2. Look at the Log of the 26th day of September, And account for the Erasure of that day.
   A. I think the Erasure is “And took the most valuable part of her Cargo on board the Vessel.”

3. Was it by Your own Authority that You made that Erasure, or was it by the Orders of any Person?
   A. By the Order of Captain Campbell. Sometime after that was written, Capt'n Campbell asked me for the Log Book, and when he found that part which mentions “her valuable Cargo” had been therein inserted, he then enquired what it was and found it consisted of a few Skins of Flour and some Cordage and then he desired me to erase it out.

4. What period had elapsed from the time You wrote to the time You erased it?
   A. It might be four or five Months after.

5. Was it before Your Arrival at Norfolk Island?
   A. No it was after.

6. How came the Erasure to be made on the 29th Septr.?
   A. It was by the Captain’s Order.

7. State as near as possible the Words so erased.
   A. “Sent all Hands,” “who fired at the Man,” “about an half from the shore,” “got pigs,” “Boats on board,” “got all ready for getting under Way.”

8. What was Your reason for cutting out from the Journal two leaves containing the Log from the 26th Septr. to the 3d of October, and the subsequent Erasure of dates to the 24th October?
   A. In consequence of losing a day.

9. Why were two leaves cut out, when one would have answered the purpose?
   A. I know no other Cause than that of losing a day.

HENRY JAMES PURCELL.

Sworn before us this 8th April, 1805.
RICH'D ATKINS.
WM. KENT.
J. HARRIS.

Attested: Rd. Atkins, J.-A.

[Enclosure No. 37.]

ACTING-SECRETARY BLAXCELL TO CAPTAIN CAMPBELL.

Sir,

Your having refused to comply with the Governor's requisition contained in my Letter to you of the 3rd Inst. and its repetition on that of the 5th, and adverting to the following preliminary promise to the Governor's receiving your Security in
your Letter to the Governor of the 25th Ultimo, Viz: "And I further beg leave to inform Your Excellency that I and my Mate are ready to authenticate exact Copies of the Log and Journal in any manner you are pleased to prescribe," And as that preliminary promise is violated by your refusal to authenticate those exact Copies in the manner His Excellency prescribed before the Judge Advocate and Magistrates assembled for that purpose. It therefore becomes incumbent on the Governor to inform you that the evident Criminality of your Conduct in Transactions that must reflect the greatest dishonor on the British Character, His Majesty's Interest, the prosperity of this Colony and the British Interest in the South Sea Fishery, as well as in other objects of Commerce, if War did not exist at the time the Spanish Vessels were Captured and your Consequent transactions on this Coast. These Acts and your Conduct therein appears to the Governor Subjects of too much National Importance to admit of his allowing the Harrington, you, the Chief Mate, Boatswain and Henry Purcell leaving this Settlement until News arrives whether War did or did not exist at the above period. In the mean time you are as Stated in my Letter of March 30th allowed to Land the Cargo taken from hence in 1804, And the Salt with the Salted Pork you took from Otaheite, which His Excellency Considers the property of your Owners.

A Guard is ordered on board to prevent the Harrington being taken out of the Harbour and to suffer no other Articles to be Landed than the above or any other that does not appear to have been taken from the Spanish Vessels or the Spanish Settlements on the Coasts of Peru.

Any Steps you may judge necessary to take in this Business, His Excellency desires that no farther Correspondence may take place with him on the Subject, until News Arrives that may either exculpate or criminate the Conduct you have adopted in Capturing the Spanish Vessels and your other Acts on the Spanish Coast, until when the Harrington's Rudder will remain in the Dock Yard, for which purpose His Excellency has directed Lieut't Kent to Unship it.

I am, &c.,

G. BLAXCELL,

Attested: RD. ATKINS, J.-A.

[Enclosure No. 38.]

ORDERS to be attended to by the Corporal doing Duty on board the Harrington, Sydney, 8th April, 1805.

Not to suffer that Vessel to leave the Cove, and to report any appearance of preparation for that purpose.
The Officers and Crew not to be hindered from going on Shore and returning on board between Day light and Sun set.

Landing the Cargo consisting of Bale Goods Shipped here, Salt, and Salt Pork, to be allowed under the inspection of the Wharfinger, who will attend at the Wharf.

No Copper to be Landed without being reported to the Governor or Orders given for that purpose.

Attested: R.D. ATKINS, J.A.
W. MINCHIN, Adjt.

[Enclosure No. 39.]

NEW SOUTH WALES | EXAMINATIONS taken on board the King of Spain's Armed Cruizer, the Estremina, before His Excell'y Gov'r King and Richd. Atkins Esq. J.A. being the only Magistrates at Sydney.

WILLM. TOZER, in charge of the said Vessell, Deposes that he was left at Otaheite by the Dart Brig, where he shipt himself on board the Harrington Brig which proceeded to Masafuero, that there they saw some American Gangs, who were sealing, who gave no particular Account (to his Knowledge) whether there was Peace or War between England and Spain, but the Americans were ordered off the Island by the Peruana, one of the King of Spain's Vessells, on a report that they (the Americans) were going to build a Fort there; from thence they proceeded to the Bay of Coquimbo, on the Coast of Chili; on sailing close to the Harbor's Mouth, they saw a Brig sail in with Spanish Colors; they (the Harrington) fired a Gun at her, boarded her, struck the Spanish Colors, and sent the Crew on Shore; that he believes the Union Jack was hoisted on board the Harrington at that time. The next day the Spanish Brig was hauled alongside the Harrington, and some of her Cargo taken out which consisted of Bags (those that he opened) containing Flour and Callavances, some Hawsers and Coils of Rope were likewise taken on board the Harrington; on the same Evening they both Sailed and proceeded along shore towards Guasco, and on the Evening of the next day or Day after the Harrington got into that Port, but the Prize Brig, the San Francisco, did not arrive until the day after, and the day after that the Prize, San Francisco, parted from the Harrington and proceeded towards Otaheite. When we were getting our Anchor up, the Boats from the Harrington were going on Shore and returning (as he believes) with some Copper, And the Deponent declares this to be the whole that has come within his Knowledge, until they joined the Harrington at Otaheite, where after laying some time he was put in Charge of as well as to navigate the Estremena. That the Vessell Estremena and the Harrington sailed together to
Norfolk Island; on making which the San Francisco joined them, remaining at Norfolk Island a few days, the Estremena and Francisco parted Company with the Harrington, and was ordered by the Person who had charge of the San Francisco (Mr. Fisk) to Steer S.W. That to the best of his recollection, his Orders were to proceed to Kent's Group, and there remain until he received further Orders. That the two Spanish Vessels arrived there together and remained until the day the Estremena parted Company to proceed to Jarvis's Bay where he waited for Orders from Captn. Campbell, and remained there until the arrival of H.M.A. Vessell the Lady Nelson.

Sworn before us this 9th day of April, 1805.

PHILIP GIDLEY KING.

Attested: RD. ATKINS, J.-A.

[Enclosure No. 40.]

**DEPOSITION OF MR. EDWARD SHARP.**

This day came before me Mr. Edward Sharp, Master of the Ship Ceres of London, and Deposes that on the 29th of July, 1804, he left Gravesend and proceeded to the Mother Bank, where he lay until the 23rd August, and at that time there was not the least probability of a War between England and Spain, on the contrary it was the Current Report that England had agreed to a Neutrality with that Country.

Sworn before me this 11th day of April, 1805.

RICH'D ATKINS, J.-A.

[Enclosure No. 41.]

**GOVERNOR KING TO ACTING-LIEUTENANT SYMONS.**

Sydney, April 11th, 1805.

Acting Lieut. Symons of His Majesty's Armed Tender Lady Nelson will inform Mr. Campbell, Commander of the Harrington, that as it appears by his own Log Book, the Journal of Mr. Francis Gardner Chief Mate of the Harrington, and by a Memorandum on the Cover of a Log Book kept on board the Estremina, that he (Capt'n. Campbell) has taken out of the Spanish Merchant Brig, Saint Francisco and Saint Paul, and out of the King of Spain’s Cruizer Estremina, the following Articles, since the period of those Vessels being Seized by the Harrington in Coquimboo and Caldera Bays to the date of their parting Company with the Harrington at Norfolk Island.

And the Master of the Ceres, So. Whaler, having this Day deposed “that when he left England, on the 23d August, 1804,
there was no probability of a War between England and Spain. On the contrary it was the current report that England had agreed to a Neutrality with that Country.” Lieut. Symons will demand an immediate restitution of those Articles or others of the same kind for the purpose of enabling One or both the Spanish Vessels being returned to their proprietors. He will also demand an exact Account of the number of Pigs of Copper taken by the Harrington from the Port of Goasco.

PHILIP GIDLEY KING.

[Enclosure No. 42.]

List of Articles which appears to have been taken out of the Spanish Merchant Brig, St. Francisco and St. Paul, and the King of Spain’s Cruizer, Estremina, after those Vessels were Seized by the Harrington in Coquimboo and Caldera Bays, on the 26th September and 1st October 1804.

Septemr. 26th, 1804.

The most Valuable part of the Cargo of the Merchant Brig, as appears by the Log of Captain Campbell and the Journal of his Chief Mate, Mr. Francis Gardner, was taken on board the Harrington.

October 1st, 1804.

It appears from the Log Book of William Tozer, by a memorandum by the person, who proceeded in Charge of the Estremina, that Fifty Two Dollars and a pair of Stone Knee Buckles, were given up to Captain Campbell from the King of Spain’s Cruizer, Estremina.

Novemr. 17th, 1804.

Account of Stores from the Merchant Brig on board the Harrington as appears by the Journal of Mr. Francis Gardner.

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cable</td>
<td>1</td>
<td>180 fathoms 9 inches New</td>
</tr>
<tr>
<td>Hawser</td>
<td>1</td>
<td>150 Do 6 Do Do</td>
</tr>
<tr>
<td>Do</td>
<td>1</td>
<td>100 Do 2½ Do Do</td>
</tr>
<tr>
<td>1 Do</td>
<td>1</td>
<td>150 Do 6 Do Do</td>
</tr>
<tr>
<td>1 Do</td>
<td>1</td>
<td>70 Do 7 Do Old</td>
</tr>
<tr>
<td>1 Coils Rigging</td>
<td>1</td>
<td>70 Do 4½ Do New</td>
</tr>
<tr>
<td>1 Do</td>
<td>1</td>
<td>100 Do 2½ Do Do</td>
</tr>
<tr>
<td>32 Sacks Flour</td>
<td>16</td>
<td>Beans</td>
</tr>
<tr>
<td>21 Bales of Sugar</td>
<td>3</td>
<td>Mata</td>
</tr>
<tr>
<td>7 Jars of Syrup</td>
<td>2</td>
<td>Bales of Tallow</td>
</tr>
<tr>
<td>19 Sheep Skins</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Decemr. 14th, 1804.

Account of things taken from the Merchant Brig on board the Harrington as appears by the Journal of Mr. Francis Gardner.

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

I certify that the Articles herein Enumerated is correctly Copied from the Harrington’s Log and Journal And the Log Book of Estremina.

G. BLANCELL, Act’g Sec’y.
As the greatest part of the Articles taken from the Brig is under the Casks of Pork it will be impossible to get a correct Account until it is Delivered on Monday. I will endeavour to get a correct Account of the whole on Board.

WILLIAM CAMPBELL.

<table>
<thead>
<tr>
<th>Articles</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flour</td>
<td>82 Sacks</td>
</tr>
<tr>
<td>Beans</td>
<td>35½ Sacks</td>
</tr>
<tr>
<td>Sugar</td>
<td>15 Bag</td>
</tr>
<tr>
<td>Mata</td>
<td>4 Do</td>
</tr>
<tr>
<td>Tallow</td>
<td>2 Bag</td>
</tr>
<tr>
<td>Do</td>
<td>7 Sheep Skins</td>
</tr>
<tr>
<td>Syrup</td>
<td>11 Jars</td>
</tr>
<tr>
<td>Beef</td>
<td>1 Bag</td>
</tr>
<tr>
<td>Hides</td>
<td>1</td>
</tr>
<tr>
<td>One Small Cask of Tallow</td>
<td>1</td>
</tr>
<tr>
<td>Cable</td>
<td>1</td>
</tr>
<tr>
<td>Hawser</td>
<td>2</td>
</tr>
</tbody>
</table>

WILLIAM CAMPBELL.

I Certify the above is a true Statement of the Articles found on board the Harrington, but as they are not the whole expressed in the Governor's Order I have left them in charge of the Master of the Harrington.

Attested: RD. ATKINS, J.-A.

[Enclosure No. 43.]

ACTING-LIEUTENANT SYMONS TO GOVERNOR KING.

His Majesty's Armed Tender Lady Nelson,

Sir,

Sydney Cove, April 13th, 1805.

In consequence of receiving your Orders of the 2d April to proceed with his Majesty's Armed Tender Lady Nelson under my Command to Jervis's Bay, the 5th Inst. on entering the Bay perceived a Vessel laying at Anchor in the N.W. end of the Bay, and shortly after get under weigh and stood down towards us, I shortened Sail got out the Boat, and Hoisted His Majesty's Colours. In about half an hour after the Vessel had all sail set, Standing right down upon us, when they got within Pistol Shot of the Lady Nelson she lowered her Top Gallant Sails and hauled her Wind from us; I immediately made all Sail and fired a Shot over her to bring her too, supposing they wanted to get off, but she bore down directly after the Gun was fired and passed under the Stern; I hailed them, they answered she was the Estremina, Schooner, Prize to the Harrington, she had then a St. George's Jack flying, I ordered him to haul it down and hoist...
Spanish Colours, I then boarded him and received from Mr. Tozer, then in charge of her, all the Spanish Papers, Logs, Charts, Journals, and the Log Book belonging to the Estremina. I then came too with the Vessels and sent the Second Mate and three Men on board and took from the Estremina three men.

I remain, &c.

Attested: Rd. Atkins, J.-A.

J. Symons.

[Enclosure No. 44.]

ACTING-SECRETARY BLAXCELL TO CAPTAIN CAMPBELL.

Sir, Sydney, April 13th, 1805.

His Excellency has received your Letter and directs me to inform you that the Measures he has adopted appears to him and the Principal Officers of the Colony as the only ones that could be used, in the event of there being no War with Spain, to rescue the British Character and the honor of His Majesty's Flag from being suspected as short a time as possible, to endeavor to recover the Whalers who have doubtless been Captured in consequence of your Conduct, and if possible to convince the Spanish Government that this predatory Conduct has been that of an unauthorized Individual. By which means His Excellency hopes the Stigma may be removed from the Minds of the Spaniards, and that the British Government may still attend to His Excellency's request for the Inhabitants here being allowed to build and navigate Vessels which he has no doubt will be suspended or passed over as soon as made, until it is known that those Acts have not been committed by an Inhabitant but by one who came here casually.

His Excellency passes over several Mis Statements in your last Letter, as the preceding ones contradict them.

Your Conduct in turning all the Prisoners on Shore precludes the Buffalo or any other King's Ship laying a Claim to Vessels taken by you without a Letter of Marque. If there is a War, the Schooner will probably become a Droit of the Admiralty. If not she will be returned at the present Expence of His Majesty.

His Excellency desires me to inform you that he can receive no other Letters on this Subject, until it may be farther authenticated whether War did or did not take place between England and Spain prior to the 2d of October last.

I am, &c.,

G. Blaxcell,

Attested: Rd. Atkins, J.-A.
1805.
30 April.

The protest of William Campbell.

NEW SOUTH WALES
PORT JACKSON.

COUNTY CUMBERLAND
TO WITT.

BE IT KNOWN unto all Men who shall see these Presents that on the Twentieth day of April in the Year of Our Lord One thousand Eight hundred and five, Wm. Campbell, heretofore Master of the Brig Harrington, Ship of War in the Service of the Honble. East India Company, now lying in Sydney Cove Port Jackson in this Territory, as well on his own behalf, as for account of Messrs. Chase, Chinnery and Company, Merchants at Madras, the Owners of the said Brig Harrington, and her Cargo, and all Parties and persons interested and concerned, appeareth in his proper person before Richard Atkins Esqr. His Majesty’s Judge Advocate of this Territory, (no Notary Public or Notarial Officer being therein) and Claimeth his Right to Protest—and doth accordingly solemnly Protest against the proceedings of His Excellency Philip Gidley King Esqr. Govr. and Commander in Chief of this Territory, and all persons acting under his Authority in the premises, touching the concerns of the Sd. Brig Harrington, and the said Wm. Campbell, as the Master, and Francis Gardner the Chief Mate thereof, and all others concerned, in the several matters and things herein after particularly set forth mentioned and declared that is to say, For that whereas the said Wm. Campbell sailed from this Port, in the said Brig Harrington under his Command, on the first day of May, One thousand Eight hundred and four, bound to the Coast of Peru, (as specified in the Port Clearance) to touch at Masafuero in their way thither, and bearing a Letter of Marque from the Honble. East India Company, at Madras, against the French and Batavian Republics, and a Commission as Captain in their Naval and Marine Service, And for that the said Wm. Campbell on the 26th of September in the same Year, Captured a Spanish Merchant Brig,* in the Port of Coquimbo, on the Coast of Peru, and on the 2nd of October following Captured a Spanish Cruizer in the Port of Caldero, also on the Coast of Peru, after Hostilities had been first commenced against the said Brig Harrington by the said Spanish Cruizer’s firing Shot at the said Brig,† several of which went through betwixt the Masts and before any Offensive Act whatsoever had been Com-

* Note by Governor King.—No Hostilities were commenced by the Brig.
† Note by Governor King.—The Spanish Cruizer did her Duty in firing to bring the Harrington to when entering a Port belonging to Spain, particularly after the preceding Acts of the Harrington at Coquimbo in taking the Spanish Brig and the Conduct at Quasco.
mitted by the Sd. Brig against the Sd. Cruizer—AND FOR that the
said Wm. Campbell arrived in this Port with the Brig Harrington
on the fourth day of March last, having touched on his way
hither at Norfolk Island (one of the Dependencies to this Terri-
tory) with the two Spanish Vessels, so Captured as before
mentioned, from which place the said Wm. Campbell brought
Passengers and Prisoners in the Brig Harrington, on account of
Government (but without any Remuneration received)* to this
Colony the said Wm. Campbell having previously sent away the
said Two Spanish Vessels from Norfolk Island with Instructions
from him (and which accorded with the Tenor of the instructions
he had received from his Owners, and which Circumstances
induced him to judge expedient and proper) to lye and wait in
Kent's Groupe,† until further Orders, or until the said William
Campbell could send the said Spanish Vessels to Madras (from
whence he had received his Letter of Marque and Commission
as aforesaid—to be Condemned as Captured by a Ship of War
in the Service of the Honble. East India Company.‡ And for
that, Whereas the said Philip Gidley King Esqr. Govr. and Com-
mander in Chief as aforesaid, DID on the twelfth day of March,
now last past, after some Correspondence had taken place be-
tween the Sd. Philip Gidley King Esqr. Govr. and Commander
in Chief as aforesaid, thro' his Acting Secretary and the said
Wm. Campbell, touching the Capture of the said Spanish Vessels,
and also touching certain circumstances connected with that
transaction, Order and direct (by Letter in writing also from
His Excellency's Acting Secretary of that date) the said Wm.
Campbell to cause his Sails to be unbent (meaning the Sails of
the said Brig Harrington) His Top Masts and lower Yards to
be struck (meaning the Top Masts and lower Yards of the said
Brig Harrington) and her Rudder (meaning the Rudder of the
said Brig Harrington) to be delivered to the Master Boat Builder
of this Territory, until (as stated in the said Letter) a certain
event namely the event of a War existing between England and
Spain at the time the said Brig Harrington Captured the said two
Spanish Vessels in the months of Septr. and Octr. last as aforesaid,
was ascertained. AND FOR that the said Order or Mandate was put
into full force and execution, according to the tenor thereof—
AND ALSO—For that whereas the said Philip Gidley King Esqr.
Govr. and Commander in Chief as aforesaid, DID by his Mandate
order and direct that the Cargo on board the said Brig Harring-

* Note by Governor King.—This Assertion is Contradicted by the Commandant of
Norfolk Island.
† Note by Governor King.—Contradicted by Mr. Campbell's Declaration No. 4
Altho' this act of the two Assertions appears the most correct being corroborated
by Mr. Tozer's Affidavit and the fact of the Vessells lying there.
‡ Note by Governor King.—Provided War existed.
1805.
30 April.
The protest of William Campbell.

HISTORICAL RECORDS OF AUSTRALIA.

ton should not be landed nor removed from the said Brig Harrington, And that none of the Crew on board the same (the said Wm. Campbell and the Chief Mate excepted) sh'd on any account whatever be permitted to depart from the said Brig Harrington, or go on Shore, And which said Mandate was also put into full force and effect, according to the tenor thereof. By means whereof the said Cargo which consisted of sundry Articles of Merchandize of a Perishable and Consumable nature was detained for several days on Board, namely for Eighteen days, and the Sale thereof was prevented at a time when the Goods might have been disposed of to great advantage on account of no Vessel having then arrived in this Port with Merchandize of the same Nature and quality in consequence of which delay the said Goods became, or were liable to become damaged and injured, and the interests of the Owners thereof were materially prejudiced, which induced the said Wm. Campbell to address the said Philip Gidley King Esqr. as Governor and Commander in Chief as aforesaid, in and by a respectful Memorial dated the 13th March last, recapitulating certain Circumstances and events connected with the transactions in question and pointing out the wrong and injustice (as it appeared to the said Wm. Campbell) of the measures which had been taken in regard to the Brig Harrington and her Cargo—and praying that the same might be restored to him for his Owners (and this Concession the sd. Wm. Campbell was induced to expect his said Memorial would produce, by reason that his Owners had given Security to the Honble. East India Company to become responsible for the conduct of the sd. Wm. Campbell as Commander of the said Brig Harrington) AND that he the said Wm. Campbell was willing and ready to give security for his own personal appearance to answer in the premises according as the Event of War with Spain might turn out, and be hereafter ascertained AND also FOR that Whereas the sd. Wm. Campbell did on the 30th day of the said Month of March enter into a certain Bond or Obligation to the amount of £8,000 Sterling himself and his Agent in £4,000 more and other Competent Securities in £4,000 more—at the Office of the Judge Advocate of this Territory—(the Condition of which Bond or Obligation was for the personal appearance of the said Wm. Campbell and also for the said Brig Harrington being forthcoming on due notice being given of any Requisition to that effect) to answer for the Conduct of the said Wm. Campbell in the transactions in question, and in case it should appear that no War existed between England and Spain at the time the said Spanish Vessels were Captured then Conditioned to make such restitution to the proprietors of such
Vessels as should be adjudged and deemed equitable and consistent with the Laws of Nations in Amity or in a state of Neutrality with England, and which Bond or Obligation was entered into by being Signed Sealed and Delivered by the sd. Wm. Campbell and his Sureties after certain Preliminaries had been suggested pointed out and required by the sd. Philip Gidley King Esqr. Govr. and Commander in Chief as aforesaid etc. which Preliminaries* had been submitted conceded to and performed by the said Wm. Campbell, conformable as he conceived to the Spirit, Tenor, and meaning thereof, but as one of the said Preliminaries specifically stipulated that the said Brig Harrington should clear out from this Port to Madras, it rested with the said Philip Gidley King Esqr., as Govr. and Commander in Chief, to cause and direct such Clearance to be furnished the said Brig Harrington when she was ready for Sea—as by Authentic Copies of a certain Correspondence on that head between the Acting Secretary to the said Philip Gidley King Esqr. Govr. and Commander in Chief as aforesaid and the said Wm. Campbell, and dated antecedent to the Execution of the said Bond or Obligation, and also a Copy of the said last mentioned Memorial reference being thereto had will appear so that the Manifest and avowed Tenor, Tendency and Condition of the said Bond or Obligation (which had been drawn up and prepared according to His Excellency's Instructions, and it is presumed had received His Excellency's Approbation) were to release the said Brig Harrington from all restraint imposed upon her as aforesaid and to restore her to the Possession of the said Wm. Campbell as the Master and Commander thereof, and such having been stipulated and understood to be the Tenor, Tendency and Condition of such Bond or Obligation, Restitution of the said Brig Harrington was accordingly made to the said Wm. Campbell in the afternoon of the said 30th day of March after the said Bond or Obligation had been executed in due form of Law as aforesaid by the Guard of Soldiers being withdrawn therefrom (and which guard of Soldiers had been for Eighteen days or thereabouts placed on board the said Brig Harrington) by the Rudder being restored to the said Brig Harrington, and permission from the said Philip Gidley King Esqr. Govr. and Commander in Chief as aforesaid being given for the said Cargo to be landed, and so the said Wm. Campbell states and declares in this his Protest, that he was deprived of the Command of the said Brig Harrington by reason of a Guard of Soldiers being placed on board the same as aforesaid, her Rudder being detained.

*Note by Governor King.—The material one of verifying the Log and Journal was not complied with and ultimately refused.
1805.
30 April.

The protest of William Campbell.

