, for Abbott, Macarthur’s
second, took exception to Jefferie, Marshall’s second, as not being
a co-equal. There was some mystery about this duel, for two
months later Macarthur invited‡ Jefferie to his house, at a time
when Abbott was present. Marshall’s assaults on Macarthur and
Abbott were the result of the circumstances surrounding the duel.
Marshall was put on his trial for both assaults. A special verdict
was given in the case of the assault on Macarthur, and for the

* See volume II, page 622 et seq. † See pages 199 et seq. ‡ See page 320.
assault on Abbott he was sentenced to twelve months' imprisonment and fined £50. After reading the proceedings, King ordered the judge-advocate to reconvene the members of the criminal court to consider certain points. When they assembled, they refused any deliberation, and at once dispersed. Then followed a bitter correspondence between King and the five military members of the criminal court, and on the 18th of August, 1801, King signed the conditional remission of Marshall's sentence. Although Macarthur was not a member of the court, as he was prosecutor in one trial, yet he seems to have been an active agent in the background. The two trials and the papers in connection with them were forwarded to England with a despatch, dated 21st August, 1801, by the Albion.

As a result of these circumstances, five of the officers refused all social intercourse with King. Macarthur also endeavoured to withdraw* Lieut.-Colonel Paterson from intercourse with King, but failed. Soon afterwards, Paterson learned that King had obtained copies of certain correspondence written by Paterson with Macarthur's assistance. As Paterson realised that this could have happened only through Macarthur's agency, he sent Macarthur a challenge. The duel took place on the 14th September, 1801, and Paterson was seriously wounded. The subsequent proceedings are best appreciated in the originals,† written from day to day with the feelings of the moment. They resulted in Macarthur being sent to England in arrest by King.

The justice of King's actions in this first conflict with the military is demonstrated by the subsequent history of the despatch, which detailed the events. Copies of all the papers were enclosed with a despatch,‡ dated 5th November, 1801, to the Duke of Portland, and were entrusted to the care of Lieutenant Grant on the Anna Josepha. Even before leaving Sydney, rumours of the probable theft of them were prevalent, and King took special precautions.§ Nevertheless, when the despatch-box was opened in London, the despatch and papers had vanished. This theft clearly demonstrated the wish of someone to suppress the early arrival in London of the evidences of guilt. Macarthur sailed for England in the bark Hunter, which cleared for Bengal; in this vessel, a second copy of the despatch was forwarded under cover

* See pages 317 et seq. † See page 281 et seq. ‡ See page 274. § See note 90.
to the Marquis Wellesley at Calcutta,* who was requested to forward it to the Duke of Portland. After the *Hunter* was dismasted off the port of Amboyna, Macarthur transhipped to the *Princess Charlotte,* and arrived in England in December, 1802. The despatch was probably forwarded to India, and thence to London, as Lord Hobart did not acknowledge its receipt on or before the 24th of February, 1803. The non-arrival of Lieutenant McKellar, who carried the triplicate of the despatch, and was the witness for the prosecution, before the 24th of February, 1803, and the absence of the written evidence, prejudiced King’s charges against Macarthur. In January, 1803, the Commander-in-Chief had under consideration the arrest and conduct of Macarthur, relying probably on the statement contained in King’s despatch,† dated 14th November, 1801, and on Macarthur’s own statements. The fact that the authorities were not in possession of King’s charges is shown by the sentence in a letter‡ of the adjutant-general—“the articles of complaint, *whatever they may be,* which he [Governor King] has against Captain Macarthur.” As the result of this inquiry alone, Macarthur was severely censured for his conduct, but was relieved from arrest.

The friction with the military continued, and the officers, who were partisans of Macarthur, showed their animosity in many petty ways, resulting in the courts martial of Ensign Bayly and Lieutenant Piper. These, however, were minor matters compared with the next open quarrel (*see* introduction, volume IV), in which King’s actions were of a different character.

One of King’s few permanent improvements was made during this period, when he established the Orphan Institution; this had been advocated by the Reverend Samuel Marsden for some time previous to King’s arrival. It was placed under the control of a committee, and although King must have full credit for its establishment, its success was probably due to the committee, who removed it from the taint of King’s irascible and vacillating administration.

* See page 341.
† See page 331; this despatch had been forwarded in duplicate by the *Speedy.*
‡ See volume IV, enclosure No. 1, to the despatch of Lord Hobart, dated 24th February, 1803, and numbered 3.
The period shows abundant evidence of the weakness of King as an administrator. He was constantly unwilling to take the personal responsibility of his action. He frequently appealed to imaginary royal instructions. Sometimes he made use of quotations* from despatches modified to suit his purpose. Frequently, he passed on the decision of important questions to committees.† Hitherto he had held places of subordinate authority. He was now in a position in which his own authority was supreme, and he failed to show the independence and strength of mind that in this position were necessary to success.

The period closed with the beginning of a series of actions which were to leave him standing alone, and, later, to lead him to seek support in a new quarter.

January, 1915.

FREDK. WATSON.

*See note 186, second paragraph. †See page 255.
DESPATCHES.
HISTORICAL RECORDS

OF

AUSTRALIA.

SERIES I.

UNDER SECRETARY KING TO ACTING-GOVERNOR KING. 1800.

[A despatch was received as above by the ship Britannia on the 26th March, 1801, but a copy of it has not yet been found; the enclosures, however, are available. It was acknowledged by Acting-Governor King to the Duke of Portland in despatches, dated 8th July, and 21st August, 1801.]

[Enclosure No. 1.]

EARL LIVERPOOL TO UNDER SECRETARY KING.

Dear Sir, Addiscombe Place, Aug. 1st, 1800.

I send you enclosed a Letter, I have just received from Proposed One of the principal Merchants concerned in the Southern stores by the importation of Whale Fishery. I think there is great Reason in what is urged stores by the importation of whaling vessels. by them, But am afraid the East India Company will object to the Object they appear to have in View. I beg you would shew the Letter to the Duke of Portland for his consideration and favor me also with your Opinion upon it. I shall take no step in this Business 'till I am favored with both your Opinions.

I am, etc.,

LIVERPOOL.

[Enclosure No. 2.]

MESSRS. ENDERBY AND CHAMPION TO EARL LIVERPOOL.

My Lord, Paul’s Wharf, 1st August, 1800.

1. After many years of Fruitless and expensive Attempts, we have at length succeeded in ascertaining that there is a valuable Spermaceti Whale Fishery on the Coast of New South Wales, Two Vessels having returned from that Coast, one with a Cargo of 170 Tons, the other with 120 Tons of Spermaceti Oil, which are sufficient inducement for Adventurers to send their vessels direct to that coast for the purpose of Whale Fishing.
2. Hitherto the communication with the Colony has been very partial, none but Vessels taken up by Government for the Purpose of carrying out Convicts or Stores going there, and it has too often happened, from unforeseen Events and unavoidable detention, that the Colony has been nearly starved. The constant and frequent Communication which will now take place thro' the Whaling Ships will enable Government almost to anticipate every want of the Colony, and at a much cheaper Freight than heretofore.

3. The colony now consisting of more than 10,000 Persons, begins to be of consequence, Politically and commercially, and must take off a considerable quantity of our Manufactures; But great Complaints are made that what few Goods reach the Collony have been immediately engrossed by a few Individuals, and again sold out at a most exorbitant Price to the Settlers and those Convicts who had served their Time out.

4. With submission to your Lordship, we think this Evil might be remedied, and the Colony much benefitted, by permitting the Whalers to carry out Goods to New South Wales, under Bond that they shall be there landed and disposed of. It would reduce the Value of Goods, from the supply being more regular, to a fair price, and enable the Masters of the Whalers to purchase such refreshments and Necessaries as they may stand in need of in a Voyage of Two to Three years, on reasonable Terms, but which they are now obliged to pay most exorbitantly for.

The Americans, hearing that New South Wales is considered within the chartered Seas of the East India Company, and that no British Merchant can send Goods to that Colony without the Risque of Seizure, have at Times sent small Vessels there with Investments of Goods in their Way to India, or the North-West Coast of America, and have benefitted themselves so much thereby, that there is no doubt if the restrictions are still continued against British Merchants sending Goods there, that they will Monopolize all the Advantages of the Trade to New South Wales, and this Country will have all the Expense of supporting it.

We remain, &c.,

CHAS., SAML., AND GEO. ENDERBY.
ALEXR. AND BENJ’N CHAMPION.

[Enclosure No. 3.]

MR. KING’S OBSERVATIONS ON THE APPLICATION OF MESSRS. ENDERBY AND CHAMPION.

The fact is as stated by the South Sea Whalers, and to counteract the Evil as much as possible We have set up a Government
Store to relieve the Inhabitants. There can be no Doubt but that it would be done more effectually if the South Sea Whalers were to carry out Articles under Bond, as proposed; But to this should be added an Engagement to sell at such Advance on their respective Invoices, not being less than — per Cent. thereon, as the Governor, before the Articles are allowed to be landed, shall direct, Otherwise for some Time to come it will be a Monopoly to the South Sea Whalers, equally distressing in Reality to the Inhabitants as at Present; And at all Events Government, to keep the Market tolerably even, should every year send out an Assortment of articles, equal or Approaching in Value to what Government wants from the Inhabitants, and to be exchanged in Barter for the same. This is my Opinion on the Subject, and your Grace has Acted upon it by having sent out in the last Ships not less than, I dare say, £15,000 or £20,000 worth of Articles most wanted. I think this supply should be kept up by sending out Annually Articles to half that Amount for the Government Store. This would do, because, as the Colony increases, the South Sea Whale Fishery will increase, and the means of supply through them, if they are allowed to carry Articles out, So that after a While Competition will do that which the Government Store and arbitrary Power of the Governor to regulate the Price must do now. I think the India Company, on a proper Representation, could not refuse to make an Order allowing the South Sea Whalers to carry out Articles on board, to land the same in New South Wales or to bring them back to Europe. The Interest of the Company cannot be affected, nor can their Trade, for the South Sea Whalers can carry the Articles nowhere else but to New South Wales, except that they might, perhaps, smuggle them, some Time hence, into South America, a Circumstance beneficial to this Country, but nowise affecting the India Company. I agree with you on this subject. Supposing the South Sea Whalers disposed to submit to have the Prices regulated, the best way of doing it, I think, is by having a Publick Store at the Expence of Government for some years to come.

Acting-Governor King to Secretary Nepean.

(Despatch* per brig Trimmer, via India.)

Sydney, New South Wales,

Sir,

5th January, 1801.

I have the honor to inform you that His Majesty’s armed vessel, Lady Nelson, arrived here the 16th ult’o. I annex such extracts of that vessels performance, selected from Lieut. Grant’s letter to me on his arrival, as appears advisable to send by this

* Note 1.
uncertain conveyance, not doubting but a surer opportunity will soon offer of conveying the fullest details respecting that vessel. The Lady Nelson is now fitting to prosecute her discoveries, and to ascertain the depth of the bay Mr. Grant describes being 100 miles across, which from the popular idea in this colony of a communication being between the south part of New Holland and its northern extremity, terminating by the Gulph of Carpentaria, which if so insulates New South Wales.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure.]

WARRANT FOR THE USE OF THE SEAL.*

George R.

Our Will and Pleasure is, and We do hereby authorize and empower you to make use of the Public Seal of Our Territory of New South Wales for sealing all things whatsoever that are used to be sealed therewith, on which Our Arms as heretofore used are engraved, until another Seal bearing the Ensigns Armorial of the United Kingdoms of Great Britain and Ireland shall be prepared and transmitted to Our said Territory. And for so doing this shall be your Warrant.

Given at our Court of St. James's, the 1st day of January, 1801, in the forty-first year of Our Reign.

By His Majesty's Command.

PORTLAND.

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

My Lord Duke, 10th March, 1801.

I have the honor to forward a duplicate of my despatch by Governor Hunter who left this the 17th last October, in His

* Note 2.
Majesty’s armed ship Buffalo. Two very uncertain opportunities have since offered of writing a short letter by each, the substance of which makes a part of this.

His Majesty’s armed vessel Porpoise arrived here 6th November, the Royal Admiral 21st November, and Lady Nelson 16th last December. By these vessels I had the honor of receiving your Grace’s letters dated as pr. margin,* with the people, provisions, and stores, as stated in the Commissary’s receipts here-with enclosed.

Your Grace will observe that forty-three convicts less than were put on board the Royal Admiral were landed here. The deficiency the master accounts for their having died in the early part of the voyage of a malignant fever, and I am sorry to say that those landed are still in a very weak state from the effects of that dreadful disease. Many are crippled, and others too aged to do any material labour.

On Mr. Commissary Palmer’s arrival, he delivered to me a letter from Mr. Secretary Long, dated November 1st, 1798, addressed to Governor Hunter, inclosing instructions from my Lord’s Commissioners of His Majesty’s Treasury, for the Commissary’s guidance in discharge of his duty. The third article of these instructions, a copy of which I enclose, is very clear in directing the Commissary to draw on their Lordships for the payment of such provisions and stores that it may be necessary to purchase on the public account, under the authority of the Governor for the time being.

As I possess no other documents on this head than the verbal communication I had with Mr. Secretary King when in England, Mr. Secretary Long’s letter to me when Lieut.-Governor of Norfolk Island, together with Mr. Secretary Dundas’s instructions to Governor Hunter, in which authorities it is expressly stated “that all bills drawn for public purposes in the settlement should be drawn by the Governor for the time being and by no other person,” by all which, and my local knowledge of the colony, I was guided in framing my instructions to the Acting Commissary,† before Mr. Commissary Palmer’s arrival; but on his producing the above instructions from such recent and high authority, my duty appeared to require an acquiescence therein until I am honoured with their Lordships commands, to whom I have written the enclosed letter, and I humbly beg to request your Grace’s commands thereon by the first conveyance. In the meantime, as I am required to give the Commissary an order to draw those bills, every precaution will be used, both for

* 15th and 19th March; 1st and 22nd April, 1800. † Note 3.
the necessity, as well as the publicity and validity of those transactions.

By the Royal Admiral and Lady Nelson I received your Grace's instructions how the latter vessel was to be employed.* How far your Grace's commands on that head have been, and will be, observed, I beg to refer your Grace to my separate letter on that subject.†

The two Frenchmen‡ arrived by the Royal Admiral, who, I observe by your Grace's letter,§ are sent to cultivate the vine, and make wine, not only for the Crown, but also for promoting it on the part of individuals. Agreeable to the terms of their agreement made with Captain Schank, as contained in his letter, to which I am referred by your Grace for my guidance, and their letter to me (a copy of which I have the honor to enclose), I have directed the Commissary to pay them £60 a year each, for the term of three years, which sum he is to draw for on the Treasury, as it does not appear to be included in the estimates for the civil establishment of this colony. That too sanguine an opinion may not be formed of our arriving at so great a perfection in this article as may be wished or expected, I must inform your Grace that the cultivation of the grape has by no means been attended to for other purpose than eating as fruit, except by one or two individuals, who have been deterred from persevering by their vines failing, evidently from not knowing their management. All the vines growing in the colony would not cover two acres of ground, most of which, exclusive of being in bad situations, must be so cut as to lose one year's fruit, and as the vineyard that I have set the two Frenchmen and six convicts about at Parramatta, must be planted with cuttings which will not bear for two years, consequently it will not be till the end of the third year (1803) that any quantity of wine can be expected. But, as they are both intelligent men, and seem conversant in the business they have engaged in, I hope we shall succeed, which will be a great benefit to the inhabitants.

I have directed the Commissary to conform to your Grace's directions, contained in your letter,|| concerning the salaries of superintendents, storekeepers, &c., who have no agent in England to be drawn for on the Colonial Agent, and not on His Majesty's Treasury; but, as there are some who receive salaries that are not on the estimate, such as the above two Frenchmen, and the person charged with the whole of the Government stock, and

* Note 4. † Note 5. ‡ Marginal note.—Separate A.
§ Marginal note.—22nd April, 1800. || Marginal note.—19th March, 1800.
KING TO PORTLAND.

master weaver, I presume the regular mode will be to draw on their Lordships for those amounts, which your Grace will observe is included in the Commissary’s statement of probable expenses for the next year, which I shall hereafter refer to.

The enclosure (No. 5) is my answer to a despatch I received from the Governor of Bengal, addressed to Governor Hunter, representing the inconvenience felt by the resort of convicts from this territory to different parts of India, to which I annex the proclamation in India on that behalf, and the notice I gave thereon. This measure will, no doubt, prevent much of the emigration that has been made from this colony.

I am much concerned to state that from the certainty that prevails in England and America (and East Indies until lately), that all qualities or quantities of spirits would be received here with great avidity, every adventurer has been induced to bring great quantities of bad spirits from the Brazils and Cape of Good Hope. Although your Grace’s directions to the Government in India has effectually prevented any being sent from that quarter, still the evil does and will exist until a stop is put to it being brought by the ships taken up in England or Ireland to bring convicts, &c., out. It appears to me that this can only be remedied by the Transport Board being directed to inform all masters of vessels taken up for this colony that no permission will be given by the Governor for more than 500 gallons of any kind of spirits being landed, and even that quantity to be subject to the restrictions contained in the Port Orders, a copy of which I enclose, and which I respectfully recommend being sent to the Transport Board, that no master of a ship coming here may plead ignorance of what it is his interest not to make himself acquainted with. At present there is not a ship that comes from England with convicts that does not bring less than 8,000 gallons. One vessel has had the audacity to bring a quantity of spirits and water instead of spirits; and such has been the certainty in America of any quantity of spirits being purchased here, that a ship cleared out from Rhode Island for this port with a very large investment of spirits and other articles, the former of which I positively forbade being landed, in consequence of which she left this port, after having completed her water and refreshments, with upwards of 13,000 gallons of spirits brought here for sale, in which they were disappointed. The master’s plea was the assurances of those who had been here before that he could not fail of getting an unheard-of profit. At his request I have written the enclosed to the American Minister, in case your
Grace should approve of it, as the readiest means of preventing the American merchants from sending any more spirits here; and I do most ardently hope that the measure I have taken the liberty to recommend respecting ships coming from England will greatly do away with this evil, the consequences of which have been dreadful, and still continue very distressing. It is a deep rooted disease, which requires some forebearance and management to get the better of, and I trust that the means that I have and am taking will greatly lessen these evils.

Since the departure of Governor Hunter, I have used every means to ascertain the numbers of every description of persons in the colony, which has not been done without much difficulty, owing to the scattered state they were in, the numbers who had obtained false certificates of their times being expired, and there being no general list whatever of the inhabitants; but I am happy to say that those necessary books are now being completed. Since I have taken the command, I have found it necessary to strike 485 full rations off the stores, which had either no claim for being victualled at the publick expense, or whose good behaviour entitled them to the privilege of doing for themselves. And as several of the settlers and private cultivators requested me to assign the labour of a certain number of convicts, to feed and cloathe them at their own expense, 265 of that description compose a part of the above, the saving of which in the expenses of the colony, I do not doubt will appear sufficiently evident; and your Grace will please to observe that, by the returns of the labour and employment of those who are necessarily maintained at the public expense, that every exertion has been made, and is making, to cause their labour to be productive, which I am concerned to say will be very uncertain and small for the numbers victualled, as a great part of that number consists of the civil and military, the aged, infirm, and crippled men, and several women and children who must be necessarily maintained at the publick expense, or a great part of the latter would starve.

And here, my Lord, it becomes a painful part of my indispensible duty to inform your Grace of such circumstances as have occurred within the last four months, that has not only retarded my exertions for the publick benefit, but also such misfortunes which no human foresight could foresee or avoid. In my despatch by Governor Hunter* I informed your Grace of the seditious and mutinous behaviour of the Irish convicts, which I am sorry to say has by no means ceased with the measures then taken, and the principals of the ringleaders being sent to Norfolk Island. A

* Marginal note.—No. 1, Sept. 28th, 1800. (See note 6.)
second attempt has been made, still more diabolical than the first, had it not been timely discovered. Pikes were found, but altho' the circumstances were clear and plain to every one's conviction, yet no two evidences could be brought against a third person, such is the art with which they carry on their plans; and altho' everything was ready for general insurrection and massacre, yet as no overt act had taken place, I did not conceive myself justifiable in adopting more rigorous measures (which I conceive our situation might have excused) than some severe corporal punishment on the most guilty, and forming them into a gang in constructing batteries, and repairing roads under the immediate eye and inspection of the military. But this, although a necessary work of public utility, does not procure the necessaries of life. Since then, we have been very quiet until the arrival of the Ann, transport, from Cork, with 137 of the most desperate and diabolical characters that could be selected throughout that Kingdom, together with a Catholic priest* of most notorious, seditious, and rebellious principles—which makes the numbers of those who, avowing a determination never to lose sight of the oath by which they are bound as United Irishmen, amount to 600, are ready, and only waiting an opportunity to put their diabolical plans in execution. I do not wish in the most distant manner to impress your Grace that I am alarmed, or that I have any idea of their plans succeeding. The steady behaviour of the officers and men of His Majesty's New South Wales Corps, the discipline and good behaviour of the Associations and the greater part of the English inhabitants, are so many sureties to me of peace and tranquility being observed. Still, the state of suspicion we must be necessarily in, prevents those public exertions in cultivation that would otherwise take place; and it is on this account that I respectfully submit the propriety of any more of those violent Republican characters being sent here for some time, and particularly the priests (of whom we have now three). I am well aware, my Lord, that this colony was formed for the reception of such characters as could not with safety be kept in Ireland or England; yet, being now in an infant state, what may not be expected if their numbers are allowed to increase to so great a degree as to encourage them in making those attacks, which must ultimately tend to subvert all order and good government. With our present numbers I see no real ground for alarm, and I shall do my utmost to preserve that peace and good order so necessary for the prosperity and even well-doing of this colony.

* Note 7.
I have now to inform your Grace of one of those calamities with which it pleases God sometimes to afflict mankind, and which no human foresight can avoid. In the 3rd, 4th, and 5th paragraphs of my letter by Governor Hunter,* I detailed the licentiousness, beggary, and misery of the settlers, and the causes of their being in that state, which has had the effect of most of their grounds lying waste. How far my endeavours have been directed to remedy these evils I trust will appear from the enclosed copy of my General Orders. The few who, had been enabled to cultivate any ground last year had fair prospects of a bountiful return for their labour, which I am sorry to say has been defeated by three successive inundations of the Hawkesbury since last December, the last of which happened the 2nd and 3rd instant, has swept away half the stacks of wheat and destroyed nearly the whole of the corn and swine at that place, on which our chief dependance for animal food rested. To detail these additional calamities of the numerous settlers at that place would be exhibiting such a state of woful misery that is but seldom seen or heard of. Thrice in four months have they been drove from their habitations to save their lives in trees and pieces of floating wood, until the floods subsided, when they found themselves deprived of every comfort, cloathing, or shelter; their wheat that was housed, that in their stacks, and their growing corn totally destroyed; and what is a greater publick calamity, their stock of swine nearly all drowned.

From the former abundant crops at the Hawkesbury (which is certainly the finest soil in the world), almost the whole of private industry has been centred there, which has produced a great dependance on that quarter for supplying grain to the other parts of the colony. Exclusive of its amply maintaining upwards of 500 people who were off the stores at that place, and who must now exist in misery until next year, and I have my doubts whether in the meantime a great part of them must not be taken on the stores to prevent their starving. Had not this last flood happened we might have had a sufficiency of grain for the consumption of this year. But this unfortunate accident has deprived us nearly of half the grain there was in the colony, and what remains your Grace will observe is very unequal to the consumption of those who are necessarily maintained from the publick stores. Thus situated I am apprehensive it may be necessary to dispatch the Porpoise either to the Cape or Madras for a supply of grain, but this I shall not do until there is a necessity for the measure.

* Marginal note.—No. 2, Sept. 28th, 1800. (See note 6.)
Respecting our live stock and animal food, I respectfully request your Graces reference to 7th, 8th, 9th, and 10th paragraphs of my letter No. 2, by Governor Hunter, wherein I possessed your Grace of every circumstance that came to my knowledge respecting the stock, both public and private, and how far it ought to be depended on for our present and future resources. Since that period I have had every reason to be satisfied with the person who I appointed to the superintendence of that valuable part of the publick property. The stock belonging to the Crown is now cured of the inveterate disease they had been suffered to contract. They are collected and well managed. By the enclosed weekly return your Grace will observe the numbers possessed by Government and individuals, all of which are doing well, and I have no doubt will continue to thrive and increase. But the want of stock-houses for Government cattle has been a great disadvantage to them, and the sheep in particular. This want I hope soon to remedy by placing them under shelter in the wet seasons. Of the wild cattle, no other calculation can be made of them than that they are alive and increase fast in numbers. From the report of several people, who have gone out lately, they appear to have passed the Nepean, and got far into the mountains, from whence they divide in herds, several of which have been seen, but in so ferocious a state as not to be easily approached. Their numbers are calculated at about 500 or 600 head. As it has now become an object to secure some of them, three convicts, who profess themselves equal to the task, have made an offer to catch a part of them. I have, therefore, made an agreement to give them one out of every ten they bring in for the first hundred. How far they may be successful time must discover. As they mean to proceed by stratagem in getting the cattle, I am not without hopes of our recovering a part of them; and if they fail, the cattle cannot be in a wilder state than they are at present.

In this place I humbly beg to press upon your Grace's consideration how unequal our present resources are in supplying ourselves with animal food. By the enclosed returns your Grace will observe that out of 5,515 inhabitants 2,736 support themselves at no expense to the public, and 2,779 are necessarily supported by the Crown. Those who support themselves of course live by their own labour; but still they cannot exist without appropriating a great part of the increase of their private stock to their main-

* Marginal note.—Sept. 28th, 1800.
† Note by Governor King.—"Equal to 2,309 full rations."
‡ Note by Governor King.—"Equal to 2,348 full rations."
1801.
10 March.
The supply of animal food.

maintenance, which precludes them from contributing towards the support of those who are necessarily maintained at the public expense, and whose only resource for animal food is the salt meat sent from England, or killing the breeding and labouring stock, which has been procured at so great an expense, and which your Grace will observe, by comparing the stock with the numbers in the colony, that any resources from the stock in its present state would be soon exhausted, and the colony deprived of the future advantages to be expected from it. And it is through a full persuasion of the many evils that will happen to this colony if we are obliged to destroy the breeding and labouring stock that compels me to repeat my request of salt pork being continued to be sent here. As your Grace will observe, by the Commissary's returns that we have not more than twenty-seven weeks' salt meat remaining in the stores at a full ration for those victualled; and what renders this supply the more necessary is that the settlers are deprived of present means of supplying the stores with any animal food owing to the loss of their swine and corn in the late floods.

Governor Hunter having taken the Buffalo to England, the Porpoise not being equal to bringing more than ten or fifteen head of cattle, of which our present numbers are by no means equal to render the colony independent for some years, without the importation of an increase to that stock; and as the introducing of a number of cows must greatly hasten that desirable event, I have judged it advisable to contract with a Mr. Campbell (who is partner in a house at Calcutta, and has been some years resident here with Governor Hunter's leave), to bring down from Bengal 150 cows, not exceeding two years and a half old, as stated in the contract, a copy of which I have the honor to enclose, by which your Grace will observe that the price agreed on is only £28 a head, which is £7 a head cheaper than those contracted for by Major Grose in 1793, and £9 a head cheaper than those furnished by Mr. Hogan. The necessity of this proceeding, and the reasonable terms of the contract, I hope will procure me your Grace's approbation; and as it appears that the ration of sugar has been issued in consequence of a Treasury regulation on that head, I have added 10 tons of sugar to the contract, at 6½d. per lb., to be brought by the ship that brings the cattle.

Respecting clothing for those who are supported by the Crown, your Grace will observe by the Commissary's statement of our wants the quantity of clothing that remains, and what will be wanted, if none are on the passage; of those remaining in
store and received by the Royal Admiral, a great part have been
damaged, expended on those at public labour (who had not
received any for a considerable time), and a quantity has been
disposed of to individuals in exchange for grain. The manufac-
tory of linen and woolen is begun with some success; but as the
convicts generally sent to this colony are of such depraved and
bad habits as to be incapable of labour further than they are
compelled, but few can be found accustomed to this kind of
industry. However, as measures are taking to carry this manu-
factory on with some effect, I expect in another year a quantity
of linen will be made; but for the woolen manufactory, we must
depend on the increase of our sheep, and growth of wool, of which
there is now a small but increasing quantity that has been
obtained by the introduction of some Spanish and half-bred rams.
No master weaver has yet been appointed in the room of him who
died coming out.* These manufactories are at present conducted
by two convicts, who appear equal to that charge. As they will
soon obtain a conditional emancipation, if their conduct con-
tinues to merit it in the course of another year, I shall take it upon
me to allow them the salary appointed for the weaver who died.

The house purchased, conditional on your Grace's approbation,
from Capt'n Kent (the letters and vouchers for which I had the
honour to transmit by the Buffalo),† will soon be filled with
seventy children; and a commencement is made in building a
large house for that purpose at Parramatta, which will be carried
on at the expense of the inhabitants, and by the funds stated in
the General Orders, herewith enclosed. In this plan I mean to
persevere, as the only means of obtaining any reform among the
inhabitants of which this colony is composed.

In a separate letter‡ by Governor Hunter, I had occasion to
state the measures I was compelled to take for the recovery of
such parts of the debts due to the Crown by individuals as had
been contracted since the year 1795, and which they acknowled-
ged, forming a small part of the debt stated by the Acting
Commissary to be due.§ A part of those debts are now paid in
grain,|| and the whole would have been liquidated but for the
unfortunate inundations that have so lately happened.

I am sorry it is not in my power to speak more satisfactorily at
present respecting the coals, of which so sanguine an expectation
was formed by different accounts previous to my leaving Eng-
land. The want of vessels belonging to Government has hitherto
prevented my sending to the rivers, where there are great
quantities lying on the surface, some of which has been brought

* Note 8. † Marginal note.—9th Sept., 1800. Separate C.
‡ Note 9. § Marginal note.—£2,133 6s. 0d. || Marginal note.—£798 10s. 0d.
14

HISTORICAL RECORDS OF AUSTRALIA.

1801.
10 March.

round here in boats belonging to individuals; but from their being taken from the surface they have little or no bitumen in them, and are totally unfit for the forge. In my letter, No. 1,* by Governor Hunter, I had the honour of informing your Grace that I had employed the only miner there is in the colony, with eleven other convicts, in searching for coal in this neighbourhood, and with some hopes of success. The place he has fixed on is at the head of George's River, which is navigable to Botany Bay.

In that situation he has opened a shaft 24 feet deep, and has bored 50 feet, making in all a depth of 25 yards. In that space he has passed two very thin stratas of a very fine coal, and from the opinion he forms of the other stratas he is very confident of succeeding. If he should in the end fail here, I shall remove him and his men to the northward of the rivers, altho' this neighbourhood on many accounts would be the most desirable to succeed in, as it is by no means safe to send a vessel without the harbour, so frequently have the convicts found means to take them away. In this place, I am sorry to inform your Grace, that fifteen desperate characters seized a Government vessel of 25 tons,† laden with 500 bushels of wheat, on its returning from the Hawkesbury. They kept possession of the vessel, with an intention of proceeding to some Dutch settlement among the Moluccas; but from the want of ability to manage her they soon ran her on shore and bilged her, saving their lives with difficulty. They afterwards seized a small vessel, belonging to an individual, lying in the Coal River. On receiving information, I sent a party after them in boats who recaptured the vessel they had seized, and brought nine of the pirates in, two of whom have been executed and the other seven retransported for life. Those examples, and the miserable state of those that I pardoned, I hope will prevent any future attempts of that kind.

The clergyman‡ that was engaged to go to Norfolk Island, and who ought to have arrived by the Porpoise, I find did not choose to proceed in that ship, or the Royal Admiral, without assigning any reason or excuse. In reporting this circumstance to your Grace, I feel much for the part I took in engaging this person, and the trouble he has occasioned; but as I hope his salary has been stopped at the Treasury, I have to request that as only one clergyman now remains in this colony and Norfolk Island, that the Rev. Mr. Johnston, who went home in the Buffalo, may be directed to return hither as soon as possible, or another clergyman in his stead, as one alone is very unequal to the duties of our present extended settlements.

* Marginal note.—28th Sept., 1800. (See note 6.) † Note 10. ‡ Note 11.
I am sorry to inform your Grace that the Deputy Judge-Advocate, Mr. Richard Dore,* died the 13th December last. As Mr. Richard Atkins was appointed to act in that situation during the absence of the former Judge-Advocate (Captn. Collins), I have directed him to perform the duties of that office until His Majesty's pleasure is signified thereon.

Since my last return of superintendents, &c., employed in the colony, I have found it necessary to discharge the master carpenter for a constant neglect of duty, and have appointed Thos. Whitter to do that duty.

I have the honor to enclose a copy of Major Foveaux's last letter to me, in which your Grace will observe that the insurgents sent to Norfolk Island had nearly carried one of their wild plans into execution. The pikes found—of which the Major sent several here—are compleatly handled, and ready to use. I trust that the particular situation that officer found himself in will be deemed an excusable reason for the steps he and the officers on the Island judged it necessary to adopt on that occasion; and I cannot pass over this subject without observing that Major Foveaux's conduct since he has been at that Island has been highly meritorious in carrying the instructions I gave him into effect, and as such I respectfully hope that if no naval officer is appointed to the Government of that Island, in the future arrangements which may be made, that the appointment may be given to that officer, who from every account I hear appears highly deserving of that trust.

In a former part of this letter I mentioned the Anne's arrival with 137 Irish convicts and 20 women. The master reports that before that ship's arrival at the Brazils, the convicts rose on the officers and ship's company, and had nearly murdered the master and one of the mates. Fortunately the insurgents were overcome; when the officers all agreed in opinion with the master, that it was necessary to execute the ringleader as an example, which was done, and another shot in the affray. The master and chief mate have been tried by a Vice-Admiralty Court, which has honourably acquitted them. The proceedings of the Court are forwarded by this conveyance to the Judge of the Admiralty. I cannot help observing in this place that the whole of the convicts that came by that ship are of the most desperate character.

I have the honour to enclose a statement of the officers on the civil establishment in this Colony and also a return of store-keepers and superintendents.

I have, &c.,

PHILIP GIDLEY KING.

* Note 12.
[Enclosure No. 1.]

An Account of Provisions and Stores Received from the undermentioned Ships between the 9th November 1800 and the 23d Feby. 1801 into His Majesty's Stores at Sydney, New South Wales.

<table>
<thead>
<tr>
<th>Time</th>
<th>Ships Names</th>
<th>Beef (Pounds in Barrels)</th>
<th>Pork (Pounds in Barrels)</th>
<th>Flour (Barrels)</th>
<th>Pease (Barrels)</th>
<th>Rice Barrels</th>
<th>Blue Jackets</th>
<th>Waistcoats</th>
<th>Shirts</th>
<th>Materials for Shoes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1800, Novr. 9th</td>
<td>Pr. the Porpoise ...</td>
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<td>1800, Novr. 20th</td>
<td>Pr. the Royal Admiral</td>
<td>40,200</td>
<td>35,100</td>
<td>400</td>
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<tr>
<td>1801, Feby 23rd</td>
<td>Pr. the Anne.........</td>
<td>5,700</td>
<td>7,800</td>
<td>12,300</td>
<td>2,200</td>
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<td>1800, Novr. 9th</td>
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<td>1800, Novr. 20th</td>
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<td>1801, Feby 23rd</td>
<td>Pr. the Anne.........</td>
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<td>94</td>
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HISTORICAL RECORDS OF AUSTRALIA.
An Account of Provisions and Stores Received from the undermentioned Ships between the 9th November 1800 and the 23rd Febry. 1801—continued.

<table>
<thead>
<tr>
<th>Ships Name</th>
<th>Pr. the Porpoise</th>
<th>Pr. the Adml.</th>
<th>Pr. the Royal</th>
<th>Pr. the Anne</th>
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<tbody>
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<td>10 March.</td>
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<td><strong>Ships Name</strong></td>
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<tr>
<td><strong>Hope (40 Tonn)</strong></td>
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<td><strong>Cable (139 Tonn)</strong></td>
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<td><strong>Bot Hope (7 Tonn)</strong></td>
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<tr>
<td><strong>Bot Hope (54 Tonn)</strong></td>
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<tr>
<td><strong>Hawser (48 Tonn)</strong></td>
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<td><strong>Hawser (9 Tonn)</strong></td>
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<tr>
<td><strong>Rigging &amp; Spars</strong></td>
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<tr>
<td><strong>Books</strong></td>
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<td><strong>Letter Bumpers</strong></td>
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<tr>
<td><strong>Letter Bagpipe</strong></td>
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<tr>
<td><strong>Glass (Cases)</strong></td>
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<td><strong>Canvas (Cases)</strong></td>
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<td><strong>Candles (Cases)</strong></td>
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<td><strong>Black Varnish (Cases)</strong></td>
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<td><strong>Copper Can (Cases)</strong></td>
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<td><strong>Spoons</strong></td>
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<td><strong>Pails</strong></td>
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<td><strong>Wooden Pails</strong></td>
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<td><strong>Irons (Hampered)</strong></td>
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<td><strong>Soup Pails</strong></td>
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<td><strong>Pots</strong></td>
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<td><strong>Tin Plate</strong></td>
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<td><strong>The Great Plate</strong></td>
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<td><strong>Iron Spoons</strong></td>
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<td><strong>Iron Ladles</strong></td>
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<td><strong>Fresh Fores</strong></td>
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<td><strong>Pendens</strong></td>
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<td><strong>Fire Irons</strong></td>
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**Hospital Stores.**

<table>
<thead>
<tr>
<th>Items</th>
<th>Pr. the Porpoise</th>
<th>Pr. the Adml.</th>
<th>Pr. the Royal</th>
<th>Pr. the Anne</th>
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<tbody>
<tr>
<td><strong>Hoes</strong></td>
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<tr>
<td><strong>Shovels &amp; Spades</strong></td>
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<td><strong>Iron Work (Hampered)</strong></td>
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<td><strong>Scooper Pails</strong></td>
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<td><strong>Pots</strong></td>
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<td><strong>Wooden Pails</strong></td>
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<td><strong>Irons (Hampered)</strong></td>
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<td><strong>Soup Pails</strong></td>
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<td><strong>Pans</strong></td>
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<td><strong>The Great Plate</strong></td>
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<td><strong>Fresh Fores</strong></td>
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<td><strong>Pendens</strong></td>
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<td><strong>Fire Irons</strong></td>
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1801.
10 March.

Stores received per the Porpoise, Royal Admiral, and Anne.

<table>
<thead>
<tr>
<th>Items</th>
<th>Pr. the Porpoise</th>
<th>Pr. the Adml.</th>
<th>Pr. the Royal</th>
<th>Pr. the Anne</th>
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<tbody>
<tr>
<td><strong>Choses</strong></td>
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<td><strong>Bees</strong></td>
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<td><strong>Hopeteads</strong></td>
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<td><strong>Reamers</strong></td>
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<td><strong>Cakes</strong></td>
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<td><strong>Oil Jars</strong></td>
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<td><strong>Bread Pans</strong></td>
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<td><strong>Stovin (Covered)</strong></td>
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Stationary (Pr. the Porpoise—Stationary Boxes, 1.; Brushes, 1.)

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<th>Pr. the Adml.</th>
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<th>Pr. the Anne</th>
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<tr>
<td><strong>Com Messeuages</strong></td>
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<td><strong>Talmabone</strong></td>
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<td><strong>Foot Kettles</strong></td>
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<td><strong>The Soup Pales</strong></td>
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<td><strong>The Great Pales</strong></td>
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<td><strong>Irons</strong></td>
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<td><strong>Jammas</strong></td>
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<td><strong>Handcuff &amp; Pockets</strong></td>
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<tr>
<td><strong>Fresh Mens</strong></td>
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**Sailors.**

<table>
<thead>
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<th>Pr. the Porpoise</th>
<th>Pr. the Adml.</th>
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<th>Pr. the Anne</th>
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<tbody>
<tr>
<td><strong>300. 100. 100. 800. 800. 800. 800.</strong></td>
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<td><strong>80. 80. 100. 800. 800. 800. 800.</strong></td>
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**Sailors.**

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<thead>
<tr>
<th>Items</th>
<th>Pr. the Porpoise</th>
<th>Pr. the Adml.</th>
<th>Pr. the Royal</th>
<th>Pr. the Anne</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>300. 100. 100. 800. 800. 800. 800.</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>30. 60. 100. 800. 800. 800. 800.</strong></td>
<td></td>
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</tr>
<tr>
<td><strong>80. 80. 100. 800. 800. 800. 800.</strong></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**Sailors.**

<table>
<thead>
<tr>
<th>Items</th>
<th>Pr. the Porpoise</th>
<th>Pr. the Adml.</th>
<th>Pr. the Royal</th>
<th>Pr. the Anne</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>300. 100. 100. 800. 800. 800. 800.</strong></td>
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<tr>
<td><strong>30. 60. 100. 800. 800. 800. 800.</strong></td>
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<tr>
<td><strong>80. 80. 100. 800. 800. 800. 800.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
A Return of Military Passengers and Convicts received in His Majesty's Settlement New South Wales from the undermentioned Ships.

Porpoise.

Novr. 9th, 1800...... Passengers ... 6 Men.
  ,... ... 6 Women.
  ,... ... 1 Child above Two Years.
  ,... ... 1 do under do
Prisoners ..... 8 from Cape of Good Hope.

Royal Admiral.

Novr. 20th, 1800 ... Military ...... 2 Ensigns.
  ...... 2 Serjeants.
  ...... 1 Corporal.
  ...... 4 Privates.
  ...... 5 Soldiers Wives.
  ...... 3 do Children above Two Years.
Passengers ... 4 Men.
  ... 6 Women.
  ... 5 Children above Two Years.
Convicts ...... 257 Men.

Anne.

Feby. 23rd, 1801 ... Convicts ...... 127 Men.
  ...... 24 Women.
Prisoners...... 8 Seamen and Soldiers from the Cape.

[Enclosure No. 2.]

Instructions to Commissary Palmer.

Instructions to John Palmer, Esq., Commissary of Stores and Provisions in His Majesty's Settlement in New South Wales.

Whereas His Majesty has been pleased, by Warrant under his Royal Sign-Manual, bearing date the 2nd day of June, 1791, to Appoint you to be Commissary of Stores and Provisions at his Majesty's Settlement in New South Wales, subject to such Orders and Directions as you shall from time to time receive from the Commissioners of His Majesty's Treasury, or from the Governor, or other Commanding Officer of the said Settlement:

First.—You are to take care that all the Troops of His Majesty and Convicts in the said Settlement and its Dependencies be properly Supplied with every Species of Provisions and Stores, and keep up a Stock of Twelve Months' Provisions, as near as may be, for the said Troops and Convicts.
Second.—You are to transmit Annually to us, or to the Commissioners of the Treasury for the time being, an Estimate, to be previously inspected and approved by the Governor or other Commanding Officer of the said Settlement, of the Quantities of Provisions of all Species and of Stores that appear to you necessary for the Consumption of the ensuing year, distinguishing, as far as is Practicable, the Quantities necessary for each Post where Troops or Convicts may be Stationed in the said Settlement and its Dependencies, so as to prevent as much as possible the necessity of transhiping from Head-Quarters and of Purchases abroad.

Third.—When it is necessary or Adviseable to make Purchases of Provisions or Stores, which Purchases are to be made, if possible, when the Governor is on the Spot, and at no other time, you are to do it under the Authority of the Governor or Commander for the time being; either signified to you in writing previous to the purchase, or approved by his Signature to the Accounts of such Expenses, and on the best terms that can be procured; and you are to obtain a Certificate of two Respectable Merchants or Magistrates to the Bills of particulars, that the Price Paid was the Market Price according to Quality and Condition of the Articles, or to the Current Rate at the time. If any Articles to be Purchased should be scarce, and no regular Market Price for the same, yet a necessity for Purchasing, you are to obtain from the Governor or Commander at the time a written Order for the Purchase on the best possible terms, for which purpose you are to publish your intention of receiving tenders, which tenders, when Received, are to be laid before the Governor before the purchases are made; you are then, with the Concurrence of the Governor or Officer Commanding at the time, whose Approbation is to be Signified by his Signature to each Bill, to draw Bills yourself on us, or the Commissioners of the Treasury for the time being, for the Amount, taking care to note on each of the said Bills the Course of Exchange at which the same is drawn.

Fourth.—Whenever you shall have occasion to draw or Negotiate any Bills of Exchange, you are, by Public Advertisement, to make known your intention of so doing, giving as much previous notice as possible, in which Advertisement is to be Stated the Amount of the Sum which you have in Contemplation to draw for and Negotiate at the time, and you are to Accept the most Advantageous proposal for the Public which shall be offered to you; you are also to Accompany your Letters of Advice of the
Bills so drawn and Negotiated with an Affidavit that you had Published such Advertisement, that you had accepted the most Advantageous proposal for the Public that was offered to you, and that you had not, either directly or indirectly, received any Fee or Gratuity for drawing or Negotiating the said Bills. The said Affidavit is also to State the day on which the Advertisement was Published, and the day on which the Proposals were Accepted; and, as a further security to the Public, you are to obtain from the Governor or Commander Certificates of the Current Rates of Exchange, which Certificates the said Governor or Commander will be instructed to grant you on proper Application made for that purpose, and these Certificates, Duplicates of which will be regularly sent to us, are to be kept by you as your further Voucher of the Rate of Exchange; you are also to keep an exact Account of Profit and loss by Exchange on Bills drawn and Negotiated, to be verified upon Oath before the Commissioners for Auditing the Public Accounts, upon the Audit of your Account before that Board.

Fifth.—You are to take Receipts for all your Payments in the presence of at least one Witness, such Witness to be a Magistrate, or some Person in an Official Employment, and you are to take three sets of all Vouchers, one of which sets is to be transmitted to us, or the Commissioners of the Treasury for the time being; another set is to Accompany your Accounts, which are from time to time to be delivered, duly Attested on Oath, to the Commissioners for Auditing the Public Accounts, and the other set is to be detained for your own use.

Sixth.—You are to keep an Account of every Species of Stores and Provisions Consigned to you from this Country, delivered into your Charge, or Purchased by you under the Authority of the Commander-in-Chief for the time being, as before mentioned; Charging yourself with the Receipt of all such Stores and Provisions, together with the Casks, Ironhoops, Sacks, or other Packages in which such Stores or Provisions may be received; you are also to keep a Regular Account of all Issues of such Stores and Provisions, taking especial Care in the Issuing thereof that no Persons do receive the same other than such as are entitled thereto by the Established Custom of the Settlement, or under the particular written Orders of the Governor or Commander for the time being; and you are to take proper Receipts from all Persons to whom you deliver Stores or Provisions as your Vouchers for the Expenditure.

Seventh.—If any Stores or Provisions shall be Damaged, lost, destroyed, or plundered, you are to require a Survey thereon, or
KING TO PORTLAND.

enquiry into the facts, which Survey will be directed to be made by Persons to be Appointed and instructed for that purpose by the Governor, according to the form hereunto Annexed marked A, which Persons are to report to the Governor upon Oath the Amount of any Stores or Provisions lost, destroyed, or plundered, or the state in which any damaged Stores and Provisions shall be found, according to the form hereunto Annexed marked B; and the Governor will thereupon direct the Stores and Provisions which may be Reported unfit for His Majesty's Service to be Sold or Destroyed, as he shall think most Adviseable, according to the Annexed form C; and you are to obtain authentic Copies of all the proceedings thereon, and also Special Certificates, according to the form marked D, to be Approved by the Governor, that such Condemned Stores and Provisions have been bonâ fide disposed of in the manner directed by the Governor, for your indemnification, without which you will not be allowed Credit for the same. The Sale of such Articles as may be Condemned, and ordered to be Sold, must be under the Authority of the Commander for the time being, by Public Sale; you are to Charge yourself in your Account to be exhibited to the Commissioners for Auditing the Public Accounts with the net Proceeds of such Condemned Articles, and the Vendue-Master's Account is to be produced as the Voucher in support thereof.

Eighth.—You are to make up, at the end of every Year, and transmit by the first opportunity, to us, or the Commissioners of the Treasury for the time being, or in case no Conveyance shall offer for England, you are to Deliver regularly every Year to the Governor, to be by him transmitted, an Account of all Receipts, whether by Purchase or otherwise, and of all expenditures, whether by Issues, Condemnations, or losses, of every Species of Stores and Provisions under your control, together with the Remains in Store, distinguished under proper heads and Authenticated by the Signature of the Governor or Commander for the time being; and with these Accounts you are to transmit One set of the Vouchers for the Issue or Expenditure of such Stores and Provisions, in order that the said Accounts and Vouchers may be examined by the Comptrollers of the Accounts of the Army.

Ninth.—You are to be particularly Attentive to the preservation of all Stores and Provisions, and are to Issue your Instructions to the several Officers employed by you to the same effect, as well as for the due execution of their Duty in every Respect, as they are all to be Accountable to you, as you are to be Respon-
sible for the whole to the Public. You are to Obey all such further orders and instructions as you may, from time to time, Receive from us, or from the Commissioners of the Treasury for the time being, or from the Governor and Commander for the time being.

Given under Our Hands, at the Treasury Chambers, Whitehall, this first Day of November, 1798.

W. Pitt.
J. H. Townshend.
S. Douglas.

[Enclosure No. 3.]

[This enclosure consisted of three documents; the Instructions to the Commissary given by Acting-Governor King, see volume II, page 632 et seq.; Acting-Governor King's despatch to the Secretaries of the Treasury, dated 8th November, 1800, see volume II, page 693; and the despatch to the Duke of Portland, dated 10th March, 1801, see post page 58.*]

[Enclosure No. 4.]

[A copy of this enclosure, which was a letter from the two French vignerons to Acting-Governor King, has not yet been found.]

[Papers forming Enclosure No. 5.]

[Letter A.]

The Governor-General-in-Council to Governor Hunter.

Hon'ble Sir, Fort William, 3rd July, 1800.

We had the honor to address your Excellency under Date the 11th Nov'r last, and requesting you to take Such Steps as might appear to you best calculated for preventing Persons who have been transported as Convicts to New South Wales from being landed in any part of India.

2. Not having receiv'd from your Excellency any reply to that Letter, and a considerable Number of persons who have been Convicts having been landed from the Minerva, a Ship lately arriv'd from Port Jackson, We presume that our letter had not reach'd your Excellency before the Departure of that Ship.

3. We have now the honor to transmit another Copy of our letter of the above-mentioned Date, and We are persuaded that

* Note 13.
your Excellency will lose no time in taking such Measures as you may judge best calculated for preventing the resort to India of Persons from whose establishment in these possessions the most prejudicial consequences are to be apprehended both to the British Character and Interest.

4. Conceiving that a knowledge of the Measures which we have judg'd it necessary to adopt for preventing Convicts from Botany Bay from establishing themselves in any part of the British possessions in India may contribute essentially to prevent persons of that Description from repairing to India, We request that your Excellency will be pleas'd to cause the enclos'd proclamation, which has been published at the several Presidencies, to be made as public as possible throughout the limits of your Government.

5. We also beg leave to suggest to your Excellency the expediency of providing Convicts whose period of Transportation shall have expired, and who may be desirous of leaving New South Wales, with a Conveyance to England or to any place out of the limits of the Charter of the East India Company.

6. We also request that Commanders of Ships sailing from New South Wales for any port in India may not be permitted to receive persons who have been Convicts on board of their ships, either as passengers or in any other Capacity, untill they shall have entered into penalty Bonds not to permit such persons to land in any part of India.

7. We further request that copies of these penalty Bonds may be forwarded to the Government of the Presidency to which the Ships may be destined.

We have, &c.,
Wellesley.
Alured Clarke.
P. Speke.
Wm. Cowper.

[Sub-enclosure No. 1 to Letter A.]

The Governor-General-in-Council to Governor Hunter.

Hon'ble Sir, Fort William, 11th November, 1799.

We had the honor to transmit to your Excellency a list of Convicts from New South Wales now resident in Calcutta.

2. If any of the persons specified in the list shou'd have quitted the Settlement under your Charge without permission We shall
take the earliest opportunity of conveying them back to Port Jackson on your expressing a wish to that effect.

3. It being essential to the good order of the Territory of the Company, and in other respects of considerable importance to their Interests, that Convicts from New South Wales shou’d be prevented from establishing themselves at any of the British Settlements or in any part of India, We request that Your Excellency will take such measures as may appear to you most effectual for preventing the Commanders of Ships who may receive Convicts on board with your permission from landing or leaving them at any of those Settlements or any place in India.

4. We further request generally that your Excellency will use every Means in your power for preventing Convicts of every Description, whether the period of their Transportation shal l have expired or otherwise, from repairing or being conveyed to India.

We have, &c.,

MORNINGTON.
ALURED CLARKE.
P. SPEKE.
WM. COWPER.

[Sub-enclosure No. 2 to Letter A.]

PROCLAMATION.

Fort William the 2d July 1800.

By the Most Noble the Governor-General-in-Council.

WHEREAS several persons transported as Convicts from the British Dominions in Europe to New South Wales have repair’d from New South Wales to Bengal, and have clandestinely established themselves at Calcutta and at other places within the limits of the Presidency of Bengal, such of the said persons who arriv’d in Bengal previous to the first day of June last are hereby required to leave India before the 1st day of March, 1801, under pain of being apprehended and sent to England in the manner prescrib’d by Act of Parliament with regard to persons resorting to India without License.

All persons having been transported as Convicts to New South Wales, and who may be on board of any ship which may hereafter touch at any Port or place within the limits of the Presidency of Bengal are prohibited from landing in Bengal; Any such persons who shall disobey this prohibition shall be forthwith
apprehended and sent to England in the manner prescribed by Act of Parliament with regard to persons resorting to India without License.

Convicts escaping from New South Wales previous to the expiration of the period for which they may have been transported, and who may be found within the limits of the Presidency of Bengal, are to be apprehended and detain’d in Custody until an Opportunity shall offer of returning them to New South Wales.

And the several Magistrates and Officers of Police are hereby requir’d to carry this proclamation into effect, according to its tenor, within the limits of their respective Jurisdictions.

By Command of the Most Noble the Governor-General-in-Council.

G. H. Barlow,
Chief Secretary to the Government.

[Letter B.]

Acting-Governor King to The Governor-General of Bengal.

Sydney, New South Wales,

My Lord,

By the Trimmer brig, Capt. Fogo, I had the honor of receiving your Lordship’s letter of the 3rd July last, addressed to Governor Hunter, enclosing the copy of another letter dated the 11th November, 1799, a proclamation dated the 2nd July, 1800, and a list of such persons as were convicts, and are now resident in and about Calcutta.

Whether my predecessor has given any answer to your Lordship’s letter in Council of the 11th November, 1799, I am ignorant of, but no public steps appear to have been taken in consequence of that letter, and whether it came to his hands is a circumstance I am equally unacquainted with.

Your Lordship will see by the printed enclosure that no time has been lost in complying with your wishes.

As Government does not provide a passage for those convicts whose terms of transportation are expired, those among them who are desirous of leaving the colony make agreements with the commanders of such vessels which sail from hence either for England, or more generally for India. The captain requests permission from the Governor to take them, which permission is given as cautiously as possible.
By the enclosure your Lordship will perceive that the most conclusive arrangements respecting the masters of ships who take people from hence have been provided for in the penalty bonds, and I shall take especial care that those precautions shall be fully complied with, and that duplicates of those bonds shall be forwarded to the different Presidencies, as pointed out in your Lordship's letter, as well as to the Honorable Company's supercargoes at Canton.

I have the honor to enclose a copy of the certificate given to such persons as have been convicts, and who are allowed to quit this colony. Any of that description that may hereafter be found without that certificate are runaways, and as such I have to request may be returned to this colony by the first conveyance. Such persons who obtain my permission shall in future be specified by list, which shall be transmitted to the different Presidencies.

I have, &c.,

PHILIP GIDLEY KING.

[Sub-enclosure to Letter B.]

PROCLAMATION BY ACTING-GOVERNOR KING.

Sydney, 18th December, 1800.

His Excellency the Governor-in-chief, in compliance with a request of the Most Noble Governor-General of the Honorable Company's territories in the East Indies, commands the following proclamation to be observed by every and all His Majesty's subjects resident in these colonies and its dependencies:

[Here followed a copy of the proclamation of the Governor-General-in-Council at Fort William, dated 2d July, 1800.]

And that the intent of the above proclamation may be furthered all masters of ships or vessels leaving this place for any port in the Pacific or Indian Ocean are to enter into a bond of £500 sterling not to take any convicts from this colony, and into another bond of £500 sterling not to take any persons from hence who have ever been convicts without the Governor's permission, and a separate penalty of £500 if they land either of the above descriptions of persons in any part of the Company's territories; all which bonds and penalties are to be made recoverable in any of the Governments of India, or by the supercargoes at Canton, in China, and throughout His Majesty's dominions at home and abroad.
### Nature of Employments

**Returns of employment.**

<table>
<thead>
<tr>
<th></th>
<th>Sydney</th>
<th>Parramatta, Toongabbe, and George’s River</th>
<th>Hawkesbury</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agriculture and Stock.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Overseers</td>
<td>14</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>Agriculture on the Public Account</td>
<td>....</td>
<td>127</td>
<td>42</td>
</tr>
<tr>
<td>Care of Government Stock</td>
<td>4</td>
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<td>3</td>
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<tr>
<td><strong>Total</strong></td>
<td>18</td>
<td>169</td>
<td>47</td>
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<tr>
<td><strong>Buildings.</strong></td>
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</tr>
<tr>
<td>Brick and Tile Makers</td>
<td>11</td>
<td>7</td>
<td>...</td>
</tr>
<tr>
<td>Bricklayers Plaisterers and Labourers</td>
<td>17</td>
<td>6</td>
<td>...</td>
</tr>
<tr>
<td>Blacksmiths and Labourers</td>
<td>24</td>
<td>20</td>
<td>1</td>
</tr>
<tr>
<td>Shingle Pale and Lath Splitters</td>
<td>4</td>
<td>4</td>
<td>...</td>
</tr>
<tr>
<td>Brick and Timber Carriages</td>
<td>22</td>
<td>13</td>
<td>...</td>
</tr>
<tr>
<td>Stone Cutters and Layers</td>
<td>20</td>
<td>15</td>
<td>...</td>
</tr>
<tr>
<td>Sawyers and Timber Measurers</td>
<td>11</td>
<td>17</td>
<td>2</td>
</tr>
<tr>
<td>House Carpenters and Labourers</td>
<td>14</td>
<td>23</td>
<td>2</td>
</tr>
<tr>
<td>Painters</td>
<td>1</td>
<td></td>
<td>...</td>
</tr>
<tr>
<td>Lime and Charcoal Burners</td>
<td>10</td>
<td>10</td>
<td>...</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>134</td>
<td>115</td>
<td>5</td>
</tr>
<tr>
<td><strong>Boat Builders etc.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carpenters, Shipwrights and Caulkers</td>
<td>11</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Labourers, Watchmen and Clerks</td>
<td>5</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Blacksmiths, Sawyers and Rope Makers</td>
<td>11</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>27</td>
<td></td>
<td>...</td>
</tr>
<tr>
<td><strong>Various Employments.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Making roads and repairing Bridges washed away in the Inundation</td>
<td>19</td>
<td>6</td>
<td>...</td>
</tr>
<tr>
<td>Taking care of Government Huts</td>
<td>4</td>
<td>9</td>
<td>...</td>
</tr>
<tr>
<td>Wheelwrights Millwrights and Labourers</td>
<td>7</td>
<td>9</td>
<td>...</td>
</tr>
<tr>
<td>Armourers Printers and Bailiffs</td>
<td>3</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Basket and Broom Makers</td>
<td>...</td>
<td>1</td>
<td>...</td>
</tr>
<tr>
<td>Flax dressers Wool carders and Weavers</td>
<td>7</td>
<td>11</td>
<td>...</td>
</tr>
<tr>
<td>Millers</td>
<td>2</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Schoolmasters Sextons and Bellmen</td>
<td>4</td>
<td>4</td>
<td>...</td>
</tr>
<tr>
<td>Writers and Clerks</td>
<td>7</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Coopers Farriers and Wire drawers</td>
<td>2</td>
<td>2</td>
<td>...</td>
</tr>
<tr>
<td>Granary Provision Store and Clerks</td>
<td>7</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Executioners and Gaolers</td>
<td>6</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Saddlers</td>
<td>...</td>
<td>2</td>
<td>...</td>
</tr>
<tr>
<td>Natural History Painters and Botanists</td>
<td>...</td>
<td>2</td>
<td>...</td>
</tr>
<tr>
<td>Tanners Tool Helvers and Thatchers</td>
<td>...</td>
<td>6</td>
<td>1</td>
</tr>
</tbody>
</table>
### NATURE of Employments—continued.

<table>
<thead>
<tr>
<th>Various Employments—continued.</th>
<th>Sydney</th>
<th>Parramatta Toongabbie, and George's River</th>
<th>Hawkesbury</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bakers</td>
<td>1</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Blind Insane and Invalids</td>
<td>1</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Pilots</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boats Crews</td>
<td>13</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Government Gardens and Vineyards</td>
<td>6</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Francis Schooner and Bee Sloop</td>
<td>15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miners Searching for Coals</td>
<td></td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Town Gang</td>
<td>8</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Gaol Gang and Making Battery at Middle Head</td>
<td>44</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constables and Watchmen</td>
<td>23</td>
<td>23</td>
<td>6</td>
</tr>
<tr>
<td>Carrying water for Guards</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Attending Hospital</td>
<td>13</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Sick and Convalescent</td>
<td>22</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taylors Shoemakers and Barbers</td>
<td>6</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>229</td>
<td>140</td>
<td>18</td>
</tr>
</tbody>
</table>

### Servants.

To 42 Commiss'd Officers Civil and Military including Superintendants | 57 | 34 | 32 |
Non Commiss'd Officers of N.S. Wales Corps | 18 | 3 | 1 |
Overseers Constables and Free Men doing Government work as Artificers | 28 | 16 | 10 |
To Settlers | | | |
**Total** | 103 | 61 | 45 |

### Recapitulation.

Overseers Storekeepers etc emp'd in Agriculture | 18 | 169 | 47 |
Artificers etc employed in Buildings | 134 | 115 | 5 |
Shipwrights and Boat Builders | 27 | | |
Various Employments | 229 | 140 | 18 |
Servants to Officers etc | 103 | 61 | 45 |
**General Total** | 511 | 485 | 115 |

Total Number of Male convicts Victualled from the Stores: 1111

**Philip Gidley King.**

N.B.—There are 119 Convict women Victualled from the Stores who are employed in the Woollen and Linen Manufactories, Nurses at the Hospital and living with Overseers, etc.

**P.G.K.**
A RETURN of all Government Stock, March 7th, 1801.

<table>
<thead>
<tr>
<th></th>
<th>Horned Cattle</th>
<th>Horses</th>
<th>Sheep</th>
<th>Goats</th>
<th>Hogs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Bulls</td>
<td>Cows</td>
<td>Bull calves</td>
<td>Cow calves</td>
<td>Oxen</td>
</tr>
<tr>
<td>Parramatta</td>
<td>5</td>
<td>210</td>
<td>87</td>
<td>104</td>
<td>29</td>
</tr>
<tr>
<td>Toongabbee</td>
<td>4</td>
<td>84</td>
<td>65</td>
<td>97</td>
<td>29</td>
</tr>
<tr>
<td>Seven Hills</td>
<td>2</td>
<td>24</td>
<td>13</td>
<td>21</td>
<td>8</td>
</tr>
<tr>
<td>Hawkesbury</td>
<td>1</td>
<td>18</td>
<td></td>
<td></td>
<td>8</td>
</tr>
<tr>
<td>Sydney</td>
<td>2</td>
<td>16</td>
<td>6</td>
<td>6</td>
<td>32</td>
</tr>
<tr>
<td>Total</td>
<td>14</td>
<td>352</td>
<td>171</td>
<td>228</td>
<td>106</td>
</tr>
</tbody>
</table>

No increase of horned cattle since the last return; decrease of do.—1 cow, 1 bull calf. Both died suddenly in one day; supposed to have been bit by snakes. Do. two young bull calves dead from the severity of the weather.

Increase of sheep since the last return ................................ 3
Decrease of do. ................................................................. 1

N.B.—One wether sent to Sydney the 5th. Every species of cattle belonging to Government is in good order, and one-third of the cows with calf.

I have, &c.,
JNO. JAMIESON,
Superintendent of Stock.

Stock belonging to Individuals is nearly as follows but has not been exactly ascertained since the last Return.

<p>| | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Female cattle</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male do.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female sheep</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male do.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swine</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Goats</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PHILIP GIDLEY KING.

[Enclosure No. 8.]

CONTRACT FOR IMPORTING CATTLE.

IT IS COVENANTED, CONCLUDED, and agreed upon, this tenth day of March, in the year of our Lord one thousand eight hundred and one, and in the forty-first year of the reign of our Sovereign Lord GEORGE THE THIRD, by the grace of GOD OF GREAT BRITAIN, FRANCE,
1801.
10 March.
Contract with Campbell for importing cattle.

AND IRELAND, King, Defender of the Faith, and so forth, by and between His Excellency Philip Gidley King, Esquire, Captain-General and Governor-in-Chief in and over His Majesty's territory of New South Wales and its dependencies, for and on behalf of His Majesty of the one part, and ROBERT CAMPBELL, merchant, now resident at Sydney, in that territory, for and on behalf of himself, his partners at Calcutta, and his and their executors, administrators, and assigns, of the other part, in manner following—that is to say, the said Robert Campbell, for himself, his partners, his and their executors, administrators, and assigns, hath contracted, agreed, and engaged, and by these presents doth contract, agree, and engage, to freight a ship or ships at Calcutta with the following articles for the use of His Majesty's colonies in New South Wales, upon the terms and conditions hereafter made and hereinafter mentioned; that is to say, the said Robert Campbell, for himself, his partners, his and their executors, administrators, and assigns, doth contract, agree, and engage to embark in one or two ships, one hundred and fifty head of large cows, fit for the purpose of breeding, and two male and four female asses; that there shall not be put on board of the said ship or ships any cow or cows whose age shall be less than two years or more than three years, at the time of embarking; and that provisions and water sufficient for the use of the said cattle shall be embarked with them, at the expense of the said Robert Campbell and his partners. And the said Robert Campbell, for himself, his partners, his and their executors, administrators, and assigns, doth further agree, contract, and engage, that no part of the further cargo of the said ship or ships, nor any article of trade whatsoever, nor anything belonging to the said ship or ships, shall be stowed on the same decks with the cattle, or be in anywise suffered to interfere with their accommodation. And the said Robert Campbell doth, moreover, for himself, his partners, his and their executors, administrators, and assigns, contract, agree, and engage to procure a certificate from under the hand of the commanding officer of His Majesty's forces for the time being, at such port or ports in India whereat the said cattle shall be embarked, of his, the said Robert Campbell, or his partners, having put on board the said ship or ships, one hundred and fifty head of cows and six asses, to be conveyed to His Majesty's settlements at Port Jackson. And the said Robert Campbell, for himself, his partners, his and their executors, administrators, and assigns, doth contract, agree, and engage to furnish the said one hundred and fifty head of cows at the rate
KING TO PORTLAND.

of twenty-eight pounds of lawful money of Great Britain for each cow, and eight pounds eight shillings for each ass, contract- ing likewise, agreeing and engaging to be paid only for such of the said numbers as shall be landed and deemed merchantable in the said colony at Port Jackson. And if any of the cows should calve on the passage, all such calves are to be at the option of the said Philip Gidley King, Esquire, to take or not; but if they are healthy it is understood that he, the said Philip Gidley King, is to pay eight pounds eight shillings for each calf so calved on the passage. And the said Robert Campbell, for himself, his partners, his and their heirs, executors, and administrators, doth further contract, agree, and engage to ship for the use of the said colony, ten tons of sugar, which shall be in quality equal to a muster or sample now delivered in by the said Robert Campbell, and to be paid for such as is merchantable when landed, at the rate of sixty pounds sterling for every ton. And the said Robert Campbell, for himself, his partners, his and their executors, administrators, and assigns, doth further contract, agree, and engage that he will not embark a larger cargo on account of Government than the number of tons stipulated. And he, the said Robert Campbell, doth further contract, agree, and engage that the ship with the freight as aforesaid shall, wind and weather permitting, and fire and the damage of the sea excepted, arrive at Sydney Cove, in Port Jackson, in the territory of New South Wales, in twelve calendar months from of the day of the departure of the brig Trimmer, or as soon after as possible. And he, the said Robert Campbell, doth also contract, agree, and engage, that he will not ship, or cause to be shipped, on board the vessel or vessels that may be employed in this service, to be freighted by him and his partners, to this colony, any other stock than the cattle purchased for the use of the colony, such excepted as must be absolutely necessary for the use of the officers and people of the said ship. And he, the said Philip Gidley King, Esquire, as Governor as aforesaid, doth contract, agree, and engage, on behalf of His Majesty, that the said Robert Campbell shall receive at the rate of twenty-eight pounds of lawful money of Great Britain, for every head of cattle which he, the said Robert Campbell, shall deliver, or cause to be delivered, in a fair merchantable condition, in His Majesty's settlement as aforesaid, whether the number so landed shall exceed one hundred and fifty or not, and for every calf calved on the passage, as aforesaid, and for every ass that shall be landed, the further sum of eight pounds eight shillings. And the said Philip Gidley King, Esquire, for and on
behalf of His Majesty, doth further contract, agree, and engage, that the said Robert Campbell shall receive at the rate of sixty pounds sterling per ton for ten tons of sugar, which shall be landed and received in the colony, in a fair merchantable condition, and equal in quality to the muster now delivered by the said Robert Campbell, each and every of these articles to be paid for to the said Robert Campbell, his partners, his or their heirs, executors and administrators, by bills drawn at ninety days' sight upon the Right Honourable the Lords Commissioners of His Majesty's Treasury. And the said Philip Gidley King, Esquire, for, and on behalf of His Majesty, doth contract, agree, and engage to deliver, or cause to be delivered, the cargo aforesaid, within twenty-eight days from the day of the arrival of the ship in Sydney Cove; but, in case it should happen that the said cargo should be detained longer on board than the number of days above limited, the said Robert Campbell shall be allowed at the rate of her daily expense for every day she shall be detained after that time at the port of landing as aforesaid. And in order that the colony may not suffer by any accident which may prevent the receiving the cows, &c., above contracted for, the said Philip Gidley King, Esquire, doth further contract, agree, and engage, for and on behalf of His Majesty, that this contract shall be binding to all parties in freighting a second ship with the cows, &c., above specified. And to the true performance of all and every the contracts, conditions, and agreements above mentioned, on the part and behalf of the said Robert Campbell and his partners, to be kept, done, and performed, he, the said Robert Campbell, bindeth himself, his partners, his and their heirs, executors, administrators, and assigns, unto the said Philip Gidley King, Esquire, for and on behalf of His Majesty, in the penalty or sum of one thousand pounds of good and lawful money of Great Britain, to be recovered and paid by these presents. In witness whereof he, the said Robert Campbell, on behalf of himself and partners, hath set his hand and seal to the one part hereof, and to the other part hereof the said Philip Gidley King, Esquire, for and on behalf of His Majesty, hath also set his hand and seal the day and year first above written.

PHILIP GIDLEY KING.
ROBT. CAMPBELL.

Signed Sealed and delivered (no stamps being used in the Colony) in the Presence of

JNO. PALMER.
N. MACKELLAR.
List of Articles remaining in His Majesty’s Stores New South Wales this 10th March, 1801, the use to which they are to be Applied and the Quantities necessary to be sent out by the first Conveyance.

<table>
<thead>
<tr>
<th>Quality of Stores</th>
<th>Remains in the Stores</th>
<th>Use to which they have and will be Applied</th>
<th>Wanting *</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Men’s Clothing—</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blue Jackets</td>
<td>3810</td>
<td>To convicts at Governmt. Labour and to Supply Settlers and People off the Stores in exchange for Grain.</td>
<td>2000</td>
<td></td>
</tr>
<tr>
<td>Russian Duck Frocks</td>
<td>522</td>
<td></td>
<td>2000</td>
<td></td>
</tr>
<tr>
<td>Do Do Trowsers</td>
<td>1020</td>
<td></td>
<td>4000</td>
<td></td>
</tr>
<tr>
<td>Do Do Yards</td>
<td>260</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Women’s Clothing—</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jackets</td>
<td>142</td>
<td></td>
<td>1000</td>
<td></td>
</tr>
<tr>
<td>Shifts</td>
<td>155</td>
<td></td>
<td>1000</td>
<td></td>
</tr>
<tr>
<td>Petticoats</td>
<td>142</td>
<td></td>
<td>1000</td>
<td></td>
</tr>
<tr>
<td>Shoes</td>
<td></td>
<td></td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Rugs</td>
<td>445</td>
<td></td>
<td>1000</td>
<td></td>
</tr>
<tr>
<td>Blankets</td>
<td></td>
<td></td>
<td>1000</td>
<td></td>
</tr>
<tr>
<td>Bed Ticks</td>
<td></td>
<td></td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Combs</td>
<td>252</td>
<td></td>
<td>500 small</td>
<td></td>
</tr>
<tr>
<td>Soap</td>
<td>150</td>
<td></td>
<td>500 lb.</td>
<td></td>
</tr>
<tr>
<td>Stores</td>
<td></td>
<td></td>
<td>36 casks</td>
<td></td>
</tr>
<tr>
<td>Nails from 4d. to 40d.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Files of Sorts</td>
<td>780 worn out</td>
<td></td>
<td>1,500 of sorts</td>
<td></td>
</tr>
<tr>
<td>Cross cut saws</td>
<td></td>
<td></td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Pit saws</td>
<td></td>
<td></td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Hand saws</td>
<td></td>
<td></td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>Center Bits</td>
<td>1</td>
<td></td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Ploughs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Augers</td>
<td></td>
<td></td>
<td>60 of sizes</td>
<td></td>
</tr>
<tr>
<td>Stock Locks</td>
<td></td>
<td></td>
<td>50 of sizes that cannot be Pickd.</td>
<td></td>
</tr>
<tr>
<td>Padlocks</td>
<td></td>
<td></td>
<td>50 Do Do 500 of a large size.</td>
<td></td>
</tr>
<tr>
<td>West India Hoes to small for use.</td>
<td></td>
<td></td>
<td>56 for Corn and Flour.</td>
<td></td>
</tr>
<tr>
<td>Brass Wire Seives</td>
<td></td>
<td></td>
<td>2 of 40 Feet.</td>
<td></td>
</tr>
<tr>
<td>Fishing Seines</td>
<td></td>
<td></td>
<td>2000 lb.</td>
<td></td>
</tr>
<tr>
<td>Lead (Sheet)</td>
<td></td>
<td></td>
<td>10 Hides</td>
<td></td>
</tr>
<tr>
<td>Sola Leather</td>
<td></td>
<td></td>
<td>1 Sett</td>
<td></td>
</tr>
<tr>
<td>Farriers Tools</td>
<td></td>
<td></td>
<td>4 Do</td>
<td></td>
</tr>
<tr>
<td>Stone Masons Tools</td>
<td></td>
<td></td>
<td>3 Do</td>
<td></td>
</tr>
<tr>
<td>Coopers Tools</td>
<td></td>
<td></td>
<td>20 Tons</td>
<td></td>
</tr>
<tr>
<td>Iron Assorted</td>
<td></td>
<td></td>
<td>700 Sheets</td>
<td></td>
</tr>
<tr>
<td>Tin (Double)</td>
<td></td>
<td></td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Bolting Cloths</td>
<td></td>
<td></td>
<td>80 Bars</td>
<td></td>
</tr>
<tr>
<td>Steel</td>
<td></td>
<td></td>
<td>The same quantity as rec'd by Royl. Adml.</td>
<td></td>
</tr>
<tr>
<td>Stationary</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[Enclosure No. 10.]

