**STATEMENT of Receipts and Disbursements on Account of the Gaol and Orphan Fund—continued.**

**ORPHAN.**

<table>
<thead>
<tr>
<th>Receipt of Monies for Entrance and Clearance of Ships; 5 per Cent ad valorem on the Produce of Countries to the Eastward of the Cape of Good Hope; Fees, Wharfages, and License Money, appropriated to the Orphan Fund—Collected between the 1st of August, 1801 and 31st of December 1804.</th>
<th>Appropriation of Monies collected from the 1st day of August, 1801 to the 31st day of December, 1804.</th>
</tr>
</thead>
<tbody>
<tr>
<td>By Receipts of the above, between the 1st day of August, 1801, and 31st day of December, 1802</td>
<td>By Monies expended, for the use of the Orphan Institution between the 1st day of August, 1801 and the 31st day of December 1802, as per Vouchers examined and approved by the Committee.</td>
</tr>
<tr>
<td>357 0 10</td>
<td>321 13 0</td>
</tr>
<tr>
<td>By ditto as above, between the 1st day of January, and 31st day of December, 1803</td>
<td>By ditto as above, between the 1st day of January, and 31st day of December, 1803, as per ditto do.</td>
</tr>
<tr>
<td>528 11 7</td>
<td>420 10 0</td>
</tr>
<tr>
<td>By ditto as above, between the 1st day of January and 31st day of December 1804</td>
<td>By ditto as above, between the 1st day of January and 31st day of December, 1804, as per ditto do.</td>
</tr>
<tr>
<td>1009 2 10</td>
<td>271 8 0</td>
</tr>
<tr>
<td>1824 15 4</td>
<td>1013 11 9</td>
</tr>
<tr>
<td>1824 3 10</td>
<td>By 15 per Cent paid Collector on £1894 15 4 ...</td>
</tr>
<tr>
<td>284 4 3</td>
<td>Paid Treasurer on Account of next Year.</td>
</tr>
<tr>
<td>528 7 10</td>
<td>1824 3 10</td>
</tr>
<tr>
<td>70 11 0</td>
<td></td>
</tr>
</tbody>
</table>

**JOHN HARRIS, Collector.**

**SAMUEL MARSDEN, Treasurer.**
**STATEMENT of Receipts and Disbursements on Account of the Gaol and Orphan Fund—continued.**

**ORPHAN—continued.**

<table>
<thead>
<tr>
<th>Receipts of Monies, etc. for the Support of the Female Orphan House at Sydney, in New South Wales, from its Institution in August, 1800, to the 31st day of December, 1804.</th>
<th>Disbursements made by order of the Committee for managing the Orphan Institution from August, 1800, to the 31st day of December, 1804.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received from the Rev. Mr. Johnson, being the remains of former Collections for the use of the Orphans</td>
<td>For building an Addition to the House equal in size to the original Building, a Stone Wall and Fencing, Clothing, Sugar, Leather, and various Articles purchased for the support and maintenance of 52 Female Orphans, Master, Mistresses, and Servants' Salaries for the Orphan House and Farm, Purchase of Sheep and incidental Expenses: examined and approved by the Committee, as per Vouchers</td>
</tr>
<tr>
<td>By Subscriptions and Donations</td>
<td>2260 3 14</td>
</tr>
<tr>
<td>By Monies received for Licences to retail spirituous liquors; Port Duties, Entries and Clearances of Vessels; by a Fee of 6d. on granting a Permit for all spirituous liquors or removed, and 1/4 per cent on Auctions</td>
<td>To Commission allowed Treasurer, 5 per cent on £3810 15 1</td>
</tr>
<tr>
<td>By Duty of 5 per Cent ad valorem on articles imported, the produce of Countries to the East of the Cape of Good Hope</td>
<td>190 10 1</td>
</tr>
<tr>
<td>By fines levied by the Courts of Justice and the Magistrates; by Government Fees on all Grants and Leases, and Money arising from Quit Rents, appropriated to that purpose by Order of the Governor.</td>
<td>2450 13 24</td>
</tr>
<tr>
<td>By the Profits arising from One Year's Sales of Annual Supplies from His Majesty's Stores, as directed by the Right Hon. Lord Hobart</td>
<td>3810 15 1</td>
</tr>
</tbody>
</table>

| 315 6 9 | 1360 1 10 4 |

<table>
<thead>
<tr>
<th>Receipts</th>
<th>Disbursements</th>
</tr>
</thead>
<tbody>
<tr>
<td>617 11 0</td>
<td>2450 13 24</td>
</tr>
<tr>
<td>675 1 14</td>
<td></td>
</tr>
<tr>
<td>946 4 24</td>
<td></td>
</tr>
<tr>
<td>190 10 9</td>
<td></td>
</tr>
<tr>
<td>1035 14 11</td>
<td></td>
</tr>
<tr>
<td>3810 15 1</td>
<td></td>
</tr>
</tbody>
</table>

N.B.—There remains in the Storekeeper's Charge, exclusive of the Remains of Money, Articles for Barter, and to Supply the Children, Servants, etc., to the amount of about £250

N.B.—There has been a yearly average of 50 Orphans Females clothed, educated, and partly maintained since the Institution; of whom Three have been bound Apprentice, and Three married. From the enlargement of the House. Thirty More Orphans are selecting to be placed therein. This Institution is endowed with 13,000 Acres of unbroken Land, and a Farm near Sydney, containing upwards of 600 Acres.

By Order of the Committee,

**Sam. Marsden, Treasurer.**

Sydney, New South Wales, Jan. 1st, 1805.
GOVERNOR KING TO LORD HOBART.

(Despatch No. 18, per ship Lady Barlow; acknowledged by Viscount Castlereagh, 13th July, 1805.)

My Lord,

Sydney, New South Wales, 16th January, 1805.

Acting-Lieutenant Robbins having arrived before the Lady Barlow's departure, enables me to communicate the result of that Officer's researches, by which your Lordship will observe that there is no other Port within the Straits than those already known, viz., Port Dalrymple on the South side, and Port Phillip and Western Port on the North side; And that Western Port is in a great Measure unfit for an Agricultural Settlement, however well adapted its Situation may hereafter be found for the Establishment of a post.

Exclusive of ascertaining these Objects, the exact Situation of the N.W. point of Van Dieman's Land and Cape Albany Otway, the North Cape of the West Entrance of the Straits, is now ascertained, which has hitherto been doubtful, and is very necessary for Vessels coming here through Bass's Straits to be acquainted with. In addition to the Chart of Acting-Lieutenant Robbins's Examination of the N.W. point of Van Dieman's Land and Cape Albany Otway, I have taken the Liberty of sending an open Despatch containing a Letter from me to the Secretary of the Admiralty, enclosing Acting-Lieutenant Robbins's Log and a printed Chart with the above Corrections, which I respectfully submit may be sent to the Admiralty Board for the Inspection of their Hydrographer, Mr. Dalrymple.

The next object of research will be Shoalshaven, between this place and Port Jarvis.* I have, &c.,

PHILIP GIDLEY KING.

[Enclosure.]

[A copy of the report of acting-lieutenant Robbins is not available.]

GOVERNOR KING TO SIR EVAN NEPEAN.

(Per ship Lady Barlow.)

Sydney, New South Wales,

Sir,

Jany. 16th, 1805.

I have the honor to enclose for their Lordships information Acting Lieut: Robbins's Journal and Chart of his proceedings in Executing the Service assigned him by Capt. Kent agreeable to my Orders dated † a copy of which is enclosed in one of my Letters sent by this Conveyance.

As Mr. Robbins was also verbally Instructed if the Wind and the Weather should Permit to ascertain the exact situation of Cape Albany Otway lying at the Western Entrance of Bass's

* Note 82. † Blank in original (see note 83).
Strait and which I was informed from the authority of the French and several of our small Sealers, was placed too far to the Southward and Westward — In addition to the Chart of his Examination of the N.W. Point of Van Dieman’s Land and Cape Albany Otway — I also enclose a Chart with these Corrections which I believe are very exact as they correspond with every other information, except that of Lieut. Grants who first traced that Coast, and from whose Authority the former position of that Cape was fixed — This information I have to request may be communicated to their Lordships Hydrographer; And altho’ the Latitudes of the North and South parts of King’s Island is correct, Yet its position appears considerably too far to the Westward, both from the Observations of Monsr. Baudin as well as other Observers. On that Chart I have also delineated the continuation of the River Derwent and Dalrymple as reported to me by the respective Lieut. Governors.

I have, &c,

PHILIP GIDLEY KING.

[Enclosures.]

Copies of acting-lieutenant Robbins’ journal and charts are not available.

GOVERNOR KING TO UNDER SECRETARY SULLIVAN.*

Sir,

Sydney, New South Wales, February, 1805.

The enclosed are Copies of all the Documents in my possession respecting a representation that may be made against Lieutenant-Governor Collins by a Mr. Hartley, who came in the Ocean. Mr. Hartley takes his passage to England in the Alexander Whaler, as he says, for the purpose of obtaining redress of “British Government” against Governor Collins.

From Colonel Collins’s communications to me contained in the Enclosures, Mr. Hartley’s accusations appear to me so vexatious and unfounded that I should not have troubled you with those Documents, but that the false assertions of the dissatisfied and disappointed may sometimes have their Weight against unasserted Truth and Rectitude.

I have, &c,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

THE MEMORIAL OF J. HARTLEY, SETTLER.

Sydney, Sept. 14th, 1804.

May it please your Excellency,

Permit me to address you on the subject of my complaints against Lieut’g’r Collins, with whom I embarked from England, under such flattering promises as led me to believe that His
Majesty would be justly represented in that new Settlement, when a Commission was read announcing the Name of Lieut’-Gov’r Collins. In this Idea I have been deceived. I have suffered such injury through the conduct, or rather misconduct, of Lieut’-Gov’r Collins as British Government cannot repair was I to receive Two Thousand Pounds.

It is painful to me to address your Excellency as Gov’r-in-Chief when I have to relate such Circumstances as bear testimony to the misconduct of a Lieut’-Governor and a representative of His Majesty in a remote quarter of The Globe, where he was Convinced that his Orders were absolute.

Your Excellency, By Royal Instructions, will undoubtedly determine if or not Lieut’-Governor Collins is subject to your Laws as Governor-in-Chief, or To British Government only. Your determination on this head will regulate and determine my proceedings against Lieut’-Gov’r Collins, who I am bound in justice to myself to prosecute.

From the brevity I have promised to pursue in my communication to Your Excellency I will remark that at Port Philip I had a Comfortable House, Kitchen, Garden, and Well, Boat House, Black Smith’s Shop, Saw Pit, with Considerable Materials to build a Craft, And on that spot I wish’d to remain; but the Lieut’ Gov’r persisted in my removal to The Derwent, by which I have been deprived of a possession equal at least to £500, and which I expect British Government to Remunerate, being the first part of my Charge against Lieut’-Gov’r Collins.

On my arrival at the Derwent it was my first care to fix my residence on the Settlement belonging to Your Excellency, and thereby endeavour to avoid the Government of Lieut’-Gov’r Collins, who shew’d no disposition to promote the Infant Collony to which he was directed; and his unabated Acts of oppression will in a great measure appear from the Remarks made in the enclosed correspondence with him, to which I request Your Excellency’s Attention.

British Government instructed Lieut’-Gov’r Collins That if any situation worthy of my Acceptance offer’d under him I was to have a preference; But partiality led him to appoint Mr. Wm. Collins to the only Vacant Situation under him, how that situation is now filled I am a stranger to.

This Comprises part of the first Charge against Lieut’-Gov’r Collins; and the second part, forming the most extensive Accusation, will appear to Your Excellency from the Retention of my property without the least justifiable pretext; And by the Inventory inclosed your Excellency will no doubt admit that property, and in an infant Colony, to be equal in Value to £500.
The subsequent part of my charge against Lieut.-Govr. Collins will appear from his own Gen'l order to Capt. Bowen prohibiting the Sale of Houses within his province, by which I was compelled to leave two, and a third Commenced upon without the least Compensation, an injury not any ways short of £200.

Your Excellency will no doubt be convinced that necessity Compelled me to adopt speedy measures to leave a Settlement that has no apparent support from its Lieut't-Governor, and Craving shelter under Your Excellency will certainly denote my confidence in you and my distrust in Lieut't-Governor Collins.

Under the existing Circumstances of my Case and the injury I suffered thro' Lieut't-Gov'r Collins, it is almost impossible for me to point out the Method of my future Conduct or my Requisitions of Your Excellency unless that Lieut't-Gov'r Collins is amenable to Your Laws as Governor-in-Chief, by which he will be compelled to Remunerate me for my Losses; I have great hopes under your Government and when you are pleased to determine on my Representation, I will then be able to point out my intended plan of living and the measures I wish to adopt under your Sanction.

Your Excellency will please to observe that from my past Services I have been considered worthy of the indulgence to Reach this Colony under the firm idea that I would be able to better my Circumstance; and that it may appear more evident to Your Excellency how far I was worthy of Public Notice will be seen from Mr. Whitehead's Letter to Capt'n Rayner, and several other Letters from Commissioner Schank, whose Attention was directed to my Interest from a due sense of my Original Services, as has been publicly announced.

I have, &c.,
J. Hartley.

[Enclosure No. 2.]
GOVERNOR KING TO MR. HARTLEY.

Sir, 17th September, 1804.

In answer to yours, with the Enclosure, which I return, except the 1st Page, containing an Inventory of your Tools, I am sorry for the occasion you consider you have to complaint of Lieut.-Gov'r Collins towards you.

I shall transmit him a Copy of your Letter by the first Opportunity, and request his Answer to the various subjects.

Being quite unacquainted with the terms or promises on which you left England, I can only say that any idea of a Craft being Built for you, either at this Place or the Derwent, must be premature, as a Work of that Kind could not be done here without
stopping every Public work of that Kind, Nor could I, without a positive Order from Government at Home, undertake it. The Individuals who own small Vessels here have acquired them by persevering and Industrious habits, which has enabled them to Build and Equip Craft by their own means.

Respecting your House, &c., at Port Philip and Risden Cove, It appears by Lieut.-Gov'r Collins's communications to me that, respecting the first, It was no more than a common disappointment to all, and which all experienced; And respecting the latter, he adds it has been your own fault and Act, As you might have fixed at the Settlement he made at the Derwent on your removal from Port Philip.

Any remunerations being made by me for your Claims of Houses at Port Philip and Risden Cove, under the Circumstances you State, is out of the Question.

Should you wish to become a Free Settler at this place I shall direct a proportion of Land to be located to you for that purpose, with the assistance that is allowed to Free Settlers coming hither, and such other Extensions as Circumstances may admit of.

Or, should you wish to enter on any other pursuit I shall be glad to give you assistance adequate to what you are entitled to as a Free Settler as far as Circumstances will allow of it.

I am, &c,

PHILIP GIDLEY KING.

[Enclosure No. 3.]

MR. HARTLEY TO GOVERNOR KING.

Chapel Row, Sydney, 24th September, 1804.

May it Please Your Excellency—

I have the Honor to Acknowledge the receipt of your Letter dated the 17th, and which came to hand on Saturday at too late an hour to make a reply.

I beg leave to rectify the idea you seem to entertain in my expecting to have a Craft built for me by Government; the contrary is the Case. I only wish’d for permission to build at my own expence, as I applied for to Lieut.-Gov'r Collins, and in every other respect to Emulate the perseverance of those who possess Crafts by their own Industry, as pointed out in Your Excellency's Letter. It may not be unnecessary to remark that it was for this express purpose I purchased the Valuable Tools which Lieut.-Gov. Collins retained, being instructed and master of that branch. And the retention of such tools formed one of my reasons for leaving the Derwent, for without them I could only be compared to a Ship on the Ocean without a Helm, More especially so in an Infant Colony.
However common the disappointment might have been to others by leaveing Port Philip, it was my wish to have remain'd there with the most scanty supplies, convic'd it would have Answered my views; and, in expectation of that indulgence, I went a greater length than any other in my Buildings.

As to my Houses at Risdon, I beg leave to remark That the General Order prohibiting the Sale did not appear untill several others who had Houses there disposed of them, And that such Orders was seemingly Calculated to make me the only Victim. But by the representation I made To Your Excellency as Governor-in-Chief, I had not the temerity to expect you would remunerate me for my Losses under Lieut't-Gov'r Collins, until he first Answered the Charges I had exhibited against him, and untill the Whole had undergone an investigation by your direction, provided that Lieut't-Gov'r Collins is Accountable to you for his Actions; And untill the latter point is determind, I am unable to point out my future views, As I am firmly resolved, if he is not subject to your Laws, to return to England and represent the Whole to British Government.

I have further to remark that I have not exhibited but few of the Charges to which Lieut't-Gov'r Collins subjected himself from his vexatious Conduct towards me, As the enumeration of them might be considered by Your Excellency too troublesome at the present stage of the business; Yet it becomes highly necessary to point out that my injured health has suffered much by his proceedings. I beg leave also to point out that in justice to my family I could not live under the Government of Lieut't-Gov'r Collins, as every part of his Conduct has the most immoral tendency.

It is my duty to acknowledge to Your Excellency that it would have proved fortunate had I first of all reached you, as your Offers are Congenial with My Most Sanguine expectations in the Line to which they are directed.

JN. HARTLEY.

[Enclosure No. 4.]

ACTING-SECRETARY BLAXCELL TO MR. J. HARTLEY.

Sir, 26th September, 1804.

His Excellency the Governor directs me to inform you, in Answer to your Letter to him of the 24th Inst', that the Public Service of this Territory, and the important Trust vested in Lieut't-Gov'r Collins by the King, does not admit of that Officers being required to leave the Settlement under his Government.

I am, &c.,

G. BLAXCELL, Act'g Secretary.
KING TO SULLIVAN.

[Enclosure No. 5.]

GOVERNOR KING TO LIEUTENANT-GOVERNOR COLLINS.

Extract of a Letter from Governor King to Lieut.-Gov'r Collins, dated 30th September, 1804.

I have received the Copy of Mr. Hartley's Letter to you. As I received no instructions whatever respecting Mr. Hartley, I must consequently suppose that every arrangement was made with you previous to your leaving England respecting the assistance to be given those who might be allowed greater advantages than the usual run of free Settlers. Two of that description have lately arrived by the Experiment, who are particularized by a Separate Letter from my Lord Hobart, in consequence of which I granted them the indulgence stated in the Enclosure, in which a comparison is made between them and the general description of Free Settlers from England. In making the request Mr. Hartley has done for assistance to build a Vessel of the dimensions he requires, I conceive he is very ignorant of the difficulty we experience in constructing such Vessels for the public use of the Colony, owing to the want of Mechanics. Very good Vessels are built by Individuals who have been long resident here, and such persons have received the most liberal encouragement and protection in carrying on the Fishery in and about this Coast; but I am sorry to say that it has been absolutely necessary for me to interpose my Authority to prevent Americans from taking up their abode here and monopolizing the Commerce and Fisheries of this place.

Altho' I am possessed of your observations respecting Mr. Hartley's Houses, &c., which I have replied to in the copy of my answer to him, yet if you have any further Observations to make on that head, I shall consider them, and give him such further communication on the subject as I may then deem necessary. But in this case, as in every other circumstance, where an expense for the Public is incurred, I conceive the most regular way will be to liquidate the same within your Government, unless circumstances should occur that you may conceive may require a Communication with me previous to the expense being incurred.

[Enclosure No. 6.]

LIEUTENANT-GOVERNOR COLLINS TO GOVERNOR KING.

Government House, Hobart Town, Van Dieman's Land, 8th December, 1804.

I have had the honor of receiving Your Excellency's Letter of the 30th September, marked "Separate," transmitting for my Information a copy of a correspondence between your Excellency,
as the Governor-in-Chief, and Mr. Hartley, a Person who was permitted by Lord Hobart to proceed as a Settler to Port Phillip.

I should not think it incumbent on me to enter into any Justification of my Conduct towards this Man, as a Public Officer accountable only to His Majesty’s Secretary of State for the Colonies and your Excellency, did I not know that even the ravings of a Madman may sometimes obtain Credit if un answered, and feel a wish to do away whatever evil Impression his Accusations of me may have made upon your Excellency’s mind.

I will, therefore, attempt to convince Your Excellency that his several Letters to you are nothing but a Tissue of Falsehoods by laying before you a succinct reply to his different accusations of me, and by enclosing such Documents as shall corroborate my assertions, beginning by quoting his own Words:—

1st. From the Brevity I have promised to pursue in my Communication to your Excellency, I will remark that at Port Phillip I had a comfortable House, Kitchen Garden, and Well, with considerable Materials to build a Vessel, and upon that Spot I wished to remain; but the Lieutenant-Governor persisted in my removing to the Derwent, by which I have been deprived of a possession equal to at least £500, and which I expect British Government to remunerate, being the first part of my Charge against Lieutenant-Governor Collins.

1st. Upon our Disembarkation at Port Phillip, Mr. Hartley fixed his residence, with the other Settlers, in a Valley to the left of the Encampment, where he pitched a large Tent for himself and his Family, which consisted of a Wife, two Boys, and a German who came out to be employed by him and Mr. Collins as a Smith, but not under any written Engagement, which was expressly prohibited at the Secretary of State’s Office, the Man being informed he was to be considered as a Free Settler as well as Mr. Hartley, and not as his Bond Servant. Under this Tent did Mr. Hartley live until a short Time before our departure, when he removed into a covered place that he had erected for a Storeroom, the sides of which were wattled but not plastered; and the man who made his kitchen assures me it was nothing more than an open circular Hole dug in the Ground, lined with Stone, and raised a foot or two above it. In breaking out Stone for this purpose they found Water, and sinking to the depth of Ten feet, stopped. These, Sir, are Mr. Hartley’s comfortable House, Kitchen, and Well. His Garden might be an Acre, the vegetables and plants of which he took with him on board the Lady Nelson. I am not acquainted with his being possessed of considerable Materials to build a Vessel, but I was informed that he had infinitely more Baggage than what was allowed by the Transport Board to a Settler, a great part of which
2nd. On my Arrival at the Derwent, it was my first care to fix my residence on the Settlement belonging to Your Excellency, and thereby endeavour to avoid the Government of Lieutenant-Governor Collins, who shewed no disposition to promote the Infant Colony to which he was directed; and his unabated acts of oppression will in a great Measure appear from the remarks made in the enclosed Correspondence of 1805. Papers relating to the claims of Hartley.

consisted of Ironwork packed in small cases that were smuggled at different Times into the Ocean, and the Commander of the Lady Nelson was himself surprized at the Weight of several of the Articles which were put on board that Vessel, belonging to this Man. His assertion that I persisted in his coming with me to the Derwent is a Direct and shameful Falsehood. On the 12th Decr. last I received Your Excellency's Opinion respecting my removal from Port Phillip, and on the 16th I assembled all the Settlers in the Valley where I had placed them, and informing them that I should not remain there any longer than the Ship could be got ready to receive me, wished them to make their Election either to stay at Port Phillip, proceed to Port Jackson, or accompany me wherever I might go. They all declared they would go with me, one excepted, Millar, a Shipwright, who said he would go to Port Jackson, there to be employed by Mr. Palmer, the Commissary. I particularly addressed myself to Mr. Hartley, and asked him if he would go with me; he replied, "By all means, Sir; with all my Heart." This Circumstance is within the recollection of the Settlers who would if required testify it upon Oath; nor did Mr. Hartley at any subsequent period state the slightest Hint to me that he wished to remain at Port Phillip. I am certain that if he had, from my knowledge of his troublesome disposition, I should most readily have acquiesced in his views.

2nd. I was rather surprised upon my arrival at Risdon Cove, to find that Mr. Hartley had taken upon himself to disembark from the Lady Nelson, and fix his Tent near the Store-House at the Landing place, without waiting for my arrival or for my Orders to disembark. When I saw him he made some excuse, and expressing a Wish to be suffered to remain there, he remained so long as he chose, unmolested by me. He has made a wish to avoid being under my Government the ostensible reason of his taking up his residence at Risdon Cove, but the Fact was he had some Articles for Sale which he imagined he could get a better price for there than he could if he came with me. This leads me to mention that
with him, to which I request your Excellency's attention.

3rd. British Government instructed Lt.-Governor Collins that if any Situation worthy of my Acceptance offered under him I was to have a preference; but partiality led him to appoint Mr. Wm. Collins to the only vacant Situation under him. How that Situation is now filled I am a Stranger to.

4th. This comprises part of the first Charge against Lt.-Governor Collins, and the second part, forming the most extensive accusation, will ap-

while at Port Phillip he applied to me for leave to retail a small Investment he had brought from England. I consented, on Condition of his not demanding more than 50 p. Cent. on them, which he said was not sufficient to cover his Losses and Expences, and unless he could charge more he would not sell any, but leave the place and go to Port Jackson. That I told him he should have my Permission to do, but I would not admit him to add more than what I have already stated to his Prime Cost. Notwithstanding which he remained at Port Phillip, retailing his Goods privately at 2, 3, and 400 p. Cent., whereby he made a much larger Sum than would be necessary to reimburse his actual Expences for his House, Kitchen, Garden, &c. This may, perhaps, be one of those unabated acts of oppression in me towards him which he complains of, and to which he requests your Excellency's attention.

I understood from Mr. Sullivan that two Gentlemen, lately Masters in the Navy, had obtained permission to proceed to Port Phillip to enter into a Speculation in the Seal Fishery; but I can declare that no instructions of the nature mentioned by Mr. Hartley were given me, since, if there had, I should have thought it necessary to account to Government for my having appointed Mr. Collins and not him to the Office of Harbour-Master, which I have not done. I felt myself perfectly at Liberty to bestow that Office where I chose. The Situation is certainly vacant, but it never shall be filled with my consent by Mr. Hartley.

I enclose for your Excellency's Information on this Article a Copy of a Letter which I received from Mr. Sullivan, and which forms the only written Document I have respecting Mr. Hartley or Mr. Collins, by which it will appear they were not entitled to any privileges beyond what had been heretofore allowed to persons of a Similar Description.

