Strong Solution of the oxygenated Muriatic Acid, and at last passed them thro' a hot Solution of the Sulphuric Acid and Washed off.

But the following is the manner I intended to Carry on this Concern, all the Articles for the purpose being on Board the Frederic, expected daily directed to Alexr. Riley Esqr. from his Brother in Bengal.

After Boiling the Articles in the Caustic Solution of Mineral or Vegetable Alkili, to wash well off then have a large Cistern made Air-tight about nine feet each Way, and Lines to run Across at every Six Inches distance, to the top of which I should hang my paper or Goods to have my retort on a small furnace to be Wrought by a Sand heat, and the Gass Pipe to go between the retort and the Cistern, in which the Goods are placed, and there expose them to the fumes of the Oxygenated Muriatic Acid Gass; as I am convinced that it is at least one half more Active than the Oxygenated Muriatic Acid, without Smell in a Liquid State, for it is according to reason to suppose that the Acid without Smell, to Kill which a Considerable Quantity of an Alkilie, or an Alklene Earth is Necessary to Neutralize, and of Course its Active power so far destroyed.

Such is the result of many Months Study and some hundred Experiments.

The Want of Paint and Paint Oil is generally very severely felt in this Colony, Often Cannot be procured at any price, but at all time most exorbitantly dear.

The Following are the Colours I produced and the process I employed; and altho' they may not be done as they are in regular Colour Manufactories yet they will Answer the purpose.

With Respect to the Manufactory of Lamp Black, it is well known that it is the Soot of Fish Oil burnt in a Close Confined place in large Lamps where none of the fumes can escape, the same when Collected and put into Barrels is fit for Sale, and as fresh Oil can be procured here at one half the price it can in England, it Consequently will be more reasonably produced.

These Woods (the Barks of which I send) produce the most beautiful Blue Black on being Calcined in a Close Crucible, that no Air can get Admission; the principal Bones of Animals being Calcined in a Similar Manner produced very fine black, but the purest Black I have been able to make is from Peach Stones, immense Quantities of which are in this Country. I put them into a Close luted Crucable, and exposed them to a very strong heat, which produced a very Shining Black and easy reduceable at an inpalpable powder fit for use. A White, by Calcining Bones in an open fire brought to a proper degree of
heat, and another White, by reducing to powder the Inside of Oyster Shells, which have very much the appearance of Pearl White, and I much Mistake if they are not often Mixed; I obtained a most beautiful Red from some Pyrites I had from the Coal River, the Same as we make Copperas from and when I Consider that Copperas will make a fine red dissolved and painted on Earthen Ware, it must be from one and the same principle. I had also another Substance with Shining Coppery Colours, which on being Calcined produced a most beautiful Black, but no heat I could give it would make it at all reduceable to powder. I had Collected a Considerable quantity of this for future Experiments, but lost them in breaking up the Concern in which I was a Copartner, besides many other Articles of a Similar Nature; I also obtained a very good Yellow Colour by pounding broken pieces of Red Coloured Earthen Ware in the Bisket State, and mixing it with one fourth of White Bones Calcined and powdered, Calcining them again and grinding into a fine powder, these Experiments took place about twelve Months Ago; when I was about erecting a Water Mill (A Situation I had Selected for that purpose which Your Excellency had kindly given me the promise of prior to my Engagements with the house alluded to) for the Woolen and Paper Manufactory and to grind these Colours as well as Sand, flint and Glaze for our Earthen ware Manufactory we then Carried on, all of which depended on a power either by Water or otherwise.

I shall now Close this Subject by Stating the result of many Experiments on the refining of Elephant Oil to be used in Part in Oil painting; to go thro' the whole of the Process would be tedious and uninteresting, I shall Simply State the Process by which I succeeded to Clarify it so that by Using two parts of this and one of Linseed, the paints appear equally good and in my opinion less liable to Blister with the intense heat of the Sun and also dry as soon as any Oil paints in England.

Take 8 pints of Elephant Fish Oil
1 "  " Acetious Acid
Take ½ Pint of Linseed Oil
" 2 oz. Spirits of Turpentine
1 Oxhy’d of Lead
1 oz. Sulphat of Zinc

Mix well up together until the whole Completely incorporated, and let them Stand till all the impurities fall to the bottom, the oil at the top is fit for use. In this Country it will be found a most durable paint.

The above is the result of some Thousands of Experiments, which has cost me not a little money, as well as a great deal of
Study, whether they may turn out to the advantage I have stated either to this or the Mother Country will require time to prove.

The Expences however of Carrying on a Series of Experiments of this Kind in this Country are beyond Conception. In England I can purchase Sulphat of Iron at one penny per pound, in this Country I must pay 7s. 6d. pr. lb., and all Salts with Metallic Basis equally exorbitant; acids in a Similar degree. It was but the other day, I was glad to pay 10s. for 2 oz. of Sulphuric Acid which in England I can buy at 6d. pr. lb.

Under these Circumstances I am obliged to prosecute my researches in future, as my finances will admit, and in short my duty to myself as well as some few Creditors I still have, tho' my late Connexion, by promissory Notes, and otherwise, obliges me at present altogether to lay Aside these Expensive pursuits (tho' Unwillingly) until I can with more propriety to myself and friends, Continue them with different Circumstances. At the same time there are two or three Mineral Substances, I shall be most Anxious to make some Experiments upon (and as soon as I can get a place I can Call my Own, And on which I Can with Confidence build furnaces &c. without the fear of being disturbed by the Caprice of a Landlord perhaps before they are finished, or at any rate before I have obtained the purpose I built them for). And I shall lay the result of these Experiments before Your Excellency as soon as possible.

I have, &c.,
J. HUTCHISON.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 6 of 1814," per brig James Hay; acknowledged by Earl Bathurst, 4th December, 1815.)

My Lord,

Government-house, Sydney, New South Wales, 30th April, 1814.

The Earl of Liverpool, your Lordship’s Predecessor in Office, having transmitted me sundry Documents* relative to the alledged fraudulent Conduct of Deputy Commissary Fosbrook at the Settlement of Hobart Town in Van Dieman’s Land, accompanied by a Letter, dated the 2nd of May, 1812, containing His Lordship’s instructions to cause the Charge alledged against Mr. Fosbrook to be fully investigated, I have the honor to inform Your Lordship that, immediately on the arrival of Mr. Deputy Commissary General Allan from England in June, 1813, with other Officers of the Commissariat Department, I ordered Mr. Hogan (an Assistant Deputy Commissary) then arrived to proceed to the Southward and relieve Mr. Fosbrook, whom I ordered

* Note 50.
at the same time into Arrest, and to be sent to Head Quarters, to abide a General-Court-Martial on the charges that should be framed from the Examinations (remitted by Lord Liverpool) of Francis Shipman, formerly a Clerk in the Commissariat Department under Mr. Fosbrook at Hobart Town.

2. Previous however to the assembling a General-Court-Martial, I deemed it expedient to consult the Judge Advocate of the Colony in the matter of framing Charges from the Examinations of Shipman, and having submitted to him the Earl of Liverpool’s Letter with the Documents, which accompanied it, He gave it as his Legal and decided Opinion that it would be unavailing to frame Charges from those Examinations, there being a total want of Evidence to support them.

Such being the opinion of the Judge Advocate, it appeared useless to push the business further, and the Informant Shipman having borne an infamous Character during his residence in this Colony, and being since executed in England (as I have been informed), these circumstances combined finally determined me to relinquish my first intention of ordering a Court Martial. I do myself the honor to transmit, for Your Lordship’s information, a Copy of the Letter I received from Mr. Bent, the Judge Advocate, on the subject of framing Charges against Mr. Fosbrook from the Examinations of Shipman, which I trust will secure your Lordship’s Approbation of the line of Conduct adopted thereon by me.

3. Other and later Complaints having been made to me against Mr. Fosbrook for improper and fraudulent Conduct in the discharge of his Official Duties, I have been under the necessity of submitting the Documents, transmitted me by the Commandant at Hobart Town, to the Judge Advocate, in like manner as I have done the former, and from them He framed specific Charges, which were laid before a General Court Martial assembled for the occasion on the 28th of February last.

4. I have now the honor to transmit Your Lordship a Copy of the Charges preferred against Mr. Fosbrook and of the Sentence passed on him by that Court. From the latter, Your Lordship will observe that Mr. Fosbrook has been Cashiered the Service, and required to make good to the Public the loss and Injury sustained by his Delinquency.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

JUDGE-ADVOCATE BENT TO GOVERNOR MACQUARIE.

Sir,

Sydney, N. S. Wales, 18th Febry., 1814.

I was duly favoured with your Letter of yesterday’s date, and have to observe in reply, as to the papers transmitted by
Lord Liverpool relative to Mr. Fosbrook's Misconduct, that those papers contain grounds for six separate and heinous charges against that officer; in consequence of Your Excellency's Wishes I have examined Boothman and Maum respecting those transactions. The answers of the former were either wholly unsatisfactory, or in favour of Mr. Fosbrook, and Your Excellency probably knows that Boothman, being himself deeply implicated in the alleged frauds, cannot be compelled to answer any question, the answers to which would expose him to punishment. Under all circumstances, he is the last person whom I should call upon as a witness. Maum is wholly ignorant of the transactions of the years 1806, 1807 and 1808. As to one transaction supposed to have taken place in 1809, I mean the receiving £50 from Mr. Collins in payment for some cattle purchased by him from government, which sum Mr. Fosbrook did not carry to the credit of government, as Shipman says, Mr. Maum, not knowing of the circumstance, has left behind him at Hobart Town the receipt given by Mr. Fosbrook for the money, and, to prove the circumstance of its not being carried to the credit of government, I ought to be furnished with Mr. Fosbrook's account current for that year. This transaction is the only one, of those contained in the papers sent out by Lord Liverpool, of which Maum has any knowledge. I now beg leave to remind Your Excellency that the above transactions took place so long ago as the years 1806, 1807, 1808 and 1809, and that, by the 144th section of the mutiny act, it is provided that no person shall be liable to be tried and punished for any offence, etc., which shall appear to have been committed more than three years before the issuing of the commission, etc., for such trial, unless the person accused, by reason of his having absented himself, or of some other manifest impediment, shall not have been amenable to justice within that period etc. etc. On this section, I am of opinion that the mere circumstance of those nefarious transactions, not having come to the knowledge of government in time to institute proceedings against Mr. Fosbrook under the mutiny act, is not such manifest impediment as is contemplated by the legislature; for if it were so considered, the whole of that provision of the act would be rendered nugatory. I should therefore advise Your Excellency not to prefer any charges on those papers against Mr. Fosbrook. I forgot to observe that the proceedings before the commissioners of audit and the examination of Shipman before them cannot be read in evidence. Some of the charges, to which I am now alluding, appear to me to be offences at common law, and might therefore be subject to the cognizance of the court of criminal
1814.  
30 April. 

Judge-advocate's opinion re framing of charges against Fosbrook.

JUDICIAL RECORDS OF AUSTRALIA.

But in Order to make this course of proceeding effectual, it will be necessary to obtain the clearest information in the first instance, in Order to frame a Criminal information which might be supported by Evidence. I feel I should be departing from my duty as a confidential adviser of the Crown, if I advised the preferring a criminal charge against any person, knowing that it could not be supported by legal Evidence; And that I should be exposed to just censure, if thro' my inadvertence His Majesty's Government should be placed in such a predicament. I submit, therefore, to Your Excellency that it must have been Lord Liverpool's intention that the Matters contained in his letter should be inquired into, and that if, upon consultation with the Judge Advocate, there should then appear to be any reasonable hope of establishing any Criminal charges against Mr. Fosbrook, that he should be brought to trial. I beg to inform Your Excellency that I have seen Wm. Holsgrove, and questioned him relative to Mr. Fosbrook; but that he does not appear to possess any information relative to any charge against him. I have also examined Boothman and Wade as to the Iron mentioned in Your Excellency's letter. Boothman states that he delivered this Iron to Ankers by the verbal Order of Mr. Fosbrook; that Ankers was to return the like quantity and quality of Iron to H.M. Store before the end of the Year, or, if not, was to be charged with it at the usual per centage. The Iron has been returned to His Majesty's Store, but in an irregular and certainly suspicious Manner. I send for Your Excellency's perusal, rough Minutes of the information of Boothman and Wade on this Subject, and if on perusal of this document Your Excellency should think proper to direct me to frame a charge against Mr. Fosbrook relative to this Iron, I will prepare one instantly for your consideration. I will thank Your Excellency to direct the proper Officer of the Commissariat Department to furnish me with Mr. Fosbrook's Victualling book and provision Account for the Year ending 31st Decr., 1812. I have, &c.,

Compared:—Jno. Thos. Campbell, Secy. 
Ellis Bent.

[Enclosure No. 2.]

At a General Court Martial, held at Sydney, New South Wales, the 28th day of February, 1814, Mr. Leonard Fosbrook, Deputy Commissary, were arraigned upon the following Charges, viz.:

First Charge.—"That Deputy Commissary Leonard Fosbrook, between the thirty first day of August in the year of our Lord one thousand, eight hundred and Twelve, and the Ninth day of October of the same year (the said Leonard Fosbrook being during the whole of that time a Deputy Commissary of His Majesty's Stores and Provisions at Hobart Town, Van Dieman's
MACQUARIE TO BATHURST.

Land, and in Charge of the Commissariat Department there), did embezzle, or fraudulently misapply, or cause to be embezzled, or fraudulently misapplied, or to be otherwise spoiled or wasted, divers large Quantities of Wheat, rice, Salt Pork, and fresh meat, belonging to His Majesty, and under his the said Leonard Fosbrook’s charge as such Deputy Commissary, as aforesaid, at His Majesty’s Stores at Hobart Town, aforesaid, to the great damage of his Majesty and his service, contrary to the duty and in violation of the trust and confidence reposed in him, the said Leonard Fosbrook, as such Deputy Commissary as aforesaid, and in contempt of the Articles of War.”

Second Charge.—“That the said Leonard Fosbrook, being such Deputy Commissary as aforesaid, on or about the twenty first day of July in the year of our Lord one thousand, eight hundred and Twelve, did fraudulently, and without any lawful authority whatsoever, issue and deliver, or cause to be issued and delivered, to one Daniel Ankers at Hobart Town aforesaid, from and out of His Majesty’s Stores there, a large quantity, to wit, Two hundred and seventy pounds weight of Iron, belonging to His Majesty, and under the charge of the said Leonard Fosbrook, as such Deputy Commissary as aforesaid, with intent in so doing to defraud His Majesty to the great injury of His Majesty’s service, contrary to the duty and in violation of the trust and confidence reposed in him, the said Leonard Fosbrook, as such Deputy Commissary as aforesaid, and in contempt of the Articles of War.”

Upon which Charges the Court passed the following Sentence.