**GOVERNMENT AND GENERAL ORDERS.**

**Sunday, 12th October, 1800.**

*Orders re Government bills.*

The Governor having received a Treasury bill to the amount of Government bills left in circulation in the colony, drawn by

*Ser. I. Vol. III—C*
Acting Commissary Williamson, and approved by Governor Hunter, the holders of these bills will bring them to the Secretary's Office, on or before the 16th instant, to receive the Governor's signature.

Thursday, 13th October, 1800.

In addition to the Order of Monday last, the Governor directs that all permits for spirits to be removed from one house to another, or from settlement to settlement, not from on board ship, are to be signed by the Acting Lieut.-Governor or magistrates.

Tuesday, 14th October, 1800.

The late Acting Commissary having empowered the present Acting Commissary to receive the debts due from individuals to the Crown, to the truth of which the Governor has sworn. As those charges appear in the ledger delivered to Mr. Laycock, the Governor thinks it proper to acquaint those who are so indebted that they liquidate the same on or before the 31st day of next December; otherwise they will be proceeded against according to law.

Wednesday, 15th October, 1800.

The following rules to be observed respecting the coasting and other vessels belonging to this colony:

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Every vessel (not a rowing boat) being rigged, to be registered at the Naval Officer's office, and to pay for such register</td>
<td>0</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>For permission to go to Botany Bay or the Hawkesbury</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Ditto at re-entry</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>For permission to go beyond Broken or Botany Bay, for each vessel</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Ditto at re-entry</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
</tbody>
</table>

No vessel is to break bulk on entering this port until reported and entered at the Naval Officer's office. Monies arising from these regulations to be appropriated to the Orphan Fund.

Governor Hunter having detained the Buffalo another day to give the Commissary an opportunity of settling the claims he has on individuals on the part of the Crown, such persons who are indebted on that account are to attend the Commissary at Government House, at six o'clock to-morrow morning, to get their respective accounts adjusted.

Friday, 17th October, 1800.

[A copy of this order was forwarded as Enclosure No. 4 to the despatch of Acting-Governor King to Under Secretary King, dated 18th October, 1800.]

Saturday, 18th October, 1800.

Wheat, maize, or fresh pork given into the stores in payment for debts due to the Crown, will be received at the former prices until the debts due (up to this date) are paid.

Sunday, 19th October, 1800.

In the Governor's absence from headquarters at Sydney, all reports are to be made to the Acting Lieutenant-Governor, Colonel Paterson. The depredations committed in gardens, &c., by swine being suffered to range about, without being yoked or wrung, and the
Governor being unwilling to prevent their picking up such food as chance may offer by being allowed to range at large, those possessed of that kind of stock are to get them yoked and wrung before next Saturday, otherwise they will be taken for the use of Government.

Licences for the retail of spirituous liquors will be granted on the 31st instant. The Acting Lieut.-Gov’r and magistrates will recommend eight persons who they may judge deserving of that indulgence.

Saturday, 25th October, 1800.

All those who have taken prisoners off the stores are to appear as underneath to sign for such servants, and to receive printed copies of the terms on which their labour is assigned:—Those in and about Sydney, at Government House, on Friday, 31 October; in and about Parramatta, at Government House there, on Monday, 3rd November; in and about Hawkesbury, at Mr. Grimes’s, on Thursday, 6th November.

Such persons as do not attend will be deprived of their servants. This Order does not include those officers and others who may have signed for their respective convicts.

Monday, 27th October, 1800.

There being only one captain of the New South Wales Corps to do duty at headquarters, Lieutenants Piper and McKellar are to have the local rank as captains.

Licences to sell and vend excisable liquors by retail will be granted to those recommended by the magistrates to the Governor on the 1st day of November annually; and whoever retains liquors in their houses for sale and retail without a licence shall forfeit £10 for each offence, and in case of refusal or neglect to pay the same being lawfully demanded, shall be committed to hard labour on board the hulk for two months. The justices by whom such conviction is made may commit as above instead of levying the penalty. And if any person not authorised retail strong drinks they will not only be subject to the above penalties but also forfeit all such strong drinks found in their custody, or in the house where such offence was committed. And if any person shall again offend in like manner, exclusive of the above penalty, they will be kept to hard labour for the space of three months on board the Supply hulk. Magistrates may grant their warrants to constables to enter and search houses, and other places, occupied by those guilty thereof, and seize all such strong drinks as they find until the matter of the offence is determined; and in case the offender be convicted the liquor so found will be forfeited, half to the informant and half to the Orphan Fund.

Those who receive licences are to enter into recognizances, with two sufficient sureties in £10 each, and themselves in £20, that the due assize of weight and measure of all victuals or liquor so allowed to be vended be kept and well and truly observed; and that no gambling, drunkenness, or other disorders be allowed of within their premises, but that good rule be maintained and kept, according to the existing and future regulations of this territory on that behalf.

Persons licensed as victuallers or retailers of spirituous liquors or other strong drinks, entertaining any person from the beating
of the taptoo until the following noon, or during Divine Service, will be deprived of their license and incur a penalty of £5, half to the informer and half to the Orphan Fund. No trust or credit is to be given to any person whatever for liquor, or any other tavern reckoning, in any sum exceeding 20s., under the penalty of losing such debt; and in case they shall persevere to sue any such persons, knowing them to be soldiers, seamen, servants, or prisoners in Government employ, all such actions and suits shall be void, and the persons sued, or officers on behalf of soldiers and seamen, masters or mistresses on behalf of servants, and prisoners in their own behalf, being sued, shall and may plead this ordinance in barr, and the plaintiff shall be nonsuited and pay treble charges. Each person taking out a license will pay the sum of three pounds sterling to the treasurer of the Orphan Fund, and two shillings and sixpence to the clerk that makes out such license.

There being much reason to suppose that spirits have been improperly landed and concealed at Farm Cove, and in other parts of the harbour, from whence they have been occasionally removed, no greater quantity of spirits or wine than half a gallon will be allowed to be removed from any one place or house to another without a permit, signed by the Governor, or officer in command at Sydney, and the magistrates at Parramatta and Hawkesbury. Two-thirds of the spirits or other strong drink thus seized will be given to the person making the seizure, and the other third to the Orphan Fund.

---

Tuesday, 28th October, 1800.

The Governor having reviewed the New South Wales Corps this day, is happy in the opportunity thus afforded him of signifying his marked approbation of the exactness and soldier-like behaviour of the regiment, which would do credit to the oldest regiment in His Majesty's service, nor can the Governor be unmindful of the unremitted attention of their lieutenant-colonel and officers in rendering them thus respectable, which, while it reflects great credit on the soldiers, does honor to every officer in the regiment.

---

Thursday, 30th October, 1800.

In addition to the Order of Monday last, the Governor directs that all Permits for Spirits to be removed from one House to another, or from Settlement to Settlement, not from on board Ship, are to be Signed by the Acting Lieutenant-Governor or Magistrate.

---

Sydney, 31st October, 1800.

Officers and others, to whom the labour of prisoners is assigned, are to conform to the following conditions, viz.:—To maintain and clothe such as they employ; to give them a ration and clothes equal to that issued from the stores, for which they are to perform a Government task, as subjoined. And if the master can give them employment for the remainder of the time at the established rate they are to do his work in preference to any other person's.

The master to provide them a sheltered lodging on his farm, or at his habitation, from which they are not to absent themselves without leave, nor in any case to go from one settlement to another without a pass from a magistrate.
If the master or his overseer has just cause to complain of a neglect of work, or their servants not obeying their orders, or absenting themselves from their farms without leave, they are to report it to a magistrate, and on conviction the delinquents will receive a punishment equal to the offence.

Attention will be paid by the Governor to those thus employed, proportionate to their honesty, diligence, and the recommendation of their employers, in preference to those of that description who may merit punishment, or who may be complained of, of which an account will be kept. And as it may not be in the power of every employer to furnish the servants assigned them with cloathing or animal food, on application to the Governor the stores will furnish the proportion of cloaths and ration of salt meat issued to those at public labour from the public stores, provided the employer signs an obligation to return the value thereof (either in money, wheat, or animal food, at the price those articles are received into the stores, hereafter stated) to the Commissary on or before the 31st of December annually.

Every person secreting, or employing prisoners or others during the time of public labour, without leave from the Governor, if they are employed at Government work, or from their respective masters, if employed by and assigned to individuals, will be punished for a breach of Public Orders and the injury the public receives thereby.

In case of sickness rendering it absolutely necessary to remove such servants to the hospital for cure, the master may have another man on the above terms if the servant remains in the hospital more than a fortnight.

Charges which the Commissary is directed to make for cloathing or animal food, supplied as a ration from the public stores to prisoners whose labour is assigned to officers and others, to whom the Governor may grant that indulgence, are as follows:—Cloathing to be charged at the English price, without the advance of 25 per cent.; salt beef, 9d. per lb.; salt pork, 1s. 3½d. per lb. These charges are in proportion to those which Government pays for animal food to the settlers. The annual charge of a full ration of animal food will be £13 13s. 0d.

Task-work for the Servants of the Crown employed by Government and Individuals.

<table>
<thead>
<tr>
<th>Description</th>
<th>Per Acre</th>
<th>Week’s Work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Falling forest timber</td>
<td>£0 10 0</td>
<td>1 acre.</td>
</tr>
<tr>
<td>Burning off ditto</td>
<td>1 5 0</td>
<td>65 rod.</td>
</tr>
<tr>
<td>Breaking up new ground</td>
<td>1 4 0</td>
<td>65 rod.</td>
</tr>
<tr>
<td>Breaking up stubble or corn ground</td>
<td>0 13 4</td>
<td>130 rod.</td>
</tr>
<tr>
<td>Chipping in wheat</td>
<td>0 6 8</td>
<td>1 acre and an half.</td>
</tr>
<tr>
<td>Reaping ditto</td>
<td>0 8 0</td>
<td>1 acre 60 rod.</td>
</tr>
<tr>
<td>Threshing wheat</td>
<td>per bushel 0 7</td>
<td>18 bushels.</td>
</tr>
<tr>
<td>Planting corn</td>
<td>per acre 0 6 8</td>
<td>1 acre and an half.</td>
</tr>
<tr>
<td>Hilling ditto</td>
<td>per acre 0 6 8</td>
<td>1 acre and an half.</td>
</tr>
<tr>
<td>Pulling and husking ditto</td>
<td>per bushel 0 0 5</td>
<td>25 bushels.</td>
</tr>
<tr>
<td>Pale splitting, 6 feet</td>
<td>per hundred 0 2 6</td>
<td>800 (2 men).</td>
</tr>
<tr>
<td>Ditto, of 5 feet</td>
<td>per hundred 0 2 0</td>
<td>1000 (ditto).</td>
</tr>
</tbody>
</table>

Daywork is 9 hours per day for 5 days, and 5 hours on Saturdays. If a master employs any of his men in their own time, to pay 10d. per day for the labor of each.
Friday, 7th November, 1800.

Mr. Commissary Palmer having arrived will take upon him the charge as Commissary.

Sunday, 9th November, 1800.

In consequence of the daring seizure of the Norfolk sloop by a party of convicts in the Hawkesbury, no boats or decked vessels are to sail from hence to the Hawkesbury, or from thence to this place, without giving three days' notice to the Governor or officer in command at those places, and to wait for two or three other vessels going at a time. Should any future attempt of that kind be made, the people belonging to those vessels are, on pain of the most exemplary punishment, to cut away their masts and rigging before they are boarded, and, if possible, to run them ashore and bilge them, for which purpose each vessel must be provided with an axe or tomahawk.

On this occasion the Governor finds it necessary to forewarn any convicts from attempting such a scheme in future, as nothing but inevitable destruction awaits those who have seized the Norfolk. If they escape the almost certain dangers they have to encounter from a leaky vessel, rotten sails, no means of procuring water, and neither compass, chart, or quadrant; if they are so fortunate to avoid the bad consequences of these wants, and dissensions among themselves, they are sure to meet their fate, not only in any British settlement, but also in their native country, the Governor being determined to inform the different Governors of His Majesty's and the Company's settlements of the description of these people, and also the magistrates of the different places in England and Ireland where they were convicted.

It is to be understood that no pardon will be extended to those who may make any future attempts, and that any person knowing of such a plan, or any other, who does not instantly inform the nearest magistrate, or officer in command thereof, will be indicted for a felony.

The Commanding Officer of His Majesty's armed vessel Porpoise is directed to stop all vessels going out of the Cove to produce their pass from the Governor or officer in command.

Thursday, 13th November, 1800.*

To prevent litigious disputes, and consequent vexatious complaints, it is hereby ordered that no claim of property be admitted by the Civil Court of Judicature, unless the parties enter into written agreements between each other, or enter them in books which will be kept for that purpose by the following persons, each agreement being entered in the most concise and clear manner, and witnessed by one person not a convict:—At Sydney, by Michael Robinson, at the Judge-Advocate's, and Sergt.-Major Jamison for the military; at Parramatta, by — Mann, schoolmaster; at Hawkesbury, by Andrew Thompson.

The parties making these agreements are to pay sixpence for each to the above persons for their trouble, who are to shew these books to the principal magistrates every Saturday, when their signature is to be affixed to the week's entries.

This Order is to be in force from the 27th instant.

* Note 14.
Sunday, 16th November, 1800.

The slop clothing that will be issued next week to the public labourers, being the property of the Crown, both before and after it is issued, every person is cautioned not to purchase any article thereof, under pain of being prosecuted. And if any prisoner sells the clothing that is designed for his comfort, he will receive a punishment proportionate to the offence.

Tuesday, 18th November, 1800.

No person whatever is to leave this colony without giving a week's notice to the Governor or officer in command at headquarters.

Every person having claims on those going to leave this colony are to make them before the ship or vessel leaves the Cove.

No ship is to leave the Cove until the Naval Officer certifies that a week's previous notice has been given to the inhabitants.

All children throughout this colony are to attend muster at the following places, on Saturday, the 29th instant, at 8 o'clock.

Those in and about Sydney, at Government House.
Ditto Parramatta, at the Court House.
Ditto Hawkesbury, at Mr. Grimes's.

19th November, 1800.

Whereas representations of the want of small money experienced here have induced His Majesty to take into His gracious consideration the immediate relief from this great inconvenience to all classes of his subjects in this colony, a quantity of copper coin has been received in His Majesty's armed vessel Porpoise and Royal Admiral, and will be circulated by being paid for grain and animal food supplied His Majesty's stores.

These are therefore to give notice that a copper coin, weighing one English ounce, and stamped with the profile of His Majesty on the one side, and of Britannia on the other, will be issued as above at the rate of twopence for each copper; and that the same shall pass current in the colony, and is to circulate at the aforesaid rate of twopence.

And that no one may plead ignorance of the rate or legality of this or any other of the coins circulating in this colony, of which it does not appear that any regular proclamation has ever collectively been issued, I have judged it most expedient herewith to publish the following table of all the specie legally circulating in this colony, with the rates affixed to each, at which they shall be considered and be a legal tender in all payments or transactions in this colony.

<table>
<thead>
<tr>
<th></th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>A guinea</td>
<td></td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>A half-Johanna</td>
<td></td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>A gold mohur</td>
<td></td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>A Spanish dollar</td>
<td></td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>A Johanna</td>
<td></td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>A ducat</td>
<td></td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>A pagoda</td>
<td></td>
<td>0</td>
<td>8</td>
</tr>
</tbody>
</table>

When a sufficient quantity of copper coin is received in the colony, of which notice will be given, no private notes or goods will be allowed to circulate.
This supply of copper having been sent to relieve the inconvenience of persons requiring to make small payments, no persons are to collect the same for the purpose of making large payments, nor shall it be deemed a legal tender to offer the same in payment for any sum exceeding five pounds.

And it is hereby declared that the exportation or importation, except from His Majesty's Treasury, of any sum exceeding five pounds of the above-named copper coin, shall be punished by fine of treble the value, and forfeiture of the sum exported or imported.

Given under my hand, at Government House, Sydney, November 19th, 1800.

Thursday, 20th November, 1800.

The Commissary is directed not to open the stores before ten, or keep them open after twelve o'clock in the forenoon, except he is ordered to issue any article of which there is an instant want.

He is also directed to issue on Tuesday next a proportion of one military jacket, one shirt, one pair of trousers, one gurrah frock, one pair of breeches, one hat, one pair of stockings, and one cloth cap, to each male prisoner victualled from the public stores.

The same proportion to be issued to overseers, watchmen, clerks, and people serving in the provision stores, excepting the jacket being a blue one, and the addition of a pair of shoes as far as they will go.

Those who have prisoners off the stores will be furnished with slop clothing in the above proportion on Tuesday, the 2d of December, on their becoming bound to pay for the same in wheat on or before the 1st of next February.

The prisoners and overseers, &c., will be served their slops at the places where they are respectively victualled at on Saturday the 22nd instant, for which purpose correct lists are to be made, and submitted to the Governor's inspection on Monday next, by eight o'clock in the morning, at Parramatta.

The Rev. Mr. Fulton will perform Divine Service at Hawkesbury on Sunday, the 7th of December next.

Wednesday, 26th November, 1800.

His Majesty having been graciously pleased to direct that ten pipes of port wine be sent to this colony, for the use of the commissioned officers, civil and military, at the advance of 25 per cent. on the prime cost, clear of duties, the proportion for the distribution of this wine is:—For the Governor, 1 pipe; the Acting Lieutenant-Governors of Port Jackson and Norfolk Island, 1 pipe; the other officers, civil and military, 1 pipe between four; payment for which, at the rate of £41 3s. 4|d. per pipe is to be made by the officers of the civil department by bills on the Colonial agent, by the military officers by bills on the regimental agents.

Friday, 28th November, 1800.

All spirituous liquors and other strong drinks that are attempted to be smuggled from any ship arriving here will on condemnation be the exclusive property of the person or persons making the seizure.

The settlers may be supplied with a proportion of slops on Saturday, the 6th ultimo, on paying into the stores wheat or maize, in
proportion to the English price of the slops, with the advance of 25 per cent., which, it is hoped, will prevent them from purchasing the convicts' cloths, as it is the Governor's determination to punish those who commit that crime with the utmost severity of the law.

Mr. George Barrington* having, from infirmity, resigned his situation as head constable, and in consequence of his great diligence and good behaviour since he has been in that situation, from his first arrival in the colony, the Governor has directed that half his salary be continued to him, and John Jennings is appointed head constable at Parramatta in his stead.

The sentence of the General Court-Martial† is approved and the Court dissolved.

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Monday, 1st December, 1800.

No boats with private property are to be allowed to land at the Hospital Wharf before 6 in the morning, nor after 3 o'clock in the afternoon, or at any other place in the harbour.

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Tuesday, 2nd December, 1800.

The Commissary is directed to make payment to those who have supplied the Public Stores with Wheat, Maize, or Animal Food, on Saturday next to those about the neighbourhood of Sydney; and to those in the neighbourhood of Parramatta and Hawkesbury, on Saturday the 13th instant at Parramatta.

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Wednesday, 3rd December, 1800.

The Stores at Parramatta and Sydney will be opened after next Saturday to receive Wheat and Maize in payment for the Debts due to the Crown, previous to the 28th of September last.

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Wednesday, 10th December, 1800.

It appearing that many unjust demands have been made on the effects of those who have died, or left the colony; and as the Orders of the 13th of November are calculated and designed to substantiate all claims whatever, public notice is hereby given that no payment will be made of any deceased or absent person's property unless a written agreement be produced, which may always be done by the means pointed out in the orders of the 13th of November, viz., to enter all agreements in the books kept by the person therein designated.

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Friday, 12th December, 1800.

The following ration of dry provisions will be issued until further orders:—To all males—Thirteen pounds and half of wheat, or ten pounds and half of meal.

Mr. Deputy Commissary Laycock having obtained the Governor's permission to resign that situation, Mr. William Neate Chapman, Storekeeper and Acting Deputy Commissary at Norfolk Island, will be appointed Deputy Commissary in the room of Mr. Thomas Laycock on the Porpoise's return from Norfolk Island.

Mr. William Broughton, Storekeeper at Parramatta, is appointed Storekeeper and Acting Deputy Commissary at Norfolk Island, with a promise that if he chooses to return to this place, in case of Deputy Commissary Clarke's return to Norfolk Island, he will resume his former situation here.

* Note 15. † Note 16.
Mr. William Sutter is appointed to act as Storekeeper and Acting Deputy Commissary at Parramatta.

Sunday, 14th December, 1800.

The Governor requests that the remains of the late Richard Dore, Esq., Judge-Advocate of the territory, may be attended to the place of interment* by the civil and military, with such attentions as are suitable to his rank in the colony. The corpse will leave its late residence at 8 o'clock to-morrow morning.

Monday, 15th December, 1800.

The following Priority for the Discharge of Deceased person's debts due to Residents or Agents in the Colony is in future to be observed, as far as they have Assets, viz.:

1. Medical Attendance (where claimable) and funeral expenses.
2. Debts and Duties due to the King.
4. Debts due by Recognizances.
5. Rents.
7. Single Bills.
9. Merchants and Tradesmen's Book Debts, a man of Accounts etc. which said payments are to be allowed of by the Civil Court of Judicature.

But this is not to preclude or justify any Executor or Administrator's refusal to discharge any just Debts, as the same shall come to their knowledge without regard to the priority of the same, in payment after the expiration of 12 months after the Decedants Death.

Tuesday, 16th December, 1800.

The Governor directs that no sows be sent on board ship or be received on board, under the penalty of forfeiting such sow.

Thursday, 18th December, 1800.

Richard Atkins, Esq., is appointed to act as Deputy Judge-Advocate to this territory until His Majesty's pleasure is known.

The Governor has directed the Commissary to deliver to Lieut.-Col. Paterson the feathers that came with the hats lately arrived in this colony, which he makes the regiment a present of for their industry in forming the public parade.

Sydney, 18th December, 1800.

[A copy of this order was forwarded in Enclosure No. 5 to the despatch No. 3, dated 10th March, 1801, from Acting-Governor King to the Duke of Portland.]

* Note 12. † Note 17.
KING TO PORTLAND.

Saturday, 20th December, 1800.

The Governor, having contracted for 2,000 gallons of spirits, to be divided among the officers, civil and military, who are not provided with any, the soldiers and settlers at this place, and at Norfolk Island, which will be distributed in the following proportions, for which money, Government or Paymaster's bills are to be given:—

<table>
<thead>
<tr>
<th>Gallons</th>
<th>Payment for which</th>
<th>Commodity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-commissioned officers and soldiers</td>
<td>259</td>
<td>Non-commissioned officers and soldiers</td>
</tr>
<tr>
<td>Settlers at Port Jackson</td>
<td>320</td>
<td>Settlers</td>
</tr>
<tr>
<td>Ditto at Norfolk Island</td>
<td>250</td>
<td>Officers</td>
</tr>
<tr>
<td>To be divided among officers, civil and military</td>
<td>1,171</td>
<td></td>
</tr>
</tbody>
</table>

The Governor remits the assessment of 1s. per gallon to the regiment and to the officers for 40 gallons per annum each; all above that quantity to pay the assessment.

Friday, 26th December, 1800.

The Commissary will direct the storekeepers at Sydney, Parramatta, and Hawkesbury to receive into their charge such wheat as may be tendered by those who are indebted to the public stores, as directed by the Orders of the 14th October last. The storekeepers will attend every day next week between the hours of 9 and 2.

It having been represented to the Governor that it has been a custom for those to whom the labour of convicts has been assigned, as well as those allowed servants, to chastise them by horsewhipping, and beating them for real or supposed offences and neglect of work, the Governor feels himself called upon to put an immediate stop to those practices by referring to the General Orders of the 2nd of October last, wherein a mode is pointed out of bringing delinquents to justice; and as the Governor will not admit of any individual presuming to inflict that punishment, which must be openly awarded by a magistrate, he strictly forbids all officers, and every person, bond or free, from striking or ill-using any other person in this colony, on pain of being proceeded against according to law, or such other notice taken of the offence as the case may require.

There being accoutrements arrived for mounting six privates and a non-commissioned officer as a bodyguard to the Governor, Lieutenant-Colonel Paterson is requested to select that number from the regiment, to whom a daily pay of one shilling will be allowed to the non-commissioned officer, and sixpence per day each private, in addition to their regimental pay, to be paid in such articles as can be spared from the stores, or in money.

Sunday, 28th December, 1800.

From the constant state of alarm which the peaceable and loyal inhabitants of this colony have been kept in for the last two months, and the present restlessness of some turbulent characters, the following arrangements are to be observed in case of any internal tumults.
The field-pieces are to be kept constantly loaded with powder only, and the vent, priming, &c., examined every evening, by the officer of the day. A port fire is to be in readiness to fire on the least appearance of alarm or tumult, or that either the main guard or barracks are attacked.

When a gun is fired from the barracks or main guard, the drums are to beat to arms. The regiment to form in front of the barracks, and to act as the Commanding Officer may see fit, and in conformity to any secret or other instructions he may receive from the Governor. The main guard to form in front of the guard house, within the paling, and to wait for orders, unless they are attacked, when the officer will act as he may judge proper, but not to quit that post without orders from the Governor or commanding officer of the troops, unless compelled, in which case he is to use every exertion to join the association or regiment.

The Association, on the alarm being given, are to repair and form in front of the Governor's house, and there wait his orders; but if they should be impeded, they are to join the main guard or the regiment.

The provost-marshal, civil officers, constables, superintendants, and inhabitants enrolled for active defence, are, on the alarm being given, to repair (with what offensive weapons they can immediately collect) to the highest windmill hill, and there wait for orders how to act, or being joined by the military.

Every other description of persons, either male, female, or children, are to remain quiet and peaceable in their respective dwellings, as it will be impossible for the military to discriminate persons in case of alarm.

All persons desirous of being enrolled for active service are to give their names in to Mr. Brady, Judge-Advocate's clerk, from 9 o'clock to 10 every morning, and to deliver an account of the offensive weapons they can arm themselves with. When this list is complete and regulated, they will be divided and occasionally mustered by a civil officer or superintendent to each division.

Any person holding a license to retail spirituous liquors will be deprived thereof if any part of the Orders of 27th October last are disobeyed or neglected, and particularly that part wherein they are forbidden entertaining any person whatever from the beating of tattoo to noon of the following day, or during the hours of Divine Service. This the magistrates will strictly enforce.

Tuesday, 30th December, 1800.

If any convicts or persons whose terms of transportation are expired, and who are not settled, are found going from settlement to settlement without a pass from the magistrate—which will never be refused without sufficient cause—any person will receive 100 lashes and a year's imprisonment in the gaol gang.

Prisoners or free people, not settlers, found going from one settlement to another without a pass from the magistrate specifying their business—which will never be refused without a very sufficient reason—and who neglects to deliver their pass to the magistrate they got it from, or to the magistrate at the place where they are going to reside, will be punished with 100 lashes and a year's imprisonment in the gaol gang at Sydney or Norfolk Island.

As this is a repetition of several Orders that have formerly been given to the same effect, and have been as often disregarded
KING TO PORTLAND.

as observed, it is to be understood by every person in this colony that after an Order is once issued it is to be constantly obeyed until revoked by the same authority that gives it.

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Wednesday, 31st December, 1800.

NOTWITHSTANDING the lenity shown to those concerned in a former attempt to create confusion in this colony, yet it appears that several restless and turbulent characters are still forming designs to promote their diabolical schemes for the destruction of all industry, public and private property, order and regularity, and to introduce murder, plunder, and every kind of horror and confusion. Several worthless vagrants have gone to the woods, subsisting by depredations on the industrious, whilst many others are not only plundering those to whom their labour is assigned, but are also neglecting their work, and leaving their employer's property to be destroyed by the idle and dissolute, who, from their former habits, manifest a preference of the life of indolence, plunder, and alarm to the certain benefits of a commendable and honest industry.

The Governor, considering the duty he owes to his situation, and the security of the persons and property of the numerous loyal and well disposed inhabitants, that none of their despicable plans, or daring anonymous writings (similar to that forwarded to him previous to the execution of the pirates), will ever bias or slacken his exertions in detecting, and bringing to condign punishment every vicious and idle character.

Disposed as the Governor has been not to credit every information he has received, yet the many corroborating evidences that have been given compels him to take the necessary measures for securing the peace of the colony. Anxious to believe that those evil designs have their only rise in the phrenzy of a few turbulent wretches, whose aim is confusion, he is willing to hope that when the different descriptions of persons in this colony reflect on the comforts and blessings they enjoy and may acquire in this colony, by a very moderate industry, and the expectation that every prisoner may entertain that if his behaviour is honest, industrious, and irreproachable, that he will in some measure be benefitted by it. These considerations, it is expected, will create confidence, and prevent future ridiculous plans, which are contrived by the artful villains to deprive the industrious of their comforts, who in the end do not fail to sacrifice those they have employed to obtain their ends, of which the two criminals now under sentence of death, and who were deserted by their artful companions, is a sufficient proof how little confidence they can place in each other.

Should this intention and hope of the Governor's be frustrated by any renewal of what he hopes to hear no more about, he will then consider it his duty to adopt such measures as are most likely to ensure that tranquility which must not, and shall not, be interrupted with impunity.

John Harris, a licenced victualler, and retailer of spirituous liquors, having given spirits to two convicts for their week's rations of salt meat from the public stores, is deprived of his licence, and the Government has directed all his liquors to be staved.

There is every reason to be assured that this transaction has long been carried on, in direct disobedience to every regulation made on that head, not only by the above delinquent, but also by...
several other persons. If the convicts, who have no means of maintenance but by the ration they receive from the store, are invited to part with it for a taste of spirits, they must consequently rob those who are nearest to them for support during the remainder of the week, which consequently leads to a train of other evils that must be put a stop to. If any person in the colony presumes to give a convict spirits, or any other consideration, for their ration, or any article furnished from the public stores, they will be punished as the law directs for receiving stolen goods, and, if licenced, will lose their licence, and all strong drinks found in their possession be staved.

Sunday, 4th January, 1801.

THOMAS WHITTIER is appointed Master Carpenter in the room of James Puckey, discharged for neglect of Duty.

6th January, 1801.

MR. MASON is appointed to act as a magistrate for the districts of Parramatta and Toongabbie.

7th January, 1801.

Garden Island being appropriated as a garden for the Lady Nelson, no person is to land there but with Lieutenant Grant's permission, or the Governor's in his absence. It is to be understood that wheat and all kinds of live stock is a legal tender for all debts contracted in this colony, provided the price sued for does not exceed that given by Government when purchased from settlers or other private cultivators.

8th January, 1801.

The countersign in future will be given, sealed up, to such person only as the Governor and Commanding Officer of the regiments or detachments may judge proper.

After beating the taptoo, masters and officers of ships who have occasion to be ashore may apply to the Governor's aid-du-camp or the adjutant of the regiment, and no other person is to give the countersign to any person whatever.

The centinels are to pass all officers, civil and military, on making themselves known by telling their names.

12th January, 1801.

NOTWITHSTANDING the Orders of the 14th of October, and of the 3rd and 26th December last, not more than four persons have paid the debts they owed to Government from 1796 to last September. Should those thus indebted continue to withhold payment, either in wheat, animal food, or money, the Governor will with much reluctance cause those thus indebted to be proceeded against according to law.

15th January, 1801.

Not more than one vendue master will be allowed in future to dispose of any wares, goods, or merchandise by auction, or by candle, within the present limits of this territory, such vendue master to be elected by the magistrates by vote, and to be approved of by the Governor. He is then to give sufficient security in the sum...
of £200 sterling for his honest and due performance of his duty to the seller and buyer as vendue master, and for the due observance of the ordinances of this territory and the laws of England on that behalf.

And if any person within the limits of this territory shall sell any goods by auction, except such articles as prize goods and others enumerated by the Act of Parliament on that behalf, he or they shall forfeit the sum of £50, besides their security, for the use of the Orphan Fund.

At the close of each day's sale, the auctioneer (who must take out a license, for which he will pay two pounds to the treasurer of the Orphan Fund, and five shillings to the clerk) is to deliver to the treasurer of the Orphan Fund an account of the amount of that day's sale; and at the close of the auction he is to pay into the hands of the treasurer of the Orphan Fund one and a half per cent. on the amount of sales, previous to his settling with the proprietor, out of whose account that assessment must be paid.

Previous to any goods being sold by auction, the proprietor is to deliver in a list of the articles he proposes to sell to the treasurer of the Orphan Fund. Until that is complied with no sale will be allowed.

It is to be understood that all prize and other goods and effects which the law directs may be disposed of by any person that the proprietor may appoint are alike subject to the assessment of one and a half per cent. for the Orphan Fund.

17th January, 1801.

If merchant ships' boats do not answer when hailed by any of His Majesty's ships or vessels, or by any centinel, they are to be fired at; and no excuse whatever will be admitted for a breach of this Order.

The Commander of His Majesty's armed vessel Lady Nelson will inform his people that any seizure they may make of spirits, &c, attempted to be smuggled will be their exclusive property; the same to be observed by the guard on board the Supply.

(Sunday), 18th January, 1801.

This being the anniversary of Her Majesty's birthday, it will be observed on Friday next, when the regiment and association will fire three volleys at noon, and at one o'clock His Majesty's armed vessel Lady Nelson will fire a royal salute.

The Governor will be ready to receive the compliments of the officers, civil and military, at half-past one.

Headquarters, 19th January, 1801.

Last night, being the first practice alarm given in this colony, the Governor feels himself highly gratified at the alert and prompt manner in which the regiment assembled, nor can he be unmindful of the alacrity and steady behaviour of the association.

A mistake having been made last night by those who had given their names in for active defence, agreeable to the Orders of the 28th of last December; they assembled at the Governor's house instead of the new Windmill Hill. That Order is now repealed.

The list for the insertion of those peoples' names will be closed next Saturday, and on every future alarm they are to assemble within the enclosure of the Orphan House,* and there wait for orders or remain quiet.

* Note 18.
1801.  
10 March.  

Orders re Assigned servants.

Disorderly convicts and vagrants.

Applications to the Governor.

24th January, 1801.

There being a greater number of prisoners allowed to go off the stores than the public labour admits of, no more applications of that kind will be attended to until next January, when it will not be a bare discharge of a Government task that will induce the Government to grant that indulgence to any whose term of transportation or time they have been in the colony may encourage them to make that application. It must be by an uninterrupted industrious and regular good behaviour.

Such prisoners now off the stores who are discovered in any improper behaviour, extortionate demands for their labours, or idleness, will be recalled to Government labour, and otherwise dealt with as the case may deserve, of which all magistrates, officers, constables, and settlers are to give notice. They will also report all freemen who are idle, suspicious characters, that the Vagrant Act may be put in full force against such pests to society.

No applications are in future to be made to the Governor on Sundays, nor will [he] be interrupted when passing through the streets or if speaking to an officer.

Applications to be made to the Secretary’s office on Monday mornings, between nine and eleven o’clock in the forenoon, by those who are in want of articles from the stores for public or private uses; also, on Fridays between the above hours by those who are to be put on or off the stores, and at no other time will answers be given.

Those who have any other business with the Governor are to apply at the office between nine and ten in the morning; before or after that time no person will be attended to, except those who are sent for, or commissioned officers.

Saturday, 31st January, 1801.

No hogs are to be sold to the masters of ships, or to be sent on board without permission having been previously obtained from the Governor, or Lieutenant-Governor in his absence.

10th February, 1801.

All prisoners whose terms of transportation is not expired and are off the stores, or those with settlers, are to attend at the Secretary’s office at Sydney, on Saturday, the 21st instant, at seven o’clock in the morning, to receive their tickets of leave. Those who hold former tickets to bring them in. Those who neglect to appear will be immediately called in to Government labour.

Those who are indebted to the Crown for quit rents, either for grants or leases given originally to them, or for lands, houses, &c., that they now hold by purchase, and which are due since the last payment, are to pay the same into the stores at Sydney, Parramatta, or Hawkesbury, on or before the 1st of next March. The Governor hopes that no further notice will be necessary either on this head, or that of paying the debts they owe to the stores.

Thursday, 12th February, 1801.

Instructions being received from His Majesty’s Treasury, directing the Commissary, under the authority of Government, to advertise for such articles of grain and animal food, &c., as the stores may need, to be furnished by those persons who may offer such articles on the lowest terms,—the Governor having previous to the arrival of the above instructions reduced the price of wheat...
from 10s. to 8s. per bushel during the present year, and as the settlers, &c., have made their arrangements according to that price, the above regulation will not take place till after the next harvest, when such quantities as the store may need will be received in the smallest or largest quantities, according to the tenders that will then be advertised for and made. The lowest tenders will be the first received from any description of cultivator.

As an encouragement to rearing animal food, the Governor takes upon himself to confirm his order of the 17th October, respecting swine's flesh being received into the stores at sixpence per pound for three years from that date, for such as may be necessarily maintained at the public expense; and to enable the private cultivators to raise that produce, he earnestly recommends them to cultivate maize after their wheat crops, as nothing short of absolute necessity will induce him to order any maize to be received into the stores on any account, to allow as much as possible of that grain to be appropriated for the stock.

The Governor also recommends to the different settlers and other cultivators, an attention to raising as much wheat as their several means and abilities will allow of, not only for the domestic purpose of their families, but also to pay their just debts, and to supply the stores with their profits of such quantity as may be in demand, at a moderate rate; whereby they will have a preference in being able to supply themselves with such articles as they may need from ships, or from the stores, without assigning their properties to the rapacious dealers for what their own industry might procure.

The settlers and other private cultivators will inform the Rev. Mr. Marsden, Charles Grimes, Esq., and Capt'n McKellar, as soon as possible, how much wheat they can spare after paying their debts to Government, and reserving a sufficiency for seed, and the maintenance of their families, in order that a calculation may be made of the quantity that can be received from each person—in which attention will be paid to the number of acres cultivated last year with wheat, that the real cultivator may have the preference.

13th February, 1801.

FROM there not being a sufficiency of commissioned officers in the colony to sit as members of General Courts-Martial and Criminal Courts of Judicature at this settlement and at Norfolk Island, the Governor has judged it advisable to give commissions to Francis Barrallier and Robert Anderson, gents, until His Majesty's pleasure is known thereon, they having done duty as ensigns in the New South Wales Corps since the 2nd July by virtue of Governor Hunter's General Order for that purpose.

One-half of the regiment off duty and the Sydney Association will attend the execution of the three convicts condemned to die of convicts by the Court of Criminal Judicature, the execution to take place at eleven o'clock to-morrow morning.

There being about 2,200 gallons of spirits engaged by the Governor from the master of the Margaret, at six shillings per gallon, directions are given for its being divided between the officers, civil and military, at this place and at Norfolk Island; and the licensed people, who bring money to pay for it, will receive permits from the Governor and Naval Officer, for their respective proportions, on making payment as above (or as much less as he will take), to the proprietors.
14th February, 1801.

His Majesty's ship Porpoise will drop down to Rose Bay to-morrow morning.

The officers and detachment ordered to embark for Norfolk Island to be in readiness to go on board at one o'clock.

It is intended that the Porpoise sails early on Tuesday morning.

Tuesday, 17th February, 1801.

Several individuals having complained of the great decrease of their sheep and lambs by the curs with which this colony abounds, and the great damage done to gardens by goats ranging without a herd, and as the breeding stock of sheep is of the greatest consequence to the welfare of this colony, no person is to suffer any cur dogs to follow them, or any cart, wheelbarrow, &c., the Governor having given permission to those who have flocks of sheep to order their herdsmen to kill any dogs that approach them, and the owners will forfeit treble the value of any stock killed by them. Persons who keep cur dogs that are in the habit of flying at horses are to destroy them, otherwise they will be indicted as a nuisance. It is recommended to those who have more dogs than one (except greyhounds or terriers) to kill them, as a tax will shortly be laid on all cur dogs.

Goats going about without a herd are to be stopped and forfeited to the use of the Orphan School.

21st February, 1801.

Several prisoners whose labour is assigned to individuals having yesterday, through mistake, received certificates which were intended only for those who, from good behaviour or other considerations, had the Governor's permission to do the best they could for themselves, it is hereby ordered that any prisoner who has received such certificate does immediately return it to the nearest magistrate. A neglect of this order, or an improper use being made of those certificates, will subject them to punishment with the utmost severity.

9th March, 1801.

It having been customary for the settlers and other free inhabitants to become sureties for the good conduct of those who are known to be bad characters, and who have been bound over by the magistrates for their good behaviour, as this abuse has already had the most mischievous consequences, it is to be understood that if any free inhabitant enter into a recognizance for the good behaviour of any individual whatever, the full amount of the recognizance (if forfeiture) will be levied on the sureties' property. It was the Governor's intention to have levied the recognizance forfeited by Cornwell on his surety Charles Cross, which is remitted under the hope that every one will in future be cautious who they become bound for.

[Enclosure No. 11.]

[A copy of this enclosure, the Returns of Labour, has not yet been found.]
### Account of Slops Issued out of His Majesty's Stores at Sydney in New South Wales from the 28th Sept. 1800 to the 7th March, 1801, Inclusive with the Quantity Remaining.

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Remains Pr. Survey 23rd Sept., 1800.</td>
<td>4,287</td>
<td>1,552</td>
<td>74</td>
<td>10,703</td>
<td>1962</td>
<td>325</td>
<td>1,707</td>
<td>2,703</td>
<td>849</td>
<td>1978</td>
<td>8,599</td>
<td>3,255</td>
<td>667</td>
<td>355</td>
<td>1230  ( \frac{3}{4} )</td>
<td>196</td>
</tr>
<tr>
<td>Received Pr. Royal Admiral.</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>14,000</td>
<td>5,000</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>10033</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Received Pr. the Anne ...</td>
<td>101</td>
<td>...</td>
<td>8</td>
<td>100</td>
<td>116</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>5</td>
<td>96</td>
<td>8</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>31</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4,388</strong></td>
<td><strong>1,552</strong></td>
<td><strong>82</strong></td>
<td><strong>20,803</strong></td>
<td><strong>1962</strong></td>
<td><strong>14,441</strong></td>
<td><strong>5,000</strong></td>
<td><strong>17,07</strong></td>
<td><strong>2,703</strong></td>
<td><strong>849</strong></td>
<td><strong>12,016</strong></td>
<td><strong>8,695</strong></td>
<td><strong>3,263</strong></td>
<td><strong>355</strong></td>
<td><strong>1230  ( \frac{3}{4} )</strong></td>
<td><strong>227</strong></td>
</tr>
<tr>
<td>Issued on Account of Government.</td>
<td>384</td>
<td>1,500</td>
<td>3746</td>
<td>1823</td>
<td>2,667</td>
<td>425</td>
<td>1,095</td>
<td>1,525</td>
<td>233  ( \frac{1}{4} )</td>
<td>2,299</td>
<td>1,825</td>
<td>531</td>
<td>445</td>
<td>96</td>
<td>169</td>
<td>...</td>
</tr>
<tr>
<td>Disposed of for Wheat, etc.</td>
<td>122</td>
<td>11</td>
<td>173</td>
<td>117</td>
<td>929</td>
<td>652</td>
<td>90</td>
<td>128</td>
<td>...</td>
<td>127</td>
<td>216</td>
<td>108</td>
<td>116</td>
<td>...</td>
<td>250</td>
<td>...</td>
</tr>
<tr>
<td>Condemned Pr. Survey...</td>
<td>72</td>
<td>13</td>
<td>234</td>
<td>2</td>
<td>107</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td><strong>Amount of Issue</strong></td>
<td><strong>578</strong></td>
<td><strong>1,524</strong></td>
<td><strong>3,425</strong></td>
<td><strong>1742</strong></td>
<td><strong>3,703</strong></td>
<td><strong>1,077</strong></td>
<td><strong>1885</strong></td>
<td><strong>1,683</strong></td>
<td><strong>589</strong></td>
<td><strong>2,464</strong></td>
<td><strong>2,041</strong></td>
<td><strong>634</strong></td>
<td><strong>561</strong></td>
<td><strong>96</strong></td>
<td><strong>419</strong></td>
<td>...</td>
</tr>
<tr>
<td>Remains ...</td>
<td>3810</td>
<td>28</td>
<td>82</td>
<td>16550</td>
<td>220</td>
<td>10738</td>
<td>3923</td>
<td>522</td>
<td>1020</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>811  ( \frac{3}{4} )</td>
</tr>
</tbody>
</table>

10 March. Commissariat returns.
### Account of Slops Issued out of His Majesty's Stores, &c.—continued.

<table>
<thead>
<tr>
<th>Remarks, etc.</th>
<th>Striped Trousers</th>
<th>Women's Jackets</th>
<th>Shirts</th>
<th>Petticoats</th>
<th>Caps</th>
<th>Women's Shoes</th>
<th>Handkerchiefs</th>
<th>Women's Clothing in Sets</th>
<th>Children's Shoes</th>
<th>Children's Clothing Made</th>
<th>Children's Clothing Undone</th>
<th>Combs</th>
<th>Thread</th>
<th>Children's Hats</th>
<th>Soap</th>
<th>Spanish Rugs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remains Pr. Survey 28th Sept., 1800</td>
<td>...</td>
<td>161</td>
<td>141</td>
<td>128</td>
<td>200</td>
<td>24</td>
<td>294</td>
<td>29</td>
<td>70</td>
<td>...</td>
<td>27</td>
<td>2730</td>
<td>323</td>
<td>142½</td>
<td>550</td>
<td></td>
</tr>
<tr>
<td>Received Pr. Royal Admiral</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
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<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td></td>
</tr>
<tr>
<td>Received Pr. Anne</td>
<td>...</td>
<td>94</td>
<td>36</td>
<td>36</td>
<td>7</td>
<td>15</td>
<td>...</td>
<td>5</td>
<td>5</td>
<td>225</td>
<td>51½</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>94</td>
<td>170</td>
<td>177</td>
<td>164</td>
<td>236</td>
<td>31</td>
<td>309</td>
<td>29</td>
<td>70</td>
<td>5</td>
<td>5</td>
<td>252</td>
<td>2781½</td>
<td>323</td>
<td>142½</td>
<td>550</td>
</tr>
<tr>
<td>Issued on Account of Government</td>
<td>...</td>
<td>22</td>
<td>22</td>
<td>22</td>
<td>22</td>
<td>22</td>
<td>...</td>
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<td>...</td>
<td>113</td>
<td>238</td>
<td>86</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disposed of for Wheat, etc.</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>8</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>26½</td>
<td>30</td>
<td>19</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Condemned Pr. Survey</td>
<td>...</td>
<td>6</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
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<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amount of Issue</td>
<td>...</td>
<td>28</td>
<td>22</td>
<td>22</td>
<td>22</td>
<td>30</td>
<td>22</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>139½</td>
<td>268</td>
<td>105</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Remains</td>
<td>94</td>
<td>142</td>
<td>155</td>
<td>142</td>
<td>214</td>
<td>1</td>
<td>287</td>
<td>29</td>
<td>70</td>
<td>5</td>
<td>5</td>
<td>252</td>
<td>2642½</td>
<td>323</td>
<td>*</td>
<td>445</td>
</tr>
</tbody>
</table>

* N.B.—Three Cases of Soap (Weight not ascertained at Survey) not included in this Return.

**Notes:**
- **Commissariat returns.**
- **Historical Records of Australia.**
- **Five Cases Worsted Yarn.**
- **Do.**
- **Do.**
- **Do.**
### Statement of Officers on the Civil Establishment of His Majesty's Colony in New South Wales in the Execution of their Respective Duties and absent on leave, March, 1801.

<table>
<thead>
<tr>
<th>Names</th>
<th>Quality</th>
<th>Remarks, etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phillip Gidley King</td>
<td>Governor</td>
<td>Took the Command 28th Sept., 1800.</td>
</tr>
<tr>
<td>John Palmer</td>
<td>Commissary</td>
<td></td>
</tr>
<tr>
<td>Thomas Smyth</td>
<td>Provost Marshall</td>
<td></td>
</tr>
<tr>
<td>Neil McKellar</td>
<td>Actg. Secy. to Govnr.</td>
<td></td>
</tr>
<tr>
<td>Richd. Johnson</td>
<td>Clergyman</td>
<td></td>
</tr>
<tr>
<td>Saml. Marsden</td>
<td>Do</td>
<td></td>
</tr>
<tr>
<td>William Balmain</td>
<td>Surgeon</td>
<td></td>
</tr>
<tr>
<td>James Thompson</td>
<td>Mates</td>
<td></td>
</tr>
<tr>
<td>D'Arcy Wentworth</td>
<td>Assistant</td>
<td></td>
</tr>
<tr>
<td>James Milham</td>
<td>Surveyor of Lands</td>
<td></td>
</tr>
<tr>
<td>Martin Mason</td>
<td>Boat Builder</td>
<td></td>
</tr>
<tr>
<td>Augustus Alt</td>
<td>Do</td>
<td></td>
</tr>
<tr>
<td>Thomas Moore</td>
<td>Do</td>
<td></td>
</tr>
<tr>
<td>Thomas Laycock</td>
<td>Do</td>
<td></td>
</tr>
<tr>
<td>James Williamson</td>
<td>Do</td>
<td></td>
</tr>
<tr>
<td>— Bennett</td>
<td>Do</td>
<td></td>
</tr>
<tr>
<td>John Wilshere</td>
<td>Do</td>
<td></td>
</tr>
<tr>
<td>As Pr. Superintd's List</td>
<td>Do Superintend</td>
<td></td>
</tr>
<tr>
<td>Joseph Foveaux</td>
<td>Actg. Lieut. Govt.</td>
<td></td>
</tr>
<tr>
<td>Charles Haddock</td>
<td>Chaplain</td>
<td></td>
</tr>
<tr>
<td>Thos. Jamieson</td>
<td>Surgeon</td>
<td></td>
</tr>
<tr>
<td>As Pr. Superintd List</td>
<td>Storekeepers</td>
<td></td>
</tr>
<tr>
<td>Charles Grimes</td>
<td>Do</td>
<td></td>
</tr>
<tr>
<td>As Pr. Suptd's List</td>
<td>Do</td>
<td></td>
</tr>
<tr>
<td>Do Do</td>
<td>3 Superintendts. of Convicts.</td>
<td></td>
</tr>
<tr>
<td>Thomas Hibbins</td>
<td>Do</td>
<td></td>
</tr>
<tr>
<td>Fane Edge</td>
<td>Provost Marshall</td>
<td></td>
</tr>
</tbody>
</table>

**Norfolk Island.**

<table>
<thead>
<tr>
<th>Names</th>
<th>Quality</th>
<th>Remarks, etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charles Haddock</td>
<td>Chaplain</td>
<td>Has not made his appearance.</td>
</tr>
</tbody>
</table>

**List of Officers who perform Extra Duties for which they receive no other Payment than the following Remuneration.**

<table>
<thead>
<tr>
<th>Names</th>
<th>Quality</th>
<th>Remarks, etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>William Balmain</td>
<td>Magistrate, Capt. of Association, and Naval Officer.</td>
<td>Has Seven Extra Convicts allowed.</td>
</tr>
<tr>
<td>Charles Grimes</td>
<td>Do at Hawkesbury</td>
<td>Do</td>
</tr>
<tr>
<td>John Harris</td>
<td>Magistrate</td>
<td>Has Five Extra Convicts allowed.</td>
</tr>
<tr>
<td>Thos. Arndell</td>
<td>Do</td>
<td>Do</td>
</tr>
<tr>
<td>Martin Mason</td>
<td>Do</td>
<td>Has Three Extra Convicts allowed.</td>
</tr>
</tbody>
</table>
## 1801.

### 10 March.

**RETURN of storekeepers and superintendents.**

### Enclosure No. 14.

**RETURN of Store-keepers, Superintendents, etc., Employed in New South Wales, March, 1801.**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>William Baker</td>
<td>At Hawkesbury.</td>
</tr>
</tbody>
</table>

**Superintendents.**

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Employment Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>John Gowen</td>
<td>Store-keeper at Sydney.</td>
</tr>
<tr>
<td>2</td>
<td>Rowland Hassal</td>
<td>Manages the Receipts and Issue of Wheat at Parramatta and Toongabbe in the room of Mr. John Jamieson Pay Commences 28th Sept. 1800</td>
</tr>
<tr>
<td>3</td>
<td>Richd. Fitzgerald</td>
<td>Superintends Agriculture at Toongabbe</td>
</tr>
<tr>
<td>4</td>
<td>Nicholas Divine</td>
<td>Superintendant at Sydney</td>
</tr>
<tr>
<td>6</td>
<td>James Bloodworth</td>
<td>Master Bricklayer at Sydney.</td>
</tr>
<tr>
<td>7</td>
<td>John Whitter</td>
<td>Master Carpenter in the room of James Puckey discharged for neglect of Duty. Pay Commences the 4th Jany., 1801.</td>
</tr>
<tr>
<td>8</td>
<td>George Barrington</td>
<td>Superintends the Duty of Constables and Executing the Police Orders. Invalided, half his Salary is paid to John Jennings who does his Duty.</td>
</tr>
<tr>
<td>9</td>
<td>John Jamieson</td>
<td>Has the Care and Superintendance of the whole of the Government's Stock of Horses Cattle and Sheep from 28th Sept. 1800 in the room of Andw Hume Andw Hume and as that Charge is very great, I have fixed his salary at £100 Pr. Annum. the Additional £50 will be drawn for until further Orders.</td>
</tr>
</tbody>
</table>

**Norfolk Island.**

<table>
<thead>
<tr>
<th>No.</th>
<th>Store-keepers.</th>
<th>Employment Details.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>W. N. Chapman</td>
<td>Store-keeper and late Acty. Depty. Comisy is returning to Port Jackson as Depty. Comisy in the room of Mr. T. Laycock who wishes to resign on his Arrival.</td>
</tr>
</tbody>
</table>

**Superintendents.**

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Employment Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Martin Tims</td>
<td>Superintendent of Agriculture.</td>
</tr>
<tr>
<td>2</td>
<td>Alexr. Dollis</td>
<td>Master Boat Builder Appointed.</td>
</tr>
<tr>
<td>3</td>
<td>James Nairne</td>
<td>Superintendent at Phillipburg.</td>
</tr>
<tr>
<td>4</td>
<td>John Wheeler</td>
<td>Master Carpenter in the room of Nathniel Lucas Discharged for misconduct 5th Sept. 1800.</td>
</tr>
<tr>
<td>5</td>
<td>John Drummond</td>
<td>Attendant Beach Master.</td>
</tr>
</tbody>
</table>
KING TO PORTLAND.

ACCOUNT of Former Superintendants and Store-keepers Discharged since the 27th September, 1800.

<table>
<thead>
<tr>
<th>Names</th>
<th>Reason of Discharge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrew Hume</td>
<td>Discharged for a total neglect of Governments Stock Mr. John Jamieson appointed in his room 28th Sept. 1800.</td>
</tr>
<tr>
<td>Walter Broady</td>
<td>Master Blacksmith Discharged for Drunkenness and neglect of Duty the 28th Sept. 1800.</td>
</tr>
<tr>
<td>William Broughton</td>
<td>Appointed Actg. Depty. Commissary of Norfolk Island in the room of Mr. W. N. Chapman coming to Port Jackson in the room of Mr. Thos. Laycock who then resigns.</td>
</tr>
<tr>
<td>James Puckey</td>
<td>Master Carpenter Discharged for neglect of Duty the 4th Jany. 1801.</td>
</tr>
</tbody>
</table>

[Additional Enclosures not numbered.]

SICK, Hurt, &c., from October, 1800, to January, 1801.

<table>
<thead>
<tr>
<th>Month</th>
<th>Civil and Free People</th>
<th>Convicts in Hospital and Quarters</th>
<th>Births</th>
<th>Deaths</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
<td>Children</td>
<td>N.S.W. Corps</td>
</tr>
<tr>
<td>1800.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>October</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>November</td>
<td>11</td>
<td>9</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>December</td>
<td>7</td>
<td>6</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>1801.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>January</td>
<td>3</td>
<td>4</td>
<td>1</td>
<td>6</td>
</tr>
</tbody>
</table>

W. BALMAIN, Surgeon to the Territory of N. S. Wales.

N.B.—The state of births and deaths in this report is accurate as far as comes within our knowledge, but people die and children are born without our being made acquainted therewith.—W.B.

PORT REGULATIONS.

[A copy of these was also forwarded as Enclosure No. 3 to the despatch marked “Separate D” of Lieutenant-Governor King to the Duke of Portland, dated 18th September, 1800.]
ACTING-GOVERNOR KING TO THE AMERICAN MINISTER IN LONDON.

Sir,

Sydney, New South Wales, February, 1801.

Mr. Parry, Commander of the American Ship Follensby, having Cleared out from Rhode Island for this Settlement and China, and having on board a very large Investment of Spirits, intended for this Market, which His Majesty's Instructions Absolutely prohibits being landed, except in such Quantities as may be necessary for the Domestic use of the Officers and Soldiers, Captain Parry has, therefore, been obliged to depart without Selling any part of his Investment, except the Tobacco. As he has requested me to signify that the Landing of Spirits is restricted as above, and that every other Species of Trade is allowed of, such as Tar, Salted Provisions, Tobacco, &c., I shall be glad if this Communication may prevent the Merchants from risqueing their Property by sending Spirits, &c., hither, the Penalty of landing which, without my Permit in Writing, is Forfeiture of Ship and Cargo.

I have, &c.,

PHILIP GIDLEY KING.

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Separate," per brig Trimmer, viâ India; acknowledged by Lord Hobart, 30th January, 1802.)

Sydney, New South Wales,

10th March, 1801.

My Lord Duke,

An opportunity offering of sending this to India, from whence I shall request its being sent overland, I have to inform your Grace that the Porpoise, Royal Admiral, and Anne are arrived here with the people, provisions, and stores put on board those vessells, and that the Lady Nelson arrived here safe the 16th December, having passed thro' Bass's Straits, agreable to your Grace's directions. She is sailed to explore the Straits and the S.W. coast, agreable to your Grace's directions. I have not my dispatches to your Grace by this conveyance, but being too large to be sent overland I do not apprehend they will get home before December next. As they contain every detail I shall only trouble your Grace with what presse: most.

Since I have taken command, I am happy to say, that 921 full rations have ceased being maintained by the Crown: our numbers now victualled, are 2348 full rations, for which we have only 28 weeks salt meat; this I shall prolong as much as possible. But I beg your Grace's consideration of the necessity of sending out more salt provisions, as soon as possible to prevent our being
obliged to kill the breeding and labouring cattle, which will not easily or soon be replaced without a very great expence; Those belonging to Government consist of

<table>
<thead>
<tr>
<th>Young and old females</th>
<th>500</th>
<th>Males</th>
<th>291</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheep F.</td>
<td>501</td>
<td>M.</td>
<td>183</td>
</tr>
</tbody>
</table>

Belonging to individuals ... 150 140 4040 3010

Total of cattle and sheep 650 431 4541 3193

The number of swine cannot be ascertained, having lost a great number by the last inundation at the Hawkesbury; their numbers may be about 4,500. From all which your Grace will observe that to kill the above stock for those victualled by the public would be destroying all our future hopes. Among the papers which your Grace will receive by way of India will be found the most correct statements of this colony. Among them your Grace will find the following calculation as a yearly estimate of the expences of this colony (in our present state) in the article of provisions, viz.:—

- Full rations issued from the stores is 2,348. £ s. d.
  - Value of each full ration is £12 9s. 9d., which for the above number is ... 29,346 16 3
  - Value of grain raised this year by Government, estimate is ... 2,640 0 0
  - Yearly estimate for present numbers, exclusive of stores, clothing, and superintendent's salaries ... 26,706 16 3
  - To be sent from England—Value of salt pork, i.e., 488,384 lb. at 8d. per lb. for one year ... 16,279 5 4
  - Probable sum for grain and sugar purchased in the colony for the above numbers ... 10,427 10 11

There now remains in store 28 weeks' salt meat and 12 weeks' grain for the numbers victualled. I fear it will not be in my power to procure a sufficiency of grain from the settlers to make out the year till the next crop, owing to the inundation having carried away a great part of their wheat stacks at the Hawkesbury; but everything shall be done to make it last the year till the next crops are got in.

I am sorry to say that the number of Irish republicans lately sent to this colony occasion us much trouble; but from the good conduct of the New South Wales Corps, the Association, and English inhabitants, I see no cause for real alarm, but it will be highly necessary to be on our guard.

As I am told no larger letter or different paper than this can be sent overland,* I hope your Grace will excuse this mode of making this early communication respecting that part of our situation which I think it my duty to possess your Grace of as soon as possible.

I have, &c.,

PHILIP GIDLEY KING.

* Note 19.
1801.
10 March.

HISTORICAL RECORDS OF AUSTRALIA.

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked “Separate A,” per the brig Trimmer, *via* India; acknowledged by Lord Hobart, 30th January, 1802.)

Sydney, New South Wales,

My Lord Duke,

10th March, 1801.

By the Royal Admiral and Lady Nelson I had the honor of receiving your instructions* respecting the latter, and your Grace’s letter to Lieutenant Grant (which he received previous to his leaving the Cape) directing him to pass through the straits that separate Van Dieman’s Land from New Holland, which service the enclosure will inform your Grace he has performed; and as his provisions and waters did not allow of remaining any time to explore those straits, he only passed through and was thereby prevented from ascertaining some points that would have been satisfactory.

Two other vessels† have also passed through those straits, but as they were on a voyage of commerce, no other information was obtained from them than that they found an island‡ lying across the entrance of the straits, leaving a channel about 15 leagues wide; therefore, no conclusive chart can be transmitted until the Lady Nelson’s return. That vessel being refitted, caulked, and provisioned for six months, sailed the 6th instant to prosecute the instructions contained in the enclosure, which I hope will meet your Grace’s approbation, and should that vessel return before an opportunity offers of forwarding this letter, I shall communicate such other observations as may occur.

As I received no instructions from any department how that vessel was to be officered, manned, or paid, I have been obliged to act therein from my own judgement, for the good of His Majesty’s service, and furthering the purpose she is sent here for. She has been very liberally fitted out by the Transport Board. The officer who brought her out was directed to deliver her up to me, with her stores, &c., he having a commission for the Supply, which has long been lying here condemned as unfit to proceed to sea. The seamen who brought the Lady Nelson out at very high wages (i.e., four and six pounds a month) were agreed with to be discharged on their arrival here, all which has been complied with, according to the agreement made by the Transport Board, Lieut. Grant having drawn bills on that Board for each man’s wages. There being no other naval officer here than Lieut. Grant, and it being at that officer’s option either to return to England or continue here, I offered him the command of that vessel, which he readily accepted, and for which the enclosure is a copy of the appointment I gave him, wherein you

* Note 4. † Note 20. ‡ Note 21.
KING TO PORTLAND.

will observe the establishment I fixed for that vessel. As I do not consider myself authorised to continue the high wages the other officers and men received for bringing her out, and none of them choosing to re-enter for the wages given in the Navy, I was under the necessity of giving conditional emancipations to some of the best behaved of the seamen among the convicts to enable them to serve on board the vessel, and to receive the pay given in the Navy. This pay will be given them here until I have the honor of receiving further directions on this subject; and I respectfully hope to be informed by the first arrivals what establishment she is to be considered on—whether that of the Navy, the Transport Board, or Colonial. As the good behaviour of those men who are conditionally emancipated to serve in that vessel will entitle them hereafter to a free pardon, I am hopeful that the most beneficial consequences will result therefrom.

Owing to the most unheard-of weather in this country, we have had three inundations at the Hawkesbury within the last two months, which has deprived us of a sufficiency of grain for this year, on which account it will be necessary to despatch the Porpoise when she returns from Norfolk Island to Madras, by way of Bass's Straits, for as much rice as she can stow, which will not be more than 100 tons. In consequence of Governor Hunter having ordered the Reliance to England, and taking the Buffalo home with him, I hope your Grace will consider the necessity of one of those ships being sent out again as her services are much wanted. A similar establishment to that of the Porpoise (without a captain) would be fully sufficient, and perhaps better calculated to render essential service than if so much room is taken up for officers' accommodation, which of course prevents more cattle being stowed. Whenever a peace takes place I shall recommend sending any vessels that may be on this station to Foul Point, Madagascar, for cattle, where they will be got very reasonable, and the voyage will be shortened through Bass's Straits. Enclosed I have the honor to submit to your Grace's inspection my letter to the Admiralty respecting the appointment of myself captain of His Majesty's armed vessel Porpoise, and my reason for so doing, together with the several documents therein alluded to, and for which I respectfully beg your Grace's interference in getting so necessary an appointment confirmed, which the Lords of the Admiralty had provided for by sending me a Commission to command the Reliance.

I have, &c.,

PHILIP GIDLEY KING.
1801.
10 March.

Grant's report of his voyage.

Memorial of Lieut. James Grant, commanding H. M. brig Lady Nelson, to His Excellency Governor King, Captain-General, &c., &c.

Sydney Cove, Tuesday, 16th December, 1800.

May it please Your Excellency,

I am happy to inform you that the Lady Nelson is, through the blessing of God, this evening brought safely to anchor in Sydney Cove without loss or damage of any description whatever, and the crew in perfect health. It gives me infinite pleasure to have it in my power to inform you that the Lady Nelson is equal to any vessel as a sea boat. From the space of ocean she has crossed, and performing a passage to the Cape of Good Hope in the depth of winter, which took me up 97 days constantly at sea, during which time, it will be allowed, we were likely to meet with all the varieties of weather that is common in that quarter, and it is well known are dreadful in their kind at that season of the year. This, I presume, will argue more in her favour than any language I can make use of.

The severity of the weather I met with in the vicinity of the Cape carried away the main and after keels of the vessel, which is the only loss we have met with from weather since we left England, excepting a steering sail boom lost overboard through carelessness when the vessel was laying too in a gale of wind. The vessel without the keels is perfectly safe and as eligible as ever, only it cannot be expected she can hold the same wind. Let that be as it will, I beat a sharp-built Spanish vessel into Table Bay, which I had met with at sea, taken off the River Plate by a privateer from the Cape.

After having made the land at daylight in the morning, it was my intention to go into False Bay, consequently tack'd and stood out to sea while she bore up for her respective port, but the wind shifting to S.E., and at times nearly calm, with a mountainous sea running, I found it was not likely that I shou'd fetch False Bay that day, and having a port open, together with the risk I run, if I staid long out, of being driven off the coast at that season of the year without the keels, I judged it most prudent to secure the port in view, and at 11 a.m. I bore up, when I not only overtook my former companion, but having to beat into the bay I positively was to anchor before him. So much for her without keels. In seven days I had new ones made on the same construction, but fastened in a very different manner, according to my own direction, with the opinion and approbation of Sir Roger Curtis and the Superintendent Builder at that time, to
whom I am indebted for part of the invention, and which I find from the weather I have had since I left the Cape is preferable to the original fast'ning, plans of which, with your Excellency's permission, I mean to lay before you.

The Lady Nelson is perfectly tight in her bottom, but I am sorry to say otherwise in her upper works, which has been the case ever since I left England; not from any fault of the construction, timber, or fast'ning, but their neglect of those who had the caulking of her.

As I had no carpenter on board I was obligated to attempt it myself and found that instead of the seams being fill'd with oakum they had absolutely substituted putty, to the great annoyance of everybody on board besides detriment to the ship and expense to Government, as I had not been a fortnight at sea before I found every spare sail in the ship damaged, which took up much time, canvas, twine, &c., &c., to sett in order again.

I now beg leave to turn your Excellency's attention to the success which has attended my undertakings since I left the Cape.

I received by the Wellesley, extra ship, which arrived at the Cape 11th Sept. last a letter from His Grace the Duke of Portland, stating that it was His Majesty's pleasure that I should pass through a strait in the latitude of 38° south, which I searched for and found in that latitude. Longitude, by calculation, 142° east of Greenwich, as near as I could calculate, not having had a lunar observation for some time before making the land, and not till I had sail'd along the land for seven or eight days. There being no time-keeper on board it is only estimated by calculation. I constructed a plain chart of this strait and the islands I saw, which I humbly present you with. I took the liberty of naming the different capes, bays, &c., for the sake of distinction. One of the most extensive I named after yourself, as it is the largest I met with, and is, by tolerable estimation from the ship's run on the logg, 100 and odd miles nearly due east and west, from cape to cape. The remarks, &c., will be laid before your Excellency as soon as I can put them in a fit dress for you to see them. And I trust that with your approbation the names of the land which no former navigator has seen, if it should turn out so, will not be changed.

It now remains for me only to hope that having tried the Lady Nelson in almost all kinds of weather and very heavy seas, sail'd along an unknown shore, and made a passage from the Cape of Good Hope without going into a higher latt'e than 39° 30' after making the land in 38° south in the space of ten weeks, and arriving without loss or damage safely in your port, that it will prove to the world the merits and abilities of my much-respected
friend, Captain Schank, and further, that my own conduct and endeavours will meet your and his approbation, together with His Grace the Duke of Portland, whose orders I have endeavoured to execute to the utmost of my power.

And with all due respect and gratitude which you and those who are your friends have countenanced me with.

Yours, &c,

JAMES GRANT.

[Enclosure No. 2.]

INSTRUCTIONS TO LIEUTENANT GRANT.*

By Philip Gidley King, Esquire, Captain-General, etc.

His Majesty having judged it expedient that a voyage should immediately be undertaken for the survey of the south or southwestern coast of this country, and for short'ning the passage through the straits discovered and sailed through by Lieut. Flinders on the north side of Van Dieman's Land, by yourself on your voyage hither on the south-west side of New Holland, and by the Harbinger and Margaret brigs from the Cape of Good Hope, nearly in the centre of the said straits, which are distinguished by the name of Bass's Straits, so named after the surgeon of His Majesty's ship Reliance, who first established the certainty that such a passage existed; and the brig you command, together with the Bee sloop, having been equipped, manned, and victualled for that service, you are, in pursuance of His Majesty's pleasure, signified to me by His Grace the Duke of Portland, one of His Majesty's Principal Secretaries of State, hereby required and directed to proceed without loss of time with the said brig and sloop to the southern promontory of New Holland, named by Lieut. Flinders "Wilson's Promontory," and after having very exactly ascertained the latitude and longitude of that point, and also the islands lying off it as far as the Two Sisters, you will proceed to examine how far the two coves described to be in the Kent's Group can afford you shelter. After having satisfied yourself on this point, and not making any delay, you will proceed to Western Port as described in the sketch and manuscript narrative of Mr. Bass (which you are furnished with), for the purpose of determining whether it will afford you shelter, and is of a practicable access, in case you should want to make a port. After having ascertained this point, you will proceed to examine the round of the two bays you describe to the westward of Wilson's Promontory, and as you report not having seen any bottom to these extensive bays in passing across them, you will persevere in exploring them on all sides. In case either of these bays should turn out to be the entrance of a large river or deep

* Note 22.
KING TO PORTLAND.

1801.
10 March.

Instructions to Lieutenant Grant.

63

gulph, or that you should in the further prosecution of these instructions discover any considerable river or deep gulph, you are to navigate up the same as far as the brig or sloop can proceed with safety. But should it appear that those bays are not of any great depth, and when you have completed their survey as far as weather and circumstances will allow of, you will steer S.S.E. 1/2 E. from Cape Albany Otway, when you will fall in with the land seen by the Harbinger and Margaret, which appears to lie S.S.E. 1/2 E. 14 or 15 leagues from the above cape. The coasts and extent of this land you will carefully explore, and endeavour to ascertain if it affords any shelter for ships or smaller vessels. You will also carefully survey the passage between it and Hunter's Island, lying off the north-west point of Van Dieman's Land. In case you completely perform this first part of your intended discoveries in such time that the remains of your provisions may allow the voyage being extended, you are in that case to proceed to King George the Third's Sound, in lat. 35° 05' S., 118° 17 east longe; and as this place has been surveyed and described by Captain Vancouver, without losing any time you are to pursue the coast from King George the Third's Sound to Wilson's Promontory, in which you will endeavour to ascertain the true situation and survey of the coast within those points, keeping one general object in view—that of going to the head of every bay or river you may fall in with; and as it is the first object to make such a survey of the straits as to induce Government to publish it for the advancement of navigation in general, you will not fail pursuing every measure and advantage that may tend to this service being fully and satisfactorily completed, and on which alone must depend your being enabled to pay any attention to the latter part of these instructions. The season being so far advanced, you must use your own judgment whether you can with safety to the vessels persevere in completing this business during the following months. If you should find the weather continually bad, I would recommend your ascertaining the extent and exploring of the land seen by the Margaret and Harbinger, and also of the two bays to the westward of Wilson's Promontory, previous to your return to this port.

In performing this and all such future instructions as may be given, you will take particular care to examine with diligence and survey and place with as much accuracy as circumstances will permit, all such coasts, and lay down upon your chart all such soundings as you think likely to prove useful for the guidance of those who may navigate along those shores in future, and pay especial regard to the examination and accurate delineations of all such harbours as you may discover and judge to be com-
1801.
10 March.

Instructions to
Lieutenant
Grant.

modious for the reception of shipping, and also of such shoals and other dangers as you may from time to time meet with; to fix in all cases when in your power the positions both in latitude and longitude of remarkable headlands, bays, and harbours by astronomical observations; also to observe the variation of the needle and the right direction of and course of the tides and currents, and to record all such observations in your journal with the most minute exactness. When you discover any considerable river, you will navigate up the same as far as the Lady Nelson or Bee can proceed with safety, carefully planning the course and the banks of it, and noting the soundings as you proceed, and to land as often as you see reason to suppose that any considerable variation has taken place either in the productions of the soil, or the customs of the inhabitants, and to examine the country as far inland as you may think prudent to venture with the small number of persons who can be spared from the charge of the vessel, whenever there appears a probability of discovering anything useful to the commerce or manufacturies of Great Britain. You will note in your journal in all places when you land, either on the sea coasts or the banks of a river, your opinion of the comparative fertility of the soil, which may best be judged of by the size of the trees, and the degree of vigour with which trees, shrubs, and plants appear to you to grow, as also such articles of the produce of the soil and the manners of the inhabitants as you may deem worthy of notice; and in all places which appear to you of importance to Great Britain, either on account of the convenience of the shelter for shipping or the probable utility of the produce of the soil, you will take possession in His Majesty's name, with the consent of the inhabitants, if any, under a discharge of musquetry and artillery, and to record the whole proceedings at length, both in your log book and journal, and if uninhabited, to set up some proper description as first discoverer and possessor. And you are to plant such seeds of fruit trees and useful vegetables as you are supplied with near to such landing places as you may discover in which a safe and commodious anchorage and easy landing render it likely that ships hereafter may frequent, and where the soil appears most fertile and productive, and to collect in all places such seeds of trees, plants, shrubs, and grasses, as you may find in a state of maturity and judge to be worthy of notice, either for their beauty, their particularity, or their possible utility, and to collect such specimens of vegetables, animals, and minerals as you may think likely to prove interesting to naturalists at home.
And as I have judged it necessary to direct Mr. George Caley, employed in collecting for the Right Hon'ble President of the Royal Society, to embark on board the brig, you are to receive and victual him, giving him as good accommodation as the nature of the vessel will admit of; and you are not to fail assisting this collector as much as the nature of the service will admit, by sending him in boats to such places as appear likely to be productive of curiosities, and by sparing him men for his assistance, exclusive of a soldier who is always to attend him on shore; and you are to assist him in facilitating as much as possible all such researches as tend to procure a knowledge of the natural history of the country, the customs of the inhabitants, and the advantages of produce both to the commerce and manufactories of Great Britain. I have also allowed Mr. Lewin to embark on board the Bee, for the purpose of collecting, to whom you will also afford such occasional assistance as may be in your power.