I cannot but suppose, Sir, that Mr. Hartley, when he framed or gave his Instructions for framing those Charges against the Lieutenant-Governor of this Settlement, must have taken it for granted that they would never have been
pear to your Excellency from the retention of my Property without the least justifiable pretext; and by the Inventory enclosed Your Excellency will no doubt admit that property, and in an Infant Colony, to be equal in value to £500.

5th. I beg leave to rectify the Idea you seem to entertain in my expecting to have a Craft built for me by Government; the contrary is the Case. I only wished for permission to build at my own seen by him, or he would not have presumed to have insulted him or Your Excellency with the perusal of such a collection of Falsehoods. He must have very well known that the German (already mentioned) applied to me in the latter end of January last to cause Mr. Hartley to make restitution to him of certain tools, his Property, which he stated were unjustly detained by the said Mr. Hartley from him, and to pay him for work done by him; in consequence of which I directed Captain-Lt. Sladden, the Rev'd Mr. Knopwood, and Mr. Harris to enquire into and determine the said Complaint. Your Excellency, by referring to my General Orders about that Time, will find that I directed these Gentlemen to assemble; and a Copy of their Report to me is enclosed, by which it will appear that the Tools in question were adjudged by them, after a very candid and fair investigation of the complaint and reply, to the German. There were in the Chest some Tools which belonged to Mr. Hartley, and I directed that those should be given to him, and the Chest opened for that purpose in the presence of the German and Mr. Knopwood; but from some circumstance or another the parties never could be or were brought together, and the Tools remain undivided to this Moment.

Mr. Collins, when he left me, undertook to explain any part of this Business which might be mentioned to him. I believe he would have been astonished, as well as myself and the different Officers of this Settlement to whom I have mentioned Mr. Hartley's Letters to your Excellency, at his folly and presumption in bringing forward such Charges and demands for remuneration for his Losses.

I enclose a List of the Tools now in the Chest, distinguishing those which belong to the German from those which are the property of this Man.

5th. When Mr. Hartley applied to me for permission to build a Craft I assured him it was, what Your Excellency well knows, not in my power to grant without a previous application to you. I told him he might construct a Boat, and I believe, tho' I do not assert it as a fact, that he began one. Upon referring to
papers relating to the claims of Hartley.

expence, as I applied for to Lieut't-Gov'r Collins, and in every other respect to emulate the perseverance of those who possess Craft by their own Industry, as pointed out in your Excellency's Letter. It may not be unnecessary to remark that it was for this express purpose I purchased the valuable Tools which Lieutenant-Gov'r Collins retained, being instructed and Master of that Branch, and the retention of such Tools formed one of my reasons for leaving the Derwent, for without them I could only be compared to a Ship on the Ocean without a Helm, more especially so in an infant Colony. However common the disappointment might have been to others by leaving Port Phillip, it was my wish to have remained there with the most scanty Supplies, convinced it would have answered my views; and in expectation of that indulgence, I went a greater length than any other in my Buildings.

6th. As to my Houses at Risdon, I beg leave to remark that the General Order prohibiting the Sale did not appear until several others who had Houses there disposed of them, and that such Order was calculated seemingly to make me the only victim.

7th. I have further to remark that I have not exhibited but few of the Charges which L't-Gov'r Collins subjected himself from his vexatious Con-

6th. If Your Excellency would take the Trouble to refer to my General Orders it will be seen that my prohibition went only to the preventing the Huts at Risdon Cove being injured or taken down; consequently no Order of mine was even seemingly calculated to make this man the only Victim; nor did I ever deem him of sufficient consequence to direct more of my attention towards him than towards others.

7th. In reply to this Article, which I conceive to be more serious than the preceeding, as it accuses me of having by my proceedings injured his Health, I shall observe that from a perusal of this Article Your Excellency would naturally
duct towards me, as the Enumeration of them might be considered by your Excellency too troublesome at the present stage of the Business; yet it becomes highly necessary to point out that my injured Health has suffered much by his proceedings.

I shall there close my reply to Mr. Hartley’s Letters to Your Excellency, which has been unavoidably drawn to a greater length than I could have wished; but I thought it absolutely necessary to say this much in my own justification, though the attack proceeded from such a contemptible Quarter.

I have, &c.,

DAVID COLLINS.

None of the Documents respecting this litigious complaint of Mr. Hartley are sent, until I am certain whether he goes to England as he threatens to prosecute Lt. Govr. Collins.—P.G.K.
SECRETARY MARSDEN TO GOVERNOR KING.

(Per transport William Pitt.)

Sir,

Admiralty Office, 21st Feby., 1805.

I have received and communicated to my Lords Commissioners of the Admiralty your letter of the 14th August last to Sir Evan Nepean enclosing one from Captain Kent of His Majesty's Ship Buffalo with an accompanying Chart of Port St. Vincent as discovered by that Officer; And I have it in Command from their Lordships to express to you their Approval of Captain Kent's exertions and proceedings in the Service on which he is employed.

I am, &c,

WM. MARSDEN.

GOVERNOR KING TO UNDER SECRETARY SULLIVAN.

(Per whaler Alexander.)

Sydney, New South Wales,

26th February, 1805.

Sir,

As nothing particular has occurred here since the Lady Barlow's Departure, and not deeming the present conveyance a safe one, I have deferred forwarding Duplicates of my Official Letters by that Ship, since whose departure I have received further encouraging reports from Colonel Paterson, of the Eligibility of Port Dalrymple, and stating that a small Port,* with a Shoal River running into it, had been fallen in with about Twelve Miles to the Westward of Port Dalrymple. As the Lady Nelson is under Repair, and a Colonial Vessel going with Provisions and Stores, I have sent the Commander of the Lady Nelson to examine the entrance of that Port.

As I am expecting the return of the Investigator from Norfolk Island with a part of the Civil and Military Establishment, &c., I shall despatch her as soon as possible to Port Dalrymple.

We are very quiet and enjoy general good Health.

I have, &c,

PHILIP GIDLEY KING.

By the Policy, South Whaler, that will leave this in April next direct for England, the Duplicates of my Letters by the Lady Barlow will be sent, as well as every other Information together with the Commissary's Accounts for the last year.

P.G.K.

* Note 85.
GOVERNOR KING TO UNDER SECRETARY SULLIVAN.

(Per whaler Alexander.)

Sir, Sydney, New South Wales, 26th February, 1805.

The enclosed under Cover to the Commissioners of His Majesty's Customs contains the necessary Documents for the Shipment of a quantity of Oil and Skins on the Alexander, South Whaler, which were procured within the Limits of this Territory and its Dependencies by British Subjects, and belong to an Individual at this Place. I have, &c.,

PHILIP GIDLEY KING.

[Enclosures.]

[Copies of these papers are not available.]

EARL CAMDEN TO THE GOVERNORS OF SETTLEMENTS ABROAD WHERE COURTS OF VICE-ADJUTIRALITY WERE ESTABLISHED.

(Per transport William Pitt.)

Sir, Downing Street, 7th March, 1805.

Whereas several Spanish Ships and Cargoes, as well as Neutral Ships laden wholly or in part with Spanish Property, have been seized or detained prior to the Order for General Reprisals against Spain bearing date the 11th day of January last, some part of which may have been brought within the Limits of your Government, and as the Ships and Goods being Spanish Property, so seized and detained do of right belong to His Majesty, and have not been granted to the Captors either by His Majesty's Declaration in Council or by His Royal Proclamation; and it being expedient to secure the said Spanish Property, in order that the same may be under His Majesty's directions and control, until His Majesty shall be graciously pleased to grant the same, or some portion thereof, as a reward to the Captors, upon a proper representation of their services in seizing and detaining such Spanish Property, being made by Memorial to His Majesty, to be presented to the Lords Commissioners of His Treasury or until His Majesty shall be pleased otherwise to dispose of the said property, I am therefore commanded to signify to you The King's Pleasure that you should direct His Majesty's Advocate, Procurator General, and all other Officers in the Vice Admiralty Court duly authorized to proceed in Matters of Prize within your Government, to take care of and intervene for His Majesty's Interest in all Ships being Spanish Property, within its Jurisdiction, which shall have been seized and detained, whether at Sea or in Port prior to the said 11th day Jany. 1805 and to move the Judge of such Court to condemn the same as Prize to His Majesty in Right of His Crown;
and when the said Property shall have been condemned, you are to direct the Agents of the Captors, or other proper persons, to sell and dispose of the same, and forthwith to remit the proceeds thereof in Government Bills to the Registrar of the High Court of Admiralty of England, there to remain at His Majesty's future disposal; But if it shall appear to you that such Ships and Goods, or any part thereof, can be more advantageously sold by being sent to England, you are to direct the same to be sent under proper convey, giving advice thereof to His Majesty's Secretary of State, in due time, with all the necessary particulars, in order that Insurances may be made upon the said Property: and in case any property captured as aforesaid should have been already condemned, or otherwise disposed of, in any manner different from the mode herein pointed out, you are forthwith to direct an appeal to be entered from such condemnation and you will desire the Officers of the Vice Admiralty Court, to take such other steps as shall appear to them best calculated to secure His Majesty's Interest therein, at the same time transmitting to me for His Majesty's information a full account of the steps that may have been taken in relation to such Spanish Property.

I have, &c,

CAMDEN.

20 March.

Sir,

Downing Street, 20th March, 1805.

The House of Commons having voted the Sum of £9,225 12s. 6d. for the Civil Establishment of the Settlement of New South Wales from the 1st of January to the 31st of Decr. 1805, I am directed by Lord Camden to enclose for your information a Copy of the Estimate upon which the Grant is founded.

I am, &c,

E. COOKE.

[Enclosure.]

ESTIMATE of the Charge of defraying the Civil Establishment of New South Wales from the 1st of January to the 31st of December, 1805.

Salary of the Governor .................................. £1,000 0 0
Salary of the Lieut' Governor .............................. 250 0 0
Deputy Judge Advocate ................................ 365 0 0
Commissary .......................................................... 365 0 0
Provost Marshall ............................................... 91 5 0
Secretary to the Governor .................................. 91 5 0
For Stationary .................................................... 20 0 0
Clergyman .......................................................... 350 0 0
Do. at Parramatta and Hawkesbury ................. 182 10 0
Surgeon .............................................................. 365 0 0
Estimate of the Charge of defraying the Civil Establishment of New South Wales—continued.

<table>
<thead>
<tr>
<th>Role</th>
<th>Cost</th>
</tr>
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<tbody>
<tr>
<td>One Mate</td>
<td>£182 10 0</td>
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<tr>
<td>Two Mates at £136 17s. 6d. per annum each</td>
<td>273 15 0</td>
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<tr>
<td>Assistant</td>
<td>91 5 0</td>
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<tr>
<td>Surveyor of Lands</td>
<td>182 10 0</td>
</tr>
<tr>
<td>Boat Builder</td>
<td>91 5 0</td>
</tr>
<tr>
<td>Two Dep. Commissaries of Stores £91 5s. p.</td>
<td>182 10 0</td>
</tr>
<tr>
<td>The two additional Clerks to the Commissary at £60 per Annum each</td>
<td>120 0 0</td>
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<tr>
<td>One Superintendant of Convicts</td>
<td>100 0 0</td>
</tr>
<tr>
<td>Two do. of do. at £75 P. Ann. each</td>
<td>150 0 0</td>
</tr>
<tr>
<td>Six do. of do. at £50 P. Ann. each</td>
<td>300 0 0</td>
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<tr>
<td><strong>Norfolk Island.</strong></td>
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<td>Lieut. Governor of Norfolk Island</td>
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<tr>
<td>Deputy Judge Advocate</td>
<td>182 10 0</td>
</tr>
<tr>
<td>Clergyman</td>
<td>182 10 0</td>
</tr>
<tr>
<td>Surgeon</td>
<td>182 10 0</td>
</tr>
<tr>
<td>Deputy Commissary of Stores</td>
<td>91 5 0</td>
</tr>
<tr>
<td>One Storekeeper</td>
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<tr>
<td>Deputy Surveyor of Lands</td>
<td>91 5 0</td>
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<tr>
<td>Three Superintendants of Convicts at £50 Per Annum each</td>
<td>150 0 0</td>
</tr>
<tr>
<td>One Master Carpenter</td>
<td>40 0 0</td>
</tr>
<tr>
<td>One Beach Master and Pilot</td>
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<tr>
<td>Provost Marshall</td>
<td>70 0 0</td>
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<tr>
<td><strong>Port Phillip.</strong></td>
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<td>Lieut. Governor</td>
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<tr>
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<tr>
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<td>Deputy Surveyor</td>
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<td>Mineralogist</td>
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<td>Two Superintendants of Convicts at £50 P. Ann each</td>
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<td>Allowance to Governor Phillip in consideration of his meritorious Services</td>
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<td>Allowance to Governor Hunter in consideration of his long Services</td>
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<td>Allowance to Mr. Alt, late Surveyor Genl, in consideration of his long Service and of his infirmities</td>
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<td>Allowance to Mr. White late Surgeon</td>
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<tr>
<td>Allowance upon account for Fees on Receipt and Audit</td>
<td>300 0 0</td>
</tr>
<tr>
<td>Agent</td>
<td>150 0 0</td>
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</tbody>
</table>

£9,225 12 6
HISTORICAL RECORDS OF AUSTRALIA.

SECRETARY MARSDEN TO GOVERNOR KING.

(Per transport William Pitt.)

Admiralty Office, 21st March, 1805.

Sir,

Having laid before My Lords Commissioners of the Admiralty Your Letter of the 14th August last, transmitting Duplicates of Your Correspondence with Captain Woodriff of H. M. Ship Calcutta respecting Lieutenant Menzies of the Royal Marines remaining under your Command to direct a Settlement formed at the Coal Harbour or Hunter's River, now distinguished by the Name of Newcastle District and strongly recommending to their Lordships to allow Lieutenant Menzies to continue in the Command of that Settlement, I am commanded by their Lordships to acquaint You that they see no Objection thereto.

Lieutenant Sladden of the Royal Marines, serving with the Detachment under the Command of Lieutenant Colonel Collins, having been promoted to a Company, I am commanded by their Lordships to Signify their direction to You to order him to return to England by the first Opportunity to join his proper Division.

I am, &c.,

W.M. MARSDEN.

GOVERNOR KING TO EARL CAMDEN.

(Per H.M.S. Investigator.)

Sydney, April 4th, 1805.

Ensign Robt. Anderson of the New South Wales Corps, not being able to find purchasers for the Sheep he left at Norfolk Island when relieved from his military Duty there, I directed them to be valued by proper Persons, and received into Government Flock at Norfolk Island, until I am honor'd with your Lordship's Instructions on that head as stated in the Enclosures, I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

REVEREND SAMUEL MARSDEN AND LIEUTENANT BRABYN TO GOVERNOR KING.

Parramatta, July 17th, 1804.

Sir,

Agreeable to your Excellency's Instructions, directing us to certify the Value of full grown Ewes and Ewe lambs when purchased in a Flock in this Colony, We are of opinion that a
Flock of Sound healthy Ewes are worth Two Pounds Sterling per head, and the Ewe Lambs One Pounds per ditto.

We have, &c.,
J. BRABYN, Lieut. N.S.W. Corps.
SAMUEL MARSDEN.

[Enclosure No. 2.]

GOVERNOR KING’S ORDERS TO COMMISSARY PALMER.
Sydney, July 18th, 1804.

ENSIGN ROBERT ANDERSON of the New South Wales Corps, having represented to Lt. Govr. Foveaux previous to his leaving Norfolk Island, the loss he should sustain by leaving his Flocks until I might give such relief as might be judged proper; From the peculiar Situation of that Officer being received from the Island etc. as Stated in His Letter to Lieut. Govr. Foveaux, and having directed the Revd. Mr. Marsden and Lt. Brabyn to certify the value of Ewes and Ewe Lambs in this Colony to be purchased in a Flock, You will draw a Sett of Conditional Bills on the Right Honble. the Lords Commiss’rs of His Majesty’s Treasury in favour of Ensign Robert Anderson, Subject to the Approbation of His Majesty’s Principal Secretary of State for the Colonies for One Hundred and Sixty-two full grown Ewes at two pounds Sterling a head and Twenty Eight Ewe Lambs at One Pound a head, agreeable to the numbers certified in the valuation, for which You will obtain the proprietor’s Receipts and directions for them to be continued in Govt. Flocks on Norfolk Island at his own risque; and a regular Account to be kept of their Increase and Decrease, Until it is known whether the payment of the Bills are Sanctioned.

For which transaction you will take proper Vouchers delivering me two copies of the same.

PHILIP GIDLEY KING.

MEMORANDUM.

Notwithstanding the annexed order, as I do not consider myself Warrantable in giving conditional Bills, and having the Approbation of the Steps I took respecting the Live Stock left in this Colony by Mr. William Balmain, You will transmit to the Joint Secretaries of His Majesty’s Treasury the Letters, Valuations and other Documents respecting the before mentioned Sheep; delivering me Duplicates of the same to transmit to His Majesty’s Principal Secretary of State for the Colonies for their directions being received thereon.—At the same time leaving it to Ensign Anderson’s Choice whether to abide by this Arrangement or retaking the above Sheep again.

PHILIP GIDLEY KING.
The Valuation and Receipts for Ensign Anderson's Ewes to be sent to England by the Investigator, And the purchase of them being referred to the Lords of the Treasury and Secretary of State for the Colonies—regular Returns must be sent with every Conveyance of their Increase to me as well as the Commissary. It would also be regular, if a Copy thereof was sent to Ensign Anderson.

[Enclosure No. 3.]

RECEIPT FOR ENSIGN ANDERSON'S SHEEP.

Norfolk Island, 9th August, 1804.

RECEIVED into my Charge the undermentioned Sheep belonging to Ensign Robert Anderson; agreeable to His Excellency Govr. King's Instructions

Viz:

One Hundred and Sixty two full grown Ewes
Twenty eight Ewe Lambs,

And for which I have signed three Receipts of this tenor and date.

WILLIAM BROUGHTON,
Actg. Depy. Commy.

[Enclosure No. 4.]

VALUATION OF, AND RECEIPT FOR PAYMENT FOR ENSIGN ANDERSON'S SHEEP.

Sydney, New South Wales,
31st December, 1804.

We whose names are hereunto Signed have agreeable to the Governor’s Directions made the following Valuation of the undermentioned Sheep the property of Ensign Robert Anderson.

To 162 full grown Ewes @ £2 ea. ............ £324 0 0
" 28 Ewe Lambs " 1 " ............ 28 0 0

£352 0 0

And we have taken such care in the above Valuation that we are ready to make Oath to the Veracity of our proceedings if required.

J. BRABYN.
SAMUEL MARSDEN.

Received of John Palmer Esqre. Commissary this thirty first day of December, One Thousand Eight Hundred and four, One Conditional Set of Bills of Exchange at Ninety days sight on the Right Honorable the Lords Commissioners of His Majesty's
KING TO CAMDEN.

Treasury for the Sum of Three Hundred and Fifty Two Pounds Sterling, being payment for the above Sheep, left at Norfolk Island in the Charge of Mr. Wm. Broughton Acting Deputy Commissary where they are to remain until it is known whether they are paid for by Government.

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

RT. ANDERSON.

I do hereby certify that the above was paid for by my order.

PHILIP GIDLEY KING.

UNDER SECRETARY COOKE TO GOVERNOR KING.

(Per transport William Pitt.)

Sir,

Downing Street, 13th April, 1805.

Herewith I transmit to You by Lord Castlereagh's direction the Copy of a Letter from Mr. King containing the Pardon, which in consequence of the recommendation contained in Lieut. Govr. Foveaux's Letter of the 12th July, His Majesty has been graciously pleased to grant to Samuel Baby, a Convict, tried and convicted of Felony in Norfolk Island, and I am to desire You will take care that the Conditions contained in Such Pardon be duly complied with.

I have, &c.,

E. COOKE.

[Enclosures.]

[A copy of Mr. King's letter enclosing the pardon is not available.]

GOVERNOR KING TO EARL CAMDEN.

(Despatch marked "General letter No. 1," per H.M.S. Investigator; acknowledged by Viscount Castlereagh, 21st November, 1805.)

Sydney, New South Wales,

My Lord,

On the 5th Ult'o I had the honor of receiving Your Lordship's Communication* of having accepted the Seals of the Colonial Department, which I made public within this Territory and its Dependencies. I also received Mr. Secretary Cooke's Letter, dated 29th May, 1804, by the same Conveyance.

I have the honor of transmitting Duplicates of Despatches to My Lord Hobart, sent by Captain Bowen of the Royal Navy, who left this in the Lady Barlow in January last. Since when no event of public Consequence has occurred within this Settle-

* Note 86.
Examination of the Illawarra district.

Prosperity of settlers.

Erection of salt-pan.

Agriculture on account of government.

Report on live stock.

1805.  
30 April.

The Officer and Surveyor, who I sent to examine the Country about Shoals Haven, report much good Land on the Banks of two small Bar Rivers, which will hereafter prove of great Benefit to the Extension of those Settlements.*

The Number of Government Servants sent to the New Settlements, and whose Terms of Transportation are expired, and on whom there can be no further restraint, The quantity of Ground in Cultivation this Year on Government account will be comparatively small to what it has been; but from the Quantity of Wheat there is now in the Settlement, the Reserve that will be made of that belonging to the Crown in Stacks, and the Grain raised by Individuals from whose Debts a Fund is Established for receiving Quantities of Grain, That Reduction in the quantity of Ground hitherto sowed with Wheat by Government will not be attended with any inconvenience. Such cleared Ground belonging to the Crown as cannot be sowed with Wheat and Barley will be planted with Maize, which will be equally profitable for the Stock, the present State of which I respectfully refer Your Lordship to the enclosure, and humbly hope no misrepresentation will occasion the Ground I have secured for the Benefit of Government Cattle being alienated from the Crown.

By the enclosed Return of the Settlers Half Yearly Muster and the other Documents annexed thereto, Your Lordship will observe the increasing Industry of that Class and the great progressive Increase of their Stock, as well as that belonging to the Crown. The Alienation of a part of Government Breeding Stock of Cattle and Sheep to Individuals, in exchange for Grain, has placed them in a growing State of Independence, which is farther secured to them by the appropriation of a quantity of Common Land to each District.

The large Salt-pan received by the Coromandel being fixed, one at Newcastle and the other in this Harbour, a Supply of that necessary Article will be permanent. By the Gazette of the 24th February, and the General Order† of that date, Your Lordship will observe that the Regulations made on that Head will be for the Benefit of the Inhabitants at large, whilst Government will be remunerated for the Expence of the Pans and the Labour in working them.

Agriculture account of government.

Report on live stock.

* Note 87. † Note 88.
I have the honor to enclose the Officer's Return of the progress of the Citadel, stated in my former Letters, and having received eight long 6-pounders from Norfolk Island, late belonging to the Sirius, those, with what can be drawn from other places, will make that Work of the greatest consequence in repelling any attack from an Enemy who may approach either by Sea or Land; and as every attention is paid to forward that Work, I hope it will be completed in a few Months. For the other public Works, I request Your Lordship's reference to the Return of the Number and Employment of Convicts at Government Labour.

In order to prevent as much as possible the escape of Convicts from hence, and the Emigration of those who have become Free, as well as for other causes contained in my General Order of 31st March,* a Copy of which I have the honor to enclose, I have considered it necessary to make that Regulation as conformable as possible to the existing Order on that Head on the Island of Jamaica, which I hope will meet Your Lordship's Approbation.

By the Investigator I received Materials for Building a Post Windmill from Norfolk Island; and as the late Master Carpenter of that Island has come here with his Family, the Difficulties heretofore experienced for the want of Mills will be soon done away.

I have great pleasure in informing Your Lordship that we hear of no new Plans among the United Irish, of whom we have so great a proportion in the Colony, and as every proper means is taken to learn any attempt leading to Sedition, I am hopeful our present tranquil State will long continue, altho' there are some violent perturbators in this Colony, as well as in other parts of the World, however, by their being occasionally removed from one Settlement to another, there is no present cause for Apprehension, and, indeed, the Trial I have had of the Military and well affected places me at perfect ease on that point; and when the Citadel is finished there will be little or no cause to harbour Suspicion from those within, or to be alarmed at the approach of External Foes.

Adverting to Mr. Secretary Cooke's Letter of 29th May 1804 informing me of the Dupli cats of Letters from Mr. Secretary Sullivan, forwarded by Your Lordship's directions and instructing me to carry into Effect the Suggestions contained in the Two last Letters, dated November 30th, 1803, Respecting the Settlers sent by the Experiment and Recommending a certain portion of Land being granted to Messrs. Luttrell and Riley, I respectfully refer Your Lordship to my Communication on those

*Note 88.
1805.
30 April.

Land grants and assistance given to Riley and Luttrell.

Depredations of natives at Hawkesbury and South Creek.

Subjects contained in my Letters sent by the Albion and Duplicates by the Lady Barlow, also in my Separate Letter No. * sent with this. By which your Lordship will observe that the Free Settlers were fixed in the most advantageous Situation, and that I have exceeded the quantity of Ground prescribed by My Lord Hobart for Messrs. Riley and Luttrell, and have given each of those Gentlemen a much greater proportion of Assistance, Stock etc. than any other Free Settlers have enjoyed.