“The Court having heard and maturely considered the several charges preferred against the said Leonard Fosbrook, and the evidence produced in support of the same, and having also heard and maturely considered all such matters as the said Leonard Fosbrook had to offer in his defence, and the evidence by him produced in support thereof, doth adjudge that the said Leonard Fosbrook is Not Guilty of embezzling or fraudulently misapplying any provisions, belonging to His Majesty, and under his the said Leonard Fosbrook’s charge, as in the first charge preferred against him is alleged. But the Court doth nevertheless adjudge that the said Leonard Fosbrook, being a Deputy Commissary of His Majesty’s Stores and Provisions at Hobart Town, Van Dieman’s Land, and having charge of the Commissariat Department there, between the 31st day of August, 1812, and the 9th day of October in the same year, by his gross and criminal neglect of duty, did wilfully suffer divers large quantities of provisions, belonging to His Majesty and under the
charge of him the said Leonard Fosbrook, namely four hundred and fifty seven bushels of Wheat, five thousand, two hundred and four pounds of Rice, and a quantity of animal food, equal to five thousand, six hundred and thirty one Pounds of Salt Pork, to be fraudulently embezzled or misapplied by some person or persons, unknown to this Court, to the great detriment of His Majesty and his service, in violation of the trust and confidence reposed in him, and in contempt of the Articles of War. And as to the second charge preferred against him, the said Leonard Fosbrook, the Court doth adjudge that the said Leonard Fosbrook, being such Deputy Commissary as aforesaid, on or about the 21st day of July, 1812, did fraudulently and without lawful authority cause to be issued and delivered from and out of his Majesty's Stores, at Hobart Town aforesaid, to Daniel Ankers, in the said charge mentioned, two hundred and Seventy pounds weight of Iron, belonging to his Majesty, and under the charge of him, the said Leonard Fosbrook, with intent to defraud His Majesty, to the injury of his Majesty's service, in violation of the trust and confidence reposed in him, and in further contempt of the said Articles of War. And the Court doth further adjudge that the loss and damage, sustained by His Majesty by such misconduct of the said Leonard Fosbrook, doth amount to the sum of five hundred and fifty three pounds, eight shillings and four pence of good and lawful money of Great Britain. And the Court doth further adjudge that for the said offences, of which the said Leonard Fosbrook is hereby adjudged to be Guilty, he, the said Leonard Fosbrook, be dismissed from His Majesty's service, and be ever after incapacitated from serving his Majesty in any office whatsoever, civil or Military; and further that the said Leonard Fosbrook shall at his own expence make good to his Majesty, his heirs, and successors, the loss and damage above ascertained by this Court.

"A. Ogelvie, Major 46th Regt., Pres't.

"ELLIS BENT, Depy. Judge Advocate."

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch per brig James Hay; acknowledged by Earl Bathurst, 4th December, 1815.)

My Lord,

Sydney, N. S. Wales, 30th April, 1814.

I do myself the honor of transmitting to Your Lordship herewith, the Monthly General Returns of the Troops serving in this Territory, from the 25th of August, 1813, to the 25th of this present Month, both inclusive. I have, &c.,

L. Macquarie.

[Enclosures.]

[Copies of these returns are not available.]
GOVERNOR MACQUARIE TO EARL BATHURST.
(Despatch per brig James Hay; acknowledged by Earl Bathurst, 4th December, 1815.)

My Lord,

Sydney, N. S. Wales, 30th April, 1814.

1. I have the honor to acknowledge the receipt of your Lordship's separate and secret Letter, under date 19th August last, with its enclosed Paper of information, respecting a Plan said to be entertained by the Enemy of attacking the Settlements of this distant Colony.

2. I have perused with very particular attention Mr. Jorgenson's Paper of information, which, as far as it relates to this Country, its resources, and advantageous Situation for Trade, is pretty correct. This Person, under the Name of Johnson or Jansen, did serve for some little time in this Country on board the Lady Nelson and other Vessels, and may therefore be supposed to be tolerably well acquainted with its several Ports and Harbours. He, however, over-rates the natural Fertility of the Country, the excellence of its Timber, and the elegance of the Buildings at Sydney and in the interior of the Country.

3. It has been generally supposed* that the "Geographe" and "Naturalist," French Ships of War under Capt. Baudin, which visited this Country some years since, came solely for the purpose of ascertaining how far it might prove expedient for the then Ruler of France to establish a Colony on some part of New Holland, to counteract the views of the British Government in this Country; And I have no doubt Bonaparte would long since have prosecuted his views in this respect, had his more important Engagements in Europe admitted of his sending out a sufficient Force for the Conquest of this Colony. Under this impression, I shall be as much prepared, as Circumstances will permit, to resist any sudden incursion or descent of the Enemy on this Country; and your Lordship may rest assured that no effort of mine will be wanting to render our small Force here as efficient as possible, and that every practicable precaution will be taken to guard against a Surprise.

4. At the same time that I give these assurances, I regret being under the necessity of acknowledging, and reporting to Your Lordship, that our present Force in point of Troops is very inadequate to the Defence of the Colony, should the Enemy make any sudden attack upon it; and upon this Subject, I must take the liberty to refer your Lordship to my Publick Dispatch, under date the 28th Inst., earnestly soliciting your Lordship's most serious and earliest attention to the requisition, therein contained, of speedily augmenting the present Military Force in this Colony.

I have, &c.,

L. MACQUARIE.
1814.
30 April.

Despatches re Johnston and Davey.

Conduct of late lieut.-colonel Johnston.

Public administration of lieut.-governor Davey.

Davey to be prohibited making land grants and issues of cattle.

Private character and conduct of Davey.

Recommendation of Foveaux as lieut.-governor.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.
(Despatch per brig James Hay.)

Sir,
Sydney, N. S. Wales, 30th April, 1814.

1. I had the honor of addressing you in a Private Letter, under date the 30th of June last, in reply to your private one of date 22d Octr. 1812, respecting the Conduct of Mr. Johnston, late Lieut. Colonel in the 102d Regt., and Lieut. Governor Davey.

2. The former Gentleman I am happy to say has continued, ever since his return to the Colony, to conduct himself in a very modest, inoffensive Manner, and I have therefore received his Visits, asked him to my Table, and treated him exactly in the same manner, as I do other Gentlemen Settlers of this Colony.

3. Lieut. Governor Davey has also hitherto avoided doing anything to render it necessary for me to make any formal Complaint against him; and upon the whole, his Public Conduct, since he assumed the command and administration of the Settlements on Van Diemen's Land in Febry. 1813, has been pretty correct, excepting in some few instances of giving Locations of Land to Persons, not entitled to receive them, and particularly to a few Men who are still Convicts, which is directly contrary to the Instructions I furnished him with for his guidance, and of which I sent home a Copy to Lord Bathurst in my Dispatch of 30th June, 1813, for His Lordship's approval.

4. I therefore respectfully recommend that Lieut. Governor Davey may be pointedly instructed from Home not to make any Locations of Land at all, or any issues of Government Cattle in Van Diemen's Land, without first receiving my consent and authority for so doing; for without Lieutenant Governor Davey is in every respect placed completely under my authority and Controul, I cannot any longer hold myself responsible for his conduct in the appropriation and expenditure of the Public Property and Public Money, entrusted to his management in Van Diemen's Land.

5. As yet I have every reason to believe that Lieut. Governor Davey is an honest Man and means well; but he is so dissipated in his Manners and Morals, so expensive in his habits, so very thoughtless and volatile, and so very easily imposed upon by designing plausible Characters, that I cannot but think him a very unfit man for so very important a Situation as the one he now holds.

6. In the event therefore of its being deemed expedient at some future period to remove Lieut. Governor Davey from his present Situation, I beg leave most strongly to recommend that it may be offered to Colonel Joseph Foveaux, late of the 102d Regiment, as a most fit Person for executing the Duties of Lieut. Governor of Van Diemen's Land, with honor and credit to himself, and
with the greatest advantage to the Public Service, and the speedy improvement of the Infant Settlements on that Island. I formerly took the liberty of recommending Colonel Foveaux to the Earl of Liverpool (then Secretary of State for the Colonies) for the Situation of Lieut. Governor of Van Diemen's Land; but, at that time, His Lordship did not deem it advisable to give the appointment in question to Colonel Foveaux, on account of the part he took in the Suspension of Governor Bligh. Perhaps, however, the Conduct of Colonel Foveaux may at this distance of time be now viewed in a less offensive light, and that some palliation may be admitted for the peculiarity of his situation on the occasion alluded to. At all events, as some Officers (namely Capt. Brabyn, Lieuts. Lawson and Bell) have been permitted to return to New South Wales to resume their Military Duties* in this Colony, who were more deeply implicated in the original Suspension and arrest of Governor Bligh, than Colonel Foveaux, who was not then in the Colony, I indulge a hope that the part he took in the subsequent events of that Transaction will not now prove any bar to his being appointed Lieut. Governor of Van Diemen's Land, should he be still desirous to obtain that Situation, for which I consider him as eminently well qualified, Colonel Foveaux being a man of very superior talents, inflexible honor and integrity, firm decision, great arrangement, and possessing an excellent taste for carrying on every species of improvement in an infant Colony.

7. I understand it is the intention of Lieut. Colonel Geils of the 73d Regiment (whom I had appointed Commandant of the Settlement of Hobart Town, previous to Lieut. Governor Davey's arrival in this Country) to apply for the Situation of Lieut. Governor of Van Diemen's Land, through the interest of his Friends at Home, in the eventual removal of Lieut. Governor Davey; and I therefore feel it a duty, I owe to the Publick Service, to apprise you, for Lord Bathurst's information, that Lieut. Colonel Geils is a most unfit person for holding a Situation of so much trust, confidence, and responsibility, being a Man of weak judgment, extremely venal and rapacious, and always inclined to sacrifice the interests of the Public to his own sordid and selfish views. Many instances of this nature occurred whilst he held the command of Hobart Town, and for which I was under the necessity of reprimanding him severely.

8. You will oblige me by communicating the contents of this Letter to Lord Bathurst, which His Lordship may rest assured I have no other Motive in writing than the good of the Public Service.

I have, &c.,

L. MACQUARIE.

* Note 52.
GOVERNOR MACQUARIE TO THE COMMISSIONERS OF THE TRANSPORT BOARD.

(Despatch per brig James Hay.)

April, 1814.

[A copy of this despatch is not available.]

[Enclosure No. 1.]

MEDICAL OFFICERS TO SECRETARY CAMPBELL.

Sir, Sydney, 24th March, 1814.

In consequence of his Exce'y's Commands, communicated to us in your Circular Letter of the 14th inst. constituting us into a medical Court of Enquiry to examine into and investigate fully the causes, which may have occasioned the very great and unusual mortality, which took place among the Male Convicts lately arrived here in the Transport General Hewitt,—Earl, master, during her Passage hither from England, We have the honor of stating for the Information of His Excellency the Governor, that we met on Wednesday the 16th Instant, and proceeded to investigate those Causes, the result of which enquiry we now submit as follows:—

1st.—That it appears from the testimony of Mr. Hughes, Surgeon of the General Hewitt, that several of the Convicts when received on board were in a state of debility; We are of opinion that Mr. Hughes ought to have objected to those in that state, and which he stated he would have done, had not the vessel sailed so soon; As it is a fact universally admitted that nothing predisposes more to disease than a certain degree of debility, however produced, and more especially when combined with the responding state of mind naturally attendant upon men under similar unfortunate Circumstances.

2ndly.—We concur in opinion with Mr. Harris, late Surgeon of the 102nd Regt., who was a Passenger on board and with Mr. Hughes, the Surgeon of the Ship, that the primary and chief cause of the Sickness, which took place on board the Transport General Hewitt and of which so many unfortunately died, is to be attributed to a continuance of wet weather, to the Bedding having been wetted, thrown together in a heap till heated, afterwards slept on by the Prisoners, and the necessity of the Convicts remaining so long confined below, not being able, on account of the Rain to have access to the Deck.

3rd.—That we are of opinion, as observed before, that whatever induces a certain debility in the human body, disposes to disease, and more especially to contagious disease; We therefore further infer that the withholding of a Portion of the Convicts' Ration of salted Beef, thereby subducting a part of their stated subsistence for a certain Period, without substituting any thing in
lieu thereof, as appears to have been done by Captain Earl, although at the recommendation of the Surgeon, and from whose evidence it appears to be but too common a practice, is highly censurable, and must have had a tendency, by producing debility, to prepare the Body for the reception of, to keep up, and to propagate disease among the Convicts.

4th and lastly.—We are of opinion from the evidence produced before us that there is no reason for supposing a want of humanity or attention on the part of Mr. Earl, Master, and Mr. Hughes, Surgeon of the General Hewitt, towards the Convicts intrusted to their charge, but that on the contrary every attention was paid to keeping the Prison and Hospital carefully cleansed, fumigated and ventilated, and the Comforts put on board for the Service of the Sick were duly appropriated for that purpose.

We have, &c.,
D. Wentworth, Prin. Surgeon.
W. Redfern, Ass't Surgeon.
Edwd. Luttrell, Ass't Surgeon.

Copy:—J. T. Campbell, Sec.

[Enclosure No. 2.]

PROCEEDINGS of a Medical Court of Enquiry, holden at Sydney in New South Wales, 16th of March, 1814, by order of His Excellency the Governor, in order to enquire into the causes of the very great mortality among the Convicts on board the Transport "General Hewitt" during the Passage from England to New South Wales.

Mr. Richd. Hughes, Surgeon of the General Hewitt, sworn:—

Q. What number of Convicts was received on board the General Hewitt? A. 300 Convicts.

Q. From what place or places were they received? A. From Woolwich, Sheerness, Portsmouth and Langston.

Q. What was their general state of health on being received on board the Transports? A. Some of them were in a state of Debility.

Q. If a number of Convicts was in a state of a Debility to render them unfit to proceed on the voyage, why did you not object to them? A. I would have objected to about 15 or 16 had there been time to have done so previous to the sailing of the Ship.

Q. Is it not usual for an Inspecting Medical Officer to see the Prisoners after embarking on board the Transports, in order to ascertain whether there be any among them labouring under infectious diseases or otherwise unfit to proceed on the voyage? A. I have been Surgeon to two Convict Ships from England and to one from Ireland; in Ireland the Convicts were, after their Em­barkation, carefully examined by a Physician and Surgeon, but it has not come within my knowledge that such examination has been instituted in England.

Q. Were the Prisoners sent on board the General Hewitt without any Certificate respecting their Health? A. They were accom-
1814.  
— April.  

Proceedings of medical court of inquiry into the mortality on the transport General Hewitt.

Did that Certificate correspond with your opinion respecting medicicourt their state of health? A. Not with the whole of them.

Q. Did you conceive that any of them labored under infectious diseases? A. No.

Q. How long did the Ship remain at Portsmouth after she had received the last of the Convicts? A. Three days.

Q. How long had you been on your Voyage before disease appeared among the Prisoners? A. About 3 Weeks, shortly after we quitted Madeira.

Q. What did you conceive the nature of the Disease to be, which appeared among them? A. Chiefly Dysentery.

Q. What number was attacked with Dysentery at this early part of the voyage? A. About 12 or 14 within the first fortnight after quitting Madeira.

Q. As you had an opportunity of seeing the Convicts two or three times a day, and consequently of observing the various circumstances connected with their situation, we wish to know from what causes you conceive the Dysentery to arise? A. About the period at which they were attacked and for some days previous, the weather was very wet, which prevented the Prisoners from going on Deck as usual. During the rain the Bedding got wetted, and the continuance of the Rain prevented them from being dried; they were put together in a heap and I suppose somewhat heated, and as the Prisoners lay on them in this wet state I conceive that the state of the weather, the wet Bedding, and the Confinement below had much share on the production of the Disease.