HISTORICAL RECORDS OF AUSTRALIA.

in the Dock Yard, her Sails being unbent and her Top Masts and Lower Yards being struck and her Cargo being detained on board, under the said Mandate of the said Philip Gidley King Esqre. Govr. and Commander in Chief as aforesaid for the space of Eighteen days, namely from the 12th day of March unto the 30th day of the same Month to the great damage, Loss, injury, and prejudice of the said Wm. Campbell and the Owners of the sd. Brig Harrington and her Cargo and all parties Concerned. And Moreover for that the said Philip Gidley King Esqre., Govr. and Commander in Chief as aforesaid, did on the 3rd day of this instant April (not four days after the said last mentioned Arrangement had taken place and the said Bond or Obligation had been executed by the said Wm. Campbell in due submission to the Tenor and Condition thereof) by Letter from his Acting Secretary of that date, and before any information or intelligence had arrived in this Port to decide or ascertain the Event of War existing between England and Spain at the time of the Capture of the two Spanish Vessels as aforesaid, or any other Circumstance had transpired (as far as the knowledge and belief of the said Wm. Campbell extends) that could have a tendency to disturb the said last mentioned Arrangement or the Tenor thereof require the said Wm. Campbell to give a faithful list of the valuable Articles removed out of the Spanish Brig when she was captured, and the goods taken out on the 17th Novr. and 14th Decr. together with the use they had been applied to, and what were forthcoming, Attested on Oath before the Judge Advocate, also an Attested Copy of an account taken of everything on board the said Spanish Schooner previous to her being Careened at Otaheite, to which requisition so made on the day and manner as aforesaid the said Wm. Campbell replied by letter on the 4th instant, that when the Spanish Brig was Captured she was hauled alongside the Harrington and that he took out some Flour and Rope being the Articles distinguished in the Log Book as the most valuable part of her Cargo*—that those Articles were applied to the wants of the Harrington, that if any of the Rope was not made use of it was on board the Harrington, but was deemed of so little import that the said Wm. Campbell could not attempt to ascertain it, much less Attest it on Oath—Whereupon and for other reasons in the said letter contained and explained replicatory to the said Requisition the said Wm. Campbell declined rendering the Information on Oath as required not considering himself warranted or that he could be legally required so to do—after he had entered into so

*Note by Governor King.—Why were not these Articles specified and what occasioned the Erasure in the Log and cutting out the Leaves.
considerable a security to become personally answerable for his Conduct in the transaction referred to, and also for the Brig Harrington being forth-coming to answer for Restitution according as the event might turn out, and which the said Wm. Campbell concluded and supposed Comprised all that could or would be required of him touching the matter in question in the stage the business then was, and particularly considering that the Owners of the said Brig at Madras, had also given a very considerable Security* to the Honble. East India Company for the due performance on the part of the said Wm. Campbell of the instructions he received and for his Conduct as Commander of the said Brig Harrington as a Ship of War in their Service, and further that the said Philip Gidley King Esqre. as Govr. and Commander in Chief as aforesaid did also by Letter of the 5th of April Instant from his Acting Secretary aforesaid—again demand an account of the valuable part of the Cargo, the said Wm. Campbell took from the Brig on the day he took possession of her and what he the said Wm. Campbell afterwards took out of her at Otaheite, also how many Pigs of Copper (if any) the said Wm. Campbell received in Barter, and how many others the said Wm. Campbell had on board the Harrington and the means by which the said Wm. Campbell acquired them. To which further Requisition or demand so made in writing on the day and in manner aforesaid the said William Campbell replied by Letter of the 6th April Inst. that he had always been ready to answer His Excellency in any Requisition he had thought proper to make in regard to the Capture of the Spanish Vessels by the Brig Harrington under his Command and the Circumstances relatively connected with that transaction, and after having implicitly complied with every thing His Excellency had been pleased to prescribe, as preliminaries to entering into the very considerable Security he had given, he the said Wm. Campbell trusted that His Excellency would not see the necessity of urging any further Explanations which it had appeared from what he the said Wm. Campbell had already stated he either had furnished, or was incompetent so to do. And further that he the said Philip Gidley King Esqre. Govr. and Commander in Chief as aforesaid did by Letter of Sunday the 7th of April Inst., from his Acting Secretary require the said Wm. Campbell to attend with his Chief Officer and Purcell, who wrote the Log, at the Judge Advocate’s Office on the following morning at 9 O’Clock, to testify by Certificate and Oath the Extracts taken

*Note by Governor King.—This is not stated in the Body of the Letter of Marque as is customary in all Letters of Marque granted in England and at this Port—such Security is therefore but a surmise.
from the Log and the Mate's Journal of the Harrington, and which said last mentioned Letter was not delivered to the said William Campbell until late in the evening of Sunday the 7th of April Instant and that in consequence of such requisition (altho' at so short a notice) the said Wm. Campbell did accordingly attend with his Mate and Purcell at the Judge Advocate's Office at the hour of 9 in the Morning of the 8th April Instant, when and where the said William Campbell and Francis Gardner his Chief Mate were required to Swear to some Extracts produced from the Log and the Mate's Journal, but the said Wm. Campbell conceiving he had already Sworn to their tenor before His Excellency the Governor* and the same impression being upon the mind of Francis Gardner his Chief Mate they declined being Sworn again fearful of being taken by surprize and inadvertently hurried into error, but being afterwards more collected he the said Wm. Campbell considered that as he might not have been sworn to that Exact tenor and effect, he signified by letter to the Judge Advocate that he was willing for the satisfaction of His Excellency to swear to such Extracts and that his Mate would also Swear to his Journal† but the Governor forbore further to require such Attestation on Oath, and on the 8th day of April Instant by Letter from his Acting Secretary signed to the said Wm. Campbell that he the said Wm. Campbell having refused to comply with the Governor's requisition in regard to authenticating the Log and Journal by which, he observed, the preliminary promise to that effect was violated and therefore that it appeared to him the said Philip Gidley King Esqre. Govr. and Commander in Chief as aforesaid that the "Evident Criminality" of the Conduct of the said William Campbell in respect to the transaction in question namely the Capture of the two Spanish Vessels by the Brig Harrington was a subject of too much National Importance to admit of his allowing the Harrington the said Wm. Campbell together with the Chief Mate, Boatswain, and Henry James Purcell leaving the Settlement of New South Wales until News arrives whether War did or did not exist at the above periods, meaning as the said William Campbell supposes the periods when the said Spanish Vessels were Captured, but of which particular periods no mention is made before in the sd. Letter other than in a general allusion to the time the sd. Vessels were Captured, that in the mean time the said William Campbell as stated in his

* Note by Governor King.—He never had been Sworn or underwent any examination before me or any other Officer as the Erasures and the Log Book appeared sufficient Evidence of what his Conduct had been and which only needed to be corroborated by the Principal Officers of the Harrington.

† Note by Governor King.—The Verification of which being previously made (on Mr. Campbell's and the Mate's refusal) by the Judge Advocate and Magistrates.
KING TO CAMDEN.

(meaning the Acting Secretary's) Letter of March 30th was allowed to Land the Cargo taken from hence in 1804 and the Salt and Salt Pork the said Wm. Campbell took from Otaheite which His Excellency considers (the said Letter states) the property of his Owners, that a Guard is (as the said Letter states) ordered on board to prevent the Harrington being taken out of the Harbour, and to suffer no other Articles to be landed than the above or any other that does not appear to have been taken from the Spanish Vessels in the Spanish Settlements on the Coast of Peru, That any steps the said Wm. Campbell might judge necessary to take in the business His Excellency desired no further correspondence might take place with him on the subject until News arrived (as the sd. Letter states) that may either exculpate or Criminate the Conduct the said Wm. Campbell had adopted, altho' in a former Paragraph of the same Letter it is stated to be "evident Criminality" in his the said Wm. Campbell's Conduct in Capturing the Spanish Vessels and for other acts on the Spanish Coasts and that until then the Harrington's Rudder would remain in the Dock Yard, for which purpose His Excellency (such Letter states) has directed Lieutenant Kent to unship it That on the 8th day of April instant between the hours of three and four in the afternoon the Rudder was accordingly a second time unshipt and by Lieutenant Kent and taken to the Dock Yard, about which time the Guard of Soldiers, consisting of a Corporal and three Privates, was put on board the Brig Harrington and the said Wm. Campbell considering such measures Repugnant to Right and Justice, and bearing hard and oppressively on a Subject of His Majesty, particularly where no proofs of Guilt or Criminality had been adduced and only presumptive Circumstances had been set up against him,* and after so vast a Security has been demanded and given by him in this Colony to answer any event that might hereafter be ascertained and also after so vast a Security had been given by his Owners in Madras the said Wm. Campbell did by Letter of the 13th Instant April remonstrate with His Excellency the Governor and Commander in Chief as aforesaid, on what appeared to him to be an illegal unjust and unwarrantable proceeding and such Letter signified to the said Philip Gidley King Esqre. Governor and Commander in Chief as aforesaid that it was intended to be a preliminary to another measure, meaning this Protest, which the said Wm. Campbell felt himself under the necessity of having recourse to in the Premises, as the only and last step left for him.

* Note by Governor King.—But the strongest suspicions appear and can be ascertained when it is known if Hostilities had commenced, which appeared more than improbable from the Affidavit of the Master of the Ceres that no War had taken place between England and Spain on the 23rd of August nor any likelihood thereof.
the said Wm. Campbell to take in this Colony under the peculiar
Circumstances of his situation therein in justification of himself
to his Owners and to all Parties and Persons concerned but with
all due respect to His Majesty's Authority nevertheless. Where­
fore and insomuch as the Brig Harrington remains in the same
state on the day of presenting this Protest with her Rudder
unshipt, and a Guard of Soldiers on Board to prevent her leaving
this Harbour, and by reason that the said Wm. Campbell, Francis
Gardner, Henry James Purcell, and the Boatswain of the said
Brig, are not suffered to depart from this Colony to proceed on
their lawful Concerns in the Brig Harrington for the benefit of
the Owners, and for other Acts and Deeds of the said Philip
Gidley King Esqr. Govr. and Commander in Chief as aforesaid
in and touching the premises productive of considerable Loss,
damage and injury to the said Wm. Campbell and to the Owners
of the said Brig Harrington by reason of the Proceedings had
and taken aforesaid the said Wm. Campbell as well on his own
behalf as for Account of the Owners of the said Brig and all
Officers and others under him the said Wm. Campbell and in the
said Brig interested or concerned DOTH solemnly PROTEST against
such Proceedings and measures so taken by the said Philip Gidley
King Esqr. Govr. and Commander in Chief as aforesaid and all
Parties acting under his Authority in the Premises. AND in
TESTIMONY of the truth of the several Matters and things in this
Instrument purporting to be an Instrument of Protest (or the
substance, Tenor and effect thereof) the said Wm. Campbell
DOTH hereby require the said Judge Advocate as the Officer at
the head of the Law Department in this Colony, to whom the
said Protest is now presented to receive the same and to Admin­
ister to the sd. Wm. Campbell the Oath usually taken and
subscribed on Occasions of Matters of the like nature.

Done at Sydney in His Majesty's Territory of New South
Wales the twentieth day of April In the Year of Our
Lord 1805.                                                  WM. CAMPBELL.

Attested: RD. ATKINS, J.-A.

[Enclosure No. 46.]

CAPTAIN CAMPBELL TO GOVERNOR KING.

Sir,                                                   Sydney, 13th April, 1805.

Your Excellency's desire of holding no further Corre­
spondence with me as expressed in a Letter I received on the
8th inst. from Mr. Blaxcell, your Acting Secretary, does not I
presume interdict me from offering what I have no objection to
be considered a conclusive reply to that Letter, the Contents of
which and the proceed’gs and measures had thereupon, and
subsequent, being of too serious importance to me to my Owners
and to the Principles of right, Justice, and Equity, to be passed
over in Silence, Your Excellency afterwards will undoubtedly be
at Liberty to act according to the Dictates of your better Judgement
and to the effect my Remonstrance may produce, when its
Tenor is duly and solemnly weighed.

Considered as a Proceeding unprecedented in any of His
Majesty’s Dominions or Territories, however remote their
Distance or infant their Establishment, its singularity as it bears
upon me in this Instance will demand from my Owners in
Madras that Publicity in their Quarter of the Globe, which will
make it a subject of commercial and National Interest and Enquiry,
and if the Correspondence, I have been honored with by
Your Excellency since the 6th of March last on this Transaction,
should finally close with this Letter, enough will appear from
authenticated Copies of that Correspondence and from a retro-
spective Statement of the Circumstances connected therewith to
give the world an opportunity of ascertaining and judging of the
measures which have been taken against me in this Port, and
which I was necessitated to represent and complain of, were or
were not a Violation of the Rights and Privileges of British
Subjects, and determinately repugnant to the Laws by which
those Subjects are Governed guided and protected.

From a plain man like me Sir, plain dealing will best suit
my Subject and all I shall aim at will be to give my Statement
the force of Truth, from a review of which it’s merits be judged
of and determined.

I pass over the first parts of our Correspondence, the Memorial
which I addressed to your Excellency, your reply, the various
enquiries you were pleased to direct to be made into Circum-
stances, which I presume you judged at the time were necessary
to be explained—My Answers and explanations until your Ex-
cellency was pleased to signify your readiness to accept a
Security which you stipulated to the amount of £8,000 in a Bond
from myself, my Agent, and other Competent and responsible
persons in this Colony. Your Excellency pointed out certain
Preliminaries as indispensable to be observed and fulfilled before
the Bond was signed—You arranged those Preliminaries*—I
yielded unconditionally to all you required, the Bond was
executed, myself and my Agent in £4,000 Sterling and other
Sureties to the amount of £4,000 Sterling more. The Bond was
drawn up under your Excellency’s Approbation its manifest

* Note by Governor King.—The Principal and most necessary that of verifying the
Copies of Mr. Campbell’s Log and Mate’s Journal being positively refused as well as
other Information after the Bond was executed by Mr. Campbell and His Sureties.
Tenor was to release the Brig Harrington and to leave her at Liberty to depart from this Port to Madras, according to the Preliminaries your Excellency had pointed out, and a Letter to this effect from your Excellency's Secretary was handed to me on the 30th March in the afternoon after the Bond was executed in due Form, the Consequence was, the Guard was dismissed from the Brig, and I began to land the Cargo on the following day, the Rudder was restored, and I saw myself once more Master of the Brig Harrington, and began to prepare for Sea, yet on the 3rd of this instant April not four days after this arrangement had been finally settled in full Compliance with every thing your Excellency had required, whilst all was uncertain as before, in regard to War with Spain, before any Information or Intelligence had reached this Port, or a Circumstance had transpired to disturb that arrangement, your Excellency is pleased by Letter of the 3rd inst. to demand a faithful List of the Valuable Articles removed from the Spanish Brig on the 28th September and following days, and also the Goods taken out on the 17 Novr. and 14th December, together with the use they had been applied to, and what was forthcoming attested on Oath before the Judge Advocate, also a Copy attested in like manner of an Account of every thing the Spanish Schooner had on board, previous to her being careened at Otaheite; to this Demand I replied on the 4th inst. and informed your Excellency that I had taken some Flour and Rope out of the Spanish Brig, when she was Captured, and those were the Articles distinguished in the Log Book, as the most valuable part of her Cargo, that those Articles were applied to our wants, that if any of the Rope was not used it was on board the Harrington, but it was altogether of so little Import, that we now could not ascertain it, much less attest it on Oath, that on the 17th November and 14th 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, that the Mate took an Account of the Stores as they were landed at Moira in order that when they were reshipped, he might discover if the Natives had plundered any, and the List was left on board as of no further importance, and that as I was not present myself, it was not in my Power to furnish your Excellency with an Attested Copy of a List which was not perhaps then in existence. I added that as far as I could learn from the Mate, the Stores† consisted of Iron Kenslage, empty Water Casks, Ropes, Blocks, Spare Sails etc. etc. this was the Substance of my Reply to your Excellency, which I supposed you required for your

* Note by Governor King.—Here the Brig and Schooner are confounded together.
† Note by Governor King.—This is the Schooner's not the Brig's.
private satisfaction, as the Bond had been signed, and all public Enquiry* for the present had ceased, and I did not hesitate a moment to furnish it. On the 5th April I received another Letter, wherein your Excellency's Secretary says that my Statement in answer to his Letter is so contradictory to the regular Entries in the Mate's Journal, that he is directed once more to demand an account of the valuable part of the Cargo, I took from the Brig, on the day I took Possession of her, and what I took out of her afterwards at Otaheite, as those Articles he remarks are not so inconsiderable as I stated. I am also required to inform the Governor, how many Pigs of Copper (if any) I received in Barter, and how many others I had on board and the means by which I had acquired them. Information he observed your Excellency deemed necessary from the apparent import of the imperfect erasure in my Log† of the 29th September, as I conceived these Enquiries had become irrelevant in consequence of the Bond I had entered into, of the 30th March I answered by observing that I had always been ready to satisfy your Excellency in any requisition you had thought proper to make, in regard to the Capture of the Spanish Vessels by the Harrington, and the Circumstances relatively connected with that Transaction, and after having implicitly complied with every thing your Excellency has been pleased to prescribe‡ as preliminaries to my entering into the very considerable Security I had given, I trusted that your Excellency would not see the necessity of urging any further explanations which it appeared from what I had already stated, I either had furnished, or was incompetent so to do; late in the Evening of Sunday the 7th of this Instant April, I received a Letter from your Excellency's Secretary, requiring my attendance at the Judge Advocate's Office on the following Morning together with that of my chief Officer, and Purell who wrote the Log Book, to testify by Certificate and Oath the Extracts taken from my Log and the Mate's Journal; I attended accordingly with my Mate and Purell but as I conceived I had already been sworn before your Excellency,§ and the same impression being on the mind of my Mate, we declined being sworn again, fearful that we might be taken by surprize, and inadvertently hurried into some error. The Consequence was that a Guard was placed on board the Harrington, the same day her Rudder was again unshipt, and all restraint which had

*Note by Governor King.—Public Enquiry could not cease, whilst any information and Explanation could be obtained relative to such transactions.
†Note by Governor King.—Vide Magistrates Report thereon No. 35 and Extract from Log Book, Sep: 29.
‡Note by Governor King.—That of verifying Log and Journal not complied with.
§Note by Governor King.—Mr. Campbell never passed any examination on Oath before the Governor or any Magistrates. Vide No. 34.
been taken off, after the Security required was given, was again put on and enforced, and the Harrington remained in the same State, (the landing of some of the Cargo excepted) as at the time I and my Sureties entered into the Bond. Your Excellency will make allowance for the length of this Letter, since it was necessary my detail should be not only correct but circumstantial, as a leading Preliminary to a measure which I find it indispensable for me to have recourse to, and I trust your Excellency will not impose so harsh a Construction on it now, as you did before, when you gave it the Term of "a Threat." When Circumstances demanded the exertions of an Individual beset on all sides with accumulating danger and difficulty, his Property, exposed to Loss, Injury and Devastation, his remonstrances disregarded, and a degree of Criminality attached to his Conduct, as if Guilt the most consummate had been proved against him, every private consideration (save a sense of respect due to His Majesty's Authority in all his Dominions) must give way to what he owes to himself, to his Character and Connexions, he is bound to seek for Justice and Protection from the Laws on which every English Subject depends for Support, and as a Member of that Community to which he is linked by the common Ties of Social Friendship, his mind recoiling at Oppression is stimulated to the expectation of redress. I shall detain your Excellency no longer than to advert to a circumstance which I presume you will think entitled to some consideration, I mean the Information which has arrived in this Port by the Eagle, and of the authenticity of which the most indubitable Proofs are at hand, that five English West Indianmen were taken about Twelve Months since by two French Privateers, and carried into Tenerriffe (a Spanish port) where the Crew are imprisoned, and the English Ships condemned, that upon this Proceeding (of which some particulars had reached Masafuero) the Information which I received in that Island was founded, of the certainty of a Spanish War, and it is equally as true that some English Ships of War and Privateers had about the same time taken Spanish Vessells and sent them into English Ports, Vizt. Guernsey, Liverpool etc. I can do no more Sir, than to state these Occurrences leaving to your superior Judgement to make such Application of them to the Case in Question as you shall deem necessary, the only comment I shall presume to hazard is that instead of turning the Scale in doubt against me, they serve to bring the Balance Strongly in my favor, and whilst they free me from every imputation of Criminality, or even of error until the event of War is ascertained, they certainly point out the wrong and Injustice of those measures, which, resulting from presumptive and forced in-
ferences, have been taken against me in a Port, where every Principle of the British Law comprehending its humane and liberal Interpretations ought to extend, and to be felt as it may be claimed, by every Subject of His Majesty.

Your Excellency has taken Possession of the Schooner Prize, and it will remain to be decided hereafter if by such a Proceeding you have not deprived me in the event of no War existing with Spain at the time of her being Captured, of the means of making restitution, if restitution should be deemed necessary.* Your Excellency may detain the Schooner in this Port for many Months, and if War with Spain existed in October and November last, it appears she is to be claimed as a Prize to the Buffalo† if no War it becomes a necessary Enquiry, who is to be answerable for Demurrage and Damage occasioned by her detention. Surely Sir, not my Owners or myself for by taking possession of the Schooner, you have arrested her from our hands, and for her detention afterwards, the Power which detained her must be responsible for the Consequences.

I have, &c,

WM. CAMPBELL.

Attested: RD. ATKINS, J.-A.

Sydney, 13th April, 1805.

[Enclosure No. 47.]

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

Gentlemen, Sydney, May 1st, 1805.

Being informed this morning that Mr. Wm. Campbell, Master of the Harrington, has reported three Feet Water in the Hold of that Vessel, that he has no people to pump her out, and that a part of the Spanish Brig's Cargo of Flour is damaging in consequence thereof, and requiring People to pump her out, further stating that he had relinquished the Charge of the said Vessel Harrington—I therefore request you will send for the Master, and inform him that the enclosed Paragraphs of my Letter to him of the 8th Ultimo and the Orders given to the Corporal of the Guard cannot warrant his deserting a Charge he holds from his Owners, no notification thereof having been made to me, and which it has never been attempted to divest him of. As every Act that has taken place, consequent on his Capturing the Spanish Vessels, and the Harrington's detention has had a reference to the accounts I daily expect to receive

* Note by Governor King.—The Estremina being a Cruiser belonging to the King of Spain, she was seized to be returned to the Government of Peru in case no War existed when she was captured.

† Note by Governor King.—That cannot be done as there is no Person to give Evidence necessary for her Condemnation, which subjects her to become a Droit of the Admiralty in case War had taken place.
whether England was or was not at War with Spain on the 2d Octr. 1804—And I do further require that you inform the said Mr. Wm. Campbell, Master of the Harrington, that at his Peril not to relinquish the Charge of the said Vessel for and on behalf of the Owners, until such information arrives—At the same time, altho' he has received no directions whatever from me to discharge the Seamen belonging to that Vessel, yet if he has by his own Act and Deed done so and requires occasional Assistance to pump her out, no objection will be made to affording him that Assistance.

I have, &c.,

PHILIP GIDLEY KING.

Attested: Rd. Atkins, J.-A.

[Enclosure No. 48.]

CAPTAIN CAMPBELL TO MESSRS. ATKINS, KENT, AND HARRIS.

Gentlemen,

Sydney, 2nd May, 1805.

I have received the Copy of a Letter addressed to you from His Excellency the Governor of yesterday's date, the material part of which appears to bear upon the Circumstance of my having relinquished the Charge of the Brig Harrington, which the Governor therefore requires you Gentlemen to inform me at my Peril not to relinquish.

In a Protest which I found myself necessitated to make against the Proceedings of His Excellency Governor King, thro' the whole of this business, it will appear that I am there described "heretofore Master of the Brig Harrington," and whoever has read that Protest, or knows of the Acts and measures which produced it, will immediately see that the Charge and Command of the Brig Harrington were wrested from me on the 13th day of April, when the Rudder was unship, a Guard of Soldiers placed on board, with Instructions to that extraordinary tenor extent and effect that I was not suffered to give Orders to the People, even to get up a new Fore Top Mast, that the Rigging might be put over the Mast head to preserve it, or to carry on any other necessary or incidental duty; if the People belonging to the Harrington, finding no Employment on board, left the Ship, it was not in my Power (deprived as I was of any Command over them or the Vessell) to prevent it; and when it is further known that this was the second time the Ceremony of unshiping my Rudder and placing a Guard of Soldiers on board the Harrington was performed, and more particularly after I had entered into the fullest Security that had been required by the Governor and conceded to by me, it will cease for a moment to be a matter of doubt, whether I relinquished the Charge and Command of the Brig Harrington or had been forcibly dispossessed of it.
The Governor moreover was pleased to interdict any further Correspondence with him on the Subject, and the measures I have therefore been induced to take, and must persevere in taking, can only be ascribed to the Situation I find myself in a Territory so remote from the Mother Country.

I have, &c.,

WILLM. CAMPBELL.

As the tenor of the within Letter appears to me calculated to admit of different Constructions, particularly the last paragraph, I request the Judge Advocate and Magistrates will put the following Question to Mr. Campbell.

PHILIP GIDLEY KING.

Do you mean by this Letter to say you have abandoned and deserted your Charge, as Master of the Harrington, when you are at the same time and continue in Possession of the Keys of her Hold etc. which no Person can receive from you, and which constitutes your remaining possessed of that Charge?

The Charge has been taken out of my Hands as I was not allowed to Carry on the duty of that Vessell.

WILLM. CAMPBELL.

Witness: RICHD. ATKINS, J.-A.

J. HARRIS.

Attested: RD. ATKINS, J.-A.

[Enclosure No. 49.]

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

Gentlemen,

Sydney, May 3d, 1805.

I am sorry to be under the necessity of recurring to you again for your Opinion on the subject of the Harrington’s detention occasioned by the enclosed information contained in my Letter to the Judge Advocate, Captn. Kent, and Mr. Harris of the 1st Inst. to which is also annexed the Reply of Mr. William Campbell, Master of the Harrington, by which and Lieutenant Symons’s Report you will find that the Mode he fixed on to inform me that he had given up the Charge of that Vessel is void of Truth.

By the answer given to my requiring Mr. Campbell at his Peril not to abandon the Charge of the Harrington on the part of his Owners (he holding half the property thereof) until it is known whether War did or did not exist between England and Spain on the 2d of last October, It appears that he purposes persevering in that unjustifiable Conduct on the assertion that the Charge of the Harrington has been wrested forcibly from him,
by what I conceived my duty required, in the detention of that Vessel. I have therefore to request you will give me your Opinion how far you conceive any part of my Correspondence or Conduct with regard to the Harrington and Mr. Campbell, and the Orders under which the Corporal of the Guard Acted by my directions, tended to arrest or force the Charge of the Harrington from him, A Charge which I conceive he is by every duty and Obligation bound to persevere in, until legally or authoritatively deprived thereof.

To assist you in forming the Opinion I request, You are furnished with the Security for Mr. Campbell and others of the Harrington to be forth-coming, and my subsequent Correspondence which caused the Harrington to be still retained for the reasons stated in Mr. Blaxcell’s Letter of the 8th Ulto. I also enclose the Affidavits of Mr. Tozer, who was in Charge of the King of Spain’s Cruizer Estremina when stopped by the Lady Nelson going out of Jervis’s Bay, together with the Affidavit of Mr. Sharpe, Master of the Ceres Whaler, stating that no Hostilities had commenced between England and Spain or any likelihood thereof on the 23d. August last—and from those Documents as well as the others I have to request your Opinion how far you consider I might be justifiable under all the Circumstances of liberating the Harrington until it is known whether War did or did not exist on the 2d October, 1804.

I am, &c.,

Attested: RD. ATKINS, J.-A.

PHILIP GIDLEY KING.

[Enclosure No. 50.]