I am much concerned to state that, within these Three Weeks past, the Natives have been very troublesome among the distant Settlements at the South Creek and the lower part of the Hawkesbury River. It has constantly happened that the more distant Settlers have been much incommoded by those irruptions at the Time the Maize is ripe, and I am very confident that the Settlers in those Situations have been extremely liberal to the Natives, however, this has not been sufficient to deter the latter from the most ungrateful and Treacherous Conduct at the Moment they have been on the most Friendly Terms with the Settlers, Two recent instances of which I cannot omit communicating to Your Lordship. In My Letter by the Lady Barlow,* I stated the Circumstance of some Misunderstanding between the Branch† Settlers and Natives, and the Measures I had taken in assuring the latter that no more people should be settled below those already fixed. The Tranquillity that ensued led me to hope that mutual Confidence and good-Will was restored; but I am sorry those hopes have been disappointed. A Native, while in the act of eating with one of the Settlers and his Labouring Man, had scarce ended his Meal before he took an opportunity of seizing the Settler's Musket and Powder, and by a Yell summoned his Companions, who instantly put the unfortunate Settler to death and left his Servant, as they thought, in that State. Another Horror, but still more savage than the former, took place the same Day about Three Miles from where the first Murder was committed. The House belonging to a Settler was set on Fire by the same Band of Natives. After a search the mangled and burnt Limbs of the Settler and his Man were found, some in the Ashes and others scattered. These Barbarities calling forth Assistance necessary to stop such Acts, I directed a party of Military to take post at the Branch and to drive the Natives from thence, first assuring them that if the Murderers were given up all further Resentment should cease. However, the Velocity with which these people Remove from One place to another put it out of the Guards' power to follow them, and since then they have begun their Depredations at the South

* Note 89. † Note 90.
Creek, where they have unfortunately murdered Two Stockkeepers. A Detachment has been sent to that Quarter, but I am sorry to say that until some of them are killed there is no hope of their being quiet. Notwithstanding the liberality with which the Settlers supply these people with Corn and many other Comforts to keep on good Terms with them, yet at the period of the Maize Harvest no consideration can restrain them from destroying a much greater quantity than they can consume by eating. The least Check on the part of the Settler is an injury never to be forgiven, and from thence arise those disagreements and the bad consequences attending the partial Broils between the Natives and distant Settlers. That every endeavour has been used to prevent those Events I need only refer Your Lordship to my former Communications on that Head. No complaint of a Native has ever been disregarded but an instant Investigation has followed, which was only once in the course of last Year. The White Man’s crime did not extend beyond striking the Native, who he said designed to plunder him; but as no Act of Plunder was committed he was ordered by the Magistrates to Gaol for Six Months. This Reparation at the Time was thought a sufficient Atonement. But it constantly happens that those people’s imaginations are heated and excited to Action by the accidental recollection of an Injury which was expiated long past. This is so often the case among themselves in their Rencounters with each other that it is not to be wondered the same Ideas should obtain with respect to the former real or imaginary Evils they may have received from White People.

In consequence of those unprovoked Acts and the Apprehensions the distant Settlers are under, I found it necessary to give the General Order* of the 28th Inst., which I hope will soon put a period to those partial excesses committed by the Natives.

Mr. Humphries, the Mineralogist, who has hitherto been occupied in his Researches on Van Dieman’s Land, arrived here last Month, and as he will soon commence his professional pursuits I have little doubt of his making some important and useful Discoveries.

I have the honor to enclose the usual Returns of the New South Wales Corps doing duty here as well as the Associations, and am happy to inform Your Lordship of the present general good State of Health and Behaviour of all Descriptions of His Majesty’s Subjects belonging to these Colonies.

I have, &c.,

PHILIP GIDLEY KING.

* Note 88.
**Comparative Statement of the Annual Progress in Cultivation and Raising Stock in His Majesty's Settlement in New South Wales; extracted from the different Annual Returns that have been transmitted to His Majesty's Principal Secretary of State for the Home Department and the Colonies.**

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of acres in—</th>
<th>Bushels of—</th>
</tr>
</thead>
<tbody>
<tr>
<td>15th August, 1800</td>
<td>4,665</td>
<td>2,930</td>
</tr>
<tr>
<td>30th June, 1801</td>
<td>5,333</td>
<td>5,604</td>
</tr>
<tr>
<td>17th August, 1802</td>
<td>4,054</td>
<td>3,135</td>
</tr>
<tr>
<td>30th July, 1803</td>
<td>7,110</td>
<td>4,338</td>
</tr>
<tr>
<td>30th July, 1804</td>
<td>8,245</td>
<td>4,066</td>
</tr>
<tr>
<td>23rd March, 1805</td>
<td>not sowed until June</td>
<td>503</td>
</tr>
</tbody>
</table>

The General Muster for 1805 does not take place till August.

N.B.—The Deaths and Stock killed between the above periods are not included; only what appeared on the respective Dates are inserted.

Philip Gidley King.
STATEMENT of the Quantity and Quality of Alive Stock (distinguishing Male and Female), The Reported Bushels of Wheat and Maize, belonging to the Crown, Settlers, and others, With the number of Settlers, &c., in His Majesty's Colony of New South Wales, as appeared at the Muster taken at the different Settlements by Governor King, between the 18th and 23rd of March, 1805, Shewing the Increase since the 27th of July, 1804.

<table>
<thead>
<tr>
<th>To whom belonging</th>
<th>Horses</th>
<th>Horned Cattle</th>
<th>Sheep</th>
<th>Goats</th>
<th>Hogs</th>
<th>Number Bushels Wheat in hand</th>
<th>Number Bushels Maize in hand</th>
<th>Number of Settlers</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Crown</td>
<td>20</td>
<td>19</td>
<td>1,114</td>
<td>1,597</td>
<td></td>
<td>654</td>
<td>824</td>
<td></td>
</tr>
<tr>
<td>Settlers and others</td>
<td>191</td>
<td>257</td>
<td>436</td>
<td>779</td>
<td></td>
<td>5,829</td>
<td>10,598</td>
<td></td>
</tr>
<tr>
<td>Individuals</td>
<td>7</td>
<td>9</td>
<td>5</td>
<td>13</td>
<td></td>
<td>4</td>
<td>19</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>25</td>
<td>61</td>
<td>939</td>
</tr>
<tr>
<td></td>
<td>218</td>
<td>285</td>
<td>1,555</td>
<td>2,389</td>
<td></td>
<td>6,487</td>
<td>11,441</td>
<td>1,190</td>
</tr>
<tr>
<td>Total in March, 1805</td>
<td>182</td>
<td>252</td>
<td>1,247</td>
<td>2,017</td>
<td></td>
<td>5,629</td>
<td>10,572</td>
<td>1,115</td>
</tr>
<tr>
<td>Total in July, 1804</td>
<td>208</td>
<td>283</td>
<td>1,568</td>
<td>2,398</td>
<td></td>
<td>6,512</td>
<td>11,543</td>
<td>1,190</td>
</tr>
<tr>
<td>Increase</td>
<td>36</td>
<td>33</td>
<td>308</td>
<td>372</td>
<td></td>
<td>558</td>
<td>869</td>
<td>74</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>74</td>
<td>725</td>
<td>1,535</td>
</tr>
</tbody>
</table>

N.B.—Between which above dates 7,506 Acres of Land has been Granted from the Crown to Individuals.

PHILIP GIDLEY KING.
Observations on the preceding Result of half Yearly Muster with Comparative Remarks of Increase etc. since the Muster in July 1804.

It appears there are 19 Persons more holding Land exclusive of Officers, and that the whole number of Settlers and Land-holders is 642 including 29 Officers.

That the whole Number employed in Cultivation and belonging to the Cultivators’ Families, including the Cultivators on account of Government and those who are in Charge of the Public Stock amounted to 2,326, out of the number of Souls in the Colony 6,977.

The Increase of Ground located to Individuals is 7,506 Acres exclusive of that held by the Crown making all together 144,190 Acres.

The Increase of Ground under Cultivation cannot be ascertained till the Crops are Sowed, which will be stated in the July Muster.

No Increase of Stock has been made by Importation since March 1803, except by 101 Cows brought by the Lady Barlow and 77 by the Buffalo, 148 of which were sent to Lieut. Governor Collins previous to the Muster in July last, since which period 13 Cows etc., 122 Sheep, 8 Horses, and 84 Hogs have been sent to Port Dalrymple, the Derwent, and Newcastle, And 27 Head of Horned Cattle, 94 Sheep, and 81 Hogs, belonging to the Crown have been Killed for the King’s Ships, Governor’s Family and Hospitals.

The following is a Calculation of the time the Alive Stock belonging to the Crown would last, for those Maintained by the Crown if there was no Salt Meat.

At Full Ration—78 weeks 6½ days.

2,711 Head of Cattle @ 300 lbs. each is 813,300 lbs.
1,478 Sheep 30 lbs. ea. 44,340
392 Hogs 100 lbs. ea. 39,200

At two thirds—118 weeks 2¼ days.

2,711 Head of Cattle @ 300 lbs. each is 813,300 lbs.
1,478 Sheep 30 lbs. ea. 44,340
392 Hogs 100 lbs. ea. 39,200

At half—157 weeks 6 days.

2,711 Head of Cattle @ 300 lbs. each is 813,300 lbs.
1,478 Sheep 30 lbs. ea. 44,340
392 Hogs 100 lbs. ea. 39,200
The quantity of Stock Alienated from the Crown since Sept. 1800 is:

<table>
<thead>
<tr>
<th></th>
<th>Cows for Barter</th>
<th>70</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Oxen</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>Ewes</td>
<td>76</td>
</tr>
<tr>
<td></td>
<td>Swine</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Horses</td>
<td>2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Hire</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Do</td>
<td>10</td>
<td>76</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td></td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Do</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Given to Breed 16—Total 88

— 32

— 245

— 100

— 9

The quantity of Grain now in the Public Granaries and Sacks is sufficient for 61 Weeks Dry Provisions for the numbers now supplied by the Crown deducting a Month for loss by keeping and the Issue.

The quantity in the hands of Cultivators and Individuals will be fully sufficient for each person who support themselves with the half of their Garden, many have a very considerable Overplus.

**PHILIP GIDLEY KING.**

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**[Enclosure No. 2.]**

**RETURN of the Progress of the Work at Fort Phillip up to 31st Progress in March, 1805—Sydney.**

The Rampart of the three Faces, commanding the Town of Sydney, the Parramatta Road, and the Harbour (downwards) raised from the foundations 11½ feet. The Merlons of the two Faces commanding the Town and Parramatta Road* raised 4 feet inside, and 2 feet outside, and the Embrasures formed. 1 Merlon and Embrasure commenced on the Face towards the Harbour. The Wall of the Rampart of the fourth and part of the fifth Face, raised 5 feet,—Stones prepared sufficient to finish the 2 Faces. A Bomb Proof of 7 feet high and 14 wide formed under the Rampart of one Face.

Number of Men employed.

Gaol Gang.

From 1st January to 31st March .......... 15

Stone Masons and Quarry Men.

From 1st January to 31st March .......... 14

W. MINCHIN, Eng'r and Act'g Officer.

* Note 91.
**Enclosure No. 3.**

**Quarternly Employment.**

<table>
<thead>
<tr>
<th>Settlement</th>
<th>Agriculture and Stock</th>
<th>Buildings</th>
<th>Boat Builders, etc.</th>
<th>Various Employments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Overseers</td>
<td>Agriculture on Public Account</td>
<td>Brick and Tile Makers</td>
<td>Bricklayers, Plasterers and Labourers</td>
</tr>
<tr>
<td>Sydney</td>
<td>10</td>
<td>4</td>
<td>7</td>
<td>12</td>
</tr>
<tr>
<td>Parramatta</td>
<td>17</td>
<td>16</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>Hawkesbury</td>
<td>4</td>
<td>27</td>
<td>9</td>
<td>4</td>
</tr>
<tr>
<td>Toomabbie</td>
<td>1</td>
<td>7</td>
<td>55</td>
<td>...</td>
</tr>
<tr>
<td>Castle Hill</td>
<td>3</td>
<td>38</td>
<td>5</td>
<td>...</td>
</tr>
<tr>
<td></td>
<td>35</td>
<td>92</td>
<td>81</td>
<td>12</td>
</tr>
<tr>
<td>Settlement</td>
<td>Natural History Painters and Botanists</td>
<td>Tailors, Tool Makers and Tanners</td>
<td>Blind, Insane and Invalid</td>
<td>Orphans Houses and Farms</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>---------------------------------------</td>
<td>----------------------------------</td>
<td>---------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Sydney</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Parramatta</td>
<td>2</td>
<td>6</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>Hawkesbury</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Toongabbie</td>
<td>2</td>
<td>4</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td>Castle Hill</td>
<td>2</td>
<td>4</td>
<td>8</td>
<td>6</td>
</tr>
</tbody>
</table>

**Quarterly Employment—continued.**

March, 1805.
### Quarterly Employment of Female Convicts, etc.

<table>
<thead>
<tr>
<th>Month</th>
<th>Settlement</th>
<th>Woolen Manufacture</th>
<th>Shrimping, Picking Oysters, etc.</th>
<th>Hauling Corn and Peeling Weeds</th>
<th>Sail Makers</th>
<th>Orphan House and Care of Orphans</th>
<th>Hospital Nurses</th>
<th>Midwives</th>
<th>Sick and Convalescents</th>
<th>Blind, Insane, and Invalids</th>
<th>Government Dairy</th>
<th>Settler's Wives</th>
<th>Allowed to Overseers, etc.</th>
<th>Servants to Officers, etc.</th>
<th>Women allowed to the New South Wales Corps</th>
<th>General Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>March</td>
<td>Sydney</td>
<td></td>
<td></td>
<td></td>
<td></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></td>
<td></td>
<td></td>
<td>11</td>
<td>5</td>
<td></td>
<td>1</td>
<td>4</td>
<td>7</td>
<td>3</td>
<td>4</td>
<td></td>
<td>1</td>
<td>10</td>
<td>3</td>
<td>40</td>
<td>89</td>
</tr>
<tr>
<td></td>
<td>Parramatta</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6</td>
<td>0</td>
<td>1</td>
<td>8</td>
<td>2</td>
<td></td>
<td>15</td>
<td>6</td>
<td>1</td>
<td>3</td>
<td>136</td>
</tr>
<tr>
<td></td>
<td>Hawkesbury</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3</td>
<td>1</td>
<td></td>
<td></td>
<td>16</td>
</tr>
<tr>
<td></td>
<td>Toongabbie</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>4</td>
<td></td>
<td></td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Castle Hill</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>3</td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td>08</td>
<td>11</td>
<td>7</td>
<td>1</td>
<td>1</td>
<td>10</td>
<td>13</td>
<td>1</td>
<td>11</td>
<td>6</td>
<td>21</td>
<td>18</td>
<td>4</td>
<td>43</td>
</tr>
</tbody>
</table>

Philip Gidley King.
WHEREAS it is become necessary to restrain the Practice of several Vessels carrying the American Flag who, after having received Assistance and Relief according to their Wants, have, with very few Exceptions, taken Persons from hence who are under Sentence of the Law, and Freemen who have been secreted on board those Ships, whereby the Claims the Crown and Individuals have on their Debtors have been evaded by their being taken from the Colony; And as the existing Bonds and Regulations have proved in a great measure ineffectual, both with regard to English as well as foreign Ships, The following Regulations are to be observed and complied with by Ships of all Nations previous to their being allowed the Liberty of the Port, instead of the 10th Article of the present Port Orders.

The Master of every Ship or Vessel, English or Foreign, before they are allowed any Communication with the Settlement, shall give Security in the Secretary’s Office, themselves in £800, and two sufficient Freeholders, or well-known Merchants or Dealers, in the sum of £50 each, not to carry off any person whatever without the Governor's Certificate, or a Convict having served his or her term of Transportation, and a Freeman or Woman having no detainer lodged, Nor to depart himself without the Governor's leave, under an additional Penalty of £50. The usual Bond by Masters of Ships going to India or China not to land any Person from hence, without they have the Governor’s Certificate, in any part of the Honorable East India Company’s Territories, or in China, will still be required.

Owners of Private Colonial Vessels are to give the same Security once a Year (on the 1st January) for the conduct of Masters of Vessels in their employ on the above.

The Secretary shall not deliver any Person a Certificate under the Governor’s hand to leave the Colony unless his name has been set up at the Door of the Court House at Sydney and Parramatta, and at the Store Door at the Green Hills, Hawkesbury, for a week previous to the Ship’s leaving the Cove, for which purpose the Commander of the Vessel is to give ten days previous Notice at the Secretary’s Office, with a List of such Persons he has leave to take away, when the time of his intended leaving the Cove will be published in the Gazette; and after the Ship has left the Cove no detainer will be received.

And to the end that Seamen be not enticed to leave the Ships they belong to, whoever trusts or retains any of them in his or her their Houses or Vessels, shall lose his money and be proceeded against; and whoever shall entertain any Seaman deserted shall for every day
and night, after the first offence, forfeit five pounds; but knowing him to be a Deserter, but belonging to a Ship, Ten Shillings for each day and night they have entertained or retained such Seaman.

If any Commander or other person entice away any person or persons belonging to another Ship, before he or they be legally discharged, he shall forfeit, on Conviction before three Justices, £15 Sterling, half to the King and half to those who shall sue for the same.

Whatsoever Seaman shall desert the Ship he belongs to, and shall be found after the departure of the Vessel, and cannot produce sufficient proof of his being discharged by the Commander thereof, he shall, by order of any one Justice of the Peace, receive thirty-one Lashes on his bare back by the Hangman or other inferior Servant, and be put to Government Labor until there is an opportunity of returning to the Ship he belongs to, or that he can ship himself on board any other Vessel.

The Penalty on taking away Convicts or Free Persons from the Colony without the Governor's Certificate, is to be sued for before the Civil Court of Judicature in this Colony, or in any of His Majesty's Courts of Record in Europe or abroad, wherever and whenever the Offender and his sureties may be found, according to the tenor of the Bond.

And that the execution and delivery of these Bonds may not be considered as a matter of course, if given by Masters of English Vessels, Duplicates will be forwarded to the proper Officer in England, and to any of the Ports in Asia where the ship may be bound; And if given by Masters of American or other foreign ships, Duplicates will also be sent to the Residing Consuls at the Ports where the ships came from, or the nearest Port thereto, whereat a British Consul resides, in order that the Penalty, if forfeited, may be recovered. And on its being proved that such Convict who may so escape enables the prosecution to be carried on to conviction, in that Case the Governor has recommended persons of that description to His Majesty's Mercy, and that Freemen who have been taken from these Settlements without the Governor's Leave may receive half the amount of the Penalty, when recovered, provided they are Principals in prosecuting the Offenders to conviction.

The Naval Officer is hereby directed to deliver this Order, with the Port Orders, to the Commanders of all Vessels now in this Port and arriving hereafter.

All Lieutenant Governors, Commandants, and Officers commanding any Settlements under this Government are hereby required and directed to observe and enforce the above Order.

By Command of His Excellency.

G. BLAXCELL, Acting Sec.
[Enclosure No. 5.]


<table>
<thead>
<tr>
<th>Companies</th>
<th>Officers Present</th>
<th>Effective Rank and File</th>
<th>Wanting to complete</th>
<th>Alterations since last Return</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Commissioned.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Colonel Grose's</td>
<td>2 2 2 1 1 1 1</td>
<td>46 2 12</td>
<td>60</td>
<td></td>
</tr>
<tr>
<td>Lt. Col. Paterson's</td>
<td>1</td>
<td>2 58</td>
<td>60</td>
<td></td>
</tr>
<tr>
<td>Major Foveaux's</td>
<td>1</td>
<td>17 42 1</td>
<td>60</td>
<td></td>
</tr>
<tr>
<td>Johnston's</td>
<td>1</td>
<td>39 18</td>
<td>60</td>
<td></td>
</tr>
<tr>
<td>McArthur's</td>
<td>1</td>
<td>31 27 1</td>
<td>60</td>
<td></td>
</tr>
<tr>
<td>Captains</td>
<td>1</td>
<td>40 16 1</td>
<td>60</td>
<td></td>
</tr>
<tr>
<td>Townsend's</td>
<td>1</td>
<td>42 13</td>
<td>60</td>
<td></td>
</tr>
<tr>
<td>Abbott's</td>
<td>2 18</td>
<td>2 39 1</td>
<td>60</td>
<td></td>
</tr>
<tr>
<td>Wilson's</td>
<td>2 2 2 1 1 1 1</td>
<td>10 235 16 225 4 480</td>
<td>60</td>
<td></td>
</tr>
</tbody>
</table>

N.B.—Two Serjeants thirteen Rank and File and one Private of the 19th Lt. Dragoons supernum. doing duty with the Regt. not included.
<table>
<thead>
<tr>
<th>Absent Officers' Names and Rank</th>
<th>From what time</th>
<th>By whose leave</th>
<th>To what time</th>
<th>Names and Rank of Officers on duty and what duty</th>
<th>Vacant Officers and by what means</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Poveaux</td>
<td></td>
<td></td>
<td></td>
<td>Captain Kemp</td>
<td></td>
</tr>
<tr>
<td>Captain Townson</td>
<td>15th Febru., 1800</td>
<td>ditto</td>
<td></td>
<td>Lieut. Davis</td>
<td>Ensign Maundrell do.</td>
</tr>
<tr>
<td>&quot; McArthur</td>
<td>16 Novemr., 1801</td>
<td>Sent to England in Arrest by Govr. King.</td>
<td></td>
<td>Ensign Piper</td>
<td></td>
</tr>
<tr>
<td>Lieut. Mackellar</td>
<td>29th March, 1802</td>
<td>Aid de Camp to Govr. King and sent to England with His Excellency's Dispatches.</td>
<td></td>
<td>Lieut. Piper</td>
<td></td>
</tr>
<tr>
<td>Ensign Barrailer</td>
<td>17th May, 1803</td>
<td>Resignation given in, embarked for England.</td>
<td></td>
<td>Ensign Lawson</td>
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**HISTORICAL RECORDS OF AUSTRALIA.**

Serjeants on Command 9. 
Drummers on Command 6.

GEO. JOHNSTON, B.-Major, Commandg.
[Enclosure No. 6.]

**RETURN of the Sydney and Parramatta Loyal Association Companies Commanded by Captain Thomas Rowley. May 1st, 1805.**

**SYDNEY.**

**Thomas Rowley Captain Commandant.**

<table>
<thead>
<tr>
<th>Serjeants.</th>
<th>Corporals.</th>
</tr>
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<tbody>
<tr>
<td>2. John Griffiths</td>
<td>2. John Sparrow</td>
</tr>
<tr>
<td>3. William Wall</td>
<td>3. Thomas Randall</td>
</tr>
</tbody>
</table>

**Drummers.**

- Thomas Raby
- William Roberts
- Samuel Skinner
- George Dowling
- William Evans
- George Matthews
- James Somerville
- Richard Smith
- Frederick Meredith
- William Miller
- Francis Cox
- Edward Gould
- Samuel Hockley
- John Waldron
- John Mullett

**Privates.**

1. John Anslip
2. Benjamin Miles
3. William Wall
4. Thomas Mills
5. Thomas Rowley
6. Joseph Inch
7. John Burgess
8. James Aires
9. Thomas Salmon
10. John Smith
11. William Goodwin
12. George Atkins
13. Edward Collins
14. Thomas Allwright
15. John Shea
16. Joseph Morley
17. John Anslip
18. John Burgess
19. James Aires
20. Thomas Salmon
21. John Smith
22. William Goodwin
23. George Atkins
24. Edward Collins
25. Thomas Allwright
26. John Shea
27. Joseph Morley
28. John Anslip
29. John Burgess
30. James Aires
31. Thomas Salmon
32. John Smith
33. William Goodwin
34. George Atkins
35. Edward Collins
36. Thomas Allwright
37. John Shea
38. Joseph Morley
39. John Anslip
40. John Burgess
41. James Aires
42. Thomas Salmon
43. John Smith
44. William Goodwin
45. George Atkins
46. Edward Collins
47. Thomas Allwright
48. John Shea
49. Joseph Morley
50. John Anslip
51. John Burgess
52. James Aires
53. Thomas Salmon
54. John Smith
55. William Goodwin
56. George Atkins
57. Edward Collins
58. Thomas Allwright
59. John Shea
60. Joseph Morley

**PARRAMATTA.**

**John Savage Captain.**

<table>
<thead>
<tr>
<th>Serjeants.</th>
<th>Corporals.</th>
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</thead>
<tbody>
<tr>
<td>1. James Larra (St. M.)</td>
<td>1. John Stephenson</td>
</tr>
<tr>
<td>2. Rowland Hassel</td>
<td>2. Charles Wright</td>
</tr>
</tbody>
</table>

**Drummers.**

- John Hodson
- William Monslow
- Andrew Slowden
- Joseph Ward
- John Thorogood
- John Graham
- Henry Armstrong
- Edward Elliot
- Samuel Terry

**Privates.**

- Humphry Thorn
- Thomas Collier
- Thomas M'Kenzie
- Hugh Hughes
- John Mahon
- Edmund Wright
- Robert Wells
- William Parrot
- John Aikin
- John Woodhouse
- George Cook
- Daniel Welling
- Samuel Haslem
- John Anslip
- John Burgess
- James Aires
- Thomas Salmon
- John Smith
- William Goodwin
- George Atkins
- Edward Collins
- Thomas Allwright
- John Shea
- Joseph Morley

**Total 1 Captain, 1 Lieutenant 3 Serjeants, 2 Drums. 39 Rank and File.**

**THOMAS ROWLEY, Captain Commandant.**
GOVERNOR KING TO EARL CAMDEN.

(Send for marked “Separate No. 2,” per H.M.S. Investigator; acknowledged by Viscount Castlereagh, 21st November, 1805.)

Sydney, New South Wales, June 30th, 1805.

I am happy to communicate to Your Lordship that, exclusive of the accompanying Duplicates of my Correspondence with Colonel Paterson by Letters of a more recent date, I find his former Accounts of the good prospect he has, not only confirmed, but expressing the most Sanguine Ideas of the Settlement he has formed at Port Dalrymple fulfilling His Majesty’s intention in directing that Settlement to be made, as directed in My Lord Hobart’s Despatch of June 24th, 1803.

Your Lordship will observe the Supplies that have been furnished from hence, and when that Settlement is so fortunate as to receive the Cows contracted for with Mr. Campbell, it will wear a more promising Appearance than this Settlement did Six Years after it was begun, owing to the disappointments and Losses it experienced in the Supplies of Stock, Provisions, and Stores.

Being anxious to supply Port Dalrymple before the Winter as amply as our present Stores and Resources would admit, His Majesty’s Ship Buffalo, with the Integrity, Colonial Cutter, sailed from hence the 25th Ult’o, with the people, Stock, provisions, &c., enumerated in the Margin,* which will secure that Settlement from experiencing any Want for several Months.