Previous to your arrival in this port, on your return you are to demand from the officers and ship's company the journals or any other remarks, drawings, or sketches that may have been made during the voyage. These, together with your own original journals, in which your proceedings of all kinds have been minuted, and the plans, charts, drawings, and sketches you have made, tending to illustrate the hydrography, geography, or natural history of the country, all which journals and drawings are to be sealed up by you, to be delivered to me on your arrival in this harbour; and all such seeds of plants, trees, and shrubs, and specimens of animals, vegetables, and minerals, such articles of the dresses and arms of the natives as you shall think worthy the notice of His Majesty's Ministers or the Royal Society, to be transmitted by me to them. For all which this shall be your authority.

Given under my Hand, this 5th Day of March, 1801.

PHILIP GIDLEY KING.

In addition to the above order, you are to receive on board and victual Mr. Francis Barrallier, Ensign in the New South Wales Corps, and four privates as a guard, who are to be employed in any emergency, keeping watch with the ship's company, and of course are to be under your command. I presume it is unnecessary to caution you against their being ill-treated by any inferior officers, nor are they anyways to be punished without communicating with Ensign Barallier. And from the opinion I have that this officer will be of great help to you in delineating...
such lands, &c., as you may fall in with, and be assisting in your survey, you will employ that officer as may be most conducive to completing the service you are going on.

P.G.K.

[Enclosure No. 3.]

WARRANT OF APPOINTMENT TO LIEUTENANT GRANT.

Sydney, 1st January, 1801.

WHEREAS the Right Honorable the Lords Commissioners of the Admiralty have been pleased to appoint you lieutenant of His Majesty's armed vessel Supply, which has for some time past been condemned as unfit to proceed to sea, and taking into consideration your meritorious conduct in bringing His Majesty's armed vessel Lady Nelson, destined to explore these coasts, and your perseverance in being the first to pass through the straits that separates this country from Van Dieman's Land from the westward; and as you are directed to deliver the vessel up to me, and being directed by His Grace the Duke of Portland, one of His Majesty's Principal Secretaries of State, to employ the Lady Nelson in exploring the coasts of this country, as pointed out by His Grace's instructions to me; and as that vessel has hitherto been under the directions of the Honourable Commissioners for conducting the transport service until her arrival here, where the officers and crew are discharged, and paid the wages as agreed on by the said Transport Board and the said ship's company.

And as the said vessel is now discharged of her stores and ready for being re-equipped, I have judged it necessary to continue her in His Majesty's service for the more effectual prosecution of her intended discoveries.

You are hereby required and directed to repair on board the Lady Nelson armed surveying vessel, and take upon you the charge of lieutenant and commander in her accordingly, strictly charging and commanding all the officers and ship's company subordinate to you, to behave themselves jointly and severally with all due respect and obedience unto you, their said lieutenant and commander; and you likewise to execute the general printed instructions, and all such orders as you may from time to time receive from me or any other your superior officer, for which this shall be your authority.

Given under my hands, &c.

PHILIP GIDLEY KING.

[Enclosure No. 4.]

[This was a copy of the letter to Secretary Nepean, dated 10th March, 1801.]
KING TO PORTLAND.

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Separate B," per the brig Trimmer, via India; acknowledged by Lord Hobart, 30th January, 1802.)

Sydney, New South Wales,

My Lord Duke,

10th March, 1801.

With this I have the honor to enclose a statement of the provisions remaining in His Majesty's stores, with the quantities wanted, and an estimate thereon, and also the general statement of the inhabitants of this colony.

I have also the honor to enclose a voucher* for the purchase of some articles that it was necessary to procure from an American ship, the Diana, which touched here on her way to China; and as those articles were much wanted, I hope your Grace will approve of that purchase. Since then, it has been necessary to purchase a few necessary stores from the master of the Royal Admiral, which will amount to nearly the sum of £481 17s. 10d. sterling, for which payment has not yet been made, nor for † bushels of wheat, &c., purchased from individuals since last September, when I took the command. It amounts, by the Commissary's report, to £2,475 6s., making in the whole nearly £3,289 9s. 4d.

By the Commissary's report, £798 10s. worth of wheat, &c., has been paid into the stores, in liquidation of the debts due to the Crown by individuals, and £1,334 16s. worth remains due, which, I fear, it will not be in our power to collect this year, on account of the inundations that have lately happened.

Agreeable to my instructions, every article now issued from the stores to individuals for their own use is to be paid for, except what is issued to those labouring for the public, which greatly reduces the expenses of this colony. The little spirits that are purchased for the Crown is principally for the use of the constables and overseers, to whom a pint each week has always been given as an encouragement. Some is spared to settlers, at an advantage to the Crown, as well as tobacco, which the Commissary will particularly state in his yearly accounts when they are transmitted; and I hope, now that the whale fishery is established on this coast, and the advantages of the Straits, that your Grace will allow of the articles being sent out for sale to the inhabitants which I specified in my letters by Governor Hunter, and before I left England, which will not only be of service to the inhabitants, but will also greatly lessen the expenses of the colony, which it is my constant study to do by every means in my power, and which I trust the papers sent by this conveyance will fully prove.

I have, &c.,

PHILIP GIDLEY KING.

* Marginal note.—£332 5s. 6d.
† Blank in original.
**[Enclosure No. 1.]**

**Statement of Provisions etc. in His Majesty's Stores in New South Wales to the 14th March, 1801.**

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Quantity remaining in Store</th>
<th>Number of Weeks each kind will last</th>
<th>Weekly Issue for 2348 full Vict. from Store</th>
<th>Quantity Wanted</th>
<th>Time to Complete to</th>
<th>Statement of the Necessary Expence that will incur to pay for the Provisions for ye use of ye Colony for the No. now Vict. from ye Store.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beef</td>
<td>153344 lb.</td>
<td>wk. days</td>
<td>16436 lbs</td>
<td></td>
<td></td>
<td>Suppose Value of Salt Pork to be sent out from England (including Tonnage) to the Crown to be at 8d. pr pound for 713792 pounds —— The reason Pork is demanded in preference to Beef is the very considerable expence it saves owing to its being issued 4 lbs. per Week instead of 7 lbs of Beef. It saves a great expence in Tonnage, Casks, etc., keeps better, and is preferred by those Victualled.</td>
</tr>
<tr>
<td>Pork</td>
<td>174786½ &quot;</td>
<td>18 4—366 lbs</td>
<td>9392 &quot;</td>
<td>713792 lbs</td>
<td>31st of Dec., 1802.</td>
<td>£ 23793 1 4</td>
</tr>
<tr>
<td>Wheat</td>
<td>386½ Bush.</td>
<td>4 and 3581 over</td>
<td>31608 &quot;</td>
<td>23387 Bush.</td>
<td>31st Dec., 1801.</td>
<td>Supposed Value at 8s. pr Bush. for 23387 Bush. £9354 0 0 N.B.—The utmost quantity that Bush. can probably be obtained from</td>
</tr>
<tr>
<td>Wheat belonging to Government supposed in stack</td>
<td>3600 Bushes.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maize in Granary and Growing belong. to Govt. equal to 3000 Bus: Wheat</td>
<td>6000</td>
<td>wk. days lbs.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sugar</td>
<td>1213 lbs.</td>
<td>1 2 80 over</td>
<td>880½ lbs.</td>
<td>44574 lbs.</td>
<td></td>
<td>at 6d. pr lb. for 44574 lbs... 1207 4 3 This will be a considerable saving as the quantity of Grain purchased at the stated price and issued in lieu of sugar far exceeds it in Value.</td>
</tr>
</tbody>
</table>
Since the last Statement Sepr. 28th 1800—438 Prisoners and Soldiers have been received by the Porpoise, Royal Admiral and Anne from England Ireland and the Cape of Good Hope. The Yearly saving made by that Statement of People struck off the Stores, (since July 1800) amounted to £10,488 at £23 each full Ration pr. Ann.

Since then, 485 full Rations, have been struck off the Stores, being assigned to Settlers etc. Out of their times, and Labouring for their own Maintenance, which at the reduced Rate of £15 each full Ration, (owing to the price of Wheat being reduced and knowing the value of the Cloathing) makes a further saving of £7,275; making together, (at £15 each full Ration,) a saving of £14,115 pr. Ann: in the article of Cloathing and Provisions for 941 full Rations Struck off the Stores since July 1800.

It must be observed, that in the within Statement, Salt Provision is demanded in Pork for 17 Months, and the Calculation for Grain and Sugar is for Nine Months, to complete this Year: Therefore, the within cannot be considered, as the Estimate for the whole Year's expence, for the Numbers now Victualled, which will stand thus, for One Year, in the Article of Provisions alone, and not including Cloathing.—

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full Rations now Issued from the Stores</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Value of each full Ration Pr. Ann:  £12 : 9 : 9 for the above Nos.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deduct for Grain, raised by Government Servants</td>
<td>29,346</td>
<td>16</td>
<td>3</td>
</tr>
<tr>
<td>(which it is expected will be increased next Year)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6,000 Bushels of Wheat at 8/ Pr Bushel</td>
<td>2,640</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Yearly Estimate as we now stand, for Provisions exclusive of Cloathing and Stores</td>
<td>26,706</td>
<td>16</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Value of Salt Provisions demanded to be sent from England Pr Ann: is</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Probable sum for Grain and Sugar Purchased in the Colony</td>
<td>16,279</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>Debts due to Government left unpaid in Mr. Williamson's time</td>
<td>10,427</td>
<td>10</td>
<td>11</td>
</tr>
<tr>
<td>Received in Store on above Account 1,081 Bus: @ 10/ Pr. Bushel £540 : 10</td>
<td>798</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Sundries paid by Boston and Ellis £258</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>1,334</td>
<td>16</td>
<td>0</td>
</tr>
</tbody>
</table>

Debts contracted since the 23rd Septr. 1800 to the 10th March 1801            | 1,592 | 5  | 1  |
Received in Store on this Account 1,553 Bushels at 8/- Will take to pay this balance 2,428 Bus: Wheat at 8/- | 621 | 1  | 0  |
                                                                 | 971 | 4  | 0  |
[Enclosure No. 2.]

GENERAL STATEMENT of His Majesty's Settlement in New South Wales, 10th March, 1801.

**Civil Department.**

1 Governor, 1 Acting-Lieut.-Governor and Lieut.-Colonel N.S.W. Corps, 1 Acting Deputy Judge-Advocate and Registrar V.A. Court, 1 Surveyor of Lands, 1 Commissary, 1 Principal Surgeon, 1 Deputy Provost-Marshal, 1 Secretary to the Governor and Lieutenant N.S.W. Corps, 1 Chaplain (absent on leave in England), 2 Assistant Surgeons, 1 Deputy Surveyor, 2 Deputy Commissaries (1 absent on leave in England), 14 superintendents, 2 storekeepers and 2 Frenchmen, 11 women, children above ten years, 6 children above two years, 3 children under two years.

**Military Department.**

Colonel (absent on His Majesty's leave in England), Lieut.-Colonel (Acting Lieutenant-Governor), 3 Captains, 4 Lieutenants, 5 Ensigns, 1 Adjutant, 1 Quartermaster, 1 Paymaster, 1 Surgeon, Surgeon Mates, 21 serjeants, 14 drummers, 439 privates, 108 women, children under ten years old, 127 children above two years old, 64 children under two years old.

**Vice-Admiralty Court.**

Judge, Acting Lieut.-Governor, Registrar (see Judge-Advocate), Marshal, and Serjeant at Mace.

*People not Victualled from ye Stores.*

1,725 men, 608 women, 403 children—2,736, number not victualled from the stores; 2,309, number full rations not victualled from the stores.

*Convicts Victualled from the Stores.*

1,156 men, including 45 settlers and freemen; 275 women, including 56 freewomen and settlers' wives; children above ten years, 265 children above two years, 88 children under two years.

*Loyal Association Victualled.*

50 Sydney; 40 Parramatta.

*Number Victualled at the different rations.*

1,832 whole, 394 two-thirds, 398 half, 155 quarter, 4 natives victualled from the public stores; 2,799, number victualled from the public stores; 2,348, whole number at full rations; 5,515, number of souls in the settlement.

*Settlers.*

387 men; 14 women.

*Week's Provisions in the Stores at the established Rations.*

1 wheat and maize as flour, 12 weeks in stacks, belonging to Government; 9 weeks 3 days beef; 18 weeks 4 days pork; sugar.

STATE of the Settlement on Norfolk Island, 13th March, 1801.

**Civil Department.**

1 Acting Lieutenant Governor, 1 Deputy Judge-Advocate, 1 Acting Deputy Commissary and Storekeeper, 1 Acting Principal Surgeon,
1 Deputy Provost-Marshal, 3 superintendants, 1 master carpenter, 1 beach-master, 2 children under ten years of age, 6 children above two years.

Military Department.
4 Ensigns, 4 serjeants, 4 corporals, 2 drums, 88 privates, 5 women, 6 children above two years of age, 4 children under two years of age.

People not Victualled from the Public Stores.
182 men, 62 women, 4 children above ten years of age, 44 children above two years of age, 16 children under two years of age.

Free People.
8 men, 5 women, 3 children above ten years of age, 5 children above two years, 4 children under two years of age.

Settlers.
7 free people, 12 convicts.

Emancipated.
8 men, 6 women.

Convicts.
201 men, 86 women, 17 children above ten years of age, 126 children above two years of age, 30 children under two years of age.

Numbers on the different Rations.
348 whole, 124 two-thirds, 143 half, 38 quarter. 653 numbers victualled from the public stores; 512 whole number at full rations; 961 number in the settlement.

Weeks Provisions at Established Rations now in the Stores.
4 wheat as flour, 14 pork, 4½ beef.

William Broughton,
Acting Deputy Commissary.

[Enclosure No. 3.]

PAPERS RELATING TO PURCHASE OF ARTICLES FROM THE SHIP DIANA.

Orders to Commissary Palmer.

By etc. etc.

Mr. Jared Gardner, Master of the American Ship Diana having some Salt Beef, about 70 Gallons of Rum, some Tobacco, Three Barrels of Tar, and a quantity of Iron Pots to dispose of and the Colony being in great want thereof, as well for the Public use, as to Issue to Individuals, You will make the most reasonable Terms you can for the Purchase of the same, delivering me a Statement thereof, before you make the bargain. For which this shall be your Order.

Given etc. this 28th November 1800.

Philip Gidley King.

By etc. etc.

You are hereby required and directed to draw a Sett of Bills on the Right Honble the Lords Commissioners of His Majesty's
Treasury at 90 Days Sight for the Sum of Three Hundred and Thirty two Pounds Five Shillings and Sixpence Farthing in favor of Jared Gardner being Payment for several Articles purchased from the American Ship Diana, and transmit by this or the earliest opportunity full Vouchers for the same agreeable to your Instructions from the Lords Commissioners of His Majesty’s Treasury delivering me Two Sets thereof. For which this shall be your Order.

Given etc. this 29th Novr. 1800.

PHILIP GIDLEY KING.

Account and Receipt.

Sydney, New South Wales, Nov. 29th, 1800.

Mr. John Palmer

Commissary to His Majesty’s Territory of New South Wales.

Dr. To Mr. Jared Gardner

Master of the Ship Diana for the undermentioned Provisions and Stores.

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Unit</th>
<th>Description</th>
<th>Unit Price</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>32 Barrels Beef</td>
<td>200 lb.</td>
<td>Pr. Bar.</td>
<td>at £3 12</td>
<td>0</td>
<td>115 4 0</td>
</tr>
<tr>
<td>74 gallons Rum</td>
<td>9 Pr. Gall.</td>
<td></td>
<td>at 5 9</td>
<td></td>
<td>21 5 6</td>
</tr>
<tr>
<td>2450 lbs. Tobacco</td>
<td>94 Pr. lb.</td>
<td></td>
<td>at 2450</td>
<td></td>
<td>94 8 6d</td>
</tr>
<tr>
<td>3 Barrels Tar</td>
<td></td>
<td>42/-  Pr. Bar.</td>
<td>at 3 Barrels Tar</td>
<td>6 6 0</td>
<td></td>
</tr>
<tr>
<td>7 Large Kettles</td>
<td>76 lb.</td>
<td></td>
<td>at 7 Large Kettles at 530 lbs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27 Setts</td>
<td>48</td>
<td></td>
<td>at 27 Setts Do at 1296 lbs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16 Do</td>
<td>36</td>
<td></td>
<td>at 16 Do Do at 760 lbs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>38 Do</td>
<td>20</td>
<td></td>
<td>at 38 Do Do at 760 lbs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30 Do</td>
<td>13</td>
<td></td>
<td>at 30 Do Do at 390 lbs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Large Pots</td>
<td>42</td>
<td></td>
<td>at 4 Large Pots at 168 lbs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Sets</td>
<td>21</td>
<td></td>
<td>at 3 Sets Do at 83 lbs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3623 lbs at 6d. per lb</td>
<td></td>
<td></td>
<td>at 3623 at 6d. per lb</td>
<td>90 11 6</td>
<td></td>
</tr>
<tr>
<td>5 Large Baking Pans</td>
<td></td>
<td></td>
<td>at 5 Large Baking Pans at 18/- each</td>
<td>4 10 0</td>
<td></td>
</tr>
</tbody>
</table>

Received this Twenty ninth day of November One Thousand Eight Hundred of Mr. John Palmer Commissary One Set of Bills of Exchange on the Right Honble. the Lords Commissioners of His Majesty’s Treasury at Ninety Days Sight for the Sum of £332 5s. 6d. Sterling at Par. being Payment for the above Provisions and Stores.

For which I have Signed Five Receipts of this Tenor and Date.

JARED GARDNER.

It is hereby Certified that the above Purchases appear to have been made on the most Moderate Terms.

W. BALMAIN.
ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Military No. 2," per brig Trimmer, via India; acknowledged by Lord Hobart, 30th January, 1802.)

Sydney, New South Wales,

My Lord Duke,

10th March, 1801.

1. I have the honor to enclose Lieut. Col. Paterson's return of the New South Wales Corps, and beg leave to refer your Grace for further particulars to the duplicate of my letter by Governor Hunter, sent herewith.

2. From the scarcity of officers to perform the common duty, I have been under the necessity of appointing Lieutenants Piper and McKellar to the local rank of captains, and to enable Ensigns Barrallier and Anderson to sit at Criminal Courts and General Courts-Martial, I have given them acting commissions as ensigns untill His Majesty's pleasure is known. The former is acting in a death vacancy,* and I respectfully hope may obtain that appointment. They are both deserving young men.

3. The battery on the west side of Sydney Cove has been reconstructed, and is now capable of annoying any vessels with effect. A battery is also in forwardness opposite the entrance of the harbour, which will compleatly prevent any attack from without, and our exertions must soon be turned to securing ourselves from any attempt by the troublesome Irish Republicans, of which so many have lately arrived here, and there being no internal defence whatever. As these works have and will continue to be constructed under the direction and superintendance of Captain Abbott, of the New South Wales Corps, I hope your Grace will be pleased to confirm my appointment of him, as stated in the duplicate of my letter by Governor Hunter, sent herewith, he being very zealous and active in constructing those works, and no other public expence attending them than the convicts' labour.

4. I have pleasure in noticing the general and regular behaviour of the New South Wales Corps.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure.]

[A copy of the return of the New South Wales Corps has not yet been found.]

ACTING-GOVERNOR KING TO UNDER SECRETARY KING.

(Per brig Trimmer, via India; acknowledged by Under Secretary Sullivan, 4th February, 1802.)

Dear Sir,

Sydney, New South Wales, 10th March.

By the round of India I have the opportunity of sending my dispatches, altho' I have my doubts whether a quicker conveyance may not offer.

* Note 23.
By my letter to the Duke of Portland you will observe that I have endeavoured to make the clearest possible calculation of the unavoidable expences of this colony, and I hope you will allow that much has been done in reducing these expences. I do not despair of doing it still more so, notwithstanding the many hindrances daily thrown, or attempted to be thrown, in my way. It will be absolutely necessary to send salt meat out, and that as soon as possible, otherwise I fear for the cattle, which every policy requires should be very sparingly touched for some time to come, as we are in a fair way of getting as independent in three or four years for animal food as I hope we shall continue for grain, altho' the knowing ones here predict a want of [that] article from the restrictive laid on spirits.

A dealer, or rather the agent of a dealer, is gone to England with an intention of prosecuting me for ordering about two hundred gallons of liquor to be staved,* he having, in disobedience of orders, purchased some convicts salt provisions just as it was received from the stores, for spirits, the actual consequence of which was that the convict must either rob, or do worse, to maintain himself for the remainder of the week. The master of an American ship† has wrote home to his owners to cause a complaint to be made that I would not suffer him to land 13,000 gallons of spirits. In fact, I have so many things of this kind to contend with, that I must be callous to them until the ends which so loudly call for a check are got under, and I hope not to be deceived in the support I expect from His Majesty's Ministers; for that I cannot look to any person here except Col. Paterson, whose exertions I place much confidence in.

It has been impossible for me to detail the losses of individuals from the floods that have so often happened here during the last four months. Many are ruined, and much grain and stock totally destroyed.

If many more of the Irish Republicans are sent out here I do not know what will be the consequences. I shall do my utmost to prevent any bad ones; but they certainly are not a proper description to people an infant colony with. They have hitherto kept us in a constant state of suspicion.

By the Anne I received a letter from you respecting a young man sent out here as a botanist, named Gordon. It appears that he is employed by a Mr. Woodford, who has neglected to send me any directions respecting supplying this man with £8 per month, which he informs him in his letter and his agreement that he has done. The man is victualled from the store, and I have given him assistance.

I hope the contract for the cattle from India will be thought

* Note 24. † Note 25.
advantageous when it is considered how much less they will cost than those formerly brought here, and I will answer for it that they will come at least £50 a head cheaper than any brought here by a king's ship. The asses we want much as a breed.

I wished much to strike the ration of sugar off, but found it unadvisable in our present state. The ration of all species is as directed by the Treasury order. Unless any advantage should be considered in my drawing such bills as are wanted, I can see no objection, but as the Commissary cannot draw any but by my order, if that part of my duty can be spared I should be glad, as I have much, very much, to attend to, and in fact ought never to be off my legs, but constantly overseeing all descriptions. I hope the business of getting my letter ready will excuse my writing a longer letter. With every wish for your health and happiness.

I am, &c.,

PHILIP GIDLEY KING.

P.S.—The person I have appointed to act as Judge-Advocate, in the room of Mr. Dore, deceased, is a Mr. Atkins, who you have heard much about. His history, Mr. Manton (who will apply for his confirmation) will inform you of. He is brother to Sir George and General Benger—in fact he is the only man in the colony equal to the business, of which he acquits himself very well, and I hope will continue to do so, altho' I am sorry to say he is sometimes addicted to the bottle; but he has made very fair promises, and I dare say will attend to them as far as he can. It is doubtful to me if a fitter man can be sent from England for the present salary.

Acting-Governor King to Secretary Nepean.

(Per brig Trimmer, *via* India; acknowledged by Secretary Nepean, 5th May, 1802.)

Dear Sir,

Sydney, New South Wales, 10th March, 1801.

By His Majesty's Armed Vessel Porpoise, which Arrived the 6th November last, I had the Honor of Receiving a Commission from their Lordships appointing me Captain of His Majesty's Armed Vessel Reliance, and as Governor Hunter had some time ago ordered that Ship to England, and having taken the Buffalo home with him, I judged it necessary, for the furtherance of His Majesty's Service, to Appoint myself Captain of His Majesty's Armed Vessel Porpoise; and as the Duties of my Office as Governor requires my general Attendance on Shore, I gave Mr. Scott, who brought the Porpoise out, an Order to Act as Lieutenant and Commander in my Absence, but without any wish on his part of being Confirmed as such, he being an old Master in the Navy.

It was my intention not to increase the Complement of the
1801.
10 March.

The complement of H.M.S. Porpoise.

Arrival of the Lady Nelson.

Floods at the Hawkesbury.

Porpoise, but since her return from Norfolk Island, Mr. Scott having represented the necessity of such an Augmentation, I have taken it on myself to make the Arrangement Contained in the Enclosures, which I hope will meet their Lordships' Approbation, as it is now far short of any Armed Vessel that has hitherto been on this station.

3. The Lady Nelson Armed Surveying Vessel Arrived here the 16th last December, Lieut. Grant had (agreeable to the Directions he received from His Grace the Duke of Portland) Passed thro' Basses Straits which Separates New Holland from Van Dieman's Land. As his Provisions and Water did not allow of his remaining any time to Explore those Straits, he only Passed thro', and was thereby prevented from Ascertaining some Points that would have been Satisfactory——[The remainder of paragraph 3 and paragraph 4 were replicas of the second and third paragraphs respectively of the despatch to the Duke of Portland, dated 10th March, 1801, and marked "Separate A."]

5. Owing to the most unheard of Weather in this Country, we have had Three Inundations at the Hawkesbury within the last Four Months which has Deprived us of a Sufficiency of Grain for this Year, on which Account it will be necessary to Despatch the Porpoise, when she returns from Norfolk Island to Madras by way of Basses Straits for as much Rice as she can Stow which will not be more than 100 Tons. In Consequence of Gov. Hunter having ordered the Reliance to England, and taking the Buffalo home with him, I hope their Lordships will judge proper to order one of those or a Similar Ship to this Colony, as we feel the want of another Vessel very much. And I would Respectfully propose that she might be sent out on the same Establishment as the Porpoise was, with Respect to Officers, except being Commanded by a Lieutenant instead of a Master, and having the same Complement of Petty and Able as that Vessel now has.

I am etc.,

PHILIP GIDLEY KING.

[Enclosure A.*]

WARRANT TO P. G. KING AS COMMANDER H.M.S. PORPOISE.

By Captain Philip Gidley King, Captain-General and Governor in Chief, in and over His Majesty's Territory of New South Wales and its Dependencies etc. etc. etc.

HAVING received a Commission from the Right Honorable the Lords Commissioners of the Admiralty, dated the 6th February, 1800,* Appointing Me Captain of His Majesty's Arm'd Vessel Reliance; and as that Vessel, as well as His Majesty's Arm'd

* Note 26. † Note 27.
Vessel Buffalo, are gone to England, and the good of His Majesty's Service requiring that I shou'd appoint myself captain of His Majesty's Arm'd Vessel Porpoise:

I do therefore take upon Myself the charge and Command of Captain in her accordingly, strictly charging and commanding all the Officers and Company of the Said Arm'd Vessel to behave themselves jointly and severally in their respective Employments with all due respect and obedience unto Me, their said Captain, holding Myself accountable to observe and execute the General printed instructions, and such Orders and directions as I may from time to time receive from the Right Honorable the Lords Commissioners of the Admiralty, or any other My Superior Officers for His Majesty's Service.

Given under My Hand, &c., 6th Day of November, 1800.

PHILIP GIDLEY KING.

[Enclosure B.*]

WARRANT TO WILLIAM SCOTT AS LIEUTENANT COMMANDING H.M.S. PORPOISE.

By etc. etc. etc.

WHEREAS it is Necessary for the furtherance of His Majesty's Service in this Colony, that the Second in Command on Board this Ship shou'd have Rank as a Lieutenant in His Majesty's Navy in this Colony, And that the same may be of no prejudice to your future prospects as a master in His Majesty's Navy:

You are therefore hereby requir'd and directed to take upon you the charge of Lieutenant and Commander, in My absence, of His Majesty's Arm'd Vessel Porpoise, strictly charging and commanding all the Officers and Company of the said Ship to behave themselves jointly and severally in their respective Stations, with all due respect and obedience unto you, their said Lieutenant and Commander; And you also to follow such Orders and directions as you may from time to time receive from Me, or Any other Your Superior Officer, for which this shall be your Authority.

Given under my hand, on board His Majesty's Arm'd Vessel Porpoise in Sydney Cove New So' Wales this 6th Day of November, 1800.

PHILIP GIDLEY KING.

[Enclosure C.*]

WARRANT ENTERING GOVERNOR KING ON THE BOOKS OF H.M.S. PORPOISE.

By etc. etc. etc.

HAVING receiv'd a Commission from the Right Honorable the Lords Commissioners of the Admiralty appoint'g me Captain of His Majestys Armed Vessel Reliance and that Vessel being gone

* Note 26.
to England and no other Kings Ship in this Country And having judg'd it necessary for the furtherance of His Majestys Service to appoint myself Captain of His Majestys Arm'd Vessel Porpoise. And as I have also judg'd it necessary that the Officer commanding that Vessel under me should have the rank of Lieutenant in this Colony and having appointed you to act as Lieutenant and Commander of His Majestys Armed Vessel Porpoise (during the time you remain in this Colony only) to enable you to carry on the Command of that Vessel with greater efficacy in my Absence.

You are therefore hereby requir'd and directed to cause my Name to be entered on the Porpoise's Books as Captain from the Day of the date hereof. And as my Duty as Governor requires my general attendance on shore, You are to check me for provisions except at such times as the Service requires my being on board for all which this shall be your Authority.

Given under my Hand on board His Majestys Armed Vessel Porpoise Sydney Cove New So. Wales this 6th Day of November 1800.

PHILIP GIDLEY KING.

To

Mr. Wm. Scott Master in the Royal Navy appointed to Act as Lieut. and Commander of His Majesty's Armed Vessel Porpoise.

[Enclosure D.*]

Establishment of H.M. Armed Surveying Brig Lady Nelson.

Vizt.

<table>
<thead>
<tr>
<th>Rank</th>
<th>Quantity</th>
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<tbody>
<tr>
<td>Lieutenant and Commander</td>
<td>1</td>
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<tr>
<td>First Mate</td>
<td>1</td>
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<tr>
<td>Second Mate</td>
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<td>Boats'ns Mate</td>
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<td>Carprs Do</td>
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<td>Gunners Do</td>
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<td>Clerk</td>
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<tr>
<td>Able and Ordrs</td>
<td>8</td>
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<tr>
<td>Boys of ye 2nd Class</td>
<td>2</td>
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17

[Enclosure E.*]

Establishment of H.M.S. Porpoise.

In Consequence of an Admiralty Commission being received by me to Command His Majesty's Armed Vessel Reliance: That Ship and the Buffalo having returned to England by Governor Hunter's Orders and there being no other Kings Ship on the

* Note 26.
Station I have therefore judged it expedient for His Majesty’s Service to Appoint myself Captain of His Majesty’s Armed Vessel Porpoise and have given Mr. Willm. Scott order to Act as Lieutenant and Commander of that Vessel in my Absence on the Duties of the Colony and in Consequence of Mr. Scott’s Representation hereunto Annexed I have judged it expedient to Order him to encrease her Complement as follows until Directions are Received thereon from the Right Honble the Lords Commissioners of the Admiralty.

(Vizt.)

1 Captain
1 Master, Acting as Lieut. and Commander in the Absence of the Captain while the Vessel remains on this Station.
1 Chief Mate, Acting as Master—recommended to retain the pay, fixed by the Navy Board. £5 Pr. Month.
1 Second Do.—Acting as Masters Mate, recommended as above, pay fixed by the Navy Board £4 Pr. Month.

1 Surgeon
2 Midshipmen
1 Boatswain
1 Gunner
1 Carpenter
2 Quarter Masters
1 Do Mate
1 Boatswains Do
1 Sail Makers Do
1 Carpenters Do
1 Armourers Do
1 Gunners Do
1 Quarter Gunner
1 Corporal
1 Cook
1 Clerk
34 Able, Ordinary and Landsmen
1 Boy 1st Class
1 Boy 2nd Class
2 Boys 3rd Class

60

N.B.—The Compensation for Commiss’d and Warrant Officers’ Servants submitted to their Lordships pleasure.

Warrants dated the 10th Feby. 1801 given to the Acting Master, Boatswain, Gunner and Carpenter.

[Enclosure F.*]

WM. SCOTT TO ACTING-GOVERNOR KING.

Porpoise, Sydney Cove, New South Wales,

Sir, 9th Februy, 1801.

I beg leave to represent to you that during the time the Porpoise was off Norfolk Island discharging one Cargo and receiving another, which for the Welfare of His Majesty’s Ship

* Note 26.
I judged prudent to do under Sail, there being no safe Anchorage about that Island; being obliged to perform this Service under Sail I found the Complement of Officers and Men allowed by her original Establishment inadequate to perform the necessary Duty of the Ship, being necessitated to work to Windward Night and Day under Moderate Sail, and to Employ all Hands during Day, Delivering and receiving Cargoes. Finding I had not Men sufficient to perform the duty required I made Application to the Acting Lieut: Governor, Major Foveaux to furnish the Ship with such Free Men as he could Recommend from Norfolk Island to assist in the execution of the duty she had to perform. The Major seeing the necessity of such Aid, sent on board the Men named in the Margin* which have remained on board since.

As the Porpoise is now refitting to proceed off Norfolk Island on Similar Service I beg leave to submit to your Consideration the propriety of adding those Men to the Original Compliment of the Ship on the day they were first sent on board, as well as to authorize me to Appoint a 3rd Mate at £3 Pr Month, a Clerk at the pay of a 6th rate, there being at present none allowed, and to grant Warrants to the Boatswain, Gunner, Carpenter, and Sail Maker, I presume you will consider it probable that those being very deserving and Capable Men will be more Attached to His Majesty's Service and the welfare of the Porpoise when in Possession of Warrants than at present, and as the nature of the Service on which she has, and no doubt will continue to be employed renders it absolutely necessary, I should have such Officers as I can place full Confidence in, I have no doubt but you will judge my Application founded on propriety.

I have etc.,
WM. SCOTT.

[Enclosure G.†]

By etc. etc.

In Consequence of your representation by Letter of Yesterdays Date respecting the insufficiency of the Complement of His Majesty's Armed Vessel Porpoise, to Perform the Duties which are allotted to that Vessel; That you wish to have another Officer, who you can depend on as a Third Officer and that you are of opinion; If the present Boatswain, Gunner, and Carpenters Mates were provided with Warrants that His Majesty's Service would be much benefited thereby.

Having maturely considered the necessity of making a small Addition to her present Complement and to place her nearly on the Establishment of His Majesty's Armed Vessels that have

* The margin is blank.  † Note 26.
hitherto been on this Station, You are hereby required, and
Directed to Conform to the Establishment annexed to this Order,
and to deliver the enclosed Acting Warrant to the Chief Mate
as Master, and the Acting Warrants to the Boatswain, Gunner,
and Carpenter, For all which this shall be your Authority.

Given etc. this 10th Day Feb'y. 1801.

PHILIP GIDLEY KING.

To

Mr. William Scott, Master in His Majesty's
Navy; Acting as Lieut. and Commander
of His Majesty's Armed Vessel Porpoise in the
Absence of the Captain.

[Enclosure H.*]

ESTABLISHMENT of His Majesty's Armed Vessel Porpoise as fixed on by the Honorable Commissioners and Principal Officers of His Majesty's Navy, to bring that Vessel to this Colony.

(Vizt.)

1 Master 1st Rates pay
1 Chief Mate £5
1 Second Do £4
1 Surgeon —
1 Boatswain's Mate 6th Rate
1 Gunner's Do Do
1 Carpenter's Do Do
1 quartermaster's Do Do
1 Armourer's Do Do
1 Sail Maker's Do Do
1 Cook —
1 Boy 3rd Class
34 Able or Ordinary —

[Enclosure I.*]

By etc. etc.

You are hereby directed to Discharge by Pay list from the Books of His Majesty's Armed Vessel Porpoise, Mr. John Murray Second Mate, at his own request, to enable him to serve in His Majesty's Armed Surveying Vessel Lady Nelson, For which this shall be your Authority.

Given etc. 10th Feb'y. 1801.

To

Mr. Wm. Scott Acting as Lieutenant and Commander of His Majesty's Armed Vessel Porpoise in the Absence of the Captain.

[Enclosure J.*]

LIEUTENANT GRANT TO ACTING-GOVERNOR KING.

H.M. Armed Survey Brig Lady Nelson,

Sir, Feby. 17th, 1801, Sydney Cove, N. S. Wales.

As my Accounts of Deliveries, Receipts and Expenditure are now delivered in—And you was pleased to inform me that
you would suffer me to draw for the Pay due to me, from the Honorable Commissioners of the Transport Board for the Conducting of the Lady Nelson from England here; and which Pay was to Commence from the date of my Discharge from H.M. Ship Queen Charlotte in order to take upon me the Command of the Lady Nelson, which took place on the 19th day of Octr. 1799 the above Document bearing Date the 18th Octr. 1799, I now solicit that Indulgence. But no stated Agreement having ever taken place between the Honorable Gentlemen of the above Board and me, further than a Verbal understanding, which if I mistake not Amounted to the Sum of Ten Pounds Sterlg per Calendar Month or otherwise the Pay of a Master of a First Rate which however not being notified by them—it would be Arrogance in me to point out any particular Gratuity for Such Service.

I therefore leave it to your Judgment to determine what Sum I am at liberty to draw for, and what form you would wish to have the Bills Drawn, fully trusting that the Success which has attended my Endeavours the size and Construction of the Vessel—the nature of the Service which I have already performed—will in some Measure entitle me to your Excellency's Indulgence and Protection.

I have etc.,

JAS. GRANT.

[Enclosure K.*]

ACTING-GOVERNOR KING TO LIEUTENANT GRANT.

Sir,

Sydney, Feby. 17th, 1801.

In answer to yours of this Date, respecting your being paid for the time you have Served on board the Lady Nelson, viz. from the 18th October 1799 (when you were Discharged from the Queen Charlotte) until the 1st Jany. 1801 when that Vessels Crew received Payment here, by Bills drawn by you on the Honorable Commissioners of the Transport Board; I can see no objection myself to your taking the same Step for such Wages as may be due to you; and which I can have no objection to your doing, but I should suppose the safest way, will be, for you to draw for the pay of a Master of a First Rate, for which there are two Precedents in this Colony, respecting the Masters† who brought out the Porpoise and the Buffalo—The Ordinary Modes of Drawing Bills is what I would recommend to you and to give the Secretary a particular Letter of Advice Specifying your Reasons for having so done.

I have etc.,

PHILIP GIDLEY KING.

[Enclosures.]

[Copies of enclosures 1 to 3, see pages 60-66 of the despatch to the Duke of Portland dated 10th March, 1801, were also sent as enclosures to this despatch.]

* Note 26. † Note 28.
KING TO TRANSPORT COMMISSIONERS.  

(Despatch per the brig Trimmer, via India; acknowledged by the Commissioners, 31st December, 1801.)

Gentlemen, Sydney, New So. Wales, March 10th, 1801.

By the Royal Admiral which arrived 21st November I Despatches per Royal Admiral. received your Letters of 1st April and 9th May 1800 with their several inclosures, also the Public Stores and Provisions were received according to the Bills of Lading; The Commissary's Receipts for which, together with those that came by the Porpoise and Ann Transport, I have transmitted to His Majesty's Principal Secretary of State for the Home Department, The Deficiency of Convicts Mr. Wilson accounts for by their having died of a fever, I cannot but in Justice to Mr. Wilson, observe that the appearance of the rest (altho' still in a very weak and Crippled state) sufficiently testifys the great attention he must have paid to prevent any further mortality among them; His Conduct here has been extremely proper and conformable to the tenor of his Charter party: The Cargo was all delivered before the allowed time expired; As the Surgeon died on the Voyage, I take no further notice of your enclosure on that point.

By the Lady Nelson, which arrived here the 16th Decr. I received the Articles specified in Lieut. Grants reports and receipts, which I have directed him to forward to your Honble Board by this Conveyance—Among the papers I received from your Honble Board respecting the Lady Nelson, I found the agreement made by Lieut. Grant on your part and the People that brought that Vessel out. In consequence of that agreement and the Sums therein stated, I directed Lieut. Grant to pay them off; the best mode of doing which I considered was by his drawing separate Bills approved by me for each man's Wages, on your Honble Board, and the payment witnessed by two Magistrates; I have directed Lieut. Grant, to transmit an original voucher by this Conveyance for your Information.

Altho' the Rate of Wages to the Officers and Men has been provided for; Yet, there does not appear to have been any notice taken of Lieut. Grant and as his Want of Money has been urgent since his arrival here, I have been at a loss how to remunerate him for his services in bringing that Vessel to this port, to the period when he discharged his Crew; As I could only act from the precedent afforded by the Navy Board's arrangements respecting the Masters who brought the Porpoise and Buffalo to the Colony, I have recommended him to draw on your Honble Board for the Amount of a Similar Payment i.e. Six pounds a Month, which I take will be that thought that Officers due.
1801.
10 March.
The passage of Bass' Strait.

Lieut. Grant on his way here passed thro' Basses Straits, his directions and a rough Sketch of his rout as well as two other Vessels* that have passed through since I have transmitted to the Secretary of State, And recommended its being communicated to your Honble Board for the Information of Vessels that may be taken up to come to this Colony, When the advantage of passing thro' this safe passage, instead of rounding the South Cape, must be very great in tear and time as well as dispatch.

As I had no directions how to Officer or Man the Lady Nelson for the further prosecution of her intended discoveries, and not considering myself at liberty to continue the high Wages paid for bringing her out; And understanding that Lieut. Grant was under no obligation to continue in the Command of her (having a Commission for the Supply which has long since been lying here a condemned Hulk) And as there is no other person I could entrust her with, at my request he very readily kept the Command: And, as only Two of those who came out in her Ask to re-enter for the Pay given in the Navy, I found myself under the necessity of granting Conditional Emancipations to some well behaved Seamen among the Convicts who have been here a number of Years (to enable them to serve on board her and receive the Navy pay: As I have made a similar report to the Secretary of State and Admiralty, I hope to be informed by the first Vessels whether that Vessel is to be considered on the Establishment of the Navy, Transport Board or Colonial.

The Anne Transport arrived from Cork the 16th Utto. On the passage an Attempt was made by the Irish Convicts to Murder the Master and Officers and posses themselves of the Ship. Fortunately the Master was rescued, after being obliged to fire on the Convicts who had him in their possession, and the Insurgents were overcome. It appears that the Master and Officers found it necessary to hang one of the principal Ring Leaders and to shoot another in the affray; For which the Master and the Chief Mate have been tried by a Vice-Admiralty Court, and been most honorably acquitted, The Proceedings of that Court are transmitted by this Conveyance to the Judge of the Admiralty Court.

I am sorry to say, that notwithstanding the Care you have taken, in the Charter Parties, respecting No Spirits being landed without the Governors permission: Yet, no Ship coming from England, or Ireland, ever brings less than 8,000 Gallons of Spirits; I have requested the Secretary of State to cause all Masters of Ships, being prohibited from bringing more than 500 Gallons: Under the restrictions contained in the Port Orders of which I inclose a Copy, and should be obliged to you to cause.

* Note 20.
its being shewed to every Master of a Vessel, taken up for this place; That they may not plead ignorance of a duty it is so much their Interest to be ignorant of: This being the only means to check this alarming evil.

I have enclosed a copy of the Musters taken on board the Royal Admiral and Anne Transport, on their Arrival and

I have, etc.,

PHILIP GIDLEY KING.

[Enclosures.]

[A copy of the Port Orders was also forwarded as Enclosure No. 3 to the despatch marked "Separate D" of Lieutenant-Governor King to the Duke of Portland, dated 18th September, 1800; copies of the musters on the transports Anne and Royal Admiral have not yet been found.]

ACTING-GOVERNOR KING TO THE COMMISSIONERS OF THE NAVY.

(Despatch per the brig Trimmer, via India.)

Gentlemen,

Sydney, March 10, 1801.

His Majesty’s Armed Vessel Porpoise (which is now at Norfolk Island) arrived here 9th Novr. last. By that Ship the Articles put on board her were received, but in very bad condition, from the great length of time they had been on board*: By that Ship I received a Commission from the Admiralty Appointing me Capt. of H.M.A.V. Reliance, That Ship and the Buffalo being both gone to England, I took it upon me to Appoint myself Captain of the Porpoise, And Mr. Scott, I appointed to act as my Lieutenant and Commander of that Vessel in my absence, while she remains on this Station; but it is necessary I should inform your Honble Board, That my reason for giving and his for accepting that appointment, was the additional respectability it gave him with the Ships Company, on this particular Station, where no recourse can be had to Courts Martial. He therefore remains in point of pay and situation as a Master in the Navy according to your Appointment: Since his return from Norfolk Island, he has found the Complement insufficient and on his representation, I have Caused the Establishment of that Vessel to be increased to 60, Until I receive further directions: Documents of all which are transmitted to the Admiralty by this Conveyance.

By the Royal Admiral Transport, I had the honor of receiving your Letter to Governor Hunter together with all the Naval Stores put on board that Ship.

I have, etc.,

PHILIP GIDLEY KING.

* Note 29.
10th April, 1801.

Dear Sir,

I received your's dated March 11th, 1800, and am much obliged to you for the information you gave me respecting the Remuneration which I found by a Letter of later date that you have paid it to my Agent. It is a very pleasant Strike off from the Debtor side of his Books.

I am very sorry for Mr. Sykes's not attending to get the Money for the Superintendents and others, as it has placed a great degree of mistrust on their minds, exclusive of the great disappointment they experience in not finding their Bills on him answered as they have reason to expect, particularly when they send their Certificates home regularly.

If the disappointment has been great to the numbers he is Agent for, it is still more distressing to a Man named Martin Timms, who has constantly been returned ever since July, 1793, as Superintendent of Convicts at Norfolk Island, and, indeed, he is the only one that has continued there, and he is still in that situation. By a letter from Mr. Sykes it appears that you informed him that Timms "must be paid in this Country," which cannot be done otherwise than by drawing for it, and you are the person on whom those Bills are to be drawn, by the Duke of Portland's directions, and not the Treasury.

If this circumstance should admit of any doubt or explanation, you will find that Timms, by the returns to the Secretary of State and Treasury, has constantly been returned as Superintendent of Convicts' on Norfolk Island since July, 1793; That he has been the only one who has remained in that Situation until the present period; And that notwithstanding The establishment of Norfolk Island was made separate from that of New South Wales in 1797, for the year 1798, yet the Two additional Superintendents fixed by that Establishment were not appointed (until after I took the Command), 13th January, 1801; And as Martin Timms has ever been the Third Superintendent and never been paid, of course, it strikes me that the proper Fund to pay him from will be from the Salaries arising to you from the Estimate for three Superintendents on Norfolk Island (where one only has been employed until last January), at £50 each, including the year 1798-99 and 1800 up to January, 1801, making the Unclaimed Sum of £475 up to last January remaining in your hands. Timms's Salary from July, 1793, up to last January amounts to £368 13s. 4d.; But he received £25 from me as a part of his Salary in 1794 (which is all that he ever has received or
any person for him), consequently £343 13s. 4d. remains his due up to the time on which I have drawn on you for, and which I make no doubt you will honour on this Explanation.

I observe what you say respecting the Moiety of my additional salary as Lieut.-Governor of Norfolk Island, and make no doubt but Capt. Townson has got over the difficulty which I apprehend will occur with respect to his successor, Capt. Rowley, who remained in the Execution of that office from the time Capt. Townson left it, Nov. 1799, to the time of Major Foveaux's Arrival, 26th July, 1800, when he took the Command, to whom I make no doubt the whole Salary will be given, As I was assured that I should receive the whole Salary for this Government; consequently the whole of the Norfolk Island Salary will be paid to Major Foveaux—indeed, both are very hard earned.

To this I have annexed such returns as may assist you in any matter of Doubt respecting the Civil Establishment here. Another confused business which has been left by me to settle is respecting the Surveyor and Deputy Surveyor. This business is this: Mr. Grimes, the Deputy Surveyor (and whose proper place is Norfolk Island), has been here these seven years past, a great part of which time, it appears, that he has done the entire Duty of the Surveyor-General, who has long been incapable of doing any, or the least, Duty, owing to Age and failure of Eyesight. Some time previous to my taking the Command, Mr.Alt, the Surveyor-General, made over the half of his pay to the Deputy Surveyor, by a Letter to Governor Hunter, but from some Irregularity it appears that neither the one or the other has been paid, for want of Certificates being sent to you, And that the Surveyor has received no part of his Salary for the last four Years, In consequence of which, and the great distress he is in. I have directed the Commissary to draw on you for £91 5s., being only half of the four years' Salary due, how the other part remains to be settled must be determined by the Certificates now sent.

Since I took the Command the Surveyor has been reported by the Surgeons unable to do His Duty; in consequence I have appointed the Deputy to do the duty of Surveyor-General, the latter has sent a memorial to His Majesty, and I hope something will be done for so old a Servant of the Crown. But, at any Event, from the period of the Surveyor being incapable of his duty, the person who does it will receive the Moiety of his Salary.

With this you will receive Information from Mr. Commissary Palmer of his having drawn on you for the pay of Superintendents who have no Agent in England up to this Date. This mode of drawing for the Salaries of this description of Officers on the
Civil Establishment is conformable to the direction of the Secretary of State and the Secretaries of the Treasury. And as such I suppose no Difficulty can be made in making the Payments by you, as you have of course received the Sums long before these Bills can possibly come to your hands.

You will observe that I have directed Mr. Commissary Palmer to draw on you for my Secretary's Pay from September 20th, 1800, when I took the command, to April 2nd, 1801, when I appointed Mr. Wm. Neate Chapman to be my Secretary, as appears by the Inclosures.

By this Conveyance I have transmitted a Survey held on Mr. Alt, by which he is invalided, and a memorial from him to the Secretary of State praying for some provision.

Mr. Laycock, who was appointed by Major Grose, Deputy Commissary, in the room of Mr. T. Freeman, deceased, November 6th, 1794, Informs me that his Agent has not received his pay for the whole of that period, which he naturally conceives he has a claim to. I have given him as full a Certificate as his case seems to require, and shall be obliged to you for your attention to his Claim, by the return you will observe that he resigned his Situation as Deputy Commissary 2nd April, 1801, and that I have appointed Mr. W. N. Chapman to that Office in his stead.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosures.]

[Copies of the returns and certificates have not yet been found.]

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Separate B, with General Letter No. 4," per whaler Albion; acknowledged by Lord Hobart, 29th August, 1802.)

Sydney, New South Wales,

My Lord,

The Colonial schooner† being now so very weak that it is not safe to send her to Norfolk Island, and the Porpoise being wanted for more distant voyages, together with the employment of Colonial vessels being greatly increased by the necessity of having a small vessel to accompany the Lady Nelson in her surveys, and as the master of a brig, which arrived not long ago from the Cape, was compelled to offer her for sale, and as she could not be purchased by any of the inhabitants, consistent with His Majesty's instructions, and a vessel of that kind being much wanted to go between this and Norfolk Island to carry supplies and bring salt pork from thence, I directed a survey to

* Note 30.  † Note 31.
be taken of that vessel, a copy of which I enclose, also an inventory of her masts, rigging, and furniture. The sum demanded by the proprietor was £1,500. The offer I made him was £700, which, although much less than her real value, was the utmost I considered myself at liberty to offer, and to which he thought proper to agree, after one week's hesitation; and as that vessel is coppered and fit for sea, I directed the Commissary to make the payment agreeable to the enclosed order, and for which I have the honor to enclose a set of vouchers. The purchase of this vessel and the mode of payment, not being made by bills, I hope will meet your Grace's approbation, as she will supply the place of another King's ship for the present at a hundredth part less expense to the Crown. She is now going to Norfolk Island for the salt meat that has been so long remaining in the stores on that island, and will be kept actively employed, and in a profitable manner, for the service of the colony. As some expence will attend our present Colonial vessels, I enclose a list containing every particular of these vessels for your Grace's information, which I hope will be approved.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

A REPORT OF THE SURVEY
on the Brig Harbinger Captain Black.

As Follows

1. The Hull sound and good.
2. The Waterways quickwork and Paint Streaks are in want of Caulking.
3. There is a want of two knees to support her Stern frame.
4. The leaden Scuppers want shifting and new ones put in their places.
5. The Copper Sheathing is worn in many places and the wooden Sheathing under the Copper appears to us to want Caulking.
6. The Masts are seemingly in good order.
7. The Rigging itself is good and by mending the service round the Mast Head and other little jobs that may be wanting to the rigging will do very well for a twelve Months Service or more. The Mast heads are good and likewise the Yards. The sails we have not seen.

T. MOORE, Master Ship-Wright.
W. HOUSE, First Officer Anne Transport.
HISTORICAL RECORDS OF AUSTRALIA.

Order to Commissary Palmer.

By etc. etc. etc.

The Committee for Erecting the County Jail in this Settlement having reported to me the Completion of that Building and that they have paid into your hands the Sum of £460 15s. 2d. being the unpaid part of a Sum of Money advanced by Order of Governor Hunter on the part of the Crown to enable them to carry on that work, and to repay it when the Funds appropriated for that purpose would enable them, And a Sum of £412 2s. 9d. having been received by you from the Officers Civil and Military in Payment for the Port Wine sent by Government in the Royal Admiral for the accommodation of the Officers; And as I have judged it necessary to purchase for the Public use of this Colony the Harbinger Brig of 56 Tons, with her Masts Yards Rigging and Furniture as Per Survey and Inventory thereof for the Sum of Seven Hundred Pounds Sterling. You will therefore pay that Sum out of the above amount in your Hands taking proper Vouchers for the same; delivering me Two sets thereof and informing the joint Secretaries of His Majesty's Treasury of this Transaction. For which this shall be your Order.

Given etc. 27th June 1801.

PHILIP GIDLEY KING.

Documents relating to the Purchase of the Schooner Harbinger.

KNOW ALL MEN by these Presents that I John Black late Master of the Schooner Harbinger, but at present residing in Sydney in the Territory of New South Wales, being duly authorised, constituted, and appointed lawful Agent for Michael Hogan Esq. Merchant of the Cape of Good Hope, Owner of the said Vessel Harbinger and having full power and authority from the said Owner to dispose of the said Vessel, in such manner as to me may appear most beneficial for his Interest, have (divers good causes me thereunto moving) for and in consideration of the Sum of Seven Hundred Pounds Sterling Money of Great Britain to me well and truly paid on delivery of these Presents (in such manner as per receipt annexed to this Instrument) sold transferred and delivered over to His Excellency Philip Gidley King Esquire Governor and Captain General in and over the aforesaid Territory of New South Wales the said good Vessel called the
Harbinger, built at Quebec in July, 1797, of the burthen of about 56 Tons 2 Masts etc. as per Register Granted at London in October, 1797, and now delivered up to the said P. G. King Esquire together with her Masts Yards Sails Rigging and Furniture as per the annexed Inventory, as she now lies in this Port of Sydney Cove for the use and Service of His Majesty to have and to hold the said Vessel Harbinger, hereby resigning all Claim or title whatever to the said Vessel or her appurtenances on the part of the said Owner, Michael Hogan, his Heirs, Executors, Administrators or Assigns for ever. In Witness whereof I have hereunto set My Hand and Seal at Sydney as aforesaid this Twenty Sixth Day of June in the Year of Our Lord One Thousand Eight Hundred and One.

JOHN BLACK.

Sydney, New South Wales, 3rd August, 1801.

RECEIVED of John Palmer Esq. Commissary of Stores and Provisions of New South Wales Seven Hundred Pounds Sterling in pursuance of an Order from His Excellency Philip Gidley King Esquire Governor General Commander in Chief, etc. etc. being payment for the aforesaid Vessel the Harbinger. For which I signed Five Receipts of this same tenor and date.

JOHN BLACK.

INVENTORY OF STORES.

The Masts Yards and Rigging Compleat.
Two Bower Anchors
1 Kedge
1 Grapnel
1 9 Inch Cable about 110 Fms.
1 8 Do " 90 Fms.
1 Hawser " Do. ",
1 Do " 30 "
2 Spare Topmasts
Boat with Masts Sail and Oars
6 Studding Sail Booms
Caboose Compleat
Deep Sea Lead and Line
3 Hand Do
3 Steering Compasses
3 ½ Minute Glasses
3 ½ Do Do
Logline and Keel
3 Spare Pump Boxes
6 Buckets
2 Crow Bars
½ Barrel Tar
5 Fms. Junk
Sundry Marlinspikes, Carpenters' Tools, etc.
[Enclosure No. 4.]

**Government Vessels employed for the Public Service of His Majesty's Colony in New South Wales 30th June, 1801.**

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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Supply</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Condemned</td>
<td>Employed to receive empty casks and other stores; will be converted into a receiving hulk for incorrigible convicts.</td>
</tr>
<tr>
<td>Lady Nelson</td>
<td>Brig</td>
<td>60</td>
<td>Built in 1798</td>
<td>Lt. and comm'r. 6</td>
<td>6 0 0</td>
<td>72 0 0</td>
<td>In good repair.</td>
<td>Arrived from England in December, 1900; has since surveyed western port in Basses Straits, and is now on the survey of Hunter's River, where the coals are; in September she goes to prosecute the survey and discoveries in Basses Straits, and on the south-west coast of New Holland.</td>
</tr>
<tr>
<td>Norfolk, late Harbinger.</td>
<td>Brig</td>
<td>56</td>
<td>Purchased May, 1801; built in '97 of Quebec oak.</td>
<td>Master 1 mate 6 able seamen.</td>
<td>16 10 0</td>
<td>208 10 0</td>
<td>Do</td>
<td>Is now gone to Norfolk Island for salt meat; will be employed in the summer months in assisting the Lady Nelson in her survey of the south-west coast.</td>
</tr>
<tr>
<td>Francis</td>
<td>Schooner</td>
<td>40</td>
<td>Came in frame from England, per Pitt. March, 1792.</td>
<td>Master 1 chief mate 5 able seamen.</td>
<td>16 10 0</td>
<td>190 0 0</td>
<td>Very weak and wants great repairs.</td>
<td>Has been very actively employed in going between Port Jackson and Norfolk Island, bringing grain from Hawkesbury, and coals from Hunter's River.</td>
</tr>
<tr>
<td>Bee</td>
<td>Sloop</td>
<td>11</td>
<td>Long boat decked.</td>
<td>Master and 3 men who receive an extra ration from the stores.</td>
<td></td>
<td></td>
<td>In good repair.</td>
<td>A very useful vessel for bringing grain, &amp;c., from the different settlements, and many other very useful public purposes.</td>
</tr>
<tr>
<td>Two long boats</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Constantly repairing.</td>
<td>Variouslly employed in the Harbour.</td>
</tr>
<tr>
<td>Three pinnaces</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Three small boats</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A large flat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Vessels Building.**—Cumberland schooner, 28 tons; will be finished about September next. Portland brig, 160 tons, in frame; no shipwrights to finish her. Two boats.

**PHILIP GIDLEY KING.**
The Victualling Board to Governor Hunter.

(Per the transports Canada, Minorca, and Nile; acknowledged by Acting-Governor King, 2nd February, 1802.)

Sir, Victualling Office May 13th 1801.

Having shipped on board the undermentioned Transports, consigned to your Excellency the following quantities of Beef and Pork for the subsistence of the Convicts intended to be carried out in them during the space of nine Months after their arrival at New South Wales vizt.:

<table>
<thead>
<tr>
<th>Vessels Names</th>
<th>Masters Names</th>
<th>Beef, 8-lb. pieces</th>
<th>Pork, 6-lb. pieces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nile</td>
<td>Jas. Sunter</td>
<td>756</td>
<td>2,014</td>
</tr>
<tr>
<td>Canada</td>
<td>Wm. Wilkinson</td>
<td>840</td>
<td>2,173</td>
</tr>
<tr>
<td>Minorca</td>
<td>Jno. Leith</td>
<td>840</td>
<td>2,173</td>
</tr>
</tbody>
</table>

We beg leave to acquaint that the Invoices and Masters Bills of Lading for such Provisions will be forwarded to you by the Vessels to which they respectively relate; And we have to request you will be pleased to cause proper receipts to be granted to the Masters, for what they shall severally deliver.

We have, &c.,

Jno. Marsh Jno. Rodney Fras. Stephens
R. S. Moody Jno. Harrison.

The Transport Commissioners to Acting-Governor King.

(Per the transports Canada, Minorca, and Nile; acknowledged by Acting-Governor King, 2nd February, 1802.)

Sir, Transport Office, 23rd May, 1801.

We have to acquaint you, that, in Obedience to the Directions of the Right Honorable the Lords Commissioners of His Majesty’s Treasury to provide for the Conveyance of 208 Male and 100 Female Convicts to New South Wales, we have engaged the Three Ships named in the Margin* to perform that Service; and the whole of them being now about to leave the River for Portsmouth, we inclose to you, for your information and Guidance, the following Documents by the Minorca, one of the said Ships, vizt.

Copy of the Charter Party.

Invoice of Medicines put on board for the use of the Convicts during the Voyage, the remainder whereof if any, upon the arrival of the Ship at the Colony, the Surgeon has Directions to deliver to your Order.

* The margin is blank (see note 32).
Invoice and Bill of Lading of 110 Setts of Cloathing for Male Convicts, consigned to your Address.

We have, etc.,

RUPT. GEORGE.
W. M. HY. OTWAY.
JN. HUNT.

P.S.—We also inclose to you for your further information, a list of Medical Necessities put on board this Ship for the use of the Convicts etc. during the Voyage.

Tons.

<table>
<thead>
<tr>
<th>Ship</th>
<th>Tons</th>
<th>Master</th>
<th>Convicts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minorca</td>
<td>407</td>
<td>John Leith, Master</td>
<td>104 Male Convicts</td>
</tr>
<tr>
<td>Canada</td>
<td>403</td>
<td>Wm. Wilkinson, do</td>
<td>104 Male Convicts</td>
</tr>
<tr>
<td>Nile</td>
<td>322</td>
<td>Jas Sunter, do</td>
<td>100 Female Convicts</td>
</tr>
</tbody>
</table>

[Enclosures.]

[Copies of these papers have not yet been found.]

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

My Lord,

Sydney, 26th May, 1801.

1. Enclosed I have the honour to transmit vouchers for the payment of articles which it has been unavoidably necessary to purchase on the public account from the supercargoes of the ship Missouri, cleared from Philadelphia for this port.

2. I also subjoin a separate list, containing those articles, and the necessity of purchasing them, which I hope will be approved of, as I have observed the strictest economy, and, I may add, forbearance, in not purchasing many articles that we are totally destitute of, for carrying on the public works that are absolutely necessary, and with which that ship abounds, as your Grace will observe by the enclosed list of her cargo, which the supercargoes were assured, previous to their leaving America, would be purchased immediately on that ship's arrival by Government; but expecting to receive some stores by the Earl Cornwallis, which I hear is on her passage hither, I have directed the Commissary to purchase such articles only as could not be done without.

3. The last payment made for grain received into His Majesty's stores from individuals (from the time of my taking the command, September 28th, up to the 31st December, 1800), was by bills drawn in favour of Mr. Wilson, master, and Mr. Skeene, mate, of the Royal Admiral transport, as by voucher transmitted to your Grace and the Secretaries of the Treasury, per Trimmer, via India. Since then a greater quantity has been necessarily received, payment for a part of which has been made to the supercargoes of the Missouri, for articles supplied those who gave the grain into the publick stores, a voucher for which I have
the honor to transmit by the Albion, south whaler, which leaves this port for England direct next month. I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

VOUCHERS FOR THE PURCHASE FROM THE CARGO OF THE MISSOURI.

By etc. etc. etc.

You are hereby required and directed to draw a Set of Bills on the Right Honourable the Lords Commissioners of His Majesty’s Treasury at Ninety Days Sight for the Sum of £807 12s. 3d. in favor of Messrs. Bridges and Hickson Super Cargoes of the American Ship Missouri being Payment for several Articles Purchased from that Vessel, and transmit by this or the earliest opportunity full Vouchers for the same agreeable to your Instructions from the Lords Commissioners of His Majesty’s Treasury delivering me Two Sets thereof.

For which this shall be your order.

Given etc. 6th May 1801.

PHILIP GIDLEY KING.

To John Palmer Esq. Commissary.

Sydney, New So. Wales, 6th May, 1801.

Mr. John Palmer
Commissary to His Majesty’s Territory of New So. Wales.

Dr. To Messrs. Bridges and Hickson of the Missouri American Ship.

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Total Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>13736 Pounds Beef</td>
<td>1</td>
<td>7½d.</td>
<td>429 5 0</td>
</tr>
<tr>
<td>16663 do Iron</td>
<td>1</td>
<td>5d.</td>
<td>347 2 11</td>
</tr>
<tr>
<td>1 Dozn. German Steel Hand Saws (best)</td>
<td>6</td>
<td>15s. Per Doz</td>
<td>6 17 6</td>
</tr>
<tr>
<td>6 do Pit Saw Files</td>
<td></td>
<td>410 0</td>
<td></td>
</tr>
<tr>
<td>7 do 8 inch Cross Cut and Saw Files</td>
<td>10/-</td>
<td>do 3 10 0</td>
<td></td>
</tr>
<tr>
<td>6 do Small Files (assorted)</td>
<td>4/4</td>
<td>do 1 6 0</td>
<td></td>
</tr>
<tr>
<td>6 do 11 Inch Flat Files</td>
<td>21/-</td>
<td>do 6 6 0</td>
<td></td>
</tr>
<tr>
<td>3 do 9 do</td>
<td>13/6</td>
<td>do 2 0 6</td>
<td></td>
</tr>
<tr>
<td>2 do Save Edge Files</td>
<td>7/6</td>
<td>do 15</td>
<td></td>
</tr>
<tr>
<td>5 do 6 Inch half round Files</td>
<td>6/-</td>
<td>do 1 10 0</td>
<td></td>
</tr>
<tr>
<td>1½ do Files</td>
<td>7/6</td>
<td>do 11 3</td>
<td></td>
</tr>
<tr>
<td>17 do Files Assorted</td>
<td>7/6</td>
<td>do 6 7 6</td>
<td></td>
</tr>
<tr>
<td>1 do 8 Inch Files</td>
<td>10/-</td>
<td>do 10 0</td>
<td></td>
</tr>
<tr>
<td>1 do Round Files</td>
<td>10/-</td>
<td>do 10 0</td>
<td></td>
</tr>
</tbody>
</table>

Advance 50 Per Cent

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>34 11 9</td>
<td></td>
</tr>
<tr>
<td>17 6 10</td>
<td></td>
</tr>
</tbody>
</table>

Current Ex. 166½ is

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>52 0 7</td>
<td></td>
</tr>
</tbody>
</table>

807 12 3
[Enclosure No. 2.]

List of Articles purchased by Commissary Palmer for the Publick use in New South Wales by Order of His Excellency Governor King from the American Ship Missouri with the necessity for purchasing each Article vizt.

<table>
<thead>
<tr>
<th>Articles</th>
<th>Necessity for the Purchase</th>
</tr>
</thead>
<tbody>
<tr>
<td>13736 lbs. of Beef</td>
<td>There being only Fifteen Weeks Salt Meat remaining in the Store at a Full Ration for the Numbers Victualled.</td>
</tr>
<tr>
<td>Iron</td>
<td>There being only Four Tons of Iron remaining in the Stores and an additional quantity being wanted for a new Sett of Gun carriages Mill work and several other indispensable purposes which are to be done only at the Expense of the Crown.</td>
</tr>
<tr>
<td>Saws and Files</td>
<td>Not one saw left in the Publick Stores to do the Work that is absolutely necessary. The old Files so much worn down as to be incapable of being cut over again.</td>
</tr>
</tbody>
</table>

**ACTING-GOVERNOR KING TO THE COMMISSIONERS OF THE NAVY.**

*(Per whaler Albion.)*

Gentlemen, Sydney, N.S.W., May 26th, 1801.

His Majesty's Armed Vessel Porpoise under my Command, having been, and will still continue to be in want of Stores, which the Stores in this Colony cannot always furnish out of those sent from England, which will occasion the necessity of purchasing from Masters of Vessels arriving here, or from Individuals in the Colony; And as I am instructed that the Expences attending any of His Majesty's Ships or Vessels arriving on this Station, should be kept apart and distinct from the Contingent expenses of the Colony; I have judged it proper to give the Commissary an Order, of which the enclosed is a Copy, and have directed him to draw on your Honorable Board for the Amount of such Articles of Stores, as have been occasionally purchased for the use of the Porpoise; As that Vessel has been almost constantly at Sea since her arrival, it was necessary to supply her, with all the Cordage we had in Store previous to her departure for Otaheite, to procure Salt Pork; And as that Ship will want a suit of Sails, very soon after her return from thence I enclose a demand for the same which I have to request may be forwarded by the first Vessel, as they will be much
TRANSPORT COMMISSIONERS TO KING.

wanted before they can possibly arrive; and as whalers will be constantly coming here I beg leave to point them out, as a sure and quick conveyance.

I have, etc.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

[A copy of the order to the commissary has not yet been found.]

[Enclosure No. 2.]

Sydney, N.S.W., May 26th, 1801.

A DEMAND for Boatswains Stores for the use of His Majesty's Armed Vessel Porpoise. Vizt.

A suit of Sails complete
Six Coils of Five Inch
Six do of Three and a half Inch
Six do of Two Inch
Six do of One Inch

PHILIP GIDLEY KING.

THE TRANSPORT COMMISSIONERS TO ACTING-GOVERNOR KING.

(Per the transports Canada, Minorca, and Nile; acknowledged by Acting-Governor King, 2nd February, 1802.)

Sir, Transport Office, 8th June, 1801.

We herewith, enclose to you, Copies of the Instructions which we have given to the Master and Surgeon of each of the three Convict Ships, Minorca, Canada, and Nile now about to sail from Portsmouth and we request that upon their arrival at the Colony you will have the goodness to cause particular inquiry to be made into the manner in which these Persons have conducted themselves in their respective Duties on the Voyage, and either grant them Certificates of good Conduct, if it shall appear to you that they have been deserving of encouragement, or, on the contrary apprize us of any neglect, or Misbehaviour that proper notice may be taken of the same upon their return to this Country.

We are, etc.,

RUPERT GEORGE.
AMBROSE SERLE.
WM. AY. OTWAY.

[Enclosures.]

TRANSPORT COMMISSIONERS TO MASTERS OF THE CONVICT SHIPS, MINORCA, CANADA, AND NILE.

Sir, Transport Office, 8th June, 1801.

It being absolutely necessary that the Ships under your Command should be furnished with a sufficient number of Scrapers, and everything proper for keeping the Vessel sweet and clean, the better to preserve the Health of the Convicts and
Passengers during the Voyage to New South Wales, We desire that every requisite article of this nature may be laid in previous to the Vessels sailing, And We inform you that you are every day, when the Weather will admit of it, to cause a Proportion of the Convicts to be brought upon Deck for the benefit of Air, and see that their Births be properly cleansed and ventilated. You are carefully to note these particulars in your Log-Book, which you are to produce to the Governor of New South Wales upon the landing of the Convicts upon Oath if required. A Certificate must be produced at the Office upon the return of the Ship, setting forth that the Governor is satisfied with your conduct, particularly as to what relates to the victualling and Treatment of the Convicts upon the Voyage; on the production of which you will be recompensed for your Assiduity and Humanity by a present in Money, at the Discretion of the Secretary of State. On the other hand, for any neglect in performing these essential Duties, You will be prosecuted with the utmost Severity.

We are, &c,

RUPERT GEORGE.
JOHN SCHANK.
WM. AY. OTWAY.

TRANSPORT COMMISSIONERS TO THE SURGEONS OF THE CONVICT SHIPS, MINORCA, CANADA, AND NILE.

Sir,

Transport Office, 8th June, 1801.

We inform you that you are to keep a Diary during the Voyage to New South Wales, not only relative to the Sick and Medicines, but also to the Daily number of Convicts admitted upon Deck, to the times when the Decks were scraped, the Ship fumigated, the Births cleaned and ventilated, and all other circumstances which may either immediately or remotely affect the Health of the Crew or Convicts. No reward will be given to you in case of your omission to state these particulars. You are to show your Diary to the Governor upon your Arrival at New South Wales, for his Examination upon Oath, if required, and to receive a Certificate from him that you have done so, and that your Duty has in every respect been properly performed, on the production of which you will be recompensed for your Assiduity and Humanity, by a Present in Money, at the discretion of the Secretary of State. On the other hand, any neglect in performing these essential Duties will not fail to be properly noticed.

We are, &c,

RUPERT GEORGE.
JOHN SCHANK.
WM. AY. OTWAY.
THE DUKE OF PORTLAND TO ACTING-GOVERNOR KING.

(Despatch per transport Nile; acknowledged by Governor King, 1st March, 1802.)

Sir, Whitehall, 19th June, 1801.

Your dispatches by the Buffalo of the dates and numbers mentioned in the margin* have been laid before the King, and I take the opportunity of the departure of the Canada, Minorca, and Nile, which are on the point of sailing to Port Jackson, to return answers to such parts of your correspondence as appear to me to be material.

I entirely approve the measures you have taken for reducing the expences of the settlement, by discharging from the stores all those convicts who are not altogether employed in the service of the Crown, with the exception of two convicts allowed as servants to each civil and military officer; but it should be understood by those officers, that in all cases where they themselves cultivate lands and raise stock that they are to feed all the convicts allowed to them, without any exceptions whatever.

The five convicts allowed to each magistrate, appears to me to be too many, but knowing your attention to publick economy, I am willing to leave it to your local experience and discretion to diminish that number in such degrees as you may think proper.

I shall only further observe on this head that where any officer, civil or military, shall be found to convert to his own use or benefit the labour of any individual convict who works for the Crown, all the convicts allowed to such officer should be immediately resumed, and added to those employed in the public service.

I am sorry to observe that so small a portion of ground has been cultivated on the public account, and particularly that those tracts of land more immediately set apart for that purpose should have been leased and granted to individuals.

As soon as the other publick works of a more pressing nature are completed, you will not of course fail to increase the number of agricultural labours for the publick, under which denomination I include those who act as herdsmen, and take care of the live stock.

The articles which have been sent out by the Walker, Royal Admiral, Earl Cornwallis and Porpoise, will shew the means that have been taken to supply the wants of the settlement, and to enable individuals to avoid the scandalously exorbitant prices of dealers, by purchasing from the publick depôt at 30 per cent. profit on the prime cost to cover all charges of freight, risque, and loss by retail.

* No. 1, No. 2, General No. 3, 28th Sept., 1800, Separate A, B, C, D, E, G, Military No. 1 (see note 6).
I now send triplicate invoices of all the articles sent by the last-mentioned vessels, and by the within copy of my letter to the Lords Commissioners of His Majesty's Treasury you will find that I have made provision for a constant and regular supply of all necessary articles for the settlement, including salt provisions for those entitled to rations from Government, up to the period when it may be expected that the necessity of sending salt provisions from hence will be so far diminished as to admit of a considerable annual reduction in that article, until the necessity of sending it shall cease altogether.

I have compared your list of articles wanted for the colony, with the lists of articles sent by the Walker, Royal Admiral, and Earl Cornwallis, and you will observe by the within-statement in what particulars your receipts exceed your demands, and in what they fall short of it.