OFFICERS TO GOVERNOR KING.

3rd May, 1805.

In obedience to Your Excellency’s Letter directed to us of this day’s date, We, after having maturely considered the two Questions therein contained, as well as the several Documents referred to, state that it does not appear to us that any part of the Correspondence respecting the detention of the Brig Harrington justifies in the smallest degree that assertion in Mr. William Campbell’s Letter to the Magistrates of Yesterday’s date that “the Command of the Harrington was wrested from him by His Excellency.” We conceive that the precautions His Excellency has taken is highly justifiable from the Circumstances attending the Case, particularly as it is a matter of great National concern, which cannot be cleared up until it is ascertained whether War did or did not exist on the 2d. day of October last. We therefore confirm in its fullest extent our former Opinion given to Your
Excellency, Vizt. That neither the Brig Harrington, The Master, Mate, Boatswain or James Henry Purcell should be permitted to leave this Port, until Peace or War is clearly ascertained.

We have, &c.,

RICH. ATKINS. THOS. JAMISON.
GEQ. JOHNSTON. J. HARRIS.
WM. KENT.

Attested: R. ATKINS, J.-A.

GOVERNOR KING TO EARL CAMDEN.

(Despatch marked No. 3, per H.M.S. Investigator; acknowledged by Viscount Castlereagh, 21st November, 1805.)

My Lord,

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

In my Letter No. 15,* sent by the Calcutta, I informed My Lord Hobart of the Circumstances which required my resettling the Coal Harbour for the reception of the principal Irish Insurgents, And in my Letter No. 17,* by the same Conveyance, I informed His Lordship that Lieutenant Menzies of the Royal Marines on board the Calcutta had made an offer to Command and Superintend that Settlement, as he had Captain Woodruff’s consent and acquiescence; I was glad that His Majesty’s Service, in so essential and imperious a Case, would benefit by an Officer of Mr. Menzies’s Abilities in conducting a Settlement formed of the most daring Characters, and more particularly so as no Officer could be detached from the New South Wales Corps, And Lieutenant Menzies being a Military Man and having a small Detachment of the Corps put under his Orders by Lieutenant Colonel Paterson, and having one Marine, I hoped would have precluded any Misunderstanding.

In the 2nd Paragraph of my General Letter by the Albion, Whaler, I stated the trouble Lieutenant Menzies† had with those daring, disaffected Characters, which rendered it necessary to encrease his Force with a Subaltern, &c. Some difference of Opinion soon afterwards arose between the Commanding Officer of the New South Wales Corps at this place and Lieutenant Menzies respecting the latter’s Right to command the Subaltern and Detachment, which Lieutenant Menzies claimed from having one Marine doing Duty in the Detachment. A Representation being made to me on the Subject by the Commanding Officer of the Corps, I declined any interference in a point of Military Form, in consequence of which Orders were sent to the Subaltern commanding the party, at which Lieutenant Menzies, as a Military Man, felt himself much hurt. As he very properly did not suffer his Duty as Superintending the Public Concerns to be affected by what he considered taken from his Military Command,
1805.
30 April.

Ensign Cressy placed under
arrest by Menzies.

Court martial
on Cressy.

he remained there until he was so grossly insulted in discharging
his Duty by the Subaltern (who was previously ordered to be
relieved by the Commanding Officer for an actual Disobedience of
his Orders) as to make it necessary for Lieutenant Menzies to
send him to Head Quarters under an Arrest. At the same time
Lieutenant Menzies signified that if he would make an Apology
he had no wish to prosecute him. This not being acceded to, a
General Court-Martial became necessary; And as His Majesty’s
Warrant authorizing General Courts-Martial to be held excepts
the Sentence of an Officer being condemned to die or Cashiered
to be carried into Execution until the proceedings have been laid
before His Majesty, I have suspended the Sentence passed on
Ensign Cressey, of the New South Wales Corps, until His
Majesty’s pleasure is received thereon; for which purpose the
proceedings and Sentence of the Court-Martial are transmitted
to the Judge-Advocate-General.

Lieutenant Menzies having fixed that Settlement and brought
it to a forward Degree of Perfection, and has for the Reasons
given in his letter No. 1* requested to resign his Situation as
Commandant, which from various Circumstances noways detri­
mental to his active and persevering Conduct I have accepted,
and much regret the reasonable Causes that has operated with
that Officer in relinquishing a Situation that was so beneficial
to the public Interest of these Colonies. This Subject I cannot
close without respectfully referring Your Lordship to the Corre­
spondence between Lieutenant Menzies and myself relative to the
Judicious manner, in which he has fixed that useful and produc­
tive Settlement.

The Command of that Settlement being given to an Ensign of
the New South Wales Corps, it soon became necessary to remove
him to this place in consequence of a Mental Derangement, in
which he still continues.

Having no other person to put in charge of that productive
and useful Establishment, I have placed it under the Charge of
Mr. Throsby, an Assistant Surgeon, who conducts it with great
Activity and Propriety.

The enclosed Letter and Documents I have received from
Lieutenant Colonel Paterson, respecting the improper Conduct of
Ensign Anderson of the New South Wales Corps, and his Letter
to His Royal Highness the Commander in Chief’s Secretary I
have the honor to enclose. Ensign Anderson having no specific
Charge exhibited against him, and if there was it would be very
unadvised to remove Lieutenant Colonel Paterson from his Com­
mand for the purpose of Prosecuting Ensign Anderson, he is
therefore under no Arrest, but does his Duty.

* Note 104.
One of the Officers of the Royal Marines under Lieutenant Colonel Collins's Command is arrived here from the Derwent with Lieutenant Colonel Collins's leave of Absence for him to return to England for the benefit of his Health.

I have, &c.,

PHILIP GIDLEY KING.

P.S.—In consequence of a Complaint made by the principal Surgeon against one of his Assistants, which was followed by an Application for a General Court-Martial, the Sentence of which together with my Reprimand in consequence thereof I have the honor to enclose.

I need not inform Your Lordship that the Surgeon, as well as his Assistants, together with every other Officer but the Commissary and Surveyor designed in the Annual Estimates under the Head of Civil Establishment, holds his Appointment by virtue of a Military Commission signed by His Majesty, a Copy of which I have the honor to enclose, and it is on that high Document that those Gentlemen of the Medical Department have claimed trying and being tried by that Tribunal, to which advertting to their Commissions I could offer no Objections, as the Words according to the Rules and Discipline of War appear to me that the person receiving and holding such Commission is amenable to the Laws on that behalf.

I should not have troubled Your Lordship with the preceding paragraph, but that the Judge Advocate has communicated his intentions of applying to the Judge Advocate General for his Opinion, whether Officers on the Civil Establishment holding Military Commissions are amenable to Martial Law.

P.G.K.

[Enclosure No. 1.]

LIEUTENANT MENZIES TO GOVERNOR KING.

Sir,

Kings Town, Newcastle, 19th April, 1804.

I have the honor to inform Your Excellency that we arrived here on Friday the 30th of March at Noon; previous to the Vessels entering the Harbour I went in a small boat to examine the situation of the Mines and fix on a place the most suitable for the Settlement which I found to be a most delightful Valley about a quarter of a mile from the entrance and South Head and close to the Mines. I immediately ordered a disembarkment to take place and began to unload the three vessels.

The next morning I examined Chapman's Island* which would neither answer to settle on or for a place of confinement for the worst of the Convicts for the former it is too far distant from the Mines and with respect to the latter they could wade

* Note 105.
Coal Island will answer much better as a place of confinement from which it would be impossible to effect their escape but I trust there will not be any occasion for a place of that description.

An excellent mine has been opened the Strata of which continues a Yard Six inches thick this shall be worked in a regular manner so as to enable us at a future period to carry it on in the most extensive manner.

The Mines have hitherto been dug by Individuals in the most shameful manner, never have they been at the trouble of leaving proper supports, leaving them to fall in any way but until I receive Your Excellency's Commands on this head the Chief Miner shall take care that this is not done in future.

Fifty more Convicts if sent here could be worked to great advantage as I could wish to keep a quantity of Cedar and Coals always at hand, so as not to detain any Colonial Vessel which Your Excellency may send here, and I am well assured even with the present small Military Establishment that they could be managed with the greatest security; those already here I make work hard and they perform it in the most cheerful manner; as their legs were getting bad from being Ironed I released the greatest part of them that I might not be deprived of their labor and as we are always sufficiently upon our Guard to counteract any schemes which they may be mad enough to form.

I have directed the Provisions to be issued twice a week so that should they abscond they will have very little to depend upon.

Mr. Bauer will present you with a sketch of this delightful spot which I have taken the liberty of naming after Your Excellency.

The Storekeeper McGuire and the Soldiers are very anxious for their Wives and families; they request Your Excellency will have the goodness to allow them to embark in the First vessel and may I beg to be favored with the names of those who are to be victualled from His Majesty's Stores.

A few Guns could be placed to great advantage on a commanding height above the Town so as to prevent any vessel in case of being seized by Convicts while up Patersons River from getting out of the Harbour.

Enclosed is a list of things wanted for the Settlement and I have, &c.,

C. A. F. N. MENZIES.

* Note 105. † Note 106.
GOVERNOR KING TO LIEUTENANT MENZIES.

Sir,

By the Lady Nelson and Resource, I received yours of the 19th and 23rd* Inst: with their respective Enclosures,—and was much gratified to find you had arrived safe and was so far Settled as to be under Shelter.—Taking the opportunity of the Edwin, I send you most of the things you have required, and by the Resource which will visit you in about a fortnight, I shall endeavour to send you as many of the rest, as our Stores can afford.

Your observations respecting the Island, I do not doubt are very Judicious, and as there is natural Food about the Settlement, you will continue the Swine thereabouts—I shall endeavour to send you a Boar by this, or the next Conveyance.

I very much approve of the plan that has been adopted, respecting the Coal Mine, as it will render the working safe, and advantageous.

As I understand there is but little ground, fit for Agricultural purposes about the Settlement, and that it would require a Guard to protect Settlers up the River from the numerous Natives, Until a Selection can be made of Eligible Settlers, getting Coals and Cedar ready to embark for this place will be the Labour you can employ your present numbers at, and you may be able to Collect a greater number of Coals, and indeed Cedar (when your Boats are sent) than will be requisite for Government uses at this place; And as it is a material object to prevent the Communication of the Convicts here, with those at Newcastle, I have considered that it would be an Advantageous convenience to restrict the Crew of Vessels belonging to Individuals having too great a Communication with the Convicts.

What Coals or Cedar, you may have to spare on the arrival of any Vessel, Licensed by me, is to be delivered, or the Convicts employed under the limitation and for the Prices contained in the enclosed Order,† which will be some Compensation for the Expence of the Settlement, an advantage to Individuals, and provide in some measure for what I am so anxious to prevent—As soon as Circumstances will allow, more Convicts shall be sent—Two very strong Boats are now building and I hope will be ready to send by the Resource.

I am much gratified to see your Confidence in the Plans you have adopted for the management of those you have under your direction, and I make no doubt but the attention you manifest will be productive of the best Consequences. I need not remind

* Note 109. † Note 107.
you of the necessity of being at all times on your guard against any of their wild plans.

As many of the Women as the Edwin can accommodate shall be sent by that Vessel, and the remainder will go by the Resource.—As Cultivation has not yet made any material progress, I think it right that all the Women and Children should be Victualled for the present.

I shall not be forgetful of your request for a Cart and Pair of Bullocks—I shall also send you some Cows and Sheep as soon as possible.

I send you a small Parcel of Seeds which Governor Collins sent me; as they are English, I will thank you for a return of their Seed.

A four Pounder will be sent by the Resource, with its materials and Ammunition, as well as six Stand of Black Arms.

Respecting the Deposition on the unfortunate Death of the Seaman belonging to the Resource—It appears that being an Accident, no Indictment can be formed against the Person, by whose means he was shot, as no premeditated Malice can be supposed to have existed—The Bunting for your Camp Colours is sent.

I am glad to find the Resource met with no Damage; I should most certainly have brought the Master of the James to an account for his improper Conduct, had it not been that he lost his Vessel* and Cargo on her Passage hither. You will continue to report the bad Conduct of any of the Masters, which shall not pass unnoticed.

You will be very particular in specifying the quantity of Coals and Cedar, that is sent here for Government purposes, as well as that furnished to Individuals, either in kind or Labour, in order that a Balance may be struck of the Advantages and Cost of the Settlement, for that purpose all the Shipments from hence will have their value annexed to the Invoices—A Copy of the Priced Invoice of the Articles you took with you accompanies that now sent.

In order to prevent accidents happening to loaded Vessels, which would greatly obstruct, if not render the Entrance impassable, I request that you will caution the Masters against going out with a foul Wind, or indeed with a foul Wind after they are out, as a few hours detention is better than the Consequences of risking their loss.

I wish to get as many Coals as possible by the Resource, with some Logs of Cedar, but I would not have her loaded too Deep.

I am, &c.,

PHILIP GIDLEY KING.

* Note 108.
GOVERNOR KING TO LIEUTENANT MENZIES.

Sir, Sydney, May 8th, 1804.

By Raby's Boat the Raven I send you Twenty Englishmen, and I am sorry to say that their Conduct on board the Ship they came out in, was none of the best, still they are not of a worse Cast than people of that description generally are, and by mixing them with the Irish you have, I promise myself less evil will arise, than if they were all Irish. The Commissary will send you the Invoice of what Provisions are now sent—The Trades of the People sent, are named in the List. Two very compleat Salt Pans are come out, one of which will be sent to you by the Resource, and as you have a Salt Boiler I hope very soon to find that you will make an Abundance of Salt, as your Fuel is so very convenient for that purpose.—Stones should be got out for it as soon as possible, and some Bricks shall also be sent by the Resource.

Raby has been unfortunate in losing his Boat, and I am sure your Candor will not allow you to neglect his Claim on attention by the Errors and misconduct of the Master of the James. I therefore request you will give him what assistance you can to compleat his Load, as I mean to assist him here on account of his heavy loss.

I send a letter received for you by the Coromandel, and some News papers that were sent for Captn. Woodriff. We are in hourly expectation of the Experiment with Female Convicts, and the Buffalo from India.—The three Soldiers that go in the Raven are to remain as an addition to your Garrison—if I can, I will send you one or two Trusty men, that you may place a Confidence in.

I send a Mr. William Douglass, who has been an Officer in the Navy, and from what he says himself, I am hopeful he will be of Service to you, I therefore request you will give him an Opening, whereby he may be enabled to recommend himself to your Confidence.

PHILIP GIDLEY KING.

LIEUTENANT MENZIES TO GOVERNOR KING.

Sir, Kings Town, Newcastle, 14th May, 1804.

By the Edwin and Raven I had the honor of receiving Your Excellency's letters of the 30th Ultimo 3rd* and 8th Instants with their respective enclosures.

With respect to the Convicts at Castle Hill attempting to liberate those here I am certain it is a plan that can never be
accomplished; in the first place I shall have timely notice of
their approach from the numerous Natives with whom we are
on the most friendly terms, even a few minutes would be suf-
cient to prevent it as we are always prepared—The plan I should
pursue would be immediately to place the whole of the Convicts
upon Coal Island before we beat to Arms or gave any Alarm
order any vessel that may be in the harbour out; I could then
muster Twenty six Armed men all of whom I may safely put
confidence in and I think with that number I should be able to
give Your Excellency a good account of the Delinquents.

The greatest precaution is taken to prevent any correspondence
between those here and at Sydney and every communication with
the Crews of Vessels shall be avoided.

I have Seventy Ton of excellent Coal heaped at the mouth of
the Mines and shall be very particular in specifying the quantity
of that Article and Cedar that is sent to Sydney for Govern-
ment and Individuals.

In my opinion if a sufficient number of Convicts could be
spared and to employ them cutting Cedar and digging Coals
disposing of them to Individuals at so much per foot and
Chaldron it would bring in an immense Revenue.

Fish could certainly be procured here in great abundance but
our Boat being under repair and from the want of men who
understand it we have not been able to get but a few and those
of a small size.

The moment the Salt pan is received it shall be erected but
we have at present no Salt Boiler in the Settlement.

I have not so much Cedar at hand as Raby requires and I am
anxious to keep the Remains for the Resource I have therefore
agreeable to Your Excellency's order rendered him every assist-
ance.

Enclosed is a petition of the Chief Miner who is a hard work-
ing well-behaved man.

About Two hundred fathoms of good strong Rope and Twenty
Iron pots are much wanting.

Enclosed are the Returns of Public Labor and some Orders
respecting shipping which should Your Excellency approve of I
could wish printed.

I have, &c,

C. A. F. N. MENZIES, Commdt. N. Dt.

[Enclosure No. 5.]

GOVERNOR KING TO LIEUTENANT MENZIES.

Sir,

Sydney, May 24th, 1804.

By the return of the Edwin and Raven I received your's
of the 14th and 21st* Instts.

* Note 109.
Your plan in case of any Surprize from the seditious part of this Colony appears to me extremely proper and calculated to prevent any of their wild Schemes succeeding.

The Orders should be transmitted Quarterly, i.e. up to and including 30th June, 30th Sept., 31st Decr., and 31st March.——A very Strong Copper bottomed Boat is nearly finished for the Service of your Settlement and shall be sent when completed.

Bricks are sent by the Resource for erecting your Salt Pans, Salt-pan, which with every material belonging to it shall be sent by Kable's Sloop, You will observe by the Invoice that every part is numbered and marked and Rivets are sent. You will of course cause it to be erected in the most convenient place for obtaining the Salt Water and Fuel and as much as possible under your immediate Eye.

Respecting printing the general Order you sent here I think the Measure is a proper one, but there is no occasion for printing that Part respecting the Letters.

I have sent you a Flag and Signals to make to Vessells on their first Arrival, which will be communicated to the Master of each Vessell before they Sail.

The Chains you require are sent by the Resource.

Mr. Palmer informs me that he sent you the last Invoices, and as you have not acknowledged receiving them, he requests you will have the goodness to say when you receive any Papers, that I may direct him to send you.

A Pair of Sawyers shall be sent to you, and a House shall be framed and sent round for the Surgeon. I am sorry that from the Circumstances of my being obliged to settle Port Dalrymple and either Port Philip or Western Port, that I cannot comply with your Wish in sending more Carpenters but will not forget you on that head.

Your Regulation respecting putting the Sick, or those who pretend to be so, on Hospital Diet is very correct, and will prevent much abuse.

I have received the Petitions from the Persons, which you enclosed, as also the Monthly Return of Labor for April.

I wish to have a List of all the People you have, when the Resource leaves you, and their several Trades or Occupations. The Mistake in sending more Flour than appeared on the Invoice originated with the Deputy Commissary, I have directed the Commiss’y to charge it in the present Invoices.

Six Natives of your neighbourhood having come here soon after you Settled, they now return with Bongaru in the Resource, I have directed them to be Victualled for Six Days and
Intercourse with the natives on the Hunter River.

Swine, sundial, and grain sent to Newcastle.

Swine, sundial, and grain sent to Newcastle.

A Monthly Return of Royal Marines, doing duty at Kings Town, New South Wales, for May, 1804.

<table>
<thead>
<tr>
<th>Company</th>
<th>Names</th>
<th>Qualities</th>
</tr>
</thead>
<tbody>
<tr>
<td>28</td>
<td>Charles Menzies</td>
<td>1st Lieut.</td>
</tr>
<tr>
<td>111</td>
<td>Archd. Scrobie</td>
<td>Private</td>
</tr>
</tbody>
</table>

C. Menzies,
1st Lieut. Royal Marine Forces.

[Enclosure No. 6.]
of their Amendment—Respecting the Six Ringleaders, you will be pleased to send two of the worst here in separate Vessels, double Ironed, and Hand-cuff'd, the others you will punish with two hundred Lashes each, and if you think they will be more secure, they may be put on Coal Island—Tierney for his diabolical proposal of Murdering the Officers and Soldiers should receive five hundred Lashes, or as many as he can take without endangering his Life—I hope these Examples will prevent any more of those desperate plans, and that I shall find by the next report they are again quiet—I have taken the necessary Steps respecting the two who made their Escape, in case they should be seen about the Neighbourhood of Hawkesbury.

I have dispatched the Schooner immediately with this Letter, and shall anxiously wait your account by her Return, or the return of any other Vessel.

By the next Conveyance some Spirits shall be sent.

I am, Sir, &c,
PHILIP GIDLEY KING.

[Enclosure No. 7.]

LIEUTENANT MENZIES TO GOVERNOR KING.

Sir, Kings Town, 1st July, 1804.

I beg leave to enclose to your Excellency Quarterly and Monthly returns* etc. also the Orders for the different payments from Individuals for the Coals and Cedar supplied them from 30th March up to and including the 30th of June, in addition to which I have disposed of 10,000 feet of Cedar to Mr. Raby, but as his Vessel has not arrived the payment is not yet made. I also enclose a Statement of what has been Sent to Sydney on Government account with the assistance etc. afforded from the Settlement.

I have been endeavouring to Strike a balance of the advantages and cost of this Settlement* for the first Quarter, and although some errors may have crept in through inadvertence yet upon the whole I believe you will find it tolerably correct, and I beg leave to assure you that every means in my power shall be exerted to reduce the expences attendant on its formation.

We always have been and still continue on the most friendly terms with the numerous Natives here, to preserve which I have directed the Storekeeper to victual Boungaree. He is the most intelligent of that race I have as yet Seen and Should a misunderstanding unfortunately take place he will be Sure to reconcile them; and I have given Strict directions to the crews of all vessels going up the river to treat them in a friendly

* Note 112.
manner, as I know they have frequently been very ill used by some who are neither guided by principal or humanity.

The late continued rainy weather has affected the health of a number of the prisoners here, and we will not be able, until more prisoners are sent, to supply Government and the hands required by Individuals to procure cedar and coals at the same time.

I have been up the river and have brought 70 logs on a raft containing upwards of 26,000 feet of timber. I examined with attention the quality of the soil, which is luxuriant, and Situation of the Country, and a great number of eligible Farms might be had—one spot in particular about 40 miles from this would make a capital Government Farm, as there is high land in the rear to shelter the Stock, and build upon secure from floods, and I do not think, as the Natives of that part frequently pay visits here on account of the Fishery, that they would be found at all troublesome, and even if they were, the means to prevent them could very soon be sent from the settlement; as soon as more prisoners are sent, should your Excellency approve of it, the ground shall be cleared, which with very little trouble can be done, as it is but thinly clad with trees.

I understand that Riley and Tierney, who absconded from this, are taken—Should that be the case I could wish them to be sent back, to convince others of the absurdity of ever attempting to abscond.

I have been obliged to hire and pay Raby’s Sawyers from the Store, to enable me to proceed with the different buildings in hand, the only pair in the settlement being sick.

Your Excellency will be pleased to observe that two shillings being the entrance and clearance, money is deducted from each payment and which I allow (by your desire) to Mr. Tucker Storekeeper, for his attention in copying the public papers.

I have, &c.,

C. A. F. N. Menzies, Commdt.

[Enclosure No. 8.]

Governor King to Lieutenant Menzies.

Sir,

Sydney, July 2nd, 1804.

I have to acknowledge the receipt of your of May 31st June 7th and ——* with their several Enclosures; And was much concerned to find that notwithstanding the lenity shewn to those sent to the Coal River yet that their sanguinary plans were still carrying on—The removal of those two desperate Characters Neeson, and Smith, I hope will in some measure put a

* Note 109.
stop to their Contrivances—But you well know it will at all times be necessary for your being on your Guard and to Counter-act their Designs.

I am sorry the reduced state of the number of Soldiers at this place will not admit of my sending you any Reinforcement from the New South Wales Corps. I think by embodying those you can depend on as an Association, you will greatly add to your Security, but care should be taken not to put Arms into the Hands of improper people.

As the duty of the Detachment is much harder in a new Settlement of the kind you have the direction of, than in a fixed Settlement, I have directed the Commissary to issue a Ration of Spirits to yourself, the Detachment, Surgeon, Superintendent, Storekeeper, and Overseer McGuire for twelve Months from this date, which proportion will be sent by the Resource together with a House in Frame, and Weather Boards for the Surgeon. I have also directed another Six Pounder to be sent and some Shot, but must recommend your placing it in as secure situation as possible, to prevent its being made an improper use of.

I am, sir, &c,

PHILIP GIDLEY KING.

[Enclosure No. 9.]

GOVERNOR KING TO LIEUTENANT MENZIES.

Sir,

Sydney, July 16th, 1804.

I have dispatched the Resource with the Articles you required by your last Letter—As you wish for leave of Absence to come here to settle such private Concerns as you have here, however much I regret your leaving the Command you have so well conducted, yet I cannot throw any Objection in the way of your coming here in the Resource—For which purpose I have directed a Subaltern of the New South Wales Corps to be sent to relieve you, and to whom you will give such general Instructions as you may judge necessary for ensuring the Regularity and Tranquility of that Settlement during your Absence—The Integrity will sail from hence on Wednesday and will lay to, off the Coal Island to Land Ensign Cressey, and from thence proceed to Norfolk Island on a Service that requires Dispatch—I therefore wish on her appearance you to send either the Resource or your Boat out, to take Ensign Cressey on shore—The Integrity’s Signal is a Red and White Flag thus.*

What room there is in the Resource when you return in her may be occupied either with Coals or Cedar as most convenient.

I am, Sir, &c.,

PHILIP GIDLEY KING.

SER. I. VOL. V.—2 D

* Note 113.
Return of the settlement at Newcastle.

MONTHLY STATEMENT* of the Settlement at King's Town, Newcastle, for 21st of July, 1804.

<table>
<thead>
<tr>
<th></th>
<th>Prisoners</th>
<th>Sick</th>
<th>Weeks' Provisions remaining at full Ration</th>
<th>Tons of Coals</th>
<th>Vessels</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Surgeon, Superintendent, Steward, Marines belonging to H.M.S. Buffalo* Non-Commissioned Officers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>212</td>
<td>251</td>
</tr>
<tr>
<td>Cedar.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>William and Mary.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>George.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Res.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Colonial.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

N.B.—14 Men of the New South Wales Corps is included in the Casting.

C. A. F. N. MENZIES, Commandant.

[Enclosure No. 10.]

LIEUTENANT MENZIES TO GOVERNOR KING.

Sir, Kings Town, New Castle, 1st September, 1804.

It is with great pleasure I have to inform Your Excellency of the safe arrival of the three Vessels, with the Prisoners, Provisions, Cattle and Boats.