Q. How did it happen that the Bedding was suffered to remain so long on Deck during the rain as to become wet? A. We were fumigating the Prison Deck, with their Bedding, when a squall came suddenly on and drenched them before the Prison could be opened and the Convicts get below.

Q. In a former part of your examination you stated that there was a number of Convicts much debilitated when they were received; Did you perceive that those thus debilitated were more liable to disease than others? A. Yes, they were.

Q. In answer to the question respecting the nature of the disease that prevailed among the Convicts, You stated that Dysentery chiefly prevailed, what other diseases manifested themselves? A. No other Disease of consequence appeared at this early part of the Voyage.

Q. What was the state of the Convicts' health when you arrived at Rio de Janeiro? A. A great number was very sick and ill of Dysentery.

Q. Was the Prison regularly and properly cleansed, fumigated and ventilated? A. The Prison Decks were dry scraped and swept daily. The Prison and Hospital were fumigated with Oil of Tar and Sulphur twice or thrice a week, and sprinkled with vinegar every day. Windsails were kept constantly down the Hatchways and Scuttles, whenever the weather would admit.

Q. Were the Sick duly supplied with the Articles of Comfort put on board for their use? A. All that was put on board was served out to them.

Q. Was there a sufficient quantity of the Articles of Comfort for the use of the Sick put on board? A. I do not think there was enough of Tea and Sugar.
Q. Were the Convicts during their Stay at Rio de Janeiro supplied with a different quantity of fresh meat and vegetables? A. I do not conceive that they were supplied with a sufficient quantity of fresh meat, as several of the Convicts complained to me that they had not a sufficiency, but on my representing to Capt. Earl that the Prisoners were dissatisfied with the quantity of meat, he increased it, and there were no more Complaints. With regard to Vegetables, they had plenty.

Q. Do you know what was the daily Ration served to each Convict at Rio Janeiro? A. I do not.

Q. Were the Convicts supplied with fresh fruit during their Stay at Rio Janeiro? A. It was not the fruit Season. They were however supplied with as much as could be obtained.

Q. What was the general state of the health of the Convicts when the Ship quitted Rio Janeiro? A. Very Sickly, and many of them reduced to a state of very great debility.

Q. If the Convicts were in so bad a state of health, why did you not object to the Ship proceeding to Sea? A. I did not think that I possessed the Authority to object to the sailing of the Ship.

Q. As the Convicts were in so sickly a state, why were they not landed as the sick of several Ships had been on former occasions? A. When I came out as Surgeon of the Providence, I made Application to send two men to the Hospital at Rio de Janeiro, and when I was Surgeon of the Eolus a similar Application was made by the Surgeon of the Gambier, and both were refused; I therefore conceived an Application would be unavailing.

Q. How often and in what number were the Convicts admitted on Deck? A. Previous to our arrival at Rio Janeiro, they were divided into three divisions, one of which was admitted upon Deck in Rotation. The whole were admitted up in the course of the day; and at the times in which the Ship was undergoing fumigation all the Prisoners were on the Deck at once. After quitting Rio Janeiro the whole of the Prisoners had access to the Deck.

Q. How many Convicts died on the Passage? A. 34.

Q. Did they all die of Dysentery? A. No, the greater Number died of Dysentery, four of Typhus, two of apoplexy, two of Remitting fevers, and two of extreme debility without apparent disease.

Q. During what part of the Voyage did the greater part of the Mortality take place? A. About nineteen died on our Passage to, and during our stay at Rio de Janeiro; the remainder on the Passage from Rio to Port Jackson.

Q. From what causes did the Typhus Fever arise? A. I cannot exactly say; Three of them had been previously afflicted with Dysentery, and much debilitated and labouring under great depression of Spirits, for a considerable time before they were attacked with Typhus.

Q. Did it come within your knowledge that a part of the Convicts' ration of salted Beef was purchased from them by Capt. Earl; and if so in what quantity was it withheld? A. I did know that some of ye Ration of salted Beef was purchased by Capt. Earl from the Prisoners, but I cannot speak as to the quantity that was withheld; I shall however beg leave to add in explanation, that an Application was made by the Prisoners to Capt: Earl requesting him to purchase a portion of their salted Beef during the hot weather, as they alleged that they could not...
eat it, and that if they did, they were fearful it would dispose
them to Scurvy, and that they wished to be paid for it on their
arrival at Rio, that they might purchase other articles more con-
genial to their tastes and better suited to their Situations. Capt.
E. refused to comply with this request, 'till I informed him it was
done by Capt. Barclay in the Providence, by Capt. Adie in the
Æolus, and by Capt. Harrison in the Gambier.

Q. As you have stated in Evidence that the Convicts, previous to
their arrival at Rio, were in a very debilitated state, did it never
occur to you that a subduction of a Portion of their ration might
have had a considerable share in producing that Debility? A. No,
it never did.

JNO. HARRIS, Esqr., sworn:

Q. As you came out Passenger in the General Hewitt, and was
for a length of time Surgeon of the 102nd Regt., stationed in this
Colony, and consequently well acquainted with the nature of the
service, which we are now investigating. Will you have the goodness
to state about what time the Sickness commenced on board the
General Hewitt among the Convicts? A. I think it was about 6 or
7 weeks after our quitting England. The Surgeon in answer to my
frequent Enquiry told me that a number of the Prisoners was
attacked with Dysentery. I went down to the Sick Birth to visit
them with him; I enquired particularly into the mode of treat­
ment, and was satisfied that it was correct; I advised him to
persist in the use of Salts and tartalized Antimony in divided
Dose, it having been a plan of cure from which I had experienced
much benefit in the treatment of my Dysenteric Patients during­
my former residence in this Country.

Q. Were you requested to visit the sick at any other Period of the
Voyage? A. Yes. I visited them frequently and gave such advice
as I judged best calculated to benefit them, and which was in every
instance complied with.

Q. From the Opportunity you had of making observations on the
general state of Health and of the management of the Convicts in
particular, during the Voyage, will you be kind enough to state
what you conceive to have been the causes which induced so great
and unusual a degree of Sickness and mortality among the Convicts
in the General Hewitt? A. I conceive that the causes originated
in the first Instance in the extreme wet weather, and the bad state
of the Bedding in consequence of being wetted. For I very fre­
quently visited the Prison and never saw any place better fitted
up, nor kept in a more cleanly state, and the Prisoners had frequent
and indeed almost constant access to the Deck.

Q. Did you conceive that the Convicts were treated with humanity
and attention by Capt. Earl and Mr. Hughes, the Surgeon, during
the Voyage? A. I have certainly every reason to think so, I know
nothing to the contrary.

Q. Did it come within your knowledge that Capt. Earl had
purchased any Portion of the Convicts' ration of salted Beef
during the Voyage? A. I never heard of it, until at this Enquiry.

D. WENTWORTH, Prin. Surgeon.
WM. REDFERN, Ass't
EDWD. LUTTRELL, Ass't

Copy:—J. T. CAMPBELL, Sec.
Earl Bathurst to Governor Macquarie.
(A circular despatch per ship Indefatigable; acknowledged by Governor Macquarie, 24th June, 1815.)

Sir,

Downing Street, 2nd May, 1814.

I herewith transmit an Order of His Royal Highness The Prince Regent in Council, dated the 21st Ulto., ordering the Restrictions, heretofore imposed on the Ports of Italy, immediately to cease, and I am to desire that you cause the same to be made Public within your Government. I have, &c.,

Bathurst.

[Enclosure.]

[A copy of this order is not available.]

Under Secretary Goulburn to Governor Macquarie.
(Despatch per ship Somersetshire.)

Sir,

Downing Street, 7th May, 1814.

I have received Lord Bathurst's directions to transmit to you herewith the Assignment of Male Convicts embarked on board the Ship “Somersetshire” for the Colony under your Government. I have, &c.,

Henry Goulburn.

[Enclosure.]

Under Secretary Beckett to Under Secretary Goulburn.

Sir,

Whitehall, 7 April, 1814.

I am directed by Lord Sidmouth to Transmit to you the within assignments of Two Hundred Male Convicts, which embarked for New South Wales in the Ship Surrey, and the like number on board the Somersetshire. I also enclose a List of the Female Convicts (122) embarked in the Broxbornebury; and I am to desire that You will lay the same before Lord Bathurst, and move his Lordship to be pleased to forward the same to the Governor of New South Wales by the Ship Somersetshire, which is now at Portsmouth under sailing orders for that Colony.

I am, &c.,

J. Beckett,

[Sub-enclosure.]

[Copies of the assignments of convicts are not available.]

Governor Macquarie to Earl Bathurst.
(Despatch marked “No. 7 of 1814,” per brig James Hay; acknowledged by Earl Bathurst, 4th December, 1815.)

My Lord, Government House, Sydney, 7th May, 1814.

1. Since closing my Despatches of the 28th and 30th Ulto., some occurrences have been Communicated to me, which, altho' of no very serious Importance at the present time, I feel it my duty to apprize your Lordship of.
2. In the course of the Night of the 7th Ulto. four Convicts, who had been sent from hence to Newcastle as a punishment for various offences, seized upon a small vessel there, called the Speedwell of Sydney, Burthen 21 Tons, and carried her off, having first Severely beaten the Master and one Seaman, who happened to be the only persons on board at the time. As soon as they had got the Vessel completely under weigh and free of the Harbor, they Sent the Master and Seaman on Shore in a Small boat, which they had previously Secured for the purpose of conveying themselves on board the Speedwell. This Vessel having been Scantily Supplied with Provisions and Water, it is not very likely that they will be enabled finally to effect their escape from hence, but they have not yet been heard of. The men who committed this Act of Piracy are of very desperate characters, and in order to their being apprehended, and sent out hither again, if they should happen to return to England, I transmit your Lordship herewith a list of their names with their Places and Times of Trial, sentences, and Ships arrived by.

3. At the Settlements in Van Diemen's Land, and particularly in the neighbourhood of Port Dalrymple, some very violent Excesses have been lately committed by Bands of run-away Convicts, headed by two persons, who lately held official and creditable Situations under this Government, namely Peter Mills, late Acting Deputy Surveyor of Lands, and George Williams, lately Acting deputy Commissary of Provisions at Port Dalrymple. These Banditti Support themselves by plundering the Houses, and driving off the Cattle, of the unfortunate Settlers, who are not at present Sufficiently numerous to defend themselves against these aggressions. Headed by two active and desperate Fellows, Such as Mills and Williams, it will be necessary Speedily to adopt some strong measure to reduce these deluded wretches to submission, and for that purpose, I am now devising such as appears to me most likely to produce the desired object, without resorting to Sanguinary Proceedings.

4. Some Hostilities have been lately exhibited in the remote parts of this Settlement by the Natives, who have killed one Soldier and three other Europeans. In consequence of this Aggression, I dispatched a small military Party to the disturbed District, on whose approach the Natives retired without being attacked or Suffering in any degree for their Temerity. In the course of this Business, I have caused enquiry to be made into the Motives that might have produced it, and from thence I have learned that Some idle and ill disposed Europeans had taken Liberties with their Women, and had also treacherously attacked and killed a Woman and her two children whilst Sleeping, and
this unprovoked cruelty produced that retaliation whereby Persons perfectly innocent of the Crime lost their lives. Having had their Revenge in the way they always Seek for it, I am not at all apprehensive of their making any further attacks on the Settlers unless provoked, as before, by Insults and Cruelties.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

List of Four Convicts who Piratically Seized and ran away with the Sloop Speedwell from Newcastle on the 7th April, 1814.

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<tr>
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<tr>
<td>Joseph Burridge</td>
<td>Kent</td>
<td>March, 1813</td>
<td>14 years</td>
<td>Genl. Hewitt, 1814</td>
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<tr>
<td>John Pearce</td>
<td>Surry Ass's</td>
<td>28 March, 1810</td>
<td>Life</td>
<td>Indian Barclay, 1810</td>
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<td>Edward Scarr</td>
<td>Cambridge Ass's</td>
<td>19 March, 1810</td>
<td>Life</td>
<td>Adl. Gambier 24, 1811</td>
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<td>Herbert Stiles</td>
<td>Calcutta, Bengal</td>
<td>4 Deer, 1809</td>
<td>Life</td>
<td>Brig. Eagle, Mackay Mast., 17 Feb., 1811</td>
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Compared:—JNO. THOS. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

(Signed per brig James Hay.)

Sir,

Sydney, N. S. Wales, 12th May, 1814.

1. By the Arrival of the Ship, Three Bees, with Male Convicts on the 6th Instant, and Since closing my Dispatch of the 30th Ultimo, I have had the honor to receive your Letters under dates 28th September and 13th November, 1813, the latter enclosing copy of a Memorial from George Bruce, addressed to the Secretary of State for the Colonies.

2. I have perused the above mentioned Memorial, and, in obedience to the Commands of the Secretary of State, beg leave to submit for His Lordship's information the following remarks thereon: namely, 1st. The assertion, made by George Bruce in his Memorial in regard to my having advised him to go to England, is totally unfounded, having gone thither entirely of his own Accord. He was greatly involved in Debt here, and to avoid paying them he entered himself as a Sailor on board His Majesty's Ship Porpoise, and returned to England in her in May, 1810. 2nd. George Bruce (who went by the name of Druse in this Country) came originally a Convict to this Colony, Deserted from the Government Vessel Lady Nelson at New Zealand, where he remained, and afterwards married the Daughter of the Chief Tippahee. 3rd. I believe he went to Bengal in the
1814.
12 May.

Impostures practised in Bengal by Bruce.

Maori contempt for Bruce.

Character of Bruce.

Bruce to be prohibited from returning to the colony.

manner he describes, and practised gross impostures on that Government, representing himself as a Prince of New Zealand, and as being a man of great consequence there, by which means he obtained considerable Sums of Money from the Bengal Government, and a Passage to this Colony, where he arrived about the time of my assuming the Government of it. 4th. It is not true that George Bruce, alias Druse, possesses any interest or authority in New Zealand, where he is, on the contrary, much despised and disliked, on account of his ill usage and neglect of his wife, the daughter of the Chief Tippahee, by whom he had an only child (a girl), who is now Supported in the Female Orphan School at Sydney; the poor unfortunate mother having died here some little time before her Husband returned to England in the Porpoise, and by whom she was most shamefully and cruelly neglected in her last illness. 5th. To conclude these remarks, I must observe that George Bruce (whose character is perfectly well known in this Country) is a man of no principle whatever, of desperate Fortune, much given to drunkenness, and every kind of dissipation, and of most profligate manners in all other respects.

3. I therefore strongly recommend that George Bruce, alias Druse, may never be permitted to return to this Country nor to New Zealand; in which last, instead of doing any good, he would do a great deal of injury and mischief, both to the Natives of that Country, and to such European Traders as might chance to touch there.

I have, &c,

L. MACQUARIE.

17 May.

Declaration of peace.

EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per ship Indefatigable; acknowledged by Governor Macquarie, 24th June, 1815.)

Sir, Downing Street, 17th May, 1814.