By the Lady Barlow I had the honor of informing My Lord Hobart that I had sent the Investigator to Norfolk Island for a part of the Civil and Military Settlers and Convicts, in compliance with His Lordship’s Instructions. Since which time the Investigator has returned, when I received the Communications made in Captain Piper’s Letters to me, copies of which I have the honor to enclose, by which your Lordship will observe that the Wheat Harvest has been tolerable abundant; and if a portion of our late Rains has fallen at Norfolk, there is reason to expect the produce of Maize will increase the intended Supply of salted pork from that Island. I also enclose my Answer to the Commandant, in which Your Lordship will observe the further intended Arrangements and the necessity I am under of giving a farther explanation of My Lord Hobart’s Intentions respecting that Island, and the Measures I have adopted for carrying them into Execution, which has been greatly misinterpreted or misconceived. However, I hope that Notice will be sufficiently explicit, and meet your Lordship’s Approbation.

* The margin is blank.
As I fully understood from the Tenor of My Lord Hobart's Letter respecting the partial removals from Norfolk Island to Port Dalrymple, that it never entered into His Lordship's Contemplation to withdraw every person, I humbly submit that I conceive its total Abandonment at any future period would be attended with a great loss to the extending Settlements in Supplies of salted provisions we have and do receive from thence, and which there is little doubt will continue to encrease. And another important Advantage has always been derived from that Island in supplying the South Sea Whalers with the most plentiful Refreshments, being situated so near the Fishing Ground on the North-East Coast of New Zealand, which has been the means of preserving the Lives of many British Seamen, and enabling them to return to England in perfect Health, after being almost constantly at Sea during two and sometimes Three Years, instead of being the Scourbutic and Debilitated Men returned when their Cruising was confined to the Coast of South America.

In making the above Statement as connected with the Interest of the South Whalers, I beg to add that from the Information of the Masters of those Ships that have for the last Four Years frequented the North-east part of New Zealand, I found that the quantity of Seeds and other Articles I gave the Two New Zealanders who visited Norfolk Island in 1794, and remained there Nine Months, have turned to a very beneficial Account, not only for their own Advantage, but also in supplying the Whaling Ships very liberally with Potatoes and other productions derived from what my Two Visitors, whom I conducted to their Homes in 1794,* took with them. The frequent intercourse those Vessels have had with that part of New Zealand has been very advantageous. The New Zealanders have gone on board their Vessels, assisted them in procuring Oil, and are found a very tractable People; hence there is every Reason to expect that the assistance they may derive from them, if encouraged and liberally treated, will greatly facilitate their pursuits and ensure a continuance of those Refreshments so grateful to Seamen on long Voyages, and prevent them from quitting the Coast in the Season for Whaling to seek supplies elsewhere and distant from their Fishing Ground.

The many Vessels that have put into the Bay of Islands and other parts of that Coast have never, as far as I have learn'd, had any altercation with the Natives, but have received every kind Office and Assistance in procuring their Wood and Water, &c., at a very cheap Rate in Barter; Exclusive of which a great public Advantage might hereafter be derived by the Whalers who fish

* Note 92.
1805.
30 April.

Prospects of obtaining flax and rope from New Zealand.

Swine to be sent to the Bay of Islands.

Export of seal-skins and oil.

Americans in sealing industry.

Search for bêche-de-mer.

Sandal-wood in the South Sea Islands.

on that Coast being provided with Articles of Barter with which they may procure great quantities of the manufactured Flax, and if provided with small Machines for making Rope they might carry on that Work when not engaged with Whaling, which would be an amusement to the People and a double Object gained, as the leakage of Oil would not damage that Rope but on the contrary strengthen it. And if any Circumstance should lead those Whalers to this Port they may very advantageously barter it for Provisions and other Necessaries. An anxious wish to promote and secure those Advantages to the Whalers has induced me to direct the Commandant of Norfolk Island to send a Number of Sows and other Stock occasionally to that Island by any Master of a Whaler in whom he can confide, to be delivered to the most powerful Chief at the Bay of Islands or among the different Families or Tribes.

As the great advancement of these Colonies has excited among the Inhabitants an inclination for Commercial pursuits, and every successful Encouragement having been given to that of obtaining Seal Skins and Oil, a quantity of which has within the last Four years been exported on British and American Bottoms to China and England, besides the Lady Barlow freighted direct to England.

In a former Letter I had the honor of stating the General and Individual inconvenience that attended the Americans not only occupying Fishing Stations in and about Bass's Straits but frequenting this port, from which they have drawn several useful People, and in fact depriving the Inhabitants of the only Staple hitherto acquired, How far this may or may not be allowable I have not taken upon me to decide, but have requested Instructions thereon. I also stated the Circumstances of a small Vessel belonging to an Individual being sent in quest of the Beche-de-Mer. That Vessel is returned, and altho' they failed in that Object, yet they acquired another of not less Value, namely, Sandal Wood, which is in such great Request with the Natives of India and China. It has long been known, from the intercourse with the Friendly Islands, that Sandal Wood was a production of some of the Feejee Islands, which are a Group hitherto not much known. The proprietor of this Vessel was induced to make the Trial from the information of a person who professed a knowledge of the place where it was to be obtained, but who, unfortunately with several others, were cut off at Tongataboo, one of the Friendly Islands. After going to several of the Feejee's, and finding much difficulty and not a little apprehension for the safety of their small Vessel from the Natives' attack, they accomplished their Object by procuring

* Note 93.
Fifteen Tons of Sandal Wood in exchange for pieces of Iron at an Island called by the Natives Vooie. Whether it is plentiful or not is doubtful, as the people belonging to the Vessel could not land, and that carried on board by the Natives was in small Quantities, however, should it prove abundant and become more easy to obtain, it may hereafter be an advantageous Object of Commerce with China.

With a Knowledge of those Advantages a desire for Speculation will increase, and to keep that Desire within due Bounds must be the Governor's Duty, as far as it respects Colonial Vessels; but it appears to me not altogether admissible that the Governor should interfere in the Commercial Destination of Vessels belonging to Merchants resident in the Company's Settlements in India, seeing the Company's Claim to Navigate in all the Seas East of the Cape of Good Hope, however, the correction of abuses committed within his Jurisdiction as Vice-Admiral may claim his Cognizance.

Of late Years there has been a great intercourse with Europeans with the Society and Sandwich Islands, which has not only furnished them with abundance of Firearms, but has also been the means of a number of Europeans continuing on those Islands, among whom are some of indifferent, not to say bad, Characters, mostly left from Ships going to the North-West Coast of America, Whalers, and several from this Colony, who have gained much influence with the Chiefs whom they have assisted in their Warfare. At Atooi, one of the Sandwich Islands, I am informed a Schooner, of Twelve Carriage Guns, was nearly completed a Year ago, and that it was the Chief's Intention to send her to England. By the Harrington's arrival I received a Letter from the Chief of that part of Otaheite where the Missionaries reside, of which the enclosed are Copies, and as I am well assured they were written by himself, they are as near as possible fac Similes of the Originals, by these your Lordship will observe that Ship Building is commenced also at Otaheite, that Island possessing every requisite but Iron, of which the Missionaries have an abundance, Altho' I have little doubt of his obtaining the Guns by some means, yet that Article will not be furnished from hence, which leads me to suggest the Observation to Your Lordship's Notice of the probability of those Seas again becoming the Seat of Buccaneering and Sea Robbers. Nor can I but regard the Conduct of the Harrington on the Capture of the Spanish Vessels, and her other proceedings on the Coast of Peru, as leading to these Acts, if not noticed, and a timely Check given to such Conduct, which must be equally injurious to His
1805.
30 April.

Desirability of war vessels being stationed in the colony.

Proposals for trade in sandal-wood.

King's encouragement of commercial pursuits.

Majesty's Dominions in this quarter, as well as to those of Spain, except in time of War, and will not fail to destroy the British Whale Fishery, which has been so advantageously carried on. To prevent those growing Evils, I would respectfully suggest the propriety of two or three Sloops of War being stationed here for the purpose of preventing too great a number of bad Characters from establishing themselves on the Society Islands, and to prevent many abuses and irregularities on the part of the Americans as well as for the protection of these Settlements generally. Should this proposition meet with Your Lordship's Ideas, I beg to observe that the Class of Vessels that ought to be sent should be those that can sail tolerably well for the sake of Despatch, as Vessels of the Buffalo's capacity and Construction are not so much Wanted, now the Settlements are so well stocked with Cattle.

Since writing the preceding part of this Letter, Application has been made by some Individuals* to connect themselves with Americans for the Object of procuring a Cargo of Sandal Wood, carrying it to China, and returning here with the proceeds. As I conceive that Measure would lead to opening an Intercourse with this Colony and the Company's possessions, I have resisted the importunate Solicitations on that Behalf, as it militates so much against His Majesty's Instructions thereon; but in continuing those Restrictions I have assured the Adventuring Inhabitants, being His Majesty's Subjects, of my earnest wish and exertions to promote their Endeavours, and of which I can offer no better assurance than the Application contained in my Separate and Particular Letter sent by the Lady Barlow;† and I cannot close this Subject without humbly suggesting the necessity of Instructions being sent prescribing the intercourse and connexion that may be allowed between the Inhabitants and Americans; Nor can I conceal from Your Lordship that I respectfully conceive any other Toleration or encouragement beyond relieving their immediate Wants would be highly injurious to the public Interest, and continue to defeat the Views of Government in forming this Colony by taking Convicts from hence.

I have, &c.

PHILIP GIDLEY KING.

[Enclosure No. 1.]

Account of Stock, Provisions, etc. sent to Port Dalrymple p.
H.M. Ship Buffalo and Integrity Cutter, 7 March, 1805.

[A copy of this enclosure will be found in volume I, series III.]

* Note 95.  † Note 96.
Sir,

Norfolk Island, 10th February, 1805.

I have the honor of informing Your Excellency that Lieut.-Colonel Foveaux sailed from hence on the 9th September last, in the Albion Whaler (Captain Bunker), for England. The Harrington (Capt'n Campbell) having touched here on her way from Otaheite, affords me the opportunity of transmitting you the Public Accounts, Letters, &c., left by him for that purpose.

I have now to acquaint Your Excellency that after the Lieut.-Governor's departure, from the circumstance of the Wheat Stacks belonging to Government having yielded much better than was expected, and the rains which at that time fell promising an early and plentiful Harvest, I was induced to increase the Ration of Flour to Eight Pounds per Week to each Man, commencing from the 6th October last, at which Ration I have still continued them, excepting to the Detachment of New South Wales Corps doing duty here, who commenced receiving the full Military Ration on the 25th December following.

I had the honour of receiving Your Excellency's despatch, dated the 17th Sept'r and 1st Oct'r, by the Experiment on the 25th October, and have to acquaint you that the whole of the Articles sent by that conveyance (excepting a Mill) were landed safe, as were also the Articles sent by the Adonis. In consequence of your instructions by the former conveyance, I issued the Order (No. 7), and have communicated to Whitehouse and Fletcher* the substance of that part of Your Letter respecting them, as I have also to Martin Tims and Robert Jones; and to every other part of Your Excellency's Letters I shall pay particular attention.

On the Evening of the 7th November the Island was very much alarmed by the appearance of Nine Sail of large Ships to the South-West, and from the size, number, and regular manner in which they neared the land, we conjectured they were an enemy. I therefore judged it prudent that I might be the more able to make every resistance, to secure the disaffected Irishmen by confining them in the Gaol and the Gaol-yard, and posting the whole of the Constables over them as a Guard. As it was blowing a heavy Gale from the South-West, and consequently a heavy Surf on the Sydney side of the Island, no danger of effecting a landing on that quarter was to be apprehended.

I made every preparation during the night, and at Daylight the next morning, after receiving information that the Fleet were standing round for Cascade Bay, I ordered a Sergeant and Twenty men to join the Party on duty there; at the same time

* Note 97.
1805.
30 April.
Visit of the China fleet to Norfolk Island.

Supplies of fresh meat and fruit sent on board L'Atheniène.

Visit of the Taunton Castle to Norfolk Island.

sent over one of the great Guns, and immediately followed myself. At Seven O'Clock the Fleet were standing into the Bay; they fired a Gun to leeward, and hoisted English Colours; we returned a Gun and made a Signal for a Boat (there not being any at Cascade). They stood off and on for five hours before they attempted to hoist one out, which induced us to believe that their hoisting English Colours was used only as a decoy, particularly as we were not able to form an Idea what they were. From these circumstances I judged it necessary to draw all the Force to that part of the Island where a landing was to be apprehended. I therefore directed the whole of the Detachment to join the party already at Cascade, excepting one Officer and Sixteen men (including the Guard) left for the protection of the Stores and Town of Sydney.

After remaining five Hours in suspense, as before stated, a Boat was hoisted out, and Lieut. Little, the Officer who came on shore, informed us “they were the China Fleet, under Convoy of L'Atheniène, Sixty-Four, Commanded by Captain Fayerman; had sailed from England in June last, touched at Rio Janeiro, where they learnt the Calcutta had been about a Month before their arrival; that they came through Bass's Straits, were ordered to touch here and proceed to the Phillipine Isles; that the Officers and some of the Crew of L'Atheniène were very Sickly, but those of the India-men were generally pretty healthy; that notwithstanding they were much in want of refreshment, Captn. Fayerman was determined to proceed on his Passage that Evening, the principal object of his landing being to ascertain whether the Taunton Castle, one of the Convoy who parted Company from them Six Weeks before, had made the Island.”

From Lieut. Little's representation of the sickly state of the Officers and some of the Seamen, and judging it proper to afford every Refreshment in my power to one of His Majesty's Ships, induced me to send off a Supply of Twelve Wether Sheep and two Goats from the Stock belonging to the Crown, with some Lemons and other little things which I considered would be beneficial to them after so long a Voyage (enclosed is a Copy of my Letter to Captain Fayerman for your information), and I trust my Conduct will meet with your Approbation.

Three days after the departure of the Fleet, the Taunton Castle (Capt'n Pearce) touched here, and after remaining Forty-six Hours, in which time they laid in some Refreshments, she proceeded on her Voyage.

From Capt'n Pearce I learnt that the day after the China Fleet left St. Paul's, Admiral Pellew touched there with a squadron on His way to India.
I have much satisfaction in acquainting Your Excellency that the Harvest commenced on the 21st November, and the whole of the Wheat grown in the Island was secured by the 15th of December. The Crops of Wheat belonging to Individuals have generally turned out favorable, but that of Government's, from the circumstance of its having been blighted, is conjectured will not yield not more than Nine or Ten Bushels to the Acre. As the Government Wheat Stacks are secured in a manner that no damage can happen them, agreeable to your instructions I gave out the enclosed Order (No. 9), but no tenders have been made beneath the usual Price previous thereto.

On the 5th Dec'r Mr. Zach. Clark, Deputy Commissary, departed this Life after a short illness, which it is supposed was brought on by excessive Drinking.

The Cow-Pox has been propagated with the greatest success without a single instance of any bad effect. Lieutenant Davis's Children, having been Inoculated at Sydney, arrived with it here when the Matter was in its highest perfection, from which alone it has been communicated pretty generally all over the Island, The Vaccine Matter sent by the Principal Surgeon having as usual failed.

In adhering to your Letter of the 20th July last to Lieut.-Governor Foveaux, and observing your directions respecting the Horned Cattle, as an encouragement to those deserving Settlers who are determined to remain on the Island, I have been induced to issue the enclosed Order (No. 10), which contains the first and second Conditions of your Order of the 6th February last* on that head; and applications having been made by John Beresford, William Atkins, John Folly, Robert Nash, and Robert Jones, men with large Families and deserving Characters, I have allowed them each to receive a Cow from Government's Herd, subject to the conditions of the Order, which I hope will meet with your Approbation.

Enclosed is a Copy of my Letter of the 26th October last to Lord Hobart, transmitted by the Experiment.

Hitherto the Weather having been so extremely unfavorable, not having had three hours' Rain since the Harvest was got in, little or nothing could be done in the Agricultural way, and there now remains the unpleasant prospect of the general loss of the second Crops of Maize. The Mechanics, since the Lieut.-Governor's departure, have generally been employed repairing Government Buildings, Building a new Boathouse, a large Boat for the Island, and one for the Investigator. Should we experience any favorable weather, every possible exertion in my power shall be made in Cropping the Public Land with Maize.

* Note 98.
I request Your Excellency will have the goodness to direct a supply of Stationary to be sent for the purpose of keeping the Public Accounts, the Acting Deputy-Commissary having complained to me that he is entirely destitute of that Article.

The Acting Deputy-Commissary representing to me that the undermentioned Persons holding Receipts given in Payment for Swine's Flesh and Maize purchased between the 9th September and 31st December, 1804, have made application to have them liquidated by Bills on His Majesty's Treasury, I have therefore to request Your Excellency will give me the necessary directions for drawing for the Amount. Vouchers No. 5 and 6, for the Purchases made between the two periods, are included in the Public Accounts made up from the 1st July and 31st December, 1804.

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<th>£</th>
<th>s</th>
<th>d</th>
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<tr>
<td>William Scattergood</td>
<td>319</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>James Mitchell</td>
<td>251</td>
<td>19</td>
<td>3</td>
</tr>
<tr>
<td>William Broughton</td>
<td>185</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>D’Arcy Wentworth</td>
<td>130</td>
<td>13</td>
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Total £886 17 5

I beg leave to refer you to the Lieut. Governor's Letter pointing out the want of Slops; and I refer Your Excellency to the Public Accounts for the general wants of the Settlement. Being much in want of Iron, I was induced to make an exchange with the Master of an American Schooner belonging to Captain Pendleton of the Ship Union, enclosed is the Receipt, which I hope you will approve of.

The Goats, the property of Government, having become exceedingly troublesome by trespassing on the Settlers' Grounds, and comparing the Expence with the benefit derived from them, I am fully persuaded they are of little or no advantage to Government. I have therefore been induced to part with some of them, being of the Oldest and worst quality, at rather a low rate, in exchange for Grain, and shall, if it meets Your Excellency's approbation, continue to part with them on the best possible terms I can.

Since writing the former part of my Letter, I had the honor of receiving Your Excellency's Despatch by the Investigator (Lieut. Houston) who arrived on the 11th Inst. and in answer to that Paragraph respecting the Reduction of the Civil Establishment, I refer you to my Order (No. 12) which I issued immediately after her arrival; as I do also to the accompanying Lists for the numbers who return by these Conveyances, among whom are only four Settlers whose Lands I have caused to be Surveyed by Mr. Williams, his report thereon I shall transmit for your information.
Martin Tims remains on the terms & Conditions mentioned in your Letter of the 14th September, and Mr. Williams returns by the Investigator.

I shall be particularly attentive to what Your Excellency has said respecting the landing of Spirits on the Island, and as well to your Instructions prohibiting British Subjects from entering on board Foreign Vessels (the Gazette containing the Order alluding thereto I never received) and have to assure Your Excellency that no circumstance of the nature of which you complain shall occur again.

Lieut. Houston shall be supplied with such Hogs as he stands in need of during his stay, for which I shall take his Receipt.

The Wheat sent over I shall cause to be Surveyed, a Copy of the Report shall be sent for your information. I have made your Notice respecting Col. Paterson’s Report of Port Dalrymple as Public as possible.

The Specimens of Wood agreeable to your directions are sent by this Conveyance, and as well what Salt Pork I can prevail Shipment of on Lieut. Houston and Captain Campbell to take.

Captain Campbell having brought from the East a young Spanish Ram, he very obligingly left him with me. In lieu thereof I gave him two Wether Sheep from Government Flock, which I have no doubt you will approve of. Being desirous of getting over as many people as possible, and the Harrington affording an opportunity of facilitating that object, I engaged with Captain Campbell to take the Men, Women, and Children in the accompanying List, for which (and the Pork he may take, as also some of the Materials for a Mill), as a remuneration, I am to repair his Long Boat, and furnish him with a thousand Feet of Plank on his return.

The Troops on board the Harrington have been Victualled at a full Military Ration up to the 24th Instant. The Acting Deputy-Commissary has my directions to furnish the Commissary with an account of what Provisions he puts on board for Victualling the Passengers, in order that the Expenditure may be accounted for with the Copy of the Ration at which they will be Victualled.

I have to inform Your Excellency that there are now nearly three hundred Hogs, the property of Government, which will be ready for Salting in the course of five or six Weeks. I shall therefore anxiously hope that you will send a supply of Salt for this purpose, as also a quantity of Casks for holding forty-five thousand weight of Pork, which it is computed at a moderate Calculation they will produce.
Captain Campbell has presented me with Receipts of the Current Quarter to the amount of £577 9s. 5d., given in payment for Wheat, Maize, and Swine's Flesh purchased for the purpose of Victualling those supported by the Crown. I have informed him that the most I could do was to represent the circumstances to you; but as the Receipts were within the present Quarter I could not regularly make application for leave to draw Bills on the Treasury until the Vouchers for the three Months were completed.

The Harrington will Sail this day (23rd of February), and I expect the Investigator will be ready in three or four Days.

I have, &c.,

JOHN PIPER.

[Enclosure No. 3.]

GOVERNOR KING TO COMMANDANT PIPER.

Sir,

By the Harrington I received yours of the 10th Febry. and am glad it was in your Power to issue a full Ration so soon after the Reduction.

The Account you gave of the Settlers' Harvest is satisfactory after the Reports we had here of its failure—I hope you have had a Share of the heavy Rains fallen here, which may bring about your Maize, on which fattening the Swine so much depends.

I am much gratified at the dispositions you made on perceiving L'Athenienne's Convoy and cannot but approve of the Stock and Refreshments you sent to those Ships.

It is a circumstance highly satisfactory that the Cow-Pox has succeeded so fully—it might be adviseable to intimate to the Surgeon the necessity of inoculating only a few Children so as to keep a constant Supply of the Vaccine Matter.

I observe your requisition respecting an Authority to draw for the Amount of the Purchases made on behalf of the Crown from July 1st to Decr. 31st last amounting to £886 17s. 5d., for which I enclose the necessary directions.

By this Conveyance I have directed the Commissary to send a Proportion of what Slops we have, as well as Iron and other Articles with some Stationary which I think may be acceptable, and am sorry the low state of all kind of Stores does not admit of my sending you a greater Supply.

Respecting the Goats I approve of your Intentions on that head.

I cannot help signifying my dis-approbation of the Spirits being landed from the American Ship Union, without a Letter being produced from me, which regulation had obtained at Nor-
folk Island in former instances of that kind, and am still more surprised at the very high Price the Proprietor was allowed to charge i.e. Nineteen Shillings a Gallon for which a similar Quantity was sold here at nine Shillings including the Duty—That Masters of Ships may not be ignorant of the Instructions I have found it necessary to give on that behalf, I have directed the General Order* of the 10th Inst. to be published in the Gazette of that Date, and must require a Strict Observance of its Tenor by you in future Cases of a similar kind.

The Provisions you exchanged with the Master of the Independence American Vessell for Iron was very right, but I must repeat the necessity of the Americans not being allowed to Ship British Subjects for the Purpose of Carrying on the Fishery, which Advantage ought to be confined to those of our own Nation, particularly during the time of War—As a Guide to your Conduct in this particular I send you the General Order* on that Subject, which I request may be entered in your Order Books—And altho’ all those who have served their Terms of Transportation are at Liberty to leave the Island in any English Vessell direct for Europe or India and not coming here, yet as the King’s Subjects they cannot be allowed to go in the Vessells of Foreigners during the time of War, except in particular cases of Distress.

In addition to the Observations in different parts of your Letter respecting the reduction of the Settlement at Norfolk Island, I have received Letters forwarded in your Box from three of the Old Marine Settlers—Two others have come over in the Investigator, and some of that Description holding Land, which they have purchased from the original Grantees or who Cultivate Land without any right of Possession.

Respecting the Civil Establishment it now stands thus as directed by my Letter to Col. Foveaux of the 20th July last.

- Commandant
- Storekeeper
- Deputy Judge Advocate
- One Superintendant
- Clergyman
- Beach Master and Pilot
- Surgeon

Of this Establishment, I shall give the Secretary of State and Colonial Agent Official Notice—By the General Orders* of the 4th March, you will observe that I have named you Commandant of Norfolk Island, and herewith inclose you my Appointment. The Commissary will be directed to make you half Yearly Payments on your Commissioning some Person to receive it, but if I do not get your Official Letters before the expiration of the half Year, it cannot be paid until I possess that Document.

* Note 99.
In my Letter of the 20th Jany. I recommended the old Marine Settlers, Barrisford and Standfield, as having large Families to remain where they were rather than to begin the World anew—but it never could be considered that this Recommendation precluded them from removing, or implied any Idea of their being on any other footing than they are at present if they remained—nor should I have offered the recommendation had it not been to counteract a belief the Settlers had that the Island was to be totally evacuated, and the uncertainty respecting the Soil and local Advantage of Port Dalrymple which were not then ascertained—as every Stage of Information on those heads have been published by myself, Col. Foveaux or yourself, it appears extraordinary that they should not only misapprehend those Orders and Communications, but write and some are come here with Ideas totally different from what those Documents conveyed, namely Lieut. Govr. Foveaux's General Order of May 8th, 1804, which fully expressed the Terms on which the Removals were to be made, and my confirmation of the same by my General Orders of July 20th, The Intention respecting the Rivers Hunter and Paterson in Newcastle being done away by the favorable reports since then received from Col. Paterson, which have been communicated to the Settlers by you—However that no further Misunderstanding may occur, I have sent another Printed Notice, which you will explain to the Settlers at large, which I think is sufficiently clear to preclude any mis-conception and leave them to their own free Choice, either to remain where they are or to remove on the Terms specified in those Documents.

I have directed the Commander of the Lady Nelson to receive on board such Settlers who may be disposed to remove and as the Vessell can conveniently take, but if there should not be a sufficient number to complete those who can come by that Conveyance, you will send as many of the Soldiers as were left by the Investigator, that could not be received on board that Ship—If the Soldiers and Settlers should not all come by the Lady Nelson, and you have an opportunity of making a reasonable Bargain with the Master of any Whaler or other Vessell coming here to bring any of these People and their Families, you are at Liberty to do so.