I am sorry that the ships now about to sail are so full as to be incapable of receiving any other articles than those contained in the within list; but you may rely upon receiving a supply of those articles of necessity in which you are most deficient by the vessels which will sail with convicts from Ireland in the course of a few months.

The measure of numbering and marking the cattle belonging to the Crown* was very proper, and should be repeated regularly, as well to ascertain their real increase as to guard against their being stolen.

I shall take the opportunity of the return of the Buffalo, or of such other ship as shall replace her, to send some of our cattle to the settlement.

In answer to the paragraphs numbered 9, 10, and 11 of your general letter, I refer you to mine to the Lords of the Treasury, which will inform you of the steps I have taken for regulating the supplies for the settlement.

The instructions you have given to the Commissary, as stated in paragraph No. 11, are in every respect well calculated to prevent the abominable frauds which have been committed on the public stores. The last supply of articles for weaving sent by the Walker, will enable you to begin the manufacturing of flax, as proposed in paragraph No. 12.

On the subject of the wool cards, I refer you to a private letter from Mr. King, which will go by this conveyance.

I shall submit to the Committee of Privy Council for Trade the suggested alteration of the Act for regulating the whale fishery.†

In consequence of your representation in paragraph No. 14, His Majesty has been pleased to appoint Lieutenant-Colonel

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* Note 33. † Note 34.
Paterson Lieutenant-Governor of New South Wales; and I enclose you his commission.*

From paragraph No. 15, and your other letters, I am happy to find that the timely discovery of the seditious conduct of the Irish convicts has prevented their doing any mischief; and I trust that the precautionary measures you have taken, added to the species of militia which you have formed and established from among the settlers, will prevent any further attempts to disturb the peace of the settlement, which, if necessary, must be prevented by the most rigorous and prompt execution of the laws, in a Government so peculiarly circumstanced as yours is.

In consequence of the representations you have made in your separate letter, A,† I have received His Majesty's pleasure to appoint Major Fouveaux Lieutenant-Governor of Norfolk Island, and within I transmit to you his commission.

I shall take further notice of that part of your public correspondence inclosed in your separate letter, B,† if occasion should call for it.

I highly approve of the measures you have taken, as stated in your separate letter, C,† for the formation of an institution for the support and education of those children who are left without any other resource; but care should be taken strictly to confine this institution to children of this description, and to oblige all those to maintain their own families who have the means of so doing.

I shall not object to the payment of the bills drawn for the purchase of cattle and other articles purchased of Governor Hunter, Major Fouveaux, and Captain Kent. But with respect to your proposal to purchase the stock and property of Captain McArthur I am of opinion that the purchase on the part of Government should be confined to that part of his live stock which will be the means of improving the breed, namely, to the English cattle and the Spanish sheep. The horses and the mares cannot be slaughtered, and will be more useful to the settlement as private property than as belonging to the Crown. Considering Captain McArthur in the capacity of an officer on duty with his regiment, I can by no means account for his being a farmer to the extent he appears to be, and I must highly disapprove of the Commanding Officer of the Corps to which he belongs allowing him or any other officer to continue in such contradictory situations and characters.

I am of opinion that Captain McArthur's farm, in the possession of an industrious and thriving settler (who alone can be the purchaser), will be fully as advantageous to the settlement as in
the hands of the Crown. The evil, and a great one it is, consists in individuals who are not settlers (and whose characters and situations necessarily incapacitate them from ever becoming so), being enabled at the publick cost to do that which should have been done by the publick itself in the first instance.

After what I have said, it is almost unnecessary for me to approve of your having published His Majesty's instructions which forbid all officers, civil and military, being concerned in the improper importation and traffick in spirituous liquors.* I trust that nothing will make you relax in enforcing those instructions; and moreover to strike at the root of this evil, you must in the most vigorous and effectual manner enforce the Orders which forbid all masters of vessels to land any spirits without your license for that purpose. Any master of a vessel who disregards those Orders should not be allowed to remain in your port an hour, nor should he ever be suffered to return to it.

In consequence of the representations which I have made to the Lords Commissioners of the Admiralty, their Lordships will order the Buffalo to return to New South Wales as soon as she can be got ready; and they will send out by her the necessary commission for vesting in you the same authority over the naval force in the settlement as Governor Hunter possessed. I am also to add that their Lordships conceive the Porpoise cannot be placed in better hands than those of Mr. Scott, who is represented to be an attentive, diligent officer.

I do not disapprove of your having purchased the articles brought by the John Jay, American ship, and am glad to observe that in the disposal of part of her cargo, you have begun at last to defeat the evils arising from the want of a more enlarged store for retail.

In answer to your military letter, I have only to transmit to you for your guidance and direction the within copies of letters which I have received from the Commander-in-Chief on that subject, and from the Barrack-Master General.

You will receive inclosed a list of the convicts to be sent out in the Canada, Minorca, and Nile, in which you will find stated the periods for which they are respectively transported according to their several sentences. An account of the settlers who go to New South Wales in the above vessels will be communicated to you in a separate letter from Mr. King; and I have to desire that you will make a separate annual return of the settlers and emancipated convicts.

I enclose you the Parliamentary Estimates for the colony for this and preceding year.

I am, &c.,

PORTLAND.

* Note 36.
THE DUKE OF PORTLAND TO THE TREASURY COMMISSIONERS.

My Lords,

Whitehall, 29th May, 1801.

Enclosed I transmit to your Lordships a list of articles necessary to be sent out yearly to New South Wales, consigned to the Governor of that Settlement, to be disposed of to the Inhabitants for Money, or given in Exchange for Grain or Animal Food supplied His Majesty's Stores (exclusive of Stores, Implements, &c., sent for the use of Convicts at Public Labor), 30 per Cent. to be charged on all such Articles to indemnify Government for Freight, Losses, and issuing in small quantities. And I am to desire your Lordships to give directions for purchasing the same, as well as to direct the Commissioners of Transports to send them out yearly in the South Sea Whalers, or other Vessels destined to the Colony, in such proportions as those Ships can receive them in.

The advantage which Government, as well as the Settlers, will derive from this mode of proceeding (until the communication between this Country and New South Wales shall become more frequent and regular) is very considerable. At present the charges made by individuals on such Articles of necessity as are specified in the said List are calculated on a profit of from One Hundred to five Hundred per Cent.

It will be also necessary to ship for the use of the Settlement in the first Vessels from this Country 250,000 lbs. of Salted Pork, or a proportionate quantity of Salted Beef, if the former cannot be procured, which will compleat the demand of the Settlement for Salted Provisions to the end of March, 1802.

As a considerably less proportionate quantity of Pork than of Beef is necessary, the advantage of sending the former instead of the latter (if it can be done) is obvious, both in respect of price and Tonnage.

It seems also advisable that the Board of Victualling should be early apprized of the quantity of salted Provisions which it will be necessary to send out annually to New South Wales; And I take this Opportunity of informing your Lordships that from the Calculation I have made from the last Despatch received from the Settlement, it will be necessary to send 492,428 lbs. of Pork,* or a proportionate quantity of Beef, annually for three Years to come, commencing from September next, including as a part of the Supply for the first year the 250,000 lbs. above-mentioned.

* Marginal note.—Value at 8d. per Pound, £16,414.
At the end of three years, as your Lordships will perceive from the within Extract of a Letter from Gov'r King, this quantity may begin to be diminished gradually in every succeeding Year, until such time as the Live Stock of the Colony shall be sufficient for its consumption.

At the same time that the Commissioners of Victualling are apprised of the Annual quantity thus wanted, I submit to your Lordships that the Board of Transport should be directed to provide Freight for the same in the South Sea Whalers, at such times and in such quantities as the former Board can furnish it; and that the Commissioners of Victualling should always keep the Transport Board apprised of the quantity they may have in readiness to be sent to that Settlement.

By this mode of proceeding the Colony will be regularly supplied at the least possible expense, and with the less risk of its being driven, from want, to supply itself from the Live Stock belonging to the Crown, until the period when such stock shall become sufficiently abundant to allow of it.

PORTLAND.

[Enclosure No. 3.]

COMPARATIVE Statement of Articles wanted and those Sent out to New South Wales by the Porpoise Royal Admiral and Earl Cornwallis.

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Russia Duck</td>
<td>86 yards</td>
</tr>
<tr>
<td>Jackets</td>
<td>1,300</td>
</tr>
<tr>
<td>Shifts</td>
<td>1,300</td>
</tr>
<tr>
<td>Petticoats</td>
<td>1,300</td>
</tr>
<tr>
<td>Rugs</td>
<td>1,000</td>
</tr>
<tr>
<td>Blanketts</td>
<td>1,500</td>
</tr>
<tr>
<td>Bed Ticks</td>
<td>1,000</td>
</tr>
<tr>
<td>Files of Sorts</td>
<td>500</td>
</tr>
<tr>
<td>Cross Cut Saws</td>
<td>20</td>
</tr>
<tr>
<td>Pit</td>
<td>20</td>
</tr>
<tr>
<td>Center Bitts</td>
<td>6</td>
</tr>
<tr>
<td>Ploughs</td>
<td>8</td>
</tr>
<tr>
<td>Spoke Shaves</td>
<td>4</td>
</tr>
<tr>
<td>West India Hoes (those at N.S.W. too small for use)</td>
<td>186</td>
</tr>
<tr>
<td>Iron</td>
<td></td>
</tr>
<tr>
<td>Round</td>
<td></td>
</tr>
<tr>
<td>Casement</td>
<td></td>
</tr>
<tr>
<td>Tin</td>
<td></td>
</tr>
<tr>
<td>Brass Wire Sieves</td>
<td>26</td>
</tr>
<tr>
<td>Brass Plates</td>
<td>30</td>
</tr>
<tr>
<td>Cast Iron Pots</td>
<td>700</td>
</tr>
<tr>
<td>Pitch</td>
<td>10 Casks</td>
</tr>
<tr>
<td>Seines</td>
<td>2 of 14 Fm</td>
</tr>
<tr>
<td>Tools</td>
<td></td>
</tr>
<tr>
<td>Farriers</td>
<td>1 Sett</td>
</tr>
<tr>
<td>Stone Masons</td>
<td>2 do</td>
</tr>
<tr>
<td>Stationary</td>
<td></td>
</tr>
<tr>
<td>Common Paper Uncut</td>
<td>8 reams</td>
</tr>
<tr>
<td>Remains of £30 worth supplied Govr. King in England</td>
<td>8 do Cut. 4 do Folio</td>
</tr>
</tbody>
</table>

[Enclosure No. 4.]

[Copies of the invoices of goods shipped in the Canada, Minorca, and Nile have not yet been found.]
PORTLAND TO KING.

[Three letters forming Enclosure No. 5.]

MAJOR-GENERAL BROWNRIGG TO UNDER SECRETARY KING.

Sir, Horse Guards, 9th June, 1801.

The Commander-in-Chief wishing that the Duke of Portland should be made acquainted with what has been said to Lieut.-Colonel Paterson, commanding the New South Wales Corps, on the subject of Brevet-Major Johnston, has commanded me to transmit to you for that purpose copy of my letter to the Lieut.-Colonel. And as it will rest with Governor King to convene the General Court-Martial for the trial of Major Johnston, His Royal Highness desires that you will be pleased to submit to His Grace the expediency of officially communicating to the Governor that part of my letter to Colonel Paterson, which is founded on a confidential communication with Sir Charles Morgan, relative to the cautious selection of the officers who are to compose the Court-Martial. I have, &c.,

ROBT. BROWNRIGG.

MAJOR-GENERAL BROWNRIGG TO LIEUTENANT-COLONEL PATERSON.

Sir, Horse Guards, 9th June, 1801.

I have had the honour to receive and to lay before the Commander-in-Chief your letter of the 3rd October last with its several enclosures, and I have received His Royal Highness's commands to reply to the subjects thereof in the order they occur.

The Commander-in-Chief, considering the removal of Brevet-Major Johnston, of the New South Wales Corps, to this country for the purpose of being tried by a General Court-Martial, extremely irregular, was pleased to refer the matter (in a legal point of view) for the opinion of the Judge-Advocate General, and the same having been received, it decidedly appears that officers are not at liberty to refuse being tried by General Courts-Martial in New South Wales, the Legislature having made provision for the holding of such trials in that, as in other distant colonies and stations occupied by His Majesty's forces. And I am commanded to acquaint you that the measure of removing Major Johnston from the place where the offence was committed, and where all the witnesses capable of giving testimony or of throwing light upon the subject are, and sending him to another country to be tried, where no competent evidence can be had, appears to His Royal Highness to have been extremely mistaken, and to admit of no other means of terminating the matter by a judicial decision than by remanding Major Johnston to New South Wales immediately, and being there tried by a
1801.
19 June.

Court-martial on Major Johnston.

General Court-Martial as was originally intended. I am, therefore, to acquaint you that the Commander-in-Chief has been pleased to order that Major Johnston be sent back to New South Wales by this opportunity for the purpose of being tried accordingly.

I am here directed to state, for your information, that the Judge-Advocate General has suggested that the Commanding Officer, under whose order the Court-Martial will be convened, should be specially enjoined that such officers be carefully appointed for composing the same who are free as possible from any imputation or surmise of being in any respect prejudiced; and that the two original charges should be amended by ascertaining, as nearly as may be, the dates of the alleged offences.

The Judge-Advocate General observes with respect to the 3rd or supplemental charge, which imputes to Major Johnston a disobedience of an order delivered to him after he was in arrest, that he would not recommend its being referred to the Court-martial. The order was for Major Johnston delivering up an account which had been kept by him to you, who are his accuser. It may have been unwise in Major Johnston to decline it, or the manner of declining it may have been unbecoming; but it is not clear that it is criminal to refuse delivering it out of his own custody. His causing it to be sealed up, in order to its being produced in its present state when an hearing should take place, may have been very defensible and just.

I am further directed to acquaint you that in consequence of Gov'r Hunter having ordered Capt'n Prentice to embark for this country without communicating with you on the occasion, or having assigned to the Commander-in-Chief the necessity that caused this measure, His Royal Highness has been pleased to order that Capt'n Prentice shall return to his duty with the regiment by this opportunity.

In regard to your proposal for augmenting the military force in New South Wales, I am commanded to acquaint you that the measure will be taken into consideration.

On the subject of Lieut. Cummings, I am directed to refer you to my letter of the 16th ultimo, acquainting you that His Majesty was pleased to permit the sale of Lieut. Cumming's commission in August last, and directing that he should be sent from the Corps by the first opportunity.

In regard to Lieut. Hobby, the Commander-in-Chief is pleased to permit him to withdraw his resignation, since you have requested it.
Mr. Barrallier, whom you mention to have been recommended by Mr. Charles Greville for a commission in the New South Wales Corps, was appointed on the 14th August last. There is not at present any vacancy in the Corps for Mr. Anderson. When there is, attention will be paid by His Royal Highness to your recommendation of him. I have, &c.,

ROBT. BROWNRIGG.

MAJOR-GENERAL BROWNRI GG TO UNDER SECRETARY KING.

Sir, Horse Guards, 12th June, 1801.

Having had the honor to lay before The Commander in Chief your letter of the 8th Instant and extract of one from Captain Patton relative to a Passage for Major Johnston and Captain Prentice on board the Minorca to New South Wales, I am directed by His Royal Highness to acquaint You for the information of His Grace The Duke of Portland that the Officers above mentioned have received orders to return, by the opportunity pointed out, to New South Wales.

I have the honor to be, etc.,

ROBT. BROWNRIGG.

[Enclosure No. 6.]

[This list specified the names, ages, dates and places of sentence of two hundred and eighty-five convicts, thirty-eight of whom were sentenced to transportation for life, six for fourteen years, and two hundred and forty-one for seven years. In addition, there were fifteen mutineers, five sentenced to transportation for life, and ten for seven years.]

[Enclosure No. 7.]

ESTIMATE of the charge of defraying the Civil Establishment of New South Wales from the 10th of October, 1800 to the 10th October, 1801.*

<table>
<thead>
<tr>
<th></th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of the Governor</td>
<td>1,227.7</td>
<td>7</td>
<td>7½</td>
</tr>
<tr>
<td>&quot; Deputy Judge-Advocate&quot;</td>
<td>224.0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Commissary&quot;</td>
<td>448.0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Provost-Marshall&quot;</td>
<td>112.0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Secretary to the Governor&quot;</td>
<td>112.0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>For stationary</td>
<td>20.0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Salary of the Clergyman</td>
<td>224.0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>&quot; at Parramatta and Hawkesbury&quot;</td>
<td>179.4</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Surgeon&quot;</td>
<td>224.0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>&quot; three mates, at £91 5s.&quot;</td>
<td>336.0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Assistant&quot;</td>
<td>61.6</td>
<td>6½</td>
<td></td>
</tr>
<tr>
<td>&quot; Surveyor of Lands&quot;</td>
<td>224.0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

* Note 37.
Estimate of the charge of defraying the Civil Establishment of
New South Wales—continued.

Salaries of the

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of the Boat-builder</td>
<td>112</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>two Deputy Commissarys of Stores</td>
<td>224</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>two additional clerks to the Commissary, at £60 per annum each</td>
<td>158</td>
<td>19</td>
<td>6</td>
</tr>
<tr>
<td>two assistant storekeepers</td>
<td>122</td>
<td>14</td>
<td>9</td>
</tr>
<tr>
<td>nine superintendents of convicts, at £50 per annum each</td>
<td>551</td>
<td>18</td>
<td>10</td>
</tr>
<tr>
<td>the Lieut.-Governor of Norfolk Island</td>
<td>306</td>
<td>16</td>
<td>11</td>
</tr>
<tr>
<td>the Clergyman</td>
<td>117</td>
<td>15</td>
<td>9</td>
</tr>
<tr>
<td>Surgeon</td>
<td>159</td>
<td>13</td>
<td>1</td>
</tr>
<tr>
<td>Deputy Commissary of Stores</td>
<td>112</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>one storekeeper</td>
<td>61</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Deputy Surveyor of Lands</td>
<td>112</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>three superintendents of convicts, at £50 per annum each</td>
<td>183</td>
<td>19</td>
<td>7</td>
</tr>
<tr>
<td>one master carpenter</td>
<td>49</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>one beach-master and pilot</td>
<td>61</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Deputy Judge-Advocate, at 8s. per diem</td>
<td>179</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Provost-Marshall</td>
<td>85</td>
<td>18</td>
<td>1</td>
</tr>
</tbody>
</table>

Allowance to Governor Phillip in consideration of his meritorious services | 613 | 13 | 10 |

Mr. White, late surgeon | 112 | 0  | 0  |

Upon account for fees on the receipt and audit | 245 | 9  | 7  |

Agent | 184 | 3  | 0  |

£7,146 0 0

Under Secretary King to Acting-Governor King.

(Despatch per the transports Canada, Minorca, and Nile; acknowledged by Governor King, 1st March, 1802.)

Sir,

Whitehall 19th June 1801.

1. I am directed by the Duke of Portland to transmit to you the within List of Persons going from this Country to New South Wales, as Settlers; And I am to signify to you that they should on their arrival at the Colony receive the usual Rations of Provisions and the Indulgencies that have been granted to persons in a like situation.

2. As many of these Persons have been strongly recommended, and are described to be of various handicraft and Agricultural Occupations, it is to be expected that they will prove of essential Benefit, in increasing the Manufactures and Produce of the Settlements under your Government.

I am, &c.,

J. King.
[Enclosure.]

LIST OF FREE SETTLERS FROM ENGLAND.

[A complete copy of this return has not yet been found, but the following are the names of most of the settlers referred to:—]

ex Transport Minorca.
Matthew Gibbons Thos. Bolton
John Driver Thos. Harley
Mich'l Keney Chevalier d'Clambe
Will'm Keney James Vincent

ex Transport Canada.
James Blackman Mary Pitt
George Morrison Will'm Small
Chas. Webb Silaus Jenkins

ex Transport Nile.
Will'm Bowman Israel Rayner
Rich'd Rouse John Hillas
Jno. Tibbett Peter Hodges
John Jones

ACTING-GOVERNOR KING TO UNDER SECRETARY KING.
(Per transport Anne.*)

Sir, Sydney, June 21st, 1801.

I write these few lines by chance vessel going a circuitous Rout, just to say that we are all quiet and well, and that every Ship sent from England prior to the Cornwallis, and including that Ship, have arrived Safe—The uncommon bad weather we have had and partial failure of our crops, has obliged me to reduce the consumption of grain to two thirds of the full Ration, which has also extended to the Salt Meat.

As the Albion So. Sea Whaler will soon leave this coast for England direct, I shall write fully by that Conveyance which you will receive long before there is a probability of this reaching you.

I have, &c.,

PHILIP GIDLEY KING.

SECRETARY NEPEAN TO ACTING-GOVERNOR KING.
(Per H.M.S. Investigator; acknowledged by Governor King, 21st May, 1802.)

Sir, Admiralty Office, 23rd June, 1801.

It having been judged expedient that the Lady Nelson should be employed as a tender under the orders of Captain

* Note 38.
Flinders, of His Majesty's sloop Investigator, during such time as he may be employed in making the survey of the coast of New South Wales, I have it in command from my Lords Commissioners of the Admiralty to signify their direction to you to order Lieut. James Grant, who at present commands the Lady Nelson, to follow any orders he may receive from Captain Flinders during the time he may be employed as above-mentioned.

I have it further in command from their Lordships to signify their direction to you to give Captain Flinders every information and assistance which may be in your power, to enable him to carry on the said survey, and not to employ him, or the Investigator, on any other service than that pointed out in the instructions which he has received from their Lordships.

I have, &c.,

Evan Nepean.

The Duke of Portland to Acting-Governor King.

(Despatch per ship Investigator; acknowledged by Governor King, 21st May, 1802.)

Sir, Whitehall, 26th June, 1801.

You will receive this by Captain Flinders, who is about to proceed on a Voyage of Discovery in His Majesty's Ship the Investigator. As his attention will be in a more particular manner directed to New Holland, and as it may enable him to Prosecute the objects of his Voyage with more success if he is accompanied by the Lady Nelson, I am to desire that you will place that Ship under his command, ad interim, provided the Public Service of your Government will allow of your so doing. Of this Circumstance you are the best Judge, and I therefore leave it entirely to your discretion to determine accordingly.

I am, &c.,

Portland.

Acting-Governor King to The Duke of Portland.

(Per transport Anne.*)

My Lord, Sydney, New South Wales, 8th July, 1801.

By way of India I had the honour of addressing your Grace. A duplicate of that and one of this letter will be forwarded by the Albion, south whaler, which will sail direct for
England in a fortnight, and as this goes by the Ann, transport, by way of India, I have no doubt of the counterpart getting Home some months before this can possibly reach England.

By the Britannia, south whaler, I received a letter from Mr. Secretary King, enclosing a copy of a letter from Messrs. Enderby and Champions, owners of whaling ships, to Lord Liverpool, with His Lordship's letters to Mr. King, and that gentleman's observations thereon; in consequence of which the owners of that ship sent an investment, well adapted for the inhabitants, to the amount of £1,647, under a bond to the East India Company to land it here. I directed the Commissary to receive those articles into a store, and retail them to the inhabitants on the terms specified in the enclosures in exchange for their overplus grain supplied the public stores, and for which the proprietors have credit with Government. By this regulation they obtain necessaries on the most reasonable terms, instead of paying from 500 to 1,000 per cent. to favoured retailing monopolists, which has but too much prevailed in this colony. Another whaler (the Greenwich) has since arrived, with a similar investment, which is disposing of on similar terms; and I hope, as the whale fishery is now established, it will be the interest of the owners to send a quantity of porter, which they can do at a cheap rate; and as they are determined not to send any spirits, that resolution, and the measures I am pursuing will soon rid this colony of that poisonous fire that has so long raged, unfortunately for the credit, health, and tranquility of the inhabitants, it having been the only medium or requisite sought after. When the inundation of spirits is stopped, which must be the case in the course of this year, I hope the brewing beer will become common; but this has been much retarded for the want of hops, not a single plant having ever reached this country.

In the 10th paragraph of my letter, No. 3,* I stated the quantity of spirits brought here, and my refusing permission to an American ship (the Folinsbé) to land or dispose of any part of 13,000 gallons of spirits and 15,000 gallons of wine, with which, and the rest of her investment, she sailed a few days after her arrival, as did the Missouri, another American ship, with 7,000 gallons of spirits and 7,000 gallons of wine; and by the enclosed copy of a letter from me to the Marquis Wellesley, your Grace will observe that I have ordered 16,000 gallons of spirits, brought from India contrary to the spirit of His Lordship's proclamation, to leave this port after the vessel that brought it had time to refit, making together 36,000 gallons of spirits and 22,000 gallons of wine not allowed to be landed since last January. By the Naval Officer's reports, your Grace will observe, not only the great quantity of

* Marginal note.—10 March, 1801. (See note 6.)
1801.
§ July.

Importation of stores encouraged.

spirits attempted to be landed, but also the numerous dry goods that have been and are still arriving from Europe, America, and the East Indies. Whilst I have forbidden a great quantity of the spirits being landed, I have given every encouragement to the dry goods being left, under regulations of price and distribution. This advantage, together with the articles brought by the whalers, and the liberal supply of necessaries just arrived by the Earl Cornwallis on the part of Government, will release the inhabitants from that monopoly and oppression they have so long groaned under. But still, I am sorry to observe, that hitherto these advantages have been confined to a very few. As the severe wound given to the settlers and others' industry by the utter impossibility of procuring any article of use or comfort but at the expense of their farms, has deprived most of them (as appears by the enclosures) of the means of profiting by the present low prices, and the regulations so necessary for an equal distribution as detailed in my General Orders, which I have the honour to enclose,* and to which I respectfully call your Grace's attention, as explanatory of what my conduct has been, and will be, to endeavour accomplishing the task I undertook; and for the facility of reference to any particular subject, I have annexed a general index to those Orders. Obnoxious as my conduct is (and I have no doubt will continue to be) to those who have made fortunes by a different system being pursued, I am encouraged in soliciting your notice and consideration of the purport of those Orders, and under that hope I shall forbear troubling your Grace with a repetition of many circumstances that ought otherwise to make a part of this letter.

In the 13th paragraph of my letter, No. 3, I stated the calamities that had befell the settlers at the Hawkesbury by the repeated overflowing torrents in that quarter, since when two still more destructive inundations have happened, and nearly swept that settlement away. Those repeated misfortunes† have so disheartened many of those settlers as to give up the cultivation of their farms and to labour for others who are more persevering, and who, I hope, will prove more fortunate. I also expressed my apprehensions that these repeated losses of wheat stacks and growing corn would greatly effect the necessary economy to make the grain last till the ensuing harvest; and as not more than twenty-seven weeks' full rations of salt meat remained in the store (14th March), I was sensible that a consideration of our state and resources was necessary; but to reduce the ration of

* Note 39.
† Note in original.—The Flood in: (See note 40.)
Febry. took away 3589 Bush. Wheat in Stacks, 588 Acres Maize, 75 Hops.
October ,, ,, 484 Acres Do. growing, 796 Acres Do. 27 do.
those at Government labour before the season for sowing wheat was over would (from the necessary reduction of public labour also) have prevented me from getting so much sowed for Government as has been done.* I therefore deferred it until the wheat was all got in, which was completed the 12th June, when, in consequence of the Commissary's return of provisions in the store, and what might be expected from individuals, as stated in the enclosure, I directed the ration to be reduced, as stated in the General Order of the day, of which the enclosed is a copy. At that ration we shall remain until the next harvest, which, I hope, will be more abundant on the part of Government than it ever has been yet. Although I have been obliged to rent a large farm† to employ the Government men on, but as the rent is to be paid from the produce, I have no doubt of its turning out very advantageous. In my letter, No. 2,‡ I stated how very circumscribed Government cultivated lands were, and the cause of it. As I am now about beginning another farm for the Crown I shall take care that grants of land are not made to exclude Government from the ground cleared by the convicts at public labour, which has been the case at Toongabbe and Parramatta, to the great accumulation of expense to the public.

In my preceding letters to your Grace, I have stated as fully as possible the necessity of salt pork being continued to be sent out to prevent the present good stock of labouring and breeding cattle being destroyed; and that I had it in contemplation to send the Porpoise to Madras or the Cape for a supply of grain. But as the merchants with whom I contracted for bringing cattle, &c., from India (as stated in No. 3§) engaged to bring sixty tons of rice at £21 per ton in the ship that might bring the cattle, I took his offer, which I hope your Grace will approve of, as I have no doubt but we shall be in great want by the time that supply is received, as I much fear our estimate of remaining grain is over calculated, added to which a large stock containing 1,000 bushels belonging to an individual has been since destroyed by fire. Sending the Porpoise for grain, therefore, became unnecessary, as she could not have brought much more than that quantity; and a service equally necessary offering for that ship, which was then refitting, having been twice to Norfolk Island during the four months she had been here. As accidents might happen to ships coming here with supplies of meat from England, I determined on making two trials how far we might not only guard against the consequences of such failures, but also to endeavour rendering ourselves as independent as possible of those supplies.
from England. My first plan was to send the Porpoise to the Society Islands (with what articles of barter I could collect) to procure hogs and salt the pork; the other plan was to send one of the Colonial vessels to Norfolk Island to hold out encouragement to settlers to salt their overplus pork. Soon after I took the command, I caused the only salt-pan remaining in the colony, which had hitherto been used for the profit of an individual, to be worked for the public advantage. This, with some improvements, I hoped would enable me to get enough salt to despatch these vessels about August. Fortunately a whaler arrived with a quantity (fifteen tons) of salt from the Cape de Verde for the purpose of curing sealskins. As the master had given that idea up, I purchased it at three half-pence per pound, and was thereby enabled to send the Porpoise in May to Otaheite, and the Norfolk to Norfolk Island, which ensures much cool weather to salt what pork they can procure. I have the honor to enclose copies of my correspondence with Pomarree, Chief of Otaheite, and the missionaries, also my orders to the acting commander of His Majesty’s armed vessel Porpoise, and my instructions to Major Foveaux, at Norfolk, on that subject. Your Grace will observe that what articles the stores did not furnish for barter I was obliged to purchase, the expense* of which is very small in comparison to the advantages I expect to derive from it, and it being more advisable to make that use of the ship than to let her lie idle. Should this trial succeed, I shall be much at a loss for a ship of greater tonnage to send there next year. But, as this depends on our succeeding, I shall not press any other ship being sent here until your Grace’s instructions in answer to my despatch by Governor Hunter are received, referring your Grace to my separate letter† in my general letter No. 3, the duplicate of which is sent herewith, respecting the establishment such a ship might be on if sent out, with my subsequent remarks thereto.

His Majesty’s armed vessel Porpoise being on the establishment of the Navy, and the provisions and stores for that ship being, of course, included in the navy and victualling supplies, and there being no agent victualler or naval storekeeper here, I conceived it necessary for the clearer statement of the expenses of this colony to give the Commissary two orders, of which the enclosed are copies, which I hope will be deemed regular by the Navy and Victualling Boards, to whom I have written the enclosed letters on that subject.‡

Much as it has been my constant study and wish to avoid every cause of incurring expences, yet the local necessities of the public service has been such as to render it impossible for me to avoid this most disagreeable part of my duty without a great hindrance.

* Marginal note.—£51 10s. 0d.  † Note 43.  ‡ Note 44.
KING TO PORTLAND.

and consequent injury to the furtherance of His Majesty's service and the welfare of this colony. But having done away many and begun to remove other radical causes of these heavy expences, I hope and am indeed confident that if the restrictions I have found it necessary to establish are continued by those whom His Majesty may honor with the direction of this colony, that those expences will greatly diminish every year. But from former circumstances, and the difficult oppositions I have met with in effecting those savings, they will not appear so considerable this year as I could wish, although I trust it will be obvious by a reference to my General Orders, that many beneficial retrenchments and conclusive regulations have been established. For a statement of the indispensible expences incurred since I took the command to this date, I respectfully request your Grace's reference to the enclosed separate letter* and the documents annexed thereto.

Having been a year in the colony and nine months in the command, your Grace may expect that information which my situation requires me to give; but I am sorry to say that from the unremitting application requisite to arrange the different public concerns of this spreading colony—in doing which I have many destructive prejudices and precedents sanctioned by custom and established by interest, also long continued abuses and daring artifices to get the better of, detect, and remove—for the means I have used to obtain this end I beg to refer your Grace to my enclosed General Orders. These causes, together with the numerous arrivals within the last nine months, have so totally engrossed my whole time that I have not been able to pay that attention I wished in arranging the necessary materials I have for giving a fuller detail of the present state of this colony than the necessary enclosures to this despatch. These statements will be clearer to your Grace and more satisfactory to myself at the end of the year. I then hope to possess you very fully of every circumstance respecting this colony which it is so necessary your Grace should be informed of.

In my letter No. 3 I informed your Grace of the arrivals of the Porpoise, Lady Nelson, Royal Admiral, and Anne transport, with Irish convicts, by which vessels all the provisions and stores were received safe except 43 convicts who died on the passage on board the Royal Admiral and †— on board the Anne. The Earl Cornwallis arrived the †— instant, having lost †— male and †— female convicts. The greater part of those landed are very much affected with the scurvy, altho' it does not appear that the agent or master have been wanting in attention to them.

* Marginal note.—Separate A. † Blanks in the original (see note 45).
Having in my last informed that the Lady Nelson in coming here, passed through Bass's Strait, agreeable to your Grace's directions, and that Lieut. Grant was sent to survey and examine that passage, but from the inclemency of the weather in that high latitude at this season, his discoveries have extended no further than making a minute survey, and ascertaining Western Port to be a safe and spacious harbour for any number of ships. Lieut. Grant and the officers who were on that survey, report the soil about Western Port to be equal in goodness to that of Norfolk Island.* The important situation of that port, and its relative connexion with this settlement, points it out as a proper and necessary place to have a settlement at, not only from its convenient situation in the center of the straits for ships to stop at, either by reason of adverse winds or any other cause, but also from its advantageous situation for a seal fishery, which will be more particularly explained on the chart sent by the Albion, which has been ably surveyed by Ensign Barrallier, of the New South Wales Corps, and who will be a great acquisition in surveying and delineating these hitherto unknown coasts, as, unfortunately, Lieut. Grant, altho' a good seaman, and a sober, steady, capable officer, yet has no knowledge of surveying and delineation, this necessary qualification in officers of the Navy not being so much attended to as the more active and important duties of their profession.

The Lady Nelson returned here the 15th May, and sailed from hence with another Colonial vessel† the 9th instant to examine and survey the Coal River, sixty miles to the northward of this place, from whence a prize vessel, purchased by an individual in this colony, has just returned with 150 tons of very fine coals and timber, which he has sold to the master of the Earl Cornwallis, going from hence to India, for £3 per ton. Being very anxious to ascertain how far that place can be depended on for a supply of that necessary article, and to ascertain its situation so far as to determine on the propriety of making a settlement there, I accepted Lieut.-Colonel Patterson's offer of going in the Lady Nelson to assist Lieut. Grant in making such observations as might guide my conduct in undertaking an establishment at that place, the result of which I shall inform your Grace on the schooner's return, as she is to be despatched with a load of coals as soon as possible after their arrival. Ever since I took the command, an experienced miner with eleven men have been employed boring in the most likely place to produce coals in this neighbourhood, as stated in my former despatches. He has got down ninety-six feet, but no coals, except very thin veins. As he is confident of coming to a bed of coal, it shall be continued

* Note 46.  † Note 47.
until he gives it up, or until I receive Lieut.-Colonel Patterson and the other officers' reports, who are gone to examine the Coal River. As the Lady Nelson will return here by the 1st August, I intend to despatch her and another Colonial vessel, in September, to survey and examine Bass’s Strait, and the south-west coast, as fine weather may then be expected.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosures.]

[The enclosures* to this despatch were also forwarded as enclosures to despatch No. 4, dated 21st August, 1801, from Acting-Governor King to the Duke of Portland.]

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Per transport Anne.)

Sydney, New South Wales,

My Lord,

8th July, 1801.

With this I have the honor to enclose a statement of provisions remaining in His Majesty's stores, including that received by the Earl Cornwallis, with a present estimate thereon. The general statement and quarterly employment of those victualled from the stores should have accompanied this, but that the dispatches by the Albion will reach England sooner than this possibly can.

In a preceding letter I had the honor of stating that, in addition to the articles purchased from the John Jay and Diana, American ships (duplicate vouchers for which have been transmitted), I found it necessary to direct the Commissary to purchase some articles from the officers of the Royal Admiral, and to make payment for wheat, &c., purchased from private cultivators, to supply those necessarily victualled from the stores, for the three quarters from Sept'r 28th (when I took the command) up to this date; since when it has been necessary to direct the purchase of some necessary articles from the master of the Ann transport, and from the supercargoes of the American ship Missouri, an abstract from which I have the honor to enclose, and vouchers for the payment will be sent by the Albion; and to explain the cause of incurring these expenses, I beg to request your Grace's reference to the enclosure containing the necessity of purchasing those stores for the public use of this settlement and of Norfolk Island, a part of which would have been unnecessary had I known that articles were coming by the Earl Cornwallis. But as no unwrought iron came by that ship, and as proportions of the sugar and other articles may be spared to individuals, at an advance, in exchange for grain and animal food, I trust that

* Note 48.  † Note 38.
when the great quantities of the most useful articles brought for sale and our many wants (as stated in my letter by Gov'r Hunter) is considered, that my ordering these purchases will be approved of, as in our then state, it required some degree of denial not to supply the colony with many necessary tools that those at public labor were destitute of, which have since been supplied from those received by the Earl Cornwallis, and being generally in good condition, considerably diminishes our wants, a list of which, and their several necessities I enclose; in doing which I beg to assure your Grace I am guided by the strictest economy and exertion to make every possible saving in the expences of this colony, which I trust will be considerably less than they have been for some years past, supposing that saving only to arise from the great reduction of the price of grain and animal food, and enforcing the payments of debts due to the Crown since I took the command, the annual statement of which will be transmitted when the year's accounts, ending the 31st December next, are made out. In this place it is necessary to remark that our present scarcity of grain has not occasioned any increase in its price, and as every material statement will be made in the papers to be sent by the Albion of our present resources for provisions, &c., and its application, I have to request your Grace's noticing the number of people I have found it necessary to strike off the public stores as having no claim to be maintained at the public expence. The saving occasioned by that measure is very great.

In the letter of which this is an enclosure,* I have stated my reasons for directing the Commissary to draw on the Navy and Victualling Boards respectively for payment of stores and provisions purchased from masters of ships or other individuals for the use of His Majesty's armed vessel Porpoise, which I hope will be deemed regular.

The salt provisions (received very opportunely) and the stores sent by the Earl Cornwallis, are in good order, except some articles damaged by wet and leaks, which, altho' considerable, cannot yet be ascertained, as well as many articles received by the Royal Admiral, which are very deficient of the quantities expressed in the bills of lading, particularly the shoes, on which subject I shall write to the Transport Board by the Albion.

Your Grace's instructions respecting the manner in which the articles sent by the Royal Admiral and Earl Cornwallis are to be disposed of, are carrying into effect, and a separate account thereof, as well as all other public accounts of this colony, will be transmitted yearly to your Grace, and my Lord's Commissioners of His Majesty's Treasury. I have, &c.,

PHILIP GIDLEY KING.

* Note 13.
[Enclosures.

The returns attached to this despatch were also forwarded as enclosures to the despatch, marked "Separate A," and dated August 21st, 1801, from Acting-Governor King to the Duke of Portland.]

THE VICTUALLING BOARD TO THE GOVERNOR OF NEW SOUTH WALES.
(Per transports Hercules and Atlas; acknowledged by Governor King, 31st August, 1802.)

Sir, Victualling Office, 4th August, 1801.

The Right Honble the Lords Commissioners of His Majesty's Treasury having been pleased by Mr. Vansittarts Letter of the 30th May last, to direct us to send out Two Hundred and fifty thousand Pounds of Pork, for the use of the Settlement of New South Wales; We beg to acquaint your Excellency that in compliance with their Lordships said Order, we have Shipped the following quantities of that Article on board the undermentioned Victuallers Vizt.

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Pounds 250,020

and that we have consigned the same to you.

The Invoices of and Masters Bills of Lading for the quantities of Pork so Shipped will be consigned to you by the Vessels to which they severally relate, and we have to request you will Order proper Receipts to be granted for what shall be delivered.

We have, etc., etc.,

G. P. Towry.
Fras. Stephens.
Wm. Boscawen.

LORD HOBART TO ACTING-GOVERNOR KING.*
(Despatch per transports Hercules and Atlas; acknowledged by Governor King, 17th November, 1802.)

Sir,

Downing-street, 6th August, 1801.

His Majesty having been pleased to place the Department of the Colonies in my hands and to direct that all communications relative to the affairs of Government should be hereafter addressed to me, I have the honor to acquaint therewith and to assure you that I shall not fail to lay your dispatches before the King, and that I shall on every occasion avail myself of the earliest opportunity to transmit to you the orders which His Majesty may think proper to give thereupon.

I am, &c.,

Hobart.

* Note 49.
Lord Hobart to Acting-Governor King.

(Despatch per transports Hercules and Atlas; acknowledged by Governor King, 17th November, 1802.)

Sir,

Downing-street, 20th August, 1801.

As it appears that, owing to some mistake or delay, Mr. Jamison's commission as a staff surgeon in New South Wales was dated some time after his first appointment to that office, in consequence of which he would be deprived of the advantage of rising in his department in the regular line of succession, unless some order was given to you to the contrary, I am commanded to signify to you His Majesty's pleasure that, upon the decease or resignation of Mr. Balmain, Mr. Thomas Jamison shall succeed to the situation of Surgeon-General of New South Wales, without any reference to the date of his present commission.

Yours, &c.,

Hobart.

Acting-Governor King to the Duke of Portland.

(Despatch No. 4, per whaler Albion; acknowledged by Lord Hobart, 29th August, 1802.)

Sydney, New South Wales,

21st August, 1801.

My Lord,

By way of India I had the honor of addressing your Grace,* a duplicate copy of which I enclose. Since then, there have been a number of arrivals as detailed in the enclosed report of the Naval Officer, of the Half years Clearances and Entries from the time of my taking the command, September 28th, 1800, to March 31st, 1801, also those up to this time.

[Paragraphs two, three, and four were replicas of the corresponding paragraphs in the despatch, dated 8th July, 1801 (see pages 111-113), with the addition of the following to paragraph four, between the sentences "it ever has been yet" and "Although I have been obliged to rent a large farm."]

In my letter, No. 2, I stated the necessity of finding a situation to employ the convicts at public labor in cultivation. As the grounds about Toongabbie and Parramatta (leaving only 380 acres) have very improperly been leased and granted to individuals, perverting Governor Phillip's plan of concentrating the labor of Government servants to one place, which would have greatly facilitated the public work and interest, instead of employing the convicts at public labor in detached situations, and not having people to direct their labor and secure the produce of it without incurring much additional expence, and even then the class that this confidence must necessarily be placed in has been

* Marginal note.—No. 3, March 10th, 1801.
too often detected in the abuse of it. I also intimated my commencing at a place begun the preceding year; but the soil proving of the most unproductive kind, I fixed on a situation that Governor Phillip intended as a stock farm for Government,* the soil being of the best and most productive kind. Fifty men have been clearing it, and I hope much public benefit will be derived in raising grain and feeding Government cattle, which, after the approaching increase, must be divided into several separate herds. The convicts at public labor had cropped all the cleared ground left for the Crown three weeks before the season was over for sowing wheat. It therefore became an object of necessity and economy to employ their labour in sowing as long as possible for the Crown, but there being no more public ground clear, and many private farms now lying waste (altho' the property remains in the grantees or the purchasers), it occurred that by renting one of them, which is the most productive in the colony for this year, until more ground can be cleared for the public, a great saving would arise. I therefore hired it at 15s. per acre, containing 171 acres, and is entirely cropped with wheat. If the season turns out well its produce will be upwards of twenty bushels an acre; the same ground has produced thirty. The rent is to be paid out of the produce. That farm is one among the many that are lying waste, and would be highly productive, but belonging to individuals whose present involved state prevents them from cultivating those farms that have hitherto been worked, by the lure of spirits in exchange for Government bills arising from their industry. The influx of spirits being now greatly reduced, and I do not doubt will be entirely removed in another year, I trust we shall then find that labour can be carried on without spirituous liquors as well as with, altho' I am confidently told that from the time of my ordering the three ships away with 58,000 gallons of wine and spirits, that moment agriculture would lose its greatest support.

* [Paragraphs five, six, seven, and eight were repetitions of the corresponding paragraphs in the despatch, dated 8th July, 1801 (see pages 113 to 115), with the addition to paragraph eight of the first paragraph which follows.]

I had the honor of receiving your Grace's notification† respecting the happy union that has taken place between Great Britain and Ireland, and also of His Majesty's titles, with the alteration in the Union flag. As this information reached me the 27th May, I appointed the anniversary of His Majesty's birthday for the public observance of this joyful event, which was announced by a royal salute from our batteries and ships on the new Union

* Note 50. † Note 51.
1801.
21 Aug.

Irish prisoners pardoned.

Volunteers disbanded.

Status of certain Irish prisoners.

Mutilation of convict registers.

being displayed, and repeated in honor of the day at noon and one o'clock, with other demonstrations of joy.

[9] On this occasion I released those among the Irish insurgents who were so troublesome previous to and some time after I took the command; and no appearance of the restless spirit with which they were then actuated remaining, I hope they are convinced of their improper conduct. As the cause no longer existed for keeping the Association* armed, I have directed them to be dismissed from their attendance. In this place I beg to submit to your Grace's consideration the situation of several persons who were sent here from Ireland during the late rebellion, many of whom without any sentence† being sent here against them. During the time they have been here the conduct of many of them has been uniformly good, and highly deserving. Situated as they are, however meritorious their conduct may be, I shall not presume to extend the full effect of the prerogative His Majesty has been pleased to delegate to the Governor of this colony in behalf of those people, not knowing to what extent their crimes have been carried in Ireland. Three of this description I have emancipated conditionally not to leave the colony, but as some of them have left families in Ireland, and were, according to their account and the recommendations they brought with them, in good circumstances, I humbly beg leave to request your Grace's instructions how far it may be proper to extend His Majesty's mercy to this description of people by giving them free pardons, a list of some of whose names I have the honor to enclose in case your Grace should require such a reference.

A few days previous to Governor Hunter's departure from this colony the person who acted as his clerk was discovered to have made several erasements in the indents sent with the convicts to this colony, which it has since appeared was done for the reward of £12 for changing from Kfe to seven years, and more in some cases.‡ It appears that at least 200 prisoners have had their terms thus changed, which has introduced such confusion into the indents and Orders in Council by which these convicts were transported, that there is great difficulty in tracing any convict's term of transportation but by secret enquiries and secondary means. It has lately been discovered that the clerks in my office have had similar transactions, and received considerable property from convicts to change their times; but as the indents and Orders in Council have been constantly in my own possession, they were very soon detected and a stop put to it, as your Grace will observe by the enclosed notice. I have felt it my duty to state this circumstance to account for the numbers who may have

* Note 52. † Note 53. ‡ Note 54.
been taken up in England as having escaped from this colony before their terms of transportation are expired.

I am happy to inform your Grace that the Orphan House at Sydney is inhabited by those deserted female orphans who are rescued from those scenes of prostitution and iniquity that disgraces the major part of the inhabitants of this colony, many of whom are from nine to fourteen years old; and such are the regulations and attentions paid to this establishment by those who have undertaken the charge of it, under my control, that I hope the happiest effects will be produced by the institution in the future morals and happiness of the inhabitants. As this institution will not be attended with any material public expense, besides the house purchased conditionally on your Grace's approbation, I hope we shall be able to continue appropriating a part of the industry of the inhabitants to this laudable purpose. As the other Orphan House is now in hand at Parramatta for the reception of more of this forlorn class, who are not a bit better in any respect than the natives, when that is finished, which will be some time first (as our funds are getting low), attention ought to be paid to drawing the male youth into some bounds, and to seclude them from the bad examples they hourly witness among their abandoned parents and acquaintance.

By the report of the Committee appointed by Governor Hunter to superintend and direct the building a county goal at Sydney, it appears that the expense of that undertaking (which is now complete) amounts to £3,954, including the sum of £1,000 lent by Governor Hunter on account of the Crown. On my taking the command, the balance of that loan due to Government was £460 15s. 2½d., since when a sufficient sum has been raised by assessments on spirits and other strong drinks to repay that sum to the Commissary on account of Government, and for the appropriation thereof. I have to request your Grace's reference to my separate letter, B, respecting the purchase of the Harbinger, now the Norfolk brig, which proceeding I hope will meet your Grace's approbation, as such a vessel is much wanted, not only for the public use of the colony, but also to accompany the Lady Nelson on her surveys.

The enclosure will inform your Grace of the quantity of stock belonging to Government and to individuals, with its increase and decrease since last year, also the number of acres sowed with wheat and to be sowed with maize. The number of Government cattle does not include the wild herds, which are in that ferocious state that getting them will be attended with great difficulty. Some attempts have been made, which will be renewed in the summer; but as they are got into the mountains behind the

* Note 55.
Nepean, no certain calculation or dependence can be placed on that source for the present, except the satisfaction of knowing that they exist in great numbers, and are daily increasing. When the cattle I have contracted for being sent from India (as stated in my general letter No. 3) arrive, I think any further supplies of cattle will be unnecessary, as they will then breed as fast as they can be taken care of. In the separate statement of Government stock alone, your Grace will observe that more than one-third of the 343 cows are calving daily, whilst the rest are in an increasing state, which must make the increase very great in two years more, especially when the 150 cows from India are arrived. It will soon be necessary to give some of the labouring oxen out among the most industrious settlers in exchange for grain. Perhaps some cows ought to be disposed of in the same manner. It will therefore be obvious that beginning to support those necessarily maintained at the public expense from that stock for the present, would exterminate the breed of what has cost so much to bring to that state it is now in; and if all the sheep and cattle belonging to Government were killed for the support of those maintained by the Crown, it would not last longer than thirteen weeks at the established ration, as stated on the back of that return.* I have been the more particular in stating this circumstance, to possess your Grace of the necessity of salt provisions being continued to be sent here for some time to come. Respecting the stock belonging to individuals, being private property of course they would make as much of it as possible. Such part of it as is now killed and bartered for the maintenance of those off the stores is sold—beef 2s. 6d., mutton 1s. 6d., pork 1s. per lb. The assurance I gave the settlers that 6d. per lb. for fresh, and 7d. a pound for salt pork, has procured but a very small quantity, and I think it my duty to persevere in the determination I have signified, not to give more than these prices on the part of Government on any emergency.

In my letter by the Buffalo† I signified having drawn bills conditional on your Grace's approbation, in payment for the stock left by Governor Hunter, Major Foveaux, and Captain Kent. As Mr. Balmain, principal Surgeon to the territory, has my permission to avail himself of your Grace's leave of absence, and not being able to find purchasers for the cattle he leaves behind, I have directed them to be valued by proper people, and received into Government herds, until I am honored with your Grace's instructions upon this head. I have the honor to enclose an attested copy of that valuation, and have given a duplicate to the proprietor. In consequence of an application from Major Joseph Foveaux (who is now acting as Lieutenant-Governor of

* Note 56. † Note 57.
Norfolk Island) of the great inconvenience and consequent loss it is to him not being able to superintend his large flock of sheep at this place, he requests my purchasing them for the public; but as this is a transaction I do not wish or feel myself authorised to undertake without your Grace's sanction, I enclose his proposals, and have to request your Grace's instructions thereon.*

I have had the honor of informing your Grace that every endeavour is making by individuals who own so great a proportion of the sheep in the colony to improve the hair into wool by means of three Spanish rams brought here in 1797, and that no pains would be spared to obtain the same object with Government's flock. From the whole of the wool obtained last year from Government's flock and that of individuals, 306 yards of blanketting has been made, and a proportion thereof returned to the latter for their wool. As our progress in this necessary manufactory must depend on the sheep being preserved, the wool improved, and the expence of purchasing the wool from individuals being done away with as much as possible, I beg to offer these as my reasons why Major Foveaux's sheep might be purchased, if your Grace thinks proper.

Every exertion is making, as stated in my letter No. 3, to bring the flax manufactory to as great a degree of perfection as possible; 472 yards have been made within the last five months, and I shall continue to do my utmost for its advancement.

By the Britannia whaler, which arrived here the 26th March, I had the honor of receiving your Grace's letter directing that one of the clergymen should be sent to Norfolk Island. As only one clergyman is now here (the Rev. Mr. Johnston having gone to England with Governor Hunter), who cannot be spared from the duties of this place, I had, previous to the receipt of your Grace's letter, directed a Protestant clergyman (the Rev. Mr. Fulton,† being one of the number whom I have mentioned in a former part of this letter) to go thither, and directed the acting Lieut't-Governor to allow him to perform the duties of a clergyman until another can be sent from England. I beg leave to recommend him for the salary allotted to the clergyman of that island. As the Rev. Mr. Johnston went Home with Governor Hunter's leave, and the time of his return not being stipulated, I beg to suggest the necessity of him, or a successor, being ordered here as soon as your Grace may judge proper. The Rev. Mr. Haddock, appointed chaplain to Norfolk Island, not having judged proper to come by several opportunities that have offered since his appointment, I presume it is not his intention to come at all.§

Mr. William Balmain, principal surgeon, intending soon to avail himself of your Grace's permission to return to England,

* Note 58. † Note 59. ‡ Note 60. § Note 11.
I respectfully request that Mr. Thomas Jamison, surgeon, of Norfolk Island (in whose place one of the assistant surgeons is now acting), may be ordered to return to his duty, or another person sent, as we are now very deficient of medical assistance.

I have the honor to enclose a copy of the survey held on Mr. Alt, Land Surveyor-General, also his memorial praying for some provision for the few years he probably has to live, and which his services appear to merit. As he has done no duty these some years past, owing to his infirmity, and Mr. Grimes, the Deputy-Surveyor of Norfolk Island, who I found here, having done Mr. Alt's duty and his own for some years, I have found it necessary to detain Mr. Grimes, and to appoint him to do the duty of Surveyor-General until I receive your Grace's directions; and as a surveyor is much wanted at Norfolk Island, I respectfully suggest the propriety of Mr. Grimes being appointed Surveyor-General, and a Deputy-Surveyor being sent out to Norfolk Island.

I am sorry to observe that, by a letter I received from Major Foveaux, at Norfolk Island, he states that the same causes which occasioned the failure of our crops have extended there, insomuch that not more than five weeks and a half's grain remained in their stores, and but little more on the island when his dispatch was dated (as appears by the enclosed statement of that settlement, and other papers relative thereto), which he apprehends will greatly affect the existence of the large stock of swine, that used to be in such abundance, and seems to preclude any hope, for the present, of this place being supplied with pork from thence. The Major has sent the quantity of salt meat stated in the enclosure, all which, except the last two hogsheads, were in the store when I left the island in 1796, and has never been got from thence till now. The Albion (by which ship this dispatch goes), touching at Norfolk Island, I have instructed Major Foveaux to transmit a particular statement of that settlement to your Grace.

I have the honor to enclose returns of the superintendents and of the officers of the civil department in the execution of their respective duties and absent on leave, also the births and deaths since last return, and I have a great pleasure in communicating to your Grace the good state of health and general good behaviour of the inhabitants.

From the alteration made in the Royal Arms since the Union, I beg to submit the propriety of a new Colonial Seal being sent out, in addition to the Royal Standard and new Union flags, requested in one of my enclosures.

Yours, &c.,

PHILIP GIDLEY KING.
A List of Ships and Vessels which entered inwards in the Harbour of Port Jackson, in His Majesty's Colony of New South Wales, between the 30th day of September, 1800, and the 30th day of March, 1801, with the particular quantity and quality of the loading of such vessels.

<table>
<thead>
<tr>
<th>Time of Entry</th>
<th>Ships' Names</th>
<th>Masters' Names</th>
<th>Built.</th>
<th>Number of Tons</th>
<th>Where and when Built.</th>
<th>Where and when Registered</th>
<th>Owners' Names</th>
<th>General Cargo</th>
<th>From whence</th>
<th>Where and when Bond given.</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 Dec.</td>
<td>Trimmer Brig.</td>
<td>Alex'r Foggo ..</td>
<td>Pigou..</td>
<td>100 2 21</td>
<td>Pigou, Jan., 1799.</td>
<td>Calcutta, 1 Aug., 1800.</td>
<td>Alex'r Foggo ..</td>
<td>,,</td>
<td>Calcutta.......</td>
<td>18 Dec. Sydney</td>
</tr>
<tr>
<td>7 Feb.</td>
<td>Margaret, Brig.</td>
<td>John Buyers ..</td>
<td>English</td>
<td>121 10 15</td>
<td>26 Nov., 1799</td>
<td>London.......</td>
<td>Turnbull &amp; Co.</td>
<td>,,</td>
<td>Cape Good Hope...</td>
<td>9 Feb. Sydney</td>
</tr>
<tr>
<td>21 Feb.</td>
<td>Anne .......</td>
<td>James Stewart</td>
<td>Foreign</td>
<td>384 12 42</td>
<td>Prize to the Dover and Cecilia.</td>
<td>Licensed at London, 9 April, 1799.</td>
<td>Princep and Saunders.</td>
<td>,,</td>
<td>Cork, touched at Brazil last from Cape Good Hope...</td>
<td>21 Feb. Sydney</td>
</tr>
</tbody>
</table>
[Enclosure No. 1—continued.]

A List of Ships and Vessels which entered Inwards in the Harbour of Port Jackson in His Majesty's Colony of New South Wales in the Quarter between the 30th day of March and 30th day of June, 1801, with the particular quantity and quality of the lading of such vessels.

<table>
<thead>
<tr>
<th>Time of Entry</th>
<th>Ships' Names</th>
<th>Masters' Names</th>
<th>Built</th>
<th>Number of</th>
<th>Where and when Built</th>
<th>Where and when Registered</th>
<th>Owners' Names</th>
<th>General Cargo</th>
<th>From whence</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 '' John, Brig.</td>
<td>Samuel Fuller</td>
<td>Danish .. 179 .. 13</td>
<td>Prize to the Star.</td>
<td>Cape Good Hope.</td>
<td>Chace &amp; Co.</td>
<td>Miscellaneous</td>
<td>Cape Good Hope.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12 '' Earl Cornwallis.</td>
<td>James Tennant</td>
<td>British .. 784 20 72</td>
<td></td>
<td>Wilson, Tenant &amp; Co.</td>
<td>Miscellaneous</td>
<td>Last from Cape Good Hope.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

W. BALMAIN, Naval Officer.
**A List of Ships and Vessels which have cleared outwards at the Port of Port Jackson, in His Majesty's Colony of New South Wales, between the 30th day of September, 1800, and the 30th March, 1801, with the particular quality and quantity of the lading of such vessels.**

<table>
<thead>
<tr>
<th></th>
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<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>El Plumier</td>
<td>Will'm Reid</td>
<td>Spanish</td>
<td>250</td>
<td>2</td>
<td>13</td>
<td>Captured on the Coast of Peru</td>
<td></td>
<td>Reid &amp; Co.</td>
<td>Ballast</td>
<td>Cape G. Hope.</td>
<td>5 Jan. Sydney.</td>
</tr>
</tbody>
</table>
[Enclosure No. 1—continued.]

A List of Ships and Vessels which cleared outwards at the Harbour of Port Jackson, in His Majesty's Colony of New South Wales, in the Quarter between the 30th day of March and 30th June, 1801, with the particular quantity and quality of the lading of such vessels.

|------------------|--------------|----------------|--------|---------------------------|-----------------------|----------------------------|---------------|----------------|---------------|-------------|

W. BALMAIN, Naval Officer.
ACCOUNT of Spirits and Wine imported into His Majesty's Colony in New South Wales, between the 28th September, 1800, and August 21st, 1801, with the quantity sent away, and remains of that landed being lodged in His Majesty's stores, and given out as the Governor grants permits.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>John Jay*</td>
<td>1,400</td>
<td>1,400</td>
<td>276</td>
<td>276</td>
<td>s. d. 8 0</td>
</tr>
<tr>
<td>Diana*</td>
<td>374</td>
<td>374</td>
<td></td>
<td></td>
<td>5 0</td>
</tr>
<tr>
<td>Royal Admiral</td>
<td>7,200</td>
<td>7,000</td>
<td>840</td>
<td>200</td>
<td>4 0</td>
</tr>
<tr>
<td>Trimmer†</td>
<td>4,000</td>
<td>4,000</td>
<td></td>
<td>1,024</td>
<td>10 0</td>
</tr>
<tr>
<td>Harbinger</td>
<td>2,800</td>
<td>2,800</td>
<td>3,000</td>
<td>13,000</td>
<td>2,040</td>
</tr>
<tr>
<td>Polissabe*</td>
<td>13,000</td>
<td>15,000</td>
<td></td>
<td>445</td>
<td>8 0</td>
</tr>
<tr>
<td>Margaret</td>
<td>3,000</td>
<td>700</td>
<td>3,000</td>
<td>700</td>
<td>0 0</td>
</tr>
<tr>
<td>Anne</td>
<td>7,500</td>
<td>7,500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Britannia</td>
<td>300</td>
<td>300</td>
<td>240</td>
<td>2,240</td>
<td>6s. 8 0</td>
</tr>
<tr>
<td>Chance</td>
<td>480</td>
<td>480</td>
<td>480</td>
<td></td>
<td>9 0</td>
</tr>
<tr>
<td>Missouri*</td>
<td>7,000</td>
<td>7,600</td>
<td>600</td>
<td>7,000</td>
<td></td>
</tr>
<tr>
<td>Greenwich</td>
<td>240</td>
<td>120</td>
<td>120</td>
<td>120</td>
<td></td>
</tr>
<tr>
<td>John†</td>
<td>8,000</td>
<td>360</td>
<td>360</td>
<td>8,000</td>
<td></td>
</tr>
<tr>
<td>Harrington†</td>
<td>4,000</td>
<td>4,000</td>
<td>4,000</td>
<td>2,400</td>
<td></td>
</tr>
<tr>
<td>Earl Cornwalls</td>
<td>...</td>
<td>2,400</td>
<td>2,400</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>59,294</td>
<td>30,896</td>
<td>26,974</td>
<td>8,986</td>
<td>32,320</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>22,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3,529</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5,140</td>
</tr>
</tbody>
</table>

* American vessels. † Indian vessels.

N.B.—Out of the quantity landed, only 519 gallons of spirits have been purchased for the use of the colony.

NEW SOUTH WALES.—OBSERVATIONS respecting Spirits brought to this Colony since I took the Command September the 28th 1800.

When a Vessel arrives the annexed Port Orders are given, and such are the temptations of reward for detecting Spirits landed without a Permit from me, that I am persuaded no attempt has been made to Smuggle, except in Two Instances, which were immediately discovered and the Spirits etc. forfeited.

If permission is given to land Spirits the price is previously fixed by me and a Magistrate—The Prices for the quantities landed are noticed in the annexed Statement nor are they to be increased at any time by the Proprietor: When I arrived Spirits were 40/s Per Gallon, altho there was upwards of 20,000 Gallons in the Settlement.

If the quantity imported is small, the Officers, Licenced People, and deserving Settlers are allowed to have small Proportions: But if great, it is Bonded and lodged in a Secure Public Store, and security given (exclusive of the Governor having One Key) not to touch it under a certain time, and then only to such
Persons as the Governor may give his own written Permit to, which is regulated by the Character of the Person to whom it is given—By these Regulations the quantity that has been allowed to be Landed, has circulated at proper times, and in regular Quantities, and to proper People—However I hope from the quantities sent away in the American and East India Ships as stated—That further Supplies of that Poison, which has ruined this Colony will soon be at an end.

[Enclosure No. 2.]

PAPERS RESPECTING WHALERS' INVESTMENTS.

Order re the Britannia, whaler.

BY Philip Gidley King Esquire Captain General and Governor in Chief in and over His Majesty's Territory of New South Wales and its Dependencies etc. etc. etc.

The Owners of the Britannia South Whaler having with the permission of Government and the Sanction of the East India Company sent an Investment of sundry Articles in that Ship, under an engagement to submit the Price thereof, and mode of disposal, and distribution, to the Governor for the time being, and as I have fixed the price at 50 per Cent, exclusive of Insurance and small charges; And the most Eligible way to prevent Monopolies, and to distribute them among every description of people, appearing to be, that of lodging those Articles in His Majesty's Stores.

You are therefore hereby required and directed to receive them, from the Master of the Ship, and after having made a List of their respective prices, you are to Publish the same, And you are to take especial care that no others than those who are provided with a written Order from me, be allowed to receive any proportion thereof, taking care to receive payment for the same on delivery, either in Money, Bills, or Grain, in Liquidation of which you are to send by every Opportunity Bills drawn in the Owners Names to the Amount of the Articles sold delivering me Weekly Accounts thereof,—For which this shall be your Order.

Given under My Hand at Government House Sydney this 28th day of March 1801. PHILIP GIDLEY KING.

John Palmer Esqr Commissary.

Order re the Britannia, whaler.

2nd April, 1801.

In addition to the General Order of the 1st of October last, and in consequence of instructions received by the Britannia, South Sea whaler, all masters of whalers, and other vessels arriving here with goods for sale, also all importers and consignees, are
to deliver to the Governor's secretary a signed copy of the original invoice and prime cost of such articles (previous to permission being given to trade), to the truth of which they are to make oath if required.

An investment of goods being arrived by the Britannia, South Sea whaler, and sent by the approbation of Government, and consent of the East India Company, the Governor (agreeable to his instructions, has judged proper to direct the Commissary to receive the said investment into His Majesty's stores, and to issue the same in such proportions as may be directed, on the following terms, viz.:—An advance on the prime cost (as expressed in the bills of lading lodged in the Commissary's hands) to be allowed the proprietor of 50 per cent., and 11 per cent. insurance, making together 61 per cent. on the prime cost.

Those who have the present means, either of lodging wheat, fresh pork, or money in payment for the above, in the stores, will receive such proportions as may be directed for the use of their families at 61 per cent. on such articles as do not require unpacking, and 66 per cent. on such articles as require to be unpacked; but, after those articles are received into the stores, the charge of 25 per cent. will be made in addition to the 61 per cent., making together 86 per cent. on the prime cost. A list of the articles the Commissary is directed to publish as soon as possible. The days of issue are Fridays. Application for orders to be made at the Secretary's office on Thursday.

Order re the Greenwich, whaler.

2nd June, 1801.

The owners of the Greenwich, whaler, having permission of Government and the sanction of the East India Company, sent a useful investment of articles to this colony for sale, the Governor has directed the Commissary to receive the same into His Majesty's stores, and as soon as possible to make the prices and terms of sale public, when those who are in want of such articles, and have the present means of payment, are to make applications for such proportions as they may want, in writing, every morning at nine o'clock at the Commissary's office.

The advance of these articles is regulated by the Governor at 50 per cent. above the prime cost, charges for the insurance, &c., allowed.

[Enclosure No. 3.]

ACTING-GOVERNOR KING TO THE MARQUIS WELLESLEY.

My Lord, Sydney, June 22nd, 1801.

From the knowledge I have of your Lordship's Proclamation in Council forbidding the Exportation of Spirits to this...
1801.
21 Aug.

Attempted importation of spirits from India.

Colony from any port of India; I have found it necessary agreeable to His Majesty's Instructions to Order the Harrington belonging to Madras, with Four Thousand Gallons of Bengal Rum to leave this Port; And I have directed, Eight Thousand brought in the John, and sent by the Supercargoe of the Matilda of Madras from the Cape of Good Hope, to be put on board the Harrington also, as both Vessels, and Cargoes belong to the same Owners.

It is necessary I should inform your Lordship; That the Master of the Harrington produced a Certificate Clearance from Calcutta to Madras, and from thence to Amboyna, and this Port; The Super Cargo of the John, produced the Matilda's Clearance Certificate, from Madras, to the Cape of Good Hope; and the Owners directions to send any part of that Vessels Cargo to this Colony if Permitted.

The Master and the Supercargoe, agreeable to my Permission, have landed their large Investments of Dry Goods which they are Selling.

I have, etc.,

PHILIP GIDLEY KING.

Since writing the within the Master of the Harrington and the Supercargoe of the John, have agreed to Transfer the Spirits into the John, in which Vessel they now leave this Port.

July 24th, 1801.

P.G.K.

[Enclosure No. 4.]

PETITION OF HAWKESBURY SETTLERS.

The humble petition of the settlers and landholders on the River Hawkesbury, to His Excellency, Governor King,—

Humbly sheweth:—

That your humble petitioners, through the many losses that they have met with by Providence, through so many successive floods within the last two years, which have almost ruined them, and that they find themselves in such embarrassed and low circumstances through their losses that they can see nothing before them but their utter ruin, if your Excellency permits a Civil Court to take place according to the last notice; for their creditors, finding they have not the opportunity they formerly had of extorting on them, and for which we most humbly thank your Excellency for stopping their proceedings, and for supplying us, on such reasonable terms, with the comforts of life, for which we used to pay so dear, and which have involved us in the misery we now labor under; and our creditors are now using every means in their power to distress us by obtaining executions on our effects, and by putting them up for public sale, where they
are sold for ten times less than the value than they are to the settler. On the other part, if a settler or landholder is sent to gaol at this season, his land must go uncropped, which was the case the last year about this time, when so many people were lodged in gaol, was the reason of a great number of acres of land going uncropt with that useful grain, maize, and which must undoubtedly be the case this year, for we have not got it in our power, after so many losses, to discharge our debts till our crops come off; and to satisfy your Excellency that it is not for want of principle, but for the want of means, that our debts are not discharged, we are all and every one of us willing to give our creditors all the security our circumstances will allow of till our crops doth come off, for that your petitioners have used every means in their power to be relieved from their debts, and which if Providence had not destroyed the fruits of their labors, the most part, if not all, would have been at this time out of debt. And now again we have distressed ourselves to crop all the land we could, and many of us to the last bushel of wheat we had, to relieve themselves, if Providence permits it at the ensuing harvest, and for which your humble petitioners pray that your Excellency will take their unhappy case into your humane consideration, and not permit a Civil Court to take place till the ensuing harvest, and then your petitioners humbly hope that they shall satisfy their creditors without either the trouble or the expense of a court. This our petition we most humbly pray that your Excellency will grant, and we shall, as in duty bound, ever acknowledge it a particular favour granted to your Excellency's most obedient and humble servants.

[This was signed by 82 persons.]

ACTING-GOVERNOR KING'S GENERAL ORDER
RE THE PETITION FROM THE HAWKESBURY SETTLERS.

23rd June, 1801.

The Governor having received a petition from the settlers at Hawkesbury, praying for one year's suspension of the Civil Court of Judicature, ordered for the 6th of next month, on the plea of their being greatly in debt, owing to the late extortions practised on them, and their creditors threatening to throw them into gaol, whereby they will be deprived of the only means of paying those debts, by their farms being taken on execution, instead of planting maize at the proper season. The Governor having maturely considered the prayer of this petition, while he laments the accidents that have deprived many of the industrious among them of their grain and means, he cannot but advert to the very inconsiderate conduct of a great part of those whose
names appear in that petition, and the flagrant abuses they have made of the exertions used to extricate them from the state they were in last year. These abuses consist in a neglectful disobedience of the Orders for reducing the price of labour among the freemen, and using the articles of use and comfort, that they obtain at so reasonable a rate, for the purpose of extortion, which, being themselves rescued from, they now extend this practice to those they employ, which is a principal cause of the price of labour being kept up. Added to this, the Governor is sorry to have observed that idleness and dissipation among the settlers, which must ever keep them in a state of abject poverty and dependence—he means their destructive propensity to the use of spirituous liquors—to obtain a taste of which many of them have sacrificed the fruits of their whole year’s labour and maintenance.

The Governor hopes that the success of the whale fishery on this coast, and the intentions of Government continuing to supply the inhabitants with articles of use and comfort at a low rate, will excite in them a general spirit of exertion, as it can only be by the industry of individuals, in raising grain and animal food, that they will be able to partake of these advantages. And, as the Orders issued by the Governor since he took command, have been intended to promote the happiness and comfort of those under his charge, collectively and individually, while he expresses his firm determination to have those Orders obeyed, he hopes every description of people will second his exertions, by bringing forward the infractors of them. But if extortions are submitted to, debts, executions, and a gaol must be the natural consequences.

Respecting the suspension of the Civil Court, it is the Governor’s duty to inform the petitioners, as well as the other inhabitants, that His Majesty and the Legislature having directed a Civil Court of Judicature to be established in this colony, a constant resource is to be had thereto by all His Majesty’s subjects for the recovery of their just claims. And the Governor, having postponed the meeting of that Court (to decide upon the numerous claims laid before him) until after the season for sowing wheat is finished, it would be a flagrant breach of his duty to impede the due course of that law, which provides equally for all descriptions. But while he feels it his duty not to hinder any person from asserting their just claims on each other, yet he expects the creditors of those who bear an industrious character will not push their prosecutions further than is unavoidably necessary for obtaining their legal demands.

PHILIP GIDLEY KING.
KING TO PORTLAND.

[Enclosure No. 5.]

**Number of Weeks Provisions remaining in His Majesty’s Stores in New South Wales the 12 day of June, 1801, with the time it will last the present Numbers Victualled Vizt. 2,229 Including Salt Beef Purchased from the American Ship Missouri.**

<table>
<thead>
<tr>
<th>Salt Meat.</th>
<th>Weeks it will last.</th>
<th>Grain.</th>
<th>Weeks it will last.</th>
</tr>
</thead>
<tbody>
<tr>
<td>lbs. 79,096½</td>
<td>14½</td>
<td>Bushels. 2490½</td>
<td>4½</td>
</tr>
</tbody>
</table>

**STATEMENT of Grain in Stacks belonging to the Crown and offered by Private Cultivators for the Public use—Vizt.**

<table>
<thead>
<tr>
<th>Grain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maize. Bus.</td>
</tr>
<tr>
<td>In Stacks belonging to Government.......</td>
</tr>
<tr>
<td>Offered by Private Cultivators..........</td>
</tr>
</tbody>
</table>

**Bushels ............ | 4,620 | 3,800**

**LENGTH of time the above will last.**

<table>
<thead>
<tr>
<th>Grain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wheat ......</td>
</tr>
<tr>
<td>Maize ......</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Weeks it will last.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wheat ...... 4620</td>
</tr>
<tr>
<td>Maize ...... 3800</td>
</tr>
</tbody>
</table>

**N.B.—This Calculation was made previous to the Arrival of the Earl Cornwallis.**

[Enclosure No. 6.]

**PAPERS RESPECTING H.M.S. PORPOISE GOING TO OTAHEITE.**

**Acting-Governor King’s Orders to Mr. William Scott.**

**By etc.**

His Majesty’s Service in this Colony requiring that every exertion should be made to supply this Settlement with salt pork from the Society Islands, where, from the Authority of Capt. Cook and other Navigators whose Voyages are published, as well as from the Missionaries and South Whalers who have recently visited those Islands, I am informed that Hogs may be got on the most reasonable Terms in Barter for such articles as are in request among the Natives; And as a supply of salt has been procured from the Ocean, South Sea Whaler; And as His
Majesty's Armed Vessel Porpoise is now fit for sea and victualled for Six Months—You are hereby required and directed to receive on board the quantity of Salt Brine, Provision Casks, and articles for Barter as per Enclosure, and proceed without loss of time to Matavia Bay in the Island of Otaheite, and after having delivered the enclosed letters to the Missionaries and Pomarre, chief of that District, you will consult with them on the best and most effectual means of procuring as many Hogs as possible in that District (and at the cheapest mode of Exchange for such articles as you are provided with) for the purpose of salting in the manner described by Captains Cook and Vancouver, to enable you to do which, as well as a guide in navigating among those Islands, you are furnished with such parts of Cook's Voyages as relate thereto, to which I have added such extracts from Captain Vancouver's Voyage as will assist you in executing this essential service for the welfare and perhaps future existence of this Colony.