I transmit to you for your information and Guidance a Proclamation declaring the Cessation of Arms agreed upon between His Majesty and enjoining the observance thereof.

I have, &c,

BATHURST.

[Enclosure.]

[A copy of the proclamation is not available.]

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

(Despatch per brig James Hay.)

Sir, Sydney, N. S. Wales, 17th May, 1814.

1. Thomas Alford, an Old and very faithful Servant to Government, and who has been for upwards of Twenty five years in this Colony, the greater part of which time he had served as

Services of Thomas Alford.
Head Government Gardener to the entire Satisfaction of every Successive Governor, having determined to pass the remainder of his days in this country, is particularly desirous to have his wife (who is still alive in England) and any of his family who may be willing to accompany her, sent out to join him, provided it could be done without any expense, which he is unable to defray.

2. I have therefore to request you will be so good as to move Lord Bathurst to have the Goodness to order a Passage to be found for Thomas Alford’s Wife and such of her family, as may wish to accompany her, at the expense of the Government on board of one of the first Convict Ships from England to this Colony.

3. The following is Mrs. Alford’s Address, viz. Mary Alford, Curry Rivle, near Taunton, Somersetshire, England. I also enclose a letter from her Husband for her, which I take the liberty to request you will have the goodness to forward, and shall esteem it a favor if you will be so good as to give the necessary facility to the request contained in his Letter being complied with.

I have, &c.,

L. Macquarie.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked “No. 8 of 1814,” per brig James Hay; acknowledged by Earl Bathurst, 4th December, 1815.)

Government House, Sydney, New South Wales, My Lord, 24th May, 1814.

1. The long and unexpected Delay, that has taken place in the Sailing of the Brig, James Hay, from hence for England, affords me the opportunity of now reporting to your Lordship that since the date of my General Dispatch of the 28th Uto. (by the present conveyance) the two Convict Transports, Catherine and Three Bees, have arrived with convicts from Ireland. The Catherine, commanded by Captn. William Simmonds, arrived on the 4th Instant with ninety seven female Convicts, one only having died on the Passage, and the Three Bees, commanded by Captn. John Wallis, arrived on the 6th inst. with two hundred and ten male Convicts, out of 219 originally embarked, the other nine having died on the passage; and out of those landed, it has been necessary to send fifty five to the Hospital many of them being much affected with Scurvy and others labouring under various complaints. On enquiring into the cause of this mortality and Sickness, it appeared that many of them had been embarked in a bad state of health, and not a few infirm from lameness and old age. I am happy in being enabled
Testimony in favour of masters and surgeons.

Arrival of John Palmer and a military detachment.

Female convicts to be sent to the Derwent.

Destruction of the transport Three Bees by fire.

254 HISTORICAL RECORDS OF AUSTRALIA.

1814.
24 May.

To state that the Convicts arrived by the Catherine and the Three Bees have, without a Single Exception, borne grateful Testimony to their having been treated with the most unremitting care, Attention, and kindness, by the Masters and Surgeons of those Vessels, from the day of their Embarkation until they were finally landed here. The circumstance of several of those unfortunate men being embarked in a diseased or feeble State will, I trust, shew the necessity for greater attention being paid to the state of the Health of the Convicts, who are to be embarked in future, which I have much reason to believe has not been so fully attended to by the Examining Surgeons as Humanity demands.

A Detachment of Four Subaltern Officers and thirty eight Soldiers of the 46th Regt. arrived by the Three Bees, having acted as a guard over the male convicts on board, and by this Vessel John Palmer, Esqr., arrived with the appointment of Assistant Commissary General.

2. The Settlement in Van Diemen's Land being much in want of Women, I have embarked Sixty of those arrived by the Catherine for thence on board His Majesty's Colonial Brig Kangaroo, with the Intention of dispatching her in a few days for the Derwent.

3. A most unfortunate Accident took place in Sydney Cove immediately in front of, and at a very short distance from Government House on Friday evening last, which I have now to relate to your Lordship. At about 5 o'clock in the evening the fine new Ship Three Bees was discovered to be on fire, and so rapid and violent was the Burst of the Flames when the Hatches were accidentally raised, that all effort at Extinguishing them was rendered totally useless, and must have been attended with the utmost risk to those who should have attempted it. The danger arising from the ordinary effect of Fire being increased beyond all calculation by the consideration that a very large quantity of Gunpowder was deposited Immediately adjoining the place from whence the Flames first proceeded. No alternative was left to the Ship's Company but an immediate abandonment, which fortunately took place without any accident whatever. At this Crisis, little short of the total Destruction of the Town of Sydney was expected every moment to take place by the Explosion of the Magazine. The alarm was so great that numbers of the Inhabitants deserted their Houses, and fled into the Country to avoid being buried in its ruins. Fourteen Guns, Some loaded with Ball and some with Grape Shot, exploded, Sending their Contents in Various directions, as the Ship drifted, through the Town, fortunately, however, without doing any damage further than the breaking a window in the Naval Officer's
House and Shattering a Writing Desk that lay within it. At this time a light breeze blowing off the Shore, and the Cable being cut, the Vessel drifted to the extremity of the Cove where she Struck on some projecting Rocks called Bennelong’s Point, and here the expected explosion took place. Owing to some circumstance, which cannot be otherwise accounted for than by Supposing that the Ship had previously taken in water, and wetted the powder, the Explosion did not occur till nearly two Hours after it was expected, and was not by any means so tremendous as there was reason to suppose it would have been. The alarm for the Town and the Shipping in the Cove was now at an end, but the Fire did not cease its ravages until the fine Ship was burnt down to the Water’s Edge, which took place in about Six hours from the first Discovery. This unfortunate accident is attributed to Some carelessness on the part of a Tailor, who had charge of a lighted Candle in the morning in that part of the Hold whence the Flames proceeded, and who is Supposed to have put it out in a careless manner, dropping Some of the Snuff of it in an unextinguished state at his Feet.

The Government Stores and Provisions, which had been sent out in her, had been fortunately landed (with the exception of a Small quantity of wet Provisions) previous to this lamentable occurrence. The unfortunate Commander, Surgeon, Officers and Crew were obliged precipitately to abandon the Ship, leaving all their property of every kind to be destroyed in the general Conflagration, and they are now without other Support than what arises from the Contributions of the humane and benevolent.

4. The Settlers having been some time ago extremely negligent in bringing in their grain to His Majesty’s Stores at a time when it was much required, I considered it my duty to express my Sentiments very fully to them on the Ingratitude thus exhibited for the various Benefits they had derived from Government, and I admonished them to beware of the consequences of persevering in this obstinate line of conduct at such a time of distress, arising from the apprehension of a general Scarcity of Grain in the Country. This admonition I published in a General Order on the 5th of February last, and I am happy to say it has produced the desired and best Effects on the Settlers, many of them have brought forward their Grain (tho’ at an advanced price) for the use of Government, and have also cultivated more ground, and Sowed more wheat this Season than they had done for the two previous years.

5. For the purpose of giving the foregoing Order the greatest Degree of Publicity, I gave Directions that it should be read during the time of Divine Service, on two Succeeding Sundays,
Refusal of Rev. S. Marsden to read order in church.

1814.
24 May.

by the respective Chaplains at the Several Churches or Places of Worship in the Colony. I have now to inform your Lordship that Mr. Marsden, the Principal Chaplain (who is permitted as a matter of Indulgence to reside and perform the Clerical Duties at Parramatta, instead of at Head Quarters) declined reading this General Order for the Second time, on the ground that it was Irregular and Improper to read Such Orders in Churches. This was his explanation when required to account for the Disobedience of Orders, and it is the more unaccountable, as he had never before declined reading Similar Orders, or hinted the Slightest objection thereto. Considering his conduct highly improper and disrespectful, I have cautioned Mr. Marsden to beware of resisting my Commands in this way for the future, as he shall answer for it at his peril. I have at the Same time directed him, if he should feel any real conscientious objections to this Duty, to appeal to the Archbishop of Canterbury as the Head of the Church, and I told him that I should not fail to lay the matter before your Lordship in the manner I have now done. I do myself the Honor to transmit for your Lordship's Consideration a Copy of the General Order that produced this resistance on the part of Mr. Marsden, on which I respectfully Solicit your Lordship to be pleased to take the opinion of the Archbishop of Canterbury and to honor me with it, and your Lordship's own Commands to regulate my future conduct by. At present it is my opinion that whatever has a Tendency to benefit the Community in a material Degree (as was the object of the Order in question) cannot be improper to be made public during the time of religious worship, and I consider Mr. Marsden's objections as very frivolous and ill founded, arising from Illiberal Sentiments and bigotted Principles, which on all occasions pervade and strongly mark his Conduct both on political and religious Subjects.

6. Having found that some Officers holding temporary Commands at the subordinate Settlements have been in the habit of appropriating many and various Articles from the King's Stores to their own use at the Government Price, that have frequently been required afterwards for the necessary purposes of Government itself, and, by being thus withdrawn, have laid Government under the necessity of purchasing Similar Articles at an exorbitant price from private merchants, and being desirous to repress this unmilitary practice, I issued a General Order under date the 24th of March last prohibiting Such practices for the future. A Copy of this Order I now do myself the Honor to transmit herewith, and trust it will meet your Lordship's approbation.
7. Practices of a very improper and reprehensible nature existing also in the Commissariat Department here, I have found it my Duty to restrain them by every means in my Power, and for this purpose, among other measures I issued a General Order on the 30th Ulto. denouncing the several punishments against those, who should further violate the Duties prescribed to them in their Several Departments of the Commissariat. Considering the occasion of admitting a New Clerk into the Commissariat a good opportunity for the promulgating this Order, I issued it on the day that Mr. George Johnstone Succeeded to Mr. Brodie, who has been convicted of malpractices, and consequently dismissed his Office. I do myself the Honor to transmit your Lordship a copy of this Order, which I hope will have the desired effect, and meet your Lordship’s approbation.

I have, &c.,
L. MACQUARIE.

[Enclosure No. 1.]

GOVERNMENT AND GENERAL ORDER.

Secretary’s Office, Sydney, Saturday, 5th Febry., 1814.

The Governor has observed with great regret the reluctance of the Settlers in general throughout this Colony in Coming forward to Supply His Majesty’s Stores with Grain in the present alarming Season of Scarcity; and that instead of Manifesting a due Sense of Gratitude for the repeated Favors and Indulgences they have received from Government, they seem determined to take every Advantage of its Necessities by withholding their Tenders to as late a Period as possible, to give them an Opportunity of exacting a most exorbitant Price for their Grain, knowing that it must be submitted to from the Necessities of the Times.

The Conduct of those Persons, who Stand Considerably indebted to the Crown for Cattle issued to them from the Government Herds, as well as for Various Articles which have been furnished them on Credit from the King’s Stores, is Still more inexcusable and reprehensible in their not Coming forward with their Grain at Such a Crisis. Such Persons can no longer expect any Lenity or Forbearance; and the Governor will accordingly direct that they Shall be Sued for their respective Debts at the Next Court of Civil Jurisdiction. Settlers of a different description, and especially those who are in Opulent Circumstances principally Owing to the Assistance they have derived from the Bounty of Government in Originally granting them Lands,
Stock, Provisions, and Government Men to Cultivate their Grounds, ought to have been the first to Come forward at Such a Season to Supply Government with Such Grain, as they Could Conveniently Spare, at a reasonable and Moderate Price. The Governor, however, laments to find he has been disappointed in almost every Instance, and therefore Conceives it a Duty he owes to the Crown, and to the Trust reposed in him by His Majesty, to signify to the Settlers of this Colony in this Public Manner, that unless he shall find in their future Conduct more promptitude in Coming forward to Supply His Majesty's Stores with Grain on reasonable Terms, and discharging the Debts they have incurred to the Crown, he shall be under the painful Necessity of resorting and Entirely trusting to Foreign Markets for Supplying the King's Stores with Wheat and Such Other Grain as may be required; Which it may not be amiss to remind them Can be done at half the Price, now paid for that purchased in this Colony. The Governor, however, will only reluctantly resort to this expedient; and only in the Event of the Settlers manifesting the same disposition at the Ensuing Harvest they have shewn on the present Occasion. The Governor, therefore, trusts this Communication of his Sentiments will have its due Effect on their Minds, and that they will see the Necessity of Observing a more fair and becoming Line of Conduct in future. He also Strongly recommends to the lower Class of Settlers to adopt Habits of Industry and Sedulous Attention to the Cultivation of their Farms, so as to provide a Sufficient Quantity of Grain, not only for the Consumption of their Own Families, but to Enable them to Supply the Government with this Article at a reasonable rate.

Whilst the Governor has thus had Occasion to animadvert on the reluctance of the Settlers in general to furnish their Grain to Government, he is desirous thus publicly to make his Acknowledgements to One Individual Settler, namely Thomas Gilberthorpe in the District of Pitt Town. This Person was the first to Come forward in the present Season of Scarcity with the lowest and most reasonable Tender to Supply Government with all the Wheat and Maize he Could Spare, And Was the Only Settler in the Colony, who last Year delivered into the Store the Complete Quantity he had tendered at the Stipulated Rate, altho' the Grain had advanced in Price Considerably after he had Sent in his Original Tender. Such an instance of fine and upright Conduct is Entitled to The Governor's present Commendation and Acknowledgement, with an Assurance that his Meritorious Conduct on both the Occasions alluded to Shall not pass unrewarded.
The Governor directs the foregoing General Order to be read on Sunday, the 13th, and Sunday, the 20th Inst., by the Chaplains in the Several Churches of the Colony.

By Command of His Excellency the Governor,

J. T. Campbell, Secretary.

Compared:—Jno. Thos. Campbell.

[Enclosure No. 2.]

Government and General Order.

Head Quarters, Sydney, Thursday, 24th March, 1814.

From Circumstances of recent Occurrence, His Excellency the Governor and Commander in Chief feels it incumbent on him to observe that, in the general or other Instructions given by him from Time to Time to the respective Commandants of the Outsettlements of the Territory of New South Wales, or its Dependencies, he never did authorise, or in the remotest Degree sanction, any of those Officers to appropriate Spirits, Provisions, or Stores of any other Kind (being the Property of the Crown and under their immediate Protection) to their own private Use and Emolument, as will clearly appear by Reference to those Instructions, and to the Scale or Schedule of Annual Distribution of Spirits regularly attached to them.

It is with much Concern that the Governor has now to remark that those Instructions have not been invariably adhered to, and that a very opposite Line of Conduct has been in some Instances acted upon, to a very considerableExtent, to the great Prejudice of the Public Service and contrary to the true Spirit of those Instructions.

His Excellency, therefore, deems it expedient peremptorily to order and direct that no Officer, in whatever Station of Command he either is now, or shall be hereafter placed under his Government, shall apply any Portion of Spirits, Provisions, or other Government Stores, entrusted to his Charge, to his own private Use and Emolument, or to that of any other Individual on the Pretence of paying for them at the Government Price, other than their own regular Rations and the Quantity of Spirits, sanctioned by his Instructions and Schedule of Distribution thereto annexed; which Schedule equally applies to himself (the Governor) and to the several Officers, Civil and Military, and Licensed Publicans within the Limits of his Command.