Should there be any Free men of exemplary good Character, holding Ground by a Purchased Grant, I have no objection to their being sent, but I think that should be done with much circumspection—great care should be taken that the Surrenders* are made, as pointed out by the Letter you will receive with this from Mr. Williams—the whole Grant must be surrendered and not part of it.

* Note 17.
I request you will inform Mr. Broughton that the reduction of the Civil and other Establishments at Norfolk Island precluded me from appointing any other than a Storekeeper for that Place.

Whenever you have it in your Power to send any Salt Meat to this Place, it will be necessary that every Cask should be examined, and the damaged Meat taken out of it and surveyed, and the good repacked for which purpose some Brine is sent, with what Salt we have in Store—It has been suggested that the Salt made here will not preserve the Meat—this the experience of the Island must enable you to be the best Judge—I am sorry that the whole Quantity of Salt we possess does not exceed that now Sent—no Opportunity shall be lost in sending you that necessary Article—I hope no Stop will be put to your causing as much as possible being made on the Island—The two hundred pounds you now have in the Store, of the Salt sent by the Betsey and Francis, with that which goes now, I hope will cure all the Meat you can procure this Winter.

Whenever Prisoners are sent from Norfolk Island to this Place it will be necessary to transmit an account to the Judge Advocate, whether they have incurred any recent Sentence, either by the Criminal Court or a Bench of Justices.

Whenever you can assure yourself of any Whaler that may touch at Norfolk Island going direct off the North East Coast of New Zealand, with the Probability of touching soon at the Bay of Islands, and the Master of the Vessell is willing to undertake that Charge, You will put on board from Ten to Twenty Sows and a sufficient number of Boars to be given to the most powerful Chief or Person in that Place they may touch at for the express Purpose of Breeding—at the same time putting on board a sufficient Quantity of Maize and Bran for their Support, but in carrying this Object into execution, You will of course consider the confidence you can place in the Person you give that Charge to.

I am, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 4.]

KING POMARRE TO GOVERNOR KING.

Sir, Eimeo from the Harbour of Obuno, Decr. 9th, 1804.

From the friendship you shewed the late King my father and the expence the English have been at in sending Missionaries into the parts for the improving of myself and ignorant people, I'm sure it will give you pleasure to find it has not all been thrown away, as it has enabled me to address myself to...
you by Letter What I should have been incapa: bell of but for those gentlemen; the purpose of my letter is to inform you that I am building a large Schooner for the purpose of protecting myself and the English from a party of my rebellious Subjects, who have frequently threatened me with war, for which Vessle I am in want of Two guns, a Quadrant and Compass, and as I have no friends but the English to you I apply, Sir, for these things and in return will assist any English ship that should happen to call here with every thing my country affords or if you please should your place be in want of Pork will give you Hogs in return.

I have, &c.,

POMAREY King.

GOVERNOR KING TO EARL CAMDEN.*

(Despatch marked “Separate and Particular,” per H.M.S. Investigator; acknowledged by Viscount Castlereagh, 21st November, 1805.)

My Lord,

Sydney, New South Wales, 30th April, 1805.

The Enclosed Documents stated in the annexed List will inform Your Lordship of an Event that has much embarrassed me in determining how to proceed in a Matter of such probable National Importance.

In my former Despatches I have had the honor of Communicating the Circumstance of the Harrington Brig, belonging to a Commercial House in Madras, having been employed by the Owners in Commercial Speculations between Madras, this Place, and South America. On her return from Madras 1804 she was provided with a Letter of Marque from the Presidency of Fort Saint George against France and Holland, and sailed from hence for the Coast of Peru with the Ostensible intention of procuring Seal Skins at Masafuero, &c.

On the Harrington’s Return from that Voyage, the 4th Ult’o, I found the Commander and Crew had captured a Spanish Merchant Brig, named the Saint Francisco and Saint Paulo, with her Cargo, and a Cruizer belonging to the King of Spain, named the Estremina, Commanded by Don Antonio Jose Del Campo, Ensign in the Spanish Royal Navy, out of the Ports of Coquimbo and Caldera on the Coast of Peru. The Officers and Crew of the Brig had been turned on Shore, and those belonging to the King of Spain’s Cruizer, having only Four Guns, had run the Vessel on Shore and left her after setting her on Fire, which was extinguished by the Harrington’s Crew, and the Vessel was afterwards got off. It also appears the Harrington had taken from the Shore, at Guasco, a quantity of Copper in pigs,

* Note 100.
which Transactions took place without any Knowledge of Hostilities existing between England and Spain, but, on the contrary, every local Reason to suppose that no such Event was then known in that part of the World.

To elucidate the Circumstances that have occurred since the Harrington’s arrival, I respectfully request your Lordship’s reference to the accompanying Documents in the Order I have the honor to notice their respective Imports.

By the Letters No. 1 and 2 Your Lordship will observe the object of Captain Campbell’s Voyage was for Seal Skins at Masafuero and making Captures in case War should take place while he was in that Quarter. No. 32 and 33 are Copies from the Commander and Chief Mate’s Log Book and Journal, which were extracted after the Reference was made to the Contents of those Documents by my Letter to Captain Campbell, No. 3 containing Queries founded on the Evidence of the Log Book and Journal. The Correspondence and Documents from No. 4 to No. 20, tends, I conceive, to establish proofs of Captain Campbell’s incorrectness.

1st. In drawing his inference from what he states of the Information he received at Masafuero that War had then taken place, and its Contradiction by Mr. Tozer’s Deposition No. 39, corroborated by the Affidavit of the Master of the Ceres, South Whaler, No. 40.

2nd. His assertion respecting being ordered by the Owners to send prizes to India, and his having sent the Spanish Vessels there, is contradicted by his Owner’s Instructions No. 8, and by the Deposition of Mr. Tozer, who was in Charge of the Estreminia when brought from Jervis’s Bay by the Lady Nelson, as stated hereafter.

3rd. His incorrectness in asserting that he only took a few inconsiderable Articles out of the Vessels, which is contradicted by the imperfect Erasure in his Log on the 26th September, and the Entry in his Mate’s Journal of the same Date, stating his taking the most valuable parts of the Brig’s Cargo on board the Harrington immediately after she was captured, with the enumeration of the Articles taken out 17th November and 14th December.*

4th. His repeated assertion of being a Captain in the Bombay Marine, which he afterwards acknowledges he is not, altho’ neither that or his holding any other Office could in my humble Opinion Warrant his seizing the Ships and Goods of Neutrals in their own Ports, and bringing them away without he had

* Marginal note.—Vide Mate’s Journal of those dates and Enclosure No. 41.
authority so to do, or the most conclusive and undoubted information that War actually existed, which it appears there was no probability of, from the Circumstance of the Governor of Guascó visiting him on board the Harrington on the 29th September, Three Days after he had taken the Brig, and the Master of the Ceres’s Affidavit No. 40.

In consequence of these Transactions, as stated from No. 4 to 20, I required a Meeting of the Principal Officers holding His Majesty’s Commission, acting as Magistrates, to whom I submitted a Consideration of those Transactions, and required their Opinion, as detailed in No. 9 and 10. In consequence of which I directed the Harrington’s detention as stated in Letter No. 11.

Captain Campbell’s Memorial, No. 12, produced the Correspondence No. 27, in which your Lordship will observe my Reasons, joined to the Judge-Advocate’s Opinion, for conceiving that the Owner’s property on board the Harrington might not eventually be considered as answerable for any improper Conduct of the Commander; And on the Faith of Captain Campbell’s assertions that the Spanish Vessels were gone to India, and his promise of verifying his Log and Journals, I consented to admit of the Security being given, as stated in No. 25.

In preparing the Extracts of the Log and Journal I found it necessary to require the Explanation contained from No. 25 to No. 31, where it will be observed that these Explanations were not only evaded but mis-stated, and finally refused; And on requiring the Extracts from the Log-Book and Journal to be verified by Captain Campbell and the Mate, as stated from No. 31 to No. 33, including the Extracts; To these Requisitions, notwithstanding Captain Campbell’s preliminary promise to giving the Security that he would verify the Log and Journals in any manner I might prescribe, Yet this he and the Mate refused by their Paper No. 34, the Reasons for which Captain Campbell falsifies by his paper in No. 34.

On the above refusal I directed the Magistrates to compare and verify them with the Originals, which was done, and No. 36 is the Examination of the person who wrote the Harrington’s Log during the Voyage, which, with the Magistrates Opinion, No. 35, of the import of the Erasures, &c., in the above Documents, determined me on the Measures of detaining the Harrington until it is known whether War existed or not when the Spanish Vessels were captured, as stated in my Letter No. 37.

In this place I cannot pass unnoticed the more than probable Suspicion of his having taken a quantity of Copper from Guascó Bay, or thereabouts, by force, as extracted from the many imper-
fect Erasures in the Log of the 29th September, in the Magistrates Report, No. 35.

The Day after the Security was given a person arrived in a small Boat from Port Jervis* with such indirect Information as made me suppose the Estremina was there waiting for Directions from Captain Campbell. As I concluded that those Vessels might be returned more readily from hence if there was no War than they possibly could from India, And in case War did exist those Vessels could not be libelled by the Harrington in the Vice-Admiralty Court, she having no Letters of Marque or Reprisals against Spain, I considered it my Duty to send Acting-Lieutenant Symmonds, Commanding the Lady Nelson, to bring either or both these Vessels to this port if lying in Jervis’s Bay. He returned the 9th Instant with the Estremina, The English Colours she was under in Jervis's Bay being replaced by those belonging to the King of Spain. I caused her to salute the Fort, which was returned with an equal Number of Guns, And the next Morning directed all her Furniture and Stores to be inventoried by Three Officers, among whom was the Mate of the Harrington.

As the Estremina’s False Keel is off, I intend to have it replaced and shall fit her in readiness to be returned to the Vice Roy of Lima with every Article, public and private, found on board on her arrival here, in case I receive Accounts that War had not commenced previous to those Vessels being taken, which I trust will meet your Lordship's Approbation.

By the last Accounts respecting the Brig I found she is still hovering about the Coast and Islands in the Straits in a leaky state and the Cargo destroying. Had I any Vessel to send equal to making a Resistance if necessary, I should have sent to bring her in; but the Buffalo's being absent prevents my taking that Step, and I much fear a Continuation of the same Conduct on the part of the Harrington's Commander and the people in the Spanish Brig will cause the latter Vessel’s Destruction before she is brought into this Port.

If the Commander of the Harrington deceived himself into a belief that War did exist when he took these Vessels, it certainly was a Duty he owed himself, and to shelter him from any suspicion of piracy, to order them here after bringing them as far as Norfolk Island on the Voyage hither. Instead of this open and direct Conduct, when he learned at Norfolk Island that no Hostilities had commenced between the Two Nations in June, 1804, he ordered them to Kent’s Group, at the East Entrance of Bass's Straits, to await his Orders, where they have been some time concealed; nor could there be greater proof of his want of
1805. 30 April.

Candour than in asserting that he had sent the Vessels to India when he knew he had ordered them to Kent's Group until they received Orders from him.

As the Harrington will be detained until I hear for certain whether Hostilities had or had not taken place in Europe prior to those Vessels being captured on the 2nd October, 1804, If Hostilities had then taken place the Harrington and her Commander will be liberated; but they cannot libel those Vessels, inasmuch as he had no Letter of Marque against Spain. Had he sent every Spaniard out of the Vessels, not reserving the sufficient Number of Prisoners to condemn them, Added to which a great part of the Brig's Cargo was taken on board the Harrington; Therefore it appears to me that in the Event of its having been War at the time, those Vessels should become a Droit of the Admiralty. If, on the other Hand, I find no Hostilities had taken place at that period, I shall agreeable to the Opinion of the principal Commissioners, Civil, Military, and Naval, consider it my indispensable Duty to detain the Harrington, her Master and Officers until His Majesty's pleasure may be received thereon, As I humbly and respectfully conceive that such proceeding, if not noticed in the manner it has been done, would have implicated the established honour of His Majesty's Flag, might be deemed a Breach of National Faith, exclusive of the piratical appearance of the Act. Under all these and many other untoward Circumstances that this Conduct of the Master of the Harrington may eventually bring on the Country and its Individuals, I humbly hope my Conduct in the Measures imposed on me by a Sense of the Duty I owe to the honor of our Most Gracious Sovereign, and our Constitutional observance of Treaties, may be considered as admissible Reasons for the Steps I have unavoidably taken in this Transaction, and in the omission of which I might have incurred much Censure, as I do not doubt that the Strongest and most just Representations have been made by the Spanish Government of South America of Acts so Unwarrantable, and in my humble conception so highly criminal in the Commission or neglect of noticing it. And conceiving that those Transactions may be of such national Importance that no Time should be lost in removing the impression of any unfavourable Representation that may have been construed into the Act of any other person than an unauthorized Individual, And in Order to possess your Lordship of the Circumstances, I have considered it an indispensable Duty on my part to send an Officer to England with my Despatches, who may, in case of any Accident happening to them, be able to relate the
Circumstances. The Officer I have fixed on is Captain Kent, Second Commander of His Majesty's Ship Buffalo, who is possessed of those Details, and will give your Lordship every information on that Subject.

Seeing the importance of the Event, I trust your Lordship will pardon my earnestly soliciting that His Majesty's Commands may be forwarded thereon as soon as possible if War had not taken place between England and Spain on the 2nd October last.

Considering this Communication closed with the Letter No. 44, in which I requested no farther Correspondence on the Subject until the doubt of Peace or War might be removed, I am necessitated to add the Subsequent Correspondence from No. 46 to 48, which will inform Your Lordship that Mr. Campbell has, after making a protest (No. 45) against my proceedings respecting the Detention of the Harrington, thought proper to abandon and Desert his Charge as Master of that Vessel, giving the most groundless and erroneous Reasons for that unjustifiable Conduct. On the validity of which Reasons I conceived it necessary to require the Opinion of the principal Officers, as stated in No. 49 and 50, and on which, with the most mature exercise of my own Judgment, I have acted in continuing the detention of that Vessel, her Commander, &c., until the doubt of Peace or War between England and Spain be done away by the most certain Information.

As no Cargo remains on board the Harrington belonging to the Owners, but only the Remains of the part of the Spanish Brig's Cargo taken on board after her Capture, I must still consider that Vessel as remaining in Mr. Campbell's Charge until otherwise Settled, which must depend on the Information of Peace or War, to which your Lordship will observe all these transactions refer.

PHILIP GIDLEY KING.

[Enclosure No. 1.]

CAPTAIN CAMPBELL TO GOVERNOR KING.

Sir, 23rd April, 1804.

In consequence of receiving the Favor of your Excellency's reply to mine of this Date I have to inform your Excellency that I will require Fifty Men, exclusive of Officers.

The Object of my Voyage is to collect a Cargo of Skins at Masafuero, and the Galapagus Isles, and if I am able to collect certain Information of a War existing between His Brittanick Majesty and the Crown of Spain, in that Case to Cruize upon the Spanish Main in quality of an English Privateer.
A List of the Persons inclining to Ship on board the Harrington, is now lodged in the Secretary's Office for your Excellency's approval. Any that may require to leave the Securities mentioned in your Excellency's Letter I have no Wish to retain, provided they are unable so to do.

I have, &c.

Attested: Rd. Atkins, J.-A.

WILLIAM CAMPBELL.

[Enclosure No. 2.]

GOVERNOR KING TO CAPTAIN CAMPBELL.

Sir, April 23rd, 1804.

I approve very much of your Intention to procure Seals at the Places you mention, but respecting your other Object you must recollect that you have no Letter of Marque against Spain, and any Prizes you may take in case Hostilities should be commenced between the two nations will be taken from you if you bring them to this Port.

I am, &c.

PHILIP GIDLEY KING.

Attested: RICHD. ATKINS, J.-A.

[Enclosure No. 3.]

ACTING-SECRETARY BLAXCELL TO CAPTAIN CAMPBELL.

Sir, Sydney, 6th March, 1805.

Examination His Excellency having examined your Log Book observes the following Passage on the 26th September, 1804: “Light Airs and pleasant Weather. Sailed into Coquimbo alongside of a Spanish Brig; fired one Gun and ordered them to haul down their Colours, then boarded them and sent all their men on Shore; at 7 A.M. hauled her alongside. On the 27th Brisk Wind and Clear; perceived them very busy on Shore; expected were making preparations ag'st us. At 5 P.M. weighed, and Sailed for Goasco, to the Northw'd middle; strong wind, and hazy; The Prize astern, sailing down the Coast. At 11 saw a strange Sail standing after us; hauled our Wind to the N.W., the Prize astern; Lat. Obs'd, 28° 35' So. On the 28th At 1 P.M. wore and stood in Shore; Spoke the Prize, who informed us it was a Whaler standing along shore to the Northward; hauled our Wind and stood into Goasco Bay, and at Sunset Anchored. On the 29th Employed Clearing the Hold, expecting Don Felix, from Coquimboo, to take our Cargo for Copper. At 3 P.M. the Governor came on board and informed me that he was detained at Coquimboo; sent the Boat several times in the night to see what was going on on Shore; at daylight found they had removed all the Copper.” On the 30th, “At half-past noon, got under way with a light breeze from the S.E.; at Sunset came up with the Prize, gave her Sailing Orders, and at 7 parted Company and
stood for Copuipo Bay”; And on the 1st Oct., “At 8, saw a Sail lying in Caldera Bay; bore up for her; at 9 she hoisted a Spanish Flag, and got a Spring on her Cable; Shewed our Colours; She fired three Guns; We fired one Gun shotted at her, which she returned with all her Guns, the Shots going between our Masts; fired a broadside over her; She cut her Cable and set her on fire; all the Crew left her in their boats; Boarded her and extinguished the Fire; Got her hove off the Shore, and got her under way in Comp'y with us; she proved to be a Spanish Cruizer.” From which period till the 3d at 4 p.m. you had this Vessel in tow as a Prize, when you gave her Sailing Orders and parted Company with her, after which it appears you went to the Society Islands, and from thence came here, after touching at Norfolk Island.

As the latest accounts we have from England by Newspapers of the 19th June make no mention of a probability of a War with Spain, it becomes an indispensable Duty of the Governor’s, for the honor of His Majesty’s Flag, to require your Answers to the following Queries:

1st. Had you received any certain information at the time you took the 1st Vessel, on the 26th Sept’r, that Hostilities had commenced between His Majesty and the King of Spain? If you had not, what were your motives for this Act of Hostility, and by what Authority?

2nd. Where are the Vessels you took, and how have you disposed of them and their Cargoes, And what part thereof did you take on board the Harrington?

3d. What Letters of Marque were you in possession of against the King’s Enemies at the time you took the above Spanish Vessels?

I am, &c.,

G. BLAXCELL,

Attested: RICH’D ATKINS, J.-A. Act’g Sec’y.

[Enclosure No. 4.]

CAPTAIN CAMPBELL TO GOVERNOR KING.

Sir,

7th March, 1805.

In Reply to a Letter I have Received from Your Excellency’s Secretary, by your Order, this day, requiring my Answer to Certain Queries therein Contained, I have to Observe to the First That it was not possible For me to be possessed of certain Information of Hostilities existing between His Majesty and the King of Spain, but on my touching at Masa Fuero I found several Americans employed therein Sealing, who informed me that Hostilities had commenced between Spain and Portugal.”

* Note by Governor King.—Contradicted by Mr. Tozer’s Deposition, No. 39.
And that an English Letter of Marque of twenty-eight Guns was
Cruizing to the Southward of Conception, And that the Ameri-
cans had been ordered by a Cruizer, which was dispatched from
Lima to Masa Fuero, to leave that Island, as it was Considered
a place of Rendezvous for English Privateers, where they were
supplied with Wood, Water, and Men—Circumstances sufficiently
strong to convince me Hostilities commenced and were existing.
The Second Query is answered by the Foregoing.
In Reply to the Third, I have to inform Your Excellency that
I ordered the Vessels to make Port Jackson as soon as they
could,* in order to Repair; but as they were in a leaky State I
directed them, in Case they were not able to make this Port, to
put into the First port on the Coast to refit, and from thence
make the best of their Way to India, agreeable to my Instruc-
tions from my Owners.† As to the Cargo, I only took on board
from the Brig a few bags of Flour, in Coquimbo Roads, of Which
I was in great Want, and the Same are now nearly expended.
In Answer to the Fourth Query, I beg to inform Your Excel-
leny that I hold a Commission in the Hon'ble Company’s Ser-
vice, as Captain in the Bombay Marines,‡ which is, at the same
time, a Letter of Marque, and gives me power to Act generally
against all His Majesty’s Enemies.
I have, &c,
Attested: RICH’D ATKINS, J.-A. WILLIAM CAMPBELL.

LETTERS OF MARQUE FOR THE BRIG HARRINGTON.

The united Company of Merchants of England, Trading to the
East Indies to William Campbell, Greeting.
Whereas open Hostilities have taken place between His Most
Sacred Majesty the King of the United Kingdom of Great
Britain and Ireland, and the French and Batavian Republics and
whereas we the said United Company are duly authorised and
empowered, by Virtue of a Charter in that Behalf given and
granted unto us, by His late most Sacred Majesty George the
2nd by the Grace of God then King of Great Britain France
and Ireland, under his Royal Sign Manual and bearing Date at
Westminster the 8th day of January in the 26th Year of his
Reign to raise and maintain Forces and Armies both by Sea and
Land and to appoint such and so many Generals Commanders
and other Officers as we shall think fit for the purpose of en-

* Note by Governor King.— Contradicted by the whole of the Subsequent Corre-
  spondence, and Mr. Tozer’s Affidavit.
† Note by Governor King.— Contradicted by Mate’s Journal, and No. 41.
‡ Note by Governor King.— Contradicted by Letter of Marque and No. 16, also
  Boatswain and Mate’s Affidavit, No. 6.
countering and resisting by Force of Arms, all and every the Enemy and Enemies of our said Sovereign Lord the King, his Heirs and Successors and of ourselves, and the Sd. Enemies and every of them, their Ships Armour Ammunition and other Goods, to invade and destroy in such manner as in and by the Sd. Charter is provided mentioned and contained.

Now wz the said United Company in consideration of the Premises, and reposing especial Trust and Confidence in your good Conduct, Loyalty and Courage Do by these Presents and under and by Virtue of the Royal Charter aforesaid, constitute and appoint you Willm. Campbell to be a Captain in our Naval and Marine Service for and under our Presidency of Fort St. George, and to be Commander of the Brig Harrington Ship of War employed in our said Naval and Marine Service against the said French and Batavian Republics during the Hostilities aforesaid and during our Pleasure and the Pleasure of our Governor in Council for the Time being of and for the said Presidency of Fort Saint George, but without any Pay Subsistence Charge Allowance or other Compensation whatsoever to be had or demanded by you from us or our Successors on account of such your Appointment under this our Commission save as hereinafter mentioned; You are therefore duly to Command exercise and keep in Good Order and Discipline all the Commissioned Officers Warrant Officers Seamen and others, subordinate to you, according to such Authority Rules Powers and Provisions as in and by the Sd. Charter are mentioned and contained, and as legally may be done. And we do hereby Command them to obey you conformably thereto as their Captain in which Station you are to observe and follow all such Orders and Directions as you shall receive from time to time from us our Governor in Council for the Time being in pursuance of the Trust hereby reposed in you. And we do by these Presents authorize and empower you the said William Campbell by Force of Arms or otherwise to apprehend Seize and take the Ships and Goods, belonging to the French and Batavian Republics and the People thereof being Enemies of our said Lord the King and of ourselves, pursuant to the Powers and within the Limits of the said Charter for that Purpose mentioned and Prescribed and to bring the same to such Port as shall be most convenient, in order to have the same legally adjudged and condemned as Prizes, and for the better and further encouragement of you the said Wm. Campbell, and of the Owners Commissioned and Warrant Officers Seamen and others of and belonging to the said Ship Brig Harrington and in lieu of Pay Subsistance and other Charges and Allowances We the said United Company do hereby
Letters of marque for the brig Harrington.

1805.
30 April.

Relinquish and quit claim to all and every part and parts share and shares of and in all each and every ship or vessel and of and in all stores goods arms ammunition and other articles whatsoever taken or found in or on board of all each and every ship or vessel which shall be captured and finally condemned as lawful prize, by the sd. ship brig Harrington under and by virtue of this our commission or any other commission by us granted or to be granted for that purpose. And we the said United Company do hereby promise and agree that all and every share and shares of and in all each and every such ship or vessel stores goods arms ammunition and other articles so captured and finally condemned as afores'd and the produce thereof which we the sd. United Company might lawfully claim and be entitled unto shall be divided amongst and given up unto you the sd. Willm. Campbell, the owner or owners of the sd. ship brig Harrington and the commissioned and warrant officers seamen and others of in and belonging thereto in such shares and proportions as shall be hereafter for that purpose ordered settled and agreed upon by our governor in council of and for our presidency of fort saint george as aforesaid.

In witness whereof the right honorable lord Willm. Cavendish Bentinck, our governor of fort saint george, lieut. genl. James Stuart, commander in chief of the forces, serving under the said presidency, Willm. Petrie and John Chamier esquires, counsellors of our presidency of fort saint george aforesaid have hereunto set our common seal and subscribed their respective signatures.

WILLM. BENTINCK.
J. STUART.
WM. PETRIE.
JOHN CHAMIER.

Fort Saint George
15th Octr. 1803.
Registered in the Secret'y's Office
G. STRACHEY, Secret'y to the Gov.
Attested: R. ATKINS, J.-A.

[Enclosure No. 6.]

Examinations taken before His Excellency Governor King, Major Geo. Johnston Commanding the N. S. Wales Corps, and Richard Atkins, Esq., Judge-Advocate.