If you find that you cannot procure a sufficiency of Hogs at Matavia Bay you will request Mr. Jefferson, or the body of Missionaries to make choice of one of their number who understands the language and who may be useful to you in procuring Hogs, not only at Matavia, but also to accompany you to such other parts of Otaheite as you can approach with safety to the ship; and should you not be able to accomplish the object of your Voyage at that Island you will proceed to Eimeo, Huaheine, or Ulitea, and persevere until you may be able to fill all the Casks you take from hence or can appropriate to that purpose.

Previous to your leaving Otaheite you will inform the Missionaries and Pomarre that it is your intention to return to Matavia Bay for such Hogs as may be procured during your absence, to land the Missionary and receive the letters to me, which you will not omit doing.

As a quantity of Salt has been sent to Norfolk Island, in the event of not filling your Casks at the Society Islands you will call at Norfolk on your return for such Salt Pork as the Acting Lieutenant-Governor may be able to procure, giving receipt for same.

In executing this service you will be particularly attentive to cultivate that good understanding which has so generally prevailed between the Natives of these Islands and such Vessels as have visited, but in doing which you will be careful not to take a decided part in any of their quarrels, which must not only prevent our procuring future supplies but also endanger the safety of the Missionaries now resident among them. And as I am informed that there are several Seamen on the Island of Otaheite
who have left different Ships, and also several Convicts who have made their escape from this Colony, and are not only held in great Detestation by the Natives but very troublesome to the Missionaries, if you find any people of that description on Otaheite you will take an opportunity before you leave it (or sooner if necessary), of securing and bringing them here as prisoners.

Should you be of opinion that future supplies of Hogs can be got from those Islands, you will inform the Missionaries and different Chiefs who you may have intercourse with, that it is my intention to send a Ship once a Year for such Hogs as they may be able to procure; and you will endeavour to make yourself acquainted with the articles of barter that are most in request among the Natives.

You will also cause such attention to be observed to the Missionaries established at Otaheite as may impress the Natives with an Idea of their being greatly respected by those under your Command, which will not only be the means of procuring Supplies more readily hereafter, but also ensure the safety of that Society.

In performing this Service you will use the utmost expedition and return to this port as soon as possible (as the provisions you may obtain may be much wanted before you return), delivering me a Journal of your Proceedings, in which you will particularize every Circumstance respecting the Natives, the state of the Mission, and such other observations as may guide my future Conduct in keeping up an intercourse with those Islands.

Unless Pomarre should wish to send a Native of Otaheite to this place, you are not to bring any of them here.

Given etc. 20 May 1801.

PHILIP GIDLEY KING.

acting-Governor King to Revd. Mr. Jefferson, Resident Missionary at Otaheite.

Sydney, New South Wales,
March 28th, 1801.

Sir,

Understanding that the Crews of many Vessels, which have stopped at Otaheite, have behaved not only in a most disorderly manner, but also that they have carried their excesses so far as to take off by force, the breeding Stock that has been brought there at much trouble and expence by those who have formally visited that Island; And as it of the utmost consequence that the breeding Stock now on that Island, as well as such property as belongs to your mission, should be preserved from such Lawless plunder, And that the British Name and Character may not suffer, in the Opinion of the Natives by such
licentious acts being committed by British Subjects; You will, on the arrival of any English Merchant Vessel, communicate the within Order to the Commander of such Merchant Vessel, and if after this communication any of the said Ship's Crews, shall behave in any outrageous manner, either against yourself and the Mission, the Natives, or taking away any Stock against your consent, and that of the Natives, I expect you do, by the first conveyance, inform me of the Ship, Master's, and Owner's Names, the Port to which she belongs, with the names of those who may have committed those outrageous Acts—accompanied with a written statement thereof signed by yourself, and two of the other Principal Missionaries on the Island to enable me to transmit the same to England that Justice may be done on the Offenders.

I remain, etc.,

PHILIP GIDLEY KING.

 Acting-Governor King's Proclamation to English Merchant Captains calling at Otaheite.*

By Philip Gidley King Esqr. Captn. General and Governor in Chief in and over His Majesty's Territory of New South Wales and its dependancies including the Islands in the South Pacific Ocean, between the Latitude of 10 and 45 South.

WHEREAS it having been represented to me that the Crews of many Vessels, which have stopped at Otaheite, have behaved not only in a most disorderly manner, but also that they have carried their excesses so far, as to take off by force, the breeding Stock that has been brought there, at much trouble and expense by those who have formerly visited that Island; And it is of the utmost consequence that the breeding Stock now on that Island as well as such property as belongs to your Mission should be preserved from such Lawless plunder and that the British Name and Character may not suffer in the Opinion of the Natives by such licentious Acts being committed by British Subjects. You ARE THEREFORE hereby required and directed, to cause the Missionaries to be respected by your Ships company, to give the Natives no cause of Offence and not to allow of any Tools or utensils, or any breeding Stock or other Property whatever to be taken away without the entire and free consent of the Missionaries or Natives to whom such Articles may belong; As a contrary conduct to the above will be transmitted to His Majesty's Ministers, as soon as I am possessed of the particulars, that the delinquents may be brought to Justice.

Given etc. March 28th 1801.

PHILIP GIDLEY KING.

* Note 61.
The sole design of the Porpoise's Voyage to the Society Islands being to procure Hogs for salting which may be purchased with articles that Europeans esteem of little value, therefore if each individual be permitted to make such bargains as he may think proper; not only the value of these articles will soon be reduced in the estimation of the Natives, but, until a proper and good understanding be established with them, it may occasion such disturbances as may be attended with the most fatal consequences, exclusive of the intent of the voyage being totally destroyed.

A proper Person on the part of the Colony and Ships Company will be appointed to trade with the Natives, for Hogs and for Fruit, and other productions of the earth for the daily use of the Ships Company; and no Person belonging to the Ship excepting such as are so appointed shall trade or offer to trade for any sort of Hogs: that traffic being confined to the sole use of the Colony, and for storing His Majesty's Ship with Salt Provisions.

No article of curiosity is to be purchased until after all the Hogs that can be procured, are salted when two Days at each Island will be set apart for that traffic, under proper restrictions preventing the articles given in exchange being bartered at too cheap a rate.

Every Person employed on shore on any Duty whatever, is strictly to attend to the same, and if it should appear that by neglect, any of the Arms Working tools, boats furniture, or other matters committed to the charge of one or more persons, be lost, or suffered to be stolen, the full value of the same will be charged against his or their Wages, and he or they will likewise suffer such other punishment as the nature of the offence may deserve.

The Officers and Ships Company are also enjoined to behave in a respectful and attentive manner to the Missionaries as not only their safety but also the assistance of present and future supplies must greatly depend on their being respected by the Natives among whom they are placed.

Nothing will be more gratifying to me than to have an opportunity of testifying my approbation of the good conduct of the Ships Company on this important Service when they return to this Port.

Given etc. this 20th May 1801.

PHILIP GIDLEY KING.
**Invoice of Articles** belonging to the Crown shipped on board His Majesty's Armed Vessel Porpoise for traffic in Exchange for Salt Pork on that Ship's intended Voyage to Otaheite.

May 19th 1801.

<table>
<thead>
<tr>
<th>Box No.</th>
<th>Containing Presents.</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>6/- pr. Yd</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>10 Yds do*</td>
<td></td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>99</td>
<td>356½ Yds of Red and Yellow Bunting</td>
<td>6d. pr. yd.</td>
<td>8</td>
<td>18</td>
</tr>
<tr>
<td>2 pieces Red Cloth 42 Yds</td>
<td>6/- pr. Yd</td>
<td>12</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>99</td>
<td>100 Drawing Knives</td>
<td>2/-</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>99</td>
<td>100 Felling Axes</td>
<td>2/-</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>99</td>
<td>50 Field Hoes</td>
<td>2/-</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>180</td>
<td>180 Tomahawkes</td>
<td>1/-</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>100 7 In Spikes 30 lb</td>
<td>33/- p Cwt</td>
<td>8</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>99</td>
<td>43 Clasp Knives*</td>
<td>6/6 pr. doz</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>99</td>
<td>9 lb. Sheet Copper</td>
<td>1/4 pr lb</td>
<td>0</td>
<td>12</td>
</tr>
<tr>
<td>15</td>
<td>15 Doz. Scissors</td>
<td>7/- pr doz.</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>12</td>
<td>12 Half round files</td>
<td>6d</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>287 small tooth Combs</td>
<td>3d</td>
<td>3</td>
<td>11</td>
<td>9</td>
</tr>
<tr>
<td>4 doz Razors*</td>
<td>6/-</td>
<td>1</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>4 doz Cheap Knives*</td>
<td>6/6</td>
<td>1</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>216 lb Old Iron</td>
<td>3d p lb</td>
<td>2</td>
<td>14</td>
<td>0</td>
</tr>
<tr>
<td>6 Tin Quart Pots</td>
<td>1/-</td>
<td>0</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>6 Steels</td>
<td>1/-</td>
<td>0</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>100 White Shirts</td>
<td>3/9</td>
<td>18</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>15 Red Military Jackets</td>
<td>15/-</td>
<td>11</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>6000 30d Nails Wt 4cwt. 0q. 2lb</td>
<td>33/- p Cwt</td>
<td>6</td>
<td>12</td>
<td>7</td>
</tr>
<tr>
<td>6000 30d Do 3cwt. 0q. 24lb</td>
<td>5</td>
<td>6</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>6 Stand of Old Arms</td>
<td>12/-</td>
<td>3</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>8 Pair Salting Gloves</td>
<td>2/- p Pair</td>
<td>0</td>
<td>16</td>
<td>0</td>
</tr>
<tr>
<td>26 lb Salt Peter*</td>
<td>6d p lb</td>
<td>0</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>13720 lbs Salt*</td>
<td>1½ p. lb</td>
<td>85</td>
<td>13</td>
<td>0</td>
</tr>
<tr>
<td>400 Iron Hoops 1444 lbs</td>
<td>3d p. lb</td>
<td>18</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>800 Rivets 28 lb.</td>
<td>5d</td>
<td>0</td>
<td>11</td>
<td>8</td>
</tr>
<tr>
<td>25 Empty Hogsheads</td>
<td>3/-</td>
<td>3</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>7</td>
<td>7</td>
<td>7</td>
<td>13</td>
<td>0</td>
</tr>
<tr>
<td>300 lbs Sugar</td>
<td>8d p. lb</td>
<td>10</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**£ 261 12 3½**

*These Articles have been purchased for the Occasion.*

**Acting-Governor King to King Pomarre, Otaheite.**

Sydney, New South Wales,

May it please your Majesty, 13th October, 1800.

I am very sorry I did not know of your subject Ta-pe-hi going from here some time ago, otherwise I should have written to you; and I am now very sorry that it is not in my power to send you any presents except what Captain Bunker brings you as.
a small token of my future intentions. I hope our worthy
countrymen and your subjects agree well together, and that you
all profit by their teaching and example. I shall be glad to hear
from you through Mr. Jefferson. I am, &c.,
PHILIP GIDLEY KING.

King Pomarre, of Otaheite, to Acting-Governor King.

Mattayye, Otaheite, 31st December, 1800.

May it please your Excellency,

Your letter and present I kindly accept. I love King
George and his subjects, and will while I live be a protector to
those of them who put themselves under my care; but I must tell
your Excellency I at this time stand in fear of the commonalty,
many of them being disaffected to me, and their disaffection I
fear is encouraged by some seamen who are on the island, and
therefore wish your Excellency to present me with a few fire­
arms, whereby my authority may be maintained, and the peace
of my kingdom preserved.

I request your Excellency to accept of the articles I have sent
you by Captain Bunker, as a token of my goodwill. I hope it
will not be long before I have the pleasure of hearing from you
again.

I am, &c.,

Pomarre x
mark.

[Enclosure No. 7.]

ORDERS TO COMMISSARY PALMER RE H.M.S. PORPOISE.

By etc.

Whereas it is very necessary for the more clear adjustment of
the Public accounts in this Colony, that the expenses and issue
of stores and provisions appropriated to the use of His Majesty's
ships on this Station should be separately stated from the ex­
penses that have been usually voted for this Colony: You will
take especial care to make a separate statement thereof in your
accounts of the annual expenditure as far as relates to articles
received into your charge and supplied from England. But with
respect to stores and provisions purchased from masters of
vessels, or grain flour or wheat purchased from individuals
for those purposes. You will on receiving my directions pur­
chase on the lowest terms such stores or provisions as may be
demanded by the commander of any of his Majesty's ships or
vessels and approved of by me, drawing bills for the same on the
respective boards; in support of which you will transmit the
fullest vouchers furnishing me with the copies of the same;
and exclusive of these vouchers you will furnish the Navy and
Transport Boards with a Yearly Statement of the number and amount of Articles so supplied to any of His Majesty’s Ships or Vessels either Stationed or touching at this Port for which this shall be your Order.

Given etc. this 6th day of Nov. 1800.

PHILIP GIDLEY KING.

To John Palmer Esq.
Commissary of Provisions and Stores
New South Wales.

By etc.

You are hereby required and directed to draw the following Bills on the Navy and Victualling Boards in Payment for the Articles purchased by you (agreeable to my Order of the 6th Novr. 1800) for the use of His Majesty’s Armed Vessel Porpoise Vizt.

\[
\begin{align*}
\text{One Sett in favor of Messrs Bridges and Hickson for £64 10 0} \\
\text{One Do } " " " " \text{Mr. W. Roberts } " 219 14 10\frac{1}{4} \\
\text{One Do } " " " " \text{Mr. Jas. Stewart } " 585 2 2 \\
\text{One Do } " " " " \text{Do Do } " 10 2 4\frac{1}{2} \\
\text{Navy Bd. One Do } " " " " \text{Do Do } " 16 9 5 \\
\end{align*}
\]

Of which you will advise the respective Boards, and transmit proper Vouchers for the same For which this shall be your Warrant.

Given etc. 23rd May 1801.

PHILIP GIDLEY KING.

John Palmer Esq.
Commissary.

[Enclosure No. 8.]

[A copy of the list of Irish rebels recommended for pardon has not yet been found.]

[Enclosure No. 9.]

NOTICE RESPECTING FRAUD IN CONVICTS’ TIMES.

4th August, 1801.

It having been this day discovered that, through the folly of several prisoners and the knavery of the Governor’s clerks, that the former have paid considerable sums of money, watches, &c., to the latter for the purpose of altering their terms of transportation from life to shorter rates (most of which have expired), some of whom, under the idea that this traffic was completed, on finding themselves disappointed by the evidence of the original indents, kept in the Governor’s own possession, have made a confession, which has led to the discovery of several prisoners who have thus been drawn into an expense they never can recover. Whilst proper measures are taken for the punishment of this swindling act of the clerks, the Governor directs all persons who
have had any transactions of this kind, either now or in Governor Hunter’s time, do give an immediate account thereof to the Governor’s secretary. If this notice is disregarded, the strictest scrutiny will be made into the indents, and the offenders will receive such a punishment as it is hoped will prevent any future attempts of that kind.

[Enclosure No. 10.]

RETURN of Stock and Ground in cultivation belonging to Government and individuals in His Majesty’s territory of New South Wales this 30th day of June, 1801.

<table>
<thead>
<tr>
<th>Belonging to Government</th>
<th>Sheep</th>
<th>Cattle</th>
<th>Horses</th>
<th>Goats</th>
<th>Hogs.</th>
<th>No. of acres in Wheat.</th>
<th>No. of acres of Maize to be planted.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>777</td>
<td>880</td>
<td>30</td>
<td>...</td>
<td>...</td>
<td>476</td>
<td>300</td>
</tr>
<tr>
<td>Belonging to individuals</td>
<td>6,269</td>
<td>362</td>
<td>211</td>
<td>1,259</td>
<td>4,766</td>
<td>4,857</td>
<td>3,564</td>
</tr>
<tr>
<td>Total</td>
<td>7,046</td>
<td>1,242</td>
<td>241</td>
<td>1,259</td>
<td>4,766</td>
<td>5,333</td>
<td>3,864</td>
</tr>
<tr>
<td>Total as mustered, July, 1800*</td>
<td>6,124</td>
<td>1,044</td>
<td>203</td>
<td>2,182</td>
<td>4,026</td>
<td>4,665</td>
<td>2,930</td>
</tr>
</tbody>
</table>

* Included for the purposes of comparison.

[Enclosure No. 11.]

A RETURN of Government’s Stock, June 30th, 1801.

<table>
<thead>
<tr>
<th>District</th>
<th>Horned Cattle</th>
<th>Horses</th>
<th>Sheep</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Bulls</td>
<td>Cows</td>
<td>Bull calves</td>
</tr>
<tr>
<td>Parramatta</td>
<td>5</td>
<td>210</td>
<td>88</td>
</tr>
<tr>
<td>Toongabbe</td>
<td>5</td>
<td>93</td>
<td>68</td>
</tr>
<tr>
<td>Seven Hills</td>
<td>2</td>
<td>24</td>
<td>16</td>
</tr>
<tr>
<td>Sydney</td>
<td>1</td>
<td>16</td>
<td>7</td>
</tr>
<tr>
<td>Total</td>
<td>13</td>
<td>343</td>
<td>179</td>
</tr>
<tr>
<td>Increase since last return</td>
<td>...</td>
<td>...</td>
<td>8</td>
</tr>
<tr>
<td>Decrease since last return</td>
<td>1</td>
<td>9</td>
<td>...</td>
</tr>
</tbody>
</table>

JNO. PALMER, Commissary.

Killed and issued to the sick in the General Hospitals, Sydney and Parramatta, in lieu of salt meat ........................................ 13 wether sheep.
Killed and issued to those victualled from the stores in lieu of salt meat 15 old bullocks.

PHILIP GIDLEY KING.
1801.
21 Aug.

Health of Surveyor-General Alt.

We, the undersigned surgeons, having examined and questioned Augustus Alt, Esq., touching the complaints which he has stated as rendering him unfit to execute the duty of Surveyor-General, and are of opinion that he is unable to execute the duty of Surveyor-General by reason of infirmity from old age, impaired eyesight, and general decline of health; and we have made this examination so carefully that we are ready to confirm the truth thereof upon oath if required.

Given, &c.,

W. Balmain, Surgeon to the Territory.
John Harris, Surgeon, N.S.W. Corps.
Jno. Wilson, Surgeon, H. M. Ship Porpoise.

Memorial of Surveyor-General Alt.

Surveyor-General Alt's Memorial to His Grace the Duke of Portland.

Sydney, New South Wales, 27th April, 1801.

The memorial of Augustus Alt most respectfully sheweth:—

That in the year 1755 your memorialist had the honor of being appointed ensign in the King's or 8th Regiment of Foot.

That in the following year your memorialist was appointed Assistant Q'r.-Master General to conduct the Hanoverian troops from Chatham port to their quarters in Canterbury, and from thence to their encampment on Barham Downs, in Kent.

That in the year 1758 your memorialist departed with the 8th Regiment to the coast of France on the expedition under the command of Admiral Hawke and General Sir John Mordaunt.

That in the year 1760 the 8th Regiment was ordered to join the allied army in Germany, under the command of Prince Ferdinand, where your Grace's memorialist remained as aide-de-camp to several generals, latterly to General Conway, till the conclusion of peace.

That in the year 1763 your memorialist was ordered to the Highlands of Scotland to make roads.

* Note 58. † Note 62.
That the year 1764 your memorialist went to Montross to be instructed by Major Hume in the Russian exercise for the benefit of the regiments then quartered in the north.

That in the year 1777 your Grace's memorialist assisted in raising the Manchester Volunteers, and marched with them to the siege of Gibraltar, where the honor of being an assistant engineer was conferred on him by Governor Elliott.

That in the year 1781 your memorialist went with Colonel J. F. Erskine to assist in raising three battalions of Swiss Chasseurs for the East India Service.

That in the year 1785 your memorialist was about to embark for the Island of Madagascar, as engineer, with Colonel Erskine, to join Count Bonisky, but, unfortunately, news arriving a few days before the ship was to sail, a stop was put to the expedition.

That in the year 1787 your Grace's memorialist had the honor of being appointed Land Surveyor-General to His Majesty's colony of New South Wales, under the command of Governor Arthur Phillip, to whom, as to several subsequent Commanders-in-Chief, he flatters himself he has given satisfaction in the discharge of his official duty.

That from the period of April, 1797, in consequence of your memorialist's eyes failing him (owing to his advanced age of 67 years) he has not been enabled to act officially in that station, and, moreover, had the misfortune to have his house burnt to the ground and his effects wholly consumed by the natives (without the possibility of any assistance being given) at a time when he was doing his duty on a Court of Vice-Admiralty, held in the town of Sydney, at a distance of 7 miles.

May it therefore please your Grace, in consideration of the past services of your memorialist, as well as his severe misfortunes, to make such a representation of the circumstances of his case to His Most Gracious Majesty as may induce him to bestow on your memorialist such mark of His Majesty's Royal favor as may render comfortable the few remaining years he can expect the Supreme Being to add to a life chequered with vicissitudes and oppressed with unmerited calamities.

And, in gratitude bound, your Grace's memorialist will ever fervently pray, &c., &c.

AUGUSTUS ALT.

[Enclosures Nos. 15 and 16.]

[These consisted of returns relating to Norfolk Island, the identity of which has not yet been determined.]
1801. 21 Aug.

Commissariat returns.

Purchases made from various ships.

Sydney, New South Wales, 21st August, 1801.

My Lord,

With this I have the honor to enclose a statement of provisions remaining in His Majesty's stores, including that received by the Earl Cornwallis, with a present estimate thereon, and the general statement, together with the quarterly employment of those victualled from the stores.

In a preceding letter* I had the honor of stating that in addition to the articles purchased from the John Jay and Dianna, American ships (duplicate vouchers for which have been transmitted), I found it necessary to direct the Commissary to purchase some articles from the officers of the Royal Admiral, as stated in the enclosed vouchers No. 3, together with the vouchers No. 2, for the payment of wheat, &c., purchased from private cultivators to supply those necessarily victualled from the stores for the quarter from Sep'r 28th (when I took the command) to the 31st Dec'r, 1800, since when it has been necessary to direct the purchase of some necessary articles from the master of the Anne transport, and from the supercargoes of the American ship Missouri. Vouchers for those payments are enclosed, and numbered from 5 to 6, also vouchers for the payment of wheat, &c., purchased from private cultivators as above, for the two quarters between January 1st and June 30th, 1801, numbered 4 and 7; and to explain the cause of incurring these expenses, I beg to request your Grace's reference to the enclosure containing the necessity of purchasing those stores for the public use of this settlement and of Norfolk Island, a part of which would have been unnecessary had I known what articles were coming out by the Earl Cornwallis; but, as no unwrought iron came by that ship, and as proportions of the sugar and other articles may be spared to individuals, at an advance, in exchange for grain or animal food, I trust that when the great quantities of the most useful articles brought for sale and our many wants (as stated in my letter† by Gov'r Hunter) are considered, that my ordering these purchases will be approved of, as in our then state it required some degree of denial not to supply the colony with many necessary tools that those at public labor were destitute of, which have since been supplied by those received by the Earl Cornwallis; and being generally in good condition, considerably diminishes our wants, a list of which, and their several necessities, with the

* Marginal note.—Per Buffalo, Oct. 1800.
† Marginal note.—No. 2 per Buffalo, Sept. 28th, 1800.
cloathing expended since March return and now remains, I have
the honor to enclose. In stating these wants, I beg to assure
your Grace I am guided by the strictest economy and exertion to
make every possible saving in the expenses of this colony, which
I trust will be considerably less than they have been for some
years past, supposing that saving only to arise from the great
reduction of the price of grain and animal food, and enforcing
the payment of debts due to the Crown since I took the command,
the annual statement of which will be transmitted when the
year's accounts, ending 31st Dec'r next, are made out. In this
place it is necessary to remark that our present scarcity of grain
has not occasioned any increase in its price; and as every
material statement is made in the enclosed documents of our
present resources for provisions, &c., and its application, I have
to request your Grace's noticing the number of people I have
found it necessary to strike off the public stores as having no
claim to be maintained at the public expense. The saving occa­
sioned by this measure is very great.

In the letter (of which this is an enclosure)* I have stated my
reasons for directing the Commissary to draw on the Navy and
Victralling Boards respectively for payment of stores and provi­
sions purchased from masters of ships or other individuals for
the use of His Majesty's armed vessel Porpoise, which I hope will
be deemed regular.

The salt provisions (received very opportunely) and the stores
sent by the Earl Cornwallis are in good order, except some
articles damaged by wet and leaks, which, altho' inconsiderable,
cannot yet be ascertained, as well as many articles received by
the Royal Admiral, which are very deficient of the quantities
expressed in the bills of lading, particularly the shoes, on which
subject I shall write to the Transport Board by the Albion.

Your Grace's instructions respecting the manner in which the
articles sent by the Royal Admiral and Earl Cornwallis are to be
disposed of have been carried into execution, as you will observe
by the enclosed copies of my orders to the Commissary and the
enclosures.

Altho' several articles will be indispensably necessary for the
public use from those stores, yet I hope the enclosure, specifying
what has been given out and its great utility in crushing mono­
polies, will induce your Grace to direct another year's supply to be
sent on the same account. Had those necessaries arrived before
the articles that were purchased by individuals (who furnished
the stores with grain) from the masters of ships, they would have
given the preference to those brought by the Earl Cornwallis, and
prevented the necessity of drawing bills for what they purchased

* Note 13.
1801.
21 Aug.

Stores required for barter.

Price of grain and animal food.

Pork received into the public stores.

from the ships. However, such has been the effect of this measure that a very small part of the private investment brought by the officers of the Earl Cornwallis, amounting to £10,000, is now selling at thirty p'r cent. only above prime cost. I enclose a list of such articles as may be wanting in the course of another year for the purpose of barter for grain, &c., and respectfully request that the indulgence of ten pipes of port wine sent for the officers of the civil and military department may be increased to fifteen. For the appropriation of the proceeds of the ten pipes of wine sent in the Royal Admiral (one of which unfortunately leaked out on the passage), I beg to refer your Grace to my letter sent herewith.

Respecting the price of grain and animal food supplied the stores by individuals, your Grace will observe that on taking the command I reduced the price of wheat two shillings and maize one shilling in the bushel, and fresh pork to sixpence a pound. At that price it has continued, notwithstanding our present scarcity and the great exertions that have been made to induce me to renew the former prices. Being just returned from visiting the different settlements, I have a pleasure in saying that the wheat now sown, as stated in the return, has a very promising appearance; but being subject to droughts, or the floods at the Hawkesbury, where the principal private cultivation is carried on, no dependance can be placed on its produce; but if no accident happens there will be one year's wheat for the colony, exclusive of the crop of maize; and should it wear the same promising appearance when harvested, I shall direct the Commissary to advertise for it at the lowest price, agreeable to his instructions from my Lords Commissioners of His Majesty's Treasury. But in doing this, great caution must be used not to discourage agriculture too much, lest it again opens a door to monopoly (which is now almost closed), by putting it in the power of two or three persons whose situations give them the means of monopolizing the grain from the small cultivators on their own terms; but as this is an eventful circumstance, I shall make no farther comment on this head, as I must be guided by events; and I beg to assure your Grace that the interest of Government, and encouraging the industry of the inhabitants, will be my guide in this, as well as in every other transaction.

It will appear by the voucher sent with this that only a small quantity of fresh pork has been given into the public stores, which will not be found extraordinary when your Grace considers the great number of people who support themselves without any expence to the public. It has hitherto been the custom to issue fresh pork purchased from individuals as salt beef—i.e.,
7 lbs. a man p'r week; but as the making of salt has facilitated the means of salting the pork, it is now issued at only 4 lbs. a man p'r week making a saving of nearly half.

For the clearer statement and comprehension of the contingent expenses of this colony, I have directed those accounts to be made up quarterly and closed annually, as expressed by the General Orders and printed enclosure, which will ascertain and substantiate such expenses as it may be necessary to incur.

The inhabitants having been so long accustomed to the convenience of Government bills, and the worth of money so much depreciated that shillings and pence have never been considered of any value 'till lately, from these causes some difficulty has attended the copper coin being in general circulation. By the notice enclosed and the General Order of the 14th July, your Grace will observe that I have regulated the payment of the copper, together with articles from the Government stores. These regulations and advantages will greatly lessen the expenses, particularly as the copper coin bears an additional value; but when that specie is all given out, it will be necessary to purchase it up again.

I have, &c,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

PROVISIONS remaining in His Majesty's Stores New South Wales 30th June 1801.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney</td>
<td>101,336</td>
<td>178,875</td>
<td>22,074½</td>
<td>82,890</td>
<td>9,840</td>
</tr>
<tr>
<td>Parramatta</td>
<td>3,248</td>
<td>2,603</td>
<td>419</td>
<td>4,872</td>
<td>47,040</td>
</tr>
<tr>
<td>Hawkesbury</td>
<td>7,867</td>
<td>11,522</td>
<td>74</td>
<td></td>
<td>11,783</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>112,451</strong></td>
<td><strong>193,000</strong></td>
<td><strong>22,567½</strong></td>
<td><strong>87,762</strong></td>
<td><strong>86,663</strong></td>
</tr>
<tr>
<td>Rate pr Week for One Full Ration</td>
<td>lbs.</td>
<td>lbs.</td>
<td>oz.</td>
<td>lbs. oz.</td>
<td>lbs oz.</td>
</tr>
<tr>
<td>Time each Specie will last the present numbers Victualled vizt. 2357 at a Full Ration</td>
<td>wks. days</td>
<td>wks. days</td>
<td>wks. days</td>
<td>wks. days</td>
<td>wks. days</td>
</tr>
<tr>
<td>Rate pr Week for One Ration at 2/3rds</td>
<td>lbs. oz.</td>
<td>lbs. oz.</td>
<td>oz.</td>
<td>lbs.</td>
<td>lbs.</td>
</tr>
<tr>
<td>Time each Specie will last the present Number Victualled Vizt. 2357 at 3/4ths that being the Ration now under Issue</td>
<td>wks. days</td>
<td>wks. days</td>
<td>wks. days</td>
<td>wks. days</td>
<td>wks. days</td>
</tr>
</tbody>
</table>
STATEMENT of Provisions etc. in His Majesty's Stores in New South Wales June 30th 1801.

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Quantity remaining in Store</th>
<th>No. of Weeks each kind will last</th>
<th>Weekly Issue for 2357 full rations Victualled from the Stores</th>
<th>Quantity Wanted</th>
<th>Time to Complete at a Full Ration</th>
<th>Statement of the Expence that will incur for Provisions to Issue to 2357 full rations Victualled from the Stores up to 31st Decr., 1801, for Grain, etc. to the 31st December 1802 for Salt Meat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beef</td>
<td>112,451 lbs.</td>
<td>27 days. 4½ lbs.</td>
<td>16,499 or 9482 lbs.</td>
<td></td>
<td>Decr. 31st 1802</td>
<td>Supposed Value of Salt Pork sent out from England including Tonnage to the Crown to be at 9d. pr pound for 490,256 lbs. 18384 12 0</td>
</tr>
<tr>
<td>Pork</td>
<td>193,000 lbs.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Pork being more advantageous, as stated in the preceding Statement, March 14th 1801.</td>
</tr>
<tr>
<td>Wheat, and Maize (as Wheat) now in Store 183,537 lbs.</td>
<td>271,537 lbs.</td>
<td>8 days. 3 lbs. 31,819½ lbs.</td>
<td>572,751 or 10,226 Bus. of wheat</td>
<td></td>
<td>31st Decr. 1801</td>
<td>Supposed Value at 8/- pr Bushel for 10,226 Bus., Wanting to complete to Decr. 31st 1801 4090 8 0</td>
</tr>
<tr>
<td>Wheat and Maize (as Wheat) in Public Stacks supposed to contain 183,000 lbs.</td>
<td>22,567½ lbs.</td>
<td>25 days. 3 lbs. 884 lbs.</td>
<td>504 lbs.</td>
<td></td>
<td>Decr. 31st 1801</td>
<td></td>
</tr>
</tbody>
</table>

OBSERVATIONS ON THE FOREGOING.

No. 1.—The total of Beef and Pork, includes that purchased from the Missouri American Ship, and received by the Earl Cornwallis, also the Sugar purchased from the Anne; And Grain remaining of that purchased from private Cultivators from Sept. 28th 1800, to June 30th 1801; And remaining in Government Stacks. The saving by the necessity of the reduced Ration is obvious, from the statement between the full and Two thirds Ration; But the Labor is necessarily reduced in proportion.

No. 2.—By referring to the return of Sept. 23rd, 1800, it will appear: That 2416 Full Rations were then Victualled, and that 366 Full Rations were struck off the Stores, between July and that date. That notwithstanding the Increase of Convicts, i.e., 620 since that date, not more than 2357 Full rations are now Victualled; Therefore since July 1800, 1045 Full Rations have been struck off the Stores (exclusive of 120 whose Terms of Transportation, have expired, and permitted to leave the Colony). The saving of which at £20 each Full Ration amounts to the yearly rate of £20,960. Not including upwards of 2000 Full Rations who support themselves at no Expence to the Crown.
PROVISIONS remaining in His Majesty's Stores in New South Wales this 30th day of June 1801 With the Quantity wanted for the Public use to compleat to the 31st Decr. 1802.

<table>
<thead>
<tr>
<th>Quality of Provisions</th>
<th>Remains in the Stores</th>
<th>Wanted for the Public Use</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salt Beef</td>
<td>112,451 pounds</td>
<td></td>
<td>As pr Estimate No 1</td>
</tr>
<tr>
<td>Pork</td>
<td>193,000</td>
<td>490,256 pork.</td>
<td></td>
</tr>
</tbody>
</table>

Sydney New South Wales June 30th 1801

Time the Government Stock would last the Numbers now supported by the Crown, i.e., 2357 at the established Ration.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cattle 880 Head supposed to Average 300 ea.</td>
<td>4 0 0</td>
<td></td>
</tr>
<tr>
<td>Sheep 777</td>
<td>90</td>
<td>0 2 0 1</td>
</tr>
</tbody>
</table>

STATEMENT OF OFFICERS ON THE CIVIL ESTABLISHMENT.

June 30th, 1801.

This return is similar to Enclosure No. 13 of the general despatch, dated 10th March, 1801, from Acting-Governor King, subject to the following alterations:

In place of Neil McKellar, Actg. Secty. to Governor.
W. N. Chapman—Secy. to Gov.—In the room of Lieut. Neil McKellar, pay commences 2nd April, 1801.

In place of Thomas Moore—Boat Builder.
Willm. Moore.—Boat Builder.

In place of Thomas Laycock—Depty. Comisy.—etc.
W. N. Chapman—Dep. Comisy.—In the room of Mr. Thos. Laycock resigned pay commences 2nd April 1801.

In place of—Bennett—Commisary's Clerk.
Wm. Bennett—Clk. to Commissary.

In place of Charles Grimes—Depty. Surveyor.

In the “List of Officers who perform Extra Duties” there is one addition.
Neil McKellar—Aid du Camp and Magistrate—Has 10 extra Convicts.
1801.
21 Aug.

Return of storekeepers, superintendents, etc.

Return of storekeepers, superintendents, etc.

This return is similar to Enclosure No. 14 of the general despatch, dated 10th March, 1801, from Acting-Governor King, subject to the following alterations:

In the place of 5—Thomas Collier—Master Blacksmith etc.
5—Simon Luddit—Master Blacksmith at Sydney in the room of Thos. Collier discharged for improper conduct in discharge of his duty. pay commences May 1st, 1801.

In the place of 1—W. N. Chapman—Store-keeper etc.
1—Wm. Broughton—Storekeeper and Actg. Deputy Commissary in the room of W. N. Chapman appointed Deputy Commissary at Port Jackson in the room of Mr. Thos. Laycock resigned pay commences 1st January, 1801.

To 2—Alex. Dollis and 3—James Nairne the date of appointment is added viz. 13th Jan. 1801.

[Enclosure No. 2.]

Population statistics.

State of His Majesty's Settlement in New South Wales, June 30th, 1801.

Civil Department.—1 Governor, 1 Acting Lieut.-Governor and Lieut.-Colonel N. S. Wales Corps, 1 (Invalided) Surveyor of Lands, 1 Acting Depy. Judge-Advocate and Registrar Vice-Admiralty Court, 1 Commissary, 1 Principal Surgeon, 1 Deputy Provost-Marshal, 1 Secretary to the Governor and Deputy Commissary, 1 Chaplain, 1 do. absent on leave in England, 2 Assistant Surgeons, 1 Deputy Surveyor, 1 Deputy Commissary, 1 do. absent on leave in England, 16 Superintendents Storekeepers, Commissary's Clerks and Vintners, 8 Women, 1 Children above Ten Years Old, 6 Children above Two Years Old, 3 Children under Two Years Old,

Military Department.—1 Lieut.-Colonel Acting Lieut.-Governor, 3 Captains, 5 Lieutenants, 5 Ensigns, 1 Adjutant, 1 Quartermaster, 1 Paymaster, 1 Surgeon, 1 Assistant do., 23 Sergeants, 16 Drummers, 451 Privates, 68 Women, 9 Children above Ten Years of age, 137 Children above Two Years of age, 42 Children under Two Years of age,

Vice-Admiralty Court.—Judge (Acting Lieut.-Governor), Registrar (see Judge-Advocate), Marshall and Serjeant at Mace.

People not victualled from Stores.—1,370 Men, 728 Women, 451 children.

2,549 Number not Victualled from the Stores.
2,068 Number full Rations not victualled from the Stores.

Convicts Victualled from the Stores.—1,350 Men, 229 Women,
* Children above Ten Years Old, 91 Children above Two Years Old, 30 Children under Two Years Old.

Loyal Association Victualled.—51 Sydney, 28 Parramatta.
1 Native Victualled from the Stores.

* Blank in original.
NUMBER VICTUALLED AT THE DIFFERENT RATIONS.

1,965 Whole 315 Two Thirds
254 Half 75 Quarter
2,610 Number Victualled from the Public Stores.
2,321 Whole Number at full Rations.

SETTLERS.
375 Men, 14 Women.
5,547 Number of Souls in the Settlement.

WEEKS PROVISIONS in the Stores at the Established Rations.
5½ Wheat and Maize as Flour
6½ Beef
21⅓ Pork.
25⅝ Sugar

[Enclosure No. 3.]
QUARTERLY EMPLOYMENT, JUNE, 1801.
SYDNEY.
Agriculture and Stock.
15 Overseers.
4 Care of Governm't Stock.
4 Brick and Tile Makers.

Buildings.
16 Bricklayers, Plaisterers and Labourers.
18 Blacksmiths and Labourers.
4 Shingle Pale and Lath Splitters.
22 Brick and Timber Carriages.

Boat builders, etc.
9 Carpenters, Shipwrights and Caulkers.
8 Labourers, Watchmen and Clerks.

Various Employments.
10 Making ready and Repairing Bridges washed away by Floods.
6 Taking Care of Governm't Huts.
8 Wheelwrights, Millwrights and Labourers.
3 Armourers, Riveters and Bailiffs.
1 Basket and Broom Maker.
3 Flax Dressers, Wool Carders and Weavers.
2 Millers.
4 Schoolmasters, Sexton and Bellringer.
11 Writers or Clerks.
1 Cooper, Farrier, and Wiredrawer.
11 Granary, Provision Stores, and Clerks.

1801.
21 Aug.

Return of numbers victualled.
1801.
21 Aug.
Return of employment.

71 To Commis’d Officers Civil and Milit’y includ’g Sup-intend’ts.
3 Non Commissioned Officers of New South Wales Corps.

Servants.

21 Overseers, Constables and Free, Men doing Govt. work as Artificers.
19 Overseers, Stock-keepers and Employed in Agriculture.

Recapitulate.

129 Artificers etc. Employed in Various Employments.
215 Various Employments.
95 Servants to Officers etc.

PARRAMATTA.

Agriculture and Stock.

16 Overseers.
48 Agriculture Acct.
38 Care of Governm’t Stock.

Buildings.

1 Bricklayer Plaisterer and Labourer.
18 Sawyers and Timber Measure.
18 Blacksmiths and Labourers.
4 Shingle Pale and Lath Splitters.
16 Brick and Timber Carriages.
12 Stone Cutters and Layers.

Various Employments.

21 Making roads and repairing Bridges washed away by Floods.
2 Taking Care of Governm’t Herds.
11 Wheelwrights, Millwrights and Labourers.
2 Basket and Broom Makers.
23 Flax Dressers, Wool Carders and Weavers.
9 Millers.
1 Schoolmaster, Sexton and Bellringer.
1 Writer or Clerk.
4 Coopers, Farriers and Wire drawers.
7 Granary, Provision Stores and Clerks.

Servants.

47 To Commis’d Officers, Civil and Milit’y, includ’g Sup-intend’ts.
8 To Settlers.
11 Overseers, Constables and Free Men doing Govt. work as Artificers.
KING TO PORTLAND.

Recapitulate.
102 Overseers, Stock-keepers and 144 Various Employments. 
Employed in Agriculture. 66 Servants to Officers etc.
96 Artificers etc. Employed in Buildings.

1801.
21 Aug.
Return of employment.

HAWKESBURY.

Agriculture and Stock.

14 Agriculture on ye Public 2 Care of Governm't Stock.
Acct.

Buildings.
1 Blacksmith and Labourer. 2 House Carpenters and Labourers.
2 Sawyers and Timber Measurers.

Various Employments.
1 Miller.
2 Granary Provision Stores and Clerks.
1 Executioner and Gaoler.
1 Tanner, Tool Helver and Thatcher.

Servants.
27 To Commis'd Officers, Civil and Milit'y includ'g Super-
intend'ts.
7 Overseers, Constables and Free men doing Gov't work as Artificers.

Recapitulate.
16 Overseers Stock-keepers and 13 Various Employments.
Employed in Agriculture. 36 Servants to Officers etc.
5 Artificers etc. Employed in Buildings.

TOONGABBE, ETC.

Agriculture and Stock.

8 Overseers. 3 Care of Governm't Stock.
132 Agricult. on ye Public Acct.

Various Employments.
8 Taking Care of Governm't Huts.
1 Miller.
1 Schoolmaster, Sexton and Bellringer.
1 Executioner and Gaoler.
3 Tanners, Tool Helvers, and Thatchers.
8 Constables and Watchmen.
5 Sick and Convalescents.
3 Taylors, Shoemakers, and Barbers.
HISTORICAL RECORDS OF AUSTRALIA.

Servants.

7 To Commis’d Officers, Civil and Milit’y including Super­intend’ts.

Recapitulate.

143 Overseers Stock-keepers and 30 Various Employments. Employed in Agriculture. 7 Servants to Officers etc.

1,142 General Total.

PHILIP GIDLEY KING.

[Enclosure No. 4.]

Abstract of Articles purchased by Governor King before Mr. Commissary Palmer’s Arrival and Articles since purchased by him from the Masters etc. of Vessels for the Public use of His Majesty’s Colony in New South Wales pr Order of Governor King, also quarterly Payments for Grain delivered into the Stores by Private Cultivators (to be supplied those necessarily maintained by the Crown) who have received Articles for their Domestic Use and comfort from the Masters etc. in whose favor those Bills have been drawn from the 28th September 1800 to the 30th June 1801.

Purchased from Mr. B. G. Dexter Master of the American Ship John Jay by Governor King, October 8th 1800, the following Articles:

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Description</th>
<th>Price</th>
</tr>
</thead>
</table>
| 60,100 lbs Salt Provisions        |          | @ 7½d pr lb| 1950  
| 241 Gallons West India Rum       |          | @ 8s. pr Gallon | 96  
| 20 Casks Tar                     |          | @ £2 9 0 pr Cask | 49  
| 1,400 lbs Virginia Tobacco       |          | @ 1s. 3d. pr lb | 87  
|                                   |          |             | £2183 6 4 |

Purchased from J. Gardner Master of the American Ship Diana by Mr. Commissary Palmer Novr. the 29th 1800:

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Description</th>
<th>Price</th>
</tr>
</thead>
</table>
| 32 Barrels Beef 200 lb each       |          | @ £3 12 0 pr Barl | 115  
| 74 Gallons Rum                    |          | @ 5s. 9d. pr Gallon | 21  
| 3 Barrels Tar                    |          | @ £2 2 0 pr Barrel | 6  
| 2450 lbs Tobacco                 |          | @ 9½d pr lb | 94  
| 125 Kettles and Potts Wt 3623 lbs|          | @ 6d. pr lb | 90  
| 5 large Baking Dishes            |          | @ 18s each | 4  
|                                   |          |             | £332 5 6½ |

Two Original Vouchers for the above, sent pr Buffalo and Trimmer.
KING TO PORTLAND.

Purchased from Mr. J. Stewart Master of the Anne Transport
February 21st 1801:

- 29,607 lbs Sugar @ 8d. pr lb = £986.18.0
- 204 Gallons Spirits @ 6s pr Gallon = £61.4.0
- 8 Barrels Tar @ 62s 7d pr Barrel = £25.0.8
- 2 Do Pitch @ 79s 1d pr Do = £7.18.2
- 3 Pieces Red Cloth = £13.0.0
- 7 Doz and 7 Clasp Knives @ 12/ pr Doz. = £4.11.0
- 6 Doz. Looking Glasses @ 48/ pr Do = £14.8.0
- 4 Doz. Razors @ 24/ pr Do = £4.16.0
- 1 Hand Saw = £0.15.0

Total: £1118.10.10

Vouchers will be sent pr Albion So. Sea Whaler.

Purchased from Mr. W. Wilson Master of the Ship Royal Admiral March 19th 1801:

- One Pipe Port Wine for the use of the Hospital = £57.10.0
- 2240 lbs of Rice @ 2½d pr lb = £23.6.8
- 6 Pit and Cross-cut Saws = £18.8.6
- 8458 lbs Bar Iron @ 6½d pr lb = £193.16.7
- 400 Feet Glass @ 1s 2d pr Foot = £23.6.8
- 2246 lbs Dammer @ 3½s 3d pr Maund of 82 lbs = £42.15.6
- 5586 lbs Tobacco @ 6d. pr lb = £139.13.0
- 5 Chests and Shipping Charges = £1.2.6

Total: £499.19.5

Vouchers will be sent by the Albion So. Sea Whaler.

Purchased from Messrs. Bridges and Hickson Super Cargoes of the American Ship Missouri May 6th 1801:

- 13,736 lbs Beef @ 7½d. pr lb = £429.5.0
- 16,663 do Iron @ 8d pr lb = £347.2.11
- 1 Doz German Steel Hand Saws (best) @ 6 17 6 = £6 17 6
- 666 Files of Sorts @ 27 16 3 = £2716.3

Total: £34 13 9
Advance 50 pr Cent = £52 0 7

Curry Exche. = £807 12 3

Vouchers will be sent by the Albion So. Sea Whaler.
Statement of the necessity for purchasing the foregoing Articles, The uses they have, and will be put to and Amount of what remains in His Majesty’s Stores the 30th day of June 1801.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>John Jay</td>
<td>Beef and Pork</td>
<td>60,100 lbs.</td>
<td>£ 2494 17 4</td>
<td>To prevent killing the labouring and Breeding Cattle. To keep as long as possible at full Ration, and the Price being much less than it could be brought from England for................</td>
<td>£ 429 5 0</td>
</tr>
<tr>
<td>Diana</td>
<td>Beef</td>
<td>6,400 &quot;</td>
<td></td>
<td>To Issue to the Colonial Vessels and to Supply the Hospital with a diet Ration................</td>
<td>6 0 0</td>
</tr>
<tr>
<td>Missouri</td>
<td>Beef and Pork</td>
<td>13,736 &quot;</td>
<td></td>
<td>Being a part of the established Treasury Ration which is made up in a proper proportion of Grain, would be considerably more expensive to make the Grain last out To Supply the Genl. Hospit. and Settlers at an advance. ................</td>
<td>735 16 0</td>
</tr>
<tr>
<td>Royl. Admiral</td>
<td>Rice</td>
<td>2240 lbs. at 2½ lb.</td>
<td>23 6 8</td>
<td>To Issue to Constables and Overseers, occasionally, For the Lady Nelson, and other Colonial Vessels, and to give the Troops on their Majesty’s Birth days................</td>
<td>98 0 0</td>
</tr>
<tr>
<td>Anne</td>
<td>Sugar</td>
<td>29607 lbs. at 8d.</td>
<td>986 18 0</td>
<td>To Issue to the Sick attacked with Dysentary and the dibilated lately arrived................</td>
<td>57 10 0</td>
</tr>
<tr>
<td>Royl. Admiral</td>
<td>Wine</td>
<td>1 pipe</td>
<td>57 10 0</td>
<td>To Supply Settlers, etc., at an advance in Exchange for Grain and Animal Food................</td>
<td>116 0 0</td>
</tr>
<tr>
<td>John Jay</td>
<td>Spirits</td>
<td>241 Galls. @ 8s. pr Gal.</td>
<td>178 17 6</td>
<td>There not being one in the Colony when those were brought, most of them have been supplied to Settlers at an advance in exchange for Grain and Animal Food................</td>
<td>14 10 0</td>
</tr>
<tr>
<td>Diana</td>
<td>&quot;</td>
<td>74 &quot; @ 5s. 9d. &quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anne</td>
<td>&quot;</td>
<td>204 &quot; @ 6s. &quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Royl. Admiral</td>
<td>&quot;</td>
<td>1 pipe</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>John Jay</td>
<td>Tobacco</td>
<td>1400 lb. @ 1s. 3d. pr lb.</td>
<td>321 11 6½</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Diana</td>
<td>&quot;</td>
<td>2450 &quot; @ 9d. &quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Royl. Admiral</td>
<td>&quot;</td>
<td>6588 &quot; @ 6d. &quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Iron Pots</td>
<td>&quot;</td>
<td>125 Wt. 3623 lbs. at 6d.</td>
<td>9 5 1 6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Baking Dishes</td>
<td>&quot;</td>
<td>5 @ 18s. each</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>From what Ship purchased</td>
<td>Quality of Articles purchased</td>
<td>Quantity and Price</td>
<td>Amount.</td>
<td>Necessity of the Purchase</td>
<td></td>
</tr>
<tr>
<td>--------------------------</td>
<td>-------------------------------</td>
<td>-------------------</td>
<td>---------</td>
<td>--------------------------</td>
<td></td>
</tr>
<tr>
<td>Royl. Admiral</td>
<td>Pit and Cross-cut Saws</td>
<td></td>
<td>£ 12 6</td>
<td>Much Public Labor standing still for the absolute want of those Articles when Purchased</td>
<td></td>
</tr>
<tr>
<td>Missouri</td>
<td>Hand Saws and files</td>
<td></td>
<td>40 12 10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Royl. Admiral</td>
<td>Unwrought Iron</td>
<td>8458 lbs. @ 5½ pr lb.</td>
<td>540 19 6</td>
<td>To make Nails and much heavy Iron Work for Wind and Water Mills, Gun Carriages, etc., and to Supply Norfolk Island, where there has been none for some time...</td>
<td></td>
</tr>
<tr>
<td>Missouri</td>
<td></td>
<td>16,663 &quot; @ 6d. &quot;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>John Jay</td>
<td>Tar</td>
<td>20 casks @ £2 9 0</td>
<td>472 3 0</td>
<td>For the use of the Colonial Vessels and Boats.</td>
<td></td>
</tr>
<tr>
<td>Diana</td>
<td>&quot;</td>
<td>3 &quot; @ 2 2 0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anne</td>
<td>Pitch</td>
<td>8 &quot; @ 3 2 7</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;</td>
<td>Dammer</td>
<td>2246 lbs. @ 4½d. ...</td>
<td>131 0 4</td>
<td>To preserve the Boats and small Vessels from Worms...</td>
<td></td>
</tr>
<tr>
<td>Royl. Admiral</td>
<td>Glass</td>
<td>400 Ft. @ 1s. 2d.</td>
<td>38 12 6</td>
<td>For Public Uses...</td>
<td></td>
</tr>
<tr>
<td>Anne</td>
<td>Traffic and Shipping Charges.</td>
<td></td>
<td>3 18 0</td>
<td>To enable Lieut. Scott to procure Hogs for Salting at Otaheite...</td>
<td></td>
</tr>
</tbody>
</table>

Amount of Bills Drawn for the above... 4941 14 4½
" Grain purchased from 28th Sept. 1800 to June 1801... 6742 5 0½
Do Pork do do... 108 19 6

Total Amount of the above Expense... £ 11792 18 10½

Value of remains now in the Stores... 2083 16 6
Estimated Value of Grain in Govt. Stacks raised by those at Pub. S. 1128 0 0
Value of remains of Grain now in the Stores of which there now remains the Value of... 953 0 0

£ 4164 16 4

The above Statements are abstracted from the original documents, and My Books.

The Commissary has received since last September Grain equal to £1402 for debts due to the Crown by Individuals which if not thus supplied must have been purchased.

The Average Number of Full rations Victualled has been about 2302.

John Palmer,
Commissary.
## ABSTRACT of Grain and Animal Food purchased from Sept. 28th 1800 to June 30th 1801.

<table>
<thead>
<tr>
<th>Articles</th>
<th>Quantity</th>
<th>Rate</th>
<th>Amount</th>
<th>Amount of Bills drawn</th>
<th>In Whose Favor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wheat</td>
<td>2250 Bushels</td>
<td>10/-</td>
<td>£ 1125 0 0</td>
<td>£ 1510 6 6</td>
<td>Wilson and Skeene</td>
</tr>
<tr>
<td>Do</td>
<td>12559 Do</td>
<td>8/-</td>
<td>5023 12 0</td>
<td>1857 9 6</td>
<td>Bridges, Hickson, Stewart, and Campbell</td>
</tr>
<tr>
<td>Maize</td>
<td>164 Do</td>
<td>5/-</td>
<td>41 0 0</td>
<td>1744 6 1</td>
<td>Balmain and Grant</td>
</tr>
<tr>
<td>Do</td>
<td>2599 Do</td>
<td>4/-</td>
<td>552 13 0</td>
<td>1739 2 5½</td>
<td>Quested, Campbell and Law</td>
</tr>
<tr>
<td>Animal Food</td>
<td>4359 lbs</td>
<td>6 pr lb.</td>
<td>108 19 6½</td>
<td>6851 4 6½</td>
<td></td>
</tr>
</tbody>
</table>

## List of Articles remaining in His Majesty's Stores in New South Wales this 30th day of June 1801 With the Quantities, that are and will be wanted for the Publick use.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Men's Clothing—</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blue Jackets</td>
<td>3566</td>
<td>4000</td>
<td>1500 will be Issued to those at Public Labor in August.</td>
</tr>
<tr>
<td>Russia Duck Frockets...</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do do Trowsers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Women's Clothing—</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jackets</td>
<td>132</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Shifts</td>
<td>145</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Petticoats</td>
<td>131</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Shoes</td>
<td>190</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rugs</td>
<td>193</td>
<td>4000</td>
<td></td>
</tr>
<tr>
<td>Blankets</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bed Ticks</td>
<td></td>
<td>2000</td>
<td></td>
</tr>
<tr>
<td>Nails, Tools, etc.—</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nails, 3d.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; 9d.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; 12d.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; 18d.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; 30d.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pit Saw Files...</td>
<td>9 Dozen</td>
<td>20 Dozen</td>
<td>The remains will be issued in August.</td>
</tr>
<tr>
<td>Cross Cut Saw Files...</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>West Indian Hoes</td>
<td>300</td>
<td>250</td>
<td>Much wanted for the Convicts, having none.</td>
</tr>
<tr>
<td>Iron, Flat</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;  Square</td>
<td>9 Ton</td>
<td>20 Tons</td>
<td>Do do</td>
</tr>
<tr>
<td>&quot;  Round</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;  Casement</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Steel</td>
<td>20 lbs.</td>
<td>200 cwt.</td>
<td>They cannot be made here so cheap and good as if sent from England.</td>
</tr>
<tr>
<td>Patent boxes for Timber Carriage Wheels</td>
<td></td>
<td></td>
<td>Much wanted at all times.</td>
</tr>
<tr>
<td>Naval Store—</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rope</td>
<td></td>
<td>20 Coil from 1½ to 5 inch</td>
<td>Do do</td>
</tr>
<tr>
<td>Canvas</td>
<td></td>
<td>2000 Yards from No. 3 to No. 7</td>
<td>Will save a great deal of Labor and of Expence to Government.</td>
</tr>
<tr>
<td>Twine</td>
<td></td>
<td>60 Pounds</td>
<td>Will be very much wanted for the Colonial Vessels.</td>
</tr>
<tr>
<td>Anchors</td>
<td></td>
<td>12 from 2 to 6 Cwt. each</td>
<td>Wanted for transacting Public business of every description.</td>
</tr>
<tr>
<td>Stationary—</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Common Paper</td>
<td>4 Ream</td>
<td>20 Ream of Fools Cap</td>
<td>For the Governor's use.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
An Assortment of Dry Goods and Ironmongery, as stated in the Invoices sent by the Transport Board, with the prices affixed being arrived in the Earl Cornwallis, and being instructed that those Articles are to be disposed of to the Inhabitants for Money or in Barter for Grain or Animal Food supplied his Majesty’s Stores 30 per Cent advance to be charged on perishable, and 20 per Cent on Unperishable Articles to indemnify Government for Freight and Losses on Issuing in small quantities.

You are therefore hereby required and directed to receive the said Articles into your Charge and after having made out a List of the respective prices with the advance as above, You are to Publish the same and to take especial care that no others than those who are provided with a Written permission for the exact quantity they are to receive do get any part of those Goods.—Taking care to receive payment thereof before delivery unless in such cases where I may Judge it adviseable to give a Family Credit until their next Crops come in, You are nevertheless to issue such Articles of Ironmongery as I may direct from time to time for the Public Use, You will also be careful that the Moneys received in payment for those articles be appropriated for the purpose of paying for such Grain as may be received into His Majesty’s Stores You are not to fail delivering me a Quarterly Account of the sales and receipts of those Articles. For which this shall be your Authority.

Given under My Hand at Government House Sydney this 11th June 1801.

PHILIP GIDLEY KING.

John Palmer Esqr.
Commissary.

By Phillip Gidley King Esquire Captain General and Governor in Chief in and over His Majesty’s Territory of New South Wales and its Dependencies etc. Etc. Etc.

An Assortment of Shirts, Shoes, and Sundry other Articles as stated in the Invoices sent by the Transport Board with the Prices affixed, being arrived in the Royal Admiral and being instructed that those Articles are to be Disposed of to the Inhabitants for Money, or in Barter for Grain and Animal Food,
supplied His Majesty's Stores, with an advance of 25 Pr. Cent being charged on those Articles to indemnify Government for Freight and Losses on issuing in small Quantities.

You are therefore hereby required and directed to receive the said Articles into your charge, and after having made out a List of the respective Prices, with the Advance as above, you are to Publish the same and to take especial Care, that no others, than those who are provided with a written permission for the exact Quantity they are to receive do get any part of those Goods.

Taking care to receive payment thereof before Delivery unless in such Cases, where I may Judge it adviseable to give a Family Credit until their next Crops come in, You are nevertheless to issue such Articles, as I may direct from time to time to those at Public Labour delivering me Weekly Accounts thereof. For which this shall be your Order.

Given under My Hand at Government House Sydney this 24th Day of November 1800.

PHILIP GIDLEY KING.

John Palmer Esqr.
Commissary.

The Under Mentioned are the Articles sent by Government in the Earl Cornwallis; with the Prices, and Thirty per Cent added: At which Rate they will be Disposed of to the Inhabitants for their Domestic Uses, for Money and in Exchange for Grain, or Animal Food, supplied His Majesty's Stores:

Soap, from 8d. to 9¾d. per lb.
Glass, from 7¾d. to 10¼d. per foot.
White Lead, 7¾d. per lb.
Red Paint, 4d. per lb.
Linseed Oil, from 7s. ¾d. to 7s. 7d. per gallon.
Oval Dishes, 17s. 4d. per set.
Plates, from 1½d. to 3d. each.

Other Articles of Earthen and Glass Ware in proportion as per List at the Commissary's Office.

Ivory Combs, from 2s. 2½d. to 16s. 6d. pr. doz.
Wax Candles, 3s. 11¾d. per lb.
Gilt Buttons, from 8s. 7¾d. to 13s. 9d. per gross.
Children's Shoes, 19s. 2¼d. to £1 7s. pr. doz.
Girls' ditto, £1 17s. 4¾d. to £2 8s. 5¾d. pr. doz.
Women's ditto, stuff and leather, £2 13s. 6d. to £3 7s. 9¾d. per dozen.

Coloured Cloths, (yard wide) 6s. 2¼d. to 6s. 6¾d. per yard.
Duck, 1s. 9¾d. per yard.
Welch Flannel, 2s. 0¼d. to 2s. 5½d. per yard.
Irish Linen, 2s. 0½d. to 3s. 8½d. pr. yard.
Durants, £1 2s. 6d. to £2 1s. 7¼d. pr. piece.
Calimancoes, £1 14s. 1½d. pr. piece.
Wildboro’s, £1 18s. 0½d. per piece.
Camblets, £2 8s. 1½d. per piece.
Printed Calicoes, 2s. to 4s. per yard.
Chintz Handkerchiefs, 2s. 9½d. to 2s. 10½d. each.
Cheque, 1s. 6½d. per yard.
Muslin Handkerchiefs, 2s. 6d. to 3s. 3d. each.
Muslin, 3s. 5½d. to 3s. 11d. per yard.
Cotton Cheque Handkerchiefs, 1s. 8½d. each.
Pullicat ditto, 2s. 3½d. each.
Women’s black Cotton and Worsted Hose, 2s. 8½d. to 3s. per pair.

Black Mode, 4s. 4½d. to 5s. 8d. per yard.
Coloured Persian, 2s. 5d. per yard.
Ribbands, 8s. 6d. to £1 10s. per piece.
Silk Ferretings, 6s. 6d. per piece.
Sewing Silks, £1 11s. 3d. to £2 4s. 3d. per lb.
Silk Twist, £1 11s. 3d. per lb.
Thread, 3s. 7½d. to £2 0s. 4½d. per lb.
Tapes, 6½d. to 1s. 5d. per piece.
Bobblings, 3½d. to 8½d. per piece.

Steel socket Spades, 3s. 1½d. each.
Reaping Hooks, 6s. 9½d. to 8s. 7½d. per dozen.
Steel Hand-saws, 6s. 1½d. each.
Smoothing Planes, 1s. 1½d. each.
Jack ditto, 2s. 8½d. each.
Padlocks, 12s. 10½d. per dozen.
Stock Locks, 18s. 6½d. per dozen.
Cupboard ditto, 14s. 8½d. per dozen.
Drawer ditto, 12s. 10½d. per dozen.
Bright Augers, 1s. 11½d. each.
Socket Chizzels and Gouges, 7s. 11½d. per doz.

**THE Under Mentioned are the Articles of Ironmongery, sent by Government in the Earl Cornwallis; with the Prices, and Twenty per Cent added; At which Rate they will be Disposed of to the Inhabitants, for their Domestic Uses, for Money and in Exchange for Grain, or Animal Food, supplied His Majesty’s Stores:**

- 3 Penny Nails, at 2s. 8½d. per thousand
- 4 Penny ditto, 3s. per do.
- 6 Penny ditto, 4s. 5½d. per do.
- 8 Penny ditto, 5s. 8½d. per do.
- 10 Penny ditto, 6s. 10½d. per do.
- 20 Penny ditto, 9s. 11½d. per do.
- 24 Penny ditto, 18s. per do.
- 30 Penny ditto, £1 2s. 11½d. per do.
- 40 Penny ditto, £1 9s. 11½d. per do.
- Steel socket Spades, 3s. 1½d. each.
- Reaping Hooks, 6s. 9½d. to 8s. 7½d. per dozen.
- Steel Hand-saws, 6s. 1½d. each.
- Smoothing Planes, 1s. 1½d. each.
- Jack ditto, 2s. 8½d. each.
- Padlocks, 12s. 10½d. per dozen.
- Stock Locks, 18s. 6½d. per dozen.
- Cupboard ditto, 14s. 8½d. per dozen.
- Drawer ditto, 12s. 10½d. per dozen.
- Bright Augers, 1s. 11½d. each.
- Socket Chizzels and Gouges, 7s. 11½d. per doz.
- Firmer ditto, 6s. 1½d. per dozen.
- Sets of Shoe-makers Tools, £1 2s. per set.
1801.
21 Aug.
Disposal of government investments per Earl Cornwallis and Royal Admiral.

Iron Pots, from 2 to 6 gallons, £1 2s. per cwt.
Cross Cut Saws, 1ls. to 15s. 10d. each.
Boxes of Tin Plates, £4 1s. 9d. to £4 11s. 6d. per box.
Knives and Forks, 6s. 1d. to 7s. 4d. per dozen.
Clasp Knives, 3s. 1d. to 9s. 9d. per dozen.
Scissors, from 1s. to 11s. per dozen.
Hair Sieves, 15s. 10d. to £1 8s. 1d. per dozen.

Applications to be made at my Office on Monday Mornings, before Ten O'Clock, that they may receive the Governor's Approval. No Article will be issued until Payment is made or Security given.

By Command of his Excellency.

J. PALMER,
Sydney, Commissary.
June 25, 1801.

An Account of Cash, Grain, and Swines flesh, received for Articles sold from the Investment sent out by Government in the Earl Cornwallis between the 19th June and the 22nd August 1801.

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash</td>
<td>375</td>
<td>19 8</td>
</tr>
<tr>
<td>Wheat</td>
<td>55½ Bushels</td>
<td>£22 8 0</td>
</tr>
<tr>
<td>Maize</td>
<td>76½</td>
<td>15 7 0</td>
</tr>
<tr>
<td>Pork or Swines flesh</td>
<td>486½</td>
<td>12 3 3</td>
</tr>
</tbody>
</table>

£425 17 11

The Cash that has been received for the above Articles is to be Appropriated for the purchasing of Grain and Swines flesh on Account of Government.

JOHN PALMER,
Commissary.

[Enclosure No. 7.]

[This enclosure comprised separate letter B, dated 1st May, 1801, from Acting-Governor King to the Duke of Portland.]

[Enclosure No. 8.]

[This enclosure consisted of copies of the enclosures to separate letter B, dated 1st May, 1801.]

[Enclosure No. 9.]

ORDER TO SETTLE PUBLIC ACCOUNTS QUARTERLY.

14th July, 1801.

The Governor directs that vouchers for payment of grain, &c., purchased from individuals for the public use, be made up and finally settled once a quarter, viz.—on the 1st of January, 31st
of March, 30th of June, and 30th of September. And every person in the colony will take notice that neither the Governor nor the Commissary are at all responsible for any payment after those dates for the preceding quarter, which payments are to be made by bills on His Majesty's Treasury (for not less than one hundred pounds sterling) in copper money, or articles from the public stores. To those who prefer copper money, payment will be made on producing to the Commissary the storekeeper's printed and chequed receipts, subscribed by the Governor; or such articles from the public stores as the Governor may approve of, will be delivered on producing the receipts as above.

For the fourth time the inhabitants are informed that no applications for any articles whatever from the public stores will be received on any other days than Mondays; and applications respecting the victualling store, and those who are supported from it, on no other days than Fridays. The hours of attendance at the Secretary's and Commissary's office on these days will be from eight till one o'clock.

[Seven vouchers were also enclosed, copies of which have not yet been found.]

[Enclosure No. 10.]

[This proclamation respecting the value of copper coin was also forwarded with general orders; see that dated 19th November in enclosure No. 10 to the general despatch of Acting-Governor King, dated 10th March, 1801.]

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**ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.**

(Despatch marked "Separate," per whaler Albion; acknowledged by Lord Hobart, 29th August, 1802.)

My Lord, Sydney, New South Wales, 21st August, 1801.

With this I have the honor of forwarding the duplicate of my letter* respecting the employment of the Lady Nelson and its enclosures, in which your Grace will observe that vessel sailed in March last to prosecute your instructions; but, I am sorry to say, from the same unheard-of bad weather we have had here, her commander was not able to execute the whole of the orders he sailed under, further than ascertaining Western Port in Basses Straits to be a safe and commodious harbour, which from its central situation in that passage, and being capable of sheltering vessels of any burthen, will hereafter be of great utility to vessels meeting with foul winds in passing through these straits. Lieut. Grant, and the officers who were with him,

* Note 63.
give a most advantageous account of the excellence of the soil and the great abundance of seals in its neighbourhood. Such parts of Lieut. Grant's journal as may afford information on this subject I have enclosed, together with a copy of Lieut. Grant's passage thro' the straits on his passage hither from the Cape, No. 1*; Mr. Black's passage thro' in the Harbinger, No. 2*; and the Margaret's, No. 3*; together with Ensign Barrallier's survey in the Lady Nelson of Western Port, and the connexion of the coast between it and Wilson's Promontory, No. 4,* which was all the bad weather would allow Lieut. Grant to examine. He returned here 15th May. It is necessary to remark, for the reasons stated on the above charts, that they cannot be considered as perfect and conclusive, being only forwarded in this state to possess your Grace of what has been done. The Lady Nelson is now refitting (for repairs she wants none) to renew the execution of the orders he first sailed under; and I hope the service of the colony will admit of the Norfolk brig's going with her, when much may be done in accomplishing your Grace's instructions, as they will sail from hence the latter end of September, and I hope on their return to be able to transmit a finished survey of the S.W. coast, and the western entrance of the straits, the eastern entrance being well ascertained by Lieut't Flinders.

The Coal River, 70 miles to the northward of this place, which was seen by a lieut't of the Reliance in 1798,† and named by him "Hunter's River," not having been since examined or any survey taken of it, I was anxious to ascertain how far it might be accessible to vessels, and could be depended on for a supply of coals, and as the service allowed of Lieut.-Colonel Paterson's absence, I accepted his offer of accompanying Lieut. Grant in the Lady Nelson on that service. That vessel and the Colonial schooner sailed from hence the 10th June, and returned the 25th July. I enclose the narratives of that excursion, which, with Ensign Barrallier's accurate survey of the Coal Harbour and its rivers as high as they went, will give your Grace the details of that examination. But it is much to be regretted that the entrance into the harbour is so very shallow and difficult, as the wind and time of tide must always be consulted in going in or out; and even under the most favourable circumstances there is the greatest cause for being more than commonly careful. However, notwithstanding this disadvantage, the other advantages respecting the very great quantity of coals to be got there, and the immense quantity of shells for lime, being so highly spoken of by those who went on that survey, I have established a small

* Note 64. † Note 65.
post there,* consisting of a trusty non-commissioned officer and eight privates, with twelve prisoners to collect coals for such Government vessels as can go for them. Since the Lady Nelson went there, two Government vessels have brought 50 tons of coal which has been bartered with the master of the Cornwallis for articles for the public use. This being the first natural produce of the colony that has tended to any advantage, I have enclosed the Commissary's statement of that exchange, being more a matter of curiosity than of consequence. At present several boats are employed getting coals for the Cornwallis, and a prize brig,† belonging to an individual, is now at the Coal Harbour lading with coals and timber for the Cape of Good Hope. By the inclosure your Grace will observe that I have made the coals and timber an article of revenue. How far it will be productive must depend on events.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

[A copy of the extracts from Lieutenant Grant's Journal during the voyage through Bass' Strait has not yet been found.]

[Enclosure No. 2.]

LIEUTENANT GRANT'S JOURNAL AT HUNTER RIVER.§

Remarks, &c., on board His Majesty's armed surveying vessel, Lady Nelson, in Hunter's River, 1801.

Sunday, 14 June, 1801.—Wind S.E. by E. to W.N.W. At 6 a.m. bore up and made all possible sail, the Coal Island (an island in the entrance) N.N.W. 6 miles. At half-past 10 I went on shore with Dr. Harris, to examine the entrance, which we found very narrow. On the left-hand side going in was a reef of rocks from the island, with much heavy surf breaking on it; on the right was an extensive flat, with a tremendous roll of sand breakers over it. The channel in was troubled with much heavy swell, and did all but break, so that I hove the boats head round and pulled out again; sounded 5 fms. On considering the risk we run of bringing the vessel in without well ascertaining the channel, I pulled in, carrying from 5 to 4 and 3½ fathoms close to the island. On our getting on shore we climbed up this steep island and hoisted a flagg as a signal this was the right place. It was then the first of the ebb and calm; therefore hastened on board and towed the brig in. At noon the Coal Island bore W.N.W. 3 or 4 miles. The latitude they observed in was 32° 37' 34" south.

Monday, 15 June, 1801.—Wind W. P.M.—at half-past 1 a light air sprung up from the eastward, which with the boats ahead and sweeps enabled us to stem the tide, the Francis schooner towing in after us. On getting nearly abreast of the island and close to the reef, found the tide running so strong that we could not stem it. Let go the best bower, but not having room to veer out any scope of cable, found the vessel drift. Let go the small bower and brought

* Note 66. † Note 67. ‡ Note 68. § Note 69.
her up. From the strength of the tide was obliged to steer the vessel to it. Warped the vessel under the island. Here we found the tide run very strong and in eddies, which I am of opinion is occasioned by the heavy surf which breaks between the main and the island meeting the outside surf, which must make this place a very unsafe roadstead for any vessel to lay in when it blows from the eastward, more especially as there is no room to veer out any scope of cable, nor ought any vessel to stop here unless necessarily requires it. Let go at the strength of the tides during the night a second anchor under foot, and steered the vessel to it. At daylight weighed, it being low water, and towed up abreast of a saw-pit, where Mr. Meehan had laid during his stay here. Came too with the small bower within 30 yards of the shore in 3 fathoms water, and steadied with a warp fast to a tree; schooner in company. Here the native, which Dr. Harris brought off with him, as before mentioned, left us.

Tuesday, 16 June, 1801.—Wind W. to N.W. P.M.—moderate and cloudy weather; employed occasionally. A.M.—rain with lightning; at daylight fair and cloudy. Colonel Paterson and I went on shore to examine the coals; took the miner with us. At the place where he had been before at work on, we found a strata of coal 22 inches thick, and of good quality. As this was on an elevated situation, and not very easy of access, we found at the foot of the hill and on the reef at low water, plenty of excellent coals in beds of different thickness. Made the necessary arrangements for setting the people to work.

Wednesday, 17 June, 1801.—Winds W. to N.W. The Colonel and myself went to Ash Island to examine its situation, &c. Here we found plenty of different sorts of wood, and the ash trees of considerable magnitude in general with some very large ones interspersed, yet they are not so plenty as from the name of the island one is at first led to suppose. One of the woods (of which I brought on board a few lengths) much resembles the hickery in its present state, not only in its colour and close grain but its toughness. There are here several pithy woods, very light and white, with close grain, and some of the leaves of which sting like nettles. There are gum-trees, swamp-oak, the tea-tree, and mangrove in abundance.