His Excellency has only to add that, in Cases of particular Emergency, Reference may be made to Him, who, in the Exercise of his supreme Authority, will determine on the Propriety and Expediency of sanctioning any occasional Deviation from
the general Scale of Distribution of Spirits above alluded to, and from which he has not personally ever deviated.

LACHLAN MACQUARIE.

By Command of His Excellency The Governor and Commander in Chief, J. T. CAMPBELL, Secretary.

[Enclosure No. 3.]

GOVERNMENT AND GENERAL ORDER.

Secretary's Office, Sydney, Saturday, 30th April, 1814.

It having been proved, in Evidence before the late Court of Criminal Jurisdiction, that a subordinate Officer in the Commissariat Department at Sydney had conducted himself in a most fraudulent Manner, and been guilty of a shameful Breach of Trust in the Execution of the Duties of his Office, and he, having in his Defence, endeavoured to establish that the Sales of the Government Stores, which he was convicted of having made, arose out of a private Trade in which he avowed himself to be concerned, His EXCELSERY the GOVERNOR deems it necessary to publish, for the more full Information and Guidance of all Officers and Persons employed in the Commissariat Department in the Territory of New South Wales and its Dependencies, the following Extract from the printed Instructions of the Lords Commissioners of His Majesty's Treasury to a Commissary General, namely the 38th Article:—

"You are faithfully and honestly to discharge the Duty and Trust reposed in you. You are not to carry on or be concerned in any Trade whatever, or directly or indirectly to derive the smallest Advantage from your Situation beyond the stipulated Pay and Allowances of your Rank, under pain of being brought to a General Court Martial, and you are to adopt every possible Precaution to ensure an Adherence to this Article on the Part of your Deputies, Assistants, and all others employed under you."

Which recited Article His EXCELSERY trusts will remove every Doubt, which might be possibly entertained, upon the Competency of a Person filling any Situation in the Commissariat Department, and being concerned at the same Time in private Trade.

The Regulation contained in the foregoing Article being absolute and of the utmost Importance to the Public Service, His EXCELSERY trusts that, after the present Promulgation of it, Officers and other Persons employed in the Commissariat Department will pay the most implicit Obedience to it, without further Instructions on that Subject, His EXCELSERY being determined to punish every Deviation from it in the most exemplary manner.
The Public are also hereby apprised that as no Officer or other Person in the Commissariat Department is authorised or warranted in carrying on any private Trade, such Articles, as may be purchased of them, will be considered as stolen Goods, and the Purchasers prosecuted accordingly.

No private Goods, Merchandize, or Stores of any Kind, are in future to be permitted to be deposited in any of His Majesty's Stores in this Territory (such only excepted, as may be bonded or deposited for Government Public Purposes, or by the special Authority of the Governor), such Indulgences being subject to much Abuse and liable to be rendered subservient to fraudulent Purposes.

The Governor further orders and directs that in future the Deputy Commissary General shall furnish Him with Quarterly Returns of the exact Quantity of Dry and Wet Provisions in His Majesty's Stores and Magazines, at Sydney, and the several subordinate Settlements in New South Wales; said Returns to be made up to the 31st of March, 30th June, 30th September, and 31st December, each of the said Days inclusive in each Year.

By Command of His Excellency the Governor,
J. T. Campbell, Secretary.

GOVERNOR MACQUARIE TO EARL BATHURST.
(Despatch marked "No. 9 of 1814," per brig James Hay; acknowledged by Earl Bathurst, 4th December, 1815.)

My Lord, Government House, Sydney, 28th May, 1814.

1. A Most Violent and destructive Hail-Storm took place here on the 10th of March last, which from the Injury it has done both to the Houses of private Persons, and to the Government Buildings, I feel Myself under the Necessity of representing it to Your Lordship.

This Storm, which Came on Nearly at Mid-day, lasted about fifteen Minutes, the Wind blowing Strong from the South-West; the Hail Stones so far Surpassed in Size and Varied so much in Shape from Any other Hail, that I have ever seen, that I think I should better describe them as irregular Fragments of Ice than as Hail Stones, Many of them being from 2 to 3 Inches in Length, and Nearly as Much in Circumference; these, being Drifted by a very Strong Wind, Struck against the Windows facing to the Southward and Westward, that almost every Pane of Glass throughout the Town in those Directions was broken to pieces.

That Aspect of the Town, which received the Injury, presented on the following Day just Such a shattered Appearance as Might be Expected from a great Explosion of Gun-Powder.
The Quantity of Glass, thus destroyed in the Government Buildings demanding a large Supply to make good the Injury, and having also accommodated some private Persons, who had Suffered Severely by the Storm, from the Supply of Glass in the Government Stores, which was almost the only Glass at that time in the Colony, the Quantity now remaining in it is at a very low Ebb. In Consequence of this Circumstance, I am under the Necessity of forwarding, by the present Occasion, a supplementary Estimate for Window Glass, which will be required for the new Barracks and other Public Buildings now in progress, and in Contemplation at Sydney, and I respectfully Solicit Your Lordship to give the necessary Directions for its being Complied with.

2. Since Closing my Dispatch respecting Mr. John Hartley, that Person has Applied for and received the pecuniary Remuneration, which had been formerly tendered him by My Order, for the Disappointment he had Suffered in Not Succeeding to the Situation of Naval Officer. In Consequence of his receiving this Remuneration, A Release and Acquittance has been Signed and perfected by Mr. Hartley, in Triplicate, Whereby he has relinquished All further Claim on Government on this Account. One of these Releases, I now transmit herewith for Your Lordship's Information and Guidance. Mr. Hartley now proceeds to England on board the James Hay, which is the Vessel I have now the Honor to address Your Lordship by.

3. With a view to Inducing the Bandittis of Run-away Convicts in Van Diemen's Land (whose Depredations I have, in a Dispatch by this Occasion, Communicated to Your Lordship) to return to their Duty and Allegiance, I have Issued a Proclamation, Under date the 14th Inst., holding out an Indemnity for their past Crimes (Murder Excepted), provided they shall Surrender themselves within the time limited in the Proclamation.

Your Lordship will receive herewith a Printed Copy of this Proclamation, Which I trust Your Lordship will approve of.

I have, &c.,

L. Macquarie.

[Enclosure No. 1.]

SUPPLEMENTARY ESTIMATE for 200 Boxes of Window Glass for the use of His Majesty's Colony of New South Wales.

Vizt:

100 Boxes 50 feet each ............. 12 x 10
50 Do. Do. ............. 10 x 8
50 Do. Do. ............. 9 x 7

Sydney, New South Wales, 27th May, 1814.

L. Macquarie.
[Enclosure No. 2.]

DEED OF RELEASE BY JOHN HARTLEY.

His Majesty's Territory of New South Wales.

Know all Men by these Presents that I, John Hartley, of Sydney, Gentleman, for and in Consideration of the Sum of Three Hundred and Eighty Pounds good and lawful Money to Me in hand Well and truly paid by D'Arcy Wentworth, Esquire, Treasurer of the Colonial Police Fund of this Territory (by Order and for Account of this Government), the Receipt Whereof I, the Said John Hartley, Do hereby acknowledge, Have remised, released, discharged, and for ever renounced and Surrendered All and All Manner of Claim, and by these Presents for Myself, My Heirs, Executors and Administrators, for ever renounce and Surrender All and All Manner of Claim on the British and Colonial Government for and by Reason of any Loss of time or Disappointment by Me Sustained in Not having been placed in the Situation of Naval Officer of this Port, agreeably to the Right Honorable Lord Castlereagh's Original Intention in that behalf. And Further Know Ye that, by Reason and in Consideration of my having received the above Sum, being an Allowance of five Shillings per diem from the Eighteenth day of August in the Year one thousand, Eight Hundred and Nine, being the Period of my Arrival from England at Port Jackson up to the fifteenth day of October, One thousand Eight Hundred and thirteen now last past, both Days inclusive, on which said last Mentioned Day, I received Official Notification from His Excellency Lachlan Macquarie, Esquire, Governor in Chief of this Territory, that I was not to be permitted to hold the Appointment of Naval Officer aforesaid, I do accept the Said Sum of three Hundred and Eighty Pounds in full Satisfaction and Compensation for not having been placed in the Situation of Naval Officer as aforesaid, and renounce All Claim to any further Remuneration on that Account. In Witness whereof I, the said John Hartley, have hereunto Set my Hand and Seal to the three Separate Instruments, All of the Same Tenor and date, the Twenty Seventh Day of May, in the Year of our Lord, One thousand, Eight Hundred and fourteen.

JN. HARTLEY.

Sealed and delivered (No Stamps being Used in this Settlement) in Presence of

ROBERT JONES.
THOS. STYNDES.

App'd: L. MACQUARIE.
Proclamation of amnesty to bushrangers in Tasmania.

[Enclosure No. 3.]

Proclamation relating to Bushrangers.

By His Excellency Lachlan Macquarie, Esquire, &c., &c., &c.

Whereas Peter Mills, late Acting Deputy Surveyor of Lands at His Majesty's Settlement of Port Dalrymple, Van Diemen's Land, in the Territory of New South Wales, and George Williams, late Acting Deputy Commissary of Stores and Provisions at the said Settlement, have unlawfully absconded and fled from their usual Habitations and Employments at the said Settlement into the Woods and retired Places in the Neighbourhood of the same, with Intent to evade the Law, and defraud their just Creditors, and with Intent to support and maintain themselves by Rape and Violence, have there armed themselves, and feloniously confederated with, and put themselves at the Head of divers profligate and disorderly Persons (as well Convicts as others), also armed, who have at various times fled from the Service of Government, or from other their lawful Masters and Employers, at His Majesty's Settlements in Van Diemen's Land, into the Woods or retired Places in the Neighbourhood of the said Settlements to lead a Life of Idleness and Debauchery, or to avoid the Punishment due to their Offences.

And whereas the said Peter Mills and George Williams, and the other profligate Persons aforesaid, being so armed and confederated together, as aforesaid, for unlawful and wicked Purposes aforesaid, and in fulfilment of the same have feloniously and wickedly committed many atrocious Robberies and Depredations upon the peaceable Inhabitants of the Settlements, by feloniously and violently driving away and stealing their Sheep and Cattle, and feloniously, violently and burglariously breaking into their Houses, and then and there stealing divers of their Goods and Chattels, to the great Damage and Terror of His Majesty's Subjects in the said Settlements, and the utter Subversion of all good Order and Government:—It is therefore hereby ordered, declared, and publicly notified by His Excellency Lachlan Macquarie, Esquire, Captain General, Governor and Commander in Chief as aforesaid, that the said Peter Mills and George Williams, and also the several Persons hereafter named, namely:—

James Campbell  George Baxter  Thomas Mills
John Ricketts  Charles Baxter  Randal Fore
Michael Howe  William Elliot  John Creswell
Edward Bageant  John Whitehead  Bartholomew Foley
Moses Davis  Thomas Burrell  William Russel
George Moore  Thomas Starkey  James Dalton
John Bould  Richard Forrest  John Rose
John Davis  Morris Healey  Thomas Stewart
John Lee  George Jones  William Taylor
Shall, and they are hereby severally required in the Name and on the Behalf of His Majesty, peaceably, and upon their Allegiance as Subjects of His Majesty, to return to His Majesty's Settlements of Hobart Town and Port Dalrymple, in Van Diemen's Land aforesaid, on or before the First Day of December next ensuing the Date of this Proclamation, and then and there severally to surrender themselves to one of His Majesty's Justices of the Peace, or to the Chief Constable in the said Settlements, or either of them. And it is further ordered and declared by the Authority aforesaid, that if the said several Persons above named, or any or either of them shall make Default in, or shall neglect or refuse to surrender himself or themselves at the Time aforesaid, to one of His Majesty's Justices of the Peace, or to the Chief Constable at the said Settlements, or either of them, they shall severally be deemed and taken to be Outlaws, and be dealt with and treated accordingly.

Provided Nevertheless, and it is hereby, and by the Authority aforesaid, declared, promised, and publicly notified to the said several Persons above named, that if any of the said several Persons shall, on or before the First Day of December next. surrender himself or themselves in Obedience to this Proclamation, and according to the Tenor and Intent thereof, and shall peaceably return to their lawful Occupations, he or they so surrendering himself or themselves, and returning to their lawful Occupations as aforesaid shall be pardoned, and saved harmless from all Offences (save and except the Crime of Wilful Murder) by him or them committed during his or their unlawful Absence from their respective Habitations and Employments as aforesaid, any Thing herein contained to the Contrary notwithstanding.

Given under my Hand, at Government House, Sydney, this Fourteenth Day of May, 1814.

LACHLAN MACQUARIE.

God Save the King!

By Command of His Excellency,

JOHN THOMAS CAMPBELL, Secretary.

GOVERNOR MACQUARIE TO EARL BATHURST.

My Lord,

Sydney, N. S. Wales, 28th May, 1814.

I do myself the honor of transmitting to Your Lordship herewith the Series of the Sydney Gazettes from the 26th of June, 1813 (when last sent), up to the 21st of the present Month of May inclusive. I have, &c.,

L. MACQUARIE.
EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 30, per brig Emu; acknowledged by Governor Macquarie, 24th March, 1815.)

Sir, Downing Street, 1st June, 1814.

His Royal Highness The Prince Regent having been pleased to appoint Edward Abbott, Esq., to be Deputy Judge Advocate, and to preside in the Civil Court established by the new Patent for Van Diemen's Land, he takes his Passage direct for Hobart's Town in the Colonial Brig "Emu," with his Family, and I transmit a Copy of his Commission for your information.

I trust that the Ship "Broxburnebury," on Board of which Mr. J. H. Bent embarked, having in charge the new Patent, will have long ago arrived at Port Jackson; and I am to signify to you the Commands of His Royal Highness that, as soon as possible after the receipt of this Letter, you do send down to the Derwent such an authenticated Copy of that part of the Patent, which concerns Van Diemen's Land, as may be necessary for constituting the Court there in a regular and proper manner, and that you give such directions thereupon as may be necessary to the Lieut. Governor, who will swear in the Deputy Judge Advocate.

Mr. Abbott has received one year's Salary, at the rate of £600 pr. Annum to the 9th Day of February next, from which period his Salary will be included in the Parliamentary Grant; and, having been permitted to take with him from this Country a young Man with the appointment of Clerk of Court, who is to be allowed a Salary of £80 pr. Annum out of the Colonial Funds, I am to desire that you will direct Lieut. Governor Davie to issue Salary to Mr. John McNab at the above rate from the 5th Day of February last; and you will also give Instructions to Lieut. Governor Davie to give all such allowances and indulgences of Land and otherwise to Mr. Abbott, and the persons accompanying him, as have been given to the Civil Officers of the Colony of the same Rank at the Chief Settlement.

His Royal Highness has also been pleased to appoint Mr. Tims, late Provost Marshal at Norfolk Island to be Provost Marshal at Van Diemen's Land, and I inclose a Copy of his Commission. As it would be inconvenient to increase the amount of the Estimate, I am to desire that you will instruct Lieut. Governor Davie to pay Mr. Tims's Salary from the Colonial Fund at the rate of 5s. per diem from the period of his commencing the duties of his Office until his Pay can be included in the Estimate; and Mr. Tims having represented that he has received Pay as Provost Marshal and Superintendent of Norfolk Island only to the 4th April, 1813, I am further to desire that
he may be allowed half pay at the rate of two shillings and sixpence per day from that date to the period of his undertaking his duties at Van Diemen's Land.