John Reynolds, Boatswain of the Harrington Brig, deposes:—
That one morning, being on the coast of Peru, they observed a vessel steering along the coast, on which Mr. Cummins was
sent into the Bay of Coquimbo, and on his return the Harrington went in, and soon after the Master Attendant of the Port came on board. Says he cannot recollect what Colours were at that time hoisted on board the Harrington; she Anchored near the Brig, which had Spanish Colours flying; The Boat then boarded her with Mr. Cummins; hauled down the Spanish Colours and took possession of her; the whole of the Crew were sent on shore, a Frenchman excepted, who went on board the Harrington; Says that two days or thereabout after they had sailed from the above Port they saw another Vessel and bore down on her; on approaching her she fired several Guns shot at the Harrington, which (as he thinks) had at that time an English Jack flying; that the Schooner had Spanish Colours flying, the Crew of which took to their Boat and set the Vessel on fire, on which the Boat of the Harrington was lowered down and Mr. Cummins went in her to extinguish the fire and take possession of her, which was done; The Harrington then proceeded to Otaheite, and in about three weeks after the Harrington's arrival the two Spanish Vessels came to that Island; The three Vessels sailed together from that place and arrived at Norfolk Island the same day; That about a week before the Harrington left that Island the Spanish Brig and Schooner sailed from thence; Says that several Coils of Rope, some Flour, and other Articles in Bags, were taken out of the Brig, which was hauled alongside the Harrington; That at the time the two Vessels sailed from Norfolk Island they were Officered and manned from the Crew of the Harrington.

JNO. REYNOLDS, Boatswain.

Sworn before us this 9th March, 1805,

PHILIP GIDLEY KING,
GEO. JOHNSTON,
RICH'D ATKINS.

MR. FRANCIS GARDNER, Chief Mate of the Harrington, Deposes:—

That from Masafuero they proceeded to the Port of Coquimbo on the Coast of Peru; as soon as they got into the Harbour they went alongside a Spanish Brig, and fired a Gun which then hauled her Colours down on being ordered so to do; That they remained in the Port twenty-four Hours with the Brig alongside of her; On the Harrington's entrance into the Harbour she had English Colours hoisted; That the whole of the Crew of the Brig, with their Beds, Chests, &c., was permitted to go on Shore; The next morning the Master of the Spanish Brig, the Chief Mate, and Supercargo, together with the Harbour-Master, came on board the Harrington, and from everything that could be collected from their Conversation War between the two Nations
1805.
30 April.
Deposition of the chief mate of the Harrington.

must have taken place; That they kept the Harrington's people in Conversation (as was supposed) for the purpose of having time to mount some Guns on an Eminence, on which the Harrington, together with a Spanish Brig, made Sail out of the Harbour, and proceeded to Guasco; The Brig got in there and Sailed the next day; The Harrington continued her course along the Coast, and two days after they got into the Port of Caldero under English Colours, in which was a Schooner having the King's Spanish Colours flying with Springs to her Cable; She fixed two Guns to leeward and one at the Harrington, on which the Harrington fixed a Gun, and continued Sailing towards her; Soon after the Schooner fired two Guns, the Shot of one went between the Harrington's Masts, and the other over her Gaff, on which the Harrington fired a whole broadside at the Schooner, and on the Smoke dispersing they observed that the Crew had left her, and were seen running up a Hill, on which they boarded her, found her on fire which with some difficulty was extinguished; The Schooner had Cast off her Cable and drifted on the Rocks; As soon as she was got off the two Vessels hoisted Sail and went out of the Harbour, and proceeded to Otaheite and from thence to Norfolk Island, and about a week before the Harrington sailed the Spanish Brig and Schooner left that Island, but cannot tell for what place; That some Rope and Flour was taken out of the Spanish Brig in Coquimbo Bay.

Francis Gardner, Chief Mate.

Sworn before us this 9th March, 1805,

Philip Gidley King,
Geo. Johnston,
Rich'd Atkins.

This day came before me Mr. James Simmons, Commander of His Majesty's Armed Tender Lady Nelson, and Deposed on Oath, that on or about the 13th of Feb'y, 1805, being then on board the Colonial Vessel Integrity, on hauling round the S.W. part of King's Groupe, saw a Vessel lying in Eastern Cove, which was supposed to be the Honduras; came to and hoisted the Boat out; went on board and found her to be the Ceres, of London, Informing us that he had been six months from London; on being asked if there was War between England and Spain, he said No, but that it was expected to be declared every day.

J. Symons.

Sworn before me this 9th March, 1805.

Rich'd Atkins, J.-A.

Attested: Rich'd Atkins, J.-A.
ACTING-SECRETARY BLAXCELL TO CAPTAIN CAMPBELL.

Sir,

Sydney, 7th March, 1805.

I am directed by His Excell’ry to inform you that, however painful the necessity imposed on him by His Situation as His Majesty’s Governor of this Territory is, in noticing the Transaction that has occurred respecting your taking the Spanish Vessels, yet to remain unconcerned in Public Events, which may cause a misunderstanding between the two Nations, would be, not only a neglect of his Duty, but a Breach of the Trust he has the honor to hold. The conclusion you draw from the Information you received at Masafuero, in August, does not, in the Gov’r’s Opinion, warrant your Seizing those Vessels on an idea that Hostilities had commenced,* which appears not to be the case, from the information the Gov’r has received from the Master of the Sirius, or Ceres, Whaler, spoke with by Lieut’t Symons the 12th Ult’o, who informed him that no Hostilities had taken place betw’n His Majesty and the King of Spain when he left England, Six Months from the time he spoke Lieut’t Symons, which must have been about the Month of Aug’t; and even had Hostilities commenced immediately after his Departure, One Month (i.e., 26th Sept’r) is too Short a Period for its being known in any Port of South America.

The Information you received at Masafuero, the Governor considers, had an equal respect to the Americans, as well as the English, information having been received here that the Spaniards had seized two Americans who were carrying on an illicit Trade, contrary to the regulations of that Country.

His Excell’ry desires to observe that his possessing the King’s Commission as Capt’n of the Buffalo does not authorise him to take Ships belonging to Powers in amity with His Majesty out of their own Ports, unless he had the most undoubted Assurance of the existence of Hostilities between those Powers and His Majesty in Europe.

I am, &c.,

Attested: RICH’D ATKINS, J.-A.

G. BLAXCELL.

MESSRS. CHACE, CHINNERY & CO. TO CAPTAIN CAMPBELL.

Dear Sir,

Madras, 18th Octr., 1803.

The Snow under your Command being reported ready for Sea, we Request you will proceed on board, and Winds and Weather permitting proceed immediately on your Voyage.

* Note by Governor King.—If Hostilities had commenced in Europe, what could induce the Governor of a Spanish Port to put himself in the power of an enemy that had, Three days before, taken a Spanish Vessel out of a Spanish Port? Vide Log, 29th Sept’r, 1804.
The short period elapsed since the Snow returned here and the expediency of her early Departure, has put it out of our power to go minutely into the Details, furnished by Mr. Tough,* of the late Adventure, but we shall look into them with diligence and make such Arrangements relating to it as may be necessary.

We have Shipped on board the Articles mentioned in the Accompanying Invoice Amounting to Pagodas 14,625.23 (Fourteen Thousand, Six Hundred and Twenty five Pagodas, 23 Fanams) which under the Permit, you have obtained from Governor King in reference to the Spirits, we trust will come to good Account. The Sugar you will dispose of at King's Island or Port Jackson, as Circumstances may direct and we hope you may have the means as well of realizing all the Spirits and Sugar before you leave the Colony as to complete a Remittance for their proceeds (by Public Bills and no other) to our Friends Messrs. Bince De Ponthien and Co. in London whom we beg you will keep duly advised of your Proceedings, for our Information, should you have no Opportunity of writing to us direct from New Holland.

You are aware of the differences that have taken place here, between us and Mr. Hogue, whereby the former interests in the Harrington, and the first Cargo by her to Botany Bay, have been altogether changed. In Conjunction with Mr. Tough, who now proceeds with you, we beg on Your Arrival at Port Jackson, you will take measures to separate such parts of that Cargo by the Harrington as may remain Unsold, by making over to Mr. Hogue, or to any one he may Appoint as his Representative there, One third of all such Goods and Merchandize, as his Share thereof.

We also request your Services in Conjunction with Mr. Tough by making a Selection of such part of the Cargo by the John as may remain Unsold upon a Similar principle of distribution, leaving one Fourth part of such Goods at the disposal of Mr. Hogue or his Attorney.

Mr. Tough has been in general Superintendance of the Cargoes and we depend upon his being able to afford you every possible Facility in this Separation. You will call his best Attention to the Necessity of keeping distinct Account Sales of each of these Cargoes by the Harrington and John and in making any Remittances to England, he should particularly define in his own Accounts to which Cargo such Remittance may refer and in what proportion.

We furnish you hereinwith a Memorandum of Agreement entered into between Us and Mr. Tough by which you will under-

* Note 33.
stand the exact Responsibility and Rewards, which are mutually consented to between us and that Gentleman. We consider the Commission we have promised to allow him, as a very liberal compensation for his labour, and we strictly enjoin you not to permit any deviation from this Engagement. We have in a Subsequent Correspondence with Mr. Tough expressly provided for his exclusive Services at Port Jackson, and it will be proper that this be equally guaranteed to you, on the Spot, as your Interests as well as our own may otherwise suffer.

In this Correspondence Mr. Tough has had occasion to refer to the possibility of being interested in any Capture made by the Harrington in consequence of her carrying a Letter of Marque. Should such event occur we have consented that his Rank shall be Considered as Lieutenant and that he be included accordingly in any advantages of Prize Money and Conformably to the Custom of the Navy.

We hand you herewith the Letter of Marque, granted by this Government with the Acknowledgement from the Secretary in the Public Department of your permission from Governor King to import Spirits into the Colony or Port Jackson so that no difficulty in this respect can occur. Your future Operations must be Regulated by your own Discretion and Judgement. It is only further necessary for us to point out to you that with a View and Wish of closing all Concerns at New Holland you will on your departure again from thence for India, bring away every Article of your Property that may remain undisposed of, unless a reasonable offer should be made you for the Stores in toto. And that you have an Opportunity of procuring Public Bills immediately for the remainder of the Funds.

In Acknowledgement of your Exertions and Zeal which you have hitherto manifested so much to our Satisfaction, we have great pleasure in confirming your Wish to become a Proprietor with us in the Harrington and her present Cargo share and share alike.

To complete your Interest in the Block, to one half we have Debited you the further Sum of Sicca Rupees 3000 at the exchange of 330 P. r/c. You will also be eventually charged with half the Amount of the Invoice for the present Adventure And in equal proportions for the Balance of expences that may occur subsequently to the 8th Inst. when the Proprietors of the Snow became altered in us and yourself in equal Shares.

We shall insure the present Cargo immediately and the Block the latter Valued at Twenty Thousand and Sicca Rupees on Account of the Owners, at and from Madras to Port Jackson.
Our future Insurances will be Regulated according to Circumstances, assuring you that we shall direct the best Attention in our Power to the General Interests.

We beg you will let us hear from you by every possible Opportunity And with the best wishes for your Safety and successful Voyage, we Remain

Dear Sir,

Your Faithful Friends,

CHACE, CHINNERY, MCDONALL AND Co.

Attested: Rd. Atkins, J.-A.

[Enclosure No. 9.]

GOVERNOR KING TO THE JUDGE-ADVOCATE AND OFFICERS.

Sydney, New South Wales,

Gentlemen,

The Duty imposed on me by the Situation I hold, joined to my indispensable Duty, the honor of His Majesty’s Flag, and the Integrity of the Nation, induces me to require your Assistance on the following existing Circumstance.

On the 5th instant the Harrington, private Ship of War, arrived in this Port, last from Norfolk Island, when on receiving Information that she had taken two Spanish Vessells out of Ports on the Coast of Peru, and brought them as far as Norfolk Island on their way hither, I directed an Officer of H.M. Ship Buffalo to require of the Commander of the Harrington to deliver his Log Book and the Papers belonging to the Vessells he had so seized—a perusal of which fully convinced me that those Vessells had been illegally seized, having just received the Information contained in Acting-Lieut’t Symond’s Affidavit, which Affidavit and the Papers* taken out of the Spanish Merchant Vessell St. Francis and St. Paul, and out of the King of Spain’s Cruizer, together with the Harrington’s Log Book, I lay before you. In the latter you will find some considerable erasures made on the 28th and 29th Sept’r, 1804, but not so completely effected as to destroy the meaning of the Sentence intended to be obliterated.

On the Receipt and Examination of those Documents, I considered it my Duty to direct the inclosed Letter, No. 1, to be wrote to Capt’n Campbell; No. 2 is his Answer, and No. 3 my Reply, which was a conviction on my mind that the conduct of the Commander and Crew of that Ship, bearing a Letter of Marque against France and Holland only, and the Probability that War was not commenced between England and Spain at the time he made those Seizures, was, and is, contrary to the Laws of England, and the acknowledged Law of Nations. And as a

* Marginal note.—Signals from the Cruizer, Register of the Merchant Vessell, and Clearance.
further elucidation of this Circumstance, the inclosed Affidavits of the Chief Mate and Boatswain were taken in Corroboration thereof. The Chief Mate’s Journal was produced, in which you will observe the Transactions of the 26th Sept’r and the 2nd October last, and notice the imperfect erasure in the Day’s Work of the 26th Sept’r.

I have since then required of the Commander his Letter of Marque,* commission as captain in the Bombay Marines, and his Instructions from the Owners† which he quotes in his Letter No. 2, the Originals and an attested Copy of which I also lay before you.

However ignorant I am of the minutiae of Law on this Subject, yet I consider that if Hostilities had not taken Place in Europe on the 25th September last, that the Act of taking those Ships under Spanish Colors from out of a Spanish Port, landing all the People and bringing those Vessells away as Prizes, was (not choosing to give it myself a worse construction) an Act fraught with Violence and illegality, and may, until explained, be productive of the greatest misunderstanding between His Majesty and the King of Spain.

Viewing this Transaction as of Vast consequence to the Honor and Integrity of His Maj’y Flag, I request your Opinion on the following Points as a Guide to my further Proceedings in this important Case.

As Capt’n Campbell informs me it is doubtful whether the Vessels are not gone to India, Do you consider it advisable, and a Duty on my part, that I should detain the Harrington, with her present Cargo, Commander, and a sufficient number of her Men, until it is known whether War was declared or Hostilities had taken Place in Europe on the 26th Sept. last, when the first Vessel was Captured? And in case Hostilities should not have existed at that Period, whether it appears to you that I ought to detain the Harrington, her Commander, Officers, &c., until the King’s Pleasure is received thereon, in order to answer any Damages that may be ordered to the Spanish Proprietors, and to secure the Commander, &c., to answer for their Conduct in seizing and carrying away the above Vessells?

Such Authority as I possess on the above Subject I have marked in the Book that will be laid before you.

I have, &c,

PHILIP GIDLEY KING.

Attested: RD. ATKINS, J.-A.

* Marginal note.—Letter of marque against France and Holland, No. 5.
† Marginal note.—Instructions from his owners No. 8.
IN obedience to Your Excellency’s Letter of this day’s date directed to us, Conceiving as we do that the taking of the two Spanish Ships by the Harrington Brig is contrary to the Law of Nations, we are of Opinion that it becomes Your Excellency’s indispensible duty, for the Honor of His Majesty, to detain the Harrington and the Principals belonging to her until it is ascertained whether War between England and Spain was declared at the time of the Capture of the said Spanish Vessels by the Harrington. And in case it should appear that no Hostilities had taken place on the 26th Sept’r last between the two Nations, then and in that Case it is our Opinion that she ought not to be suffered to leave this Port, together with the Principals, until His Majesty’s Pleasure on this Circumstance is obtained.

We have, &c,

GEO. JOHNSTON. SAMUEL MARSDEN.
RICHD. ATKINS. J. HARRIS.
WM. KENT. JOHN SAVAGE.

Attested: RD. ATKINS, J.-A.

Sir,

Sydney, 12th March, 1805.

His Excellency having taken the Opinion of the Principal Officers of the Colony acting under His Majesty’s Commission, and having maturely considered every circumstance that has a bearing on the transaction of your taking the Spanish Merchant Ship and the King of Spain’s Cruizer out of the Spanish Ports of Coquimbo and Caldero, on the Coast of Peru, on the 26th Sept’r and 2nd Oct’r, 1804, and bringing them away as detailed in the Log-Book, and other Proofs had on the Enquiry instituted by order of His Excellency, I am therefore commanded to acquaint you that it is His Excellency’s Orders that you do cause your Sails to be unbent, your Top Masts and lower Yards struck, and your Rudder delivered to the Master-Builder of this Territory until it is ascertained whether War between England and Spain was declared at the time of the Capture of the said Spanish Vessels by the Harrington, under your Command. And in case it should appear that no Hostilities had taken place on the 26th Sept’r last between the two Nations, then and in that case it will be the Governor’s duty to lay a further detention on the Harrington, yourself, and the principal Officers until His Majesty’s Pleasure is received thereon. His Excellency encloses
the Letter of Marque against the French and Batavian Republics, and Instructions from your Owners, which you delivered to Capt'n Kent, attested Copies being taken.

| 1805. |
|---|---|
| 30 April. |

I am, &c.,

Attested: RICHD. ATKINS, J.-A. G. BLAXCELL.

[Enclosure No. 12.]

CAPTAIN CAMPBELL'S MEMORIAL TO GOVERNOR KING.

Brig Harrington, 14th March, 1805.

To His Excellency Philip Gidley King, Esq., Commander-in-Chief and Governor of His Majesty's Territory of N. S. Wales,—

The Memorial of William Campbell, Master of the Brig Harrington, as well on his own behalf as for Account of the Owners of the said Brig,—

Most Respectfully States:—

That Memor't started from this Port in the brig Harrington, under his Command, on the First Day of May last, bound to the Coast of Peru, as specified in the port clearance, and bearing a Letter of Marque from the Hon'ble East India Company at Madras against the French and Batavian Republics, and a Commission as Captain in the Bombay Marines.*

That Memor't arrived in this Port on Monday, the Fourth of this Instant March, having touched on his way hither at Norfolk Isl'd, one of the Dependencies of this Territory, from whence Memor't brought Passengers and Prisoners on Account of Government gratuitously, and Landed them in this Colony.†

That in the Evening Your Memor't arrived in this Port your Excellency was pleased to require the Harrington's Log-Book, which Memor't readily delivered, together with the papers, to Your Excellency for perusal.

That on the 7th day of this Instant March, Memor't Received a Letter On Service from Your Excellency's Secretary, written by Your Excellency's Command, recapitulating some Circumstances which had come to Your Excellency's Knowledge respecting the Capture of some Spanish Vessels by the Brig Harrington, and requiring from Memor't an Answer to certain Queries therein contained, to which queries Memor't replied promptly and candidly, and with that ingenuousness and honor which result from and are attached to a consciousness of Rectitude.

That on the 12th day of this instant March, Memor't Received another Letter from Your Excellency's Secretary, On Service, written also by Command of Your Excellency, Stating that Your Excellency had taken the Opinion of the principal Officers of the

* Note by Governor King. — Contradicted by Letter of Marque, and Nos. 16 and 18.
† Note by Governor King. — An Agreement was made by the Commandant to remunerate Mr. Campbell—No. 17.

SER. I. VOL. V—Z
1805.
30 April.

The memorial of William Campbell.

Colony Acting under His Majesty’s Commission, And that Your Excellency having maturely considered every Circumstance that had a bearing on the Transaction of the Memor’r taking the Spanish Merchant Ship and King of Spain’s Cruiser out of the Spanish Ports of Caldero and Coquimbo And bringing them away, as detailed in Memorial’s Log Book and the Mate’s Journal, and other proofs had on the inquiries instituted by order of Your Excellency, was pleased to signify your Order that Memor’t should cause the Sails of the Harrington to be Unbent, her Top Masts and lower Yards to be struck, and the Rudder delivered to the Master Builder of this Territory, until it is ascertained whether War between England and Spain was declared at the time of the Capture of the said Vessels by the Harrington under Memor’t’s Command; And that in case it should appear that no Hostilities had taken place on the 26th of September last between the Two Nations, then in that Case it would be Your Excellency’s Duty, as His Majesty’s Governor of this Colony, to lay a further detention on the Harrington, On your Memor’t, and the principal Officers, until His Majesty’s pleasure is received thereon.

And Your Memor’t begs leave to state that Your Excellency’s Orders have in the instances above-mentioned, and expressed in the Letter of the 12th of this instant March, been carried into Execution.

Hence it is that Memor’t feels it is a duty he owes to himself, as well as to his owners, respectfully to offer to Your Excellency’s Consideration the following Circumstances under which Memor’t suggests he finds himself aggrieved, And the interest of his Owners, perhaps, irreparably injured by Your Excellency’s Mandate, And humbly trusts Your Excellency, on mature deliberation, will see the Justice of Recalling it.

1st. Because Memor’t was not apprised of the Meeting Your Excellency had been pleased to direct to be Convened of the principal Officers Acting under His Majesty’s Commission to give Memor’t an Opportunity of attending to furnish Information or Circumstances from which the Officers so convened might form a Judgment on the Subject before them, and the production of the Log Book, the Chief Mate’s Journal, the Letter of Marque, And the Instructions from Memor’t’s Owners (Which Memor’t had furnished Your Excell’y with), was a partial mode of extracting information on so important a point, And it was no less partial to examine Witnesses selected from the Crew of the Brig Harrington in the absence of the accused party,* nor can

*Note by Governor King.—No examination of Witnesses was taken but in Mr. Campbell’s Presence.
an Opinion, Memor't submits, be held important when any Individual from whence it comes is interested, or likely to be so, in the Event.*

2nd. Because this mode of proceeding is unprecedented in any of His Majesty's plantations or Dominions, inasmuch as it evidently tends to prejudice the Merits of the Case, puts the Brig and Cargo to certain inevitable injury, Loss, and Damage (and to a very serious extent), reckoning on an event or Circumstance which is unascertained, and unlikely; the Brig's Voyage is lost, the Cargo which is perishable is decaying, and the Owners are made to suffer for a supposed Wrong imputed to the Master, and for which he only is responsible. And if it eventually appears that he has done no Wrong, where are his Owners and himself to look for Reparation? But if, Contrary to the general Opinion, it should happen that there is no War, and Restitution is Ordered to be made, who is to Account to Memor't and his Owners for the Brig's having been prevented from proceeding on her Voyage, and the loss the Cargo has sustained by a waste of Property so immense? This is wresting from Memor't and his Owners at once the power and the Means of restitution.

3rd. Because Memor't holds a Commission in the Honourable East India Company's Service as Captain in the Bombay Marines,† which gives him power to act against all His Majesty's Enemies. From that Hon'ble Company Your Memor't received his Instructions, from them he derives his power, and to them he is answerable generally for the Use he makes of those Instructions and that power.

4th. Because the principle of British Jurisprudence is so delicately constructed that it supposes every Man innocent until the Offence imputed to him has been legally established. In the meantime his property is sacred and under his own control; And Memor't begs leave to suggest that if Your Excellency, under all the Circumstances of the present Case, had deemed it necessary to find Security for Memor't to be forthcoming, in Person to Answer for his Conduct in the transaction in Question, such Security could and would have been found in this Colony, and the property of the Owners of the Brig Harrington would have been rescued and secured from the Injury, Loss, and Damage which now inevitably await it, And the Brig would have proceeded on her Voyage.

May it therefore please your Excellency, on a Review of the foregoing Reasons (with which various others are connected), to Restore the brig Harrington to Memorialist as the Master, to

* Note by Governor King.—Every Officer was certainly interested for the honour and reputation of his Country.
† Note by Governor King.—Contradicted by former References.
enable her to proceed on her Voyage, and to direct the Cargo to
be Landed at the disposal of Memorialist for the benefit of his
Owners.
And Memorialist, in due Consideration of your Excellency's
Wisdom and Justice, will ever pray.

WILLIAM CAMPBELL.

Attested: R'd ATKINS, J.-A.

[Enclosure No. 13.]

ACTING-SECRETARY BLAXCELL TO CAPTAIN CAMPBELL.

Sir, 15th March, 1805.

Before the Governor replies to the material parts of your
Memorial of Yesterday's Date, he wishes to be informed whether
you possess a Commission as Captain in the Bombay Marines,
which you have already stated in your Letter of the 7th instant;
and as no Answer appeared to the Governor's requisition of a
sight of that Commission, he now requests it, or a Copy thereof,
attested by the Judge-Advocate.

I am, &c,
G. BLAXCELL,

Attested: R'd ATKINS, J.-A. Act'g Sec'y.

[Enclosure No. 14.]

CAPTAIN CAMPBELL TO GOVERNOR KING.

Sir, Brig Harrington, 16th March, 1805,

I have the honor to enclose my Commission in the Naval
and Marine Service for your Excellency's perusal agreeable to
your Letter of Yesterday. This Service is understood in India
to be the Bombay Marines.

I have preferred sending Your Excellency the original Com­
mission, rather than a Copy, presuming if your Excellency thinks
it necessary you will direct a Transcript of it to be taken and
attested before you return it to me. I am, &c.,

Attested: RICH'D ATKINS, J.-A. WILLIAM CAMPBELL.

[Enclosure No. 15.]

ACTING-SECRETARY BLAXCELL TO CAPTAIN CAMPBELL.

Sir, 17th March, 1805.

His Excellency the Governor observing that you possess
no separate Commission as Captain in the Bombay Marines, as
stated in your Memorial, and as your Memorial of the 14th Con­
tains the following paragraph:-

"Because Memorialist holds a Commission in the Honorable
East India Company's Service as Captain in the Bombay Marine,
which gives him power to Act against all His Majesty's Enemies.
From that Honorable Company your Memorialist received his
Instructions, from them he derives his power, And to them he is
Answerable generally for the Use he makes of those Instructions.

The Governor therefore requires to be informed, before he closes his Answer to your Memorial, whether you possess any other instruction than those contained in your letter of Marque against France and Holland, in which you are named Captain, &c., Under the Presidency of Fort St. George, and the Instructions you received from your Owners dated 18th March, 1803. If you are possessed of any other Instructions His Excellency requires a sight of them. I return you the letter of Marque, a Copy of it having been taken. I am, &c.,

G. BLAXCELL,

Attested: RICH'D ATKINS, J.-A. Acting-Secretary.

[Enclosure No. 16.]

CAPTAIN CAMPBELL TO GOVERNOR KING.