Thursday, 18 June, 1801.—Winds W. to N.W. We walked a short distance inland, and found in the vicinity of the coal mines the soil black and good (with plenty of water at hand). It is mostly pasture land, covered with short grass, which would answer any sort of cattle but more particularly sheep. From its elevated situation it is dry and healthy, nor can it ever be overflowed as it rises high above the source of the river and shows a steep front to the sea, which in some places is rockey. There are also vallies sheltered from all winds and nevertheless well elevated, though it is to be understood that they are not of extensive magnitude, for they are only in the vicinity of the coal stratas, and I suppose might be comprised within the compass of six or seven hundred square acres. I am the more particular on this head from its being so near the sea, as the cold bleak winds are often as pernicious to some constitutions and vegetation in general as swampy confined damp grounds are, of which there are no scarcity in this harbour. After leaving this spot the ground gradually falls and gets more of a light, sandy soil, covered with brush and trees interspersed, until it reaches the hills, the nearest of which are of no great distance nor of any height.
The low land all around this place is more or less subject to be overflowed, and is full of swamps, some of which are of considerable magnitude.

Friday, 19 June, 1801.—Wind W. We proceeded a considerable distance up an extensive arm, wherein there was deep water, but we found no passage for the vessel into it, as at the entrance there was barely water for the boat, with a rapid tide running. We proceeded to the opposite, or northern shore, and found it full of flats, some of which we were obliged to get out and drag the boat over. Between these flats are gullies of deep water, but without any regular channel. On the shore we found large banks of excellent shells, which lay in some places nearly three feet thick, washed up by the tides or floods, as also all the roots of the trees by the water side stuck full of oysters. From this circumstance lime would be very easily got at this spot. Nevertheless, the oyster shells are to be found in abundance all round the harbour.

Monday, 22 June, 1801.—Wind west. Colonel Paterson wishing to examine the island in the entrance, as from its appearance he expected to find coal in greater plenty, and perhaps superior quality, Mr. Barrallier and myself wishing to ascertain the soundings in the entrance, the weather being favourable for that purpose, we went together, taking the miner with us, and while the Colonel and miner examined the island, I sounded the entrance of this harbour. The strata which appeared like coal on the island proved to be of much inferior quality to those on the main which we had been digging, though at the foot of the island and on the reef were several beds of good coals; but these were covered with large stones which the flood and tide had rolled up and were overflowed every tide; therefore, however well it may appear to some that coals may be more easily got, and more expeditiously shipped from this spot, when I consider the risk run and the very small portion of labour saved, if any there may be, I am confident it will fall much short of giving that satisfaction which might be expected from such a measure, and one single accident (of which they are liable to more than one) might be of more serious consequence and greater loss than all the coals in this small spot are worth, more especially where they are to be had in abundance, without risk, within little more than musket shot of the same place. Having obtained the different points before mentioned, we returned and went to haul the sein. We observed a stranger making up to us, which we could perceive was none of our party. It proved to be a man named John Loft, who had been unfortunately wrecked out of a boat belonging to Underwood of Sydney. She was cast on shore to the nor’w’d of Port Stephens. They were three in number, and he had been 32 days in travelling to this place from where she was wrecked. His other two companions, one he said was killed by the natives, the other eat a toad fish—which he complained of for some days—and died. He had a bag with a few small shell-fish on which he had chiefly subsisted. It was fortunate we were here, as I think it would have been impossible for him to have reached Sydney on foot. The emotions that he felt on meeting are much better imagined than described; the laugh and the tear had their repeated place in turns, and his first utterance was, “I am starving with hunger.”

Tuesday, 23 June, 1801.—Wind, W.N.W. P.M.—strong breezes and clear weather. At sunset our different parties returned. Mr. Barrallier and the second mate having penetrated a little way into
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Grant's journal at Hunter River.

the woods, they met with a native which they brought on board with them. He was a little elderly man, strait made, and spoke not one syllable that was intelligible. He had all his fore teeth in, and spoke a jargon of simple sounds. As I particularly observed, few words that came from him were composed of more than one syllable. He could eat nothing; but two crows which some of the people had shot being given him, he stuffed them in the fire feathers and all, which after burning off, and heating them a little, he eat. In the morning, after using him kindly, the Colonel gave him a tomahawk, which he seemed much pleased with, and shewed that he perfectly understood the use of it. He was put on shore near the place where they met him. On the return of the boat they informed me he was out of their sight in an instant.

Sunday, 28th June, 1801.—Wind, N.W. P.M.—moderate and cloudy weather. At 4 p.m., the tide serving, we dropped up into the entrance of Paterson's River, and at 6 came too in 3 fathoms water for the night. At 7 in the morning we dropped up into 9 feet water, and was informed by the second mate, who was ahead in the boat sounding, that he had only 7 and 6 feet. I immediately brought up. In order the better to satisfy myself on this head, I went with Colonel Paterson in the boat at the top of high water, and found no more than two, three, and four feet at most, a little further above where our boat had been. We then returned, and sounded the other entrances to this arm, but found no more water, and in many places less. Judging that the vessel might touch at low water where she lay, the rise of the tide not being less than four or five feet, I got up the anchor and brought her back into two fathoms water, giving up the idea of getting further up this arm with the vessel. We moored with the kedge.

Saturday, July 4th, 1801.—Wind, S.S.W. I this day visited the coal miners, and found them hard at work. They had found a strata of coals nearly four feet in thickness and of excellent kind. It was entirely from side to side through the hill—that is to say, from the harbour side to the sea on the opposite side; and on the low side which faces the harbour the miner informed me they were not above ten yards down. This consequently will yield a supply of coals for a great length of time. The miner informed me they were equal to any bed of coals he had ever seen in England. I saw a lump of them. It was clear and transparent, free from earth and smut, and no doubt will answer for any use whatever.

Tuesday, 7 July, 1801.—Wind S.W. Previous to my leaving the ship I ordered Mr. Murray to visit the colliers frequently and see they did their duty, to haul the sein as often as possible in order to save salt provisions, and to salt as many fish as could be spared.

Wednesday, 8 July, 1801.—Wind, S.W. The distance we were from the ship might be 15 or 16 miles. We started at daylight and proceeded onwards. So far, the ground on each side appears to be less or more overflowed every fresh, and is full of lagoons and swamps. The soil is black and good and full of brush, with trees of great magnitude and of different kinds. The grass is thick and long where it grows, but so far the ground is low and swampy, though, no doubt, from the height of the hills inland there is good ground free from all floods. We breakfasted about nine miles further up on a rising ground clear of brush and swamp. The ground appeared open, the grass luxurious and long. I travelled a mile and a half on this sort of ground, and came to a pleasant
rising mount which afforded an extensive prospect. It was covered with long luxuriant grass and very large trees of different kinds; some rocks are interspersed on its top, with plenty of water at hand. The land here is high above the source of the river. Here is plenty of land for agriculture. The soil is black, but mixed with a sort of sand or marley substance. However, its natural productions warrant it fit for anything. A creek that boats might lay in clear of the violent floods runs along the foot of the mount. The cedar grows here in plenty about the sides of the river, so that there is plenty of wood and stone with water, and ground much preferable to any I have seen about Sydney for agriculture. This is the first spot for cultivation we have yet met with since we left the ship that is desirable about the waterside. The evening brought us up to the Colonel, where we found them in a comfortable hut and a good fire. This place might be nine or ten miles further up. In the morning the Colonel and Dr. Harris in his boat, and Mr. Barrallier and myself in our small boat, proceeded up the river to a mount, similar in productions and soil to the above described, but much higher and of greater magnitude. The view was extensive and picturesque, as it commanded a great extent of country. Colonel Paterson had before visited this place and named it Mount Ann. On our passage up we had passed five rapid falls, which we were obliged to drag the boats over. We proceeded onwards, and after passing four more falls, some of which were very rapid and troublesome from the trees being in many places washed right across there, we took up for the night about three miles above Mount Ann. On the opposite side was a lagoon, where we shot a brace of ducks in. We saw several traces of the natives, both young and old, and passed some canoes, which are small and rudely put together. Here the river still was extensive and wide, but the freshes had left their marks in many tops of trees not less from the source of the river than 25 feet perpendicular height. The next day brought us to the foot of a high hill, which was still higher than Mount Ann, and connected to the same by a chain of lesser hills forming a semicircle nearly. From the top of this we could see the island in the entrance of the harbour, all the range of blue mountains which we had now got to the nor'w'd of, and also the river for a great way inland winding in various ways. The production and soil here is nearly what I have before described, and, like the first, is steep on one side. Here we found some new plants of the fearn tribe, and others, particularly a sort of balm which grows here to a great size, the stem of it approaching nearly to the texture of wood, and is of a sweeter smell than the common balm. This mount was named Mount Elizabeth. On it will be found a tree with the letters W.P., J.G., J.H., F.B.,* with the year 1801. In another tree we cut a piece of the wood from it, which will stand a long time visible. We saw that the river took so long a sweep and returned to nearly the same place, that it would take us the next day to get almost to the place we were; therefore we determined on returning, as our stock of provisions would not allow a longer stay. The country we saw from this hill is an immense level, extending from hence to the Blue Mountains, which we saw until lost to the eye, stretching in a northerly direction into the interior. I presume this is about 15 or 16 miles higher up than the hut.

* Note 70.
We passed the night, as usual, on the banks of the river, and next day proceeded downwards. On our passage up from the hut we passed in all fourteen different falls. We again visited Mount Ann, and arrived at the hut in the afternoon. Mr. Barrallier, it is to be observed, had obtained the survey so far as we had been up. Cedar grows along the banks of the river in great abundance and great magnitude. The ash, gum-trees of all sorts, the swamp-oak, and tea-tree is also in great plenty and very large, together with various other woods. Of minerals there appears not to be any great variety; those that are about the river in general are volcanick. Birds and plants nature has been bountiful in bestowing here; fish also are plenty, and I suppose, from their leaping, are of the trout kind. Of shells we found a black sort of bivalve and much resembling the shells I have seen searched for in the rivers in Scotland, particularly the Doun, which in general are found to contain small pearls. Having now seen as much as I could up this arm, I was anxious to return. The Colonel wished much to examine the other arm of this extensive river, which runs in a northerly direction and branches out apparently towards Port Stephens.

Saturday, 18 July, 1801.—Wind S.W. P.M.—fresh gales and rain. At 5 p.m., the Colonel and Dr. Harris, with Mr. Barrallier, returned on board, Mr. Barrallier having surveyed up the arm until stopped by a cascade, which he could not pass. The Colonel had been up and met with another chain of mountains, one of which he named Mount King, and another Mount Grant. I now ventured to name my little mount, and called it Mount Edgerton, in obedience to the particular wish of my friend Captain Schank. A.M.—got the yards and topmasts up.

Sunday, 19 July, 1801.—Wind S.W. to calm. In the morning Mr. Barrallier and Dr. Harris went to survey for the last time, the survey being completed in its most material points.

Thursday, 23 July, 1801.—Wind S., S.S.E., E.S.E., S., S. by W. P.M.—blowing strong from S.S.E. to S.E. Saw a sloop-rigged boat standing along the shore. Observed her go into the Coal River. At midnight much sea and nearly calm. At daylight, light airs inclined to calm. Got the bedding up to air and cleaned below. Extremes of land at sunset N.E. $\frac{1}{2}$ N. and S.W. by W., distance 5 or 6 leagues, the Coal Island W. 10 or 12 miles. A.M.—light airs inconsiderable to calm. At noon the Coal Island bore N.W. by N. 4 or 5 leagues. Latitude observed, 33° 11' S.

JAMES GRANT.
June 15.—Early in the morning warped the vessel into a safe birth, round what is called Pirate Point, where there is [a] small bay and fresh water, which I named Freshwater Bay. Landed and examined the point of land where the coals are, and likewise the sea coast to the southward, where there is a continuation of the same strata, with this difference, that as the land becomes higher a fourth stratum makes its appearance, and much superior to the other three; but, unfortunately, from the constant surfs it is not possible they can be conveyed from where they are, but by land carriage. The point of land where I put the colliers to work I have called Colliers' Point. From this to the southward for some miles the hills are covered with excellent verdure without trees, except in the valleys, and they are chiefly Banksia new, or what is commonly called the white honeysuckle, but grows much larger than that found in the neighbourhood of Sydney. Those hills are so much alike to what I have seen sheep feeding on in England, that I have named them Sheep Pasture Hills. The soil is a light black mould about a foot and a half deep, after which is the stratum of stone and clay above the coal, as it appears in the accompanying sketch.

June 16.—Went up a creek that opens from the south'd into a bay about two miles above Colliers' Point, where it devides into several arms. The ground is low, and apparently subject to floods; the soil blackish, mixed with sand; the trees very lofty, mostly blue gum (Eucalyptus) and Casuarina. From the great quantity of driftwood all over this place, and the country for many miles being low and intersected with creeks, I am convinced that the floods here are much higher at times than what has ever been known at the Hawkesbury.

June 17.—Went in company with Lieut. Grant to examine the above creek, which is called Mangrove Creek, but did not reach the end of it. The higher we got up the wider it became, and divided into many branches. From there being no driftwood here it is evident that no river falls into it, nor is there any high land nearer than the sea coast. Some of the people where employed to-day hauling the seine. Found quantities of fish and great variety.

June 17.*—Went up the river about five miles to the N.-west to an island called Ash Island, which takes its name for a very excellent wood, similar in quality to ash, and grows as large. This is not the only good timber that is found here. There is a species that resembles box, which grows to a large tree. Here I enlarged my collection of plants, many of them quite new and beautiful. The leaf of one of the trees stings much worse than the Roman nettle. The circumference of this island is about six miles.

June 18.—Employed in arranging my collection.

June 19.—Went again to Ash Island for the purpose of pointing out to the sawyers the proper wood for cutting down. I saw some natives at a distance, but could not get near them, nor have we yet had any connection with the inhabitants of this neighbourhood. Accompanied by Mr. Harris went up Mangrove Creek. After rowing about four miles there was so little water that we were obliged to drag the boat over the flats. As soon as we got over found tide setting the contrary way, and perceived an opening into the main arm, where the vessel was at anchor opposite the south end of Ash

* Note 72.
Island, and at the entrance of what we suppose to be the principal river, which we traced about nine miles. Found the water rather fresh, and the country hilly, interspersed with high trees, mostly of the blue gum.

Went to Coal Island to examine the strata of coal while Messrs. Grant, Harris, and Barrallier were sounding the entrance of the river. Found the base of the island a complete stratum of coal, from 18 to 22 inches deep, of an excellent quality. There is anchoring ground at the inner side of the island near to where the coals are, and a vessel might be loaded in a short time; but the preference must be given to Collier’s Point, as the work can be carried on to any extent and at little expence.

Mr. Harris and myself went to Ash Island and to determine its circumference. Took some water with us for the sawyers. After rowing the greatest part of the day, we began to suspect that we had passed the channel that separates it from the other islands, which really was the case. At 3 p.m. we found ourselves in a large river, and the water so fresh as to be fit for use. Here the tide meeting the stream we had a heavy swell. About eight miles from where we returned the two rivers meet and divide again in different branches forming several islands, as will appear from Mr. Barrallier’s survey. From the herbage, which is very luxuriant, and the quantities of oysters on the mangrove trees, those islands in my opinion would answer well for the purpose of rearing swine. This day I added some plants to my collection, particularly a species cocas, entirely new, from 60 to 80 feet high. From the several excursions I made during the time that the Lady Nelson lay in Freshwater Bay I am of opinion that Government might derive many advantages by forming a small settlement at this place. In the 1st instance, the coals are a principle object. 2nd. Boiling salt, which could be done with little labour. 3rd. Burning shells that are here in great abundance. Besides, salting of fish might be carried on with considerable benefit if some industrious fisherman could be found for that purpose, as the fish are plentiful and good. There is excellent pasture for cattle, but until where the rivers meet is not fit for cultivation. What I term forest land is remarkably fine soil. After getting the vessel as far up as Needle Island, there was not water enough for her to proceed any further. I now commence my observations from Needle Island, which is so named from its length and narrowness.

June 29.—Accompanied by Mr. Harris and Mr. Lewin, I left the Lady Nelson with the launch to carry our provisions and what we thought necessary for an excursion of seven days, and a little boat belonging to Mr. H., which we found very useful; indeed if it had not been [for] it we could not have proceeded as far as we did. This day we got on about 16 miles, and rested the night on a rising ground which I called Greenhill. The soil is good but does not extend to any considerable distance. Here the water is fresh enough for use. The tides rises about four feet. Nearly half a mile above this the river, which your Excellency has done me the honor to name Paterson’s River, formerly called the Cedar Arm, falls into Hunter’s River.

June 30.—Proceeded about 14 miles, the country generally low, covered with wood; very little of it fit for cultivation—not from the soil but from the lowness of the situation.
July 1.—This day we concluded ourselves 12 miles higher up, and as the banks of the river in most places are very low and swampy, we fixed upon the first dry ground for our headquarters, where we built a small tent hut, thatched with grass which grows luxuriant. Here is an extent of country for about three miles to the southward with several lagoons and rather low, but except on the banks of the river not subject to floods. The soil in most places is good, thinly interspersed with fine lofty trees. This I named Shanks' Forest Plains in honor of Captain Shanks, the projector of the Lady Nelson, a gentleman much interested in the prosperity of this colony. The wood generally known by the name of cedar does not abound much in this place.

July 2.—Sent the launch back to the vessel. Mr. Harris attended me on a short excursion up the river about 6 miles. We found the stream in some places so exceedingly rapid that we were under the necessity of dragging up our little boat.

July 3.—Set out again early in the morning up the river till 2 o'clock, pulling over some rapid streams. The country now became much higher, with good soil, and the banks of the river covered with cedar, ash, and what is called box. The extent of our journey to-day was to a beautiful green mount, from which we had a very extensive view of a low country almost surrounded with a high chain of mountains, bearing from N.E. to E.S.E., and about 20 miles distant. This I named Mount Anne, in honour of Mrs. King, being the first mountain commencing a range that extends about 9 miles. A remarkable mountain, in shape not much unlike the Peak of Teneriffe, which I named Mount York, bore S.S.W. This is a good land-mark for the entrance into Hunter's River, and is seen at a great distance. Returned to head quarters in the evening.

July 4.—Having fixed on Shanks' Forest Plain as our place of rendezvous, in the neighbourhood of which is a large lagoon reported to be 9 miles across, and as the weather was very variable, I thought it better to convince myself of the nature and extent of this large sheet of water as described, and supposed to be the source of the Paterson River, than to undertake a larger journey towards the mountains until the weather became more favourable. About a mile higher up the river is a deep creek to the right, which from its direction gave us every reason to believe that it had communication with the lagoon.

July 5.—We despatched the boat with three men up the creek while we proceeded by land in expectation they would be able to join us. After traveling about 3 miles, and passing some ponds with quantities of wild ducks in them, but exceeding shy, we had from the top of a rising ground a view of the large lagoon, and was much disappointed in its appearance and extent. It is merely a chain of large ponds, and forms several small islands covered with reeds. The circumference may be 12 or 14 miles, but no part of it is 1 mile broad. From the number of black swans and wild ducks we saw here, we had no doubt of killing many, and with the assistance of the boat, provided it arrived, we should be able to get them out of the water. After waiting till late in the day, and neither hearing nor seeing anything of our people with the boat, we considered they had met with some difficulty in getting up the creek. We therefore returned to our hut after travelling from 9 in the morning till half-past 3 in the afternoon without resting or having the least refreshment. To-day we heard some natives, and saw a new canoe
on the banks of the creek where we expected to have met our boat. From what I observed of trees cut down by the natives, which must have been with a much sharper edged tool than what their stone maga is, and from their shyness, I have little reason to doubt but that some of the European deserters are among them. The country round this lagoon is tolerable soil, and certainly affords food for the natives. The surface is much grub'd up, particularly where roots of fearns, orchises, and a species of arum grow, which had nearly been fatal to some of our people. Later in the evening the boat returned, but could not find any communication the creek had with the lagoon. The men said they had seen very fine trees of cedar and ash.

July 6.—Rain. Attempted to carry Mr. Harris's boat overland, but found our forces insufficient.

July 7.—Rain. As our provisions began to get rather short, and a probability of our being here for some time longer, we made another attempt of getting the boat to the lagoon by sending her again up the creek, to a place which is not 200 yards from it, and near to where we had seen so many black swans and wild ducks, of which we hoped for a seasonable supply. Mr. Harris with three soldiers attended the boat, which, with some trouble, was removed from the creek into the lagoon, and Mr. Lewin remained with me at the hut preserving birds that were shot the day before, and collecting wood to keep up a fire for the night. In the evening, on Mr. Harris's return, we found him much disappointed in his expectations, having only brought in 1 duck and 6 young black swans. The latter were alive, but died soon after. Continual rain.

July 8.—This morning fair but very cloudy, and as every one was anxious to trace the river as far as we could, and a probability of the weather clearing up, Mr. Harris and Mr. Lewin went to order the boat to return that we might take the earliest opportunity of prosecuting our intended plan of discovering, if possible, the source of the river. In the evening the boat came back, and Lieut. Grant joined us with two boats, and brought us a supply of provisions, which enabled us to proceed further up the river with more comfort than we otherwise could have done.

July 9.—Very showery. Reached about 4 or 5 miles above Mount Anne, crossing several rapid runs, which we had to drag our boats over. In the night some very heavy showers, which made our situation exceedingly uncomfortable.

July 10.—Continued our course up the river, winding between high hills to almost every point of the compass, getting wider as we proceeded, but in places very shoal. About 1 o'clock p.m. came to a very high hill, where we halted on purpose to reach the summit, where we might have an opportunity of seeing what we had to expect in prosecuting our journey further. This hill we called Mount Elizabeth. It is the termination of the chain of mountains called King's Range, of which Mount Anne is the commencement. The range forms two-thirds of a circle, and, as I observed before, about 9 miles in extent, and their height from 5 to 700 feet. Mount Elizabeth is the highest, from where we had an extensive view of a low country for many miles. The chain of mountains before mentioned, particularly to the westward, were most visible and appeared very rocky and perpendicular. Observing the river winding through this immense plain in many directions gave us no hopes of reaching the source of it for some days, and knowing that the
Lady Nelson was only victualled to the 1st Aug't, we reluctantly agreed to return, and on [our] way back to examine Hunter's River before we reached the vessel. From Schanks' Forest Plains to the extent of our journey, the ground on both sides the river is good soil, and where the banks are low there is abundance of useful timbers; indeed, the cedar, ash, and box are only found in low situations. The flood at this part of the river rises from 30 to 35 feet. I observed several large pieces of coal washed up—a proof of its being in the interior as well as on the sea coast.

July 11.—On our return we stopped at Mount Anne to refresh ourselves, and in the evening arrived at head quarters.

July 12.—Messrs. Grant, Barrallier, and Lewin left us to return to the vessel. As one of [the] oars was broken, it took us the greatest part of the day to make a new one.

July 13.—Continued going down the river, and in the evening arrived at Green Hill, where Paterson's River and Hunter's River meet.

July 14.—Mr. Harris accompanied me about 6 miles up Hunter River, which is very deep and about 200 yards wide. The ground on both sides for the first 3 miles is low and swampy. Many parts are covered with a new hibiscus, which the natives use as flax for making their nets and for other purposes. This plant is much superior to the carradgan,* which is of the same species. As we got further up Hunter's River the country became higher and very beautiful, mostly forest ground, but very thinly interspersed with lofty trees, and sometimes, indeed acres, without a tree, the soil in general good, and the grass luxuriant. At the extent of our journey to-day we came to a high hill, which I named Mount King. From its summit we had a very extensive view of the mountains before mentioned to the westw'd, the round hills off the opening of Port Stephens to the eastw'd and nor'w'd, Ash Island, the Harbour, Coal Island, and Collier's Point to the eastw'd and southw'd. On our return to Green Hill in the evening, we found Mr. Barrallier with seven days' provisions, for the purpose of going on with the survey of this river.

July 15.—Mr. Barrallier left us early in the morning. As my object was to examine the country as much as possible, Mr. Harris and myself went in the small boat, continuing our journey up the river. After passing Mount King at 2 p.m., we came to another high hill, which I called Mount Grant, but the weather was so very foggy that we could see but very little of the country. We proceeded on in very heavy rain until 5 o'clock, and remained for the night on a rising ground near the bank of the river. From the quantity of rain that fell, we passed a most uncomfortable night.

July 16.—Still heavy rain. Waited till noon, expecting the weather would clear up; but no appearance of change. We were now even determined to persevere, and rowing on a few miles, passing several creeks on both sides, the river began to narrow and shoal, forming small islands. Until to-day we had seen no appearance of the river overflowing its banks, but here it does in places where it is confined by high land from 10 to 15 feet. Great part of the water must be carried off by the creeks into the lagoons, of which there are a great many, and consequently does not affect the river lower down. At 2 o'clock we met Mr. Barrallier on his return, who informed us he had been 4 miles higher up, and was prevented proceeding any further on account of a fall of the river which he could not get his

* Note 73.
boat over. At this place the trees are remarkable for their height—chiefly blue gum and a species of casuarina. One tree of the latter I measured, which was 10 feet in circumference, and we judged it to be about 160 feet high, and perfectly straight. On this river there are neither cedar, ash, nor box. From Mr. Barrallier's information, and the weather being very bad, together with the uncertainty of our receiving a supply of provisions which I had written for, I thought it better to return and leave the source of this river in doubt until a future period. We kept rowing down for four hours, and rested on the banks of the river for the night. Still very heavy rain.

July 17.—The weather continued just as bad as yesterday. At half-past 7 in the morning put off with the boats, and rowed the whole of the day till 5 o'clock in the evening, when we got on board the Lady Nelson, having come a distance of about 30 miles.

W. PATTERSON.

[Enclosure No. 4.]

[A copy of the Commissary's return re the bartering of coals has not yet been found.]

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Military No. 3," per whaler Albion; acknowledged by Lord Hobart, 29th August, 1802.)

Sydney, New South Wales,

My Lord,

21st August, 1801.

I have the honor to enclose Lieut.-Colonel Paterson's last report of the New South Wales Corps, together with the duplicates and triplicates of my military letters Nos. 1 and 2.

I beg leave to press on your Grace's consideration the necessity of those captains and subalterns who are now on leave in England, or others in their stead, being ordered to join as soon as possible to do the necessary duty of the regiment.

The enclosures are copies of letters that have passed between Colonel Paterson and myself respecting the stoppages from the troops stationed here for their ration. What is called a full ration here is that established by Treasury warrant soon after the colony was settled, and as such has been constantly conformed to, excepting when it has been necessary to reduce that ration, which the state of the stores have often required, and happens to be the case at present, as stated in the enclosure and General Orders. The full ration, as established by His Majesty's warrant, is very different (as your Grace will observe by the enclosure) from that prescribed by the Treasury warrant for this particular colony, from which statement and those letters it will appear that the question is: As the troops do not receive the ration prescribed by
the regulation of 1798, but the ration prescribed by the Treasury warrant for this particular colony, whether the stoppages ought to be made as directed to commence the 25th May, 1797, for His Majesty's troops serving abroad, and in which the New South Wales Corps is particularly specified?

By the enclosed report of the officer acting as Engineer and Artillery Officer, your Grace will observe that the platform at the entrance of this harbour is finished, and two twelve-pounders will be mounted there in a few days. As Captain Abbott has not only constructed this platform, but also repaired and made some necessary alterations of the battery on the west point of the cove which commands the approach of the harbour, and having constructed a durable stone building for a magazine for gunpowder, together with there being sufficient employment in that department to keep him constantly and usefully employed, I hope my former request of this officer being allowed such a salary or remuneration for these services as your Grace may judge fit will not be improper, as that is the only expense attending our Engineer and Artillery departments, excepting 8d. per diem to a soldier, acting under Captain Abbott's directions, who is paid generally in articles from the public stores.

Some cavalry saddles and accoutrements being received from the Transport Office, by the Royal Admiral, and there being a necessity for mounting six soldiers for the purpose of dispatch in conveying orders at the time the Irish insurgents were troublesome, as well as a small guard to my person in the different journeys I take, I consulted with Colonel Paterson, who selected a non-commissioned officer and six soldiers who had formerly served in cavalry regiments. They are mounted on the horses I found here belonging to Government, and no other expense attends them than one shilling per diem to the non-commissioned officer, and sixpence a day to each private, which is generally paid from the stores or in copper money. And, in order to prevent the convicts from seizing on any of the vessels, as has been the case so much, I have directed a guard to be kept on board the Colonial vessels, which is of no other expense to the Crown than being victualled at the navy ration with the accustomed allowance of half a pint of spirits daily.

I have the honor to enclose a request for some articles of ordnance which appear necessary for the absolute necessary defence of this port, to prevent it from insult by the smallest vessels belonging to an enemy.

I have, &c.,

PHILIP GIDLEY KING.
[Enclosure No. 1.]

**General Return of His Majesty's New South Wales Corps, commanded by Colonel Francis Grose, Sydney, 21st August, 1801.**

<table>
<thead>
<tr>
<th>Companies</th>
<th>Officers Present</th>
<th>Serjeants</th>
<th>Drummers</th>
<th>Effective Rank and File</th>
<th>Total Effective</th>
<th>Waiting to Complete</th>
<th>Establishment</th>
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<tbody>
<tr>
<td>Colonel Grose's</td>
<td>6</td>
<td>2</td>
<td>1</td>
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<td>Major Foveaux's</td>
<td>3</td>
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<td>2</td>
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<td>Captain Johnston's</td>
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<td>&quot; McArthur's</td>
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<td>&quot; Townson's</td>
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<td>&quot; Abbott's</td>
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<td>&quot; Rowley's</td>
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<td>&quot; Prentice's</td>
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<tr>
<td>Absent Officers' Names and Rank</td>
<td>From what time</td>
<td>By whose leave</td>
<td>To what time</td>
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<tr>
<td>Colonel Grose</td>
<td>December 15, 1794</td>
<td>His Majesty's</td>
<td></td>
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<tr>
<td>Captain Townson</td>
<td>February 15, 1800</td>
<td>do</td>
<td></td>
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<tr>
<td>Captain Johnston</td>
<td>September 25, 1800</td>
<td>Governor Hunter's</td>
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<tr>
<td>Captain Prentice</td>
<td>do</td>
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<tr>
<td>Lieutenant Kemp</td>
<td>do</td>
<td>Lieut.-Colonel Paterson's</td>
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<thead>
<tr>
<th>Names and Rank of Officers on duty, and what duty.</th>
<th>Vacant Officers, and by what means</th>
<th>Names of Officers present</th>
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<tbody>
<tr>
<td>Ensign Moore,</td>
<td>Lieutenant Crawford, dead.</td>
<td>Captain Rowley. Ensign Piper.</td>
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<tr>
<td>Ensign Bayly, at Norfolk Island</td>
<td></td>
<td>Captain Piper.* Ensign Barrallier.</td>
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<tr>
<td>Ensign Maundrell, do</td>
<td></td>
<td>Captain McKellar.* Paymaster Cox.</td>
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<tr>
<td>Ensign Lawson, do</td>
<td></td>
<td>Lieutenant Davis. Qr.-Master Laycock.</td>
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<tr>
<td>McAnderson, do appointed to act as Ensign by His Excellency Governor King.</td>
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<td>Lieutenant Patullo. Surgeon Harris.</td>
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<td>Lieutenant Hobby. Asst.-Surgeon Roberts.</td>
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<td></td>
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<td>Ensign Brabyn.</td>
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* Included in the column of Lieutenants, but appointed with the local rank of Captains by His Excellency Governor King.
**1801.**
**21 Aug.**

Report re batteries and ordnance.

**[Enclosure No. 3.]**

[Barrack Field.]

<table>
<thead>
<tr>
<th>Field Pieces</th>
<th>No. of Shot</th>
<th>TOTAL</th>
<th>PORT'S.</th>
<th>SIX'S.</th>
<th>TWELVE'S.</th>
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**[Dawes Point or West Battery.]**

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<tr>
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<th>Condition</th>
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<th>Unserviceable</th>
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**[East Battery.]**

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**[Enclosure No. 4.]**

[Barrack Field.]

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**[Garden Island.]**

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<tr>
<th>Caliber</th>
<th>Condition</th>
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**[Windmill Hill.]**

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<th>Caliber</th>
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<th>Unserviceable</th>
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**[George Head Battery.]**

Situated on a commanding height near the entrance of the harbour, and appears to be well calculated to prevent any ships from coming up the river. There is sufficient room to extend the battery for a greater number of guns. There is an excellent stone building 24 ft by 18 ft, divided into two apartments—powder-room and a filling-one. The walls of this building are 4 ft thick. It is nearly finished.

**[Ed. Abbot, Acting Engineer and Artillery Officer.]**

**[State of the Batteries and Return of Ordnance at Port Jackson, New South Wales, 21st August, 1801.]**

**[Remarks. &c.]**

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<tr>
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<th>Serviceable</th>
<th>Unserviceable</th>
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**[Total.]**

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**[Note.]**

- Total of batteries 10
- Total of guns 26
- Total of ordnance 8
- Total of batteries in total decay 8
- Total of batteries not yet finished 10
- Total of batteries under construction 10
KING TO PORTLAND.

[Enclosure No. 4.]

COMPARISON between the Treasury Ration ordered for the Colony in New South Wales, and the complete Ration ordered for Troops serving abroad, agreeable to His Majesty's Regulation, which places the Non-Commissioned Officers and Privates of the New South Wales Corps under a deduction of 3½d. per diem each man.

Weekly Treasury Ration issued from the Governor to the Convict. | Weekly Complete Ration issued to the Non-commissioned Officers and Privates of the New South Wales Corps, agreeable to the King's Regulation, there being no small articles.
--- | ---
| s. | d. | s. | d. |
| 8 lb. flour sent from England, and freight at 4½d. per lb. | 2 | 10 | 10½ lb. flour sent from England, and freight at 4½d. per lb. | 3 | 8½ |
| 4 lb. pork, at 7d. per lb. | 2 | 4 | 4 lb. 6 oz. pork, at 7d. per lb. | 2 | 6 |
| 3 lb. maize, at 1d. per lb. | 0 | 3 | | |
| 6 ounces sugar | 0 | 2½ | | |
| Add ¼ for loss | 5 | 7½ | Add ¼ for loss | 6 | 2½ |
| Value of a full Treasury ration for each man p'r week | 6 | 3½ | Value of a complete Military ration for each man per week | 6 | 11½ |

N.B.—These calculations are for flour brought from England. The general issue in wheat, or meal ground from it, the produce of the colony, which reduces the price of the ration of flour in the Treasury ration to 1s. 8d., and that of the military ration to 2s. 3d., while the saving to the Crown remains the same.

[Enclosure No. 2.]

LIEUTENANT-COLONEL PATERSO TO ACTING-GOVERNOR KING.

Sir, Sydney, Augt. 9th, 1801.

On my return from Hunters River I observed that Capt. McArthur, in my absence, had laid before your Excellency an Extract of my Letter to the Right Honble. the Sec'y at War, dated 27th Feb'y 1800, which respected the Ration issued to the Troops at that Time, The Answer to that Letter I have the Honor to enclose, also mine to Governor Hunter on that Subject. You will observe that the Sec'y at War says he does not see any grounds for continuing to exempt the men from the established deduction, during any period when they receive a complete Ration of Provisions— As that has not been the case ever since the date of my Letter, or is it probable to be so for a length of time, and as I am sure your Excellency is aware, (as I have stated in my Letter to the Sec'y at War,) that the short allowance money is very inadequate to the deduction, and no answer having
arrived to Governor Hunter's representation on that subject, will it not be proper to continue the pay without stoppages—until the Store can afford the Established Ration, or Instructions be received from His Majesty's Minister? This I submit to your consideration and recommend the propriety of the measure 'till such time as a complete Ration can be Issued.

I have, etc.,
W. Paterson.

[Sub-enclosure.]

THE WAR OFFICE TO LIEUTENANT-COLONEL PATERSON.

Sir,  
War Office, 27th Sepr., 1800.

I am to acknowledge the Receipt of your letter of the 18th Feb'y last, and to acquaint you, that as the Pay of the Men of the New South Wales Corps has been actually Issued from the 25th May 1797 to the 24th November 1799 at the same rates as for the Troops serving at home who find their own Provisions, they will not be called upon to refund the amount of the deductions, to which they were liable under His Majesty's Warrant, for increasing and regulating the pay of Non Commissioned Officers and Men serving out of Great Britain but I do not see any Ground for continuing to exempt the Men from the established deduction, during any period when they receive complete Rations of Provisions; as after taking those deductions, they will still enjoy the full advantage of the Nett additions made to the Pay of the Infantry of the Line in the Year 1797.

I have, etc.,
W. Windham.

ACTING-GOVERNOR KING TO LIEUTENANT-COLONEL PATERSON.

Sir,

Sydney, Augt. 9th, 1801.

In answer to yours of this date, and your Question to me "Whether it will be proper to Continue the Pay of the Corps without stoppages, until the Store can afford the established Ration, or Instructions can be received from His Majesty's Ministers?" I beg to inform you, that as no answer has been received by me, to any representation Govr. Hunter may have made on that Head—Whenever I receive Instructions thereon, or to my Representation on this Subject I shall not fail to communicate them to you; But however happy I am in every opportunity that offers, of promoting the Comfort of the Corps under your Command, I do not think myself authorized, to assume the Responsibility of giving any Order, contrary to His Majesty's Warrant on that behalf, and the Opinion of the Secretary at
War, as communicated to you, I hope you will discover the impropriety of my interfering on that head until I receive Commands thereon, which I hope will be satisfactory to you. Your Letter with their enclosures shall be transmitted to the Secretary of State by the Albion.

I have, etc.,

PHILIP GIDLEY KING.

[Enclosure No. 5.]

REQUEST for Ordnance Stores for the use of His Majesty’s Settlement in New South Wales.

Iron Ordnance 12 Pounders Eight in Number.

" Shot 12 do One thousand with Ladles.

" do 6 do Five Hundred.

" do 4 do One thousand.

" do 3 do Two Hundred.

Cartridge Paper Twelve.*

New Union Flagas Two.

Standard One.

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch per whaler Albion; acknowledged by Lord Hobart, 29th August, 1802.)

My Lord, Sydney, N. S. Wales, Aug. 21st, 1801.†

1. I am much concerned to be under the disagreeable necessity of transmitting the enclosed Proceedings of a Criminal Court of Judicature respectg. Lt. Marshall of the Navy who came here as Agent of Transports in the Earl Cornwallis.—Sentenced to pay a fine of £50 to the King, and a Year’s Imprisonment in the Jail at this place, for an Assault and Battery on Captain Abbott of the New South Wales Corps and, that a Special Verdict has been found by the same Court, on an Indictment of Assaulting Capt. Jno. McArthur of the same Corps—All which Proceedings and their relative Documents, together with my conditional remission of the above sentence, and Lieut. Marshall’s Obligation to deliver himself up to your Grace’s Orders to abide by such Directions, as may be given on the Special Verdict found on his Second Trial; I herewith transmit.

2. Although the Conduct of Lt. Marshall will appear very reprehensible and has been most unwarrantable in his attack on Captain Abbott; Yet I hope when your Grace considers the allegations contained in Lieut. Marshall’s Memorial (on the first Day of his Trial) appealing to me as the Executive authority of the Illegal and Informal Proceedings of the Court before which

* Manuscript undecipherable. † Note 74.
he was tried; My forbearance in not interfering with the Proceedings of the Court until the whole was finished; The opportunity I then gave that Court of refuting Lt. Marshall's Charges against it, by the Order I gave for the Court being reconvened to enquire and report to me, the incorrectness or validity of Lt. Marshall's Allegations; Its pointed refusal to clear that point up—which occasioned my Letter to the Judge-Advocate and Members—And five of the Members of that Court out of the seven of which it was composed, having afterwards applied to me for Documents to vindicate themselves, when they as the Majority of a Court might have entered into that Investigation, before the Prisoner, and by my legal authority—are all Circumstances which I hope will justify my extending His Majesty's Mercy to the Prisoner on the Conditions expressed in the enclosed Counterpart of His Conditional Pardon.

3. Under the strongest conviction that not only Justice, Humanity, and Equity, But, also strict propriety, will appear to have guided my Conduct in directing the Court to be reconvened, on Lt. Marshall's assertions of its Illegal and Improper Conduct towards him, I trust that the representation of the facts stated in this Letter, and the accompanying Documents will procure me His Majesty's most Gracious support of the Authority which he, and the Legislature has been pleased to invest the Govr. of this Colony with.

I have, &c.,
PHILIP GIDLEY KING.

P.S.—I am much concerned, that since writing the above, there should have been cause to trouble your Grace with the Correspondence I have been obliged to annex to the Proceedings.

Augt. 23d 1801.

P.G.K.

[Enclosure No. 1.]

THE TWO TRIALS OF LIEUTENANT MARSHALL.

Proceedings of a Court of Criminal Judicature, held by Virtue of a Precept under the Hand and Seal of His Excellency Philip Gidley King Esquire Governor and Captain General in and over His Majesty's Territory of New South Wales and its Dependencies on the 29th July, 1801.


The precept being read and the Court Sworn, Lieut. Marshall objecting to the Competency of the Court; it was ordered to be cleared, when it was resolved to proceed to the trial of the said Lieut. Marshall, agreeable to the Powers granted by the Patent.
KING TO PORTLAND.

LIEUT. MARSHALL having objected to one of the Members, Capt. McKellar, for Shewing, as he asserts an improper Warmth When the above Objection was made, the Court over ruled it, and Captain McKellar only expressed his Disapprobation of Lieut. Marshall's denying the Competency of the Court.

The Indictment (No. 1) being read
LIEUTENANT MARSHALL pleaded Not Guilty.

EDWARD ABBOTT Esq. prosecutor on the part of the Crown being Sworn, read the paper (No. 2) and Called

JAMES TENNANT Esq. Commander of the Earl Cornwallis who was duly sworn.

Question 1st by the prosecutor.—Did not Lieut. Marshall place himself in a position to prevent my passing him when he Accosted me?

Answer.—Yes, he did.

Q. 2nd.—Did not Lieut. Marshall After he struck me with a Stick, upon my retreating backwards follow me to repeat the Blow?

A.—He followed you, but Cannot say as to his Intentions of repeating the Blow.

Q. 3rd.—Had he not his Stick again Uplifted?

A.—Cannot recollect.

Q. 4th.—Did not the Sentry's Interposition prevent the Prisoner Striking Me again?

A.—I think it did.

Q. 5th.—Was I armed?

A.—You were not.

Q. 6th.—Did not you think the prisoner's Attack on me so shame­ful and unwarrantable that you said it was no Disgrace to be struck by him?

A.—I said it was no Disgrace to be Struck in that Manner.

Q. 7th.—Did not Lieut. Marshall tell the Sentry that I was in Coloured Cloaths and no Officer of his?

A.—He told him Something to that Effect.

Q. 8th.—Do you think the prisoner told the Sentry so, to have me at his Mercy, and prevent him from Affording Me his protection?

A.—I cannot speak as to Lieut. Marshall's Intentions.

(A Stick being produced, the Witness says it is the Same that Lieut. Marshall struck Captain Abbott with.)

Question by Lieut. Marshall.—Did you hear any part of the Conversation that passed between myself and Captn. Abbott at the time of the supposed Assault?

Ansr.—I indistinctly heard Lieut. Marshall ask Captn. Abbott some Question, but Cannot say what it was.

Q.—Did you hear any Reply from Captain Abbott, and if you did, what was it?

A.—Captn. Abbott said "I wish to have nothing to say to you" or words to that Effect.

Q.—Do you recollect which End of the Stick now produced, I held in my Hand at the time I came up to You and Captn. Abbott and whether the position it was then in, was at any time altered?

A.—You held the thick End in your Hand and the position was not altered.

Q.—At the time I laid that Stick across Captn. Abbott's Back was it your Opinion that I intended to murder him?
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A.—As this Question is matter of Opinion I do not think you had, Nor do I imagine any of the Bye-standers entertained such an Idea.

Question by the Court.—Did Captn. Abbott provoke Lieut. Marshall to assault him?
A.—No otherwise than by not Stopping to answer his Question, and the Expression he used in wishing to have nothing to say to him.

Q.—Did You think that a sufficient Cause for Mr. Marshall's proceeding to such Extremities?
A.—If I had thought so, I sho'd not have said what I did to Captain Abbott.

Question 3rd.—Did not Lieut. Marshall Approach Capt. Abbott and Yourself with a Menacing Appearance?
A.—He did.

Q. 4th.—What part of Capt. Abbott's Body did Lieut. Marshall Strike? Was it his Back or Side?
A.—He struck him on the Side.

Q. by Lieut. Marshall.—Do not you think that if the Stroke was given, that it must have left some Impression on Capt. Abbott's Side?
A.—From the Size of the Stick and Swing of the arm I think it must.

WILLIAM TONKS, private in the N. S. Wales Corps being Sworn:

Question by prosecutor.—Did you see Lieut. Marshall Strike me with a Stick?
A.—I did not.

Q. 2nd.—Did you see Lieut. Marshall follow me with a Stick to Strike me?
A.—When Adjt. Minchin Called me I turned about and he told me to put away the Man with the big Stick—as soon as I observed who it was I went between Capt. Abbott and Lieut. Marshall—Capt. Abbott was then edging away from Lieut. Marshall—the Witness told Lieut. Marshall that he must go away, for that was not a place to make a disturbance, on which Lieut. Marshall went away, but before he went he desired Capt. Abbott to tell his Commanding Officer, Capt. McArthur, the same if he liked.

Q. 3rd.—Recollect, did I not Call on you for Assistance?
A.—I did not hear you, but I heard Adjt. Minchin Call me.

Q. 4th.—Did not Lieut. Marshall say he wo'd serve Capt. McArthur in the same manner?
A.—I cannot positively say.

Q. 5th.—Why did you come to my Assistance? Was it to protect me?
A.—It was to protect you.

Q. 6th.—Did not Lieut. Marshall tell you I was no officer of his for that I was in Coloured Cloaths?
A.—I cannot positively say.

Q. 7th.—Did you see a Stick in Lieut. Marshall's Hand, and would you know it again, were you to see it?
A.—Lieut. Marshall had a Stick in his Hand.

Q. 8th.—Was I armed?
A.—You was not.

(A Stick being produced the Witness says it has the appearance of being the same.)
Q.—As you have already said you have seen the Stick with me, inform the Court which End I held in my Hand.
A.—The Thick End, to the best of my knowledge.
Q. 2nd.—Was you under the Impression of Fear, and if you was, what was the Cause of it?
A.—I was a little flurried not so much as to prevent my doing my Duty.
Q. 3rd.—Did I attempt to strike Capt. Abbott?
A.—Not in my Presence.
Q. 4th.—Was it your Opinion that I had any Intention of Murdering Capt. Abbott?
A.—I saw no Blow.

Question by the Court.—In Answer to a former Question you said you were flurried. What was the Cause of it?
A.—It coming unexpectedly on Me.
Q. 2.—What was it that came unexpectedly on you?
A.—Cannot say.
Q. 3rd.—Did Lieut. Marshall say anything to you and what was it?
A.—I do not recollect his saying anything to me.
Q. 4th.—Did Lieut. Marshall after you Came between himself and Capt. Abbott attempt to strike Capt. Abbott by reaching over you or otherwise?
A.—He did not.
Q. 5th.—Did he walk away quietly?

LIEUT. HOBBY of the New South Wales Corps, Sworn.
Q. 1st by Prosecutor.—Did not Lieut. Marshall Suddenly alter the Direction he was going when he perceived me Coming up the Hill?
A.—He did.
Q. 2d.—Did you see Lieut. Marshall Strike me and what with?
A.—I did—with a large Stick.
Q. 3d.—Would you again know the Stick?
A.—I should.

A Stick being produced the Witness says it is the same Lieut. Marshall struck Capt. Abbott with.
Q. 4th.—Did you hear the Conversation between Lieut. Marshall and myself?
A.—I heard Capt. Abbott tell Lieut. Marshall that he should not enter into any Conversation with him, or Words to that Effect.
Q. 5th.—Relate to the Court what followed?
A.—As far as my Recollection will Assist me, I heard Lieut. Marshall call Capt. Abbott a damned scoundrel and Struck him with a large Stick which he held in his Hand.
Q. 6th.—Did you hear the Blow?
A.—Perfectly well,—and could have heard it at a much greater Distance.

Question 7th.—Do you not imagine that the Violence of it was such that had it fallen on the Head it would have deprived Me of my Life?
A.—I think in All probability that it would.
Q. 8th.—Did not Lieut. Marshall After he had Struck me with the
Stick follow me with it uplifted to repeat his Blow on my retreating backwards?

_A._—He followed Capt. Abbott with his Stick uplifted and I think it was his Intention to have struck Capt. Abbott again.

_Q. 9th._—Was I armed?

_A._—Unarmed.

_Q. 10th._—Did not the Sentry's Interposition prevent Lt. Marshall Striking me again.

_A._—I think it did.

_Q. 11th._—Did not Lieut. Marshall say he would serve Capt. McArthur in the same manner?

_A._—Lieut. Marshall requested Capt. Abbott to inform Capt. McArthur that he would serve him in the same manner whenever he met him.

_Q. 12th._—Did not Lieut. Marshall tell the Sentry that I was in Coloured Cloaths and no Officer of his?

_A._—I heard Lieut. Marshall tell the Sentry that that Man, pointing to Cap. Abbott was in Coloured Cloaths.

_Q. 13th._—Do you not think that Lieut. Marshall told the Sentry to withhold his protection from me?

_A._—I do.

_Q. 14th._—Did you hear me Call to the Sentry for Assistance?

_A._—I do not Recollect you did.

_Q. 15th._—When Lieut. Marshall was the first time driven away by the Sentry did not he return again when the Sentry went to meet him?


_Q. 16th._—Was not the Sentry, Tonks, very much agitated?

_Ans._—He was.

_Question 17th._—Can you form an opinion as to the Cause of it?

_A._—I cannot.

_Q. 18th._—Did not the Officers of the Corps think so unfavorable of Lieut. Marshall's Conduct with Respect to his Disposal of the late Lt. Crawford's Effects as to occasion them not to take Notice of him as a British Officer and what has been their Opinion before the 23rd inst. when he attacked me?

To this Question Lieut. Marshall objects and prays the Opinion of the Court as to the propriety of the Question.

The Court being cleared to deliberate recommend it to the prosecutor to withdraw the Question which he consented to.

_Q. 19th._—Did I by Threats Defiance or in any other Manner give Lieut. Marshall provocation to strike me?

_A._—You did not.

_Question 1st by Lieut. Marshall._—Where did this Business happen?

_A._—A few Yards from the back gate of the Orphan School towards the Bridge.

_Q. 2d._—Inform the Court where you stood at the time.

_A._—A few yards above the Gate.

_Q. 3rd._—You have Said you heard the Blow that was Struck and that had it Struck Capt. Abbott on the head, it must in your Opinion have killed him. Do you not think that Striking him where I did with the Violence Already mentioned that it must either have broke his Arm or have brought him to the Ground?

_A._—The Blow was not received on the Arm—why it did not bring him to the Ground I cannot take upon myself to explain.
Q. 4th.—Was the Stroke aimed at Captain Abbott’s Head?

Ans.—I cannot say.

Question 5th.—Do you recollect which End of the Stick I held in my Hand at the time?

A.—The large End.

ENSIGN AND ADJUTANT MINCHIN, being Sworn, Deposeth that on the Morning of the 23rd inst. July between the Hours of 10 and 12 he was Standing on the road between the Orphan School and Col. Paterson’s, in Company with Lieut. Hobby and Mr. Campbell Commander of the Harrington Brig, He saw Lieut. Marshall pass him with a large Bludgeon in his Hand, the Size of which, together with his Appearance, induced the Witness to look after him. Lieut. Marshall turned down the Road leading to the Guard House, where Capt. Abbott and Capt. Tennant were walking together. Lieut. Marshall walked Smartly toward them and Coming in front Stopt them; a few Words passed between him and Capt. Abbott and I heard Capt. Abbott say to Lieut. Marshall, “Sir, I have nothing to say or do with you.” I cannot say positively which but they were Words to that Effect. Capt. Abbott was endeavouring to pass by Lieut. Marshall, when he raised his Stick and Struck him, and attempted to repeat the Blow, but Capt. Abbott’s removing from the place, and my ordering the Sentry to his Assistance prevented it. Lieut. Marshall was then going away, but turned round and desired Capt. Abbott to inform Capt. McArthur that he would treat him in the same Manner when he saw him. Lieut. Marshall then went towards Mr. Laycock’s House.

Question by Prosecutor.—Did not Lieut. Marshall suddenly Alter the Direction he was going in as soon as he perceived me coming up the Hill?

Ans.—When Lieut. Marshall passed me I thought he was going towards Mr. Laycock’s House, but on Coming Opposite the Road leading to the Guard-House he immediately changed his Direction and went towards Capt. Tennant and Captain Abbott.

Q. 2d.—Did you hear the Blow?

A.—I did.

Q. 3d.—Was not Lieut. Marshall’s Stick elevated above his Head?

A.—I cannot say, but it was sufficiently high to give a severe Blow.

Q. 4th.—Did you see me give way to the Blow?

A.—I did.

Q. 5th.—Where did he strike me?

A.—I think it was Somewhere in the Side.

Q. 6th.—What do you think would have been the probable Consequences had he hit me on the Head?

A.—As a matter of Opinion I think it would have been very severe.

Q. 7th.—Was I armed?

A.—No, you was not.

Q. 8th.—Did not Lieut. Marshall tell the Sentry that I was in Coloured Cloaths and no officer if his, the Sentry’s?

A.—I heard Lieut. Marshall say Something about Capt. Abbott’s being in Coloured Cloaths, but what it was, Cannot say.

Q. 9th.—Did you hear me Call to the Sentry for Assistance?

A.—I did, after you had rec’d the Blow.

Q. 10th.—When the Sentry drove Lieut. Marshall away did he not attempt to return again?
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A.—He turned round and came one or two Paces towards Capt. Abbott and made use of the words as before Stated. The Sentry stood between them.

Q. 11th.—Did I by words, Gestures or in any other Manner provoke Lieut. Marshall to strike me?
A.—I do not think you did; if you had I must have seen or heard it.

Q. 12th.—Would you know again the Stick Lieut. Marshall Struck me with?
Ansr.—I would.
(A Stick being produced he says it is the same that Lieut. Marshall struck Capt. Abbott with.)

Q. 13th.—Did it appear to you that the Sentry was agitated?
A.—He was much agitated.

Question by Lieut. Marshall.—Had you any Conversation with any person that stopt you coming into Court?
A.—After I was called I spoke to no person until I entered the Court.

Q. 2nd.—Which End of the Stick had I in my hand at the time I struck Capt. Abbott?
A.—The thick End.

Q. 3rd.—Had I not time to have repeated my Blow had I chose so to have done before the Interference of the Sentry?
A.—I do not think you had, as Capt. Abbott moved Smartly from you.

Q. 4th.—As you have described the Blow given to have been a very Violent one, and by the Bludgeon already mentioned, it must have brought Capt. Abbott to the Ground and broke some of his Bones, had it been given with the full Strength of my Arm.
A.—As a matter of Opinion Cannot say any further than that Lieut. Marshall’s Strength may not be so great as it appears to be, or Capt. Abbott’s moving Slantingly might have prevented the full force of the Blow.

Q. 5th.—What part of Capt. Abbott’s Body does the Witness think the Blow was intended for?
A.—I cannot say what Lieut. Marshall’s Aim might have been, but the Blow was received on the Side.

JOHN HARRIS, Esq. Surgeon of the New South Wales Corps Being Sworn.

Question by prosecutor.—Did you examine my left side on the Morning of the 27th inst.?
A.—I did. I was sent for by Capt. Abbott to examine his left side; he found great pain there. I observed a violent Contusion on all that Side and very much discoloured.

Q. 2nd.—State to the Court Whether you think the Blow that occasioned that Contusion was given with any Violence?
A.—It must have been given with considerable Violence.

Q. 3rd.—Do you imagine that if the Blow which occasioned that Contusion had been given on the Head or any Vital part it might not have occasioned Death?
A.—There are some parts of the Head that the Blow might have fractured, and others that it might not have had that Effect upon.

Question by the Court.—From your Examination of Capt. Abbott’s left side, do you think it likely that Death or the probable loss of the Use of that Side was likely to ensue?
A.—Not having seen Capt. Abbott's side until four days had elapsed, I was of opinion that no alarming symptoms were likely to ensue; but had I seen it at the time the blow was given, I might, most probably, have been of a different opinion.

Q. by Lieut. Marshall.—As a professional Man I ask Doctor Harris if there are not many vital parts in that part of the body where Capt. Abbott rec'd the blow, and that had it been given with my whole strength would it not have been equally injurious to Capt. Abbott as if it had struck him on some parts of ye head?

A.—There are many vital parts in that part of the body where Capt. Abbott rec'd the blow and from the weapon with which the blow was given together with Lieut. Marshall's apparent strength, had it been given with his whole strength, it most probably might have killed Capt. Abbott, but I deny, as a professional Man, that the place where Capt. Abbott rec'd the blow is so dangerous as the head.

Q. 2nd.—If I had had any intention of murdering Capt. Abbott, w'od I not have struck him in some more vital part than where I did?

A.—The head is a more vital part than where Capt. Abbott rec'd the blow.

Capt. Abbott delivered into court (No. 3).

The prosecution on the part of the crown being closed, Lieut. Marshall was put on his defence, but requiring time to prepare it, the court granted him until Friday morning the 31st inst., to which time the court adjourned.

July 31st, 1801.

The court met pursuant to adjournment.

Lieut. Marshall having requested to ask Captain Abbott a few questions, the court being cleared as to the propriety of this request, are of opinion that questions may be asked by Lieut. Marshall to Capt. Abbott, but the court reserve to themselves the power of judging of the propriety of the questions, and how far Captain Abbott may be under the necessity of answering them.

Question by Lieutenant Marshall to Capt. Abbott.—Did you at any time after my arrival in this colony and prior to the affair of the 23rd inst. attend any meeting or meetings of the officers of the New South Wales corps to consider the kind of manner by which I should be treated by them?

The court are of opinion that Capt. Abbott is not obliged to answer this question and the court reject it on the same ground as Q. 18 to Lieut. Hobby was rejected.

Lieut. Marshall being put on his defence delivers into court the paper (No. 4) and being asked if he has anything further to say, declares he has not.

The court are of opinion that Lieutenant Marshall is guilty of the assault on Captain Abbott as stated in the indictment:

Do therefore fine him the sum of £50 and sentence him to be imprisoned in the county gaol for the space of 12 calendar months.

This is a true copy of the original documents with which it has been compared this 17th day of August, 1801.

Richard Atkins,
W. Balmain,
Samuel Marsden.
On the prosecution of John McArthur Esq. for an Assault.

LIEUT. MARSHALL objecting to the Competency of the Court, it was ordered to be Cleared when the Court was of Opinion that agreeable to the Charter they should proceed to Trial. Lieut. Marshall objects to Capt'n. Neil McKellar as a Member of the Court on the same grounds as stated in the prosecution of Capt'n. Abbott. The Objection over-ruled. Lieut. Marshall further objects to Lieut. Davis as a Member of the Court for having made use of Opprobrious Language respecting him on board the Harrington Brig, William Campbell Master, or some other places some days previous to this Trial. The Court Cleared, when the Objection was over-ruled.

The Indictment (No. 5) being read

JOHN McARTHUR Esq. was sworn—opened the prosecution by an introductory Speech (vide No. 6) in which making Use of some Language that the prisoner thought tended to prejudice the Minds of the Members of the Court and the audience, objected to it. The Court was cleared when they were of Opinion that Capt. McArthur should proceed, but avoid any Expressions that might tend to that Effect. Capt. McArthur delivered into Court (No. 6) and called

JAMES TENNANT Esq. Commander of the Earl Cornwallis who being Sworn, deposes that he met Capt. McArthur some where near the Orphan School when Capt. McArthur addressed him by observing this was a very disagreeable Business; on demanding an Explanation he informed him of a Report in Circulation respecting Mr. Marshall's having appropriated or rather exchanged some Articles belonging to Lieut. Crawford for others not equally good of his own; that as Commanding Officer of the Corps and Consequently Executor of the deceased he was obliged to bring it forward. I expressed my total Ignorance of the transaction. While we were yet speaking Lieut. Marshall Came up when the Conversation respecting that Business became general or rather Commenced between Capt. McArthur and Lieut. Marshall from what passed I already observed that some Communication had taken place between those Gentlemen either by writing or by Capt. McArthur Calling on Lieut. Marshall but cannot say which; in doing which Capt. McArthur said that he had acted a friendly part as one Brother Officer would do to another in acquainting him with the reports that were in high Circulation thro' the Colony, but that now it wod be necessary to investigate the Business in his Official Capacity. Lieut. Marshall denied the Intention of having done anything Improper and Capt. McArthur observed that there were very Strong Corroborative proofs and the Servant had declared that his Master Lieut. Marshall had ordered him to exchange the Gun. Some more Conversation took place when Capt'n. McArthur turned away and Commenced a Conversation on another Subject with me, apparently with a View to avoid Lieut. Marshall. Capt. McArthur and myself then walked towards Nicholls's House, went into it and Continued our Conversation on indifferent Subjects.

Question by prosecutor.—Do you not recollect that I observed to you I had Called on Lieut. Marshall to inform him of the Reports in Circulation?

Ansr.—I think you said you had called on him.
Q. 2d.—Do you recollect my informing you that I had heard other property besides the Gun had been withheld?
A.—I do.

Q. 3d.—Do you recollect my assigning that as a Reason why I should be obliged to make further enquiries Concerning it than otherwise might have been inclined to do?
Answ.—To the best of my Recollection Capt'n McArthur assigned as a Reason for being obliged to investigate the Business more strictly than he otherwise felt inclined to do his Situation as Command'g Officer which imposed on him the Duty of Executor of the deceased.

Q. 4th.—Do you recollect I assigned as a Reason for turning away from Lieut. Marshall that I was engaged?
A.—On Mr. Marshall's desiring Capt. McArthur to send for the Servant Capt. McArthur then observed he was engaged.

Q. 5th.—Did you not Consider this as a Curt Excuse for declining any farther Conversation with Lieut. Marshall?
A.—I considered it as a wish to Shun Lieut. Marshall.

Q. 6.—Do you recollect Lieut. Marshall joining us after we entered Nicholls's House?
A.—I think he did join us.

Q. 7th.—Do you not recollect Lieut. Marshall resuming the Conversation respecting the Appropriation to his own Use of Lieut. Crawford's Effects?
A.—I think the Conversation was resumed, but Cannot recollect what passed.

Q. 8.—Have you no Recollection of Lieut. Marshall's requesting me to write him a Letter in which I sh'd state the Reports then in Circulation?
A.—I recollect such a Request but Cannot say where it passed.

Q. 9th.—Do you recollect my refusing so to do and stating as a Reason that hav'g recovered Lieut. Crawford's property I had no farther Interest in the Subject?
Answ.—I do recollect Capt'n McArthur declining to write, but Cannot Call to mind the Reason assigned for such Refusal.

Q. 10th.—Do you recollect Lieut. Marshall urging me more strongly to write to him on the Subject?
A.—Lieut. Marshall asked Capt. McArthur two or three times to write to him on the subject.

Q. 11th.—Do you not Recollect my telling Lieut. Marshall that it would be better for him to tell his own Story: that he could do it in Softer terms, for that he, Capt. McArthur, Could only repeat the Reports then Current which were very Harsh?
A.—I recollect Capt. McArthur repeating about the harsh Reports then Current.

Q. 12.—Do you recollect joining in Opinion with Lieut. Marshall that I sh'd write?
A.—I do not think I did—Cannot recollect it.

Q. 13.—Do you recollect that in the course of the Conversation that happened that day between Myself and Lieut. Marshall I said it was unfortunate he had exchanged the Counterpane from Lieut. Crawford's Bed for a Horse-Rug, as it tended to Corroborate the proof that he had also exchanged the Gun by design?
A.—I do recollect Something to that Effect.

Q. 14th.—Do you recollect Lieut. Marshall's saying that he had exchanged the Counterpane to pay himself a debt?
A.—I recollect Lieut. Marshall’s saying there was a debt between him and Lieut. Crawford—he did not deny having exchanged the Counterpane for the Rug, but he said himself and Lieut. Crawford had frequently agreed on the passage that the Survivor sho’d take All.

Q. 15th.—Did I not immediately Observe—it is to be lamented that Lieut. Marshall when this Business was first mentioned to you, he did not assign that as a Reason, and that you can not prove it now?
A.—You said something to that Effect to the best of my Recollec­tion.

Q. 16.—From the time of the Decease of Lieut. Crawford to the inst. you are now speaking of—Did you ever hear of this Claim before?
A.—Never.

Q. 17th.—Did you not hear Lieut. Marshall say on the 23rd inst. after he had Struck Capt'n. Abbott that he would treat me in the same Manner?
A.—I heard Capt. McArthur’s name mentioned—Cannot say on what Subject, but believe it was of a threatening Nature.

Q. 18th.—What Reason have you to believe the Language Used by Lieut. Marshall was threatening towards me?
A.—From the manner of Mr. Marshall expressing himself and from what I indistinctly heard.

Question by the Court.—Were the deceased Lieut. Crawford and Lieutenant Marshall in habits of Intimacy during the passage?
A.—Yes—they were.

Q. 2nd.—Had they Separate Apartments in ye Ship?
A.—They lived in one Cabin.

CAPTN. ABBOTT, N. S. Wales Corps being Sworn deposes that upon some Reports being Spread that Lieut. Marshall had Concealed or with-held the Effects of Lieut. Crawford, Capt. McArthur went to Lieut. Marshall to enquire if there was any foundation for the Report—Capt. McArthur appeared to me to be very guarded in giving Credit to it—Capt’n. McArthur saw Lieut. Marshall and was Convinced that there were grounds for those Reports—One of which was that Lieut. Marshall had substituted a Gun of his own in the room of Lieut. Crawfords, which Gun was sold at the Auction as Lieut. Crawfords, but proved afterwards to belong to Lieut. Marshall.

Question by prosecutor.
Do you recollect that the Gun that was Afterwards proved to belong to Lieut. Marshall was inferior in Value to the one belonging to Lieut. Crawford—and how much?
A.—It was inferior—I cannot tell the difference of their Values in money—Lieut. Crawford’s Gun was mounted with Silver with a patent Chamber and appeared to be of Considerable Value. Lieut. Marshall’s Gun was what was generally deemed a Common one.

Q. 2nd.—Was not the whole of my Conduct during the Investigation concerning this Exchange moderate and forbearing towards Lt. Marshall?
A.—I think perfectly so—because I know you Chid one of the Gentlemen who took up the Cause too warmly.

Q. 3rd.—From the time the Investigation took place at the Judge Adv. Office relative to the Conduct of Lieut. Marshall on the Exchange of Gun and other Effects did I ever speak to him, associate
with him, or offer any offence until the morning of the 22nd inst. when I informed You of the gross, improvoked and insulting Conduct of Lieut. Marshall towards Me in the Street?

Q. 4.—State to the Court What I informed you of respecting that Insult and where it took place.

A.—To my Knowledge Certainly not.

Q. 5.—Do you recollect I informed you that Lieut. Marshall at the same time Called me a Rascal?

A.—I do.

Q. 6.—Did you understand when I told you I held up my Stick I did not do it in any threatening manner, but merely as a Sort of Gesticulation, intending to inform him it was my Intention to go another way?

A.—I fully understood you so, just like as a person wo'd do in a degree of warmth, but without any Intention of insulting him.

Q. 7.—State to the Court what Steps I took after I had given you this Information?

A.—As I before said you Came to me very much hurt at the Insult that had been offered to you and as you had not provoked Lieut. Marshall you desired I wo'd as your friend, take a Letter to him, which Letter Contained a Challenge.

Q. 8.—State to the Court whether you recollect the Language of that Challenge and if you do not, the general Manner, whether it was temperate, and such an One as an Officer ought to write?

A.—I recollect the general purport of it, which was that as Lieut. Marshall had insulted you, You required that he wo'd give you satisfaction as a Gentleman in One hour's time; there was no Language unbecoming the Gentleman in it.

Q. 9.—State to the Court in what Manner this Letter was rec'd and what steps took place after its delivery?

A.—I went in quest of Lieut. Marshall and found he was at Nicholls's House. I asked Nicholls if Lieut. Marshall was in the other Room and if he was that I sho'd be glad to speak to him; he went in to deliver my message and on his Coming out left the Door open for me to go in. Lieut. Marshall was sitting on a Sopha. I took off my Hat and addressed myself to him saying "I have Something to say to you." Lieut. Marshall replied that I might speak out as he had no Secrets. Observing that there was a third person in the Room, I urged the Request of speaking with him alone; on
which the third person went out of the Room and Shut the Door. Lieut. Marshall rec'd the Letter from me sitting, which Contained the Challenge. After reading it, he said to me "I will meet Capt. McArthur and the whole Corps." I felt myself extremely exasperated at the unhandsome Manner he rec'd me, and at the Threat against the Corps and said with some degree of warmth "You shall have enough of it." After he had read the Challenge he got up saying there was too little time given and he was not prepared. I answered that I was authorized to give him time to get his friend until 5 o'Clock in the Afternoon; this gave him about 4 Hours more to prepare himself to meet Capt. McArthur, and I requested he would send his friend to me without Delay. I then went out. About half an hour after, as I was walking towards my own House with Capt. McArthur, I was accosted by Mr. Jefferies, a Young Man, whom I had seen at the Shop, employed as I suppose by Capt'n Tennant, to sell his Effects. He delivered me a Letter from Lieut. Marshall to say that he was his friend and that he would meet Capt. McArthur at the time appointed. I objected, in as handsome Manner as I could, Mr. Jefferies's going out with Lieut. Marshall as my Co-equal. After some Conversation Mr. Jefferies rather appeared to me to be satisfied with my Objections. I requested he would tell Lieut. Marshall what I had said to him and that I would wait his answer. Soon afterwards I rec'd a Letter from Mr. Jefferies, saying that he had not been able to see Lieut. Marshall as yet, but hoped that he would not prevent the meeting taking Place between Capt. McArthur and Lieut. Marshall; not hearing from Lieut. Marshall, I wrote to him to say that I had made objections to Mr. Jefferies which I had requested him to tell him and was now waiting for his Answer; about 3 o'Clock I rec'd a Letter from Mr. Marshall expressing his Surprize that I should have any Objection to Mr. Jefferies and desired me to name two Gentlemen and Mr. Jefferies to be present. I answered that I felt awkward in naming his friend, but to shew him that I was not willing to start any further Objection, proposed Captain Tennant as a Gentleman I could have no objection to and who Came out in the same Ship with him; premising that it was not my Business to point out who his friend ought to be. A little after 4 o'Clock in the Afternoon Lieut. Marshall addressed a Letter to me saying that he had rec'd my impertinent one which he thought was an Evasion on my part; that he should let the matter rest where it was and should resume it whenever he saw Capt. McArthur again. I heard no more of the Matter for that time. About half past 9 o'Clock the same night one of my Servants Came to my Door and awoke me. I had been in bed and asleep about three quarters of an hour; he said he had a Letter for me; I desired him to lay it on the Table and the next morn'g on opening it, to my great surprize I found it was from Mr. Jefferies, the purport of it was to express his surprize that I had not bro't Capt. McArthur on the ground and desired me to give him an Explanation as soon as possible. I felt myself very much hurt at this Liberty on the part of Mr. Jefferies, whom I had before told I could not have any Correspondence with as the friend of Lieut. Marshall Considering him according to the Rules of Duelling not my Co-equal. I must here remark that that was the purport of my Conversation with him, tho' not in the express words as here put down.

Q. 10th.—When you rec'd the Letter from Lieut. Marshall wherein
he stated he sho'd drop the Business until he saw me, did you not clearly understand that he thereby declined Seeking for such a person as a friend as you might think yourself justified in receiving as such and did you not as Clearly understand that he declined meeting me as he had engaged to do?

A.—Most certainly; and if the Court entertains any doubt of it the Letter will be produced.

Q. 11th.—What do you understand by Lieut. Marshall's saying he wo'd drop the Business with a determination to resume it whenever he met me?

A.—To insult you the first time he saw you.

Q. 12.—Do you recollect my being very much hurt at Lieut. Marshall's proposing no proper person to attend him as a friend and do you recollect my asking almost the Whole of the Officers individually whether they wo'd go out with me to meet Lieut. Marshall with Mr. Jefferies as his friend?

A.—I do and not one wo'd go out.

Q. 13th.—Do you recollect at the time when he, Lieut. Marshall attacked you in the Streets on the 23rd inst. his saying he wo'd treat me in the same Manner?

A.—Yes; he did desire me to tell Captain McArthur that he wo'd serve him in the same Manner he had done myself, and soon afterwards I learnt that he attempted to put his threats into Execution.

Question by Lieut. Marshall.—Do you recollect on the Examination on Oath before the Magistrates that I did not give the Servant orders to Change the Gun?


Q. 2nd.—Have you had any Conversation with Capt. McArthur during the time the Court was last Cleared?

A.—Yes—but not since my Examination as a Witness.

Q. 3.—Did you, Sir, at any time after my arrival in this Colony, prior to the Affair of the 23rd inst. Attend any Meeting or Meetings of the Officers of the N. S. Wales Corps to Consider the kind of Manner in which I sho'd be treated by them?

A.—I have attended no Meetings of the Officers on your Acco't prior to the date you mentioned, but on the Evening of the 22nd I desired My Servant to go to the different Officers and tell them I wished to speak to them—and this was to know their Opinions respecting another person which in the Course of Conversation brought Lieut. Marshall's Name to be mentioned.

Q. 4.—What was the purport of the Conversation when my name was mentioned as far as respects myself?

A.—I have said when their Opinion was given respecting the person I allude to, it naturally brought your name in question—the Opinions of the Officers were given unasked, that Capt. McArthur has been too hasty in Calling out Lieut. Marshall, whose Conduct had been such as not to be Considered by them as worthy to be Called out by him.

Q. 5th.—Do you not think it very extraordinary that the Officers sho'd have found out in the Evening after Capt. McArthur had refused to meet me agreeable to his appointment, that I was not a person to be attended on?

A.—I believe they had discovered that long before that Evening.

Q. 6.—How Came it that You was the Bearer of a Challenge to a person (who had been so unworthily thought of) and you one of
the same Corps who Could not have been actuated by the same
Heat of Passion that Capt. McArthur was, without remonstrating
with Cap: McArthur on the impropriety of the measure?
A.—I confess this is the only part of my Conduct that I have
Reason to find fault with myself.

Q. 7.—Do you recollect any Meeting Subsequent to the 23rd in
which my Conduct was mentioned?
A.—I have already answered that “No.”

Q. 8.—Did you not at the time you brought the Challenge Stand
in the Passage and Call Me out in a very imperious Tone of Voice,
before I knew who was the person that was asking for me?
A.—I have before said that I desired Nicholls to tell Lieut. Mar­
shall that I wished to speak to him and on his Nicholls coming out
and leaving the Door open, as I suppose for me to walk in—I
pulled off my Hat, and seeing another person with You, said, I
wished to speak to you in private.

Q. 9th.—Did you see me at the time you was speaking to Nicholls?
A.—I knew that Lieut. Marshall was in ye Room and out of
politeness, desired Nicholls to knock at the Door to say I wished to
speak to him that I might not interrupt any person that might at
that time have been with him.