I have, &c.,
Bathurst.

[Enclosure No. 1.]

Commission to Edward Abbott as Judge-Advocate in Van Diemen's Land.

In the Name &ca.
George P.R.

George the Third, &ca. To our Trusty and Well beloved Edward Abbott, Esqre., Greeting: We do by these presents constitute and appoint you to be Deputy Judge Advocate of our Settlements in Van Dieman's Land on the Southern Coast of New South Wales; you are therefore carefully and diligently to discharge the duty of Dy. Judge Advocate 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 our Governor or our Lt. Governor of our said Settlements, or any other your superior officer, according to the Rules and Discipline of War. Given at our Court at Carlton House, the 8th Day of Feby., 1814, In the fifty fourth year of our Reign.

By Command of His Royal Highness The Prince Regent, In the Name and on the Behalf of His Majesty,

Bathurst.

[Enclosure No. 2.]

Commission to Martin Tims as Provost Marshal in Van Diemen's Land.

In the Name and on the Behalf of His Majesty.
George P.R.

George the Third, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, &ca. To Our Trusty and Well beloved Martin Tims, Gent., Greeting: We do by these presents constitute and appoint you to be Provost Marshal to Our Settlements on Van Diemen's Land on the Southern Coast of New South Wales. You are therefore carefully and diligently to discharge the duty of Provost Marshal 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 Our Governor or Our Lieutenant Governor of Our Said Settlements, or any other Your Superior Officer, according
1814.

1 June.

Commission to Martin Tims as provost-marshal in Tasmania.

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to the Rules and Discipline of War. Given at our Court at Carlton House, the Thirty first day of May, 1814, In the Fifty fourth Year of Our Reign.

By Command of His Royal Highness, The Prince Regent, in the Name and on the behalf of His Majesty.

BATHURST.

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EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per brig Emu; acknowledged by Governor Macquarie, 24th June, 1815.)

Sir, Downing Street, 2nd June, 1814.

I have the satisfaction to transmit to you an Extraordinary Gazette, Published this day, stating that a Definitive Treaty of Peace and Amity between His Britannic Majesty and His Most Christian Majesty was signed at Paris on the 30th Ultimo.

I have, &c.,

BATHURST.

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EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per brig Emu; acknowledged by Governor Macquarie, 24th June, 1815.)

Sir, Downing Street, 8th June, 1814.

I do myself the honor of transmitting for your Information a Copy of the Definitive Treaty of Peace, signed at Paris on the 30th Ultimo, by the respective Plenipotentiaries of Great Britain and France.

I have, &c.,

BATHURST.

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EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 31, per ship Marquess of Wellington; acknowledged by Governor Macquarie, 24th March, 1815.)

Sir, Downing Street, 5 July, 1814.

Mr. Bent will have delivered to you my Letter No. 29,* which informed you that two respectable Solicitors had been selected to proceed to N. So. Wales by an early opportunity, and that a Salary of £300 per ann. to each of them was to be defrayed out of the Colonial Revenue, and to commence from the 1st Day of Feb. of this year.

I am now to acquaint you that these Gentlemen, with their families, will sail in the Ships at present under Dispatch, Mr. Garling in The Francis and Eliza, and Mr. Moore in The Marquis of Wellington; and I beg leave to recommend both of them to your Notice and Protection. These Gentlemen are to be allowed every Privilege and Indulgence, which has hitherto been extended to the Civil Colonial officers of the higher Classes, and I flatter myself that they will be found not only useful to the-

* Note 53.
Colonial individually in their own Profession, but that the Procedure in the Courts of Judicature, which have been recently established, will be carried on in a manner which will in a great degree do away all the Inconveniences and Objections, which had been found to attend the Administration of Justice under that part of the Old Patent,* which His Royal Highness The Prince Regent has been pleased to revoke.

I have, &c.,
Bathurst.

EARL BATHURST TO GOVERNOR MACQUARIE.
(Despatch No. 32, per ship Marquess of Wellington; acknowledged by Governor Macquarie, 24th March, 1815.)

Sir,
Downing Street, 6 July, 1814.

H.R.H. The Prince Regent having been pleased to appoint Mr. John Drummond, who will deliver this letter to you, to be Naval Officer at Hobart's Town in Van Dieman's Land, I am to signify to you The Pleasure of H.R. Highness that you should instruct Lieut. Gov. Davie to make out a proper Warrant for this purpose, and, upon Mr. Drummond's Arrival at the Derwent, to put him into possession of the Appointment with a Salary of 5s. per diem to be paid out of the Colonial fund, and to commence from his taking upon himself the duties of the Situation. You will also direct Lt. Govr. Davie to extend to Mr. Drummond all the Privileges and Indulgences, allowed to other Colonial officers, and particularly to the Persons, who have done the duty of Naval officer at Hobart's town.

Mr. Drummond takes his passage in the Ship Marquis of Wellington, which is bound direct for Port Jackson, and you will take the earliest Opportunity of forwarding him and his family to Van Dieman's Land free of Expence. I have, &c.,

Bathurst.

MAJOR-GENERAL BUNBURY TO GOVERNOR MACQUARIE.
(Despatch per ship Indefatigable; acknowledged by Governor Macquarie to Earl Bathurst, 24th June, 1815.)

Sir,
Downing Street, 8 Aug., 1814.

I am directed by Lord Bathurst to transmit to you an Assignment of 200 Male Convicts, embarked in the Ship Surry, and a list of 132 Female Convicts, embarked on board the Ship Broxburnbury, for the Colony under your Government.

I have, &c.,

H. E. Bunbury.

[Enclosures.]
[Copies of these two documents are not available.]

* Note 54.
MAJOR-GENERAL BUNBURY TO GOVERNOR MACQUARIE.

(Despatch per ship Northampton; acknowledged by Governor Macquarie to Earl Bathurst, 24th June, 1815.)

Sir, Downing Street, 21 Aug., 1814.

I am directed by Lord Bathurst to acquaint you that, having received a very favourable Report of the Character of Mr. J. Smith, his Lordship has given him permission to proceed as a Settler to New So. Wales.

If Mr. Smith should wish to settle at Sydney, you will give him a Town Lot, whereon to erect a house, together with such a Grant of Land as is usually allowed to Settlers of his Class; and if he prefers Van Dieman's Land, you will direct the Lieut. Governor to establish him at Hobart's town.

Mr. Smith having received the Permission of Government to become a Settler previous to the date of Lord Bathurst's Instruction to you to increase the Amount of the Quit Rents, he is to receive his Land upon payment of the old Quit Rent.

I have, &c.,

H. E. BUNBURY.

MAJOR-GENERAL BUNBURY TO GOVERNOR MACQUARIE.

(Despatch per ship Northampton; acknowledged by Governor Macquarie to Earl Bathurst, 24th June, 1815.)

Sir, Downing Street, 21 August, 1814.

I am directed by Lord Bathurst to acquaint you that his Lordship has given permission to Mr. Wm. Wilson to proceed as a Settler to New So. Wales, and to desire that you will grant him an allotment of Land, and extend to him all the other Privileges and Indulgences allowed to Free Settlers.

I have, &c.,

H. E. BUNBURY.

EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per ship Northampton; acknowledged by Governor Macquarie, 24th June, 1815.)

Sir, Downing Street, 6th Septem., 1814.

I transmit to you herewith the Copy of a Letter, dated the 8th Ultimo, addressed to this Department by Command of the Lords Commissioners of the Treasury upon the Subject of the Examination of Regimental Paymaster's Estimates, And I am to desire that you will take the necessary measures for establishing the Mode of Examination, therein pointed out, as far as the same may be applicable to your Command in the subordinate Department alluded to.

I have, &c.,

BATHURST.
BATHURST TO MACQUARIE.

[Enclosure No. 1.]

SECRETARY LUSHINGTON TO UNDER SECRETARY GOULBURN.

Sir, Treasury Chambers, 8th August, 1814.

I am Commanded by the Lords Commissioners of His Majesty's Treasury to transmit to you the Copy of a Letter from the Paymaster General, of the 19th January last, relative to the Examination of Regimental Paymaster's Estimates; and I have to acquaint you that My Lords have directed the Commissary in Chief to give Instructions to all Commissaries of accounts that it is a part of their Duty to examine the Estimates of the Regimental Paymasters, which may be referred to them by the Commissioners of the Forces, previously to the Warrant being prepared for the issue of the Money; and it appearing to My Lords that it is a part of the duty of the Military Secretary to examine such Estimates on those Stations, where there is no Branch of the Department of the Commissariat of Accounts, I am to desire you will move Lord Bathurst to cause Communications to this Effect to be made to the several Officers Commanding on Foreign Stations.

I am, &c.,

S. R. LUSHINGTON.

[Enclosure No. 2.]

MR. CHARLES LONG TO THE LORDS COMMISSIONERS OF THE TREASURY.

My Lords, Army Pay Office, 19th January, 1814.

It appearing that a very considerable Number of the observations of the Commissary General of Accounts upon the Accounts of Mr. Boys, Deputy Paymaster General in the Peninsula (as well as upon the Accounts of our Deputies on either Stations), relate to defects and irregularities in the Estimates of Regimental Paymasters, We take leave to state to Your Lordships that, as these Documents do not necessarily form any part of the Vouchers or Authorities of Our Deputies, such observations on their Accounts appear to Us to be irrelevant, and productive not only of great additional trouble to Our Deputies, but also of considerable delay in the examination of their Accounts and the transmission of them to Our Office. Your Lordships will be aware that the Estimates alluded to are made out for the purpose, as accurately as Circumstances will admit; the Account of all the Issues of Money required from time to time to be made on account of the Ordinary Services of each Regiment or Detachment, and as the Warrants of the Commander of the Forces, under the Authority of which Our Deputies make their payments, are prepared by or under the direction of the Commander in Chief's Military Secretary from those Estimates, We think it
Method to be adopted in examination of estimates of regimental paymasters.

will be obvious to Your Lordships that any Defects or irregularities in them ought to be observed upon in the Military Secretary's Office, and the necessary corrections etc. made by the Regimental Paymasters, previous to the Warrants being prepared for issuing the Sums required by such Estimates. We therefore have the Honor to submit to your Lordships' consideration, that Arrangements be made for the proper examination of Regimental Estimates, before they are acted upon, either in the Office of the Commander in Chief's Military Secretary or by a Branch of the Department of the Commissary of Accounts being established on each Station, where necessary, at the most convenient place for that purpose, And should our proposition meet Your Lordships' approbation, We have to beg Your Lordships will be Pleased to give the necessary directions thro' the Commissary in Chief, or otherwise, for carrying it into effect in Order that the inconvenience We have stated, resulting from the present System, may be done away as early as possible.

We have, &c.,

CHARLES LONG.

MAJOR-GENERAL BUNBURY TO GOVERNOR MACQUARIE.

(Despatch per ship Northampton; acknowledged by Governor Macquarie to Earl Bathurst, 24th June, 1815.)

Sir, Downing Street, 12 Sep., 1814.

I transmit to you herewith the Copy of a letter, which has been addressed to me by direction of His Majesty's Secretary of State for the Home Department, enclosing the Copy of one from the Rt. Honble. Robert Peel, which states the Circumstances attending the Transportation of a Convict, named Thomas Langan, from Cork to New South Wales in the Ship Anne in the year 1800. And I am directed by Ld. Bathurst to desire that this person may have permission to return to Ireland by the first Opportunity.

I have, &c.,

H. E. BUNBURY.

[Enclosure No. 1.]

UNDER SECRETARY BECKETT TO MAJOR-GENERAL BUNBURY.

Sir, Whitehall, 7th Septem., 1814.

I am directed by Lord Sidmout to transmit to you the within Copy of a Letter, which has been received from The Right Honble. R. Peel, relative to a Man of the Name of Thomas Langan, who sailed from Cork for New South Wales in the Convict Ship "Anne" in June 1800, and to desire that you will lay the same before Lord Bathurst, and move His Lordship to be

Thomas Langan to be permitted to return to Ireland.
BATHURST TO MACQUARIE.

Pleased to give directions to the Governor of New South Wales to permit the Person in Question to return to Ireland by the first Opportunity.

J. BECKETT.

[Enclosure No. 2.]

THE RIGHT HON. R. PEEL TO UNDER SECRETARY BECKETT.

Sir, Dublin Castle, 2d Sept., 1814.

In the year 1799, a Man of the Name of Thos. Langan was, under the provisions of the Insurrection Act, ordered by the Justices at a Sessions, held in the County of Limerick, to be Transported for Seven Years as a disorderly Person, and who Sailed from Cork for New South Wales in the Convict ship "Anne" in June 1800. It is apprehended that a correct Certificate of the Said Thos. Langan's Sentence was not transmitted to New South Wales, the Vessel having Sailed without a regular list of the Convicts on board; and application being now made by the Grand Jury of the County of Limerick that he may be allowed to return to Ireland, his Term of Transportation having long since expired, I am directed by the Lord Lieutenant to desire that you will lay the matter before Lord Sidmouth, with His Excellency's request, that His Lordship will cause Instructions to be transmitted to the Governor of New South Wales to permit the said Thomas Langan to return to Ireland by the first Opportunity.

R. PEEL.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 33, per ship Northampton; acknowledged by Governor Macquarie, 24th June, 1815.)

Sir, Downing Street, 20 Sep., 1814.

I transmit to you herewith the Copy of a letter, addressed to this Department by direction of the Lords Commissioners of His Majesty's Treasury, respecting Mr. Allen Cunningham and Mr. James Bowie,* who have been appointed Collectors of Plants for His Majesty's Botanic Garden at Kew; And I am to desire that during their residence within your Government you will afford every facility and assistance in your power to enable them to prosecute with Success the undertaking, in which they are engaged.

I am, &c.,

BATHURST.

[Enclosure.]

SECRETARY HARRISON TO MAJOR-GENERAL BUNBURY.

Sir, Treasury Chambers, 16 Sepr., 1814.

The Prince Regent having signified His Pleasure that two Persons should be immediately appointed as Collectors of Plants for His Majesty's Botanic Garden at Kew, Mr. Allan

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* Note 55.
Cunningham and Mr. James Bowie have been nominated by the Lords Commissioners of His Majesty’s Treasury for this Service; and it having been represented to their Lordships that it will be of great importance to the success of this Undertaking that the Collectors should receive every facility and assistance, which can be afforded by the Government, I am commanded by their Lordships to desire that you will move the Earl Bathurst to convey, to the Governor of the Cape of Good Hope, Instructions to provide for the Service of the Collectors, a Waggon, a couple of Teams of Oxen for their Journies, a Hottentot Driver, and two or three Men to attend the Oxen, and also to furnish the Collectors with the Usual Orders upon the boors for boorspans of Oxen; and if they should go beyond the limits of the Colony with an Order to the Landrost to give them the protection of a few boors, which my Lords are informed is termed a Commando, And also to afford them every other Facility and Assistance in his Power, which may contribute to the Success of the Undertaking; and I am further to desire that you will also move the Lord Bathurst to convey to the Governors, or other persons, having the Principal Authority in the several Settlements in New South Wales, Instructions to afford to both, or either of these Persons, in the Event of their proceeding to that Country, similar Facilities in the prosecution of their undertaking.