Sir, 17th March, 1805.

In Answer to a Letter I have this Day received, in which Your Excellency requests to be informed before you close your Answer to my Memorial, whether I possess any other Instructions than those contained in my Letter of Marque, I beg leave to refer Your Excellency to that part of my Commission wherein it is stated that the Honorable Company Constitute and appoint me to be a Captain in the Naval and Marine Service for and under the Presidency of Fort Saint George, And to be Commander of the Brig Harrington, Ship of War, employed in Naval and Marine Service. This Commission, as I have already observed to Your Excellency, gives me, I conceive, power to Act generally in the Brig Harrington, as a Ship of War, against all His Majesty's Enemies. Your Excellency has now seen all the papers I am at present possessed of. I have, &c.,

Attested: RICH'D ATKINS, J.-A. WILLIAM CAMPBELL.

[Enclosure No. 17.]

ACTING-SECRETARY BLAXCELL TO CAPTAIN CAMPBELL.

Sir, Sydney, March 18th, 1805.

I am directed by His Excellency the Govr. to answer the different parts of your Memorial of the 14th instant, in the order they occur.

First.—You were cleared from this Port in May, 1804, for the Coast of Peru, having informed the Govr. by Letter, dated April 23rd 1804, "that the object of your Voyage was to collect a Cargo of Skins at Masafuero, and the Gallipagos Islands"; that Object he considered required his acquiescence, but pointedly disapproved of the intention you discovered of cruizing against
the Spaniards in case you had certain information of a War between the two Countries, seeing you had no other Letter of Marque but one against the French and Batavian Republics, of which the Governor has an attested Copy. He finds on a repeated Application to you that you possess no separate Commission as Captain in the Bombay Marine, as asserted in your Letter of the 7th inst. and repeated in your memorial, but neither the above Letter of Marque or your being named therein Captain in the Naval and Marine Service of the Presidency of Fort St. George gives you Authority to seize and bring away the Ships and Goods of Friends or Neuters out of their own Ports, if Hostilities between England and Spain did not exist on the 26th Septr. and 2nd October last.

Secondly.—The Commandant of Norfolk Island, informs the Govr. by Letter, that as a remuneration for bringing Passengers, Prisoners, Mill-work, and Salt Meat here, he was to get your long Boat repaired and furnish you with a Thousand Feet of Plank.

Thirdly.—Your Log Book and the Papers you took out of the Spanish Merchant Brig and the King of Spain’s Cruiser, the Govr. demanded from the Information he received of your Proceedings on the Coast of Peru.

Fourthly.—The Letter of the 7th instant was wrote in consequence of the Contents of your Log Book from the 25th Septr. to the 3rd October last, the import of the incomplete erasures in the day’s works of the 26th and 29th Septr., and the confirmation of those Acts by the Papers belonging to the Spanish Merchant Vessell and the King of Spain’s Cruizer, being in your possession on your Arrival in this Port; and the more than presumptive idea that no War had taken Place between England and Spain from the remark in your Log Book on the 29th September at Guasco three days after you took the Spanish Brig at Coquimbo or Caldera Bay, namely that you expected “Don Felix from Coquimbo to take your Cargo for Copper, that at 3 P.M. the Govr. came on board and informed you that he was detained at Coquimbo.” It therefore must be obvious that no Govr. or Person in command would, if Hostilities had taken Place, put himself into the Hands of a declared Enemy, who had just captured a Vessell out of a neighbouring Port. Exclusive of this more than presumptive Proof, my reply to your answer of the 7th and Lieut. Symond’s Affidavit ought to have convinced you that the existence of Hostilities between England and Spain at the above Period was not only very doubtful, but almost certain in the negative.

Fifthly.—Your reasons for passing to my letter of the 12th inst. without noticing the Chief Mate’s producing his Journal
and the Depositions made in your Presence before the Govr. Major Johnston and the Judge Advocate, by the Chief Mate and Boatswain of your Vessell on the 9th instant, are best known to yourself. Those Depositions, your own Log, the Mate’s Journal, the Spanish Papers and your Letter of the 7th Instant joined to your Observations at this Meeting sufficiently proved that you had without any certain Information of Hostilities and consequently without a Letter of Marque against Spain taken a Spanish Merchant Brig out of Caldera Bay and a Cruizer belonging to the King of Spain out of another Port. That in your Log Account of the Capture of the Spanish Brig on the 26th Septr, the following imperfect erasure is very legible, after the words “at 7 A.M. hauled her alongside” “and took the most valuable Part of their Cargo on board of our Vessell.” That on the 29th Septr. after stating the Transaction of the Spanish Governor visiting you on board, there is an imperfect erasure of six lines. That your Chief Mate’s Journal of the 26th Septr. is as follows “Sailed into Coquimbo Bay long side of a Spanish Brig” here follows an imperfect erasure “and fired a Gun, and ordered them to haul their Colors down and it was done, then boarded them and sent all their Men on Shore, at 7 A.M. hauled her along side and took the valuable Part of their Cargo on board our Vessell.” Those Documents the Govr. laid before the Principal Officers of the Colony, and required their Opinion and advice on the Subject of the Proofs before them. That opinion and advice they gave, and on which joined to his own Opinion and the Authorities he possesses he has acted in Support of His Majesty’s Honor, the Integrity of the British Flag, and to prevent the consequences of a just Complaint of the Spanish Government in Peru and Spain, and to insure a restitution to the Proprietors of their effects, if Hostilities were not commenced in Europe between the two Nations, when you took the Spanish Vessells out of their own Ports.

The Sixth requires no Observation.

Seventhly.—Whenever the Governor requires the Advice and Opinion of the Principal Officers on any Facts wherein the Honor of His Majesty and the Public Weal is concerned, He is the best Judge how to convene that meeting. Those Officers give no Decision or Judgement on the Case. Your Letter of Marque against France and Holland, which is the only Authority you possess, by no means authorizes you to take away or Spoil the Ships and Property of Friends or neuters, who never can be classed among the King’s Enemies until they are such. Your not detaining some of the Spaniards belonging to the Merchant Brig, to account for the Vessell and Property she contained, and
by which it might have been ascertained what valuable part of
the Cargo was taken out, as stated in your Log, but faintly
erased; and as fully stated in your chief Mate’s Journal, Your
making erasures in your Log Book, and the Vessells taken by you
not having arrived here altho’ they parted Company with you
at Norfolk Island in Febry. last appear to the Govr. sufficient
reasons for the unavoidable Steps he has been compelled to take
in detaining the Harrington, yourself, and principal Officers as
stated in my Letter of the 12th Instant.

In this part of your Memorial you again assert for the third
time that you hold a Commission in the Honble. Compy’s Service
as Captain in the Bombay Marines, whereas by your Letter of
Yesterday it appears that you hold no such other Commission,
except that of your Letter of Marque against France and Hol­
lant as stated in my remark on the 1st Paragraph of your
Memorial. You also quote Instructions from the Honble. Compy.
In your answer to His Excelly’s Demand of seeing those Instruc­
tions, it appears that you possess no other than the above Letter
of Marque, and notwithstanding your Assertion that you were
instructed by your Owners to send the Vessells you took to
India, yet no such Article appears in the written Instructions
you received from them dated 11th March 1803, and you have
informed me you possess no other written Instructions. And
Whatever your Ideas may be respecting your being responsible
to no other authority than the East India Company, your Duty
as a Subject of His Majesty and your Instructions as Com­
mander of a Letter of Marque ought to have restrained the
remainder of that Paragraph, so insulting to His Majesty’s
Authority in this Territory under whose protection you and your
Owners have for the last Four Years followed your Commercial
Objects, and which requires no other remark from the Govr.
than that the Insinuation against himself and the principal
Officers of the Colony acting from interested motives, if you
mean that of taking the Vessells from you because you have no
Letter of Marque against Spain, I am commanded to inform
you that if the Accounts of War are received, and the Vessells
are here, you have completely put it out of your own power or
any other Person’s profiting by the Capture, which would in this
case become a Droit of the High Court of Admiralty, First for
being taken without a Letter of Marque and next there being
no person retained to condemn them, and the Entry in the Chief
Mate’s Journal of the most valuable part of the Cargo, being
taken out of the Brig on board the Harrington.

Having now replied to the various Contents of your Memorial,
it becomes necessary I should inform you that if Hostilities had
not taken Place in Europe on or before the 26th Sept. or 2nd October, 1804, when you took and brought away the Spanish Vessels and their Cargoes out of a Spanish Port, It will appear that the inclosed Authorities sufficiently warrant His Excellency's detaining the Harrington yourself etc. as expressed in my Letter of the 12th instant. The Govr. supposing that your Owners and yourself, as owning a part of the Harrington and her Cargo, have given sufficient Security to the Govr. and Council of Fort St. George that full Satisfaction to any Damage or Injury you may commit contrary to and in breach of the Leagues and Treaties subsisting between the King his Allies, Neuters and Friends, being a Security given on the Issue of all Letters of Marque and reprizal, and as the Transaction of taking the Spanish Vessels appears to be entirely your own Act and Deed without any pre-knowledge on the part of your Owners of your committing any Act of the above Nature, (if it shall so appear which must be determined by the time that Hostilities took place in Europe), it does not appear to the Govr. that any part of their property in the Cargo is attachable, but that the Harrington, if the Spanish Vessels were taken before the commencement of Hostilities, may be forfeited to the King and yourself held accountable not only for a full Restitution but other legal Proofs. It will therefore become necessary that you should make Oath before the Judge Advocate of what part of the Harrington's present Cargo belongs to your Owners and what to yourself. That you also give sufficient Security that the Value of your part of the Bale Goods reshipped at this port in 1804 and returned shall be forthcoming on restitution being ordered. That you do make Oath whether any part of the Salted Pork or Salt you procured at Otaheite was bartered for any part of the Spanish Vessell's Cargoes and that you do either give Security for the Value of your part of the Sd. Cargo to be forthcoming as above, or to sell such part of the said Pork as may be judged Stowable by proper Officers, to the Commy. at 6d. a pound, and the Salt at 2d. a pound, the amount of your proportion of the Sd. Pork to be retained by the Commiss'y General or in any other manner as may be deemed most eligible, and as a further Security to make good any degree of restitution satisfactory to the Proprietors, the same to be observed with every other part of the Cargo now on board, The whole of which will be void if Accounts are received that Hostilities had commenced before you took the above Vessels.

I am, &c.,

G. BLAXCELL,

Attested: Rd. ATKINS, J.-A.

Act'g Sec'y.
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[Enclosure No. 18.]

CAPTAIN CAMPBELL TO GOVERNOR KING.

Sir,

I have Received Your Excellency’s Letter in answer to my Memorial of the 14th Inst. and have to trouble you with a few Remarks on such parts of the Contents, as appear to be replicatory to certain passages in my Memorial, it may be necessary for me however to premise that it was foreign to my Mind to suppose any paragraph in my Memorial or any part of my personal Conduct, could be interpreted into an Insult to His Majesty’s Authority in this Territory or elsewhere, and I trust that Your Excellency on reperusing the remainder of the Paragraph, which you say I ought to have restrained as insulting, will acquit me of an intention at once so injudicious and so unworthy. If in Vindicating my honor and striving to protect the property and support the interest of my Owners, I have persevered in declaring that I hold a Commission in the Bombay Marines, which gives me power to Act against all His Majesty’s Enemies, I yet must disclaim having ever suggested the Idea of possessing any Separate Commission or that such Commission did or could give me Authority to Seize and bring away the Ships and Goods of Friends or Neuters, His Majesty’s Enemies cannot be classed with this Description, and I have very anxiously deliberated to understand the distinction Your Excellency dwells upon, when you observe, that on repeated Application to me you find I possess no Separate Commission; Certainly, Sir, the Commission, which at the same time appoints me Captain in the Naval and Marine Service, comprizes a Letter of Marque, and describes the Brig Harrington, of which I am Constituted to the Command, to be a Ship of War in the Honourable Company’s Service; Then permit me to ask of what import would it be to the Case in question, If I had possessed the separate Commission you speak of when I stated that I Received my Instructions and Power from the East India Company, into whose Service I was appointed, and that I hold myself responsible to them generally for the Use I made of those Instructions and that power. Your Excellency will please to bear in mind, that my Owners have given Security to that Company for my due Obedience of those Instructions, and where Security is required and given for the performance of any Specific trust it is most natural to infer that there the responsibility attaches—I respect too Sacredly the Authority of His Majesty and the Laws by which we are Governed and at the same Time protected to risque an insinuation derogatory to either.
Nor can Your Excellency suppose (when I suggested the possibility of Opinions being influenced under certain circumstances) that it was intended to convey any personal allusion to Your Excellency. I had no such meaning, but to the best of my Remembrance, I believe every Member sitting on a Court to determine Questions of this Nature is required to take an Oath that he is not directly or indirectly interested. Your Excellency is pleased to say that you laid certain Documents before the principal Officers of the Colony and Desired their Opinion and Advice thereon, that they gave their Opinion and Advice but no Decision or Judgement, they proceeded to examine Witnesses on Oath in my Absence, and were at that Moment in possession of private Papers (for such I presume I may call the Harrington’s Log Book and the Chief Mate’s Journal and my private Instructions which were brought up in Judgment against me, and appear to have produced an Opinion (as I have already observed) which, from its Operation and effect, is to all Intents and purposes a prejudication of the Merits of the Case, for it exposes me to every Injury and Disadvantage, which could only have awaited me as the Consequence of Confirmed and Established Wrong.

In regard to the Erasures, in the Log Book, Circumstances of hurry and Confusion may produce incorrectness but it would be bearing too hard to impute incidental Error to a motive of determined Criminality.

I believe I have already Signified to Your Excellency that I had Verbal Orders from my Owners to send all Prizes I might fall in with and Capture to India for Condemnation by the Admiral there, which supercedes the Necessity Your Excellency points out of retaining prisoners to establish the Condemnation, And such were my intentions in obedience to those Orders.

I have introduced these Remarks as they occur to me, without particularly adhering, to the Order in which Your Excellency’s Answers are arranged in your Letter of the 18th Inst., but on a general review of that Letter permit me to recall to your Recollection, that, when I left this Port in May last, the Object of my Voyage declaredly was to procure Skins at Masa Feura and if a War existed between England and Spain to Cruize on the Spanish Main as a Privateer, and Your Excellency could

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*Note by Governor King.—No Witnesses were then examined on Oath or otherwise.
†Note by Governor King.—All Masters of Letters of Marque are directed to deliver them to all Captains of Men of War and Governors and those are now claimed as necessary Public Documents.
‡Note by Governor King.—Nothing can excuse cutting leaves out or making Erasures in the Log of a Letter of Marque, the penalty of which is £500 Sterling.
§Note by Governor King.—This Assertion appears doubtful as the following part betrays the greatest Ignorance.
1805.
30 April.

Agreement made between Campbell and Piper.

Affidavits and security required by King.

not pointly disapprove of that Object when you expressed your Wishes for my Success and that I might bring in a Valuable Prize, as the Colony was very poor, a Conversation to this Effect took place before some gentlemen at Sydney a very short time previous to my departure, but I am far from supposing that Your Excellency would do otherwise than disapprove of any Measure which had for its Object the Infringement of National Faith.

Your Excellency will allow me to explain in regard to the Remuneration afforded me by the Commandant at Norfolk Island, I applied for some Plank to fit up Bulk Heads for the Accommodation of the Passengers and Prisoners etc. the Commandant had none to furnish me, which put me under the Necessity of Appropriating some of my own Planks to that purpose, for which Captain Piper promised to Supply me One Thousand feet, when I returned to Norfolk Island.

In Regard to the Affidavit Your Excellency is pleased to prescribe and the Security you judge it expedient to require from me, to the First, permit me to reply that it would not be prudent for me to Swear to Circumstances, which are not clear to my Mind or correct to my Judgment, the Cargo of the Harrington belonging to so many Parties, in so many different and Complicated proportions. Nor is it possible for me to attempt to ascertain my distinct proportion, since notwithstanding the Promise made by my Owners to me, the heavy expenses unexpectedly incurred and the considerable Losses sustained by reason of the length of Time I have been from India And the Waste of Goods in this Colony, are Circumstances which may so far alter the Nature of my Affairs, that it is more than probable I may be indebted to my Owners; And as to giving Security, I have already offered and do now repeat to Your Excellency that if the Brig Harrington with her Cargo is restored to me, I will produce Security for being forthcoming to Answer for my Conduct and Proceedings in the Transactions in Question.

I could certainly safely take Oath, that none of the Salted Pork or Salt was procured by any Barter of the Spanish Vessels' Cargo—The Pork was paid for in Goods from the Harrington's Cargo, and the Salt by Bills drawn on Mr. Tough.—This latter Article I sold to Messrs. Kable and Co. and part of it was delivered previous to any proceedings taken by Your Excellency against the Harrington and Cargo. Messrs. Kable and Co. have insisted on the remainder of the Salt so Sold to them, and have threatened a Prosecution against me if it is not forthcoming.

It now remains for me only to observe, And I trust Your Excellency will Consider me as Acting purely from a Sense of
Duty to my Owners and with no Wish to dispute the Authorities quoted in your Letter Or to Judge Or Contend how far they do or do not apply to the Circumstances of the Case in question, nor to offer any disrespect to His Majesty's Authority in this Colony that, if Your Excellency refuses this proffer of Security, I shall be Urged to the necessity of throwing the Brig Harrington and her Cargo upon Your Excellency's Hands to be disposed of as you may judge fitting, reserving to myself the power and Right of Protest against Your Excellency's proceedings, as a justification to my Owners.

I have, &c.

Attested: RD. ATKINS, J.-A.

WILLIAM CAMPBELL.

[Enclosure No. 19.]

ACTING-SECRETARY BLAXCELL TO CAPTAIN CAMPBELL.

Sir, Sydney, New South Wales, 23rd March, 1805.

His Excellency the Governor is very well Satisfied with your Explanation of the motives on which you persisted so much in being a Captain in the Bombay Marine. How far your being named in the Letter of Marque, Captain of the Naval and Marine Service of the Presidency of Fort Saint George, implies that you can be considered as a Captain under the Bombay Presidency, which are distinct, the Governor does not know, Nor is it material to the Object whether you had been Captain of the Marine or Lord High Admiral of Great Britain; the illegality of your Act and its eventual Consequences would be equally the same, if War did not exist between England and Spain on the 26th September last.

Whenever you arrive at any British Dominion, or meet one of His Majesty's Ships, your Duty as Commander of a Letter of Privateer is prescrib'd in a very concise manner in the Ship Master's Assistant—Your Log and Journal have been delivered to the Governor as Captain of His Majesty's Ship Buffalo and Governor of this part of His Majesty's Dominions who has certified on its last Entry having received it from you on the day it was delivered—The Contents of your Log and Journal from the 26th Septr. to the 3rd October and the Obliterations and erasures made therein materially affecting His Majesty's Interest and Honor, it becomes the Duty of His Excellency to retain the Originals, unless you and the Mate judge proper toauthenticate the exact Copies and places of erasures of such following days Works, as he may consider necessary.

No Trial or Determination has taken place, nor any Enquiry on your Conduct further than what the Governor's Duty required. No Witnesses were examined on Oath but in your presence, himself, Major Johnston and the Judge Advocate, nor does the Governor consider your censuring his requisition of the
1805.
30 April.

**The owners of the Harrington.**

Officers' advice as becoming. They gave it as Men of Honor and Citizens bearing their Sovereign's Commissn. on which joined to his own Opinion, he has acted in Vindication of the disgrace thrown on the British Flag, (if War with Spain did not exist on the 2nd October, which he has the most conclusive reason for believing and being assured was not the Case) and his endeavors to secure a remuneration to the Proprietors.

The Owners whose names appear to your Instructions, His Excellency conceives are Men possessed of too much sense and have too great a regard for the Honor of His Majesty to suppose you would ever run the hazard of Capturing Ships of a Nation that you had not the most positive and Conclusive Information was at War with England; therefore their Verbal Orders could never justify you in the Case of no War existing—and the Governor is extremely sorry to observe your Allusion to the Admiral condemning your Prizes, as he has no Jurisdiction over them, nor could they be libelled in any Court of Vice-Admiralty without having Three or four of the principal of the Company (whereof the Master, Mate, or Boatswain to be always two) of the Vessell taken as Prize to prove it's being of a Nation at enmity with His Majesty—This necessary Precaution, as far as your Owners or any other person might be eventually benefitted, You have defeated by turning all the Spaniards on Shore, and sending the Vessels after you parted with them at Norfolk Island, no person knows whither.

Your Observations respecting your leaving this Port is amply detailed in the Documents the Governor holds on that Subject—The following is the Paragraph of Captn. Piper's Letter, by which His Excellency considers you fully remunerated for what you brought from Norfolk Island, the Contradiction you must explain with that Officer.

"Being desirous of getting over as many People as possible and the Harrington affording an Opportunity of facilitating that Object, I engaged with Captn. Campbell to take the Men Women and Children in the accompanying List for which (and the pork he may take, as also some of the Materials for a Mill) as a remuneration, I am to repair his Long Boat and furnish him with a Thousand Feet of Plank on his Return."

Your Observation respecting the Situation you may eventually stand in with respect to your concerns with your Owners, the Governor conceives may be correct, and without deciding in this Letter on the Security, he may consider himself justified or not in receiving to answer an eventual remuneration to the Spanish Government for the King's Cruizer, and the Proprietors of the

**Payment for freight from Norfolk Island.**

Securities required from Campbell.

**Campbell's inability to libel the prizes.**
Merchant Brig and her Cargo, independent of any process that may await you as Commander of the Harrington Letter of Marque, His Excellency requests being informed what is the nature of the Security you can give and the Bondsmen for answering the least probable demand of £8,000 according to his Calculation of what those Vessels may be estimated at.

Exclusive of the Proclamation that has for the two last Weeks appeared in the Gazette, it is necessary to inform you that Messages are sent to Port Jarvis and Port Stephens for the Vessels if in either of those places to be ordered here immediately—as they and their Cargoes can be much easier restored to the Proprietors from hence than from India, which it is His Excellency’s Intention to do at any Expence, in case War should not have taken place previous to 2nd October last.

The Threat you have conveyed in the last Paragraph of your Letter, The Governor cannot imagine proceeds from yourself, altho’ your Signature is to it—Nor will any repetition of that Threat, or it’s being carried into execution, prevent him from discharging the Duty he owes His Majesty, in vindicating the Honor of His Flag and the British Character, which in the present instance are compatible with the Laws of England and the Faith of Treaties, and which the Governor must consider subsisting with the presumptive proof he has until he knows otherwise, which he will be happy to learn for your sake and that of your Owners and the Integrity of the British Flag.

I am, &c.,

G. BLAXCELL,

Attested: Rd. Atkins, J.-A.

[Enclosure No. 20.]

CAPTAIN CAMPBELL TO GOVERNOR KING.

Sir, Sydney, 25th March, 1805.

In answer to your Excellency’s requisition to be informed of the nature of the Security I can give and the Bondsmen for answering the least probable demand of £8,000 according to your Excellency’s calculation of what the Spanish Vessels may be estimated at, I beg leave to observe to your Excellency that I conceive my own Security competent to answer such a Contingency, but for your Excellency’s Satisfaction I will produce three Bondsmen with me in the Sum you are pleased to prescribe namely £8,000, for my personal appearance to answer to any Process that may await me as Commander of the Harrington Letter of Marque in case no War existed between England and Spain at the time the Vessels were Captured. This I presume will virtually comprize the whole of your Excellency’s requisition on the Subject; my Sureties in that Case are Mr. Simon Lord

* Note 101.
and Messrs. Kable and Underwood, of whose responsibility Your Excellency will not doubt, when it can be proved that they have already sunk in the present Firm upwards of Twelve Thousand pounds, in carrying on the Oil and Seal business.

And I further beg leave to inform your Excellency, that I and my Mate are ready to authenticate exact Copies of the Log and Journals in any manner you are pleased to prescribe.

But permit me, Sir, to say that I had every hope from the qualifications introduced before and after the concluding Paragraph in my last Letter, your Excellency would have been far from considering it intended to amount to a Threat; certainly, sir, the idea of protesting under all the circumstances of this business originated with myself, from an impulse of Duty to my Owners, and if I could have found more respectful Language to have signified my Intention to your Excellency, from the necessity I was under of doing so, I should have been happy to have made use of it.

I hope your Excellency will be good enough to direct the Bonds to be prepared with all convenient expedition, as I am anxious to get the Cargo on Shore to be sold on Thursday according to Advertisement, and wish to deliver the remainder of the Salt, pursuant to my Agreement. I remain, &c.

Attested: RD. ATKINS, J.-A.

WILM. CAMPBELL.

[Enclosure No. 21.]

JUDGE-ADVOCATE ATKINS TO GOVERNOR KING.

Sydney, 27th March, 1805.

I RECEIVED your Excellency's Letter of Yesterday's Date and I now do myself the honor of transmitting to you my Answers thereon.

Qu. 1st.—How far you consider I should be justifiable in taking Bail for the Commander of the Harrington's personal appearance to answer any Process that may await him, in case no War existed between England and Spain at the time he captured the Spanish Vessels?

Ansr.—As it is very possible there might have been a Spanish War at the time of the Capture of the two Spanish Ships, and as Suspicion of Felony is bailable, I conceive your Excellency would be justified in taking Bail for the Master of the Harrington's being forthcoming (on due notice being given) to answer to any Process etc. and as he himself conjointly with others is the Bail offered, it would be necessary that he leaves in this Colony Assets sufficient to answer the Amount.
Qu. 2nd.—How far you consider the usual Security given by Owners of Letters of Marque will compel them or the Sureties to indemnify the injured Party for all losses and damages they may eventually have sustained by the Conduct of the Commander and crew of the Harrington?

Qu. 3rd.—How far I should be justifiable in permitting the Harrington or her Commander to leave this Port until the Question is decided by Accounts from Europe or elsewhere, whether War did or did not exist between England and Spain when the Vessells were Captured?

Ans.—The Owners in obtaining Letters of Marque for the Harrington found the Security required, who are I think answerable (at least) for the Amount of the Bond, and the Ship in case of Piracy "is forfeited without Controversy."