Q. 10.—Did you not more than twice or thrice before you came in
sight of where I sat, ask me to Come to the Door to speak to you?
A.—When the Door was opened I came to it and seeing another
person there, I certainly two or three times out of delicacy said I
wished to speak to you, not wishing that the third person sho’d
know the occasion of my visit.

Q. 11th.—On Captn. Abbott’s name being Announced to me, did I
not request you to walk in, that the person wo’d leave the Room
and give him an Opportunity of saying What he Chose in private?
A.—No I observed a degree of backwardness in the third person
to leave the Room but when I saw that he was going out I then
went in and shut the Door on us.

Q. 12.—At this time did not Capt. Abbott Make me Reply in the
Passage of a similar Nature that he had done before, that I sho’d
come out of the Room to speak to him?
A.—I have before said that I was at the Sill of the Inner door
of the Room in which Lieut. Marshall was and repeated that I
wished to speak with him, as I perceived a Backwardness in the
third person’s going out, but when he retired I went in and the
Door was shut.

Q. 13th.—Had you not given me great Reason to suppose it was
some Menial Servant that was sent with a Message, before Your
Name was announced and which was the occasion of my receiving
you in so cool a manner?
A.—It is impossible for me to know Lieut. Marshall’s Thoughts—
the message I sent by Nicholls was I wished to speak to you—as I
did not hear him deliver the Message, I do not know in what
Manner it was Communicated to you, for Nicholls went into the
Room and shut the Door after him.

Question by the Court.—Did the Conversation which passed be­
tween you and Capt. McArthur, when the Court was last Cleared,
and alluded to by Lieut. Marshall in his 2nd Question to You, relate
to Lieut. Marshall?
A.—It did not.
Q. 2nd.—Was it from any Backwardness on the part of Capt. McArthur that he did not meet Lieut. Marshall at ye time appointed?

A.—I have already pointedly said "No."

Q. 3rd.—What was the Reason Captn. McArthur did not meet Lieut. Marshall?

A.—Because none would go out with him if he took Mr. Jeffries as a Second—and Lieut. Marshall's Letter to me Stating that the Matter wo'd rest there for the present as I have before more fully mentioned in Evidence.

The Court adjourned to ten o'Clock on the 1st of August.

August 1st the Court met at 10 pursuant to Adjournment.

ENSIGN AND ADJUTANT MINCHIN being Sworn deposes that on the Morning of the 23rd July between the Hours of ten and 12 he was walking with Capt. McArthur between the orphan School and Col. Paterson's House—He saw Lieut. Marshall walking down the far side of the Parade—he was about half-way down and looking round towards where Capt. McArthur and himself were Lieut. Marshall imm'dly changed his Direction and shaped his Course towards Us; he was advancing with a Smart pace and held in his hand a large Club, when he came within 5 or 6 paces of Captn. McArthur he raised his Club over his Shoulder—from that Circumstance together with the Manner he grasped it and his appearance, I imagined he meant to give Capt. McArthur a severe Blow. Capt. McArthur being of the same opinion imm'dly drew his Sword and asked him if it was his Intention to assault him in the same Manner he had that Morn'g done to Capt. Abbott and told Lieut. Marshall that if he advanced he would run him thro'—Lieut. Marshall seeing Capt. McArthur in a posture of Defence imm'dly brought his Stick to the Ground saying to Capt. McArthur "You will not run me thro' now." Lieut. Marshall then made Use of the most Abusive Language; Capt. McArthur asked him if he thus abused him for having prevented his robbing the dead and then gave him in Charge of the Sentry and I ordered a Pile of Men to take him to the Guard House.

Question by Prosecutor.—Had you any other Reason than his Menacing Approach and furious Countenance for supposing that he intended to Strike me with his Club?

Answr.—Having heard him that Morning say to Capt. Abbott that he wo'd serve Captain McArthur in the same manner as he had done him I was sure he was going to put his threat into Execution.

Q. 2.—How did he assault Capt. Abbott?

A.—By striking him with the same Bludgeon he then held in his hand.

Q. 3rd.—What distance do you suppose I might have been from Lieut. Marshall when I drew my Sword?

A.—I think about 3 or 4 Paces.

Q. 4.—Was he advancing hastily towards me in a strait line?

A.—He was.

Q. 5.—Do you not suppose I sho'd have rec'd a severe Blow had I delayed a Minute drawing my Sword?

A.—From the Manner Lieut. Marshall advanced towards You, it is my Opinion you would.

Q. 6.—Do you know whether, when Reports were first Circulated to ye disadvantage of Lieut. Marshall, I endeavoured to check or promote their Circulation?


A.—As far as I co'd always learn, it was Capt. McArthur's wish to check them.

Q. 7.—Will you state to the Court the Situation I held at the time Lieut. Marshall Assaulted me on the 23rd July?

A.—You at that time Commanded the New S. Wales Corps in the Absence of the Lieut. Governor.

Q. 8th.—Will you point out the exact Spot where he assaulted me?

A.—At the End of the Command’g Officer's House.

Q. 9.—Was it or was it not within reach of my own personal Sentry and on the Edge of the Regimental Parade?

Answer.—It was on the Sentry's post.

Q. 10th.—When you heard that a Challenge had been given by me to Lieut. Marshall for his insulting Language of the 22nd—do you know whether it was me or Lieut. Marshall that avoided the Meeting?

A.—I saw some Letters that had passed between Capt. McArthur and Lieut. Marshall and from them I understood that Capt. Abbott (Capt. McArthur's friend) had declined meeting Lieut. Marshall's friend as a Co-equal and that this had produced a Letter from Lieut. Marshall Stating that he wod drop the Business for the present with a Determination to renew it as soon as he saw Capt. McArthur, or words to that Effect. In Consequence of Capt. Abbott refusing to meet Lieut. Marshall's friend, Capt. McArthur asked, as he believes, All the Officers that then were at Head Quarters, if any of them wod go out with him and they all refused and on the same Ground that Capt. Abbott had founded his refusal on.

Q. 11th.—What did you understand Lieut. Marshall Meant when he Stated in his Letter that he wod resume the Business whenever he met me?


Q. 12th.—Do you recollect an Observation made by Capt. Tennant, in whose Ship Lieut. Marshall Came from England that he was Surprized I sho'd think of Considering Lieut. Marshall as a Gentle­men, after what had passed, and do you remember where this Observation was made?

A.—I heard Capt. Tennant make Use of the Expression Alluded to at his own Lodgings, I think on the Morning of the 23rd July.

Question by Lieut. Marshall.—Do you not Conceive Capt. McArthur commenced this prosecution to avoid one himself for drawing his Sword on me unprovoked on the King's High-Way?

Answer.—I do not think Capt. McArthur commenced this prosecution under any such Idea, for I think from the Evidence I have given, Captn. McArthur was highly justified in drawing his Sword in his own Defence.

Q. the 2nd.—Did not the prosecutor threaten to run me thro' the Body if I advanced another Step and that before I had spoken to him and did not this happen on the King's High Way?

A.—Lieut. Marshall was approaching Capt. McArthur with an uplifted Weapon, with which, it is my opinion Lieut. Marshall wod have brought him to the Ground, had not Capt. McArthur acted in the Manner he did; this happened at the End of the Commanding Officer's House on the Road.

Question by Court.—Was it on the Parade or on the Road passing the Colonel's House?
KING TO PORTLAND.

A.—It was this End of the Sentry's Post which reaches half way across the Road.

Q. 2d.—Did you hear Lieut. Marshall make use of any ill language to Capt. McArthur previous to his drawing his Sword.

A.—I do not recollect that he did.

LIEUT. HOBBY of the N. S. Wales Corps being sworn deposes that on the 23rd of July he was in conversation with Mr. Campell of the Harrington Brig, when he saw Capt. McArthur and Adjutant Minchin come out of Col. Paterson's House and walk towards the Hospital Wharfe; they soon turned back and proceeded towards Mr. Laycock's. As soon as they had passed me I saw Lieut. Marshall coming down by the church steeple, pass the provost Marshall's House, cross the bridge on the parade and appeared to be walking towards the Hospital Wharfe; by this time Capt. McArthur and Adjut. Minchin had turned again towards the colonel's; Lieut. Marshall had got nearly to the end of the parade and walked briskly towards Capt. McArthur and Adjut. Minchin with a large stick in his hand which he held carelessly until he arrived nearly opposite the gate of the colonel's viranda. When he threw it over his left shoulder, grasping it at the same time in his right hand, and advanced towards Capt. McArthur apparently to me with an intention to strike him; but on Lieut. Marshall's coming within a few paces of him Capt. McArthur drew his sword and told Lieut. Marshall that if he offered to strike him, or use any violence, as he had done to Capt. Abbott, he would run him thro' the body—on which Lieut. Marshall dropped his stick and said, "You will not run me through now, will you?" Capt. McArthur then ordered the Sentry to take charge of Lieut. Marshall, who then said, "You put on the officer now, do you?" Capt. McArthur then called to the Sentry at the main guard and Lieut. Marshall was ordered to the guard house escorted by a file of men.

Question by prosecutor.—Had you any other reasons for supposing Lieut. Marshall intended to strike me than the menacing and furious manner of his approach?

A.—Yes—because I had seen Lieut. Marshall strike Capt. Abbott and because I had heard him desire Capt. Abbott to tell Capt. McArthur he would serve him in the same manner wherever he met him.

Q. 2nd.—Would you know the bludgeon again with which Lieut. Marshall advanced towards me?

A.—Yes.

The stick being produced he says it is the same that Lieut. Marshall held in his hand at the time he advanced towards Capt. McArthur.

Q. 3rd.—What office was I exercising at the time Lieut. Marshall assaulted me?

A.—That of commanding officer of the corps.

Q. 4th.—And in what situation with respect to the colony?

A.—Second in command.

Q. 5th.—Did you consider the spot of ground on which Lieut. Marshall assaulted me as a part of the regimental parade over which the regiment always marches before it is dismissed?

A.—Yes I do.

Q. 6th.—Do you believe that had I delayed a moment drawing my sword that Lieut. Marshall would not have knocked me down?

A.—From his manner of approaching you I think he would.
Q. 7th.—Do you recollect Lieut. Marshall Calling me a Rascal, before I ordered the Sentry to take Charge of Him?
A.—Yes I do.

Q. 8th.—Do you recollect whether I was in my Uniform?
A.—Yes you was.

Q. 9th.—Does it come within your knowledge whether I have ever associated with, insulted or offered him any Injury previous to his Assault on me the 23rd July?
A.—I never heard that Capt. McArthur ever associated with, insulted, or offered him an Injury.

Q. 10th.—When the first Reports were Circulated that Lieut. Marshall had exchanged and Concealed a part of the Effects of the late Lieut. Crawford. Do you know whether I did not endeavour to check the Circulation of those Reports as much as possible among the Officers?
A.—Yes—You did—for you told me it was improper to speak about it until it was properly investigated.

Q. 11th.—Do you think Lieut. Marshall has any other Cause for the Assault and Insults he has offered to me, than the Steps I have been obliged to take as Commanding Officer to oblige him to give up the late Lt. Crawford’s Effects?
A.—I do not think he had any other Reason or Cause.

Q. 12.—When you heard that a Meeting was to take place between me and Lieut. Marshall did you discover that any Obstacles were thrown in the way by me?
A.—No—far otherwise.

Q. 13th.—Did you not understand that Lieut. Marshall has written a Letter Stating that he wo’d drop the Business with a determination to resume it as soon as he saw me?

Q. 14th.—And how did you understand that declaration?
A.—My opinion was that he meant to insult you the first time he saw You.

Question by Lieut. Marshall.—Do you not Conceive Capt. McArthur Commences this prosecution to avoid one agst himself for (unprovoked) drawing his Sword on me in the King’s High-way?
A.—No—I do not conceive any such thing.

Q. 2nd.—Did not the prosecutor threaten to run me thro’ if I advanced a Step further and that before I had Spoken to him—and was not that on the King’s High-way?
A.—I heard Capt McArthur threaten to run you thro’ if you offered any Violence, but Cannot say Whether any words had passed between you and Capt. McArthur; this happened on the Regimental Parade.

Q. 3rd.—Are you acquainted with the Nature of duelling?
A.—No—I am not.

Q. 4th.—Was you ever employed in a Business of that Nature?
A.—Yes.

Q. 5th.—Now Sir, tell me did you ever know of a Challenger refusing to meet a person Challenged on acct. of the Rank of the friend of a Gentleman Called on?
A.—I have never been involved in a Business of that nature when it has happened so unfortunately, as to have an improper person fixed on.

Q. 6th.—By Virtue of your Oath have you never, either prior to
my trial or since, held any discourse with Capt. McArthur relative to the Evidence you have now Sworn and deposed against me?

Answr.—Not any private or improper Conversation with Capt. McArthur on the Subject.

MR. CAMPBELL, Commanding the Harrington Brig, being Sworn, deposes that he was on the 23rd July between the hours of 10 and 11 stand'g with Lieut. Hobby When Capt. McArthur and Ens'n Minchin came out of the Colonel's House and advanced towards the Hospital Wharfe; opposite the Store Door they turned and came again towards us. When they were about half-way I saw Lieut. Marshall Coming down the Hill, walking towards the Wharfe and being abreast of the Store Door, he turned round and came towards the Colonel's House at the end of which Capt. McArthur and Ens'n Minchin met him. A little before Lieut. Marshall came up Close to Capt. McArthur, he (Capt. McA.) asked Lieut. Marshall if he was Come to insult him in the Same Manner he had done Captn. Abbott, clasping his Hand to his Sword at the same time, and on drawing his Sword, told him to keep off.

Question by Prosr.—Did you see him elevate his Stick at the time of his Approach?

A.—I did.

Q. 2d.—Do you think he was going to strike me?

A.—I am not certain that he was, any further than from the Expression I had heard him make Use of to Capt. Abbott that he wo'd serve him (Capt. McA.) in the same manner.

Q. 3rd.—Would you know the Stick again with which he approached me?

A.—Yes.

The Stick being produced he says it is the same that Lt. Marshall held in his Hand at the time he approached Capt. McArthur.

Q. 4th.—As you have heard Lt. Marshall say that he wo'd treat me in the same manner he had treated Capt. Abbott, pray how did he treat Capt. Abbott?

Answr.—When he Came up to Capt. Abbott I saw him give him a Stroke on the Side with the Stick now produced.

Question by Lieut. Marshall.—Do you not conceive that Capt. McArthur Commences this prosecution to avoid one agst himself for (unprovoked) drawing his Sword on me on the King's High-way?

A.—I cannot say Whether he does or not.

Q. 2d.—Did not the prosecutor threaten to run me thro' the Body if I advanced another Step and that before I had spoken to him, and was it not on the King's High-way?

A.—Capt. McArthur told Lieut. Marshall to keep off or he wo'd run him thro'; that he did not hear Lieut. Marshall speak before Capt. McArthur had made Use of the above Expressions and that this happened on the King's High-way.

Q. 3d.—Have you any Idea that my Intention at the time was to have Struck Capt. McArthur with a Stick, or did I Carry it in a Manner so to do and is it not usual to Carry your Stick in various manners?

A.—From the Expression Lieut. Marshall made Use of to Capt. Abbott I had an Idea that it was his Intention to strike Capt. McArthur, but drawing of the Sword might have Stopt him.

Q. 4th.—On the Virtue of your Oath have you never either prior to my trial or since held any Discourse with Capt. McArthur or any
other of the Witnesses relative to the Evidence you have now
Sworn and deposed agst. me?
A.—I have had none with Capt. McArthur and to the best of my
knowledge with none of the Witnesses, except this Morn'g with
Lieut. Hobby.
Q. 5th.—Did you ever hear any of the Evidences use any gross
opprobrious or illiberal Language agst. me any day previous to this
Trial?
A.—I do recollect hearing it said You were a Rascal for striking
Capt. Abbott when he had no weapon to defend himself with.
Capt. McArthur having read and delivered into Court the paper
(No. 7) The Evidence on the part of the prosecution closed.
Lieut. Marshall having required until Tuesday Morn'g to prepare
his Defence, the same was granted him.
Adjourned to Tuesday, 4th Augt. at 9 O'Clock.

August 4th, the Court met pursuant to Adjournm't.
Lieut. Marshall delivered into Court (No. 8) and on being asked
if he had anything farther to say, he said he had not.
The Court was Cleared.
The Court having deliberated Are of Opinion that the Threat
Lieut. Marshall made Use of at the time he Struck Capt. Abbott,
relative to Capt. McArthur, as well as advancing towards and lifting
up his Stick to him, that it was Lieut. Marshall's Intention to
have Assaulted him, but was prevented by Capt. McArthur's drawing
his Sword at that Critical Moment, which The Court conceives he
was highly justified in doing. But no Blow having been given, they
will not take upon themselves to say whether it amounts to an
assault. Do therefore give a Special Verdict on the Case.

Rd. Atkins,
Judge-Advocate.

This is a true Copy of the original Documents with which it has
been Compared before us the 17th August, 1801.

Richard Atkins.
W. Balmain.
Samuel Marsden.

The Paper (No. 1).

[INDICTMENT OF LIEUTENANT MARSHALL.]

New South Wales
The King agst James Marshall Esqr. 

For that he the said James Marshall on the twenty third day of
July in the forty first year of the Reign of our Sovereign Lord
George the third, King of the united Kingdoms of Great Britain
and Ireland at Sydney in the County of Cumberland and Territory
aforesaid in and upon Edward Abbott Esquire Captain in the New
South Wales Corps in the peace of God and our Sovereign Lord
the King then and there being with force and Arms wickedly and
maliciously did make an assault and with a certain Unlawful
Weapon or Stick which the said James Marshall in his Right Hand
then and there held Did beat bruise Wound and ill-treat so that his Life was greatly despaired of And other Wrongs to the said Edward Abbott then and there did to the great Damage and Injury of him the said Edward Abbott to the evil Example of All others in the like Case Offending and against the peace of our Lord and King his Crown and Dignity.

Plea "NOT GUILTY."

Evidences for Prosecution.

James Tennant Esq.  W. Jefferies
Lieut. Hobby  Isaac Nicholls
Ens'n Minchin
John Palmer Esq.  W. Moore
— Tunks Private
John Harris Esq.

The paper (No. 2).

[ADDRESS BY CAPTAIN ABBOTT.]

Gentlemen,

It is a piece of Justice I owe to myself and to the public to institute this Criminal prosecution agst. the Prisoner Lieut. Marshall who has been guilty of as atrocious and as Cowardly an Action as ever Disgraced a Man which I pledge myself to prove in the most satisfactory Manner to the Court, hoping with some degree of Confidence, that it will award agst. the prisoner a Sentence proportionable to the Enormity of the Offence, and such an One as my Character, Situation and prospects in Life gives me a Right to expect, which I also require for my fellow Subjects at large. I shall recite simply the Manner I was Assaulted, being Unarmed, unprotected and unprovoked, begging the Court would look at the great Disparity of Size and Bodily Strength there are between the prisoner and myself, who was Armed with a Bludgeon that I can scarcely Rise with an Hand from the Ground. Let the Court weigh this Inequality for a Moment and I doubt not its making a Suitable Impression upon them. I must intreat the Court will hear in what point of View the prisoner's Conduct was thought of respecting the Effects of the deceased Lieut. Crawford, which transaction was Considered in so improper a Light as to occasion not only the Officers of the Corps to Shun him, but most of the Gentlemen of the Colony—and in the Number one of his own Bail—this I shall also prove as it serves to shew his Behaviour in that and in every other Instance has been uniformly of the same Vile Tendency, which Compels me to enter this prosecution against him, the more readily to Secure every other of His Majesty's Subjects from the like dark and Cowardly Attacks. On the 23rd Inst. between the Hours of 11 and 12 o'Clock in the Morn'g I was walking in Company with Capt'n Tennant, when soon Afterwards I perceived the Prisoner going towards Mr. Laycock's House—but upon seeing Us he turned shortly round and made towards Us, by the time he Came within a very few paces, I looked attentively at him and from the appearance of his Countenance, and his Eyes which were directed to Mine, I saw then, and not till then, as I had Neither Acquaintance or Quarrel with him that he meditated an Assault upon me which I was not prepared for, nor the Reception which followed and very naturally felt the weakness of my Situation without anything in
my Hands to oppose so strong and powerful a Man with, armed as he was. He crossed Capt. Tennant and coming to me, placed himself in a Situation to prevent my passing him and holding his Stick in his right Hand close to his Side, said to me, “What is the Reason you do not give me an Explanation to Captn. McArthur’s Business,” I replied that I had no other to give him than what he was in possession of; he repeated his Question with redoubled Anger and on my saying that I must decline entering into any Conversation with him and on endeavouring to pass on he raised his Stick (upon which I had fixed my Eyes) said, Striking me a Blow with considerable force “this is the way I shall Serve you and Captn. McArthur.” I was prepared for the Blow and I instantly reclined my Head and Body backwards and received it on my left Side and in a Slanting Direction; as I perceived his Intentions were to repeat it, as he held his Stick up again retreating backwards as fast as I could, and calling to the Sentry for Assistance, who stood at no great Distance from me; he Came up and prevented the prisoner repeating his Blows. for he endeavoured to withhold the Sentry's affording me his protection saying “that is no Officer of yours, meaning me, he is in Coloured Cloaths”; the prisoner when he was drove off by the Sentry desired I would tell Captn. McArthur he wo’d serve him in the same way he had done me. Whether the prisoner intended murdering me or not, will best appear from the Evidence nor could he have taken a more formidable weapon to effect that purpose, unprepared as I was.

If he pleads that the Blows were intended as a mere Matter of Insult, I can with Satisfaction Say, my Reputation sustains no more Injury by it, than if Bannylong, the Native, had struck me.

I fear that was not his only aim, as there was no occasion for a Bludgeon, the prisoner’s great Strength was enough and the advantage would be as much in his favor then, as it wo’d be on my Side opposed to a Child of ten Years of age.

There perhaps never appeared before a Court of Justice a Case so outrageously Vile, as there was not one Word or Threat on my part to provoke the prisoner to the Assault and Battery. I prosecute not for pecuniary Damages to myself, except for those which are usually adjudged the Crown; the Security of the prisoner’s person to prevent peaceable people from the like Attempts, is what I aim at and that the Notoriety of his Conduct might be made public. I now beg to Call upon my Evidences.

July 29th 1801.

Ed. Abbott.

The paper (No. 3).

[Captain Abbott to the Court.]

Gentlemen,

I hope I have supported my Charge in the ampest Manner and that in the Course of the Examination, I have not endeavoured to Colour the prisoner’s guilt.

You will find that I have not been Actuated by Malice or ill-will, towards Lient. Marshall, to provoke him to his Assault; he came here a perfect Stranger and might have remained such to me perhaps as long as we remained together in the Colony. I now, Gentlemen, leave him to you, hoping the universal maxim of doing unto All men, as he wo’d be done by, will govern Your Decisions.

Gentlemen—I have done.

Sydney 20th July 1801.

Ed. Abbott.
KING TO PORTLAND.

The paper (No. 4).

[Lieutenant Marshall's Protest.]

I have troubled the Court with putting a few Questions merely for the sake of gratifying the public Mind, which I have every Reason to believe is more than Commonly interested in this day's Event. But having been in the first Stage of this Business, denied the Privilege Allowed to the meanest Prisoner at an English Bar, of Challenging a Juror; after having been officially told by your first Law Officer, that I must submit to plead, and therefore having declared myself "Not Guilty" of the Charge against me, I here Close with a Solemn protest against the judicial proceedings of the Court, as informal and irregular, and so far as applies to my Case, inconsistent and repugnant to the amiable Qualities of the Constitution of England, of which I glory in having the Honor of being a Subject.


The Paper (No. 5).

[Indictment of Lieutenant Marshall.]

New South Wales

The King against James Marshall Esq. for an Assault.

Cumberland to wit. James Marshall Esquire stands Charged For that he the said James Marshall on the twenty third day of July in the forty first Year of the Reign of our Sovereign Lord George the third, King of the United Kingdoms of Great Britain and Ireland, at Sydney in the County of Cumberland and Territory aforesaid in and upon John McArthur Esquire Captain in the New South Wales Corps in the peace of God and our Sovereign Lord the King then and there being did make an Assault and other Wrongs to the said John McArthur then and there did to the great Damage of him the said John McArthur and against the peace of our Said Lord the King his Crown and Dignity.

Plea "Not Guilty."

Evidences for prosecution: For the prisoner:

James Tennant Esq. Mr. Jefferies
Edwd. Abbott Esq. Isaac Nicholls
Ens'n Minchin
Mr. Campbell (Harrington)
Lieut. Hobby

The paper (No. 6).

[Captain McArthur to the Court.]

Gentlemen,

I have this day a task to perform that I sho'd gladly have avoided had it been possible so to do with justice to myself, or to my friend who has been from the same Causes involved in a similarly irksome and unpleasant Situation. I wo'd have avoided it from a Conviction that I have not Capacity to do Justice to the Cause I am to maintain, from a Consciousness that I do not possess the power of displaying with proper Energy of Language the almost unexampled Conduct of the Man who now stands at your Bar.
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But altho’ I am aware of my Incapacity, I hope, as I have Truth, Right and the Law upon my Side that the plain inartificial Recital of Facts which you will hear from the Evidences, will produce as strong an Effect upon your Minds as if I had Abilities to augment the force of Truth by the powerful persuasiveness of Eloquence as if I were Capable when I had Convinced your Judgments to rouze you to a resentful abhorrence of the brutal and unprincipled person before you; that the Reasons of the Assault which I am now to prove may be clearly understood I shall first Call Evidence to shew that Lieut. Marshall is an entire Stranger to me; that I have never Associated with him; that we had no private Quarrel; that I never offered him any personal Offence; and that there is no Cause to be assigned for his Insults and Assault upon me, but a diabolical and rancorous Spirit of Revenge arising from a Recollection of the Measures I was obliged to adopt to recover some of the Effects of the late Lieut. Crawford, which the prisoner had absolutely taken possession of and substituted other things of Considerable less value in their place; that he did so is known to the most of you, Gentlemen, and to a great part of the Spectators who fill this Court. I shall not therefore set about to prove a Circumstance which Cannot be denied; but as it may not be so well known how delicately I behaved to this Man throughout the whole of that transaction what forbearance I acted with towards him and how unwillingly I was bro’t to believe that a British Officer Could be Capable of such an act, I shall Call Evidence to these points. I shall next proceed to prove the unprovoked Manner in which he insulted Me on the 22nd inst. and I hope, Gentlemen, to Convince you that my Conduct upon that occasion was temperate as a Man, and not-disreputable as an Officer. I hope to Convince you that if the prisoner had possessed one Gentlemanly Sentiment, you had not been at my Request assembled here this day in Judgment upon him. When these points are established I shall bring forward the necessary Evidence to prove his Assault on me on the 23rd inst. and that being done I shall no farther trespass on your patience than to beg that I may be indulged with permission to make a few Observations on the Evidence.

JOHN MCArTHUR.

The paper (No. 7).

[CAPTAIN McARThUR TO THE COURT.]

Gentlemen,

I hope the Evidence which you have heard in Support of this prosecution has Convinced you all that it has not been instituted without great and sufficient Reason; it has been proved to you, Gent., that the prisoner Could have had no Cause of Quarrel with me and therefore the Brutal Violence of his Behaviour is greatly aggravated. The Testimony of Capt. Tennant and of Capt. Abbott I trust has Clearly established the Correctness of the whole of my Conduct to this Man, Altho’ I am aware, he will endeavour to make it appear that I was the first aggressor by sending him a Challenge and he will attempt to gain Belief from you that I afterwards refused or NEGlected to attend my own Appointment. On these Reasons he will probably attempt to account for and to excuse the Violence of which he was afterwards guilty. But you, Gentlemen, will recollect that this Challenge was not sent before the most ungentlemanly Language had been used to me. You will recollect
that every Officer who has been Examined has Sworn that instead of my Shrinking from or Avoiding to attend my Appointment, it was Lieut. Marshall who avoided it, by declining to nominate an accredited Gentleman as his friend and by writing in these express, positive and unequivocal words, "I shall drop the Business for the present with the Determination of resuming it when I see Capt. McArthur,"—there, Gentlemen, is his Letter—read it—you have done so, and doubtless you now Consider with Amazement the prisoner’s Effrontery and Disregard of Truth in Attempting to make it appear, as he artfully did in his Cross Examination of Capt. Abbott that I had dishonored myself by failing to meet him.

You were yesterday, Gentlemen, interrupted in proceeding with the more important part of this Trial, by a ridiculous Attempt on the part of the prisoner to make it appear that Captn. Abbott had behaved rudely and insolently to him; this is also false, Capt. Abbott did not, Could not behave unlike a Gentleman to any one; he is well bred, his Mind is too well informed and his temper better regulated than to Allow him to behave on such an Occasion as he was Employed either provokingly or insolently; but why do I waste your time and exhaust your patience by saying thus much on this Head when I have proofs in my Hand, Proofs that you Cannot doubt, altho’ the Prisoner may deny; Here are Lieut. Marshall’s Letters; let him produce Capt. Abbott’s; he has them; and then, Gentlemen, decide which is the Officer and the Man of Honor, and which the Man of Rudeness.

The Evidence of Ensign Minchin, of Capt. Campbell, and of Lieut. Hobby has I hope fully satisfied You that from the Manner of the prisoner’s Approach towards Me on the Morning of the 23rd inst. there Could be no doubt of his hostile Designs. But if any Difficulty sho’d arise in your minds as to the propriety of determining on a Man’s Intentions from his Gestures and Appearance, that Difficulty must Vanish when it is recollected that Capt. Tennant, Capt. Abbott, Ens’n Minchin, Lieut. Hobby and Capt. Campbell have Sworn that they All heard the prisoner say he would Assault me whenever he had an opportunity it has been proved to you how he assaulted Capt. Abbott; he met him unarmed and defenceless; he aimed a Blow at him which might have deprived him of Life, had it not been with great presence of Mind and Dexterity, in some degree avoided; he attempted a Second Blow, and most probably wo’d have persisted in his Attempts, Until he had perpetrated a Murder if he had not been prevented by the timely Interference of a Sentry who was fortunately near at hand; this, Gentlemen, you have heard he threatened to repeat upon me expecting, no doubt, to have found Me unprepared for Resistance, or incapable of Opposing his prodigious Strength. Let me intreat you to look upon this Man, view his gigantic Stature, examine his tremendous Club, imagine that you see him advancing (as it has been Sworn to you he did) intoxicated with Fury, breathing Mischief, and looking Destruction to the Object of his Search, and you will be enabled to form some Idea of the Danger of my Situation—for I have neither Language or Ability to give you a just or adequate description of it—it is true I was Armed with a Sword to oppose him (a Weapon as appropriate to Me as an Officer, as a Bludgeon was to him as a Ruffian), but what Could a Sword have availed in my Defence if this Monstrous Mass of Matter, this second Goliah had been animated with one Spark of Spirit, with one Atom of Courage? When I saw him hastening
towards me with Rapid Strides, his Countenance and Air so menacing, his Club grasped firmly and uplifted in readiness to descend on my Head, I must Confess that I for an instant thought I had to encounter a most perilous Adventure; that I had exposed myself by braving his Threats to a most imminent Danger on most unequal Terms. Who is there who saw him advance, armed as he was, and who had witnessed or heard of his Attack upon Capt. Abbott, but supposed I must immediately be Crushed beneath his Arm? such was my own Expectation and great was my astonishment to observe my drawn Sword instantly operating on this ferocious Savage, like the Wand of a Necromancer or the Talisman of a Magician to see it in a moment taming him from the Excess of Offensive fury into unconditional Surrender and coward like Submission; to find him who the instant before stood elate in the Confidence of his Strength, suddenly frightened into the attitude of a Suppliant with his Weapon dropped to the ground and asking in a tremulous Tone of mingled Terror and Intreaty Whether I would "then run him through" to the Body permit me here, Gentlemen, to Call for your particular Attention to the Conduct of this Man at the Moment I am describing. You have heard of his advance towards me with an unlifted Club, and to judge from his own Words that he "would treat me as he had done Capt. Abbott" there can be no doubt that it was intended to descend on my Head with all the Violence that such a Hercules could strike with; had his Courage Corresponded with his bulk, such a Man and such a Weapon were more fitted to oppose to a Nemean Lion than such a pigmy as I am, when compared with him. Now, remark Gentn. how this ferociousness disappeared, notwithstanding his vast advantages, when he saw a hostile Weapon at his Breast; no longer in a disposition to act offensively, when he found he had an armed opponent to contend with, he dropped his Club and with an instinctive Exclamation reminded me that he was no longer in a situation to injure and therefore no longer an object to be attacked; in his own case he appeared capable on the most sudden Emergency to think justly; but let me reverse the scene: let it be remembered that Capt. Abbott, unequal in Strength, defenceless and unarmed as he was when he was assaulted by this Savage, could not obtain no mercy, no forbearance; he thought him in his power and therefore would have destroyed him regardless of every call of Humanity—of every tie of honor—that he did not do so by me is to be attributed to no Virtue in him; most certainly he intended it, as is proved by his words and his whole conduct; and on that bloody Intention, Gentlemen, I presume you will find your Verdict. But I leave him to your Justice with the most perfect Confidence that the unprompted and atrocious conduct which has been so clearly proved, must make you all look upon him as unworthy to be Classed with Gentlemen, as undeserving to rank with Officers, as a disgrace to the name of Man, and therefore a fit object on whom the Law ought to inflict an exemplary punishment. I hope, Gent, that it has been proved to your satisfaction that I stand here almost entirely unknown to the prisoner, guiltless of any aggression or Offence towards him; that you are convinced that I have been insulted, threatened, assaulted and my life exposed to great Danger without any other Reason, any other Cause than my having in the discharge of an unavoidable and sacred Duty, obliged the prisoner to restore the Effects which he had intended to keep for himself, as if he were
exempt from the Corrosive gnawings of a guilty Conscience, as if he were invisible to the Eye of an avenging God.

But I will not pursue this Theme any farther; it is disgusting to Comment on and dreadful to Contemplate. I hope Gentlemen, you are Convinced that I have discharged my Duty as a Man and as an Officer, and if you are, no doubt, you will punish the prisoner; let that Punishment be what it may, I hope it will produce Repentance.

JOHN MCArTHUR.

The paper (No. 8).

[lieutenant Marshall's Defence.]

Gentlemen,

I am Called upon to answer a Charge for a supposed Assault on the person of Capt'n McArthur.

I have been arraigned, tried, and a Verdict of Guilt from you has passed on me, for a similar Charge, (but with Circumstances very different) made by Capt. Abbott.

Whatever my Ideas were on the proceedings of that Trial, which warranted my protesting against them, they were not so important as those I feel on this—Compelled to listen to Language which under other Circumstances would have produced immediate Resentment, Standing before you one day in which a syllable of the Charge made against me was not introduced by any Evidence whatever, and witnessing the theatrical, I had almost said, the ludicrous Exhibitions of my Prosecutor, I would wish to remark that the motives which influenced Capt. McArthur, are evident, very evident; his ready Genius, however inventive and Convenient, was at a loss how in any other Manner to make a Retreat, a Retreat rendered necessary by his late unexampled, un-officerlike Conduct. He feared to meet me on the Ground, even by his own appointment, and he looks to his Adroitness and Power in a Criminal Court, to extricate himself from the Labyrinth into which his Misconduct has thrown him; he may Conceive when his Representation is made here, that a Close to the Business will follow; but here he may be mistaken, and I wonder how he Can for a Moment suppose I will surrender one particle of my Honor for the purpose of building a temporary Reputation for him, for whom, for Captain John McArthur.

You have listened, Gentlemen, with the greatest patience to the unnecessary Evidence introduced by Capt. McArthur in Support of this Charge against me. I only ask to trespass on your time a few Moments in order to make some observations on the Nature and Tendency of that Evidence against me. Capt. Abbott offered to prove that the N. S. Wales Corps had a general Dislike to Me, and that it was their Determination not to treat me as a British Officer, —this, Gentlemen, needs no Comment. I cannot avoid expressing my Astonishment at the Effrontery of Capt. McArthur in my presence, in the presence of any Man of Honor, attempting to justify his late Conduct; he would fain persuade you that I am the Coward; but you know perfectly well from your own and from the world's knowledge of that Man, and the Circumstances which have appeared before you, as well as those upon Record in the History of this Colony which of the two Shrunk from his Engagement—I will say from his Claim, if a Man so acting has any Claim, to Honor.

Gentlemen, the Laws of Duelling, as Capt'n. Abbott has termed them have been brought on the carpet, in the forlorn Hope that a
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Meaning might be tortured out of them to justify the Cowardice of the prosecutor; a Comparison of the Rank of Seconds is made and my Friend Objected to on the Grounds he was not fit to appear as the Co-equal of Captn. Abbott; it must be in the Recollection of You Gentlemen, that His Royal Highness the Duke of York attended the call of an inferior Officer but in this Case I cannot allow Mr. Jefferie to come under this Description.

Capt. McArthur has in the Evidence produced found it necessary to inform you that I called him a Ging Rascal, for which he sent me a Challenge and afterwards refused to meet me, because Mr. Jefferie was not Competent in Capt. Abbott’s opinion, to meet him on the Same Ground which brought him, as my friend, to the Field —this is the first time I ever heard Seconds in an Affair of Honor, were to Compare their Ranks with as much Precision, as they Measured the Lengths of their principal’s Swords.

I have Gentlemen thus far, unwillingly on my part, but rendered Necessary from the illiberal Conduct of the Prosecutor, taken up thus much of your time. Not as my Defence, for here I know of none that I am bound to make, but from the Sudden Impulse of the Moment, in Vindication of my Honor, much dearer to me than Existence, but which I trust cannot be in the slightest Degree tarnished by any Expression, however assumed the Consequence from whence it comes, under Circumstances like those which You have to deliberate upon; these Observations I do not, as I have observed before, Offer as a defence, but from so much irrelevant matter being introduced on the part of the prosecutor (which occupied a whole day spent in nothing) I wish as a matter of Course to make the foregoing Observations.

If you expect me to make any Defence to this Prosecution you will remember that I had Reason on the first Trial to Protest against your Proceedings; I look round to the Court and to the Colony at large to judge how much more I have Reason to protest against your Proceedings in this Second Attack upon my Reputation, my Honor, and my Liberty.


To Certify that what is Contained in this and the preceeding ten Sheets is a true Copy of the original papers with which they have been Compared Before Us this 17th day of August 1801.

RICHARD ATKINS.
W. BALMAIN.
SAMUEL MARSDEN.

[Enclosure No. 2.]

CONDITIONAL REMISSION OF SENTENCE.

WHEREAS His most Excellent Majesty King George the Third By His Royal Letters Patent under His Royal Sign Manual bearing date the second day of April in the 27th year of His Majesty’s Reign hath been Graciously pleased to Give and Grant to the Governor (or in Case of Death or Absence the Lieutenant-Governor) for the time being of His Majesty’s Territory of New South Wales and the Islands thereunto adjacent “Full Power and Authority where he shall see cause or shall Judge any Offender or Offenders in Criminal Matters or for any fines or Forfeitures due unto His Majesty fit objects for His Royal
Mercy to Pardon all such Offenders and to remit all such Offenders' Fines and Forfeitures Treason and Wilful Murder, only excepted in which Cases he shall likewise have Power upon Extraordinary Occasions to Grant Reprieves to the Offenders until and to the Intent His Majesty's Royal Pleasure may be known therein."

By Virtue of such Power and Authority vested in me as aforesaid, I, Philip Gidley King, Esquire Capt'n. General and Governor-in-Chief in and over the said Territory of New South Wales and its Dependencies Taking into Consideration the Attending and Consequent Circumstances on the Two Trials of James Marshall, Esq. Lieutenant of the Royal Navy, before a Court of Criminal Judicature i.e. The King against the said James Marshall Esq. for an Assault on John McArthur, Esq. Capt. in the New South Wales Corps, Whereby he was sentenced on the first Indictment i.e. for the Assault and Battery on Capt. Abbott to pay the Fine of £50 to the King and to be Imprisoned 12 Calendar Months in the County Jail and a Special Verdict being found on the Second Indictment for the Assault on Capt. Jno. McArthur I do hereby CONDITIONALLY remit the said Sentence passed on the said Lieut. James Marshall i.e. £50 to the King and one years Imprisonment in the County Jail PROVIDED always and on CONDITION that he the said Lieut. James Marshall embarks on board the Albion, South Whaler, about to sail for England in two Days from the Date hereof (giving Security for his peaceable behaviour until that Ship is out of the Limits of this Territory) and entering into Recognisances himself in the sum of Five hundred pounds Sterling and Two Sureties one of whom to be resident in this Colony in the sum of Two hundred and fifty pounds Sterling each To surrender himself to His Majesty's Principal Secretary of State for the Home Department or to such Officers as may be appointed to take Charge of him the said Lieut. Jas. Marshall within 14 Days after his Arrival in that part of Great Britain called England, To abide by His Majesty's Royal Pleasure being signified on the Proceedings and Documents attending the Two Trials, Sentence specified and Transmitted by the Albion, South Whaler, Otherwise the said Lieut. James Marshall and his Sureties forfeited their recognisances and payment of the Fine of £50 to the King and his Term of Imprisonment (in any Jail in England that his Majesty's Principal Secretary of State may appoint) to be in full Force and Effect as if this Permission had never been Granted.

Given etc. this 18th day of Augt. 1801.

PHILIP GIDLEY KING.
Correspondence and Papers respecting Lieut. Marshall's Trials.

(No. 1.)

The Members of the Criminal Court to Acting-Governor King.

Sir,

Sydney, 17th August, 1801.

Your Excellency having been pleased to refuse us a copy of Lieut. James Marshall's memorial, and of the letter which you caused to be read by the Judge-Advocate on Saturday, the 8th inst., wherein you were pleased to signify, in words to this effect, that your Excellency was determined to prefer a complaint against the Criminal Court, of which we were members, before His Majesty's Secretary of State, for having publickly insulted your legal commands, and directly disobeyed your orders by refusing to proceed to the investigation of certain allegations contained in the memorial of Lieut. Marshall, and to examine evidence thereon, the whole being produced as proofs that the Criminal Court had acted unjustly and injuriously towards the said Lieut. Marshall.

We, the undersigned, think it, therefore, necessary, in our own justification, to acquaint your Excellency that the Criminal Court, composed of the Judge-Advocate, Lieut. Jas. Grant, of the Royal Navy, and ourselves, were unanimously of opinion that it was impossible, without acting contrary to law, to comply with the order of your Excellency. Our reasons for thus thinking were,—

Because we, with great patience, waited to hear all the evidence Lieut. Marshall might think proper to produce at his trial, and because we had granted him the, perhaps, unprecedented indulgence of two days to prepare his defence.

Because we had dispassionately and impartially found him guilty of the offence with which he was charged, and publicly pronounced sentence upon him for the perpetration of a wanton, unprovoked, and barbarous attack upon an unarmed man.

Because we, therefore, could not proceed to a farther investigation of the same subject, or to the examination of new evidence relative thereto, without being guilty of a manifest injustice to the prosecutor, and without exposing the laws and the Royal authority under which we were assembled to great contempt and indignity.

Because we could not obey your Excellency's order to examine new evidence and proceed to a further investigation on that trial without a glaring departure from what we understood to be the invariable practice of every Court of law in the British dominions,
and without a direct and absolute violation of the solemn oath by which we had bound ourselves to administer *Justice* according to the established laws of our country.

We have therefore humbly to request that your Excellency will be pleased to allow this letter to accompany your complaint to His Majesty's Secretary of State, that the reasons which have governed us may be at the same time seen, and that it may be known that we have not treated your legal commands with insult, or directly disobeyed any order that it was possible to obey without drawing down dishonor upon ourselves.

And, here, we consider it not improper to declare that if your Excellency thinks there is any reason to believe, or if there be any one who will dare to maintain that we, or any of us, have been actuated by partial, unjust, or corrupt motives, in passing the sentence (which we joined with the other members of the Court to do), we shall feel the highest satisfaction if we be allowed an opportunity to justify our conduct before a Court competent to investigate so serious and important a charge, and possessing powers to decide thereon, either by punishment or acquittal.

We have, &c,

W. PATERSON.  THOS. DAVIES.
JOHN PIPER.  HUGH PIPER.
N. MACKELLAR.

(No. 2.)

**Acting-Governor King to the Members of the Criminal Court.**

Gentlemen,

18th August, 1801.

Your letter dated the 17th inst. I received only this morning, and observing in that, as well as yours of the 11th inst., that it does not come from you as the late Criminal Court, but as a part of the members thereof, without the signature of the presiding member, the Judge-Advocate, and Lieut. Grant, I have judged it necessary to submit your letter of yesterday to those gentlemen, as you will observe by the enclosed attested copies of my letter to them, and their answer to me, which answers some part of your letter of yesterday.*

By referring to my answer to yours of the 11th you will observe my reasons for declining furnishing you with the papers you required.

I have no objection to your letter of yesterday, with this and its enclosure, being transmitted with the proceedings and other documents.

I have, &c.,

PHILIP GIDLEY KING.

* Note 75.
Correspondence and papers re Lieutenant Marshall's trials.

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**ACTING-GOVERNOR KING TO THE JUDGE-ADVOCATE AND LIEUTENANT GRANT.**

Gentlemen,

Sydney, 18th August, 1801.

With this you have a letter sent to me from five of the members of the late Criminal Court, in which, as well as in a former letter to me of the 11th instant, your names, as Judge-Advocate and one of the members, do not appear. I have to request you will take the trouble to inform me whether you agree to the contents of the inclosed letter respecting the unanimity of the Court and the reasons therein given for refusing to comply with my directions respecting Lieut. Marshall's memorial.

I am, &c.,

**PHILIP GIDLEY KING.**

**JUDGE-ADVOCATE ATKINS AND LIEUTENANT GRANT TO ACTING-GOVERNOR KING.**

18th August, 1801.

We are just favoured with your Excellency's letter of this day's date, enclosing another* signed by Lieut.-Col. Paterson, Captains Piper and Mackellar, Lieut. Davis, and Ensign Piper (forming a part of the members composing the Criminal Court that sat on the trial of Lieut. Marshall, and which had been ordered by your Excellency's letter to the Judge-Advocate to be convened for the purpose of investigating into the truth of certain assertions contained in the address of Lieut. Marshall, and which had been ordered by your Excellency, bearing date the 30th July), in which letter it is mentioned that "the members of the said Court were unanimously of opinion that it was impossible, without acting contrary to law, to comply with the order of your Excellency." We feel concerned that any doubts should have arisen between us and those gentlemen, but for our own justification we beg leave to declare that they misunderstood us, for that no opinion was given by us. And we must further observe that it appears rather extraordinary that, had we coincided with those gentlemen, our opinions and signatures had not been asked on the letter directed to your Excellency by them. We must further trespass on your Excellency's time to request you will look at the sentence as passed on Lieut. Marshall for an assault on Capt'n Abbott in which the word **unanimous** is there stated, and had it been the case in this instance, it would likewise have been inserted.

We have, &c.,

**RD. ATKINS, J.-A.**

**JAS. GRANT.**

* Note 76.
We must further observe that our opinion or signature were not asked on the letter enclosed to us from your Excellency.

Rd. Atkins, J.-A.
Jas. Grant.

(No. 5.)

Captain Macarthur to Acting-Governor King.

Sir,

Parramatta, 18th August, 1801.

On the 4th inst. I wrote to the Judge-Advocate of the colony to request a copy of the trial of Lieut. James Marshall on my prosecution against him for an assault, and on the 6th I received for answer that your Excellency had directed copies of the proceedings of the Criminal Court on Capt. Abbott's affair and mine to be transmitted to His Majesty's Secretary of State for the Home Department, and that when they were ready they would be publicly read at the Judge-Advocate's office, when a copy of the extracts from your Excellency's letter to the Secretary of State relative to the transmission of the proceedings would be delivered to me to make what use of I might think proper.

In consequence of this information and a particular notification from the Judge-Advocate, I yesterday attended at his office, when I heard the trials read, and very attentively remarked the reference which was made on my prosecution, but I heard nothing of the promised extracts from your Excellency's letter to the Secretary of State.

This circumstance, with the consequences which have directly arisen from my prosecution of Lieut. Marshall, and the event which has succeeded it, impresses me with a strong conviction that the most extreme caution and circumspection will be necessary on my part to prevent my conduct being misunderstood, and to secure it from the effect of misrepresentation.

I shall therefore beg leave to remind your Excellency that from the day when the report was first circulated that Lieut. Marshall and improperly appropriated to his own use a part of the effects of the late Lieut. Crawford to the time when he was bro't before the Criminal Court for his assault upon Capt. Abbott and myself, I had the precaution to acquaint your Excellency of every particular circumstance which took place, and on the most of them I had the honour to receive your advice, and throughout the whole of that affair so to act as to obtain your Excellency's entire and perfect approbation.

In the first instance, no doubt but your Excellency will remem-
had embezzled a part of the effects of the late Lieut. Crawford, your Excellency thought so ill of Lieut. Marshall’s conduct that you signified to the magistrates a desire to bring him to a Criminal Court, and that in your address to him immediately after you expressed your approbation of the delicacy of my behaviour towards him.

Your Excellency will also recollect that on the day when Lieut. Marshall insulted me in the streets you were informed of the measures I pursued in consequence of it, and that you in the warmest manner declared yourself pleased with my conduct.

When I repeated to you the ungentlemanly behaviour of Lieut. Marshall to Capt. Abbott and myself in the assault he made upon us the next day, your Excellency will also remember that you expressed to us both your abhorrence of Lieut. Marshall’s proceedings, and accompanied it with your advice to bring him immediately before a Criminal Court.

That advice we pursued, and the results of it I need not repeat. But as that result tends to make my friend Capt. Abbott and myself appear the aggressors, this call upon your Excellency becomes the more necessary; and that the effect of it may not be confined to this place, I have to request that my letter may accompany the trials and your remarks upon them to His Majesty’s Secretary of State.

I have, &c.,

JOHN MCARTHUR,
Captain, N.S.W. Corps.

(No. 6.)

ACTING-GOVERNOR KING TO CAPTAIN MACARTHUR.

Sir,

Sydney, 19th August, 1801.

In answer to yours of yesterday’s date, I enclose you the promised extracts which was made out ready to send you when my dispatches were closed, and from the tenor of the remaining part of your letter I find the following explanation necessary:

Soon after the Cornwallis’s arrival, as Commanding Officer in Col. Paterson’s absence, you informed me that a report was circulated respecting Lt. Marshall’s having appropriated the gun and a rug of Lieut. Crawford to his own purposes by substituting others in their room, and that you were taking steps to recover it, which I fully approved of. Lt. Marshall two days after bro’t me a letter written by you at his request, as he told me, informing him of the reports that were in circulation, &c. The letter I did not read, but told Mr. Marshall that if his character was called in question his best way was to clear it up by some kind of enquiry, and if he wished it, I had no objection to direct the
magistrates to enquire into it, which was done, and it appeared
from their report that Lt. Marshall had certainly (whether crimi-
nally or not the magistrates, i.e., the Judge-Advocate and Mr.
Balmain, we’d not take upon themselves to say) sent his own gun
and a rug on shore instead of those belonging to Lt. Crawford.
As the business was left for my decision, I sent for Lt. Marshall
and gave him a very severe reproof for his conduct in your
presence, and added that it appeared such an incorrect trans-
action on his part that the least said about the business was the
best. I also thought, and said, that your conduct throughout the
business was nothing more than what your situation respecting
the deceased officer’s effects exacted from you. More than this I
did not hear of till you came to my bedside, where I was confined
by indisposition, and told me of Lt. Marshall’s hav’g insulted you,
your having called him out, and your friend, Captain Abbott,
objecting to put himself on a footing with the person who kept
Capt’n Tennant’s shop as Mr. Marshall’s friend, and that there
the affair rested. In answer to which I perfectly remember
observing that I could take no other notice of it than binding the
parties over to keep the peace, which I would do if you requested
it. Your answer was, that that was by no means your intention,
assuring me that this communication was not official. I heard no
more of the business till the next day, when Capt’n Abbott came
and complained of the assault he had received from Lt. Marshall,
and soon after was followed by yourself with a similar complaint.
At your relations I certainly expressed the greatest disapproba-
tion of Lt. Marshall’s conduct, and wrote to the Judge-Advocate
and another magistrate to enquire into the business, and if it
appeared to them as represented to me, to commit Lt. Marshall
for trial.

Having stated every circumstance as came to my knowledge in
this affair, it is necessary I sho’d advert to your remark of
“having received my advice.” If you conceived my approbation
of your conduct as Commanding Officer respecting the deceased
officer’s effects as giving my advice, I must disclaim it. Your
coming to me with the information of how far you had gone on a
point of honor was, I supposed, of the most private and confi-
dential nature, totally unnecessary for me in my situation as
Governor, and on a bed of illness, to be informed of, unless you
meant to avail yourself of my authority in putting a stop to it,
which you assured me you did not wish by any means to do. But
could I have foreseen what has since occurred I most certainly
sho’d have considered your then communication with me as a
very sufficient reason for doing my duty in ordering yourself,
Capt’n Abbott, and Lieut. Marshall into arrest until you had
given sufficient securities to keep the peace. As I had no communication with you from the time of your complaining to me of the assault until the receipt of your letter, I most certainly do acquit myself of giving you any other advice in this business than directing Lieut. Marshall to be brought to trial for his unwarrantable assault.

I could have wished that the Court which sat on those trials had done the prosecutors, themselves and the prisoner the justice I afforded it the means of doing in examining into the truth of Lt. Marshall's assertions respecting their illegal and informal proceedings, on which ground alone I form my representation to the Secretary of State, and which might have been avoided by the members obeying my legal commands.

Mr. Balmain's returning to Sydney enables me to enclose the three attested documents respecting your assertion in the fifth paragraph of your letter, of my having "signified to them as magistrates a desire to try Lt. Marshall by a Criminal Court, &c."

The proceedings and documents you heard read remaining in the same sealed state they were delivered to me, instead of opening them I shall send your letter, agreeable to your desire, with this and its enclosures, after being properly attested, in a separate cover.

I have, &c.,

PHILIP GIDLEY KING.

(No. 7.)

ACTING-GOVERNOR KING TO JUDGE-ADVOCATE ATKINS AND SURGEON BALMAIN.

Gentlemen,

Sydney, 20th August, 1801.

I have to request you will have the goodness to give me a written answer to the following question:—

When you gave me the evidence you had heard for and against Lieut. Marshall's conduct respecting the effects of Lieut. Crawford, deceased, on the passage from England in the Earl Cornwallis, without any decision of yours on the subject, did I, or did I not, signify a desire to bring Lieut. Marshall to a criminal trial?

I am, &c.,

PHILIP GIDLEY KING.

(No. 8.)

JUDGE-ADVOCATE ATKINS TO ACTING-GOVERNOR KING.

20th August, 1801.

In answer to your Excellency's question, "Whether you did or did not express a desire to bring Lt. Marshall to a criminal
trial?" I beg leave to answer that on Mr. Balmain and myself presenting to your Excellency the proceedings as taken before us respecting Lieut' Crawford's effects, without our having given any decision thereon, you asked us if there were grounds sufficient to bring him before a Criminal Court, and that it was our opinion nothing could be made of it.

I have, &c.,

Rd. Atkins.

(No. 9.)

Surgeon Balmain to Acting-Governor King.

Sir,

Sydney, 20th August, 1801.

In answer to yours of this date addressed to Mr. Atkins and myself, "desiring to know whether or not, You signified a desire to bring Lt. Marshall to a Criminal Trial at the time the Evidences were delivered to you which we had taken by your order on his Conduct relative to the late Lieut. Crawford's Effects."

I perfectly well recollect that you asked whether in our opinion there appeared to be Sufficient Grounds to bring Lieut. Marshall to a Criminal Trial, and that I answered you by saying I thought nothing Could be made of it, or Words to that Effect, and the Conversation soon after ending on this Subject, I withdrew.

I have, etc.,

W. Balmain.

(No. 10.)

The Members of the Criminal Court to Acting-Governor King.

Sir,

Sydney, 20th August, 1801.

We have the honor to acknowledge the rec't of your Excellency's letter of the 18th, accompanied by a copy of a letter to the Judge-Advocate and to Lieut. Jas. Grant, together with a copy of their answer thereto.

In this answer they have denied that the opinion given by the Crim'l Court was unanimous, and they have expressed their concern "that any doubts should have arisen between us as members of the Court," and they attempt to account for this difference by saying that we misunderstood them.

We shall say nothing of our surprize and astonishment at this declaration, but content ourselves with repeating this asseveration—that the Judge-Advocate, Lieut. Grant, and ourselves were unanimously of opinion that it was impossible, without acting contrary to law, to comply with the order of your Excellency in proceeding further than we had done in the trial of Lieut. Marshall after we had passed sentence upon him.
And as these gentlemen have thought it prudent to deny that any such unanimity existed, we feel ourselves compelled to throw off all reserve, to forego any disposition to forbearance which delicacy in a less important case might incline us to indulge, and to transmit herewith to your Excellency our solemn depositions to prove that they have denied the truth.

It is also proper for us to state that when your Excellency's first disapprobation was signified at our declining to examine additional evidence, or to proceed further in the trial of Lieut. Marshall after sentence was passed upon him, the Judge-Advocate declared to Captain Mackellar "that he only came in for the seventh part of it," and that both him and Lieut. Grant were requested to join in a representation to your Excellency of the 11th inst., to which the former gave a positive refusal, and the latter did the same, assigning as an excuse "that it was entirely in your Excellency's power to deprive him of his present command."

After such a declaration from the one, and such a reason from the other, your Excellency, we think, need not be troubled with the recital, at present, of the opinion which induced us not to consult those gentlemen or to ask for their signature to our letter of the 17th.

This explanation, we trust, will satisfactorily account for our not considering either the Judge-Advocate or Lieut. Grant as disposed to justify opinion, or to unite in an endeavour to shew that no principle but that of justice influenced us.

And if it should be thought necessary that we should assign a reason why the word "unanimous," used in the sentence of Lieut. Marshall, was not repeated in the opinion delivered to your Excellency on the 7th inst., we can offer no other than that we did not observe it, and can form no conclusion but that it was omitted by the Judge-Advocate for the express purpose which it has been applied to.

We have, &c,

W. PATerson. Thos. Davies.
John Piper. Hugh Piper.
N. Mackellar.

(No. 11.)

DEPOSITION OF LIEUT.-COLONEL WM. PATerson.

I, LIEUT.-COL. WILLIAM PATerson, do make oath that on the 7th inst., in obedience to the orders of His Excellency the Governor, communicated to me by Richard Atkins, Esq'ree, the Judge-
Advocate, I met the other members of the late Criminal Co't which sat upon the trial of Lieut. James Marshall, of the Royal Navy, to take into consideration the orders of the Governor relative to certain allegations made by him in a memorial on the informality and injustice of the proceedings of that Court in the course of his trial.

And that after hearing the memorial of the said L't James Marshall read, together with the Governor's directions on the subject to myself and the other members, we unanimously concurred in opinion that we could not, without acting contrary to law, comply with his orders to examine fresh evidence or to take a retrospective view of our proceedings on that trial after having passed sentence on the said L't James Marshall.

And in this opinion I solemnly declare Richard Atkins, Esq're, the Judge-Advocate, and Lieut. James Grant, of the Royal Navy, decidedly joined with myself and the other members of the Court. And I do further swear that the Judge-Advocate drew up an answer in writing, which he submitted to the opinion of the members, and which answer, with the addition of the words "or to take a retrospective view of any part of the proceedings," was unanimously agreed to and given as our answer to the Governor. It being proposed that each member should sign the report or answer, the Judge-Advocate replied it would be quite unnecessary, as he should sign it by order of the Court.

And I do further swear that on a proposition being made by some of the members to wait on the Governor and explain our opinion, Lieut. Grant was one who positively refused so to do, adding to his refusal that he was satisfied in his own conscience, as he was sure the other members must be in theirs, that every justice had been done Lieut. Marshall, and he was really ashamed of his (L't Marshall's) conduct after having had so fair a trial, and been dealt with with so much lenience as he had been.

And I do further swear that I was in company with Lieut. Grant, James Thomson, Esq're, and Capt. Mackellar, when Lieut. Grant being asked to join in addressing the Governor declined it, assigning as a reason that it was in the Governor's power to deprive him of his situation.

W. Paterson.

(No. 12.)

Deposition of Captain John Piper.

I, Captain John Piper, do make oath that on the 7th inst.—in obedience to the orders of Governor King, Communicated to me by Richard Atkins Esqr. the Judge Advocate, I met the other
Members of the late Criminal Court that Sat upon the Trial of Lieut. James Marshall of the Royal Navy to take into Consideration the Orders of the Governor relative to Certain Allegations made by him in a Memorial on the Informality and Injustice of the Proceedings of that Court in the Course of his Trial.

And that after hearing the Memorial of the Said James Marshall read together with the Governor's Directions on the Subject to myself and the other Members We unanimously Concurred in Opinion that we Could not, without acting Contrary to Law, Comply with his orders, in taking a retrospective view of our Proceedings on that Trial after having passed Sentence on the said James Marshall.

And in this Opinion I solemnly declare Richard Atkins Esqr. Judge Advocate and Lieut. James Grant of the Royal Navy, decidedly joined with myself and the other Members of the Court —And I do further Swear that the Judge Advocate drew up an Answer in Writing which he Submitted to the opinion of the Members and which Answer with the addition of the Words "or to take a retrospective view of our Proceedings" was unanimously agreed to, and given as our Answer to the Governor.

And I do further Swear that on a proposition being made by some of the Members to wait on the Governor and explain our opinion, Lieut. Grant was one who positively refused so to do.

J. Piper.

Sworn Before Me this 20th Augt. 1801.

J. Harris, J.P.

No. 13.

Deposition of Captain Neil Mackellar.

I CAPTAIN NEIL MACKELLAR do make oath that on the 7th inst. in Obedience to the Orders of His Excellency the Governor, Communicated to me by Richard Atkins Esqr. the Judge Advocate, I met the other Members of the late Criminal Court which sat upon the Trial of Lieut. Jas. Marshall, of the Royal Navy, to take into Consideration the orders of the Governor relative to Certain Allegations made by him in a Memorial on the Informality and Injustice of the Proceedings of that Court in the Course of his Trial.

And that after hearing the Memorial of the said Lieut. Jas. Marshall read together with the Governor's directions on the Subject to myself and the other Members we Unanimously Concurred in Opinion that we Could not without acting Contrary to Law, Comply with his Orders to examine fresh Evidence or to take a retrospective view of our Proceedings on that Trial, after having passed Sentence on the said Lt. J. Marshall.
And in this Opinion I solemnly declare Richard Atkins Esqr. the Judge Advocate and Lieut. Jas. Grant of the Royal Navy decidedly joined with myself and the other Members of the Court —And I do further Swear that the Judge Advocate drew up an Answer in writing which he Submitted to the Opinion of the Members and which Answer with the Addition of the Words “or to take a retrospective view of any part of our proceedings” was Unanimously agreed to and given as our Answer to the Governor —It being proposed that each Member should sign the Report or Answer, the Judge Advocate replied it would be quite unneces­sary as he should sign it, “By Order of the Court.”

And I do further Swear that on a proposition being made by some of the Members to wait on the Governor and explain our Opinion Lieut. Grant was one who positively refused so to do—adding to his refusal that he was satisfied in his own Conscience, as he was sure the other Members must be in theirs, that every Justice had been done Lt. Marshall and that he was really ashamed of his (Lt. Marshall’s) Conduct after having had so fair a trial and been dealt with with so much Lenience as he had been.

And I solemnly declare that I asked the Judge Advocate to join in writing to the Governor to request a Copy of his Letter to the Judge Advocate and of Lt. Marshall’s Memorial that we might Answer them which he declined to do.

And I do further declare that I was present at Lt. Colonel Paterson’s House when Lt. Grant being asked to join in address­ing the Governor, declined it, assigning as a Reason that it was in the Governor’s Power to deprive him of his Situation.

The above I declare to be the truth as I shall Answer to God.

N. Mackellar.

Sworn before me this 20th August 1801.

J. Harris, J.P.

(Nos. 14 and 15.)

Depositions of Lieut. Thos. Davis and of Ensign Hugh Piper.

[These were verbatim repetitions of the deposition of Captain John Piper.]

(No. 16.)

Judge-Advocate Atkins to Acting-Governor King.

21st August, 1801.

Your Excellency’s letter directed to L’t Grant and myself in­closing certain papers received from five members of the Criminal Court which sat on the trial of L’t Marshall, and whose names are thereunto signed, requesting we will explain the accusations they prefer against us, is duly received.
I think it necessary to answer for myself, leaving L’t Grant to do the same.

I still assert that the Court was not unanimous in their decision alluded to, and that when I said those gentlemen misunderstood us (as far as I am concerned) I meant to say that I had given no opinion whatever on the subject (it was unnecessary for me so to do, four gentlemen’s opinions having coincided); and if they supposed my silence was an acquiescence (on which I presume the affidavits are founded), those gentlemen and myself entertained very different ideas on the subject.

I apprehend it is in the recollection of those gentlemen my telling them that I would write whatever they thought necessary to say on the subject, and they will further call to mind that I signed it by order of the Court; but does it therefore follow that the Court was unanimous in giving that order?

I recollect perfectly well Capt. Mackellar saying to me in the street that he thought an answer to L’t Marshall’s address to your Excellency ought to be given, and that for himself he would answer it; but at the same time I recollect my not giving any reply to those observations.

I likewise remember my saying in common conversation that I came in only for a seventh part of His Excellency’s disapprobation. Was not that disapprobation expressed in H. E. letter to the Judge-Advocate and the other members?

With respect to the gentlemen not taking notice that the word unanimous formed a part of the opinion of the Court on Capt. Abbott’s prosecution, I shall only say that it was read by the Judge-Advocate to the members before the Court was opened, to be communicated to the prisoner and to the audience. To that part of their letter, “they can form no conclusion but that it was omitted by the Judge-Advocate for the express purpose which it has been applied to,” I shall merely observe that at the time that circumstance took place it was altogether impossible for any person not possessed of a preternatural power to foresee any purpose to what it was likely to apply, either for the sake of ambiguity in one way, or duplicity in another. The word unanimous was certainly “omitted by me on the last occasion, and for the express purpose with which it was applied,” to shew that there was a difference of opinion, and consequently there could not be unanimity.

I have now, in obedience to your Excellency’s orders, answered, as far as I conceive necessary, the accusation preferred against me by those gentlemen, and shall conclude with observing that it appears to me a great deal of time has been taken up on a subject that does not either affect the trial or sentence of Lieut. Marshall;
but how far I am or am not to be a partaker of the charge of disobedience to your Excellency's orders—which I hope I have exonerated myself from—the paper I read to your Excellency on the morning of the 7th, prior to the meeting of the Court, will, to an unprejudiced mind, convince that I did not suspect your orders would have been disobeyed, and surely I could form no idea of disobedience on my own part.

One thing more: the gentlemen cannot forget that I brought to the Court several law-books with the pages marked for reference on the subject before them, which they declined having recourse to.

I have, &c.,

RICH. ATKINS,
Judge-Advocate.

(No. 17.)

LIEUTENANT GRANT TO ACTING-GOVERNOR KING.

Sir,

21st August, 1801.

I am this day honored with yours enclosing papers from the five members which composed part of the late Criminal Court held for the trial of L't James Marshall, and have read with attention the allegations therein contained.

In regard to any observations I might make on the justice of these proceedings, I cannot tax myself with any such expressions as are there preferred.

But this I said, and now say, that the sentence passed on Lt Marshall for the assault on Capt. Abbott was, and is, in my own individual opinion, just, and at the same time moderate. In regard to any irregular proceedings of that Court, how far such sentence may be just in the eyes of the law I have not knowledge sufficient in these matters to determine.

I further observed when we were met together by your order to examine the allegations laid before you by L't Marshall that I was sorry L't Marshall had brought us again together on such an occasion; that I felt myself very awkwardly situated—but this was previous to any business being done by the Court on that day; and I further think that the word "ashamed" which those gentlemen have been pleased to apply is a premature expression, as it is a word not common to me. I also stated that the sentence passed on Lieut. Marshall was one that I could lay my hand to my heart and say, as an individual, I had done my duty by him; "that my conscience told me so; and when it was mentioned that our sitting on the business then before us was like trying ourselves, I replied, I cared not if ten thousand Courts were to sit on me for my conduct in that trial, and my verdict accordingly, I should not be afraid of any consequences."
But now, sir, I must speak to the point to which all this busi-
ness tends, which is neither more or less than "a disobedience of
your orders."

I have in a joint letter* from the Judge-Advocate and myself
expressed to you my sentiments on the unanimity of the answer
sent you by that Court—and I here confirm them. But as I am
now called on to reply to such allegations as those gentlemen have
been pleased to lay before you, I trust it will be no difficult
matter to convince you and every other disinterested person that
such sentiments are just and true.

In the first place, I never dictated any part of that answer, for
in my own breast I foresaw the consequences which were likely,
and has now taken place; and this I believe I mentioned, tho' I
will not be certain that it was taken notice of. Nay, further
than this, after the answer was framed I observed to one of the
members who stood next me that I wo'd not be surprized if he,
meaning the Governor, sent us all to jail for it. This I believe
was heard by more than the one I spoke to; however, it matters
not, I at that moment said so.

I further, sir, inform you that, wishing to avoid any opinion of
mine on the subject, I positively went from the place where the
members were standing together and got up into the pulpit,
endeavouring to kill the time as much as I could, from which I
was called to hear the business read.

And I further say and declare that when the question was put
I never said yes or no, for it was done in that manner that I got
it avoided.

In regard to positively refusing to go and explain to you any of
the proceedings of that Court, I certainly did refuse, for I was
not in my own conscience guilty of any one thing that required
such an explanation; but surely my opinion ought to have had no
weight on any of the other members of that Court. I did not
advise them to stay away—I only spoke for myself. At the same
time, let it be remembered my observing if I wanted to explain
anything to you I sho'd go by myself. With regard to my not
entering into any explanations, the gentlemen themselves have
pointed out the properest reason in the world for my refusal—
however, not with the same motives, which I shall here lay before
you (and which I was aware of, if they were not).

It is a certain fact I was given to understand a meeting of the
members of that Court was necessary to point out to the Governor
the propriety of their proceedings, which I positively refused—
for this good reason, that I have always been led to guard against
meetings of every kind, for I have never seen any good come of
them. It perhaps in this case might have happened well; but as

* Note 77.
KING TO PORTLAND.

every man has an opinion of his own, which opinion you may
hold different to any of us, what construction, sir, you might
please to put upon such proceedings I know not; but I am deter-
minded not to expose myself to the lash of them. I have said
before, you might allow them to be proper; at the same time it
was equally in your power to say we, as private individuals, were
privately settling public matters, and much more, perhaps.
Therefore, sir, I am resolved to avoid all businesses of this kind,
as my Commission is not only at stake, but my public character,
as being the only naval officer in this colony next to yourself.

Therefore I declined having anything to do with this explana-
tion (where deliberations were necessary), for by so doing I not
only exposed my situation in life, but also laid myself open to
your indignation.

I believe I have now answered to all the allegations those gen-
tlemen have preferred against me, and I am sorry they have
forced me to it, but these are my sentiments and nothing but the
truth; and I still persist in saying the Court were not unanimous
to the answer sent you, for I am one that did not approve of it.

I have, &c.,

Jas. Grant.

(No. 18.)

CAPTAIN MACARTHUR TO ACTING-GOVERNOR KING.

Sir,

Sydney, 22nd August, 1801.

I have the honor to acknowledge the receipt of your letter
of the 19th inst., which I received at Parramatta late in the
evening of the 20th, and should have replied to it immediately
but that I thought it necessary to enter into a further explana-
tion with Mr. Balmain on his answer to your question to him,
whether "you did or did not signify a desire in his presence to
bring Lieut. Marshall to a Criminal Court." This explanation I
have now read, and enclose it herewith for your Excellency's
information, together with the copy of a letter from Capt. Mac-
kellar on the same subject, which I hope will be sufficient to set
this point at rest.

And now, sir, I am to defend myself against that paragraph of
your letter wherein you appear to reproach me with having impro-
perly brought forward a private and confidential conversation,
and with having obtruded myself and this conversation upon you
at a time "when you were on a bed of sickness." To this I
answer that I have never attempted to publish or thought of
repeating what passed in that conversation; and when I spoke of
the advice I received from your Excellency, I alluded not to any
which you gave at that time, because I did not consider myself
at liberty so to do—and, indeed, I am distressed that it is in any shape become the subject of an official correspondence; but as your Excellency has introduced it, and as you appear to be in some doubt what my motives were for making such a communication, I must endeavour to remove these doubts by assuring you that I was induced to it, not from a desire of bespeaking your interference, but to prevent it, as I was certain you would soon be in possession of all I had to relate by information from some other person.

I shall trespass on your Excellency's patience no further than to account for my conduct in troubling you with such an affair when you were confined to your bed. If the time I took for this purpose was improper, I am sorry for it, and it must be imputed to my ignorance, and not to a premeditated desire to disturb you unreasonably, for I knew not that you were then more indisposed than you were at noon the same day, when I found you perfectly inclined and ready to attend to business.

I have, &c.,

JOHN McARTHUR,
Capt., N.S.W. Corps.

(NO. 19.)

CAPTAIN MCKELLAR TO CAPTAIN MACARTHUR.

Dear Sir, Sydney, 21st August, 1801.

In answer to your letter of the 20th, I have to inform you that I did not hear His Excellency Governor King ask the Judge-Advocate if there were sufficient grounds to bring Lieut. Marshall before a Criminal Court, and from the observations which accompanied it and the remarks His Excellency afterwards made to Lieut. Marshall in your and my presence, I certainly concluded he was desirous so to do, if the offence of which Lieut. Marshall was accused had appeared to be of such a nature as to warrant it.

I am, &c.,

N. MCKELLAR.

(NO. 20.)

SURGEON BALMAIN TO CAPTAIN MACARTHUR.

Dear Sir, Sydney, 21st August, 1801.

In reply to your letter desiring to know whether the expression in my letter to Governor King of the 20th inst., that nothing could be made of the business against Lieut. Marshall, was intended to convey an opinion that he was innocent of having appropriated, with an improper intention, the effects of the late Lieut. Crawford to his own use.
I have to observe that in my own mind I thought that Lieut. Marshall had acted in a very improper manner, and this sentiment I expressed in strong terms to the Governor, whose remarks to me evidently evinced a desire to try Lieut. Marshall by a Criminal Court, if such evidence could have been brought forward as would have produced a conviction; but what I heard of the evidence convinced me that the attempt would have been fruitless, and on that ground I founded my observation to the Governor that nothing could be made of it.

I am, &c.,

WILLIAM BALMAIN.

(No. 21.)

Acting-Governor King to Captain Macarthur.

Sir, Sydney, 22nd August, 1801.

In the act of closing my despatches I have just received yours in answer to mine of the 19th instant.

As the testimony of the Judge-Advocate, Mr. Balmain, and Captain McKellar, my aid-de-camp, agrees so exactly respecting what they thought and said on the extent of Lieut. Marshall's criminality respecting the gun and quilt, I shall only add that had there been sufficient cause to try Lieut. Marshall for that transaction, I should have as readily have ordered it as I did his trial for the assaults.

What your motives were for saying in yours of the 18th that "in most of the transactions you had the honor of receiving my advice" are best known to yourself; but to prevent any improper conception by the readers of that letter, I found it necessary to state the facts contained in my reply in defence of my reputation in the situation I have the honor to hold.