Agreeable to Your Excellency's orders I have dispatched the Francis immediately with a very fine Cargo of Coals and Cedar and Thirty six beautiful spars for Oars.

I have given Mr. Throsby permission to return in the Schooner to settle his private concerns, but from the extent of the Settlement and having no person, who is capable of administering relief to the Sick, I could wish his stay to be short.

Enclosed is a Letter, which I yesterday received from Ensign Cressy, stating the loss of his baggage and his urgent want of all those necessaries, which an Officer cannot possibly dispense with, and which would have inconvenienced him very much had he

* Note 111.
been obliged to wait for a successor, in consequence of which I
have thought prudent to comply with his request, and which I
trust will meet with Your Excellency’s approbation.

In case of any accidents or a necessity for my superintending
the work up the River, it is I think absolutely necessary that a
Military Officer should be immediately sent as the command in
the present instance would devolve on a Lance Serjeant.

A quantity of Fustic shall be immediately collected—With
respect to the Monthly Accounts and expenditure of Provisions
and Stores during my absence at Sydney, I beg leave to decline
signing any papers or taking any responsibility during the time
Ensign Cressy commanded.

The Number of Prisoners might be encreased and managed
with great security.

I have, &c.,

C. A. F. N. MENZIES, Commdt. N. Dt.

[Enclosure No. 11.]

GOVERNOR KING TO LIEUTENANT MENZIES.

Sir,

Sydney, Sept. 8th, 1804.

In answer to that part of your Letter of the 1st Inst:
informing me of Ensign Cressy’s statement of the loss of his
Baggage, and his urgent want of all those necessaries which
an Officer cannot possibly dispense with, and which would have
inconvenienced him very much had he been obliged to wait for
a Successor, And that you had thought proper to comply with his
request, And that Officer on his arrival here having stated his
Circumstance to me—I cannot but approve of the motives by
which you were influenced in giving him that leave.

Ensign Cressy having repaired his losses by the usual Allow­
ance being made to him, to which I have added three Ewes, as
some remuneration for the Stock he lost—I must request that
the Settlement may never be left without yourself or Ensign
Cressy remaining there, during the other’s absence from King’s
Town.

I am, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 12.]

LIEUTENANT MENZIES TO GOVERNOR KING.

Sir,

Kings Town, Newcastle, 5th October, 1804.

I have the honor of transmitting to Your Excellency the
Quarterly accounts—returns etc. for September also as directed a
copy of the written Instructions which I received at the time I
first took the command.
1805.
30 April.

The military command at Newcastle.

By my Letter which accompanies this Your Excellency will perceive that I am at present deprived of my Military Command by a junior Officer in the Service being placed over me an instance of which was never before known in the Service although a number of Officers of the Royal Marines have at different periods of the War been appointed by the Commanders abroad to the Command of Islands and Ports in that number are the Islands of Curacoa and Goree and always retain their rank in the Army.

I have therefore to request Your Excellency's Instructions on this head and have to refer to you for my conduct on the present occasion.

The three runaways sent back here had on their way to Sydney murdered the father of Boungaru in the most brutal manner and who was at the time advising them to return.

The Vessels belonging to Individuals are in the practise of coming here short of Provisions and making a request from the Stores for which their only motive can be in obtaining long credit.

I have, &c.,
C. A. F. N. MENZIES, Commdt. N. Dt.

[Enclosure No. 13.]

GOVERNOR KING TO LIEUTENANT MENZIES.

Sir, Sydney, October 9th, 1804.

I received your's dated 5th Inst. containing the Quarterly and other Returns for the Preceding Months.

Having received no Communication from Coll' Paterson or any other Officer of the N. S. Wales Corps, since Miller's Boat sailed on the subject of the alleged Censure you had incurred I am much concerned that any Circumstance should have occurred to induce the Commanding Officer of the N.S.W. Corps to exercise an Authority over you as a Military Man, which you do not consider correct. In delivering you the Territorial Commission I did, I certainly considered that you were accountable to me as Captain General and Governor in Chief for all your Transactions, Civil and Military, and that it remained with the Officer or Non Commissioned Officer, who held charge of the Detachment from the New South Wales Corps to make his particular returns to the senior Officer commanding the Corps in the Territory—As it appears that the first cause of Offence on your part has been that of giving Ensign Cressy of the N.S.W. Corps leave to come here to replace the Articles he was deprived of by
the unfortunate and unexpected Shipwreck of the Vessell that his Baggage was in, which left him bare of those necessaries, an Officer could but ill dispense with.

In every other Instance and indeed even in that (if his presence could not be dispensed with, and of which you must have been the best Judge) it certainly would have been more correct for you to have inclosed that Officer's request to me stating how far the Service would admit of his absence, and the Officer to have made his separate request to the senior Officer of his Corps in the Territory. However as Mr. Cressey's request to you was occasioned by urgent necessity and distress, and it appearing that you risked your Conduct on the most humane Motives, I am sorry it has been taken up in the manner it has been by the Officer Commandg. the N.S.W. Corps at this Place, more particularly so as your taking that Command was on the Spur of the moment on a most arduous and I may say daring Service, at a time when an Officer of the Corps could not be detached from hence, nor can I conceal from you that both Coll. Paterson and myself were much gratified at your Offer as a Military Officer, and Capt. Woodriffe's Concession, and as far as my Ideas of Military Command went I conceived that by sending the only Private Royal Marine there was in this District, that it might entitle you to an undoubted Command over the Non Commissioned Officer and nine Privates of the N.S.W. Corps who were placed under your Command to guard so many Desperadoes.

In this Opinion I am more guarded from a Communication* I have had with Coll. Paterson on the subject of his inted. Command at Port Dalrymple, a Copy of which I transmit you as I cannot but consider it as a Case in Point.

How far you may be guided in your Opinion as a Military Man You are the best Judge of. Your exertions in the Service you so handsomely volunteered, and in which you have acquitted yourself so much to my Satisfaction and the real Welfare of the Colony I trust will not be affected by the difference in opinion, when the propriety on either side remains in Doubt.

Had I received from the Commanding Officer of the N. S. Wales Corps any of the Communication you transmitted me Copies of in your's of the 5th Inst., I should have sent such further Instructions as the Case might require. That not being the Case I do not conceive you can be furnished with Documents more adapted to your Situation and Command than those contained in my Commission and first Instructions with such others as are contained in my Answers to your Official Letters.

* Note 114.
Major Johnstone on Coll. Paterson's approaching Departure has waited on me with Ensign Cressy's Answer to Coll. Paterson's Letter, requiring him to sign the Account of expenditure and remains etc. of Provisions and Stores by his Orders during your Absence on leave from your Command—As that Letter contains a Refusal to comply with the Colonel's Orders, and that not couched in the most respectful Terms, Major Johnstone has signified his Intention to me of relieving that Officer and sending Ensign Draffen in his Room.

Respecting the atrocious and brutal behaviour of the three Runaways in murdering the Native, I request that if Proof can be adduced so as in your Opinion to convict them before a Criminal Court that the Murderers and necessary Witnesses etc. may be sent by the Resource.

You will observe that I have caused a Public Notice to be given, respecting the inconveniences you state of the Vessells not being provided with Provisions.

By the Resource the Provisions as Per Invoice transmitted by the Commissary to the Store-keeper are sent—a greater Proportion of Flour shall be sent when we can get it ground.

Mr. Brown* takes his Passage in the Resource with a Boat I have lent him, and have to request you will give him every Assistance in the Objects of his Pursuit, Victualling him and his Servant from the Stores.

The Resource is to be ballasted with Coals and fitted with Cedar, and I request your empty Spirit Casks, with all the good Iron hoops you can spare may be sent on that Vessell's Return.

The Military are from the Date of your receiving this to receive the same Ration as every other Person, with the exception of Spirits which will be continued for the Twelve Months, as Stated in the General Orders of the 6th Inst.

I am, Sir,

PHILIP GIDLEY KING.

[Enclosure No. 14.]

LIEUTENANT MENZIES TO GOVERNOR KING.

Sir,

Kings Town, Newcastle, 17th October, 1804.

Your Excellency's Letter of the 9th Inst. I had the honor of receiving by the Resource.

Your communication† with Colonel Paterson and which Your Excellency did me the honor of enclosing must certainly be considered as a case in point. In his answer to the 1st Querie he states that he does not consider himself under the Military

* Note 115. † Note 114.
Jurisdiction of Colonel Collins excepting they were serving together in Field or Garrison and yet he presumes to place a junior Officer over me and threatens to bring me to a General Court Martial for attempting to dispute his Orders.

I am sorry to say that I do not think sufficient Proof can be adduced so as to Convict the runaways before a criminal Court for the murder of the Native I have therefore not sent them in the Resource.

I have sent the empty spirit casks but the Iron hoops have been such a length of time on the Casks that few are good and those are required in the Settlement.

The Prisoners stand much in need of Shoes as they have to penetrate into the woods in quest of Cedar.

I transmit to Your Excellency a Letter which I have just received from Ensign Cressy addressed “On His Majesty’s Service” and purporting to be a challenge, did this not correspond with his other Insane acts I should certainly have taken the steps which the Service points out in such a case but as he is on the point of being relieved for a disobedience and contempt of his Colonel’s Orders it is not my intention to take any further notice of it at present than I now do by transmitting it to Your Excellency.

I have, &c.,

C. A. F. N. MENZIES, Commdt. N. Dt.

[Enclosure No. 15.]

LIEUTENANT MENZIES TO GOVERNOR KING.

Sir, Kings Town, New Castle, 5th November, 1804.

Herewith I have the Honor to enclose Your Excellency the Monthly Returns by which you will perceive that there remains at full Ration only one weeks flour and Spirits. I therefore on Saturday last reduced the proportion of Flour from Ten to six pounds and by next Saturday if a supply is not received must reduce it to four.

One of the Sawyers belonging to Underwood and Cable has been severely beat by a party of Natives up Paterson’s River whom they had very imprudently suffered to get possession of their Arms but I am happy to say he is in a fair way of Recovery.

I understand that Mr. Brown whom I furnished with Arms and ammunition for his protection has likewise been attacked up the North Branch.*

From these circumstances I have thought it more prudent to furnish Millers Boats with Cedar at the stipulated prices than allow them to procure it themselves.

* Note 116.
1805.
30 April.

It now becomes absolutely necessary that two or three trusty men should be sent for the purpose of taking charge of our Boats going for Cedar as I am necessarily obliged to put Arms in their hands for their protection and Your Excellency is well aware of the Characters here.

A well-built Stone Wharf is nearly completed Length One hundred and Eighty six feet, Breadth Thirteen feet Depth of Water at high Water Eight feet Two inches and at low water two feet.

I have, &c.,

C. A. F. N. Menzies, Commandt. N. Dt.

[Enclosure No. 16.]

Lieutenant Menzies to Governor King.

Sir, Kings Town, New Castle, 28th November, 1804.

I had the honor of Your Excellency's Letter of the 24th Instant* by the Resource.

By my Letter of the 21st Inst. Your Excellency will observe that we have begun erecting the Salt Pans but the prisoner Crump being Sick it will be impossible to speak positively as to its being completed however no exertion on our part shall be wanting.

The Military Officer's Barrack is just finished and a strong guard house shingled with a room for the Non commissioned Officers and a Black hole.

The trifling misunderstanding between Underwood's Sawyers and the Natives I regard only as a matter of course when people act so very imprudently, as all Savages will commit thefts when an opportunity is given; but it is somewhat strange to remark that so often as our Boats go up the River that they have never attempted to molest any person belonging to the Settlement, and I do not conceive that anything that has hitherto occurred will operate in the smallest degree against Settlers going up Paterson's River.

Although the loss of a very fine Cow and Calf supposed to have strayed towards the Hawkesbury will be severely felt by me as an Individual, yet I would much sooner lose them both than send any considerable distance in quest of them in that quarter, which would more than probable be the means of opening a communication with that place thereby destroying the chief intention of this Settlement and the mischief arising from such a step than it is possible to forsee.

The Oil is nearly expended and should a supply of that article not arrive soon the Mines must stop Work.

* Note 109.
The Resource has on board a remarkable fine cargo of Cedar as per Bill of Lading likewise a quantity of Fustic.

Thomas Desmond has absconded a second time and from what I can learn his intention was to go either to James McGlades or Brannon's Settlers at the Hawkesbury to assist in reaping their harvest.

I have, &c.,

C. A. F. N. MENZIES, Commdt. N. Dt.

[Enclosure No. 17.]

LIEUTENANT-GOVERNOR PATERSON TO GOVERNOR KING.

Sir, Outer Cove, Port Dalrymple, 20th February, 1805.

In consequence of a Complaint made to me by one of the Dispute Soldiers (John Short) under my Command, that a Convict Woman living in Ensign Anderson's Service had scandalously abused him and reflected on his former situation, and seeing the evil that might be attended in not noticing such impertinent Conduct, I conceived it my duty to protect the Character of any Soldier in issuing the enclosed Order (No. 1).

Ensign Anderson waited upon me to know if the Order alluded to his Woman (as he called her). I told him it did, and that it should remain in force against any Convict, whatever situation they might accidentally be placed in, while under my Command.

The day following I went to Western Arm* on Public business, which is about five Miles distant from Head Quarters. On my return, about three O'Clock in the Afternoon, the Acting Serj't-Major brought me the Regimental Orderly Book with the enclosed G.O. in Ensign Anderson's handwriting, which I erased, and wrote the accompanying. Not having the means here of bringing Ensign Anderson to Trial by General Court-Martial, and being aware that His Majesty's Service would suffer by allowing such Contemptuous behaviour to be offered to any Superior Officer, I have judged it necessary to remove him from this Settlement, with the Documents enclosed for Your Excellency's consideration, which I request to be noticed in your Military Letter, as I shall forward the same to His Royal Highness the Commander-in-Chief.

I have, &c.,

W. PATERSON.

[Sub-enclosure.]

COPY FROM REGIMENTAL ORDERLY BOOK.

Feb'y 15th (No. 1). R.O.—It having been represented to the Commanding Officer that a Woman Convict has scandalously orders.

* Note 117.
abused a Soldier of the Detachment doing duty at this place, which, as well as reflecting on the former Situation of any Private in the Corps, is directly contrary to a positive Standing Order of the Reg't, should such Conduct be repeated that notice will be taken thereof which is customary by the Rules and Discipline of the Army.

(No. 2). G.O.—Outer Cove, Port Dalrymple, 16th Feb'ry, 1805.
Parole—Mean. Countersign—Advantage.

(No. 3). G.O.—Outer Cove, Port Dalrymple, 16th Feb'ry, 1805.
Parole—Detestable. Countersign— —.-.

Feb'ry 17th. R.O.—Ensign Anderson will hold himself in readiness to embark for Port Jackson by the first safe Conveyance.

Feb'ry 19th. G.O.—As His Majesty's Colonial Cutter Integrity will be ready for sea on Thursday next, Ensign Anderson will embark on board that Vessel for Port Jackson.

[Enclosure No. 18.]

SENTENCE AND REPRIMAND OF ASSISTANT-SURGEON MILEHAM.

May, 1805.

THE sentence of the General Court-Martial held for the Trial of Mr. Mileham, Assistant Surgeon, viz.:—The Court having maturely and deliberately considered the Evidence for and against the Prisoner, as well as what he had to offer in his Defence, is of opinion that he is Guilty of the first Charge, viz., for disobedience of Orders in refusing to attend a patient in the General Hospital on the 13th of April, 1805, do therefore sentence him to be publickly Reprimanded by the Commander-in-Chief. The Court is of Opinion that he is further guilty of the second Charge, viz., for Neglect of Duty in not attending a Woman when in labour in the General Hospital on the 13th of April, 1805. do therefore Sentence him to be publickly reprimanded by the Commander-in-Chief;—is fully approved of, and the Court-Martial dissolved. The Governor and Commander-in-Chief has to observe that the Proofs are so clear in substantiating Mr. Mileham's disobedience of the Principal Surgeon's Orders in a case when his Duty and Humanity equally required his prompt obedience that he entirely disapproves of Mr. Mileham's want of a due Subordination to the directions of his superior in the execution of his Duty.

The Governor perfectly coincides with the Court-Martial in considering Mr. Mileham Guilty of a neglect of Duty in not
attending a Woman in labour in the General Hospital, from which conduct the Woman's Life and that of her offspring might have been endangered; and as Mr. Mileham has recently endeavoured to evade his Duty when ordered, under false pretences, the Commander-in-Chief considers it necessary to inform that Officer that on his incurring any future Censure for neglect of Duty or Disobedience of Orders it will become necessary to suspend him from his situation as Assistant Surgeon till His Majesty's Commands are received thereon.

The Commander-in-Chief further directs that Copies of this General Order be sent to the Officers in Command at the different Settlements under this Government, to be inserted in the General Order Book of their respective Garrisons.

[Enclosure No. 19.]

MR. JAMISON'S COMMISSION AS ASSISTANT SURGEON.

GEORGE R.

George the Third by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, etc. To our Trusty and Well beloved Thomas Jamison Gent. Greeting. We reposing especial Trust in your Loyalty, Integrity, and Ability do by these Presents constitute and Appoint you to be Our Surgeon to the Settlements within Our Territory called New South Wales. You are therefore carefully and diligently to discharge the Duty of Surgeon in the Said Settlements by doing and performing all and all manner of Things thereunto belonging, And you are to observe and follow Such Orders and Directions from time to time as you shall receive from Us, our Governor of New South Wales or any other your Superior Officer, according to the Rules and Discipline of War. Given at Our Court of Saint James's the Twenty first Day of August 1803 in the Forty Third Year of Our Reign.

By His Majesty’s Command,

HOBART.

GOVERNOR KING TO EARL CAMDEN.

(Despatch marked No. 4, per H.M.S. Investigator; acknowledged by Viscount Castlereagh, 21st November, 1805.)

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

Referring your Lordship to the accompanying Duplicate of my Letter No. 10, dated 30th December, 1804, respecting the Transaction of the Ship Myrtle bringing a quantity of Spirits from Bengal to this place without the Knowledge of that Govern-
1805.
30 April.

Return of the Myrtle.

Purchase of spirits by Collins.

Arrival of the Sophia.

Visit of the Myrtle to Hobart.

Purchase of spirits from Barber by W. Collins.

ment or this, My forbidding any part of it to be sold or landed here, and the General Order I found it necessary to give in consequence of the Master's improper Treatment to the Guard put on board to prevent the Spirits being Smuggled on Shore.

It is now my Duty to inform Your Lordship that the Myrtle sailed from hence the 31st December last, after clearing out for the North-West Coast of America, and on the 4th ult'o, to my great Surprize, she returned, when I received a Letter from the Master informing me of his having been at the Derwent, and by a subsequent one that Lieutenant-Governor Collins had purchased a quantity of his Spirits for the use of that Settlement; but as he brought no Letters from that Officer, I was not inclined to believe the utmost of his Report, but continued the former restriction of not allowing him to land or dispose of any at this Place.

The Sophia* (being the Dutch prize I allowed Mr. Campbell to purchase, and who had my permission to take a Cargo of Wheat to Lieutenant-Governor Collins's Settlement) returned from thence and King's Island, by which Vessel I received Lieutenant-Governor Collins's Letters, from which the following Extract is made of this Transaction with the Myrtle:—"I understood from Captain Barber that it was not his intention to come to the Southward when he left Sydney, which accounted for his not bringing any Letters from your Excellency; but having some Articles on board for Sale of which I was in want, I was not sorry for his arrival. Of the Spirits which have been purchased out of the Lady Barlow, a very few Gallons only, which I had reserved for the Military, remaining in Store, and learning from the Newspapers printed under your Authority the loss of the Mersey in Torres Straits, I deemed it expedient to purchase the quantity of Spirits from Captain Barber which I had expected to receive by that Ship, and which, though his Invoice Price was 15s. per Gallon, I have purchased at 11s., being one Shilling less per Gallon than what I gave Captain McAskill."

I cannot help observing that if my Surprize was great at this deceptious Conduct of the Master of the Myrtle, and the Success it had met with insomuch as regarded Colonel Collins making the purchase, That Surprize was much more increased by being informed, and being able to verify it immediately, that the Master of the Sophia had purchased, with the Government Bills he got from Governor Collins, upwards of 1,500 Gallons of the Spirits out of the Myrtle, part of which was brought here in the Sophia. Such a daring piece of Contempt to His Majesty's Instructions, and the long known and established Regulations of the Colony consequent on those Instructions, left me no alter-

* Note 118.
native than that of putting the King's Mark on the Sophia and the Spirits she contained. As I have received no information from Colonel Collins on the Subject, I ought not to suppose it was done with his Knowledge.

This Circumstance, and that of the American Vessel, which was not allowed to dispose of any part of her Spirits here, going to Norfolk Island, and being there permitted to land it at a most exorbitant Rate, has imposed on me the necessity of giving the General Orders* stated in the Gazette of 10th of March last, forbidding any Officer in Command at the other Settlements having intercourse with any Vessels coming from hence otherwise than in case of absolute distress, unless the Captain produced a Letter from the Governor or Officer in Command here.

I have the honor to enclose my Requisition to the Judge- Advocate for his Opinion how far the 9th Article of His Majesty's Instructions,* the local Regulations of the Colony, and Relative Acts of Parliament might be deemed sufficient to proceed to the Adjudication of the Sophia's Hull and Cargo of Spirits, To which I add his answers thereon, by which Your Lordship will observe, according to his Ideas, that those transactions may be carried on with Impunity. However, the respect I owe to His Majesty's Instructions, and the Welfare of this Colony, points out the necessity of some more efficient Colonial Regulations being adopted, a Copy of which I have the honor to enclose, which I respectfully hope will meet Your Lordship’s Approbation.

Having in my Separate and Particular Letter† p'r Lady Barlow stated the Circumstances connected with Mr. Campbell’s pursuits here as a Merchant, and been more favourable respecting his persevering to introduce unauthorized Quantities of Spirits Than the General Conduct of that House has merited, seeing the protection and encouragement it has received from Government. It, therefore, becomes more painful for me to trouble Your Lordship with fresh Instances of the same improper Conduct. By the Agreement for taking Cows to Port Dalrymple from Calcutta, Mr. Campbell was allowed to Import 5,000 Gallons of Rum for the use of Government and that of the Officers and Settlers at the different Settlements. That Quantity was permitted by the Bengal Government to be shipped after being by some means increased to 8,000 Gallons. However, on the Vessel's arrival I allowed it to be landed and bonded, but Messrs. Campbell, not content with this Advantage, and that attending the Cattle, another Vessel belonging to that House, named the Eagle, arrived at the same Time from Ceylon with upwards of 16,000 Gallons

* Note 119. † Note 120.
of Spirits. These, together with the quantity purchased by the Master of the Sophia from the Myrtle, I have directed to be returned to India, as the only means of preventing the unwarrantable and illicit Conduct of that House. And as the indulgence I allowed Mr. Campbell of Retaining the Sophia in this Colony for Six Months after her purchase has been so grossly violated, I have directed that Vessel to be sent to India with the before-mentioned Spirits amounting to 17,500 Gallons.

Respectfully suggesting to Your Lordship the propriety of some more efficient Steps being taken with Mr. Robert Campbell, who may not have left England before this arrives, to prevent a Conduct that, however much it may add to his and his partner's Interest, will infallibly be the Destruction of this Colony.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

GOVERNOR KING TO JUDGE-ADVOCATE ATKINS.

Sir, Sydney, 23rd April, 1805.

I have to require your referring to my Proclamation of June 3rd, 1804,* issued in consequence of the illicit importation of Spirits into this Colony from the British Territories in India, occasioned by the Fair American bringing a quantity of Bengal Rum by way of the Manillas, Observing the import of the said Proclamation consequent on the 9th Article of His Majesty's Instructions to me as his Governor of this Territory.†

You will also advert to the Circumstance of the Myrtle, commanded by Mr. Henry Barber, arriving here from Bengal on the 23rd June last with a clearance from Calcutta for the North-West Coast of America, and laden, among other Articles, with upwards of 7,000 Galls. of Spirits, which I pointedly and publickly refused Permission for the Master to land or dispose of any part thereof; That he remained here until the 30th December, when he cleared out for the N.W. Coast of America and Sailed from hence.

That on the 4th day of March last she returned to this Port, and was reported to have been at the Derwent, where the Master had landed and disposed of a Quantity of the Spirits he had been refused to land here, which I paid no attention to until the receipt of Lieut'-Gov'r Collins's Letters, informing me of the circumstance of the Myrtle's having been at that Place, and of his having purchased a certain proportion of such Spirits for Government use, which he supposed would surprize me from the Information he had received from Mr. William Collins, Com-

* Note 121.  † Note 119.
mander of Mr. Campbell's Ship, the Sophia. That ship, bringing Lieut' Govr's Despatches, was reported to have on board upwards of 1,500 Galls. of Spirits, purchased from the Myrtle at the Derwent.

As Mr. Collins was not ignorant of my Proclamation of June 3rd, my public refusal of allowing any of the Myrtle's Spirits being disposed of, and granting him a supply for the use of his Voyage from the Celosus, together with the circumstance of Mr. Barber's averring on Oath that Mr. William Collins made the purchase (which he paid for by Government Bills received from Lieut' Govr Collins in payment for a Cargo of which I had given Mr. Campbell permission to send to the Derwent) by order of his Owner, Mr. Robert Campbell; And as the 9th Article of His Majesty's Instructions to me as his Governor-in-Chief contains the following Directions:—"We do therefore strictly enjoin you, on pain of Our utmost Displeasure, to order and direct that no Spirits shall be landed from any Vessel coming to Our said Settlement without your consent or that of Our Governor-in-Chief for the time being, previously obtained for that purpose, which Orders and Directions you are to signify to all Captains and Masters of Ships immediately on their arrival at Our said Settlement, and you are at the same time to take the most effectual Measures that the said Orders and Directions are strictly obeyed and complied with."

To prevent the consequences of such a daring contempt of His Majesty's Instructions, My repeated Orders and Regulations consequent thereon, I have deemed it essential to direct the King's Mark to be put on the Sophia and on the Spirits thus illicitly procured until further Directions are given thereon.