Ans.—Under the Circumstances of Doubt whether War did or did not exist against Spain at the time of the Capture of the Spanish Vessells by the Harrington, and as the Master of the said Ship has given Satisfactory Bail (£8000) for his appearance etc. and as I conceive the Owners are answerable for the Value of the said Ship in case she be hereafter forfeited for Piracy, and as the Securities are further answerable for the amount (at least) of the Bond they entered into at the time Letters of Marque were granted to the Harrington against the French and Batavian Republics—Under all these Circumstances I think your Excellency may venture to release the Harrington from her present detention, and suffer her to depart from this Port for India.

These Answers are with the greatest deference submitted to your Excellency's superior Judgement by

Your Excellency's
most obedt. Servt.,

Attested: Rd. Atkins, J.-A.
Richd. Atkins, J.-A.

[Enclosure No. 22.]

ACTING-SECRETARY BLAXCELL TO CAPTAIN CAMPBELL.

Sir,

Sydney, March 27th, 1805.

His Excellency the Governor on a retrospect of the eventual consequences that may or may not occur in consequence of your Conduct on the Coast of Peru relative to your taking the Spanish Vessells and the Circumstances attending and consequent on those Transactions, joined to the Probability that those Vessells are gone to India according to your Assertions, and confiding in the exertions that will be used by the respective

1805.
30 April.

Judge-advocate's opinion re security given by owners.

Judge-advocate's opinion re release of the Harrington.

King of security offered.

Acceptance by

KING TO CAMDEN.

Ser. I. Vol. V—2 A
Governors and Officers in Command in that Quarter to cause Justice to be done if necessary in maintaining His Majesty's Honor and the Integrity of the British Flag, and considering that the Tenor of the Bond given as security to make good all Damages you might commit as Commander of the Harrington when her Letter of Marque was Granted. The Governor thinks himself so far justifiable as to take your Security in £4,000 Sterling, and the other two Sureties you have named in £2,000 Sterling each, for your Appearance and that of the Harrington's being forthcoming, (the dangers of the Seas and King's enemies excepted) on due notice being given to answer any process for seizing those Vessels, and to give restitution to the Proprietors in case War had not taken place at the time they were captured—To answer the Penalty of the Bonds it will be necessary for your depositing Assets to that Amount in the Colony, assignable to the Governor, Lieut. Governor or Officer in Command for the time being, and it is also necessary that the Governor should be informed on what part of the Sureties' Property the recovery of the Bond will depend, and the same should be made assignable to the Governor etc.

These Securities being given and the Bond executed, you will then be at liberty to dispose of the Cargo on board the Harrington, under the inspection of a Person appointed to see it landed, and proceed with the Harrington to Madras, for which Port alone under the existing Circumstances she will be cleared out.

I am, &c.,

G. BLAXCELL,

Attested: RD. ATKINS, J.-A.

Act'g Sec'y.

[Enclosure No. 23.]

CAPTAIN CAMPBELL TO GOVERNOR KING.

Sir,

Harrington, 28th March, 1805.

I beg leave to inform Your Excellency that there will be Assets to four times the Amount of the Bond required from me (namely four thousand Pounds) in the Hands of my Agent in this Colony, which will be attachable of course, from the tenor of the Bond, if the Penalty is forfeited. The property of my Sureties will comprise their Goods, Chattels, Estates, Stock, Ships, Vessels, and all their Effects generally, which in like manner will be attachable to the amount of the Bond, respectively entered into by each (namely two thousand Pounds) in Case the Penalty is incurred.

And I have further to state to Your Excellency that it is not my intention to proceed to Madras in the Harrington, until the event of this business is known, and my Affairs wound up in
this Colony, and as it will be some time before the Vessel is ready for Sea, it is probable that an arrival may take place in the interim; if not, I propose to employ the Harrington in and about these Seas for some time; and to return to this port in four or five Months, by which period the event in question will be ascertained, or if it is not known I shall remain about this Coast until it is.

Your Excellency will therefore be pleased to direct the Bond to be prepared, the tenor of which being according to your Ideas of Right and Equity, I and my Sureties will attend to Sign it. My intentions are Correct and honorable, and as such I shall not hesitate to set my name to any Instrument that is drawn up agreeable to Your Excellency's directions.

I have, &c,

Attested: RD. ATKINS, J.-A. WILLIAM CAMPBELL.

[Enclosure No. 24.]

BOND ENTERED INTO BY MESSRS. CAMPBELL, LORD, AND KABLE.

NEW SOUTH WALES.

KNOW ALL MEN by these presents that We William Campbell, Master of the Brig Harrington now lying in this Port, jointly with Simon Lord as Agent to the said William Campbell, Simon Lord of Sydney and Henry Kable and Company of same place, are held and firmly bound unto the Naval Officer of this Territory for the time being in the several Sums hereafter mentioned and expressed, that is to say the said William Campbell and Simon Lord his Agent in the Penal Sum of Four Thousand pounds Sterling, the said Simon Lord for himself in the further penal Sum of Two Thousand pounds Sterling, and Henry Kable and Company in the penal Sum of Two Thousand pounds Sterling, for which Payments respectively by us to be made, we bind ourselves severally as above, and our Heirs, Administrators and assigns by these presents Sealed with our Seals respectively, this thirtieth day of March in the Year of our Lord One Thousand eight hundred and five.

WHEREAS the above bounden William Campbell of the Brig Harrington under his Command on the Twenty Sixth day of September and on the Second day of October last captured two several Vessells belonging to the King of Spain, or to his Subjects, and the said William Campbell having arrived in this Port (but without bringing in the aforesaid two Spanish Vessells) and there being no Certainty of a Spanish War existing at the time the above said Vessells were respectively Captured, His Excellency the Governor of this Territory judged it expedient for the due maintenance of His Majesty's Honor and the Integrity of
1805.
30 April.

Bond of
Campbell,
Lord, and
Kable.

HISTORICAL RECORDS OF AUSTRALIA.

the British Flag, that an Embargo should be laid on the said
Brig Harrington and her Cargo in this Port until the event of
Peace or War with Spain at the time of the Capture of the said
Spanish Vessels was ascertained. But by reason of the Tenor of
the Bond given as Security to make good all Damages the said
William Campbell might commit as Commander of the Har­
rington, when her Letter of Marque was granted, and for other
Causes and Considerations, His Excellency the Governor thought
himself justifiable in taking Security as above for the personal
Appearance of the above bounden William Campbell, to answer
any Process for seizing those Vessels and to cause Restitution
and Satisfaction to be given to the Proprietors in case War did
not exist at the time those said Vessels were Captured, and also
for the said Brig Harrington being forthcoming (the Dangers
of the Sea and the King's Enemies excepted) on due notice
being given to him the aforesaid William Campbell and his
Agent, and the aforesaid Simon Lord and Henry Kable and
Company in the Premises by His Majesty's or the Honorable
East Indian Company's Governors, or any other Person duly
authorised—Now the Condition of the above Obligation is such
that if the above bounden William Campbell do and shall forth­
with appear in his proper Person on due Notice being given him
as aforesaid to answer the above in the Premises, and also that
the said Brig Harrington do and shall be forthcoming to answer
as above (Dangers of the Sea and King's enemies excepted) in
order to answer any legal Proofs against the said William
Campbell and also to make restitution and Satisfaction to the
Proprietors of the said Vessels, in case War did not exist at the
time they were Captured, then this Obligation to be void and of
no effect; But if default is made in the Premises by reason of the
said William Campbell not appearing in Person, (after due
notice being given to him to that effect as aforesaid) or that the
said Brig Harrington is not forthcoming as aforesaid, then the
above Sums to be forfeited, and the Goods, Chattels, Lands,
Farms, Houses, Horses, Sheep and Cattle, Articles of Merchan­
dize, and all other Effects, of the above bounden Parties, to
answer the said Forfeiture according to the Sums they are
severally bounden in by the above Obligation, at the same time
it is to be understood by the said Contracting Parties that this
Instrument is not to prevent any Proceedings from being taken
against the said William Campbell, or against the said Brig
Harrington, in Case Accounts should arrive in this Territory,
previous to the Sailing of the Brig Harrington from this Port
to Madras in the East Indies that War did not exist between
England and Spain at the time the Above Vessels were so Cap¬
tured. In witness whereof we have hereunto put our names and
affixed our Seals the day and Year before Written.

Signed, Sealed, and Delivered
(no Stamps being used in
this Colony) in the presence
of

WILLIAM CAMPBELL.
S. LORD.
HENRY KABLE.

RICH. ATKINS, J.-A.

[Enclosure No. 25.]

ACTING-SECRETARY BLAXCELL TO CAPTAIN CAMPBELL.

Sir, March 30th, 1805.

On you and your Agent, together with your Securitys, executing the enclosed Bond, His Excellency consents to take
off the restraint laid on the Harrington, and permit the Guard
to be withdrawn for the purpose of your landing the Cargo you
took from hence in 1804 and the Salt Pork you procured at
Otaheite, for which purpose he has sent directions for the Guard
to be withdrawn.

I am, Sir, &c.,

G. BLAXCELL.

Attested: RD. ATKINS, J.-A.
Act'g Sec'y.

[Enclosure No. 26.]

ACTING-SECRETARY BLAXCELL TO CAPTAIN CAMPBELL.

Sir, April 3d, 1805.

In preparing the Extracts from your Log and the Mate's
Journal, it appears by the imperfect erasure in your day's work
of the 26th September that immediately you took the Spanish
Brig, you hauled her alongside and took out the most valuable
part of her Cargo, which the Mate's Journal substantiates without erasure, and on the 17th Novr. and Decr. 14th at Otaheite it appears by the Mate's Journal that a Quantity of Cordage
and other Articles of the Cargo there enumerated was taken out
of the Spanish Brig and put on board the Harrington; His
Excellency requires your giving a faithful List of the valuable
Articles so removed on the 26th September and following days,
and the Goods taken out on the 17th Novr. and 14th December,
together with the use they have been applied to and what is
forthcoming attested on Oath before the Judge Advocate. The
Mate also observes in His Journal of the 6th December, that
previous to the Spanish Schooner being careened at Otaheite, an
Account was taken of everything she had on board, an attested
Copy of which the Governor also requires.

I am, Sir, &c.,

G. BLAXCELL.

Attested: RD. ATKINS, J.-A.
Act'g Sec'y.
1805.
30 April.

Flour and rope removed from the Spanish brig.

Stores on the Spanish brig.

[Enclosure No. 27.]

CAPTAIN CAMPBELL TO GOVERNOR KING.

Sir,

Brig Harrington, 4th April, 1805.

I have already informed Your Excellency that on the 26th of September when the Spanish Brig was Captured, she was hauled alongside the Harrington, and I took out some Flour and Rope, which are the Articles distinguished in the Log Book as the most Valuable part of her Cargo; of these Articles we were in want, and they were of course applied to those wants, if any of the Rope is not made use of, it is on board the Harrington, but it was considered of so little import, that I cannot attempt to ascertain it, and much less to Attest it on Oath; on the 17th Novr. and 14th of December, I took from the Brig one of the Main Braces and a little Flour, in lieu of which I supplied her with Coir Rope and Pork,—when the Schooner was careened she lay at Moria, fourteen Miles from Otaheite where the Harrington lay, and it being necessary to land the Stores on Shore amongst the Natives at Moria, the Mate took an account of them as they were sent on shore, that when they were Re-shipped he might discover if the Natives had plundered any, and the List was left on board, as of no further importance—As I was not present myself, it is impossible for me to furnish Your Excellency with an Attested Copy of a list, which is not perhaps in Existence. As far as I can learn from the Mate the Stores consisted of Iron Renslage, empty Water Casks, Ropes, Blocks, Spare Sails etc. etc.

I have, &c,

Attested: RD. ATKINS, J.-A. WILLM. CAMPBELL.

[Enclosure No. 28.]

GOVERNOR KING TO MESSRS. ATKINS, KENT, AND HARRIS.

Gentlemen,

Sydney, April 4th, 1805.

It being necessary to ascertain as nearly as possible the import of the imperfect Erasures in the Harrington's Log (delivered to me by the Commander) on the 26th and 29th of last September, and the Erasure in the Mate's Journal on the 26th September, I have to request you will trace as nearly as you can their respective imports. You will also observe whether there appears any irregularity in Two Leaves being taken out in the Commander's Log between the 25th Sepr. and 3d October, and the dates being altered from the latter date to the 24th October, Delivering me your Observations on those points, to

* Note by Governor King.—Why were the Articles not specified and where was the necessity for any Erasure.
† Note by Governor King.—Vide Mate's Journal of those Dates and No. 41.
‡ Note by Governor King.—This List has never been produced.
assist you in which it may be necessary to Summons Purcell, who wrote the Log, and to examine him on Oath in the presence of Captain Campbell touching those Erasures and Alterations.

I am, Gentlemen, &c.

Attested: Rd. Atkins, J.-A.  
Philip Gidley King.

[Enclosure No. 29.]

ACTING-SECRETARY BLAXCELL TO CAPTAIN CAMPBELL.

Sir, Sydney, April 5th, 1805.

Your statement in answer to my Letter of the 3d Inst. is so Contradictory to the regular Observations and Entries in the Mate's Journal, that I am directed once more to demand an account of the "Valuable part of the Cargo you took from the Brig" on the day you took possession of her, and what you took out of her afterwards at Otaheite, as those Articles are not so inconsiderable as you state. I also am to require that you inform the Governor how many Pigs of Copper (if any) you received in Barter; and how many others you have on board and the means by which you acquired them, as this information is necessary from the apparent import of the imperfect Erasure in your Log on the 29th September last.

I am, Sir, &c.,

G. Blaxcell,

Attested: Rd. Atkins, J.-A.

Act's Sec'y.

[Enclosure No. 30.]

CAPTAIN CAMPBELL TO GOVERNOR KING.

Sir, Brig Harrington, 6th April, 1805.

I have always been ready to Answer Your Excellency in any Requisition you thought proper to make in regard to the Capture of the Spanish Vessels by the Brig Harrington under my Command, and the Circumstances relatively connected with that transaction, and after having implicitly complied with everything Your Excellency was pleased to prescribe as preliminaries to my entering into the very considerable Security I have given, I trust Your Excellency will not see the Necessity of urging any further explanations, which it appears from what I have already Stated, I either have furnished or am incompetent so to do.

I have, &c.,

Attested: Rd. Atkins, J.-A.  
William Campbell.

[Enclosure No. 31.]

(A) ACTING-SECRETARY BLAXCELL TO CAPTAIN CAMPBELL.

Sir, Sydney, April 6th, 1805.

I am directed by His Excellency the Governor to require Verification of your attendance and that of your Chief Mate, Mr. Gardner's, and Journal.
with Henry Purcell who wrote your Log, at the Judge Advocate’s Office Tomorrow morning at Nine O’Clock to verify by Certificate and on Oath the Extracts taken from your Log and the Mate’s Journal.

I am, Sir, &c.,

G. BLAXCELL,
Act’g Sec’y.

(B) GOVERNOR KING TO MESSRS. ATKINS, KENT, AND HARRIS.

Gentlemen,

Sydney, April 7th, 1805.

I request you will direct Captn. Campbell of the Harrington Letter of Marque, and Mr. Francis Gardner, Chief Mate of that Vessell, to attend you this Morning at Nine O’Clock for the purpose of Verifying the Extracts Copied from the Commander’s Log and the Mate’s Journal. A Copy of the Certificate and Oath necessary to be taken I enclose.

I am, &c.,

Attested: RD. ATKINS, J.-A.

PHILIP GIDLEY KING.

[Enclosure No. 32.]

[A copy of the extract from the log-book of Captain Campbell is not available.]

[Enclosure No. 33.]

Extract from the Journal of Mr. Francis Gardner, Chief Mate of the Harrington from 22nd Sept., 1804, to 9th Feb., 1805.

Saturday September 22nd 1804.

Little wind from S.W. Cloudy Steered E.N.E. Employed reeving T.G. Studding Gear and got the Booms aloft, at Sunset Juan Fernandez bore N.N.E. Dist. 4 or 5 Leagues—Middle brisk Wind at S. after 10 P.M. Steered N.E. b. E.—Latter employed rigging Flying Jib-boom.

Lat. obs. 33° 28’ S.

Long. 77° 26’ W. of London.

Sunday, September 23rd 1804.

Gentle breeze at S.E. hazey, all Sail set, Steered N.E. b. E. at 6 P.M. Steered N.E. took in T.G. Sails, Strong Wind latter refitted it—Steered N.E. ½ N.

Lat. obs. 31° 44’ S.

Long. 74° 21’ W.

Monday Septr. 24th 1804.

Brisk Wind from the S.E. Steered N.E. ½ N. overcast Weather—all Sail spread—at 10 P.M. hauled up E.N.E. Wind S.S.E. Middle, Cloudy, light Rain—Latter part Gentle breeze, hazey, Steered E.N.E. no Observation.

Per. Count Lat. 31° 12’ S.

Long. ———

Scaled all our Guns and loaded them, got in readiness to engage our Enemy when met with.
Tuesday Septr. 25th 1804.

Gentle Breeze, hazey, Steering E.N.E. Wind from S.E. b. S. all Sail Spread; at 4 saw the Land bearing from E.S.E. to N.E. at 6 took in all light Sails, at 8 hove to lay till 5 A.M. then Set Sail Stood in. Wind from S.E. at 7 saw a Sail to Leeward, set all light Sails, West inclining Calm—the said Brig got into Coquimbo Harbor. At 10 A.M. Mr. Cummins and Crew went and looked into the Harbor with the Boat, and returned informed us that there was only one Vessel there.

Lat. at noon by Obs. 29° 55'.

Wednesday Septr. the 26th 1804.

Light airs and Pleasant, Sailed into Coquimbo, long side of a Spanish Brig.——— and ordered them to haul their Colours down and it was done, then boarded them and sent all their Men on Shore—Latter part at 7 A.M. hauled her long side, and took the Valuable part of the Cargo on board our Vessell.

Thursday Septr. the 27th 1804.

Brisk Wind Clear found them very busy on Shore—expected was making Preparations for us—at 5 P.M. Weighed and Sailed for Guasco to the Northward—Middle Strong Wind hazey—Prize astern Sailing down the Coast—Latter the same at 11 A.M. Saw Strange Sail coming up with us very fast.

Friday September 28th 1804.

Strong Gale, Clear, running to Northward the strange Sail coming up with us very fast and our Brig going from us as fast, but at 5 P.M. came within Canon Shot of us, it proved to be a Whaler so our Brig stood in Shore and beat into Guasco Prize stood off all night, and got in at 11 A.M.

Lat. 28° 35' S.

Saturday September 29th 1804.

Pleasant Weather at Guasco, Middle part the same with a Good look out.——Latter part, all hands employed at the Ship’s Duty, at 7 A.M. the Prize got under Weigh, with Light Airs from W.S.W. Stood out N.W.

Sunday Septr. 30th 1804.

Light breeze from S.S.W. weighed Anchor and followed the Prize—at 4 P.M. came up with her and gave her Sailing Orders and then bore up from her Steered N.N.W. and N. Middle same—latter Wind from Northward—Stood in Shore.

Lat. obs. 27° 35' S.

Monday October 1st 1804.

Light Airs from Northward—Standing in Shore—hazey wet.——Middle light airs Cloudy—latter at 5 A.M. brisk Wind at N. Stood in for Copicapo—at 8 saw a Schooner, lying at Anchor, we stood in for her—they fired a Gun and we fired one, and the Schooner fired two Shots at us, which occasioned us to fire a whole Broadside at them, which made them leave their Vessell and go on Shore—we boarded her after we came to and found her on fire in the Cabin, and drifting on Shore, but not much Damage done, we put the Fire out and got her afloat.

Tuesday October 2nd 1804.

Light breezes, got the Schooner under weigh, and then Brig and turned to Windward at 7 P.M. took the Prize in Tow—at
3 A.M. it fell Calm—we cast her loose at 7 A.M. Gentle breeze at W.N.W. took her in Tow again, Stood to the S.W. till 10 tacked
Stood N. b. W. Lat. at noon by Obs. 27° 25' South Dist. from the
Land 10 or 12 Leagues from which I take my Departure.

Long. 71° 50' West of London.

Wednesday October the 3rd 1804.
Light Airs and Pleasant from W. b. N. Head N. b. W. Prize
in Tow at 4 P.M. Cast her loose, went on board gave them Sailing
Orders—Calm till 3 A.M. took a breeze from N.N.W. Head West
at 6 Saw the Schooner bearing E. ½ S. employed clearing 'tween
Decks.

Lat. by Obs. 27° 22'.
Long. per count 72° 31' W.

Saturday November 17th 1804.
Strong Trade Winds Employed getting the Hold ready to
take on board Pork, some Salting on Shore—Sail maker Employed
on Shore at the Sails.

Account of Stores taken from Brig.

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Measurements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Cable</td>
<td>180</td>
<td>Faths.</td>
</tr>
<tr>
<td>1 Hawser</td>
<td>150</td>
<td>Do.</td>
</tr>
<tr>
<td>1 Do</td>
<td>70</td>
<td>Do.</td>
</tr>
<tr>
<td>1 Coil Rigging</td>
<td>70</td>
<td>—</td>
</tr>
<tr>
<td>1 Do</td>
<td>100</td>
<td>Do.</td>
</tr>
<tr>
<td>32 Sacks of Flour</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16 Do Beans</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21 Bales of Sugar</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 of Mata</td>
<td></td>
<td>7 Jars of Syrup</td>
</tr>
<tr>
<td>2 Bales of Tallow</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 Inch new</td>
<td></td>
<td>9 Do</td>
</tr>
<tr>
<td>9 Do Do</td>
<td></td>
<td>5 Do Do</td>
</tr>
<tr>
<td>7 Do Old</td>
<td></td>
<td>4½ Do new</td>
</tr>
<tr>
<td>2½ Do Do</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Thursday Decr. 6th 1804.
Pleasant and fair, at 5 A.M. Set out with Boat and Crew
and Parcel for Moira; at 11 arrived at the Schooner and took an
Account of all belonging to her and to clear her bottom and refit
her.

Friday Decr. 14th 1804.
This Day Employed taking Things from the Brig Prize to
light her—Received on board

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>62 Sacks of Flour</td>
<td></td>
</tr>
<tr>
<td>20 Do Beans</td>
<td></td>
</tr>
<tr>
<td>82</td>
<td></td>
</tr>
</tbody>
</table>

and finished painting the Brig Harrington.

Saturday Febry. the 9th 1805.
Gentle breeze, clear from W.N.W. lying off Sydney Bay—
Middle the same—Latter the Boat came to us with 4 Casks of
Water, and took 7 Bales and one Parcel.

Two Bales no mark. Punjum
[Enclosure No. 34.]

(A) FORM OF CERTIFICATE.

I do hereby Certify on Oath that the preceding Extracts from my Journal as Chief Mate of the Harrington, Letter of Marque, of Madras are true Copies of each Day’s Log, and that the Note respecting the erasure in the Journal of the 26th September 1804 is just and true—having also signed my name to each Day’s Journal respectively.

The Commander and Chief Officer of the Harrington Brig having refused to verify the within as a true Copy of that part of their respective Log Books—We Certify that having compared it with the Original do find it correct.

Sydney, 8th April, 1805.

(B) THE REFUSAL OF THE MASTER AND MATE TO MAKE AN AFFIDAVIT.

The reason for refusing taking any Oath is that I have answered all the questions that has been put to me before His Excellency, on Oath before, relating the Capture of the two Spanish Vessels on the Coast of Peru, and have given Securing to answer for that transaction.

WM. CAMPBELL.
FRANCIS GARDNER.

(C) GOVERNOR KING TO JUDGE-ADVOCATE ATKINS.

I DESIRE the Judge Advocate to demand of Mr. Campbell whether he ever took any Oath as he inserts in his declaration relating to the Capture of the two Spanish Vessels?

PHILIP GIDLEY KING.

April 8th, 1805.

(D) CAPTAIN CAMPBELL TO GOVERNOR KING.

Sir,

In Answer to your Note requesting to know whether I had taken an Oath before His Excellency tending to authenticate the Harrington’s Log Book, I beg leave to say that I felt my Mind so much agitated Yesterday that I was not altogether collected to speak positively to that Circumstance but I have since endeavored to recollect and am inclined to think I was mistaken in supposing I had sworn before His Excellency. I am, therefore, willing to alter the Log Book and I daresay my Mate will be equally ready when required to do the same by his Journal;

* Unsigned in copy transmitted.
And permit me to add that it was under this impression, I did not feel perfectly at ease at taking another Oath yesterday, and that was my sole motive for declining it.

WM. CAMPBELL.

April 9th, 1805.
Attested: RD. ATKINS, J.-A.

[Enclosure No. 35.]

OFFICERS' OPINION ON ERASURES.

Explanation of Erasures on the 26th and 29th Sept. in the Commander of the Harrington's Log Book as traced by us.

26th September
"Took the most valuable part of our Cargo on board our Vessel."

29th September
"After the Words removed all the Copper "Sent all hands on Shore," Blank "fired on the Men about 187 from the Shore" Blank "got pigs on board from the Boats" Blank "on board and got all ready for going to Sea."

Explanation of an Erasure on the 26th of Sept. in the Chief Mate's of the Harrington Log Book as traced by us.
"And fired one Gun."

RICH. ATKINS.
WM. KENT.
J. HARRIS.

It is ever considered that any Erasure in a Ship's Log or Journal is highly culpable and inadmissible, and admitting that what has been asserted respecting the mistake of a day to have been the case, we do not see that it was necessary to have cut out more than one leaf therefrom, as each leaf contains four whole days and the subsequent changing of the dates till the 24th October would have been all that was necessary—and we cannot help considering this as a very improper transaction as it happens on those very leaves that the erasures are.

Sydney, April 8th, 1805.

Attested: RD. ATKINS, J.-A.

[Enclosure No. 36.]

THE EXAMINATION OF HENRY PURCELL.

HENRY JAMES PURCELL being sworn:
Q. Are you the writer of the Ship's Log of the Harrington?
A. I am.