I have, &c.,

PHILIP GIDLEY KING.

(No. 22.)

Captain Macarthur to Acting-Governor King.

Sir, Sydney, 22nd August, 1801.

I had flattered myself that my last letter would have concluded the trouble I have so unwillingly given to you; but as you still seem to be unsatisfied as to my meaning in saying "I had the honor of receiving your advice," I must beg to acquaint your Excellency that I certainly did consider you as advising me in two conversations out of the three I had with you respecting Lieut. Marshall, and that I may not appear singular in this opinion, at least as to the last conversation, I beg leave to submit to you a letter from Captain Abbott. I have, &c.,

JOHN MACARTHUR.
CAPTAIN ABBOTT TO CAPTAIN MACARTHUR.

Sydney, 22nd August, 1801.

Sir,

In reply to your letter of this date, I have to inform you that His Excellency Governor King certainly advised you and myself to commence the prosecution against Lieut. Marshall for assault.

EDWARD ABBOTT.

ACTING-GOVERNOR KING TO CAPTAIN MACARTHUR.

Sir,

If you will refer to my Letter of the 18th inst. you will there see that I admit I Ordered the Trial—other advice if you term that advice, I gave you None.

PHILIP GIDLEY KING.

CERTIFICATE RE ABOVE PAPERS.

To Certify that what is Contained in this and the preceding twenty-six pages is a true Copy of the originals Compared before Us. 22nd August 1801.

RICH'D ATKINS.

SAMUEL MARSDEN.

JOHN HARRIS.

(NO. 1) LIEUTENANT MARSHALL'S MEMORIAL TO ACTING-GOVERNOR KING.

Sydney, 30th July, 1801.

The address of Lieut't James Marshall, of His Majesty's Royal Navy, most respectfully states to your Excellency, as the representative of his Sovereign, and as the protecting father of a people committed to your charge, a series of grievances which he at present labours under the weight of, fully confident that your Excellency's firm propensity to the exercise of justice will on this occasion be ready to afford a long, an honorable, and an approved servant of his country that redress which his case so peculiarly requires.

Without troubling your Excellency with a retrospective statement of the singular circumstances which have involved Lieut. Marshall in this prosecution, without animadverting on the conduct of a military officer who now comes forward to lead a prosecution, after having been the bearer of a challenge to him, Lieut. Marshall will merely confine his complaint to the events of yesterday, and he cannot help, at this moment, feeling particularly
grateful to Divine Providence for affording him this short interval to look up to your Excellency graciously to interpose your high authority to shelter him from the impending effects of dangerous prejudice and a powerful combination.

Lieut. Marshall, at the sitting of the Court yesterday, respectfully enquired if he might challenge any individual member. He was asked his reasons; ignorant of the law in this respect, and unaided by professional abilities, he assigned his reason, and it was overruled. He has since understood that the meanest prisoner at an English Bar has a right to challenge his jurors, without being required or expected to give any reason for his objections.

And unless some privilege of this kind was, under certain circumstances, sometimes allowed a prisoner, he might look round him in vain for Judges—the Court that he stands before might be all his accusers.

Lieut. Marshall was officially directed by the Judge-Advocate to plead, and when, from the impulse of the moment, he was induced to ask a question or two, he was interrupted by some of the members of the Court, and haughtily and angrily told not to insult them. It could scarcely be to Lieut. Marshall’s interest to offend or insult them.

Lieut. Marshall further complains of undue influence endeavored to be made use of against him by repeated whispers between the prosecutor and the evidence, a circumstance which, to the honor of the British law, is unknown in the annals of a Court of justice.

And when he adverts to the prejudice of which he has so much reason to complain, it need only be remembered what was the question the prosecutor yesterday put to Lieut. Hobby, and that gentleman’s answer, which afterwards, at the recommendation of the Court, was withdrawn.

In addition to which Lieut. Marshall has since been informed by persons on whose veracity he can rely, that two of the members of the Court and two of the principal evidence, a few days previous to the trial, publickly made use of the most gross and opprobrious language towards him, manifestly resulting from that prejudice by which they were then, and are to this hour, inflamed and controlled.

Lieut. Marshall further remarks that he believes it a novel practice in a Court of justice for one of the members to interrupt the prosecutor in his questions by introducing others of his own, and forcing a construction on the replies, insomuch that one of the members observed to the other that he hoped he was not putting those questions from any other motive than information.
Lieut. Marshall therefore hopes, if these circumstances can be established by any further proof your Excellency may think necessary, that your Excellency will interpose to grant him such relief as the circumstances of his case at this crisis require.

JAMES MARSHALL.

(No. 2) SECRETARY CHAPMAN TO LIEUTENANT MARSHALL.

Sir,

Sydney, 30th July, 5 p.m.

The Governor has just received your letter of this date, and directs me to acquaint you that as your trial is still pending any interference of his would be highly improper, until the trial is closed and the proceedings laid before him.

I am, &c.,

W. N. CHAPMAN.

(No. 3) OPINION OF COURT.

7th August, 1801.

The Court of Criminal Judicature having met in consequence of the Judge-Advocate's letter directed to the members, and the Judge-Advocate having read to them His Excellency's letter to the Judge-Advocate, Lieut. Marshall's address to His Excellency, together with his answer, are of opinion that, having already given a sentence on the prosecution of Capt'n Abbott against Lieut. Marshall for an assault and battery, under which sentence Lieut. Marshall is now suffering, they do not conceive themselves competent to take Lieut. Marshall's address into their consideration, or take a retrospective view of any part of the proceedings on that trial.

By order of the Court,

RICH'D ATKINS,
Judge-Advocate.

(No. 4) W. N. CHAPMAN TO MEMBERS OF COURT.

Sir,

Sydney, 7th August, 1801.

I am directed by the Governor to inform you that he has received your report made by order of the Criminal Court, stating that "the Court of Criminal Judicature having met in consequence of the Judge-Advocate's letter directed to the members, and the Judge-Advocate having read to them Lieut. Marshall's address to his Excellency, together with his answer, are of opinion that having already given a sentence on the prosecution of Capt'n Abbott ag' st Lieut. Marshall for an assault and battery, under which sentence Lieut. Marshall is now suffering, they do not conceive themselves competent to take Lieut. Marshall's address into their consideration, or take a retrospective view of any part of the proceedings on that trial."
KING TO PORTLAND.

I am farther directed by the Governor to inform you that an attested copy of the above report, with the whole of the proceedings connected with Lieut. Marshall's trials before the Court, of which you was a member, will be transmitted to His Majesty's Principal Secretary of State for the Home Department, for His Majesty's most gracious consideration.

I have, &c.,
W. N. CHAPMAN,
Sec'y.

(No. 5) ACTING-GOVERNOR KING TO THE JUDGE-ADVOCATE.

Government House, Sydney,
7th August, 1801.

Sir,

The inclosure is the copy of a circular letter written by my directions in consequence of your report* to me of this date, in which the Criminal Court that tried Lieut. Marshall refused to obey my directions to investigate into the truth of Lieut. Marshall's allegations, complaining of various illegal and informal proceedings of that Court, which, if proved, would have guided me in extending that mercy His Majesty has been graciously pleased to delegate to the Governor of this territory; and if not proved, must have operated greatly in continuing Lieut. Marshall's punishment, as sentenced by the Court, to its utmost extent.

You will, as the presiding member of that Court, in your capacity of Judge-Advocate, prepare a just and faithful transcript of the proceedings and every other document connected with those trials, and after being compared with the originals and properly attested, you will deliver them to me to transmit them to His Majesty's Principal Secretary of State for the Home Department, for His Majesty's most gracious consideration, and such directions as may be given respecting the special verdict found by the Court on the second indictment at the prosecution of Capt'n John McArthur.

You will also inform the members of the Court that, feeling most sensibly the injury done to His Majesty's authority by the public insult given by that Court to my legal commands, in execution of my bounden duty as Governor of this colony, by their refusing to obey my commands as before stated, it becomes my indispensable duty to pray His Majesty's most gracious support of the authority which he and the Legislature has been pleased to invest the Governor of this territory with.

I have, &c.,
PHILIP GIDLEY KING.

* Note 78.
1801.
Sydney, 10th August, 1801.

I have to request you will meet this day at 2 o'clock, and
cause Lieut. James Marshall, now a prisoner in the county gaol,
as sentenced by the last Court of Criminal Judicature, to be
brought before you, and put the following question to him in
open Court, viz.:—

Having at the commencement of your trial, on the prosecution
of Capt'n Edw'd Abbott, objected to the competency of the
Criminal Court (as established by His Majesty's Letters Patent)
to try you, and having by a paper given in at the close of that
trial, and also at the close of your trial on the prosecution of
Capt'n McArthur, protested against the judicial proceedings of
that Court as informal and irregular, you are called on, by
order of the Governor, to declare before this Bench of Magistrates
whether that protest alludes to your first objection, viz., the
incompetency of the Court to try you, or to the allegations con­
tained in your address to the Governor on the first day of your
trial, June 29th, or whether your protest was founded on both
those objections?

Having put this question and received Lieut. Marshall's
answer, you will transmit it to me from under your hands, and
remand the prisoner to his imprisonment.

I have, &c.,

PHILIP GIDLEY KING.

(No. 7) REPORT OF MAGISTRATES.

Present:—The Judge-Advocate; William Balmain, Esq.; the
Rev'd Mr. Marsden; John Harris, Esq.

Lieut. Marshall having been brought before the Bench by the
Provost-Marshal, the following question was read to him by the
Judge-Advocate:—

"Having at the commencement of your trial, on the prosecu­
tion of Capt'n. Edwd. Abbott, objected to the competency of the
Criminal Court (as established by His Majesty's Letters Patent)
to try you, and having by a paper given in at the close of that
trial, and also at the close of your trial on the prosecution of
Capt'n McArthur 'protested against the judicial proceedings of
that Court as informal and irregular,' you are called on, by order
of the Governor, to declare before this Bench of Magistrates
whether that protest alludes to your first objection, viz., the
competency of the Court to try you, or to the allegation contained
in your address to the Governor on the first day of your trial,
June 29th, or whether your protest was founded on both those
objections?"
The question having been read in open Court by the Judge-Advocate, Lieut. Marshall, in answer thereto, says that he did not object to the competency of the Court, nor had he ever any intention so to do, for that it was only asked as a matter of opinion; but that the grounds of his protest was founded on his objection to one of the members of the Court, Captain McKellar, and the proceedings of the Court, as set forth in his memorial to His Excellency.

Richard Atkins. 
W. Balmain. 
(Saml. Marsden. 
John Harris. 

(No. 8) The Members of the Court to Acting-Governor King.

Sir, 
Sydney, 11th August, 1801.

A letter* from your Excellency having been communicated to us by Mr. Atkins, charging us with disobedience of your commands by not proceeding to investigate certain assertions contained in Lieut. Marshall's memorial to your Excellency, satisfied you will afford us every opportunity of exonerating ourselves, we have respectfully to request you will be pleased to direct us to be furnished with a copy of your Excellency's letter and Lieut. Marshall's memorial, by which we hope to convince you that we have not disobeyed your orders, and to controvert the assertions contained in that memorial for your satisfaction as well as in our own justification.

We have, &c.,

W. Paterson. 
John Piper. 
Hugh Piper. 
N. Mackellar.

(No. 9) Acting-Governor King to the Members of the Court.

Gentlemen, 
Sydney, 11th August, 1801.

In answer to yours of this date, observing that you only form a part of the members of the late Criminal Court, I must inform you that any application respecting its proceedings should have come from the Court before its dissolution, which took place in consequence of my circular letter of the 7th inst. to each and all the members thereof, as well as to the Judge-Advocate, to whom, as presiding member of that Court, I assigned my reasons for the necessity of the measure I found myself compelled to adopt on that Court's refusing to attend to my legal commands, communicated by him to the Court he convened on the 7th inst., by my Order of the 5th inst., which proceeding excludes any farther reference as inadmissible and extra-judicial for the present, until His Majesty's pleasure is received or signified thereon.

Respecting my directing you to be furnished with a copy of my letter and Lieut. Marshall's memorial, neither justice or equity

* Note 79.
can sanction my furnishing you, as a part of the members of the late Criminal Court, with materials to refute the prisoner's allegations (whether true or false, the Court has deprived me of the means of ascertaining) in his absence and unheard; when that Court, convened by my legal authority, publickly refused, in the face of the prisoner and the colony, to take any notice of his allegations, complaining to me, as the executive authority, of the Court's informal and irregular proceedings on his trial, for which purpose (I must repeat) that Court was re-convened by my mandate, in conformity to my oath of office as Governor of this colony, viz., "to administer justice duly and truly."

The whole of the proceedings and documents appertaining to those trials are now transcribing to be transmitted to the Secretary of State for His Majesty's most gracious consideration thereon. When compleat, the Judge-Advocate has my directions to compare the copy with the original in the presence of such of the parties concerned as may chuse to attend and see them properly attested.

I have, &c.,

PHILIP GIDLEY KING.

ACTING-GOVERNOR KING TO UNDER SECRETARY KING.

(Per whaler Albion; acknowledged by Lord Hobart, 29th August, 1802.)

Sydney, New South Wales,

Dear Sir,

21st August, 1801.

The accompanying letters and their inclosures will give you every information respecting our present situation and some of our future prospects. I wish it had been in my power to have made this dispatch less voluminous than it is; but as the information it contains would have been less satisfactory to myself and wanting in full information, I could not with any propriety shorten a sentence or curtail a paper. How far my exertions may appear to have answered the mission I was sent on must appear from the facts sent with this. A perusal of my General Orders will give some slight idea of what I have had and still have to encounter, as I have been obliged to enforce every Order by severe examples, which has not and will not fail to draw on me the scourge and opposition of those whose interest is and has been concerned in a very opposite line of conduct to that which I have found myself obliged to adopt. And even in that system I take every responsibility, as you will observe many General Orders that are no ways provided for by any instructions. If they are approved of (as the welfare of the colony and
the interest of the public is materially concerned in them) I am right; if they are not approved of, I am sorry for what the situation of this colony will then be. The decided steps I have taken respecting sending the ships away with spirits has drawn forth much opposition to every plan I am framing. The arrival of the articles by the Helen and the Earl Cornwallis, with the regulations adopted thereon, has made every poor man respect me and the authority under which I act; but it is not so with the late commissioned hucksters, whose trade and shops I have totally suppressed. Taking away the servants (except two) has been a very great insult; collecting the debts formerly due to the Government has brought on me a sort of contempt I care very little about; and my late proceeding respecting the proceedings in Lt. Marshall's trial has finally sent me to Coventry, where I have no sort of objection to remaining for the time His Majesty may think proper to continue me in the command of the colony, which I have not a wish to extend a moment beyond the time of my conduct being approved of. And I beg to assure you that, oppressed as I am with a bad state of health, yet my every exertion has and will continue to be encouraging industry, managing the public concerns with the greatest economy, and not losing sight for a moment of the respect and subordination due to my situation. Without all that is observed this colony will be such a loadstone round the neck of Government that its troubles and expences will never have an end.

As the year I have been in the command is nearly closed within a few days, our expences will not exceed the sums now drawn for, and which I have particularly stated in my public despatch. My voucher, as you will there observe, for stores which it was impossible to do without, £4,941 (including a great quantity of salt meat); for grain and animal food, £6,851; making in all for the year £11,793, of which there remained the 30th last June in store to the value of £4,164. By the papers I see the sum voted for bills drawn from New South Wales in the year 1799 was £30,000, and you will observe that we have upwards of 700 more people in the colony than there was at that time. I hope the next year will be still less expensive, as I have tied every description of fund up in such a manner that every transaction will appear publicly at the end of every quarter, and be transmitted yearly. Everything will depend on the supplies for the stores being sent out here yearly. In my despatch I have stated both a list for articles for barter as well as for Government use, to prevent confusion in the accounts. The articles I have ticked* are such as are absolutely necessary, and if not sent out, I fear we shall be under the necessity of purchasing them, which in the end comes much

* Note 80.
higher, exclusive of the probability of the purchase being made from Americans, which takes the money from England.

Respecting the contract I made for the cattle from India, the price was so advantageous to Government and the terms (as none are to be received that are not healthy and good) so clear, that I hope that unauthorised part of my conduct will be approved of, as there is no other certain way of becoming independent for animal food; and how long that belonging to Government would last, if expended, I have explained by my despatch. It will be a fortunate circumstance if the rice arrives before the harvest, for we certainly shall have little or nothing to eat before our present crops come off, which look very fine and promising throughout the colony. The cattle and sheep we have are increasing daily; and the man who looks after and has the present superintendence of them has got them all into excellent good order, and cured them of the inveterate disease they had contracted.

Respecting the Irish who came out here for being concerned in the late rebellion, I hope my proposal in their favour will be attended to, as many of them are real deserving characters. The rest all behave very quiet and well, as, indeed, do all descriptions, some excepted, whose conduct I have reason to be dissatisfied with. The infamous transactions that have taken place respecting the numerous erasures in the convicts' term of transportation has introduced such confusion into the indents and Orders in Council that came with them that very few men's times can be ascertained, which bears hard upon a great number of these unfortunate people. I watch, and from what I can observe by the books, upwards of 200 people have left this colony whose terms are not expired. What to do in this I do not know. It cannot happen again, as I keep the books in my own possession ever since I have had the command, but unfortunately the mischief was done before.*

The institution of the Orphan House is now fully compleated. It was the only step that could ensure some change in the manners of the next generation. God knows this is bad enough.

I hope my purchase of the vessell will not be disapproved of, as she has, and will be constantly of great service, and no more than one King's ship being in the colony, she is a very good and cheap substitute at one hundredth part of the expence that any vessell of that kind would be of to the Crown.

By the returns you will observe that we have only one clergyman here. I hope the Rev. Mr. Johnston and Mr. Haddock, or others in their stead, will be sent, and as Mr. Balmain takes advantage of His Grace's permission, and goes by the Albion, and the surgeon of Norfolk Island being now in England, I hope

* Note 54.
KING TO JOHN KING.

the latter will be sent here as soon as possible, and that the former may be returned after being a year in England, as medical assistance is much wanted in this colony.

It has given me great pain to be compelled, as I have been, to transmit the voluminous papers respecting Lieut. Marshall. To the facts contained in them I must refer. Whether I am right or wrong, I hope it will be allowed that I have acted from the properest motives, and that a fair investigation will be made of those documents. In this place it is incumbent on me to say that some change in our Criminal Courts of Judicature is absolutely necessary. It is now fourteen years since the colony was first settled, and that the mode of administering criminal justice then instituted has been followed, which was certainly the only form that could have been adopted at that time. Since then many complaints and representations have been made of great misunderstandings in the administration of that justice, which ought to bear as great a resemblance as possible to the laws of England and mode of conducting trials, and, if I am not misinformed, those misunderstandings have more or less originated from various causes incident to so great a proportion of our Criminal Courts being composed of one class of people; and I need only refer to the situation Lieut. Marshall stood in when tried by so great a majority of officers for a crime against one of their own Corps. I do not mean to question the conduct of his judges (that will appear by the documents sent Home), nor to extenuate Lieut. Marshall's crime, but merely to quote that circumstance as a reason, among many others, that may hereafter occur, for the necessity of making some change in the description of members who compose the Criminal Courts, as well for satisfying the minds of the inhabitants as for promoting a strict impartiality of criminal decisions. The general class of inhabitants of which this colony is composed will by no means allow of an indiscriminate trial by jury for some, nay many, years to come. I would therefore suggest the propriety of inserting in the Letters Patent constituting the Court of Criminal Judicature, instead of the words relating to the members constituting these courts, "the Judge-Advocate and six of His Majesty's sea or land forces," to insert "the Judge-Advocate and six commissioned officers of the civil establishment, sea or land forces." There are now six officers of the civil establishment in the colony. The interchange and mixing of them with the military officers in these trials would greatly strengthen the impartial and free administration of justice. In the instance of Lieut. Marshall, it is obvious how much easier the prisoner's mind would have been had he been tried by a more mixed
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1801.
21 Aug.
The necessity for reform in the constitution of criminal courts.

A description of judges, or rather jurors, who had to decide in a prosecution, that however upright and just the intentions of those officers might be, yet it was one of those situations where a man's prejudice, in what concerns a member of his own Corps, might greatly bias his judgment and conduct, and that even unintentionally, when he went into court, such is the fallibility of human nature. Respecting the situation of the Judge-Advocate in these causes, it is so well described by the person that fills this office at present that I enclose his letter, on which, as well as the whole proceedings, I shall not comment, as they must speak for themselves if investigated by the matter of fact they contain. How many points are to be reconciled has exerted my closest thoughts. One thing I shall remark, that the arts and intrigues of a man you have heard so much about (I mean Captain MacArthur) will one day or other set this colony in a flame. Look at the art contained in his letter to me of the * in the documents, and my answer. His intention was to involve me in their dirty dispute. Respecting the Judge-Advocate, you know he is only acting in the room of Mr. Richard Dore, deceased. Of him you also have heard. He is the brother of the late Sir George and of General Bowyer, and is closely connected with Mr. Samuel Thornton. He is a man of abilities, and exceeding clever, but is, unfortunately, sometimes addicted to liquor. If the salary of that officer is not raised, so as to induce some professional man of rectitude and resolution to undertake it, I do not think a better person can be sent out than Mr. Atkins, as I fear few such men of abilities would undertake that situation with the present salary. As Colonel Patterson's name will appear as a member of the court against whom I form the representations that will accompany this, I beg to observe that his quiet, placid disposition by no means places him in the obnoxious point of view he may be involved in with the rest of the members who thought proper to set my authority at defiance. He is a weak, honest man, and if he acted from his own ideas of right and wrong would do the right thing; but, unfortunately, he is like many other men, "made a knave's tool of." I have been thus explicit on this point to prevent more blame being attached to Colonel Patterson than he deserves.

I am sorry to mention a circumstance that ought more properly to have been the subject of a public letter—I mean respecting the detention of artificers and manufacturers among the convicts on board the hulks, and not sending them here, where their work and abilities would be very usefully and advantageously employed. Much umbrage has been given to all descriptions by my not employing and paying wages to soldiers and others as arti-

* Blank in manuscript (see note 81).
KING TO JOHN KING.

ficers—i.e., to give them 5s. per diem. No; while convicts can be got I will enter into no expense of that kind. "Sir, my barrack wants new flooring, &c."; "I have no carpenters; they are employed and can't be broke off"; "Sir, you can hire"; "No, sir, I dare not." These and similar conversations occupy from daylight till dark. I hope you will endeavour to put a stop to the artificers and labourers being detained in the hulks.

I can say but little more to recommend the cattle and stock belonging to those who have made their proposals to have them purchased for the Crown being accepted of. That responsibility I by no means consider myself authorized to enter into, but it certainly would be very advantageous, for the reasons stated in my publick letter.

I hope the Otaheite plan will answer. In that case, I hope to be able to announce by the next conveyance the probability of our being able to supply ourselves, in part, with salt pork, as we now make plenty of that article; and when we get salt- pans out, we shall make still more. Still it will be absolutely necessary to send a supply of salt meat out here immediately, as you will observe by the returns that before any can come from this request, that we shall have little or none left; and had it not been for the quantity we bought from the Americans, and the supply from Norfolk Island, we should have been very short. It will appear that all we purchased from the Americans were, at least, 3d. per lb. cheaper than it could be sent from England.

The want of another vessel of 3 or 400 tons is very great, and will be more so if Otaheite succeeds—which I am very sanguine about. We have a report that the Xenophon* is coming out here, and is to be employed surveying. Surely the vessels we have here are equal to that service; and a ship of her tonnage might be more usefully employed going for salt meat to Otaheite.

Altho' we do make a few blankets, viz., as many as we can get wool from Gov't stock, and what we get from that of individuals, yet that number is barely sufficient to employ the men we have at work, and amount to a penny per yard, when we return what is coming to those who supply the wool. Most of the people who came out here last, and those here before, are totally destitute of blanketts, or any bedding. I hope some will be sent out, for the necessity of this article is very great and pressing, as, indeed, are all the wants I have stated.

From the statements that accompany these dispatches, I think a very fair estimate of our yearly expenses may be made, both at Home and here. At the end of the year that calculation shall be made here. However, this must vary according to the additional

* Note 82.
number of people sent out; yet it will be my plan to let as nearly the same numbers go off the stores as new hands arrive. You will see by the returns that upwards of two thousand full rations are of no expence to the Crown, which, if maintained, would be at least £20 a head.

Nothing more strikes me at present to trouble you with on public matters, only, if I do wrong, as I have stated everything, I have not a wish to remain here beyond the time when my services may be judged necessary. If my conduct is approved, I hope not to remain for a longer time than five years from my first arrival, for which period my quiet, health, and every valuable consideration in life shall be sacrificed to my duty; and then I shall return a poor man, as my expences has already cost me £580 since I arrived for the mere articles of living. This brings me to express a hope that no difficulty will attend my agent receiving the whole of the salary as Governor—I mean the £1000—otherwise I can assure you the gates of jail will be open to receive me or mine.

I have sent a box containing specimens of plants and seeds for your disposal.

I am, &c,

PHILIP GIDLEY KING.

You will observe by a separate letter I have written, or rather postscript at the bottom of my military letter,* that Captain Abbott, who I had appointed to act as Engineer Officer, &c, has resigned that situation, in consequence, I suppose, of the steps I took respecting Lieut. Marshall. As Capt. Abbott’s expectation was a guinea a day, I have consulted with Capt. Paterson, and appointed Ensign Barralier (who is the protégé of Mr. Greville) to do that duty, which he is very equal to, and shall pay him 5s. a day, altho’ I hope, when his services in surveying, as well as these other duties are considered, that I may be allowed to draw for 10s. a day, as he is a young man of very great abilities, which you will observe by the accurate surveys sent with these letters.

[Enclosure No. 1.]†

GOVERNMENT AND GENERAL ORDERS.

LIEUT.-COLONEL PATERSON having represented to the Governor that several of the inhabitants are purchasing the bedding and barrack furniture issued to the soldiers, it is to be understood that those articles, being the property of the Crown, both before and after it is issued to the soldiers, every person purchasing or receiving those articles will be prosecuted for receiving stolen goods, and if a prisoner, he will be sentenced to one year’s hard labour in the battery gang.

As some individuals have applied to the Governor to interfere in obliging their creditors to receive wheat from them for 10s. per

* Note 83. † Note 84.
bushel for bargains made previous to the reduction of the price of wheat to 8s. per bushel, it is to be understood that where those bargains are made to be paid in wheat at the Government price, that the price so agreed for must depend on which is given by Government at the time the wheat is paid, unless the creditor chooses to take it at the former price, which is at the rate at which the Government debts are paid, which are contracted before the Order. But this being a concession on the part of Government is not to operate with respect to private bargains between individuals.

17th March, 1801.

There being reason to apprehend (from inundations and other accidents the crops have suffered) an insufficiency of grain to supply the inhabitants, no grain, flour, or bread is to be sent on board any ship, now lying, or that may arrive, in this port, without a particular permit from the Governor; and the masters of ships are recommended so to arrange the allowance of those articles of the ship's company, that they may not feel any inconvenience from the smallness of the quantity of those they will be allowed to receive on board.

22nd March, 1801.

Mr. John Thompson being appointed wharfinger and inspector of goods landed from merchant vessels, and having occasion to visit and inspect places about the cove during the night, is to pass all sentinels and watchmen upon making himself known.

The taptoo to beat at 8 o'clock and the guards to mount at 9 until further orders.

2nd April, 1801.

Mr. William Neate Chapman, storekeeper at Norfolk Island, is appointed a Deputy Commissary in the room of Mr. Thomas Laycock resigned, with the Governor's approbation of his conduct during the time he has had the command. Mr. Chapman is also appointed secretary to the Governor, according to a previous arrangement, in the room of Capt. MacKellar, Aid-de-Camp; the latter gentleman being sworn in as a magistrate for the colony, and as such is to be respected and assisted.

[The next part of this order was also forwarded in Enclosure No. 2 to the despatch numbered 4, and dated 21st August, 1801, from Acting-Governor King to the Duke of Portland.]

To-morrow, being Good Friday, is to be observed as a holy day. Good Friday. Part of the regiment and inhabitants to attend Divine service at ten o'clock.

9th April, 1801.

Licensed people selling spirits or entertaining any description of persons in their house, outhouses, or other premises from daylight on Sunday mornings until 9 o'clock at night will not only forfeit their license but will incur the penalty of £10; and if any other person shall presume to disobey this Order, all spirits found in their possession will be seized, and the offender otherwise punished, for a breach of these as well as former Orders on this head.

13th April.

Augustus Alt, Esq., Land Surveyor-in-General of this territory, having been surveyed by the surgeons and reported incapable of appointment, discharging the functions of his office through age and other in-
Orders re Pork for visiting ships.

Free pardon for Boatsman and desertion.

Civil appointment.

Treatment of natives in different districts.

Breach of port orders.

1801.
21 Aug.

Orders re Pork for visiting ships.

SOME favourable circumstances having been represented to the Governor respecting the case of John Boatsman, private soldier in the New South Wales Corps, now under sentence of death, His Excellency is pleased to extend mercy towards him to grant him a free pardon; and it is hoped that the examples which have lately been made, and the awful state in which the delinquent Boatsman has been in, will operate in preventing the serious and unsoldierlike crime of desertion, which however inclined the Governor may be to extend mercy in all admissible cases, yet he feels a duty he owes to His Majesty's service to assure those who may so far forget their character as soldiers as to commit that crime, that any future sentences of a General Court-Martial for desertion will be confirmed and carried into execution.

Sydney, 21st April, 1801.

SIMON LUBBET is appointed Superintendent in the room of Thos. Collier, discharged for disobedience of orders and other improper conduct.

The delivery of certificates to those whose terms of transportation are expired is postponed to the last Friday in June.

From the wanton manner in which a large body of natives, resident about Parramatta, George's River, and Prospect Hill, have attacked and killed some of Government sheep, and their violent threat of murdering all the white men they meet, which they put into execution by murdering Daniel Conroy, stock-keeper, in a most savage and inhuman manner, and severely wounding Smith, settler; and as it is impossible to foresee to what extent their present hostile menaces may be carried, both with respect to the defenceless settlers and the stock, the Governor has directed that this as well as all other bodies of natives in the above district to be driven back from the settlers' habitations by firing at them. But this order does not extend to the natives in any other district; nor is any native to be molested in any part of the harbour, at Sydney, or on the road leading to Parramatta.

Two convicts going in a boat on board the American that arrived yesterday, in disobedience of the General Order of the 1st October last, forbidding any person whatever to have any communication with vessels arriving here until the admission flag is hoisted, are sentenced to three months' imprisonment in the gaol gang, and their boat confiscated.

There not being any more than sixteen weeks' salt provisions in the stores, and owing to the failure of part of the wheat last year,
and the inundations at the Hawkesbury having destroyed a great quantity of that grain as well as maize, and there being reason to apprehend a scarcity of grain at the end of the year, in order to guard against which, and against accidents happening to supplies of salt provisions coming hither, the following reduction of the weekly ration of salt meat, and alteration in that of grain, will take place till further orders, viz.:

- Beef 5 lb.
- Pork 2 lb. 10 oz.
- Wheat 0 lb. 3 oz., or 13\(\frac{1}{2}\) lb., or 18\(\frac{1}{2}\) in cob.
- Maize 13\(\frac{1}{2}\) lb., or 18\(\frac{3}{4}\) in cob.
- Sugar 6 oz.

Women and children in proportion.

There will be a necessity for reducing the allowance of grain in the course of next month.

On this occasion, it appears necessary to remind the settlers and other cultivators, as well as those who have gardens (which are now lying totally neglected) of the necessity of their utmost exertions at this season to crop as much ground as possible which, in the course of next year, will be found highly beneficial to them, both in procuring the necessities of life as well as some of the comforts; and it is equally obvious that the idle and dissipated must experience the most distressing want.

**ORDINANCE.**

It is hereby ordered that no other than one quality of wheaten bread is to be made throughout the colony, viz.:

Such bread to be composed of meal, from which only 24 lb. of bran is to be taken from 100 lb.

As this regulation is necessary to prevent a distressing scarcity, any inhabitant or person resident in the colony disobeying this ordinance will be punished according to their respective situations, exclusive of the penalty of £5 for each offence.

And it is to be observed that bread baked for any merchant vessel is to be made of half Indian corn, and half wheat meal, sifted as above.

Bakers of any description disobeying or neglecting any part of this ordinance will, on conviction, have their ovens taken down, and be fined in the penalty of £5 for each offence. This ordinance to be in full force from and after the 11th instant.

10th May, 1801.

As storekeepers at Parramatta have yesterday, through obstinacy and neglect, issued the full ration of meat, the Commissary is directed to purchase a quantity equal to the excess and charge it to their respective wages; and it is to be understood that where the public interest suffers by the misconduct of those who have charge of the stores, &c., the loss will be made good out of their respective salaries.

11th May, 1801.

Whereas William Knight and James Warwick, have by regular form been outlawed, and are supposed to associate and commit violent acts of depredation, in conjunction with the natives, on the public, the Governor is pleased to offer a reward of thirty gallons of spirits

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1801.

21 Aug.
Orders re Penalties for smuggling.

Inspection of bakeries.

Receipt of maize into the stores.

Baking.

Boats at night time.

Hours of public labour.

Penalty of illegal baking.

Experiment in baking.

The only regulation that can at present be adopted respecting bread, until the mills can supply a quantity of meal, is the quality and its weight. As the ordinance of the 8th is fully sufficient to regulate the quantity, no other loaves are to be baked than those weighing when new two pounds and one ounce, and when a day old two pounds.

No boats are to be rowing about the harbour after eight o'clock at night, and if any boats are found near the South Head, or any other part of the harbour after that hour, the boats will be confiscated to the public use, and the people in her to be confined, and will be dealt with as vagabonds.

Owing to the shortness of the days the following alteration is to take place in the public labour, until further orders, viz: to be at work at 7 o'clock in the morning, and to work until half-past two, at which times the bell will ring.

In consequence of the Orders of the 8th inst. and of yesterday, a baker’s oven has been taken down, and the fine paid, for selling a loaf that ought to have weighed 2 lb., short of weight six ounces. This notice is intended to convince every description that the Governor is determined on having his orders enforced.

At daylight the Deputy Commissary and the Quartermaster of the New South Wales Corps will receive 14 lb. of meal from Mr. Palmer’s mill, and the same quantity ground by a handmill from the store wheat; out of each they will see that 3 lb. of bran is taken, then kneaded by two bakers chosen from among those who may attend the experiment, one by each officer. The leaven is to be set in the store, and after sufficiently raised it is to be made into 2-lb. loaves, under the inspection of the above officers, who will see it put into an oven, over which a centinel and a constable is to be placed until it is drawn, then each sort is to be weighed, both when it comes out of the oven, and when it is cold.
19th May, 1801.

It having been proved by the report of the officers ordered to make the trial, as directed by the Order of the 17th, that fourteen pounds of bread can be made from fourteen pounds of wheat after 3 lb. of bran is taken out; and a meeting of the Acting-Lieut. Governor and Magistrates having decided that 3 lb. of wheat given to the baker is a sufficient allowance for a loaf of 2 lb., as by regulated Orders of the 8th and 14th instants, it is to be understood that until wheat can be furnished the bakers, not more than 3 lb. of wheat can be demanded for a 2 lb. loaf.

26th May, 1801.

William Sully, Eliz. Fitzgerald, and Sarah Randall, being convicted before the magistrates of purchasing and selling for spirits the provision issued from the stores to the two children of Eliz. Fitzgerald, are punished by imprisonment and hard labour. As this is a crime the Governor is determined never to pardon or overlook, it is hoped that this example will prevent the repetition of a practice so injurious to the means of existence, and productive of robberies on private property.

29th May, 1801.

Thursday next, being the anniversary of His Majesty's birth, will be observed as a holy day. The present Union* will be hoisted at sunrise. At 4 before nine the New South Wales Corps and Association to be under arms, when the Royal Proclamation for the Union between Great Britain and Ireland will be publicly read by the Provost-Marshal, and on the new Union flag being displayed at Dawes's Point, and on board His Majesty's armed vessel Lady Nelson, the military will fire three rounds, which the batteries will take up, beginning at the main guard, Bennalong and Dawes's Points, at the Windmill Hills, and at the barracks. When finished, His Majesty's armed vessel Lady Nelson will fire 21 guns, man ship, and cheer. At noon, the salute will be repeated from the batteries. New South Wales Corps and Association will fire three rounds, and at one o'clock the Lady Nelson will fire 21 guns, in honor of His Majesty's birthday.

The Governor will be ready to receive the compliments of the officers, civil and military, on those happy occasions at 3 past one o'clock.

The Commissary is directed to issue one pound of fresh beef in addition to the ration to those victualled from His Majesty's stores on that day.

Every person, civil and military, to whom the labour of prisoners victualled from public stores is assigned, are to deliver in lists to Captain McKellar, on or before Friday, the 5th of June; and as the Governor has received a repeated Instruction on no account to allow of any person who does not labour for the public benefit receiving rations for any prisoners (except the allowance of two to each commissioned officer of the military, and to each officer of the civil establishment), he is under the necessity of discontinuing that indulgence to the sergeants of the New South Wales Corps.

His Majesty having taken into his most gracious consideration the inconveniences that the inhabitants of this colony have in general laboured under from the excessive prices demanded by

* Note 85.
adventurers and retailers for articles of necessary use, and the better to enable them to raise grain at a cheap rate, has been pleased to direct a considerable quantity of articles for common consumption to be shipped on board the Earl Cornwallis, which is shortly expected, and to be disposed of by the Commissary in exchange for grain and animal food supplied the public stores, at the advance of 30 per cent. on perishable articles, and 20 per cent. on unperishable articles, to indemnify the public for freight, losses, and issuing in small quantities. A list of the articles will be published on Monday next, to prevent the inhabitants from making any purchases at an extravagant rate.

The Commissary is directed to stop one pound of salt beef in the stores for one pound of fresh beef that will be issued on Sunday to those victualled; women and children in proportion.

1st June, 1801.

Every person in and about Sydney who can spare wheat and maize for the public use are to give an account thereof any morning this week, between nine and twelve o'clock, to the secretary's office, that orders may be made out accordingly.

The district constables are ordered to collect information within their respective districts respecting the quantity of grain in possession of individuals, and the quantity they can give into the stores.

Application to be made for orders to put maize or wheat into the stores on Fridays between nine and twelve o'clock.

It having been represented to the Governor that several settlers and others who have been allowed to take prisoners off the stores have abused that indulgence by receiving payment from the prisoners to allow them to be on their own hands, or have let such prisoners out for hire, if any person cannot support or employ the prisoners they have taken off the stores they are to be returned to Government labour before next Monday, the 8th instant; and if any person is detected in letting out a prisoner to hire, or allowing him to be on his own hands, they will, on conviction before a magistrate, be fined in the sum of two shillings and sixpence for each day such prisoner has been assigned to them.

Serjeant-Major Jamieson and Sergeant Flemming are ordered to inspect into the police of George's River settlements and the watchmen in the military district at Sydney, and make weekly reports thereof to the Acting Lieut.-Gov'r, for which duty they are allowed the labour of one prisoner each.

2nd June, 1801.

[This order was forwarded in Enclosure No. 2 to the despatch, numbered 4, and dated 21st August, 1801, from Acting-Governor King to the Duke of Portland.]

8th June, 1801.

The Commissary having represented that Several of the Debts due to Government in Mr. Williamson's time as well as since his departure, remain unpaid, Summonses and Writs will be taken out by the Commissary when the Civil Court meets for the recovery of those Debts that are then unpaid.
9th June, 1801.

As the Service will admit of Lieut.-Colonel Paterson and Mr. John Harris, of the New South Wales Corps, being absent for a short time from head-quarters, and these gentlemen having expressed a wish to accompany Lieut. Grant in the Lady Nelson, going to survey and examine Hunter's River, the Governor is much gratified with the public advantage likely to result from their joint directions.

10th June, 1801.

The absence of Lieut.-Colonel Paterson requiring the presence of the officer in command at headquarters, Captain Piper will take the command of the detachment at Parramatta till further orders.

The Judge-Advocate, Commanding Officer of the Regiment, Messrs. Balmain and Marsden, Magistrates, are requested to attend the Governor, at Government House, to consider the expediency of reducing the consumption of food, to guard against too great a want before the next harvest, or until supplies of salt meat may arrive.

11th June, 1801.

The Governor is instructed to cause the following Orders and Regulations to be observed and enforced:—

The grants and leases of all buildings erected at the expense of the public in this colony are to revert to the Crown; also the grants and leases of all grounds allotted by Governor Phillip for public purposes; but the Governor for the time being may allow those to whom such buildings have been leased (and are not immediately wanted for the purposes they are erected) to occupy them during his pleasure. The same regulation is to be observed respecting the Crown lands (marked out as such by Governor Phillip), for the occupation of which (if not wanted for public purposes) leases may be given not exceeding the term of five years.

The following regulations are made respecting the convicts sent to this colony, viz.:

The convicts being the servants of the Crown during their term of transportation, their labour is to be invariably appropriated to the public benefit, and reducing the heavy expences of the colony. Convicts whose labour the Governor may assign the creditable inhabitants, who can employ them to advantage, either in cultivation or in necessary occupations, are to be of no expence whatever to the public.

The Governor for the time being is allowed such a number of convicts victualled from the stores as he may judge proper for his domestic purposes.

Commanding officers of troops stationed in the colony to have six convicts.

Civil and military officers commissioned and on the establishment, two convicts each.

Officers doing duty as Magistrates, two convicts each.

Freemen in places of trust, and also have no salary on the establishment such allowance assigned and labour as the Governor for the time being may judge proper.

Not more than the labour of one female convict victualled from the store to be allowed each officer's wife.
No other women than the wives of civil and military officers, and soldiers (who have never been convicts), are to be allowed a ration.

The list of articles and their prices sent by Government for the accommodation of the inhabitants being arrived by the Earl Cornwallis, that list will be published on the goods being landed.

12th June, 1801.

The Governor is much gratified that, notwithstanding the repeated inundations that have happened at the principal agricultural settlements, and failure of other crops belonging to individuals (which has destroyed a great quantity of grain), and the reduced state of the salt provisions, whereby it was expected that he would be under the necessity of reducing the established ration one half, yet he is happy to find, on a minute investigation of the grain now in the King's stores, that still in the grounds and the stacks belonging to Government, also the quantities offered by individuals, together with the additional quantity of salt meat brought by the Earl Cornwallis, that (notwithstanding the addition of 272 people arrived by that ship) it is in his power to fix the rations of all species except sugar to two-thirds of the full ration until next harvest, or that further supplies of salt provisions may arrive. The following ration is therefore to be issued till further orders, viz.:—

Wheat—Six pounds.
Maize—Four pounds and a half, shelled.
" Six pounds and three quarters, in cob.
Beef—4 lb. 10 oz.; or,
Pork—2 lb. 10 oz.
Sugar—Six ounces.

As this calculation and ration is fixed on the faith of those who have offered the quantities given in to the Governor, they are not to fail delivering the quantities of grain they have offered into the stores immediately. Applications for orders to be made at the Secretary's office, at Sydney; the Rev. Mr. Marsden's, at Parramatta; and Charles Grimes, Esq., at Hawkesbury, every morning between 9 and 10 o'clock.

20th June, 1801.

Notwithstanding the repeated orders against slop clothing being sold by those it is issued to, either as a prisoner or exchanged with settlers for grain supplied the stores at a very small advance on the English cost, yet this indulgence continues to be made use of by the settler for the purpose of extortion, charging, among other things, 20s. for a jacket which only cost them 8s. 9d. from the stores, which has been fully proved in the case of Job Miller, settler, and John Taylor, who has been fined two months' hard labor and the jacket returned to the stores.

The settlers and other individuals, who are allowed to purchase any article from the King's stores for the use of their families, retailing it out again, will forfeit every other indulgence of that kind. And if any persons still presume to purchase any article of slop clothing, which consist of rug, jacket, shirt, trowsers, hat, frock, shoes or stockings, from any prisoner, settler, or any other person, they will be punished by forfeiting the article purchased. And if a prisoner either makes the purchase or sells the article, he
KING TO JOHN KING. 257

will be severely punished and work six months in the battery gang. And if any free person whatsoever disobeys this order, they will, on conviction before two magistrates, be fined treble the worth of the article, and be ever after deprived of receiving any articles from the stores.

And every individual will recollect that the great attention shown by His Majesty's Ministers (in this awful time of general distress in the mother country) to the convenience of the inhabitants in this colony for enabling them to procure the necessaries of life at a cheap rate, must not, and shall not, be perverted to the improper purposes of monopoly and extortion.

A general muster of all the male prisoners off and on the stores, also free men of all descriptions (except those who hold ground by grant, lease, or renting), on or off the stores, will be taken at Hawkesbury, Parramatta, and Sydney on Thursday, the first of July, at eight o'clock in the morning.

Those at Sydney and its districts are to assemble at the yard of the Orphan House.

Those at Parramatta, George's River, and its districts at the Court-house, Parramatta.

And those at Hawkesbury and its neighbourhood at the Government House there.

The women prisoners and those who are free, of all descriptions, with their children, whether on or off the stores, are to be present at the above places on Monday, 5th July.

The settlers of all descriptions will be mustered as soon after as possible, notice of which will be given.

Any persons not appearing at those musters will be taken up as vagrants and punished to the utmost extent of the law, if free; if a prisoner, they will be sentenced [to] twelve months confinement in the battery gang. And any attempt to impose false accounts of any person, absent or present, will be punished accordingly.

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23rd June, 1801.

[This order was also forwarded in Enclosure No. 4 to the despatch, numbered 4 and dated 21st August, 1801, from Acting-Governor King to the Duke of Portland.]

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3rd July, 1801.

The Governor judging it necessary for the public interest to declare the coals and timber which are to be procured at Hunter's River, to be the exclusive property of the Crown, and having thought fit to establish a port at Freshwater Bay, within that view, he strictly forbids any boat or vessel going there for coal, timber, or any other purpose, without obtaining a special license from the Governor's Secretary, stating the purpose of such voyage (that license he is to produce to the person in command there); and to enter into recognizances, themselves in £50, and two securities in £25 each, for the due performance of the following regulations, viz.: —

To use one kind of basket, weighing one hundred weight, to measure the coals into and out of the vessel; to take a regular clearance from the Naval Officer; to enter the vessel with the person in command at the river, and to give him a daily account of the coals taken on board; to receive a certificate from the person in command previous to leaving the river; not to behave riotously or
HISTORICAL RECORDS OF AUSTRALIA.

1801.
21 Aug.
Orders re 

Fees for 
coal-mining.

Receipt of 
grain and 
animal food 
into the 
public stores.

troublesome to the guard or people stationed at the river; on arriving at this port to declare (on oath if necessary) the quality of coals, timber, or other articles they have on board; and, previous to hoisting the admission flag, security is to be given for the payment of the King's dues and fees, as hereafter stated.

Dues and Fees.

License from the Governor's Secretary to go for coals, &c. ................................. 0 5 0
Harbour dues for Orphan Fund, as established 15th October, 1800. .......................... 0 2 6
Entrance in the rivers to the person in command there 0 2 6
Ditto for clearance certificate 0 2 6

The King's Dues.

For each ton of coals for house consumption to be paid the Naval Officer ...................... 0 2 6
For each ton exported from the River or from hence 0 5 0
For every thousand feet square of timber for home consumption .............................. 1 0 0
For every ditto, for exportation 2 0 0
Metage, per ton, on coals ............................. 0 1 0
Measure of timber, per thousand 0 2 0

7th July, 1801.
The civil officers in command at Parramatta and Hawkesbury will receive the Governor's directions weekly what grain or animal food is to be received into the stores from individuals, which order they will communicate to the storekeepers, who will give the parties a receipt (which they will receive from the officers in command, who are furnished with blank cheque and numbered receipts for that purpose), expressing the quantity of grain or animal food in words, and on what specific account it is received—whether for purchase or payment of articles from any ship, the public stores, or to be paid for, etc.—which particulars they will inform the Governor and Commissary of every Monday, by transmitting a return, the form of which they are furnished with.

The officers in command will also furnish the Governor with a weekly list of the numbers of the receipts they have given out, and for what purpose.

No grain purchased or received from individuals is to be received into the store on any other days than Fridays; and then to be measured in the presence of a respectable witness.

Should the storekeepers' returns be one week in arrear, they will answer for it at their peril, as well as for every other misconduct herein.

No written receipt for grain or animal food given in to the stores since the 30th of June is valid; and every person lodging grain in the stores is to take a proper printed receipt from the storekeeper for all grain, &c., already given in, and to be given in after that date.

14th July, 1801.
The Governor directs that vouchers for payment of grain, &c., purchased from individuals for the public use, be made up and finally.
settled once a quarter, viz.—on the 1st of January, 31st of March, 30th of June, and 30th of September. And every person in the colony will take notice that neither the Governor nor the Commissary are at all responsible for any payment after those dates for the preceding quarter, which payments are to be made by bills on His Majesty's Treasury (for not less than one hundred pounds sterling) in copper money, or articles from the public stores. To those who prefer copper money, payment will be made on producing to the Commissary the storekeeper's printed and chequed receipts, subscribed by the Governor; or such articles from the public stores as the Governor may approve of, will be delivered on producing the receipts as above.

For the fourth time the inhabitants are informed that no applications for any articles whatever from the public stores will be received on any other days than Mondays; and applications respecting the victualling store, and those who are supported from it, on no other days than Fridays. The hours of attendance at the Secretary's and Commissary's office on these days will be from eight till one o'clock.

A muster of the settlers in and about Hawkesbury will be taken by the Governor on Friday, the 17th inst., at 8 o'clock in the morning, when every person cultivating ground, together with those who hold land by grant or lease, either in their own right, by purchase, assignment, or otherwise, are directed to attend with such grants at the Government House there. In failure, whereof the deeds that are not produced will be cancelled, and the allotments revert to the Crown.

18th July, 1801.

Several landholders having neglected to comply with the General Orders of the 14th instant, respecting the muster at the Hawkesbury, they are to appear at the Secretary's office, on Wednesday morning, the 22nd instant. In failure whereof, proper steps will be taken.

22nd July, 1801.

A muster of all the settlers and landholders in the neighbourhood of Sydney, George's River, Concord, Kissing Point, Liberty Plains, &c., will be taken at Sydney on Saturday, the 25th inst., at eight o'clock in the morning, when every person cultivating ground, together with those who hold land by grant or lease, either in their own right, by purchase, assignment, or otherwise, are directed to attend with such grants at the Secretary's office. In failure whereof, the deeds that are not produced will be cancelled, and the allotments revert to the Crown.

A neglect being noticed in some individuals not appearing, the grants and leases held by non-attendants will revert to the Crown by proclamation, on Monday next, at twelve o'clock.

27th July, 1801.

All grants and leases of lands, houses, and tenements within this colony, that have not been accounted for, as required by the General Order of the 14th inst., and repeated the 18th and 22nd inst., will revert to the Crown, by the register of those deeds being respectively erased in the Register Book.*

* Note 86.
Wm. Balmain, Esq., principal surgeon, having the Governor's consent to avail himself of the Secretary of State's leave of absence, and being about to embark for England in the Albion whaler, Mr. James Thompson, first surgeon's assistant, will, on Mr. Balmain's departure, take that officer's duty in his absence, and Mr. D. Wentworth will take the duty of assistant surgeon at Parramatta.

In consequence of Captain Balmain (Commandant of the Sydney and Parramatta Association) going Home, and the necessity of Captain Thompson's (Captain of the Parramatta Association) removal from Parramatta, and Lieut. Palmer's resignation, the Governor, however anxious he is in applauding the good conduct of these officers and the inhabitants they have trained and disciplined in a manner that does them the greatest credit, yet, not having a sufficient number of officers on the civil department to appoint to those commands without being a hindrance to their professional duties, is therefore under the necessity of directing the associations to be disembodied,* previous to which Captain Balmain will inform them of the Governor's approbation of their general good conduct and attention, and that should any future cause call their services forth, he will be equally sure of their standing forward as he is now convinced of their loyalty and zeal.

John Harris, Esq., surgeon of the New South Wales Corps, is appointed Naval Officer in the room of Wm. Balmain, Esq.

Capt. McArthur will this day relieve Captain Piper at Parramatta.

God Save the King.

4th August, 1801.

[This order was also forwarded as Enclosure No. 9 to the despatch numbered 4, and dated 21st August, 1801, from Acting-Governor King to the Duke of Portland.]

6th August, 1801.

Every person victualled by Govt. is strictly required to attend personally at the stores of the different settlements where they are victualled, except the civil and military, and such domestic servants as are kept by the different officers—lists of whose names are to be sent to the Deputy-Commissary or storekeeper previous to the issue of provisions on Saturday next.

8th August, 1801.

From the litigious disputes occasioned by the arts used by the prisoners and others to evade or attend to Governor Hunter's Order of the 4th October, 1798, as it suits their interest, the Governor strictly forbids any person who has the charge of public affairs in any part of the colony to suffer prisoners under sentence of the law to be taken from the place where they inhabit, on a summons or writ for debt; and the members of the present and future Civil Courts of Judicature are hereby enjoined to pay a due obedience to the above Orders.

11th August, 1801.

Tomorrow, being the Anniversary of His Royal Highness the Prince of Wales's Birthday, the New South Wales Corps will fire three rounds at Noon.

* Note 52.


**Index to General Orders**

Material of those Issued from Head Quarters in His Majesty’s Territory of New South Wales from the 25th day of September 1800 until the 30th June 1801.

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* Note 84.  † Note 87.
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[Enclosure No. 3.]

**JUDGE-ADVOCATE ATKINS TO ACTING-GOVERNOR KING.**

19th August, 1801.

In consequence of some recent circumstances that have taken place on the trial of Lieut’t Marshall, and feeling the delicacy of my situation as Judge-Advocate, I beg leave to submit the following observations to your Excellency’s consideration.

It most probably may have escaped the observation of those persons who have not perused, or are ignorant of, the charter of this colony (under which the Court of Criminal Judicature is established), respecting the duty and power of the Judge-Advocate, who sits as presiding member of that court, upon whom it
may appear more responsibility attaches, as a law officer, than really belongs to his office. His duty I conceive to be simply that of pointing out, or separating, the law from the fact; but he has only a single voice in the court, and it has happened, and will probably happen again, that the opinions of six members may coincide, and give judgement on a case contrary to the decisive and avowed opinion of the Judge-Advocate, which judgement is binding, and may go into the world apparently with the sanction of the Judge-Advocate's voice, when in fact it may be directly the reverse of his opinion. It is further observable that the Judge-Advocate has no absolute power to check or control any illegality in point of law, or any informality in respect to the proceedings of the court, except by a formal protest. and your Excellency will readily observe what that would lead to was it often put in practice. It would create a constant opposition to the Judge-Advocate's opinion, on the supposition that he might wish to control the members in the free operation of their judgement.

In collecting the sense of the members individually, the junior member gives his opinion first, and from him it passes to the next, and finally to the Judge-Advocate, whose voice is of no greater weight than that of any other individual member acting from his own judgement on the case, and that he has no power of directing or influencing that judgement.

Yours, &c,
RICH'D ATKINS,
Judge-Advocate.

ACTING-GOVERNOR KING TO SECRETARY NEPEAN.
(Per whaler Albion.)
Sydney, New South Wales,
August 21st, 1801.

With this I have the Honor of forwarding, the Duplicate of my Letter, respecting the Employment of the Lady Nelson, and its Inclosures, in which you will observe that Vessel, sailed in March; But I am sorry to say, the bad Weather at that Season, prevented the accomplishment of the Orders she sailed under, Further than Ascertaining Western Port in Basses Straits to be a Safe and Commodious Harbour, which from its Central Situation in that Passage and being capable of Sheltering Vessels of any Burthen, will, hereafter be of great Utility to Vessels meeting with foul Winds in the passage thro' these Straits. Lieut. Grant, and the Officers who were with him give a most advantageous Account of the excellence of the Soil and the great abundance of Seals in its Neighbourhood.
I also transmit thro’ His Majesty’s Principal Secretary of State a Copy* of Lt. Grants Passage thro’ the Straits on his Passage hither from the Cape No. 1 Mr. Black’s Passage thro’ in the Harbinger No. 2 and the Margarets No. 3; Together with Ensign Barrallier’s Survey in the Lady Nelson of Western Port and the connection of the Coast, between it and Wilsons Promontory No. 4, which was all the Bad Weather would allow Lt. Grant to examine; he returned here 15th May.

You will also receive a Chart and Narratives of an examination and survey of the Coal Harbour and Hunters River, about seventy miles to the Northward of this place. Since the Lady Nelson’s return from that Service, she has been refitting to execute the Orders she first sailed under.

Judging it Expedient to try whether supplies of Salt Pork might be got from the Society Islands, I have the Honor to enclose a Copy of my Instructions to the Commander of His Majestys Armed Vessel Porpoise to perform that Service which I hope meets their Lordships’ Approbation.

The Porpoises last Weekly Account, before she sailed I enclose And have the Honor etc.

PHILIP GIDLEY KING.

[Enclosure No. 1.]

[A copy of the instructions to the Commander, H.M.S. Porpoise, was also forwarded as the first part of Enclosure No. 6 to the general despatch No. 4 from Acting-Governor King to the Duke of Portland, dated 21st August, 1801.]

[Enclosure No. 2.]

[A copy of the weekly accounts of H.M.S. Porpoise has not yet been found.]

ACTING-GOVERNOR KING TO TRANSPORT COMMISSIONERS.

(Per whaler Albion.)

Gentlemen,

Sydney, N. S. Wales, 21st August, 1801.

By the way of India I had the honor of writing you, a duplicate copy of which accompanies this. The Earl Cornwallis arrived here the 10th June. By that ship I received your letters and their several enclosures, together with the stores, provisions, and passengers, the Commissary’s receipt for all which I enclose. The difference between the number of prisoners sent on board and landed here the master accounts for by their having died of the dysentry during the voyage. Many of those landed are extremely weak and feeble. No complaint has been made of improper treatment during the voyage, and what is very extraordinary no complaint has been made by the agent or master of

* Note 64.
any very bad behaviour of any of the prisoners during the voyage. On the contrary they both speak to their advantage. I am sorry to observe that Lieut. Crawford, of the New South Wales Corps, was drowned at Rio de Janeiro. The ship was cleared within the time allowed; therefore no demurrage has taken place.

Among the stores received by the Royal Admiral many deficiencies and totally damaged articles have been discovered, the exact number of which cannot be ascertained until the whole are issued, particularly the shoes, as many of the casks are deficient ten and twenty pair. The casks do not appear to have been opened or touched on the passage.

As I have made a request for more articles being sent out here to exchange with the settlers for grain and animal food, I have recommended those articles that are liable to be damaged by leaks and chafe to be put in packing cases or casks as some of the bales, &c., by the Earl Cornwallis are damaged by these causes. I have also sent a pattern hoe, as those sent out by the Cornwallis are not of much use.

A case of vitriol was received from the Cornwallis which the master can give no other account of than that he received it from your office.

Agreeable to your wish I engaged a passage for Lieut. Marshall in the Albion, South Sea whaler, for the sum of eighty-four pounds, but unfortunately between the time of my engaging his passage and that ship's departure he involved himself in a disagreeable situation, which brought on him the sentence of a Criminal Court of Judicature on one indictment to pay a fine of £50 to the King and suffer one year's imprisonment; and on the other indictment a special verdict was found. From some alleged illegal proceedings of the Court, and other circumstances, I have granted him a conditional remission of the sentences expressed in the instrument which I have directed him to communicate to your Board.

I have directed Lieut. Grant to send duplicates of his correspondence respecting the Lady Nelson.

I have, &c.,

PHILIP GIDLEY KING.

Acting-Governor King to Sir S. Cottrell.

(Despatch per whaler Albion.)

Sir,

Sydney, N. S. Wales, Aug. 21st, 1801.

With this I have the Honor to forward the Entries Inwards and Clearances Outwards of Vessels into this Port, from Sept. 28th 1800 to June 20th 1801. I have, &c.,

PHILIP GIDLEY KING.
1801.
21 Aug.

Returns of
the N.S.W.
Corps.

22 Aug.

Return of
pardons
granted.

[Enclosure.]

[The returns of shipping were duplicates of Enclosure No. 1
to the general despatch No. 4 from Acting-Governor King to the
Duke of Portland.]

ACTING-GOVERNOR KING TO THE SECRETARY AT WAR.
(Despatch per whaler Albion; acknowledged by Secretary Lewis,
1st May, 1802.)

Sir,
Sydney, N. S. Wales, Augt. 21st, 1801.

I have the honor to enclose the Monthly returns of His
Majesty's New South Wales Corps from November 1800 to
July 1801.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure.]

[A copy of this return has not yet been found.*]

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.
(Per whaler Albion; acknowledged by Lord Hobart, 29th August,
1802.)

My Lord,
Sydney, New South Wales, Augt. 22nd, 1801.

With this I have the Honor to transmit Counterparts of
such Absolute Pardons as have been Granted by me, in the
Colony, for the Reasons therein Specified, which I hope, will
meet your Grace's Approbation. I have, &c.,

PHILIP GIDLEY KING.

[Enclosures.]

[The counterparts of pardons were sixteen in number, issued
from 16th October, 1800, to 21st August, 1801. Of those par­
doned, four men were for good conduct, the warrant being issued
on the King's birthday, 1801, and five men and one woman for a
similar reason on other days; one woman was pardoned on the
6th December, 1800, because her time was thought to be expired,
as the list of convicts per the Lady Juliana, in which she had
travelled, was lost; one man for giving information about a con­
spiracy at Norfolk Island; two for ten years' service at Norfolk
Island, as cooper and boat-builder respectively; and two to enable
them to accompany their masters, Lieut. Braithwaite and Surgeon
Balmain, to England.]

ACTING-GOVERNOR KING TO SECRETARY NEPEAN.
(Per whaler Albion; acknowledged by Secretary Nepean, 5th May,
1802.)

Sir,
Sydney, New South Wales, 22nd August, 1801.

With this I have the honor to transmit the order and
examination of Mr. John Murray, late master's mate on board
His Majesty's armed vessel Porpoise, and now mate on board His

* Note 89.
Majesty's armed surveying vessel Lady Nelson, where he is a very active and deserving young man, and as such I hope there will be no impropriety in my recommending him to their Lordship's notice.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure.]

In pursuance of the directions of Sir Roger Curtis, Bart., Vice-Admiral of the White, and Commander-in-Chief of His Majesty's ships and vessels employed and to be employed at the Cape of Good Hope and the seas adjacent, dated the 8th July, 1800.

We have examined Mr. John Murray, who appears to be more than twenty-one years of age, and has been at sea more than six years in the ships and qualities undermentioned, viz.:

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<th>Entry</th>
<th>Quality</th>
<th>Discharge</th>
<th>Y.</th>
<th>M.</th>
<th>W.</th>
<th>D.</th>
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<td>Duke</td>
<td>9 June, 1789</td>
<td>Able seaman</td>
<td>2 Dec., 1789</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td></td>
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<td>Polyphemus</td>
<td>10 Oct., 1794</td>
<td>Midshipman</td>
<td>7 May, 1797</td>
<td>2</td>
<td>7</td>
<td>2</td>
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<td>Apollo</td>
<td>8 May, 1797</td>
<td>Master</td>
<td>27 Dec., 1797</td>
<td>8</td>
<td>1</td>
<td>3</td>
<td></td>
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<tr>
<td>Blazer</td>
<td>2 Jan., 1798</td>
<td>2nd master and pilot</td>
<td>26 July, 1798</td>
<td>7</td>
<td>1</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Porpoise</td>
<td>7 Oct., 1798</td>
<td>Mate</td>
<td>9 July, 1800</td>
<td>1</td>
<td>9</td>
<td>3</td>
<td>1</td>
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He produceth journals kept by himself in the Polyphemus, Apollo, and Porpoise, and certificates from Captain Lumsdine, Manly, and Scott, of his diligence and sobriety. He can splice knots, reef a sail, work a ship in sailing, and shift his tides, keep a reckoning of the ship's way by plain sailing and Mercator, observe the sun and stars, and find the variation of the compass, and is qualified to do the duty of an able seaman and midshipman.

Given under our hands, on board His Majesty's ship Adamant, in Simon's Bay, Cape of Good Hope, this 9th day of July, 1800.

J. MOTIAM
THOMAS LARCOM
ROGER CURTIS
Captains of Adamant.
His Majesty's ships Lancaster.
Rattlesnake.

ACTING-GOVERNOR KING TO UNDER SECRETARY KING.

(Per whaler Albion; acknowledged by Lord Hobart, 29th August, 1802.)

Sir,

Sydney, N. S. Wales, Augt. 23d, 1801.

1. In addition to my Military Letter No. 3 sent herewith I beg to inform you that Capt. Edwd. Abbott of the New South Wales Corps, who I appointed to act as Engineer and Artillery
268 HISTORICAL RECORDS OF AUSTRALIA.

1801.
23 Aug.

Ensign Barrallier appointed engineer.

26 Aug.

Return to England of Surgeon Balmain.

Passage money of Lieutenant Marshall.

Officer, has this day resigned that situation, without assigning any reason and as it is absolutely necessary, to have some Officer conversant in these Tactics to superintend and direct those works, now carrying on, and that it will be necessary to construct, I have on consulting Lt.-Col. Paterson appointed Ensign Fras. Barrallier to that situation his abilities being fully equal to that Duty.

2. And as it is necessary to attach some pay to that situation, I hope there will be no impropriety, in my requesting that Officer may be allowed ten shillings a day; As I have promised to pay him only five shillings untill I receive further commands thereon. In hopes of receiving his Grace's Instructions on this subject by the next ship. I have, &c.,

PHILIP GIDLEY KING.

ACTING-GOVERNOR KING TO UNDER SECRETARY KING.

(Per whaler Albion.)

Dear Sir,

Sydney, 25th August, 1801.

The person charged with my dispatches is Mr. Wm. Balmain, surgeon of this colony, who avails himself of His Grace's permission to return to England on leave. His long residence in this colony enables him to be possessed of every circumstance respecting it, and in the situation he has been in he has been very useful. Should you wish any information from him I do not doubt he will be ready to give it.

Yours, &c.,

PHILIP GIDLEY KING.

ACTING-GOVERNOR KING TO THE TRANSPORT COMMISSIONERS.

(Per whaler Albion.)

Gentlemen,

Sydney, August 25th, 1801.

I have this day drawn a Sett of Bills on you at 31 days Sight for the Sum of £84 in favor of Captn. Ebor Bunker of the Albion So. Whaler being in Payment for the passage of Lieut. James Marshall Agent to your Board, to England who came here in the Earl Cornwallis. I have, etc.,

PHILIP GIDLEY KING.

ACTING-GOVERNOR KING TO THE TRANSPORT COMMISSIONERS.

(Per whaler Albion.)

Gentlemen,

Sydney, N. S. Wales, Augt. 25th, 1801.

With this I have the Honor to enclose a Receipt for a Sett of Bills, I have this day drawn on you, to pay, Lieut. Marshall's Passage to England on the Albion South Whaler.

I am, etc.,

PHILIP GIDLEY KING.
HOBART TO KING.

[Enclosure.]

Sydney, N. S. Wales, Augt. 25th, 1801.

RECEIVED of His Excellency Governor King, a Sett of Bills of Exchange, on the Commissioners of His Majesty's Transport Board for the Sum of Eighty four Pounds, Sterling being payment for a Passage to England for Lieut. James Marshall, on board the Albion South Whaler.

E. BUNKER.

THE TRANSPORT COMMISSIONERS TO ACTING-GOVERNOR KING.

(Per transports Atlas and Hercules; acknowledged by Governor King, 9th August, 1802.)

Sir, Transport Office, 26th Augst., 1801.

Having in pursuance of directions from His Majesty's Principal Secretary of State for the Home Department, chartered the Ships Atlas and Hercules for the Transportation of 300 Male and 50 Female Convicts from Ireland to New South Wales, and the Vessels being now about to leave the River for Cork; we transmit you herewith, a Copy of the Charter Party for your Information and guidance and are

Sir, etc., etc.,

RUPERT GEORGE.
AMBROSE SERLE.
JN. HUNT.

[Enclosure.]

[Enclosure of the charter party has not yet been found.]

LORD HOBART TO ACTING-GOVERNOR KING.

(Despatch No. 2, per H.M.S. Buffalo; acknowledged by Governor King, 30th October, 1802.)

Sir, Downing Street, 27th August, 1801.

I transmit to you inclosed the copy of a letter from Colonel Brownrigg to Mr. King, transmitting the copy of one written by command of His Royal Highness the Duke of York to Lieut.-Colonel Paterson relative to the arrest of Brevet-Major Johnstone of the New South Wales Corps, and I am to signify to You His Majesty's Pleasure that on the arrival of Major Johnstone in the Settlement, and on your receiving from Lieut.-Colonel Patterson the Communication which He is directed to make to You, You are to state to Major Johnstone the reasons for his not being brought to a Court-Martial as the same will be stated to You by Lieut.-Colonel Paterson as also His Majesty's Pleasure that He should be released from his Arrest, and return to his duty.

I am, &c.,

HOBART.
1801.

27 Aug.

The arrest of Major Johnston.

MAJOR-GENERAL BROWNRIgg TO UNDER SECRETARY KING.

Horse Guards, 29th June, 1801.

Sir,

I am directed by the Commander-in-Chief to acquaint you for the information of the Duke of Portland, in addition to my communication of the 9th Inst. that a Letter which has since been received from Govr. Hunter together with the whole of the Evidence which was taken on Oath, on the Arrest of Brevet-Major Johnston of the New South Wales Corps before a full Bench of Magistrates assembled for that purpose, have been referred for the further consideration of the Judge-Advocate General; from whose report and opinion thereon His Royal Highness is fully satisfied of the inexpediency of bringing Major Johnston to a General Court-Martial; but considers that for the support of Discipline, it is indispensible that Major Johnston should proceed to his Corps in arrest as was first ordered, and His Royal Highness has commanded me to transmit to you, the enclosed Copy of a Letter to Lt.-Col. Paterson, which you will be pleased to communicate to the Duke of Portland, with his Royal Highness's request that His Grace will give such directions to Governor King, as he may judge necessary on the occasion.

I have, &c.,

ROBT. BROWNRIgg.

[Enclosure No. 2.]

MAJOR-GENERAL BROWNRIgg TO LIEUTENANT-COLONEL PATERSON.

Horse Guards, 29th June, 1801.

Sir,

I am directed by the Commander-in-Chief to acquaint you that, since my communication to you of the 9th instant, a letter has been received from Governor Hunter, accompanied by the whole of the evidence which was taken on oath, on the arrest of Brevet-Major Johnston, before a full Bench of Magistrates assembled for that purpose; and the same having been referred, by order of the Commander-in-Chief, for the consideration of the Judge-Advocate General, in addition to the former communication made to him in this case, Sir Charles Morgan has repeated his opinion on the impossibility of Major Johnston being brought to trial in this country on the written evidence produced, or unless the prosecutor and the witnesses, as well in support as in refutation of the charges, are brought here from New South Wales.

Sir Charles Morgan further states that altho' on the first impression of the matter it should seem that Major Johnston should be remanded to New South Wales in order to his being tried there, where the offences whereof he is accused are alleged to have been committed, and where all the witnesses who can speak
to the points in question are to be found, yet, from the representation made by Governor Hunter, it appears that a General Court-Martial properly constituted cannot be had in that country, unless some additional officers should be sent there for that duty, and that one or the other of these measures appear to me indispensably necessary, in order to the obtaining of a judicial decision.

To the foregoing professional report, Sir Charles Morgan has added a confidential opinion that the issue of the trial is not likely to compensate for the inconvenience which must result to the service, as well as to many persons individually, from the adoption of either of the measures above stated; for upon a supposition the most favourable and natural that each of the witnesses when more solemnly and particularly interrogated, should adhere in substance to their respective depositions, Sir Charles is fully persuaded that upon the 1st and principal article of charge, "furnishing spirituous liquors to a soldier on account of his regimental subsistence, contrary to express orders," Major Johnston would be acquitted from want of sufficient evidence; whilst, on the other hand, the prosecutor will appear to have had good cause for preferring the charge on the 2nd article of charge, contempt expressed towards his commanding officer by charging him with an intention to persecute, Sir Charles is inclined to think that Major Johnston will be found to have suffered his feelings, on being charged with so serious a crime, to betray him into some improper expressions thereof; but that in regard to the long, tho' unavoidable duration of his arrest, the sentence of the Court-Martial would not exceed a reprimand. And as to the 3rd charge, which consists of a non-compliance with an order given to Major Johnston, when under an arrest, for the production of the books of his company accounts, to his commanding officer, who in this instance was also his prosecutor, Sir Charles thinks, when it shall be shewn that these books might materially affect the defendant upon his trial, and that altho' he did not deliver them up as directed, he deposited them, sealed up, in the hands of the Governor in order to their being forthcoming when required by a Court-Martial, that little will be made of this instance of disobedience; and should the trial so terminate, Major Johnston will of course continue to be a captain in the New South Wales Corps, in which it is scarcely possible that he and the officers who gave evidence on the part of the prosecutor can serve together consistently with harmony and good order.

The Commander-in-Chief having maturely considered the foregoing circumstances, coincides entirely in opinion with the
1801.
27 Aug.
The arrest of Major Johnston.

Judge-Advocate General that Major Johnston should not be brought to trial either in this country or South Wales; but as the measure of his having been brought for trial to England is entirely disapproved, he is to return to New South Wales in arrest, where, on his arrival, the reasons for his not being brought to a Court-Martial will be communicated to him through the Governor, and His Majesty's pleasure for his being released from his arrest, and return to his duty. I have, &c.,

ROBERT BROWNRIGG.

LORD HOBART TO THE GOVERNORS OF HIS MAJESTY'S COLONIES AND ISLANDS IN NORTH AMERICA AND THE WEST INDIES, N. S. WALES AND NEWFOUNDLAND.

(A circular despatch.)

Sir,

Downing Street, 2nd October, 1801.

I have the satisfaction to acquaint you that preliminaries of peace between His Majesty and the French Republic were signed last night at Lord Hawkesbury's Office in Downing Street, by The Rt. Honble. Lord Hawkesbury, One of His Majesty's Principal Secretaries of State, on the part of His Majesty, and by Mons. Otto, on the part of the French Government.

I am, &c.,

HOBART.

ACTING-GOVERNOR KING TO SECRETARY NEPEAN.

(Per the American ship Hope, vid China.)

Sir,

Sydney, N.S.W., 31st October, 1801.

Lt. James Grant, who brought the Lady Nelson to this colony, has received my permission to return to England agreeable to his request contained in the enclosure. Untill the Investigator arrives I have appointed Mr. Jno. Murray, mate of the Porpoise, to act as Lt. and Commander of the Lady Nelson; and in case Capt'n Flinders should wish to put one of his own officers into that vessel, I shall appoint Mr. Murray to act in that vacancy untill their Lordship's directions are received. I have the honor to enclose Mr. Murray's passing certificate, and hope there will be no impropriety in my respectful recommendation of that young man to their Lordship's notice. It is also necessary I should inform you that I have been induced to give Lt. Grant leave to return on his own application; and had nothing else been requisite than the officer's and seaman's duty for the service the Lady Nelson is engaged, Mr. Grant would have acquitted himself much to my satisfaction.