I am, &c.,

GEO. HARRISON.

GOVERNOR MACQUARIE TO THE COMMISSIONERS OF THE TRANSPORT BOARD.

(Despatch per ship Seringapatam.)

Government House, Sydney, New South Wales, 1st October, 1814.

Gentlemen,

I have to inform you that the Male Convict Ship Surrey arrived here on the 28th of July last, the principal part of the Crew and Convicts being in a wretched and deplorable State of Disease. On the passage hither, an infectious fever* first exhibited itself among the Convicts, and eventually extended to the Ship’s Crew and Officers, and to a Detachment of the 46th Regt. destined for this place. The Mortality, which has been the Consequence, is very great, 36 Convicts died, as also the Captain of the Ship, the 1st and 2nd Mates, the Boatswain and Six Seamen, besides 1 Serjeant and three Privates of the Military Detachment: In all Fifty Persons.

I have much reason to apprehend that this destructive Disease originated in the mismanagement of two of the unfortunate Sufferers, namely the Captain and Surgeon, whose Duty it was

* Note 56.
equally to have caused the Convicts to be brought more frequently and in greater numbers on Deck, than it appears they thought proper to authorize.

It may be here remarked that, unless the unfortunate Convicts in Prison Ships are frequently brought on Deck to enjoy the benefit of fresh air, and the Berths below thoroughly washed, cleaned and ventilated, Disease must be the consequence. On the present occasion, it appears that there never were more than 50 Convicts permitted to come on Deck at once, and very Seldom more than from 30 to 40. The greater proportion of 150 to 170 being thus left constantly below, it was of course totally impossible that the Berths could be cleansed and purified, as they ought to be, and Still much more so that they could be ventilated whilst such a number of Persons remained there.

For your further information on this Subject, I beg to refer you to the Report of Mr. Redfern, Assistant Surgeon on this Establishment, and have only to express the hope that you will give this Report of the fatal Consequences, attending the rigid and unfeeling Conduct of the Captain and Surgeon, the Consideration due to the distressing circumstances detailed in it, and that you will give such instructions to the Masters and Surgeons of other Convict Ships, as may tend to avert the recurrence of such Calamities for the future. I have, &c,

L. MACQUARIE.

[Enclosure.]

SURGEON REDFERN TO GOVERNOR MACQUARIE.

Sir, Sydney, New South Wales, 30th September, 1814.

Some days since, in a Conversation with your Excellency on the Subject of the Calamitous state of disease, in which the Convicts, on the Transports General Hewit, Three Bees, and Surry, Arrived in this Country, Your Excellency expressed a wish that I should Communicate to you my Sentiments on the probable causes of the diseases, which appeared Among the Convicts on these Transports, on the means of preventing similar Occurrences in future, or of Counteracting their effects.

In obedience to this wish, I have now the honor of Submitting the following detailed observations to Your Excellency's Consideration.

In the Order, in which I now propose to myself to lay before Your Excellency the observations I am about to make, I shall beg leave to call your Excellency's attention to the various circumstances connected with those Transports, According to the priority of their Arrival in this Colony, making occasionally, as I proceed, such remarks as seem naturally to arise out of the Subject.
It appears, from the best information I have been able to obtain, that the General Hewit, a Ship of 960 Tons, Earl Master, received on the 28th July, 1813, from the Hulk at Woolwich One hundred and twenty four Convicts. She then dropped down to Gravesend, where she remained sixteen days, whence she went to the Nore and received Forty eight Convicts from the Hulk at Sheerness; on the 22d and 23d August, two days after her Arrival at Portsmouth, she completed her Number, three hundred, by One hundred and twenty four Convicts from the Hulks at Portsmouth and Langston; and finally sailed from England on the 26th of the same Month, having on board in addition to the Convicts, Seventy Soldiers, Fifteen Women, Eight Children, and One hundred and four Ship's Company, besides several passengers, in all, Five hundred and fifteen, having been twenty seven days from the embarkation of the first of the Convicts to the day of her Sailing, during the whole of which time, it is to be observed and regretted the Convicts were closely confined below.

That they were divided into Messes of Six Men each, Six of which Messes were admitted on deck in rotation during the day for the benefit of Air; this practice was continued till she arrived at Madeira, when the prisoners were again kept below for Nine days, the time of her Stay at that Island; on proceeding to Sea, they were again admitted on Deck in the same number and usual manner, until they made Rio Janeiro, when they were once more closely confined for ten days, by which time the Sickness, which had Commenced shortly after their quitting Madeira, had increased to an alarming degree. In Consequence of this Sickness, the Convicts were very properly allowed Access to the deck during the day for the remaining part of the Voyage. It was now, Alas! too late. No care, no exertion, however it might lessen, could now remedy the evil.

That there were two days in the Week Appointed for Shaving and cleaning the Convicts, but this regulation was not persisted in with any regularity; they were however obliged to Appear Clean every Sunday On the quarter deck, in Order to Attend divine Service, till they Arrived at Rio Janeiro, when this Salutary practice was neglected, and the Convicts were suffered to become exceedingly filthy. There was no fresh Water Allowed for washing any part of their linen; And the Allowance of Water was reduced to three pints per Man per diem; that the Soap (about twelve Ounces) was served out Once a Month to each Mess.

That the first issue of Wine was on the day they left Madeira, when half a pint was Served to each man; no more was issued for three Weeks, when a quarter of a pint was issued to each man,
till they arrived at Rio Janeiro. About a month after their departure from that Port, the issue was recommenced and continued, but very irregularly. And my information states that it is calculated there was a deficiency in the issue of at least three hundred Gallons.

The Decks were Swept every morning, Scraped and Swabbed twice a Week; they were Sprinkled with Vinegar weekly, until they made Rio Janeiro, when this was discontinued. The Ship was also fumigated once a week for six weeks, but was afterwards much Neglected.

No Vinegar was issued to the Prisoners, and Mustard but three times, about 12 Ounces to each Mess. That three weeks previous to their arrival at Rio Janeiro, their bedding was thrown overboard in consequence of having been wetted; from the want of which the Convicts, When they came into a Cold climate, Suffered exceedingly.

It also appears that Captain Earl purchased the Convicts' Rations of Salt Beef for Nine Weeks, paying them for it after they left Rio Janeiro, in the following Articles at most Shame-fuuly enormous prices, Vizt:—Coffee Four shillings, Sugar One Shilling and Sixpence, Tea twenty Shillings, Tobacco five Shillings per pound, which was not less than Six or Seven hundred per Cent. on prime Cost.

As there is a wide difference between several essential points of this Statement, the truth of which there is little reason to doubt, and that given by Mr. Hughes, the Surgeon of the General Hewitt, before the Court of Enquiry instituted by your Excellency in March last on this Subject, I feel myself called upon to detail as Concisely as possible the substance of Mr. Hughes's testimony: Vizt.

That there were three hundred Convicts received on board the General Hewitt from the Hulks at Woolwich, Sheerness, Portsmouth and Langston; That some of them were in a State of debility, to 15 or 16 of Whom he would have objected, had there been time previous to the Sailing of the Ship, as being unfit for the Voyage; that the Convicts were not examined after their embarkation by Any inspecting Medical Officer; but that they were accompanied by health Certificates from the Surgeons of the respective Hulks; and that, though he did not coincide with the Opinions Contained in these Certificates, he Admitted there were none labouring under Contagious diseases; That the ship remained three days at Spithead after the Completion of their Number; that, about a fortnight after Quitting Madeira, 12 or 14 Were Attacked with Dysentery, which he Conceived arose from the Convicts being Confined below by the bad Weather,
which prevailed for some time before and during the time of their being attacked, and also from the bedding having been wetted on deck and imprudently used before it could be dried: That the dissenter continued to increase, combined with typhous fever; that, on their Arrival at Rio Janeiro, the Convicts were in a very Sickly State and reduced to extreme debility; that the Articles of Comfort, &c. which were put on board were duly served out; and that the Convicts were formed into three divisions, one of which possessed the deck in rotation, so that the whole were on it in the Course of the day; and that, at the times of fumigating the prison, the whole were on the deck at Once; that, after quitting Rio Janeiro, all the Convicts had Access to the deck during the day at pleasure; that they were supplied with fresh Beef and Vegetables, while at Rio; but, on being examined as to the sufficiency of it, he admitted that it had been issued at first in too small a quantity, but that an Augmentation had been made by Captain Earl on his representation, which silenced all Complaints on that head.

He also admitted that Captain Earl had purchased the Convicts’ ration of Salt Beef, observing that he had known it to have been the Custom with the Masters of Several Transports to purchase the Salt ration during their passage through the tropics; and finally that thirty four Convicts died on the Passage.

Remarks on the Three Bees.

The Convicts from the New Prison, Dublin, joined those from the Northern jails, who had embarked two days before on board the Atlas, hired Brig, on the 28th of August, 1813. The weather was sultry, and as they were exceedingly crowded in a close hold, the nights were truly suffocating. During their Stay here, one of the prisoners died, whose fatal termination, it was said, was Accelerated, if not solely Occasioned, by the foulness of the place Necessarily attendant on Crowding so many together. They sailed from the Canal Docks, Dublin, the 20th September, and Anchored in the Cove of Cork on the night of the 22d. Next day they were examined by Doctor Harding, inspecting Physician, and were removed on board the Three Bees as fast as they could be conveniently cleaned and dressed. This Service was Completed on the 2d October. The Cork and Southern Convicts, with those of the Atlas, completed their Number, two hundred and Nineteen. On the 27th, She Sailed from Cork and Anchored at Falmouth on the 30th. The weather, during the time they were at Falmouth, was exceedingly Cold and the Prisoners Suffered Severely. They finally sailed from England the 7th December.
They were, while in harbour, Supplied with fresh Beef; their rations were uniformly and justly served out. A gill of wine was issued every Sunday to each man, when at Sea, till they drew Nigh the end of the Voyage, When it was served out twice a week. During the prevalence of Cold, damp or rainy Weather, fires were lighted in the Prison. It was every morning cleaned, and was fumigated with Sulphuric Acid and Nitre, as long as they lasted; when these failed Camphor, Vinegar &c. were used.

The Convicts were formed into five divisions, each having a portion of the day on deck when the weather would Admit. In the Harbour of Rio Janeiro, they were all on the deck together every day. On which Occasions, the Mercury in the thermometer fell in the prison 6, 7 and 8 degrees. Here a Case of fever appeared, and as it bore all the marks of Common Ship fever, every precaution was used to prevent the Contagion from Spreading. The Subject of the fever died. They arrived at Rio Janeiro on the 3d February, and left it the 17th. On the 27th a Strange Sail appeared, and, as she bore down, had the appearance of an enemy. The Prisoners' bedding was used on this Occasion as a barricade, and being kept on deck all night was quite drenched with rain. After Several fruitless endeavors, on as many days to dry the bedding, it was put into the Prison; at the same time the Prisoners were Cautioned not to use it. This injunction was disregarded, And Scurvy, which had been long lurking Among them, made its Appearance. Seven men died of it, ere they reached Port Jackson, and fifty-five were sent to the Hospital in a dreadful State. Nine Convicts died on the Passage.

Remarks on the Surry.

It appears from the Ship's and Surgeon's journals that they completed their Number two hundred Convicts on the 21st of January 1814; that they were admitted on deck in divisions of twenty five men each in rotation; that the Prison was regularly cleaned and fumigated; that Vinegar, Mustard and Soap were issued; that divine Service was read to the Convicts in the Prison; and that half a pint of Wine was served out to each man every Sunday during their Stay in England.

On the 22d February they sailed, having formed the Convicts into Nine divisions of twenty and twenty One men each, One of which was admitted on the deck in turn during the day; in addition to this Number, there were fourteen, who being appointed to perform little Offices for the others, had Constant access to the deck: On the 7th of March, the Surgeon's journal records the case of John Stopgood, who seems to have been the
First death from fever.

Efforts of the surgeon to cleanse and fumigate the prison.

Treatment of convicts as recorded in the ship's journal.

Second death from fever.

Frequency of deaths.

Meeting with the transport Broxbornebury.

1814.
I Oct.
First death from fever.

The Surgeon, altho' his journal is very uninteresting, containing no remarks of importance, or indicating much thought, seems to have paid All the Attention in his power to cleansing and fumigating the Prison up to the 2d of June, when his journal ceases. And on this point I am sorry to observe, from all I have been able to learn on the Subject, that neither his representations nor his efforts met with that Attention or Assistance from the Captain and his Officers, which it was their duty to have afforded him. For, Notwithstanding that Another fatal termination of fever Occurred on the 22d May, no Attempt appears to have been made towards Ventilating the prison.

The ship's journal contains a regular registry of the times of cleaning and fumigating the Prison, of Admitting the Convicts on deck, of Divine Service being read to them in the Prison, And of issuing the Wine. On the 18th of March, it states that the Convicts were formed into Eight divisions, One of which had Access to the deck in turns during the day; and that Tuesday and Friday were appointed for washing days, which seems from the Journal entries to have been pretty regularly observed till She made Rio Janeiro on the 11th of April. While they lay in Rio, they were supplied with fresh Beef, Vegetables and fruit. And it States that on the 16th as no shore boat was permitted to go along side, Captain Paterson sent on board tobacco, Coffee and Sugar for Such of the Prisoners, as had the means and wish to purchase Any.

On the 21st April, they left Rio Janeiro; And the Journal goes on to state the times of Admission of the Convicts on the deck; cleaning and fumigating the prison, and issuing the Wine, the last issue of which took place on the 1st of May. From Sunday the 24th of May, no more mention is made of Divine Service having been read to the Prisoners.

On the 22d of May Isaac Giles died of fever, the last case mentioned above from the Surgeon's journal. Nothing worthy of Notice Occurs in the Ship's journal, being merely a registry of transactions, similar to those in the last paragraph, to the 9th of June, when Aaron Jackson died of fever, from which period the deaths became Awfully frequent.

On the 26th July they fortunately fell in with the Transport Broxbornebury, And, being reduced to the greatest distress, requested Captain Pilcher to send some person on board to take
charge of the ship. Next day Mr. Nash from the Broxbornebury went on board, and took charge of the Surry; the Captain, two Mates, the Surgeon, twelve of the Ship's Company, Sixteen Convicts and Six Soldiers were lying dangerously ill with fever. Captain Paterson died the same day. They Anchored on the 29th in Port Jackson Harbour, when the ship was immediately put under quarantine regulations.

The sick were landed and taken into tents prepared for their reception. Every plan was adopted and carried into effect, that had a tendency to cut short the progress of contagion. The Measures adopted proved so effectual, that but one Case of infection took place after the sick were landed.

There died, in all, thirty Six Convicts, four Soldiers and Seven Seamen; Among whom is included the Captain, Surgeon and two Mates.

That the deaths of the Captain, Surgeon and Mates may operate as an Awfull and useful lesson in future on the minds of the Officers of Transports "is a consummation devoutly to be wished!"