As the General Tenor of my Orders on those Heads could not take into contemplation the possibility of a Merchant like Mr. Campbell, allowed to reside here and carry on his Traffic under the Protection and favourable Assistance of His Majesty's Government, authorizing any Person under him to use such illicit means, having secret tendency to defeat those Regulations, any Public Order will not be found extant pointing immediately to the Case in question, namely, that of the Sophia purchasing out of the Myrtle at the Derwent a quantity of Spirits the Master of the latter was prohibited from selling, otherwise than by the General acceptation given to that in General Orders* of 11th October, 1801, viz.:—

"Whenever Spirits, Wine, or any other Strong Drink are taken out of a ship on any account without the Governor's and Naval Officer's Permit, they become seizable wherever found."

* Note 122.
I have, therefore, Sir, to require of you an Opinion how far you conceive the above Order and Colonial Regulation applies to the conviction of the Owners and Master of the Sophia of using means having a direct tendency to smuggle Spirits into the Colony from the Myrtle, which were previously prohibited by me. And I have also to require your Opinion how far the 24th George III, Chap. 3, Sect. 2; 5th George I, Chap. 2, Sect. 3; and 9th George II, Chap. 35, Sect. 23, are applicable to the above end.

I have, &c,

PHILIP GIDLEY KING.

[Enclosure No. 2.]

JUDGE-ADVOCATE ATKINS TO GOVERNOR KING.

Sir,

Sydney, 26th April, 1805.

In obedience to your Excellency's requisition to me by Letter of the 23rd inst., I have referred to the Proclamation of June 3rd, 1804,* issued in consequence of the illicit importation of Spirits occasioned by the Ship Fair American bringing a quantity of Rum by way of the Manillas. I have likewise adverted to the arrival of the Myrtle on the 23rd of June last, her clearing out for the N.W. Coast of America, and her return from the Derwent on the 4th day of March, 1805, after the Master had disposed of and landed a Quantity of Spirits to Lieut'-Governor Collins and others which he had been refused to land here. I have further noticed His Majesty's 9th Article of Instructions to your Excellency.

How far Lieut'-Governor Collins was or was not authorized to purchase, or suffer any other Person to purchase, Spirits at the Derwent is not for me to give an opinion on; but the legality of purchasing the Spirits by Mr. William Collins, the Master of the Sophia, at that place, could not have been in contemplation at the time the General Orders of the 11th October, 1801,+ were issued, and consequently no such regulation of that date could extend to that Place, as the Establishment on the Derwent was not at that period in existence. It appears that the Spirits on board the Sophia was purchased by the consent, or at least with the Knowledge (as it was deposited in His Majesty's Stores at that place) of Lieut'-Governor Collins, and if he has exceeded his Powers he is answerable. Permit me further to remark that from the words of the Order of the 11th October, 1801, viz., "without the Governor or Naval Officer's Permit," &c., it seems a local regulation and immediately cognisable by those Officers.

Under all these circumstances, I am (with the greatest deference) of opinion that the General Order of the 11th October.

* Note 121.  † Note 122.
1801, does not apply to "the conviction of the Owners and Master of the Sophia for using means of smuggling Spirits into the Colony or having a Tendency so to do" (more particularly as the Sophia was not seen hovering on the Coast, but sailed directly for this Port and entered such Spirits with the Naval Officer), that it cannot subject the Sophia to condemnation as a Smuggler; and that if any Offence had been committed by the Master of the Sophia, it can only amount to a Violation of a Colonial Order, which may (when proved) be punished by the Magistrates in proportion to the Offence committed.

The several Statutes your Excellency has referred to appear to me not to apply to New South Wales, where there is neither a Custom-House or any Revenue Officer.

I have, &c.,
RICH'D ATKINS, J.-A.

[Enclosure No. 3.]

GOVERNMENT AND GENERAL ORDER.

27th April, 1805.

When landing Spirits from any Ship or Vessel arriving be forbid and prohibited, No Private or other Colonial Vessel is on any Pretext whatever to purchase or receive from such Ship or Vessel any part of such Spirits within the limits of this Territory or its Dependencies, on pain of forfeiting the Vessel and Spirits so obtained; Half the penalty to go to the Person prosecuting to Conviction.

By Command of His Excellency.
G. BLAXCELL, Act'g Sec'y.

GOVERNOR KING TO EARL CAMDEN.

(Despatch marked No. 5, per H.M.S. Investigator; acknowledged by Viscount Castlereagh, 21st November, 1805.)

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

With this I have the honor to enclose the Copy of a Letter I received this day from Captain Flinders, late Commander of His Majesty's Sloop Investigator, to me by way of Calcutta, dated from Coupang in the Island of Timor, November 12th, 1803, and Mauritius, August 8th, 1804. Captain Flinders sailed from England in 1801 on a Voyage of Discovery; in 1803, the rotten State of the Ship's upper Works required a Survey being held, when she was reported unfit to go to Sea, all her upper Works being entirely rotten. Captain Flinders was proceeding to
England in His Majesty’s Armed Vessel Porpoise, and was un­fortunately wrecked on a Coral Reef 243 Leagues from hence. The Detail of the above and his consequent leaving this Colony to go to England with the Charts and Journals etc. of his Voyage in the Cumberland, Colonial Armed Tender, I have had the honor of communicating to My Lord Hobart in my Despatches, dated August and September, 1803, sent by himself, a Duplicate by Mr. Grimes, and a Triplicate by the Calcutta.

On the Subject of Captain Flinders’s undeserved, and, I may add, unprecedented, Treatment from the Governor of the Isle of France, I shall make no observation than by transmitting Your Lordship a copy of the Letter I have conceived myself justified in sending, thro’ His Majesty’s Governors and Commanders in India, to the Governor of the Isle of France, the tenor of which I hope will meet Your Lordship’s Approbation, And as I make no Doubt but that directions* from France, after so long a Time, has put a period to that Officer’s Sufferings, I have forborne putting Government to the Expence of hiring a Vessel to demand his Release.

I have, &c, PHILIP GIDLEY KING.

[Enclosure No. 1.]

COMMANDER FLINDERS TO GOVERNOR KING.

Armed Tender Cumberland, in Coupang Bay,
Timor, 12th November, 1803.

I HAVE the pleasure to inform Your Excellency that in October the 12th last I left Wreck Reef in the Cumberland, and the same day parted company with the Ship Rolla. On board her were embarked for China, the Officers, Crew, and Passengers of the Porpoise, under Lieut. Fowler, such only excepted as chose to return to Port Jackson, in the Francis and the Wreck Reef built Schooner Resource. We parted with three cheers, all well, and in high spirits.

In our passage to Torres Straits we met with no dangers until we made the first Reef seen by the Investigator, in 146° E., thro’ the middle of which we came by means of small Passages. On the following day, at Noon (October 21st), we entered the Strait by the Pandora’s Passage, the south side of which I found to lie in 10° S., from which the Passage is more than Three Leagues wide, and the centre of it is in 9° 54’ S.

In steering for Murray’s Island I passed on the S. side of the Reef which lies to the E.N.E. of the Island in my Chart, but found a great Reef stretching to the southward from the S.W. end of the Reef there marked, and leaving only a small though deep

* Note 123.
Channel through between them, which I passed; but a man who was not much otherwise than timorous, would scarcely venture thro' in a Ship. This small Channel is Seven Miles E. b. N. from Murray's Island, and I passed thro' it at eight in the Morning, and at dusk came to Anchor under the same small Island, D, as I had before done in the Investigator. Our track to the Island D lies to the Southward of all the Reefs seen in the Investigator, for we haul'd S.W. b. W. shorter round Murray's Island than before, and found a wide clear passage till we came to the Reef, the South end of which lies E. b. S. from B, where we passed over a Shoal that would have stop't a Ship, and more dangerous, from not showing itself as the Corabrey does. I have little doubt but that a good passage may be made from the South side of Murray's Island—better, perhaps, than any before.

We landed upon D, and upon one of the Sandbanks to the S.-Westward, and in the following evening (the 23rd) anchored under the flat-top'd York Isle. From hence I hauled along the shore of Cape York, and passing between some of the Northernmost of the Prince of Wales's Isles, where there is much Shoal water, came to an anchor under Booby Isle in the evening of the 24th, being a little more than three days passage thro' the Straits, and including anchoring at night, landing twice, and going out of our way to Survey in the Neighbourhood of Cape York. The additions I shall be able to make to this Chart of Torres's Straits from this Passage thro' will be considerable.

The Long. of the several places in my former Chart differing from Captain Bligh, and very considerably from Captain Cook, I had some doubt of its accuracy, but our timekeeper now differed only 2' west from the Investigator's Long., which it did equally from the first Reef to the Prince of Wales's Isles. This timekeeper I took from the Wreck Reef, where it had kept an excellent rate for more than Four Weeks, and where the Long. was ascertained by Lieut't Fowler from forty-two sets of Lunar Observations.

We took five Turtle from Booby Isle, and made Cape Arnheim and the Crocodile Isles on the 28th, and in the evening anchored under the latter, where we procured Wood, and had a friendly intercourse with the Natives. Having light winds after coming abreast of Cape Van Dieman, we did not arrive in this Bay till the 10th, being Thirty Days from Wreck Reef.

November 17.—I find that Le Géographe came into Coupang Bay about one month after I had left it, and stayed Six Weeks. The Buffalo was here in June last. Mynheer Giesler, the Governor of Coupang, died during the last month, and a young man,
Mynheer Veirtzen, at present commands, and expects to be appointed from Batavia. He has been very attentive, and supplied us with what he could; but in the Articles, Tea, Sugar, and Arrack, they are entirely destitute until the easterly Monsoon sets in, when they expect Arrivals from Batavia.

Upon the subject of supplying Cattle to Ships from Port Jackson, my Enquiry did not produce anything favorable, either with respect to Timor or the neighbouring Islands. They say that one hundred Karabows, or a few more, might be procured in a year; but these perhaps would not be breeding Cattle. Of Cows, as they call them (meaning the European or Cape Breed), they seem to have but few. I judge, however, that a Ship might collect two or three hundred Karabows by going amongst these Southern Islands. The places to touch at would be Coupang, the Portuguese Settlement Deeli* (on the north side of Timor), Larnturn (at the S.E. end of Flores), Saru, and the other Islands from thence to Java, at the East end of which last is a small Dutch Settlement called Ballanbangan, in the Strait of Balli. In some places the Cattle would be procured with Rupees or Spanish Dollars; in others, by bartering with Ironware and Arms. A few small Horses might be procured at Coupang, but they say that those of Java are superior. These will cost from 20 to 50 Rix Dollars each, and the Karabows generally 8 Rix Dollars, and would, I think, do well for draft Cattle.

Captain Kent, having staid here so much longer than the Cumberland, will have gain'd more extensive, as well as more correct, information concerning Cattle. What I have said is therefore only meant in case of any Accident happening to the Buffalo.

Mauritius, Augt. 8th, 1804.

Thus far, my Dear Sir, I had written to you from Coupang, in case of Meeting a Ship by which it might have been Sent, little expecting that I should have finished it here and in a Prison.

We found the upper Works of the Schooner constantly leaky, and the Pumps became so much Worn by Constant Use as to be Rendered Unserviceable, and made it absolutely necessary to put in at this Island to get the Schooner caulked and the Pumps Refitted before attempting the passage round the Cape of Good Hope. I also Considered that in case of a New War I had no passport from the Dutch, as well as that by putting in here I should be able to ascertain how far the French Settlements in this Neighbourhood might answer your purpose of supplying Port Jackson with Cattle. Having no Chart or Instructions relating to Mauritius, I came round the South end of the Island, and followed a small Vessel that I wanted to Speak into a little

* Note 124.
harbour there,* and to my surprise found that the French were again at War with our Nation. After being detained one day, I got a pilot and came round to Port N.W.* on December 16th last. I waited upon the Captain-General, and after being kept two hours in the Street had an Audience, but it was to be told that I was an Impostor, the improbability of Captain Flinders coming in so small a Vessel being thought so great as to discredit my passport and Commission. Finally, Mr. Aken† and me were brought on Shore as prisoners at 2 O’Clock in the Morning, all my Books and papers were taken away, and a Centinel with fix’t bayonet was placed in the Room where we were lodged. After undergoing an examination next day, I thought Circumstances were going in my favor, but in three days, an Order was issued to put my Seamen on board the Prison ship, the Vessell’s Stores in the Arsenal, and the Schooner to be laid up. As for Mr. Aken and me, we continued in the House of our Confinement, but with this difference, that the Centinel was placed without side of our Room, and I was permitted to have my Servant, and afterwards Obtained my printed Books and some Unfinished Charts upon which to employ myself. I expostulated with General de Caen upon this uncommon and very harsh treatment, but I could obtain no Satisfaction or further Information than that “I had deviated from the Voyage for which the passport had been granted by touching at the Isle of France, and that my uncommon Voyage from Port Jackson to this place was more Calculated for the particular Interests of Great Britain than for those of my Voyage of Discovery.” In fine, I was Considered and treated as a Spy, and given to understand that my Letters gave great Offence.‡

I became very ill in this Confinement, the Scurvy breaking out in my Legs and feet. A Surgeon was sent to attend me, but altho’ he represented the necessity of taking exercise, yet was I not permitted to take a Walk outside in the Air for near four Months, or was any person allowed to Speak to me without the General’s permission. Through the intercession of the excellent Captain Bergeret, of the French Navy, I was removed to the House where the English Officers, Prisoners of War, were confined. This House is situated a little without the Town, enjoys a freer Air, and is surrounded by a Wall enclosing about two Acres of Ground. In this place Mr. Aken and me soon recovered our health, and here we have remained to this Day. Thro’ my Friend Bergeret I have lately obtained the greatest part of my Books and Charts, and therefore am Assiduously employed in Repairing the ravages that were made amongst them by the Por-

* Note 125. † Note 126. ‡ Note 127.
1805.
30 April.

Flinders' account of his detention at Mauritius.

poise's Shipwreck, and in making others to complete the Hydrographical Account of my Voyage. Admiral Linois, as well as Bergeret and another Naval Captain, interested themselves that I might be sent to France, but it was positively refused, upon the Principle that I must remain until Orders were Received concerning me from the French Government; and an application to be sent into the interior part of the Island, where we might enjoy good exercise and some Society, was no more Successful.

This Account will not a little Surprize you, my Dear Sir, who have so lately shewn every attention to the Géographe and Naturaliste; but a Military Tyrant knows no Law or principle but what appears to him for the immediate Interest of his Government, or the Gratification of his own private Caprices. Passports, reciprocal kindness, and National Faith are baits to catch Children and Fools with; and none but such Consider the propriety of the Means by which their plans are to be put in Execution. Men of Genius, Heroes (that is, modern French Generals), are above those Weaknesses. I can give you no further explanation of General De Caen's Conduct, except that he sent me Word "I was not Considered to be a Prisoner of War," and also that "It was not any part of my own Conduct that had Occasioned my Confinement." What I am suffering in Promotion, peace of Mind, Fortune, Fame, and every thing that Man holds dear it is not my intention to detail, or have I room; but when added to Shipwreck and its Subsequent Risks they make no very common portion of Suffering. How much I deserve all this may be left to your friendly judgement to decide. It is impossible for me to guess how long I am to be kept, since the French despatches, as well as the Letters I have been permitted to Write, will probably be thrown overboard on the Ship meeting with our Cruizers. However, I think my foe begins to be touched with some remorse of Conscience. We have Accounts (by Admiral Linois) of the China fleet having lately passed, and in it my Officers and People, who I hope are before this time in England. Having a private Opportunity of Sending a Letter to India, I commit this to the Care of Mr. Campbell for you; And may you, my kind Friend, and yours, never feel or know the unlimited power of a Man before whom Innocence and hardships are of no avail to save from his Severity.

I am, &c.,
MATTW. FLINDERS.

P.S.—In the Article of Allowance for Subsistence I have no Cause of Complaint. Lord Hobart's despatches, and I believe Col'l Paterson's Box, have been Opened, but all other Letters
Remain untouched. Be pleased to Send all my Letters, &c., to Osborn Standert. To my kind Friends, Mrs. King, Mrs. Paterson, the Colonel, Mrs. McArthur, Mr. Chapman, and all others I beg my best Remembrances, and they are not unoften Remembered by me in this Prison. Le Géographe Sailed for France the Day before I arrived, Commanded by Melius, Baudin having died here. Coutance* is not yet arrived, or any of his People.

[Enclosure No. 2.]

GOVERNOR KING TO GENERAL DE CAEN, GOVERNOR-IN-CHIEF OF THE FRENCH SETTLEMENTS TO THE EAST OF THE CAPE OF GOOD HOPE.

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

In addressing an Officer of Your Military Rank, governing the Isles of France and Reunion, I cannot suppose you are unacquainted with the Public occurrence of Capt’n Flinders, a Commander in His Britannick Majesty’s Navy, being charged with the Command and direction of a Voyage of Discovery in the Investigator, Sloop-of-War, and that he received from the Government of France a Passport similar to that given by the Ministers of my Gracious Sovereign to Captains Baudin and Hamelin, Commanding the French Frigates Géographe and Naturaliste, belonging to the French Republic, fitted equally with the Investigator for a similar Voyage of Discovery.

The distressed Situation of the French Expedition, consequent on so long a voyage, compelled the Commanding Officer, as well as his Second, to put into this Port. The Géographe, when she appeared off, had only five Men able to stand the Deck. The English Passport was produced by an Officer sent for that Purpose. The Ship was brought into Port by Englishmen; the dying Sick were instantly landed, and every successful and speedy Effort used to recover them. The King’s Stores were exhausted of several Articles to supply the wants of the Ships and the private convenience of the Officers and Men;—in fine, they were treated, collectively and individually, as Friends and Countrymen, nor was there a British Subject that lessened the Duties of Hospitality natural to Englishmen by a recollection that War existed between the two Nations. Their Passport and Distresses were the most powerful Claims on my Duty in receiving them, and on the Humanity of all Descriptions of His Majesty’s Subjects in contributing each his mite to render their Stay comfortable and agreeable. What the sentiments of Captain Baudin and his Officers were on that Subject I must refer you to the enclosed Copy of a Letter from Captain Baudin to the Governor of the

* Note 128.
1805.
30 April

Flinders treated as a spy at Mauritius.

Isle of France, in Case Events should occasion any of His Majesty's Vessels under my Command touching at that Island.

After the Treatment of the Ships' Officers and Men comprising the French Expedition, You and every other Officer will readily guess my Feelings on learning by a Letter from Captain Flinders, dated Mauritius, August 8th, 1804, that notwithstanding his Commission, Passport, the Recital of his distressed Sufferings, the unquestionable Documents he possessed, and finally the recent Cause of his putting into the Isle of France in the diminutive Vessel he had embarked in, after his Shipwreck, consequent on the Investigator being unfit to prosecute the Discoveries he was charged with, Yet that on waiting on you, as a Governor of the Isle of France, when he at least expected the Treatment of a Gentleman under the Circumstances he appeared in, he was treated in every respect as a Spy, except in not being executed as one.

This undeserved, unprecedented, and I may add (conceiving his and Captain Baudin's relative situations) ungrateful Treatment which that meritorious and deserving Officer has met with from the Government of the Isle of France, must be a subject of Concern to every Man of Science and of Humanity, and leads me to observe that the French Government, unsolicited by that of Great Britain, gave Orders to their Naval Commanders, in the French and American War with my Nation in 1779, directing them, “in case of falling in with the Ships that Sailed under the Command of Captain Cook, to suffer them to proceed on their Voyage without Molestation.”

Exclusive of the inoffensive manner in which the Cumberland was armed, Captain Flinders was directed by me not to avail himself of any Opportunity his Route might afford of making the least Capture, but to observe the strictest neutrality in case of War before he arrived in England. That Injunction I am sure he has complied with, and nothing but its breach can justify your conduct in the eyes of your own Nation and that of Europe.

Should the Chance of War or the Delay of the French Government have prevented your allowing Captain Flinders to depart with his Charts, Books, and Papers, until the distant Period when this Letter may reach you, It is a Duty incumbent on me in Stating my Sentiments on this Occasion, to request the Enlargement of that Officer, with every Document connected with his Voyage of Discovery, no ways doubting but your own Humanity will dictate what remains necessary to be done.

I have, &c,

PHILIP GIDLEY KING.
LE COMMANDANT EN • CHEF BAUDIN AUX ADMINISTRATEURS-
·
-·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
·
propri expérience que les Français ne sont ni moins hospitaliers, ni moins bienfaisants; et alors sa Nation n’aura plus sur nous que l’avantage d’avoir fait en Temps de Guerre ce que des moments plus heureux nous permettront de lui rendre en temps de paix.

Je suis, &c.,

N. BAUDIN.

[Additional Enclosure.]

GOVERNOR KING TO REAR-ADMIral SIR ED. PELLEW.

Sir, Sydney, N. S. Wales, June 5th, 1805.

With this I have the Honor to enclose an open Letter to the Gov’r of the Isle of France and the Copy of part of a Letter from Capt. Flinders, late Commander of H.M.S. Investigator, the Subject of which has occasioned my writing the enclosed to Genl. de Caen, and I am well convinced your usual Feelings will coincide with mine respecting that unfortunate Officer’s unprecedented Situation. I beg to submit the Propriety of that Letter being sent or not to your better Judgement.

I have, &c,

PHILIP GIDLEY KING.

GOVERNOR KING TO EARL CAMDEN.

(Despatch marked No. 6, per H.M.S. Investigator; acknowledged by Viscount Castlereagh, 21st November, 1805.)

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

With this I have the honor to transmit a Letter I have received from Brevet Major Johnston, Commanding the New South Wales Corps at Head Quarters. And as the Major’s Representation appears to me perfectly correct and judicious, and considering now that so considerable a Draft is made for the Service at Port Dalrymple, which will require to be increased as that promising Settlement extends, exclusive of the other requisite Service and Detachments, I respectfully request Your Lordship’s Consideration on that head, and beg to suggest the propriety of a small Detachment of Artillery for the Service of the Citadel.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

BREVET-MAJOR JOHNSTON TO GOVERNOR KING.

Sir, Sydney, 24th April, 1805.

In addressing this Letter to Your Excellency, I feel a strong presumption that you will agree with me on the propriety
of its purport. It is unnecessary I should represent to your Excellency the numerous Detachments, Guards, &c., furnished by the New So. Wales Corps, which I have the honor to Command, as you are already so well acquainted therewith; but I feel it a Duty incumbent upon me to point out to your Excellency, in a more particular manner than required by the common forms of Returns, our present very reduced state at Head Quarters, for which purpose I beg leave to call your Excellency's attention for a moment to the State of the Corps herewith enclosed. It will appear there, under the head of "Present," that we have 256 Rank and File,* out of which the Corps furnishes a daily guard of sixty-five, which, with six Privates doing duty as Corporals, in consequence of the many small Guards sent on board Ships to prevent Smuggling, &c., the men have seldom two nights in bed. I must also explain to your Excellency that there are upwards of sixty Men under the head as above who are unfit for any service except that of taking the Guard at Head Quarters, and that should an emergency require one hundred men being despatched to the Hawkesbury, or a much less distance, I could not find that number sufficiently able to undertake the march; Nor can I here omit observing to your Excellency that in March, 1804, when the Colony was disturbed by Insurrection, and when fifty men were sent against the Rebels, there could not then have been found the like number out of that part of the Corps left at Head Quarters able to have undertaken a March up the Country with that speed which the Service would have required had it been the misfortune of the first Party to meet with a defeat. The then consequences I need not point out, as your Excellency was almost a Witness to the Proceedings, and took so active a part in the restoration of good order and tranquillity. Should Insurrection again appear, it may not be in the feeble way in which the last broke out; therefore, a stronger hand must be applied to put it down; or should it be found necessary to form other Settlements where a Military Force would be required, or to augment the Detached Posts already out, the King’s Service must materially suffer, either by weakening Head Quarters so as to render due subordination to the Government unfortified, or deferring that Service till a representation was made Home.

Thus far, sir, I submit with much deference to your Excellency’s consideration, and trust you will see with me the necessity of representing to His Majesty’s Ministers the great want of an augmentation to the Military Force in this Colony.

I have, &c.,

GEO. JOHNSTON.

* Note 130.
HISTORICAL RECORDS OF AUSTRALIA.

Return of New South Wales Corps, Sydney, 22nd April, 1805.

<table>
<thead>
<tr>
<th>Companies</th>
<th>Officers present</th>
<th>On Parade</th>
<th>On Guard</th>
<th>Sick</th>
<th>On Command</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Captains</td>
<td>Lieutenants</td>
<td>Adjutant</td>
<td>Paymaster</td>
<td>Qr. Master</td>
</tr>
<tr>
<td>Colonel Grose's</td>
<td></td>
<td>1 1 1 1</td>
<td>7 32</td>
<td>1 13 1 2</td>
<td></td>
</tr>
<tr>
<td>Lieut.-Colonel Paterson's</td>
<td></td>
<td>1</td>
<td>1 2 30</td>
<td>1 11 1 3</td>
<td>1 1 1 1</td>
</tr>
<tr>
<td>Major Foveaux's</td>
<td></td>
<td></td>
<td>1 12 1</td>
<td>1 5 1 1</td>
<td>1 1 1 1</td>
</tr>
<tr>
<td>Captains</td>
<td>Johnston's</td>
<td>1 1</td>
<td>1 18 1</td>
<td>1 9 1 1</td>
<td>1 1 1 1</td>
</tr>
<tr>
<td></td>
<td>McArthur's</td>
<td></td>
<td>2 2 29</td>
<td>1 11 1 1</td>
<td>1 1 1 1</td>
</tr>
<tr>
<td></td>
<td>Townson's</td>
<td></td>
<td>1 1 1</td>
<td>1 9 1 1</td>
<td>1 1 1 1</td>
</tr>
<tr>
<td></td>
<td>Abbott's</td>
<td>1</td>
<td>1 32 1</td>
<td>1 9 1 1</td>
<td>1 1 1 1</td>
</tr>
<tr>
<td></td>
<td>Wilson's</td>
<td></td>
<td>1 26 1</td>
<td>1 9 1 1</td>
<td>1 1 1 1</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>2 2 3 1 1 1</td>
<td>15 7 181</td>
<td>4 2 58</td>
<td>1 10 9 4</td>
</tr>
</tbody>
</table>

[Enclosure No. 2.]
### Present State of His Majesty’s New South Wales Corps, &c.—continued.

<table>
<thead>
<tr>
<th>Companies</th>
<th>Hawkesbury</th>
<th>Newcastle</th>
<th>Pt. Dalrymple</th>
<th>Grafton</th>
<th>George &amp; So. Heads</th>
<th>Europe</th>
<th>Total</th>
<th>Establishment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Sgt.e.</td>
<td>Drummers</td>
<td>Sgt.e.</td>
<td>Drummers</td>
<td>Sgt.e.</td>
<td>Drummers</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rank and File</td>
<td>Rank and File</td>
<td>Rank and File</td>
<td>Rank and File</td>
<td>Rank and File</td>
<td>Rank and File</td>
<td>Rank and File</td>
<td>Rank and File</td>
</tr>
<tr>
<td>Colonel Grose’s</td>
<td></td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>7</td>
<td>60</td>
</tr>
<tr>
<td>Lt. Colonel Paterson’s</td>
<td></td>
<td>3</td>
<td>2</td>
<td>58</td>
<td></td>
<td></td>
<td>3</td>
<td>60</td>
</tr>
<tr>
<td>Major Foveaux’s</td>
<td></td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>3</td>
<td>60</td>
</tr>
<tr>
<td>Johnston’s</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td></td>
<td></td>
<td>3</td>
<td>60</td>
</tr>
<tr>
<td>McArthur’s</td>
<td>8</td>
<td>6</td>
<td>2</td>
<td>2</td>
<td></td>
<td></td>
<td>3</td>
<td>60</td>
</tr>
<tr>
<td>Captains</td>
<td></td>
<td>3</td>
<td>3</td>
<td>4</td>
<td></td>
<td>1</td>
<td>3</td>
<td>60</td>
</tr>
<tr>
<td>Townsend’s</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td></td>
<td>2</td>
<td>3</td>
<td>60</td>
</tr>
<tr>
<td>Abbott’s</td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3</td>
<td>60</td>
</tr>
<tr>
<td>Wilson’s</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3</td>
<td>60</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>16</td>
<td>1</td>
<td>15</td>
<td>3</td>
<td>2</td>
<td>68</td>
<td>4</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>28</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>480</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Two sergeants, 14 rank and file, supernumeraries, doing duty with the Regiment not included.


GEO. JOHNSTON, B. Major Commanding.
GOVERNOR KING TO EARL CAMDEN.

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

Since writing the preceding Letters, the Ship Sydney belonging to the House of Messrs. Campbell & Co., from Port Dalrymple, and a Vessel from Hobart Town in the Derwent, have arrived and brought Accounts from those Settlements, which enables me to transmit Colonel Collins's Despatches for Your Lordship, and a Copy of a Letter I received from Colonel Paterson at Port Dalrymple.

Referring to my Lord Hobart’s Dispatch of 26th February, 1803,* Your Lordship will observe his Instructions to enter into a new Arrangement with Mr. Campbell for furnishing a further Number of Cattle to be landed at Port Philip, and in my Answer, dated 1st March, 1804, Your Lordship will observe my then Information that I deferred that Measure until Colonel Collins was permanently fixed, and that it could be seen whether any competition might occur to procure them at a cheaper rate than £28 p’r Head.

By my Letter of 15th May, 1804, to Mr. Secretary Sullivan, I communicated my having sent a number of Cows from Government Herds to the Settlement at the Derwent, with the addition of those purchased from the Lady Barlow at £21 p’r Head, and those received by the Buffalo; Also of my having agreed with Mr. Campbell and the Master of the Mersey to carry as many Cows as could be taken on board Two Ships. Those to be brought by Mr. Campbell to be landed at Port Dalrymple, and those to be brought by the Master of the Mersey to be delivered at the Derwent at £25 p’r Head for each Merchantable Cow, which Your Lordship will observe is £3 a Head cheaper than those formerly contracted for.

The Mersey was unfortunately lost† in going through Torres’s Straits, and I am informed the Master has no intention of performing his Agreement in any other Ship; but as I had previously supplied the Derwent with 149 Cows and other Stock, that Settlement will feel no present inconvenience in not receiving its intended proportion of Breeding Cattle.

By the Enclosure from Lieutenant-Governor Paterson, Your Lordship will observe that the Sydney, in compliance with Mr. Campbell’s part of the Agreement, has arrived, and landed at Port Dalrymple 622 Cows, 910 having been embarked, but 288 died on the Passage. Those landed are reported to be in a very healthy and good Condition.

* Marginal note.—No. 4. † Note 70.
The Expence attending this important Supply to an Infant Colony will doubtless appear great, but had this place upon its first being settled, and, indeed, for three Years after, received but a fourth part of that Supply, there would have been no necessity to have required those Supplies of Salt Provisions, which have been so much more expensive than Breeding Stock in the respective proportions of Time, Increase, and its Produce.

From the Measures Colonel Paterson has adopted, and I have no doubt will persevere in, for the preservation of such a valuable and important Object, I entertain the most sanguine hopes that his efforts will be effectual. I have, therefore, directed the Commissary to draw Bills on His Majesty’s Treasury for the amount of that Service, which I respectfully hope may, from the Authorities and Motives which occasioned it, meet Your Lordship’s Approbation. Vouchers for that Expence I have the honor to enclose, by which Your Lordship will observe that the whole Amount, including the Spirits, Provisions, &c., retained by Order of Lieutenant-Governor Paterson, amounts to £15,950 15s. 2d., for which Ten sets of Bills are drawn for the accommodation of Mr. Campbell’s House; and as the whole of those Bills are sent by his Agent to that House in India, it may be some time before they are presented for payment to the Treasury, which is an Information I have deemed it necessary to apprize Your Lordship of, for making such Arrangements respecting the liquidation thereof as may be judged necessary.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

Copy of a Letter from Lieut. Govr. Paterson to Govr. King with an Enclosure of the No. of Live Stock etc. landed from the Sydney at Port Dalrymple.

[Enclosure No. 2.]

Voucher for the Expence of the above Service.

[Copies of these two enclosures will be found in volume I, series III.]

GOVERNOR KING TO EARL CAMDEN.

(Despatch marked No. 8, per H.M.S. Investigator; acknowledged by Viscount Castlereagh, 21st November, 1805.)

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

In consequence of the Removals from Norfolk Island, and the Reduction of the Civil Establishment, which took place the 12th February last, the following Officers of the Civil Establish-
ment remain for the present, viz., Commandant, Deputy Judge-Advocate, Clergyman, Surgeon, Storekeeper, Superintendent, Beach-Master and Pilot; And as the Settlement at Port Dalrymple has attained much Stability, I respectfully submit the propriety of an Establishment being allowed to Lieutenant-Governor Paterson at least equal to those reduced from that at Norfolk Island, to enable him to carry on the various objects under his Charge, as at present he has no person in whom he can place sufficient confidence to superintend the necessary Works going forward.

Agreeable to My Lord Hobart’s recommendation* of something being done for Mr. Alexander Riley when any Civil Vacancy might occur, and Colonel Paterson having applied for his being charged with the Care of the Provisions and Stores at that Settlement, and having since received the strongest Testimonials from Colonel Paterson in his favour, added to the great Charge he now has, I have considered that I could not better meet My Lord Hobart’s intentions respecting Mr. Riley than by appointing him to Act as Deputy-Commissary of the Settlement at Port Dalrymple, in which Situation I have no doubt of his rendering much Service.

Of the three Superintendants discharged from the Establishment at Norfolk Island, I have (as the Service at Port Dalrymple would suffer much by that assistance being withheld from Colonel Paterson until directions may arrive from England) taken it upon me to direct Three Superintendants from Norfolk Island to be reported to the Colonial Agent as appointed to Act in similar Situations at Port Dalrymple. Those Arrangements will give useful persons to Superintend the different public Works under Lieutenant-Governor Paterson’s directions, whose present Establishment is as follows:—Lieutenant-Governor Paterson, Mr. Alex’r Riley, Dep’y-Commissary (one disch’d from Norfolk Island), Mr. Jacob Mountgarret, Surgeon, Three Superintendants (Disch’d from Norfolk Island).

The Patent for convening Courts of Civil and Criminal Judicature at Norfolk Island not admitting of my withdrawing the Deputy Judge-Advocate from thence until Your Lordship’s directions are received thereon, that Officer will remain; but as the Settlement at Port Dalrymple will soon exceed that at Norfolk Island, it may become necessary to remove the Chaplain, &c., which will not be done until the decrease of the Inhabitants on Norfolk Island may admit thereof.

I enclose a Return of the Superintendants now employed at this place, Norfolk Island, and Port Dalrymple, whose number do

* Note 181.
not exceed the Establishment. The contingent pay allowed to an Extra Deputy-Commissary has ceased, as also the Appointment to the Commandant at Newcastle, together with the additional Salary of £50 p. Annum to the person who conducted the public Agricultural Concerns in the Colony. And as Mr. Throsby, whom your Lordship will observe is on the list of Superintendants, I have given him that small remuneration for the Arduous Situation of conducting the public Service at Newcastle, where none but the most flagitious Characters are sent.

I have, &c,

PHILIP GIDLEY KING.

30 April, 1805.

Staff changes.

[Enclosure.]

STATEMENT of the Officers and Superintendants on the Civil Establishment of His Majesty's Colony in New South Wales, in the execution of their respective duties, and absent on leave, April 30th, 1805.

<table>
<thead>
<tr>
<th>Names</th>
<th>Quality</th>
<th>Remarks, &amp;c.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Philip Gidley King</td>
<td>Governor</td>
<td>Took the command 28th Sept., 1800.</td>
</tr>
<tr>
<td>Richard Atkins</td>
<td>Dep'y Judge-Advocate</td>
<td></td>
</tr>
<tr>
<td>John Palmer</td>
<td>Commissary</td>
<td></td>
</tr>
<tr>
<td>Thomas Smyth</td>
<td>Provost-Marshal</td>
<td></td>
</tr>
<tr>
<td>William Neate Champ.</td>
<td>Secretary to the Governor</td>
<td></td>
</tr>
<tr>
<td>Richard Johnson</td>
<td>Clergyman</td>
<td>Dead 19th December, 1804. and Garnham Blaxcell appointed to act until His Majesty's pleasure is rec'd thereon.</td>
</tr>
<tr>
<td>Samuel Marsden</td>
<td>do</td>
<td>Gone to England on leave of absence. Garnham Blaxcell appointed Acting and receives the full pay for that Service.</td>
</tr>
<tr>
<td>James Thompson</td>
<td>Assistant Surgeon</td>
<td>In England on leave of Absence; reported Dead. Thomas Jamison, Assistant Surgeon, Acting in his room.</td>
</tr>
<tr>
<td>Darcy Wentworth</td>
<td>do</td>
<td>In England on leave of Absence; Charles Throsby performs his Duty.</td>
</tr>
<tr>
<td>James Milham</td>
<td>do</td>
<td>Norfolk Island.</td>
</tr>
<tr>
<td>John Savage</td>
<td>do</td>
<td>Sydney.</td>
</tr>
<tr>
<td>Augustus Alt</td>
<td>Surveyor of Land</td>
<td>Parramatta.</td>
</tr>
<tr>
<td>Charles Grimes</td>
<td>do</td>
<td>Invalided.</td>
</tr>
<tr>
<td>William Neate Champ.</td>
<td>Dep'y Commissary</td>
<td>Appointed from England, where he went on leave of Absence, 9th August, 1803. George Wm. Evans did his Duty till 22nd February, 1805, when, being discharged for Fraud, Henry Williams was appointed, who now does that Duty as well as Deputy Surveyor at Norfolk Island.</td>
</tr>
<tr>
<td>James Williamson</td>
<td>do</td>
<td>Gone to England on leave of Absence, 17th March, 1801; James Wilshire does his Duty.</td>
</tr>
<tr>
<td>Thomas Moore</td>
<td>Boat Builder</td>
<td>Parramatta.</td>
</tr>
</tbody>
</table>
STATEMENT of the Officers and Superintendents on the Civil Establishment of His Majesty's Colony in New South Wales, &c.—continued.

<table>
<thead>
<tr>
<th>Names</th>
<th>Quality</th>
<th>Remarks, &amp;c.</th>
</tr>
</thead>
<tbody>
<tr>
<td>William Bennett</td>
<td>Clerk to the Commissary</td>
<td>Sydney,</td>
</tr>
<tr>
<td>James Wilshire</td>
<td>do</td>
<td></td>
</tr>
<tr>
<td>William Baker</td>
<td>Storekeeper</td>
<td>Hawkesbury.</td>
</tr>
<tr>
<td>John Gowan</td>
<td>do</td>
<td>Sydney.</td>
</tr>
<tr>
<td>Nicholas Divine</td>
<td>Superintendent</td>
<td>Superintends Town Labour, Superintends all Government Stock, &amp;c.</td>
</tr>
<tr>
<td>John Jamieson</td>
<td>do</td>
<td></td>
</tr>
<tr>
<td>John Whittetar</td>
<td>do</td>
<td>Superintends the Carpenters' work at Parramatta.</td>
</tr>
<tr>
<td>Peter Hodges</td>
<td>do</td>
<td>Master Blacksmith</td>
</tr>
<tr>
<td>Mich'l Knowland</td>
<td>do</td>
<td>Castle Hill</td>
</tr>
<tr>
<td>Joseph Jennings</td>
<td>do</td>
<td>Parramatta.</td>
</tr>
<tr>
<td>Will'm Sutton</td>
<td>Storkekeeper</td>
<td>Newcastle.</td>
</tr>
<tr>
<td>Charles Throsby</td>
<td>Superintendent</td>
<td>Superintends the Settlement at Newcastle.</td>
</tr>
<tr>
<td>George Mealmaker</td>
<td>do</td>
<td>Conducts the Manufactory of Linen and Woollen.</td>
</tr>
</tbody>
</table>

NORFOLK ISLAND.

<table>
<thead>
<tr>
<th>Names</th>
<th>Quality</th>
<th>Remarks, &amp;c.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joseph Foveaux</td>
<td>Lieut.-Governor</td>
<td>Gone to England on leave of Absence, sick.</td>
</tr>
<tr>
<td>John Piper</td>
<td>Commandant</td>
<td>Appointed in the Room of Lt-Gov'r Foveaux, at 5s. p. Diem.</td>
</tr>
<tr>
<td>Charles Fulton</td>
<td>Clergyman</td>
<td>Dead.</td>
</tr>
<tr>
<td>Zac'a Clarke</td>
<td>Dep'y Commissary</td>
<td>Discharged, upon the Reduction, 12th Feb'y, 1805.</td>
</tr>
<tr>
<td>Will'm Broughton</td>
<td>Act'g Dep'y Comm'y</td>
<td></td>
</tr>
<tr>
<td>Will'm Broughton</td>
<td>Storkekeeper</td>
<td></td>
</tr>
<tr>
<td>Henry Williams</td>
<td>Act'g Deputy Commissary</td>
<td>Now at Port Dalrymple, and does the duty of Surveyor-General, from 23 February, last.</td>
</tr>
<tr>
<td>Darcey Wentworth</td>
<td>Surgeon</td>
<td>Discharged, upon the Reduction of 12th February, 1805, and is paid 2s. 6d. p. Day when he does that Duty.</td>
</tr>
<tr>
<td>Thomas Hibbens</td>
<td>Dep'y Judge-Advocate</td>
<td></td>
</tr>
<tr>
<td>Martin Tims</td>
<td>Provost-Marshal</td>
<td></td>
</tr>
<tr>
<td>John Drummond</td>
<td>Beach Master</td>
<td>Discharged upon Reduction, 12th February, 1805.</td>
</tr>
<tr>
<td>John Best</td>
<td>Superintendent</td>
<td></td>
</tr>
<tr>
<td>Nathaniel Lucas</td>
<td>do</td>
<td></td>
</tr>
<tr>
<td>Rich'd Nash</td>
<td>do</td>
<td></td>
</tr>
</tbody>
</table>

PORT DALRYMPE.

<table>
<thead>
<tr>
<th>Names</th>
<th>Quality</th>
<th>Remarks, &amp;c.</th>
</tr>
</thead>
<tbody>
<tr>
<td>William Paterson</td>
<td>Lieut.-Governor of the</td>
<td>Appointed to the Command, 1st October, 1804.</td>
</tr>
<tr>
<td></td>
<td>Territory, and Com-</td>
<td></td>
</tr>
<tr>
<td></td>
<td>manding at Port Dal-</td>
<td></td>
</tr>
<tr>
<td></td>
<td>rymple.</td>
<td></td>
</tr>
<tr>
<td>Jacob Mountgarrett</td>
<td>Surgeon</td>
<td>Appointed 1st October, 1804; Served in that Capacity till 9th March, 1805, when he was appointed Acting Deputy Commissary In charge of Government Stock.</td>
</tr>
<tr>
<td>Alexander Riley</td>
<td>Storkekeeper</td>
<td></td>
</tr>
<tr>
<td>— Hill</td>
<td>Superintendent</td>
<td></td>
</tr>
</tbody>
</table>

Two more Superintendents to be appointed in the room of those discharged at Norfolk Island.

PHILIP GIDLEY KING.
GOVERNOR KING TO EARL CAMDEN.

(Despatch marked No. 9, per H.M.S. Investigator; acknowledged by Viscount Castlereagh, 21st November, 1805.)

My Lord,

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

By my former Letters A, Your Lordship will observe that I have always noted at the conclusion of those Letters, which have accompanied the Commissary's Annual Accounts, the Yearly amount of the Stoppages against the Soldiers' pay for the Ration, which was charged by the Commissary at 2½d. each Man per Day, in consequence of Colonel Paterson's Communication, but it has lately appeared that instead of 2½d., the Stoppages by the Paymaster has been 3½d. for each Man liable thereto agreeable to His Majesty's Warrant, dated 6th February, 1799.

By referring to the Documents sent Yearly, a General Statement of which is enclosed, Your Lordship will observe that from the 23rd of October, 1802, when the Stoppages were first made to the 31st Decr. 1804, the Amount of those Stoppages in the hands of Cox and Greenwood, Agents to the New South Wales Corps, was for that part of the Corps, serving at Sydney, £5,078 15s. 6½d., and for the Detachment at Norfolk Island £725 3s. 8½d., making together the Sum of £5,803 19s. 3½d., claimable by My Lords Commissioners of the Treasury from Cox and Greenwood, Agents for the New South Wales Corps, the Stoppages having been made from the Soldiers and of course remaining in their Hands.

I have, &c,

PHILIP GIDLEY KING.

[Enclosure.]

STATEMENT of the Amount of Stoppages from the non-Commissioned Officers and privates of the New South Wales Corps for their Rations from the 23d Octr. 1802 to 31st Decr. 1804 at 2½d. pr. Diem, being the Supposed Stoppages transmitted in former Returns.

<table>
<thead>
<tr>
<th>No. Victualled</th>
<th>No. of days Victualled</th>
<th>Amt. of Stopages</th>
</tr>
</thead>
<tbody>
<tr>
<td>From 23rd Octr. to 31st Decr., 1802. Non-Commissioned Officers and privates</td>
<td>570</td>
<td>37,501</td>
</tr>
<tr>
<td>From 1st Janry. to 31st Decr., 1803. Non-Commissioned Officers and privates</td>
<td>599</td>
<td>167,251</td>
</tr>
<tr>
<td>From 1st Janry. to 31st Decr., 1804. Non-Commissioned Officers and privates</td>
<td>476</td>
<td>143,207</td>
</tr>
<tr>
<td>Total from 23rd Octr., 1802, to 31st Decr., 1804</td>
<td>1,645</td>
<td>138,259</td>
</tr>
</tbody>
</table>
STATEMENT of the Amount of Stoppages from the Non-Commissioned Officers Privates of the New South Wales Corps for their Rations from the 23d Octr. 1802 to 31st Decr. 1804 at 3½d. pr. Diem being the Stoppage agreeable to His Majesty’s Warrant dated 6th Febry. 1799 which Stoppage of 3½d. pr. Man has been made by the Paymaster of the New South Wales Corps transmitted by him to the Regimental Agents, Cox and Greenwood.

<table>
<thead>
<tr>
<th>Period</th>
<th>No. Victualled</th>
<th>No. of Days Victualled</th>
<th>Amt. of Stoppages</th>
</tr>
</thead>
<tbody>
<tr>
<td>From 23rd Octr. to 31st Decr., 1802</td>
<td>570</td>
<td>37,801</td>
<td>£551 5 3½</td>
</tr>
<tr>
<td>From 1st Janry. to 31st December, 1803</td>
<td>599</td>
<td>167,251</td>
<td>2,439 1 6½</td>
</tr>
<tr>
<td>From 1st Janry. to 31st Decr., 1804</td>
<td>476</td>
<td>143,207</td>
<td>2,088 8 8½</td>
</tr>
<tr>
<td>Total from 23rd Octr., 1802, to 31st Decr., 1804</td>
<td>1,645</td>
<td>138,259</td>
<td>5,078 15 6½</td>
</tr>
</tbody>
</table>

JNO. PALMER, Commissary.

Norfolk Island.

Amount of Deduction for each non Commissd. Officer and private on account of their provisions @ 3½d. p. Diem from 9th May to 24 Decr. 1803 ........................................ 403 19 9
Do Do from 26th December 1803 to 24th June 1804 ........................................ 294 0 10½
Do Do from 25th June to 24th December 1804 ........................................ 27 3 1

£725 3 8½

GOVERNOR KING TO EARL CAMDEN.

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

My Lord,

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

Referring Your Lordship to my Separate Letters A, dated as per Margin,* detailing the Expences that have been unavoidably incurred during the last Year, viz. from 1st January to 31st December, 1804, together with the Commissary’s Annual Accounts made up to that period, and annexed as an Enclosure

*Marginal note.—14th Augt. 1804, per Albion; 20th Decr. 1804, per Lady Barlow; 1 Jan. 1805, per Investigator.
to Separate Letter A to My Lord Hobart of 1st January, 1805, not knowing Your Lordship was in Office at the Time, that Letter was wrote.

In that place, I have to request Your Lordship's observance of the Small Remains of useful Stores now in the Colony, which have greatly decreased since December, 1804, and will continue so to do by the indispensable Issues for Government purposes and those necessary to be sent to the other Settlements. The same Observation may be made respecting the Annual Supplies, and Your Lordship will also observe that the Statement then made, with the accompanying Documents, pointed out the Debt due to the Crown on those Supplies to be £14,157 18s. 11½d. Sterling, and that the quantity of Grain and Swine's Flesh delivered into His Majesty's Stores in part payment thereof to 31 March, 1805, being the last Quarter amounts to £2,955 7s. 1¼d., leaving a Debt of £11,202 11s. 10d., which will be liquidating considerably every Quarter.

The unpleasant Task now remains for me to inform Your Lordship of the Circumstances that have required my directing the Commissary to draw Bills on the Treasury to the Amount of £624 4s. 9½d.*

Referring to the Enclosed Voucher, Your Lordship will observe that payment has been made to Mr. Hogan's Agent for Two Years Rent of Cornwallis Farm at Hawkesbury, which has been very successfully and advantageously cropped on account of Government since the Year 1800, and which not only yielded a great Store of Wheat in the flooded Year of 1801, but has also produced so great a quantity that 10,620 Bushels of unthreshed Wheat now remains. This part of the expence amounting to £295 2s. 6d. is comprized in that Voucher, being charged as Wheat supplied to Government, which has appeared the most regular Mode of transacting that payment.

Your Lordship will also observe the Sum of £75 paid to Captain Kent for some Wheat that remained on his Farm on his being ordered to England; the remaining part of this Expenence is Wheat received from Individuals on account of the Crown in payment of Debts due to the Britannia and Greenwich, Whalers, which have been liquidated in that manner since the period their respective Investments were taken into His Majesty's Stores. By this Statement, I hope your Lordship will discover that every exertion has been used to collect Grain, etc. for the maintenance

* Marginal note.—The Amount in the Voucher is £733 8s. 9¾d. but from a necessity to supply H. M. Ship Buffalo with a part of that Grain the balance of £109 4s. 6d. is drawn by the purser of that Ship on the Victualling Board.
of those necessarily supported from the Stores arising from the
Debts due to the Crown, and that as little Expence as possible
has been incurred in drawing Bills in payment for Grain, except
in such unavoidable occasions as above stated.

Being anxious to make the distinction clear between the Ex-
dpenses of this part of His Majesty's Territory, which is under
my immediate inspection, and those of the Settlements depending
thereon, I have always left to the Lieutenant-Governor of Norfolk
Island to give Your Lordship and the Treasury every informa-
tion respecting the contingent Expences of that Island, who has
at the same time sent me Duplicates of such Information, which
he has from Time to Time possessed Your Lordship with.

Colonel Collins has not thought proper to send me that In-
formation, but has transmitted to me his sealed Despatches for
Your Lordship, and among which I presume are the necessary
Explanations to Yourself and My Lords Commissioners of the
Treasury.

Viewing Port Dalrymple in the same footing as Colonel Col-
lins's Settlement, it became necessary that I should, in a Separate
Letter, inform Your Lordship of the great primary Expence
that has been incurred for the great Stock of Breeding Cows
carried there from Calcutta, as stated in my Separate Letter
No. 7; and however great that Expence certainly appears, still
the future Advantages cannot fail of being obvious, when the
slow progress made for some Years in this Colony was princi-
pally owing to the want of a small proportion of the Breeding
Stock Port Dalrymple and Hobart Town have been so amply
supplied with within the first half-Year of their being settled.
And I also request Your Lordships observing Colonel Paterson's
Reasons for giving the Commander of the Ship, that brought the
Cattle, a Receipt for the Articles of Provisions, etc., which have
been liquidated by being included in the Bills given in payment
for the Cows.

It may be adviseable in the next Summer to make an equal
Division of Cows at both the Settlements on Van Dieman's Land
by transhipping the difference from Port Dalrymple to Hobarts
Town, although the Stock at the latter place is far from being
small.

The present great increase of Cattle in these Settlements and
the ample Supplies given to those under the Command of Lieu-
tenant-Governors Paterson and Collins will fully preclude the
necessity of any farther Supplies of Stock being contracted for
from India or elsewhere.
By the Commissary's enclosed Statement of Remains of Provisions on the 31st March, Your Lordship will observe that after the great Supplies sent to the New Settlements we then had 81 Weeks Salt provisions, but from the deficiency in different Casks and some of the Meat turning out so bad as not to be fit for issue, that quantity ought not to be calculated to last beyond September, 1806; but before that period arrives that Stock will be considerably decreased by the necessity of sending a proportion thereof to the Settlements on Van Diemen's Land, where Your Lordship will observe, by the Deputy Commissary's Return at Hobart's Town, not more than 22 Weeks Salt Meat remained there on the 4th March last, and by the Return from Port Dalrymple, that 39 Weeks Salt Meat remained in their Stores the 19th April last. By an opportunity, which will soon offer, I shall send an additional Supply of four Months Salt Meat to Hobart Town.

In the Commissary's Statement, Your Lordship will observe that a Year's Salt Pork is requested for these Settlements and those at Hobart Town and Port Dalrymple, which will preclude the necessity of having too sudden recourse to the Live Stock, altho' proportions of that belonging to Government is killing, which tends to make a small saving in the Salted Meat; added to which, I expect to draw a considerable Supply of Salt Pork from Norfolk Island. And in the Remarks on the half Yearly Muster,* Your Lordship will observe the length of Time the Stock belonging to the Crown would last in different proportions of Ration, supposing we had no other resources.

Respecting Grain, which is issued alternately as Flour or Wheat, Your Lordship will observe that there remains of Wheat received into the Stores in Barter and by purchase, a sufficiency for 19 Weeks, and that the wheat in Stacks belonging to the Crown is estimated to contain a quantity equal to 33 Weeks issue, making 57 Weeks, which will continue increasing in proportion as the Government Debts are paid in Wheat; therefore it is hardly necessary to say that no future supply of Grain or Flour can be required from England. At Hobart Town, there is Flour and Wheat to last until January, 1806, And at Port Dalrymple to the middle of next August, but as further Supplies of that Grain are on their Way by Individuals at their own Risk to be delivered into Government Stores, those Settlements will undergo no reduction in their full Rations, to prevent which should always be the first and most necessary Consideration.

Not having yet received the proportion of Extra Supplies for the present Year, I have to request Your Lordship's indulgence

* Note 132.
1805.
30 April.
Necessity for extra supplies.

in repeating how much our Stores are drained of the necessary Articles for carrying on the public Works and supplying the Wants of Individuals. Whenever the Supplies do arrive, they will be particularly acceptable, and will enable me to send a part thereof to the New Settlements, which notwithstanding the liberal Supplies they have had from hence are still deficient in many Articles equally useful as necessary.

In troubling Your Lordship with the enclosed List of Wants, as transmitted by former Conveyances, I have added such Articles as the Colony is very much in need of, which may be forwarded in case the requested Supplies for this Year may have left England.

By a reference to the Abstract and Statement of the Expences, Your Lordship will observe the liberal Supplies, we have hitherto received from England, have precluded the necessity of purchasing Articles requisite for the Public Use from American Adventurers at the most exorbitant Prices, and of which I can give no better Idea than that of the enormous price of £7 10s. per Barrel we were obliged to pay for Pitch and Tar, purchased from the Céolus on account of the Navy Board, being absolutely necessary for refitting the Buffalo and for the use of the Colonial Vessels belonging to the Crown.

I have, &c.,
PHILIP GIDLEY KING.

A Mistake having been just discovered in the Stoppages made from the New South Wales Corps, which makes a material difference in the Treasury Claim on the Army Agents, I have the honor to state that Circumstance in a Separate Letter* accompanying this Despatch.

P.G.K.

[Enclosure No. 1.]

ABSTRACT of Grain received into H. M. Stores on account of the Extra and Annual Supplies from 1st January to 31 March, 1805, with the Amount of Debts due on the same at that period.

[Enclosure No. 2.]

VOUCHER for Grain purchased from 1st Jany. to 31 March.

[Enclosure No. 3.]


* Note 133.
GOVERNOR KING TO EARL CAMDEN.

(Despatch marked No. 10, per H.M.S. Investigator; acknowledged by Viscount Castlereagh, 21st November, 1805.)

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

With this I have the honor to enclose a Return of His Majesty's and Colonial Vessels employed in this Colony.

From the Circumstance of the Buffalo's having got aground the first Time she went to Port Dalrymple, and the Repairs she wants, it will not be possible to send her to Sea this Winter; and I am sorry to say her Repairs must greatly depend on being able to procure those most necessary Articles, Pitch and Tar.

The Investigator being taken off the Colonial Establishment reduces that Expence, and I am sorry to say that from the unfortunate Circumstance of the Francis, Colonial Vessel which was old and in a bad State, being driven on Shore and lost in a very heavy Gale of Wind,* that expence has also ceased. Fortunately no Lives were lost, and most of the Materials saved.

The constant Work there has been for the few Carpenters under the Master Builder in repairing the Buffalo, Cutting down and refitting the Investigator, and keeping the other Colonial Vessels in Repair, and building Boats for this and the other Settlements, has prevented any other Vessel being begun for the use of the Crown, which will be commenced as soon as the indispensible Work will admit of it.

I have, &c.,

PHILIP GIDLEY KING.

* Note 134.

Return of debts due to government on account of annual and extra supplies.

Amount of Debts due to the Crown, 31st December, 1804;
Amount of Grain and Swines' flesh reed, in payment to 31st March, 1805;
Amount of Debts due to the Crown, 31st March, 1805.

<table>
<thead>
<tr>
<th>Extra Supplies</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>8,702</td>
<td>4</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>1,864</td>
<td>7</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>6,837</td>
<td>17</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>5,458</td>
<td>14</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>1,091</td>
<td>0</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>4,364</td>
<td>14</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>14,157</td>
<td>18</td>
<td>11</td>
<td>6</td>
</tr>
<tr>
<td>2,955</td>
<td>7</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>11,202</td>
<td>11</td>
<td>10</td>
<td>6</td>
</tr>
</tbody>
</table>
### Statement of His Majesty's Ships and Colonial Vessels employed on the Public Service in His Majesty's Territory of New South Wales 30th April 1805.

<table>
<thead>
<tr>
<th>Names</th>
<th>Rigged</th>
<th>Tons</th>
<th>Establishment</th>
<th>Complement and No. of Officers</th>
<th>State and Condition</th>
<th>General or particular Employment</th>
<th>Number and Statement of pay to Officers and Men of His Majesty's Colonial Vessels</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buffalo</td>
<td>Ship</td>
<td>...</td>
<td>Navy</td>
<td>84</td>
<td>Repairing and Re-fitting.</td>
<td>Just returned a second time from Port Dalrymple.</td>
<td></td>
</tr>
<tr>
<td>Lady Nelson</td>
<td>Brig</td>
<td>00</td>
<td>Do Tender</td>
<td>15</td>
<td>Fit for sea</td>
<td>Under Orders for Norfolk Island.</td>
<td></td>
</tr>
<tr>
<td>Supply Hulk</td>
<td>Cond'd</td>
<td></td>
<td>Navy</td>
<td></td>
<td></td>
<td>Useful in the Harbour.</td>
<td></td>
</tr>
<tr>
<td>Investigator</td>
<td>Ship</td>
<td></td>
<td>Navy</td>
<td></td>
<td></td>
<td>Has been at Norfolk Island, now under orders for England.</td>
<td></td>
</tr>
<tr>
<td>Francis</td>
<td>...</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cumberland</td>
<td>Schooner</td>
<td>26</td>
<td>Colonial built here from 1798 to 1801.</td>
<td>...</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Integrity</td>
<td>Cutter</td>
<td>50</td>
<td>Colonial built here from 1802 to 1803.</td>
<td>9</td>
<td>Refitting for Service.</td>
<td>Sailed for England with Capt. Flinders and part of the Investigator's Crew, has since been taken at the Isle of France.</td>
<td></td>
</tr>
<tr>
<td>Resource</td>
<td>Schooner</td>
<td>26</td>
<td>Built from the Porpoise and Cato's Wrecks, 1803.</td>
<td>3</td>
<td>In Good Condition.</td>
<td>Just returned from Port Dalrymple.</td>
<td></td>
</tr>
<tr>
<td>Punt</td>
<td>...</td>
<td>12½</td>
<td>Colonial built here in 1803.</td>
<td>6 in Number of different Burthen's. Two.</td>
<td>Occasional Convicts.</td>
<td>Employed in the Harbour.</td>
<td></td>
</tr>
<tr>
<td>Boats, Rowing</td>
<td>...</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boats, Building</td>
<td>...</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**PHILIP GIDLEY KING.**
Sir,

I beg to acquaint you for the Information of my Lords Commissrs. of the Admiralty that the Snow Harrington belonging to Madras which came here on a Commercial Speculation having Letters of Marque against France and Holland, Sailed from this place in May 1804 with the intention of getting Seal Skins at Massafuero and among the Galapagos Islands on the Coast of Peru—On the 26th Sept. and 2nd Octobr. 1804, she seized and took a Spanish Merchant Brig, with her Cargo out of Coquimboo Bay, And I have every reason to be Assured she plundered the Port of Guasco of a Quantity of Copper—She next seized a Schooner Guarda Costa in Caldera Bay, proceeding with both Vessels to Otaheite, from thence to Norfolk Island where on learning that no War had taken place in June 1804 between England and Spain the Commander of the Harrington Ordered them to Kents Groupe (as it has since Appeared) to await his Orders—On the Harringtons arrival here March 4th, I Requested the Master’s Log and Chief Mate’s Journal, wherein I found the above proceedings verified and several more than Suspicious Erasures connected therewith. These Circumstances joined to the Affidavit of the Master of a Whaler which left England the 23rd Augst. last of no War having commenced between England and Spain at that Date, appeared to require such Steps being taken as I conceived the honor of His Majesty And the Integrity of his Flag demanded in the Event of no Hostilities having Commenced before the 2nd October 1804.

It has also appeared that a Quantity of the Brigs Lading was removed on board the Harrington, And from the Circumstance of no Spaniards being brought belonging to either of those Vessels as Prisoners or otherwise, After requiring and Receiving the Opinion of the Principal Commissioned Officers, Civil Naval and Military, I Conceived it my Duty to detain the Harrington until the event of Peace or War might be determined—In Consequence thereof I issued a Proclamation of which the enclosed is a Copy.

On the 31st March I had some indirect information that the King of Spain’s Guarda Costa was in Jervis’s Bay, when I dispatched His Majesty’s Armed Tender Lady Nelson to bring

* Note 135.
her to this Place And have the honor to enclose a Copy of Acting
Lieut. Symonds's Letter to me on that Subject. On the Estreminna's Arrival (which is the Name of the Spanish Cruizer) I
causéd her to Salute His Majesty's Colours at the Battery with
five Guns, which were returned with equal Number, When I
directed the Vessel to be taken possession of And an exact Survey
held up her Stores and Furniture—As her False Keel is off, I
intend to have it replaced And shall fit her in readiness to be
returned to the Viceroy 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 these
Vessels being taken, which I trust will meet their Lordships'
Approbation.

The Estremina is a very Strong and well-Constructed Vessel
of 100 Tons, Built and launched at Callao in July, 1803, And was
Commanded at the time of her being Captured by Don Antonio
José Del Campo Ensign in the Spanish Navy, And was Stationed
to protect and prevent the Smuggling of Copper from the Mines
of Serena near Coquimboo—She was pierced for Twelve Guns,
but had only Four, four Pounders, and Eighteen Men on board,
who all made their Escape on Shore.

By the People on board the Estremina, belonging to the Har­
rington, I learned that the Brig was lying in Kents Groupe in a
very leaky State, most of her Cargo destroyed and damaged and
that it was intended by the Person in Charge of her from the
Harrington to remove from thence to some other Harbour on this
Coast.

In the more than probable Event of War not existing between
England and Spain, I conceive that the Conduct of the Harr­
rington's Commander and Crew is pregnant with much Mischief,
not only in precluding our South Whalers from getting Refresh­
ments on the Coast of Peru, which they have heretofore been
allowed and treated most liberally, but may have been the Cause
of their being detained on that Coast, their valuable Cargoes
confiscated, And many British Seamen imprisoned—Nor am I
less Apprehensive that it may be Concluded by the Spanish
Governors on the Coast of Peru that the Harrington was
Authorized to commit these depredations by the Governor
of this Colony—Another great inconvenience will arise from
this Unfortunate Event in doing away with the future prob­
ability of English Adventurers from India, England, or hence,
being Received in any of the Ports on this Side of South
America.

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 his 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 Kents Group at the E. entrance of Basses Straits to await his Orders, where they have been some time Concealed, nor could there be a greater proof of his want of Candour, than in asserting that he had sent the Vessels to India, when he knew he had Ordered them to Kents Group, until they Received Orders from him.

Should War not have taken place with Spain, I Conceive that these Transactions may be of such National Importance, that no time should be lost in Removing the Effects of any Unfavourable Representation, that probably have been made by the Government of Peru, Or that may be Construed into the Act of any other Person than an Unadvised Individual which ought to attach no prejudice to a Nation or the Government of any of its Colonies— I have therefore transmitted to His Majesty’s Principal Secy. of State for the Colonies the detail of these Circumstances, Copies of which I should have got transcribed for their Lordships Information if they were not so Voluminous, but have enclosed the leading Documents presuming that the full detail will be Communicated from My Lord Camden if required.

Under all the Circumstances of the Case, 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 Sovereigns Flag, And the British Character will be Considered as an admissible Reason for the Steps that Sense of Duty has required me to take in these Uncommon Transactions—And as I do not conceive it adviseable to delay sending this Information until a Whaler may be returning, On Consulting with Capn. Kent Second Commander of His Majesty’s Armed Vessel Buffalo under my Command I have determined on sending that Officer in the Investigator, who in case of that Vessel being captured will be able to give every verbal Information respecting those Events And to whom I respectfully refer their Lordships, as he assisted at most of the enquiries that have taken place on the Subject.

The Two Scientific Gentlemen who were left here by Captn. Flinders have finished their Researches And Reported their Collections Completed. I have at their Request directed Captn. Kent to Receive them with their respective Collections, And I hope its getting Safe will compensate for the liberal Allowance made by their Lordships to those Gentlemen, whose Salaries would have kept Accumulating, And their Collection been
1805.
30 April.

HISTORICAL RECORDS OF AUSTRALIA.

Damaged by their Remaining here, with the Eventual prospect of a great Expense being incurred in case they and their Extensive Collections were Sent by a Whaler.

I have the honor to enclose a Copy of my Orders to Captn. Kent for proceeding on this Service which I hope will meet their Lordships Approbation.

I am, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

PROCLAMATION.

WHEREAS it appears that a Spanish Cruiser belonging to the King of Spain, and a Merchant Brig of the same Nation have been taken out of Spanish Ports on the Coast of Peru and captured by the Harrington Private Ship of War (belonging to Madras) and brought from thence as far as Norfolk Island, where they parted company with the Harrington, being officered and manned from that vessel.

There being the most presumptive proof that no Hostilities had commenced between England and Spain in the early part of August last, and the said Vessels being taken on the 26th of September and 2d of October last; and as there is reason to suppose the above Spanish Vessels are now hovering about some part of this Coast, the Commanders of His Majesty’s Ships and Vessels or Colonial Vessels belonging to the Crown that may fall in with them, or any Officer or Magistrate at any Settlement dependent on this Territory, are hereby required and directed to take the most efficient measures for those Vessels being sent to this Port, whether it be by taking possession of them or otherwise; Until it is known whether War did actually exist in Europe on the 26th of last September; In order that proper measures may be taken therein. And it is further required, that the Persons who are or may be in charge of those Vessels do not in any manner degrade the Spanish Flag, but hoist it in its proper place, until it is known whether War did exist at the above period or not.

GOD SAVE THE KING.

By Command of His Excellency.

G. BLAXCELL, Acting Sec.

Government House, Sydney, March 10, 1805.

[Enclosure No. 2.]

LIEUTENANT SYMONS TO GOVERNOR KING.*

Sir,

H.M.A. Tender Lady Nelson, May 2nd, 1805.

Having received your Excellency’s Orders to go on board the Harrington, to examine the State of her Hold, in consequence of its being reported there was three feet water therein,

* Note 136.
by which means the Cargo of Flour and other Articles, belonging to the Spanish Brig St. Francisco, was reported to be damaging.

I have examined the Harrington's Hold, and find no more than six inches Water, the Cargo on board appears in very good Condition, and in the same State as when I saw it about Three Weeks ago.


[Enclosure No. 3.]

Extract from the Harrington's Log Book.
[A copy of this extract is not available.]

[Enclosure No. 4.]

Extract from the Chief Mate's Journal.
[A copy of this extract was also forwarded as enclosure numbered 33 to the despatch to Lord Hobart, marked "Separate and particular," and dated 30th April, 1805.]

[Enclosure No. 5.]

Governor King's Orders to Captain Kent.

By Philip Gidley King, etc., etc.

Whereas His Majesty's Honor and the Integrity of the British Flag is much implicated by the Transaction of the Harrington, private Vessel of War belonging to Madras taking out of Spanish Ports on the Coast of Peru, a Spanish Merchant Brig and a Cruizer belonging to the King of Spain, If Hostilities between His Majesty and the King of Spain had not commenced before the 26th Sept. or 2d of October last.

And whereas I have judged it necessary to detain the said Vessel, her Commander and Officers, until I receive certain information whether Hostilities had commenced as aforesaid, or not, And that the good Faith of His Majesty's Servants respecting his Allies, Friends and Neuters may not be suspected; I have deemed it advisable for the benefit of His Majesty's Service to dispatch an Officer of Rank possessed of the Circumstances to England in order to His Majesty's Pleasure being received thereon as early as possible.

And as I have considered you the most Eligible Person for that purpose, you having assisted at the different Examinations
HISTORICAL RECORDS OF AUSTRALIA.

1805.
30 April.

King’s orders to Kent to proceed to England in the Investigator.

on this business, which you can explain to His Majesty’s Ministers in case any Accident befals my Despatches intrusted to your care or the Duplicates thereof.

You are therefore hereby required and directed to take upon you the Charge and Command of His Majesty’s Armed Vessel Investigator, and cause her to be fitted with all possible despatch for that Service, Strictly Charging and Commanding all the Officers and Company belonging to the said Armed Vessel to behave themselves jointly and severally in their respective Employments with all due Respect and Obedience unto you their said Commander, And you likewise to Observe and Execute such Orders as you shall from time to time receive from me or any other your Superior Officer for His Majesty’s Service, and for so doing this shall be your Order.

Given etc. this 18th March, 1803.

PHILIP GIDLEY KING.

To William Kent Esq. Second Comr. of His Majesty’s Armed Vessel Buffalo, hereby appointed to Command His Majesty’s Armed Vessel Investigator until further Orders.

[Enclosure No. 6.]

GOVERNOR KING TO FRENCH GOVERNORS.

To the Préfet or Officer, Civil or Military, Commanding in any Port belonging to the French Republic where His Britannic Majesty’s Vessel Investigator may eventually be carried.

Sir, 30th April, 1805.

Sydney, Port Jackson, New South Wales,

As the Chance and Hazard attending the unfortunate Warfare in which Great Britain is engaged may occasion His Britannic Majesty’s Vessel Investigator to fall into your power, it is a duty I owe to the cause of Science to represent to you the Circumstances in which Mr. Robert Brown, Naturalist, and Mr. Ferdinand Bauer, Painter of Natural History, are placed, and to solicit for them and their extensive Collections that protection from you which France, as well as the other Polished Nations of Europe, have on so many occasions shown their resolution to afford to the Scientific Voyager, the result of whose labour they justly consider as not appertaining to any particular State further than the honour naturally accruing to the Nation by whom these Adventurers are sent forth, and the Credit due to the Individuals themselves in Collecting and Arranging such materials as are Calculated to advance their respective branches of science, and eventually to benefit mankind in general.
The above named Gentlemen formed a part of the Scientific Establishment employed in the Voyage of Discoveries in the Investigator, under the direction of Captain Flinders, and provided with a passport from France.

In the course of her Voyage she became unfit to prosecute the remainder of it, from the Rotten state of her Upper works, which occasioned the Captain, Officers, and Crew to return to Europe, leaving those Gentlemen to prosecute their researches in this Colony for a certain period, which is now elapsed; and as it has been advisably necessary to cut down the Investigator for Colonial Services, so it has become necessary to dispatch her to England with a representation of an injury committed contrary to the Law of Nations by the Commander of an English Letter of Marque on the Ships and Subjects of the King of Spain on the Coast of Peru.

In such circumstances I ought not to doubt of those Gentlemen receiving from you and from your Nation the same protection as if they belonged to and were employed by the French Republic itself, or of their being sent with their Collections to England as soon as circumstances may permit.

Could I conceive any further entreaty necessary for their safeguard and protection, I might advance the gratefully acknowledged attention, Hospitality, and Relief afforded to the French Expedition of Discoveries, under Captain Baudin, when they touched at this Port; but trusting that the Advancement of Science stands in need of no other Recommendation than that common to every enlightened mind, I once more solicit your care and protection for those Gentlemen whom the chance of War may conduct into your power.

I have, &c.

PHILIP GIDLEY KING.

GOVERNOR KING TO SECRETARY MARSDEN.

(Despatch No. 2, per H.M.S. Investigator; acknowledged by Secretary Marsden, 16th October, 1805.)

Sydney, New South Wales,

30th April, 1805.

Sir,

Referring you to my Letters by Captain Flinders in the Cumberland Armed Tender, with their Duplicates and Triplicates by other Conveyances, for the Circumstances attending the Survey and Condemnation of the Investigator’s Hull as unfit to prosecute the remainder of her Voyage of Discovery, and latterly
1805.
30 April.
Conversion of the Investigator.

H.M.S. Investigator sent to England.

The Investigator on the colonial establishment.

Houston appointed to command H.M.S. Buffalo.

Arrangements for the voyage of the Investigator.

Payment for members of the Buffalo's crew.

my Letters stating my Reasons for directing her to be cut down and the Arrangements I had made consequent thereon; I have now to request you will have the Goodness to inform My Lords Commissioners of the Admiralty that having sent that Ship to Norfolk Island as stated in a former Letter under the Command of Lieutenant Houstoun, I was happy to learn on her return that she had answered extremely well in her reduced and strengthened State. The Exigence of the Public Service as stated in my Separate Letter No. 1 determined me on sending that Vessel to England under the Command of Captain Kent, but not without a previous inspection by that Officer, myself, and the best informed Carpenters to ascertain her being equal to perform that Voyage, as far as respected her Capability and being more than Sea worthy.

You will please, Sir, to observe that when the Investigator was refitted in her reduced State that I placed her with respect to pay on the Colonial Establishment until I might receive directions from their Lordships and the Secretary of State for the Colonies whether she was to be considered on the Colonial Establishment or that of the Navy, And in that State she would have remained until those Orders might have been received but for the present exigence, In which I had no other Guide than the Arrangements their Lordships were pleased to make respecting the Crew of the Lady Nelson being borne on a Supernumerary List on the Buffalo’s Books for Wages and Victuals. I have therefore considered Captain Kent the Lieutenant and Carpenter of the Buffalo with the petty Officers and Seamen, who are continued on the Buffalo’s Books, as lent on that particular Service, and as I have directed Lieutenant John Houstoun who is the only confirmed Lieutenant in the Colony to act as Second in the Room of Captain Kent until their Lordships’ pleasure is received thereon, I Have directed that Officer with those who have entered to fill the Buffalo’s Complement, and a necessary complement for the Investigator to be put on a Separate Supernumerary List on the Buffalo’s Books for Wages and Provisions —with the latter of which the purser of the Buffalo has by my directions put on board a full Allowance of all Species for Eight Months, under the presumption that the Investigator’s Crew will turn over to some other Ship if the War continues, or be discharged if it is Peace. Captain Kent has so far become accountable as to give the Purser a receipt for Provisions, and to apply for a Survey on the Remains when he arrives in England.

As an inconvenience may be supposed to attend some of the Buffalo’s Men lent the Investigator, who have pay due not only for the Buffalo but for former Ships, As they must necessarily
wait until that ship is paid before they can receive what is due for their Services, and as I am well aware that any other Mode is an innovation on the present Established regulation—Yet in the Event of Such a Document being required I have enclosed pay Lists on the former plan the admissability of which I respectfully submit to their Lordships’ consideration.

In these Transactions which I respectfully hope can only be considered or admitted by their Lordships on account of the remote Situation of this Colony, and the few resources there are to enable me to conform in every respect to the Established Rules of the Navy, I have therefore to request their Lordships’ Indulgence in case it may appear that I have deviated too much from those established Rules that are so judiciously framed as a Guide to go by.

Lieutenant Houstoun having conducted himself very much to my Satisfaction and to the public Advantage in fitting the Investigator, I respectfully hope that my Appointing that Officer to act in Captain Kent’s absence may meet their Lordships’ Approbation.

As Mr. Bartholomew Kent, acting Lieutenant of the Buffalo, goes with Captain Kent in the Investigator, I have taken it upon me to appoint Mr. Oxley who has served his full Time but not passed, to act as second Lieutenant of the Buffalo.

As removing the Carpenter of the Buffalo into the Investigator was at Captain Kent’s particular Request and with the Carpenter’s concurrence, I have consented to his desire, knowing how much his Assistance as a Seaman will be requisite.

Being anxious to supply Port Dalrymple before the Winter sets in with an additional Number of People, Stock, Provisions etc. His Majesty’s Armed Vessel Buffalo with the Integrity Colonial Cutter sailed on that Service the 25th Ulto. and by an arrival of a Vessel from Port Dalrymple I was informed of her making that Passage in Ten days, that she was landing the Stock, Provisions, etc. and in a few Days would sail on her return to this place.

I am, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

(A) GOVERNOR KING TO CAPTAIN KENT.

Sir,

Sydney, March 17th, 1805.

As a Necessity of the Service which is known to you, requires that you should proceed to England in His Majesty’s Armed Vessel Investigator, lately cut down and as I am desirous that an Opinion of how far she is Capable of performing that Voyage should be formed, I have to request that you will
advise with the Commander and Mate of that Ship, the Master Builder, and the Carpenter of the Buffalo, and inform me how far you consider her eligible in point of Safety to perform that Voyage.

I have, &c.,

PHILIP GIDLEY KING.

(B) CAPTAIN KENT TO GOVERNOR KING.

His Majesty's Ship Buffalo,

Port Jackson, March 18th, 1805.

Agreeable to your Order of Yesterday, I have Consulted with the Commander and Mate of the Investigator, the Master Builder and Carpenter of the Buffalo, upon the Subject of that Vessel in her present State being fit and Safe to perform a Voyage to England, And they are of Opinion she is. As some Accident may happen to a lower Mast in a Voyage of such extent, I have to request you will be pleased to Order Mr. John Coldwell, Carpenter of the Buffalo, to go with me into the Investigator whose Services as an Officer and Seaman in the Charge of a Watch will be particularly Useful. I have, &c.,

WM. KENT.

[Enclosure No. 2.]

WARRANT APPOINTING LIEUTENANT HOUSTON, ACTING COMMANDER H.M.S. BUFFALO.

By His Excellency Philip Gidley King, etc., etc.

WHEREAS His Majesty's Honor and the Integrity of the British Flag is much implicated, if Hostilities between His Majesty and the King of Spain had not commenced before the 26th September and 2d of October last, by the transactions of the Harrington private Vessel of War, belonging to Madras, taking out of Spanish Ports on the Coast of Peru a Spanish Merchant Brig and a Cruizer belonging to the King of Spain.

And Whereas I have judged it Necessary to detain the said Vessel Harrington, her Commander and Officers, until I receive certain Information whether Hostilities had commenced as aforesaid or not; And that the good Faith of His Majesty's Service respecting his Allies, Friends and Neuters may not be suspected, I have deemed it adviseable for the benefit of His Majesty's Service to dispatch Wm. Kent Esq., Second Commander of His Majesty's Armed Vessel Buffalo under my Command possessed of the Circumstances to England in order to His Majesty's pleasure being received thereon as early as possible.

And you being the only Confirmed Lieutenant of the Royal Navy in this Colony, You are hereby required and directed to take upon you the Charge and Command of Acting Second Commander of His Majesty's Armed Vessel Buffalo during the
absence of the sd. William Kent Esq., Or until the pleasure of the Right Honourable the Lords Commiss'rs of the Admiralty is received thereon, Strictly charging and Commanding all the Officers and Company belonging to the said Armed Vessel to behave themselves jointly and severally in their respective Employments with all due respect and Obedience unto you their said Acting Second Commander And you likewise to observe and Execute the General printed Instructions and such Orders and Directions as you shall from time to time receive from me or any other your Superior Officer for His Majesty's Service; hereof nor you nor any of you may fail as you will answer the contrary at your Peril, and for so doing this shall be your Warrant.

Given etc. this 18th March 1805.

PHILIP GIDLEY KING.

To Lieutenant John Houston of the Royal Navy hereby appointed to act as Second Commander of His Majesty's Armed Vessel Buffalo.

[Enclosure No. 3.]

WARRANT OF APPOINTMENT TO MR. OXLEY.*

By His Excellency Philip Gidley King, etc., etc. The exigency of the Service requiring that William Kent Esqr. Second Commander of His Majesty's Armed Vessel Buffalo should take the Command of His Majesty's Armed Vessel Investigator, and that Acting Lieutenant Bartholomew Kent of the said Armed Vessel Buffalo should accompany him on that Service You are therefore hereby required and directed to take upon you the Charge and Command of Acting Lieutenant of His Majesty's Armed Vessel Buffalo during the absence of the said Bartholomew Kent or until further Order; Strictly charging and Commanding all the Officers and Company belonging to the said Armed Vessel subordinate to you to behave themselves jointly and severally in their respective Employments with all due respect and obedience unto you their said Acting Lieutenant, And You likewise to observe and execute as well the General Printed Instructions as what Orders and directions you shall from time to time receive from your Captain or any other your superior Officers for His Majesty's Service, hereof nor you nor any of you may fail as you will answer the contrary at Your Peril and for so doing this shall be your Warrant.

Given, etc., 18th March, 1805.

PHILIP GIDLEY KING.

To Mr. — Oxley hereby appointed Acting Lieutenant of His Majesty's Armed Vessel Buffalo.

* Note 137.
1805.
30 April.

WARRANT OF APPOINTMENT TO MR. GEORGE BEST.

By His Excellency Philip Gidley King, etc., etc.,

The Exigency of the Service requiring William Kent, Esquire, Second Commander of His Majesty’s Armed Vessel Buffalo, should take the Command of His Majesty’s Armed Vessel Investigator, and having requested that Mr. John Coldwell Carpenter of the said Armed Vessel Buffalo should accompany him on that Service.

You are therefore hereby required and directed to act as Carpenter of the said Armed Vessel Buffalo during the absence of the said John Coldwell or until further Order.

Given, etc., 18th March, 1805.

PHILIP GIDLEY KING.

To Mr. George Best

herby appointed to act as Carpenter of
His Majesty’s Armed Vessel Buffalo.

GOVERNOR KING TO SECRETARY MARSDEN.

(Despatch No. 3, per H.M.S. Investigator; acknowledged by Secretary Marsden, 16th October, 1805.)

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

By a former letter,* I had the honor of acquainting Mr. Secretary Nepean for the information of My Lords Commissioners of the Admiralty of Lieut. Menzies, of the Royal Marines, having with the consent and approbation of Captn. Woodriff of His Majesty’s Ship Calcutta offered to take the Command and Superintendance of the intended Settlement at Hunter’s River in Newcastle District, which the Insurrection amongst the Irish Convicts in March 1804 rendered necessary—I was glad that His Majesty’s Service in so essential and imperious a Case would benefit by an Officer of Mr. Menzies’s Abilities in conducting a Settlement formed of the most daring Characters, more particularly so as no Officers could be detached from the New South Wales Corps—And Lieut. Menzies being a Military Man and having a small Detachment of the Corps put under his Orders by Lieut. Col. Paterson, and having one Marine, I hoped would have precluded any misunderstanding. In consequence of the great trouble Menzies had with those daring disaffected Characters, it became necessary to increase his Force with a Subaltern etc.—Some difference of Opinion soon afterwards arose between the Commanding Officer of the New South Wales Corps at this Place and Lieut. Menzies respecting the latter’s right to Command the Subaltern and Detachment, which Lieut. Menzies

* Note 138.
claimed from having one Marine doing duty in the Detachment—
A Representation being made to me on the Subject by the Com-
manding Officer of the Corps, I declined any interference in a
point of Military form, in consequence of which the enclosed
Orders* were sent to the Subaltern Commanding the Party at
which Lieut. Menzies as a Military Man felt himself much hurt.
As he very properly did not suffer his Duty as Superintending the
Public Concerns to be affected by what he considered taken from
his Military Command, he remained there until he was so Grossly
insulted in discharging his Duty by the Subaltern (who was
previously ordered to be relieved by the Commanding Officer for
an Actual disobedience of his Orders) as to make it necessary for
Lieut: Menzies to send him to Head Quarters under an Arrest—
At the same time Lieut. Menzies signified that if he would make
an Apology, he had no wish to prosecute him; this not being
acceded to a General Court Martial became necessary. And as
His Majesty's Warrant, authorizing General Courts Martial to be
held, excepts the Sentence of an Officer being Condemned to Die
or Cashiered, to be carried into Execution until the Proceedings
have been laid before His Majesty, I have suspended the sentence
passed on Ensign Cressy of the New South Wales Corps until
His Majesty's pleasure is received thereon, for which purpose
the Proceedings and Sentence of the Court Martial are trans-
mitted to the Judge Advocate General.

Lieut. Menzies having fixed that Settlement and brought it to
a forward degree of perfection and has for the reasons given in
his Letter No. † requested to resign his Situation as Com-
mandant which from various Circumstances no ways detrimental
to his active and persevering Conduct I have accepted, and much
regret the reasonable Causes that has operated with that Officer
in relinquishing a Situation that was so beneficial to the Public
Interests of these Colonies.

As Lieut. Menzies has some Apprehensions that he may have
been put upon half Pay in consequence of his having been dis-
charged from the Calcutta, I respectfully beg to express the
anxiety I feel least such an inconvenience might attend any
deviation from the strait Line of his Duty as an Officer in the
Royal Marines.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure.]

LIEUTENANT MENZIES TO GOVERNOR KING.

Sir,

Sydney, New South Wales, 15th March, 1805.

When I volunteered my Services and accepted the com-
mand of the Settlement at New Castle, it was at a time when no

* Note 139. † Blank in original (see note 136).
1805.
30 April.

Resignation
of Menzies.

Officer could be detached from Head Quarters, shortly after the
late Insurrection took place, and when the exigency of the Ser­
vice required an establishment immediately to be formed for the
reception of the most troublesome United Irishmen, in order to
separate them from their villainous advisers and connexions; but
the Colony having long since been restored to a state of perfect
tranquility and good order, and fearful that my remaining in
this Country any longer would interfere with my rank in the
Army,

I have to request that Your Excellency will be pleased to per­
mit me to resign the command of that District and return to
England to my duty in the Royal Marines; and I hope my con­
duct during the whole of the time I have had the honor to be
under Your command has been actuated with a zeal for the
interests and prosperity of this Colony, and happy shall I feel
myself if my exertions have in the smallest degree contributed
to preserve that subordination so essentially necessary for the wel­
fare of every well regulated Government—more particularly this.

Permit me to return my sincere and heartfelt acknowledge­
ments for the uniform protection and support which I have always
received from Your Excellency's in the execution of my duty,
and which will ever be remembered by me with the most lively
sense of esteem and gratitude for Your Excellency's exalted
character.

I have, &c,

C. A. F. N. Menzies,
Lieut. Royal Marines.

Governor King to Secretary Marsden.

(Despatch No. 4, per H.M.S. Investigator; acknowledged by
Secretary Marsden, 16th October, 1805.)

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

Referring to my Communication to Sir Evan Nepean,
respecting the Report of Survey on His Majesty's Sloop Investi­
gator and the different measures consequent thereon to Captain
Flinders' leaving this Colony, I now have the honor of trans­
mitting for their Lordships' Information the Copy of a Letter
I have received from that Officer.

On the Subject of Captain Flinders' undeserved and unpre­
cedented Treatment by the Governor of the Isle of France, I shall
make no other remark than by informing you that I have trans­
mitted to His Majesty's Principal Secretary of State for the
Colonies the Copy of a Letter I have deemed it my duty to send
the Governor of the Isle of France thro' Sir Edward Pelley and
the Governor General of India, which I trust will in my Naval,
as well as Civil Capacity, meet their Lordships' approbation: And as I make no doubt but that directions* from France, after so long a time, has put a period to that Officer's sufferings I have forborne putting Government to the Expence of hiring a Vessel to demand his release.

I am, &c,

PHILIP GIDLEY KING.

[Enclosures Nos. 1 and 2.]

[These enclosures were duplicates of those forwarded with the despatch to Lord Hobart, dated 30th April, 1805, and numbered 5.]

GOVERNOR KING TO THE COMMISSIONERS OF THE NAVY.

(Despatch marked No. 1, per H.M.S. Investigator.)

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

I am sorry that absolute necessity has obliged me to draw on your Hon'ble Board for £112 10s. Od. in Payment of Pitch, Tar, etc. which was unavoidable, being so much wanted for the use of His Majesty's Ship Buffalo and Lady Nelson. The Price will certainly appear exceeding high, not to say imposing, but as it was necessary to obtain it to enable the Buffalo and Lady Nelson to go to Port Dalrymple with Provisions and Stores, the Supercargo of the Æolus, American Ship, made us pay in proportion to our wants. I therefore took no more than was absolutely necessary, trusting to the arrival of those Supplies that will do away the necessity of making the alike Purchases.

Before the Buffalo could go to Sea, in her first Voyage to the Straits, it was absolutely necessary to purchase some Coir Rope from an India Vessel then here, to replace that which had been repeatedly changed End for End, and was quite rotten. Since then, I have caused two Condemned Cables to be worked up into Rope, which has in a great measure enabled me to fit the Buffalo, Lady Nelson and Investigator; but I am apprehensive that when the former Ship returns from her present Voyage to Port Dalrymple for which place she is now absent, more Rope will be necessary to enable her to go to Sea again.

I am sorry that the Stores demanded for the Warrant Officers, sent by His Majesty's Ship Glatton, and since by Triplicate, have not been complied with, which would have saved much Expence: but being in daily expectation of receiving those Supplies, I shall defer making any other Purchases as long as I possibly can, and the Service will allow of it.

I have, &c.,

PHILIP GIDLEY KING.

* Note 123.
GOVERNOR KING TO THE COMMISSIONERS OF THE NAVY.

(Despatch marked No. 2, per H.M.S. Investigator.)

Gentlemen,

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

An Urgency of His Majesty’s Service, which I have explained to My Lords Commissioners of the Admiralty has required my Appointing Capt. Kent Second Commander of the Buffalo to Command the Investigator and proceed to England with my Despatches for His Majesty’s Principal Secretary of State for the Colonies and My Lords Commis’rs of the Admiralty.

You are, Gentlemen, already acquainted with the cause of that Ship being Condemned by Survey as unfit to prosecute the remainder of the Service assigned to Captain Flinders, Also that Officer’s return to England, and the Cause which led to my ordering her to be re-surveyed, Cutting off her Top-sides to the Bends, Strengthening and Refitting her. Since when she has gone to Norfolk Island and met much bad Weather, in which she has proved a capable Vessel in most points, except in those common to all that are Cut down.

In executing that Service and during her refitting she was on the Colonial Establishment respecting Pay, until I might receive an Answer to the Application I made to My Lords Commissioners of the Admiralty and His Majesty’s Principal Secretary of State for the Colonies, whether she was to be continued as a Colonial Vessel or on the Establishment of the Navy. On the present Emergency, I have been much at a loss to manage the transfer of Officers and People necessary to be lent from the Buffalo to the Investigator and how those who are entered on board the Buffalo in their room ought to be accounted for within any regular mode, which in the present case cannot be followed; but as the Service is of such a pressing nature and our situation so Remote, I have adopted that plan which I hope from local Circumstances will be deemed an admissible reason for deviating from the regular Form of Service. In which Arrangement I had no other guide than what their Lordships and your Hon’ble Board were pleased to make respecting the Crew of the Lady Nelson being borne on a Supernumerary List on the Buffalo’s Books for Wages and Victuals. I have, therefore, considered Capt. Kent, the Lieutenant and Carpenter of the Buffalo, with the Petty Officers and Seamen who were on the Buffalo’s Books, as lent on that particular Service; and as I have directed Lieut. John Houston, who is the only confirmed Lieut. in the Colony, to act as Second Commander in the room of Capt. Kent, until their Lordships’ pleasure is received thereon, I have directed that Officer with those who have been entered to fill the Buffalo’s Com-
plement and a necessary Complement for the Investigator to be put on a Separate Supernumerary List on the Buffalo's Books for Wages and Provisions.

Should the War continue there can be little doubt of the Investigator being put to some purpose, as she is well calculated for a Floating Battery; and in the Event of her being put out of the Service her Crew may probably be turned over to some Ship, which perhaps may be going abroad as the Buffalo's destination appears too uncertain to send those men out again to rejoin her.

In that event, it is suggested that an inconvenience may attend that part of the Ship's Company lent to the Investigator not being able to get their Wages until the Buffalo's return to England places her in the regular Course of Payment. Submitting it therefore to Your Hon'ble Board's consideration how far the peculiar exigence of the Service, that has occasioned these Removals may point out any eventual mode of paying those men their Wages before the Buffalo's return, I have considered it expedient to cause a Pay List to be made out and Signed Correspondent to the last Monthly Book according to the old mode, which I have confided to Capt. Kent's peculiar Care to deliver to Your Hon'ble Board or to My Lords Commissioners of the Admiralty.

Respecting the removal of the Carpenter, who is a useful Seaman and Officer as well as a good Carpenter, he has been lent at Capt. Kent's particular request and with his own Consent.

Trusting these unavoidable Arrangements may meet with Approbation.

I have, &c.,

PHILIP GIDLEY KING.

P.S.—Having in a former Letter acquainted Your Hon'ble Board of the Conditions on which Mr. Troke took the Appointment of Acting Master of the Buffalo and as he has applied to go in the Investigator to avail himself of any advantage that he may hereafter derive by having served his time, I have complied with his request to be discharged as Master of the Buffalo and have re-appointed the late Acting Master, Mr. William House.

GOVERNOR KING TO THE VICTUALLING BOARD.

(Per H. M. Ship Investigator.)

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

A necessity of His Majesty's Service having required my Appointing Capt. Will'm Kent, Second Commander of His Majesty's Armed Vessel Buffalo, to proceed to England with my Despatches in His Majesty's Armed Vessel Investigator lately Cut down; And as I have explained to My Lords Commissioners of the Admiralty and the Navy Board the only mode
1805.
30 April.

Victualling of
the crew of the
Investigator.

1 May.

Court martial
on ensign
Cressy.

that local Circumstances would allow me to adopt in considering
Captn. Kent and those lent from the Buffalo to help Man the
Investigator for that particular Service; I have directed Lieut.
John Houston, who I have appointed to Act as Second Com­
mander of the Buffalo and those who have been entered to fill
up that Ship's Complement, as well as the additional number of
Men to Navigate the Investigator to be borne on the Buffalo's
Books in a Supernumerary List for Wages and Provisions, with
the latter of which the Purser of the Buffalo has my directions
(consequent on his Letter to me of March 17, of which I enclose
a Copy) to put on board a full allowance of all Species for eight
Months; and Capt. Kent has so far become accountable as to give
the Purser a Receipt for the Provisions and to apply to your
Hon'ble Board for a Survey on the Remains when he arrives in
England.

I am, &c.,

PHILIP GIDLEY KING.

[Enclosure.]

[A copy of Mr. Sherrard's letter, dated 17th March, respecting
provisions supplied the Investigator, is not available.]

GOVERNOR KING TO SIR CHARLES MORGAN.
(Per H. M. Ship Investigator; acknowledged by Sir Charles Morgan.
4th November, 1805.)

Sir,
Sydney, New South Wales, 1st May, 1805.

I had the honor of receiving Yours of the 4th of January
last,* containing His Majesty's decision on the Sentence of the
General Courts Martial therein referred to.

I am sorry to be under the necessity of directing the Deputy
Judge Advocate to transmit the proceedings and Sentence of a
General Court Martial held on Ensign Cressy of the New South
Wales Corps. And as His Majesty's Warrant, authorizing
General Courts Martial to be held, precludes the Sentence,
adjudging an Officer to die or being Cashiered, to be carried
into Execution until the Royal pleasure is received thereon, I
respectfully refer the consideration thereof to His Majesty's
most gracious Decision.

The principal Surgeon of the Territory, having exhibited
Charges against one of his Assistants and required to try him by
a General Court Martial, the proceedings of which together with
my Reprimand consequent on the Sentence I have directed the
Deputy Judge Advocate to forward you. The Surgeon, as well
as his Assistants together with every other Officer but the Com­
missary and Surveyor designed in the Annual Estimate under
the head of Civil Establishment, hold their Appointments by
virtue of a Military Commission signed by His Majesty, a Copy
of one the Deputy Judge Advocate has enclosed, and it is on that

* Note 140.
high Document* that those Gentlemen of the Medical Department have claimed trying and being tried by that Tribunal, to which adverting to their Commissions I could offer no objections, as the Words according to the Rules and Discipline of War appear to me that the person receiving and holding such Commission is amenable to the Laws on that behalf.

I should not have troubled you with the preceding Paragraph, but that the Deputy Judge Advocate has communicated his intentions of applying to you for your Opinion whether Officers on the Civil Establishment holding Military Commissions are amenable to Martial Law.

I have, &c.,

PHILIP GIDLEY KING.

GOVERNOR KING TO COMMISSIONERS OF THE NAVY.
20th and 21st May, 1805.

[Copies of these two despatches are not available.]

GOVERNOR KING TO EARL CAMDEN.
(Despatch No. 11, per H. M. Ship Investigator; acknowledged by Viscount Castlereagh, 21st November, 1805.)

My Lord,

Sydney, New South Wales, 22nd May, 1805.

The enclosed are Twelve Counterparts of Absolute Eman- Pardons cipations, which I have granted to enable the Objects thereof to enter on board His Majesty's Ship, Investigator, for the purpose of assisting in Navigating that Ship to England, also Two Servants belonging to Mr. Brown, Naturalist, and Mr. Bauer, Natural History painter. As they are all of very good Character and good Seamen, I trust their future Conduct and Services will render them worthy of the Clemency they have received, and which I hope Your Lordship will approve from the Circumstances that have rendered this Act advisable.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure.]

[Copies of the pardons† transmitted are not available.]

GOVERNOR KING TO UNDER SECRETARY COOKE.
(Per H. M. Investigator.)

Sir,

Sydney, New South Wales, 22nd May, 1805.

The Investigator's sailing, being protracted 'till this Date, renders it necessary I should give you some information of Occurrences between this and the date of my preceding Letters of April 30th, a List of which I have the honor to enclose.

I have considered it necessary to send the Documents respecting the Capture of the Spanish Vessels separate, that in Case of the Investigator's being unfortunately captured, Captain Kent

* Note 141.  † Note 142.
1805.
22 May.

Arrival of the St. Francisco and St. Paul.

Survey of cargo.

Condition of the Estremina.

Outrages by natives.

Requisition for stores.

Medical department.

may preserve that part of the Despatches, and as those Documents have such a Reference to the Law of Nations, I hope the Captors in that Event happening will suffer that Despatch to pass unmolested. Since closing it, the Integrity Colonial Vessel arrived on the 16th Instant with the Spanish Merchant Brig, which had been so long hovering about the Coasts. A Copy of Lieutenant Robbins's Letter I have the honor to enclose. I have directed a Survey to be held on the Remainder part of the Brig's Cargo, that has not been plundered by the Harrington and destroyed by the leaky State of the Vessel, composed of Two Officers belonging to the Buffalo and Two of the Mates of the Harrington.

The King of Spain's Cruizer is now putting in to a State of Repair.

I am sorry to say that some Miles off the Natives still continue their excesses, while the greater part have assembled under the protection of the Magistrates at Parramatta; however, when the Maize is got in, their depredations and excesses will probably cease.

The Requisition for Stores for the Year 1806 (those for 1805 not being arrived) is stated in the enclosure; also the Remains on the 31st December, exclusive of the Commissary's General Accounts for the Year 1804, annexed to Separate Letter A to My Lord Hobart of 1st of January, 1805.

If the Supplies for 1805 do not soon arrive, a great Want will be felt for many essential Stores, particularly Slop Cloathing, as most of those on the Remains have been expended in a General Issue since last December. In making these Requisitions, I have used the utmost Economy, and altho' a great progress is making in Cultivating Hemp, and in other Objects, particularly the Linen and Woolen Manufactory, to curtail those Requests, Yet a Supply of Cordage, Pitch, Tar and Slops will be absolutely necessary for some time to come, Nor can the price of those Articles be considered as a sunken Expence seeing the great part that is occasionally spared to Individuals, not only of the Articles sent out to be bartered, but those supplied for the public use, which will be observed from the Commissary's Accounts are liquidating Quarterly, and also accumulating, forming a Fund for the Supply of Grain for the use of those necessarily victualled by Government.

I enclose an Application from the Surgeon for some Medicines and Instruments, which I believe the Hospital is in want of, together with some Remarks he has laid before me, which I respectfully offer to My Lord Camden's Consideration.

I have, &c.,

PHILIP GIDLEY KING.
Sir,

Pursuant to an Order rec'd from John Houston Esqr. 2nd Comman'r of H. M. Armed Vessel Buffalo, dated the 26th April, 1805, I took the Command of H. M. Colonial Cutter Integrity and proceeded in quest of the two Spanish Vessels taken possession of on the Coast of Peru by the Harrington of Madras, and at 7 A.M. on the 29th off Kent's Group saw a Brig standing to the Northward, at 10 she passed within Hail and proved to be the Francisco Spanish Brig in Charge of Mr. Arnold Frisk 2nd Mate of the Harrington, and wearing an English Union Jack. I ordered him to come on board which he did, I informed him that as it did not appear Hostilities had Commenced between England and Spain (from the latest information rec'd from Europe) it was his Excellency Governor King's directions she should be brought to Port Jackson, as I did not know what Mr. Frisk's intentions or that of his Crew might be on that head after hovering so long on the Coast, and as that Vessel was in a very Leaky state, I thought it advisable to take Charge of her myself which I did, and hoisted the Spanish Colours in their proper place, taking with me Mr. Kent and five Men of whom three were Marines; I rec'd from Mr. Frisk Captain Campbell's original Orders to him which I transmitted to Your Excellency, and sent Mr. Frisk and four of the Crew on board the Integrity, keeping on b'd the Brig twelve men belonging to the Harrington five of whom were Otaheitians; Contrary winds obliged me to put into Port Dalrymple for Water on the 2nd Instant, and sailed again the 5th during which time Lieut. Govr. Paterson at my request put a Guard on board for the preservation of the Cargo. I arrived between the Heads of this Port late this Evening when I re-delivered the Charge of her to Mr. Frisk.

I remain, &c,

CHAS. ROBBINS.

Sworn before us this 18th May, 1805:

Rd. ATKINS,
GEO. JOHNSTON.

[Enclosures Nos. 2 and 3.]

[Copies of the requisition for stores for 1806 and of the remains on the 31st December, 1804, are not available.]
1805.
22 May.

(Signature)

Sir, Sydney, 6th May, 1805.

My ideas of the important duties attached to the situation which I have the honor to hold, render me truly solicitous to conduct the various concerns of the Medical Department in a manner reputable to myself as a professional man anxious of the recovery and preservation of the suffering patients committed to my charge; it is therefore a matter of much anxiety to me, that existing circumstances militate against my best exertions to acquire credit to myself, or extend that relief (which humanity dictates) to those whose afflictions by sickness and the train of maladies to which human nature is liable, render them objects of general sympathy, as well as of peculiar individual attention. A conscientious regard to the trust reposed in me suggests the subsequent information of the unprovided state of things essential to the recovery and establishment of health in patients received into the general hospital, and as immediately connected therewith, I also submit to your consideration such system of improvement that, if adopted, must be productive of every possible comfort, benefit and advantage to the sick, and who, from the present regulations, can derive no probable expectation of relief in their several ailments from the best endeavours that the most skilful medical practitioners can use in their behalf.

The material inconveniences that I would particularly point out, as requiring amendment; I shall distinguish under three heads, first in reference to those who are appointed assistant surgeons, secondly those who are the immediate personal attendants on the sick, and thirdly the manner of victualling the hospital in general. The number of settlements formed in this colony require at least six additional assistant surgeons to perform the duties of such situations with requisite care, attention and humanity; it has hitherto been usual that in the removal of those gentlemen, in succession, to their different stations of practice, no sort of reference has been made to their qualifications, and tho' it's far from my intention to incur the imputation of individualness in personal allusion to any particular individual, yet I feel compelled to assert, that a judicious selection and nomination should be always made of surgeons appointed to those settlements who's local seclusion render the benefit of medical consultation unattainable; in such a charge as the above it must reasonably follow that those only should be entrusted whose intimate acquaintance with physical applica-