Having thus detailed the various circumstances and operations connected with the Management of the Convicts on board the abovementioned Transports, as fully as the means of information and the harrassing professional duties, in which I have been for some time engaged, will admit, I shall proceed to point out the errors which appear to have existed; And, as time will not permit me to enter into a separate train of observations on the conduct observed in the Management of the Convicts on board each, I shall review my subject under the following heads: Clothing—Diet—Air—and Medical Assistance:—Applying the reasoning which may arise from the Consideration of these subjects to the practice in those Vessels, either Collectively or Separately, as the case may seem to require.

1. Clothing Will embrace everything regarding Personal cleanliness as well as dress.

It must have been obvious to your Excellency, that notwithstanding the great difference of the temperature of the different Seasons of the year, of the various climates through which they must pass, the Clothing of the Convicts, on their Arrival in this Country, has been hitherto nearly, if not quite the same, namely, blue Cloth, or Kersey Jackets and Waistcoats, duck trowsers, Check or coarse linen Shirts, Yarn Stockings, and Woolen Caps.

When a Ship quits England in the Summer Months, from the usual length of the Voyage, she arrives here also in the summer, thus nearly or entirely Avoiding the Winter; but when she leaves England in the Winter the reverse of this takes place,
The clothing of convicts on embarkation.

Result of system of providing clothing.

Want of warm clothing a predisposing cause to scurvy on the Three Bees.

1814.
1 Oct.

The clothing of convicts on embarkation.

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1 Oct.

The clothing of convicts on embarkation.

Result of system of providing clothing.

Want of warm clothing a predisposing cause to scurvy on the Three Bees.

having, instead of two Summers, the rigor of two Winters, in latitude 52 N., and not less than 45 or 46 S., to support, in both of which our own personal feelings have taught us the comfortable and pleasing Accommodation of warm Clothing.

The Convicts, when about to be embarked on the Transports, are collected from the various prisons and hulks in which they may have been confined, are Stript of their former Clothing, washed and dressed in the Clothing above enumerated; if it be the Winter Season, the change must be great, Sudden and Striking; more especially as we know that they are prohibited wearing such warm Apparel as they or their friends can find the means of furnishing.

Experience, the best of guides, has long taught mankind the knowledge, that the human body does not possess the power of instantaneously adapting itself to very great and sudden transitions, nor of supporting their effects with impunity. With this fact in View, it will be readily admitted that the great and sudden change of dress, to which Convicts are thus subjected, must, in a winter’s passage, be one Source of disease. The common and invariable effects of this Change are Colds, Pneumonic Complaints, and Rheumatism, which, together with the means requisite to subdue these complaints, are highly calculated for the production of debility the Predisponents of Scurvy, fever, and Dysentery.

That the want of warm Clothing had a very considerable Share in the production of the inveterate degree of Scurvy, under which the Convicts in the Three Bees laboured, will require but little proof. They were on board the ship from the 2d October to the 7th December, lying in the Ports of Ireland and England, Stript of their warm clothing generally consisting of Coarse Cloth, or Frieze, Coats, Waistcoats, breeches or trowsers, and not uncommonly with the addition of a Friese great Coat, dressed in the light Clothing mentioned above with Trowsers of a thin coarse kind of brown or unbleached linen, known in Ireland by the name of "Harn," which is much thinner and less calculated to resist cold and severity of weather than even the Dutch Trowsers of the English Convicts. In such a dress, having undergone such a change, exposed to the rigor of two Winters, incapable from a variety of Causes, too obvious to require Mentioning, of taking exercise, with but a Single blanket the only covering on their beds at night, to the Eye of common sense, not to say, to that of Medical Acumen, the probable effects must exhibit too Strong a figure to be easily doubted or Mistaken.

For a Summer Voyage no dress can be more suitable than the present: for they can be as lightly clothed as they please by
disencumbering themselves under the pressure of heat of their Jackets and Waistcoats, when the shirts and Trowsers will be found quite pleasant and amply sufficient.

Far, very far, from Arrogantly wishing to propose useless innovations in a System already as nearly perfect as possible, Yet with the importance of the Subject pressing on my mind, and urged too by a strong sense of duty, I shall take the liberty most respectfully to submit to Your Excellency’s consideration the propriety of suggesting and recommending to his Majesty’s Government the following trifling change and addition in the present Clothing for the Winter Voyage.

That the Duck or Harn Trowsers be exchanged for Cloth Ones, that Flannel Waistcoats and Drawers be Supplied; And that an Additional Blanket be issued to each person. This change and addition of the trowsers, flannel Waistcoats and Drawers, at no very great expence, would affect the means of resisting Cold during the day; and the blanket would contribute warmth in the night and Supersede that baneful custom, which is but too common of Sleeping in their Clothes, A practice which cannot be too Strongly deprecated, since by confining the effluvia arising from the human body constantly about it, thus rendering it more virulent, it tends directly to supply the most effectual means of generating and diffusing Contagion.

In objection to this change and Addition of dress, it might Probable perhaps be urged that as Flannel or Woolen Cloths is in most circumstances generally less cleanly than linen, And as Woolen Clothes possess in a high degree the property of imbibing and retaining the principles of Contagion, the benefits, derived from their power in counteracting the effects of Cold, And Affording Warmth, would be inadequate to the risque of favouring the diffusion of Contagion. The answer to this objection leads me to the second division of this head, Personal Cleanliness.

Altho’ the Strength of this Argument must in some degree be Admitted, Yet it cannot be denied but that either Cotton or linen, if worn on the person till it become filthy, will retain fomites, and communicate Contagion as certainly as Woolen. But fortunately we possess, even on board ship, the means of preventing the generation and diffusion of contagion with as much certainty as any place else. To effect this object, all that is Necessary is cleanliness and Ventilation.

In the detail of the transactions respecting the Management of the Convicts on board the General Hewitt, I am sorry to be obliged to Observe that, however well they commenced by appointing proper days for Attending to the personal cleanliness of the Convicts, And by insisting on their being shaved and Clean in
Order to Attend Divine Service on the quarter deck every Sunday in the early part of the Voyage they did not consider these circumstances of importance enough to merit being steadily carried into effect, since, long ere the termination of the Voyage, they Suffered these most useful and salutary regulations to sink into neglect; so that we find the Convicts becoming exceedingly filthy.

Whatever good excuse might be urged for not supplying the Prisoners with a Certain portion of fresh Water for the purpose of washing their linen at Sea, surely none can be offered why it was withheld in harbour. It would perhaps be equally difficult to assign any solid reason, in a passage of less than Six Months, for putting them on a Allowance of three pints of Water Per Man Per diem.

The Soap, I am Concerned to find, was not issued to them in the proportion in which it should have been, as it appears from the calculation of Twelve Ounces to each Mess of Six Men Per Month that not more than 150 lbs. was issued during the passage. On the Subject of the practices with regard to Soap, I shall have Occasion to Animadvert below.

It is also to be regretted that sufficient attention was not paid to the personal cleanliness of the Convicts on board the Three Bees, as those, who were landed ill of Scurvy before their Clothing was changed, were extremely dirty both in person and dress. On enquiry into the Cause of this, I was told "that only one Man could have Access to the head at a time, which was the place appointed for them to wash themselves; and that the Soldiers composing the guard threw as many difficulties in their way on these Occasions as possible"; so that in the midst of the Ocean they could not, for want of a little common Management, obtain even Salt water enough to wash themselves Once a week.

The Convicts in the Surry did not, from quitting England in February, Suffer so much from the want of warm Clothing as those of the Three Bees; but from the wretchedly dirty and squalid appearance of their persons and dress, there was much reason to suppose that they had been as great, if not greater, strangers to wholesome ablution as those of either the General Hewit or Three Bees.

An Occurrence, demonstrative of the highly improper practices carried on by the Masters of some of the Transports with regard to the Articles of Comfort, &ca., fell within my own immediate Observation, And which I cannot pass over in silence. When the Convicts were landed from the Surry in Order that the ship might be fumigated, And as it was deemed proper to wash the Prisoners’ Persons as frequently as possible previous to the quar-
antine restrictions being removed, A little Soap was requested from the Purser or Steward for this purpose. "There was none, it was all expended," was the reply. A few days after it was discovered, that a quantity of Soap was inserted in the Invoice of Goods they had for Sale. In consequence of which, it was suggested that an enquiry was likely to be instituted concerning the proper expenditure of the Article of Comfort, &ca., put on board for the use of the Convicts on the passage. This produced the desired effect, and five boxes of Soap were sent to the General Hospital as remains of unexpended Stores. This fact speaks for itself.

Having thus shewn that the personal cleanliness of the Convicts on board those Transports did not obtain the degree of Attention corresponding to the importance of the Subject, I shall reserve the Suggestions I mean to throw out on this part of the case for the Conclusion of this paper. In the meantime, I must beg leave to Observe, that experience has shewn, that the affusion of cold water over the body is a powerful means of preventing the generation of Contagion by washing off the Effluvia from the body, and enabling it to resist cold and even Contagion itself when present. I could therefore recommend that as many as possible should every morning undergo the cold Affusion; but if it could not be complied with every morning, then it should Alternate with the days of Cleaning and Shaving, that they might every day have something to do, that would require some exertion of body and afford some amusement to the mind.

2. *Diet*, including food and drink, is the next object of enquiry, According to the plan proposed; and on this part of our Subject, Government having already made Arrangement so well calculated for the health and Comfort of the Convicts, that there is little room for Observation. The Allowance of food, I am warranted in asserting from practical Observation, is quite sufficient provided it be duly served out. That this has not always been the Case is to be lamented. For Altho' it is granted that it is Amply Sufficient, Yet it does not follow that it will admit of Any Subduction. On the Contrary I am convinced, as well from information as observation, that no Subduction whatever can take place without producing visible effects by debilitating the body and disposing it for disease. It has been stated above from unquestionable Authority that the Masters of the several Transports have purchased the Convicts' Ration of Salt Beef on their passage through the tropics; And that one at least paid them for it in a manner disgraceful to himself and injurious to them. This practice is probably in imitation of a
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The practice followed in the navy.  

Similar One that Sometimes takes place in the Navy and the Company’s Service, wherein the Salt meat ration in Warm Climates, by desire of the people, is retained in the Purser’s hands, for which they are paid According to the established rules of the service, or they receive flour, Suet and Plumbs in return. To this practice in either the Navy or Company’s service there can be no possible objection, as the ration, bearing a proportion to that of the Convicts, is as six to four, will Admit of such Subduction or exchange. The exchange in either Case would be serviceable; but the Subduction would, we know, in the one be injurious, in the other it might perhaps be harmless; and therefore Government might give instructions for the exchange of Salt Beef for flour, Suet and plumbs between the tropics, according to the usage of the Navy. But the circumstance, of the Master of the Transports purchasing any part of their ration, is deserving of the most serious reprehension. It is pregnant with danger, as it affords them, when so disposed, every facility for peculation and for Applying certain Articles of the Convicts’ provisions and comforts to their private use or emolument. A transaction of this kind seems to have Occurred not long since, altho’ it failed to be proved. The Steward of the General Hewitt gave an information that the Captain with held a quantity of the butter, put on board as part of the Convicts’ ration; but when called upon to prove the fact, he declared that he had served out the usual proportion of Sugar in lieu of Butter, According to the rules of the Navy. Butter appears to be the only thing in the ration table that is unfit to form an Article of diet in a Voyage through the tropics. It is an expensive Article, and, as it sells here, it is more the subject of peculation than perhaps any other put on board for the Convicts’ use. Molasses might I conceive be substituted with advantage to Government as well as to the Convicts.

With regard to the Allowance of two Gallons of Wine for each man during the Voyage, it appears, from the usual mode of administering it, to be somewhat difficult to define the intention with which it is given, or the utility likely to be derived from it. Half a pint is commonly served out, or said to be so every Sunday, or some one day in the Week. Of what benefit is this? I know not. Would it not be much better to reserve it for the purpose of Serving out half the quantity during the prevalence of Cold and bad weather?

If I might presume to suggest the result of my reasoning on this Subject, I should beg leave most respectfully to offer for your Excellency’s consideration the fitness of recommending to his Majesty’s Government to increase the quantity of Wine to
six Gallons, which would allow an issue of One fourth of a pint to each person daily. This quantity would be amply sufficient and would be attended with the most beneficial consequences, as it would, by assisting to maintain the Vigor of the System, Counteract debility arising from bad weather, confinement below, and despondency. It ought to be diluted with an equal quantity of Water, to which might be added a small portion of lime juice and sugar, and served out, and drunk at the tub by each individual, that was able to come up on deck. In this manner of preparing and issuing it, it would furnish an Article highly antiscorbutic; and as each Convict would then know the quantity he was daily entitled to, it would prevent the shameless practices which have not unfrequently taken place with regard to this article. Two instances of which are deducible from the remark made on the issue of this Article in the General Hewitt and Surry. In the former, it was stated there was a deficiency in the issue of 300 Gallons. In the latter, it is proved by the ship’s journal that there is a deficiency of \( \frac{240}{1 \frac{7}{10}} \) Gallons. Each Issue of Wine is regularly recorded in the ship’s Journal, Commencing on the 30th January and terminating on the first of May, during which period there was about \( 169 \frac{9}{10} \) Gallons issued, which being subtracted from 400 Gallons, the quantity put on board being two Gallons for each man, there remains the above deficiency of \( 240 \frac{7}{10} \) Gallons. This fact is fully and fairly recorded in the ship’s journal without a single Attempt at explanation.

3. An object of still greater importance, than any of those already touched on, is Air, the great Pabulum of Life, without which existence can scarcely be maintained for a Minute. And from ignorance or inattention in regulating its influence in the Management of the Convicts on the passage, the ill state of health and great Mortality Are Chiefly to be attributed. That the bodies of men, when closely confined in considerable numbers, possess a power of generating a most subtle poison, the nature of which is Cognizable, but in its effects, not only injurious and deleterious to the bodies of those by whom it is generated, but spreading baneful influence far and Wide Among All, who come within the Sphere of its Action, is fully evinced by the many lamentable instances on record.

The Case of Mrs. Howitt and others, who escaped from the Black Hole in Calcutta and were afterwards Seized with the fever, which was generated during their confinement and the seeds of which they carried with them, is a proof of the first part of this position; and the Second Will be equally certified by the relation of One of the most striking instances of the kind
Example of infection recorded at Old Bailey sessions.

Prevention of contagion.

Conditions provocative of contagion on the transport Surry.

on record, which happened on the 11th of May, 1750, at the Old Bailey. The Prisoners were kept for nearly a whole day in small, ill Ventilated and Crowded apartments; Some of them laboured under jail fever; when they were brought into Court, the Windows, at the end of the Hall opposite to the place where the Judges sat, were thrown open, the people on the left of the Court, on whom the wind blew, were infected with the fever, while those on the opposite side escaped. The Lord Chief Justice and the Recorder, who sat on the Lord Mayor's right hand, escaped, while the Lord Mayor and the rest of the bench, who sat on his left, were seized with the distemper. Many of the Middlesex Jury, on the left side of the Court, died of it, while the London Jury, who sat opposite to them, received no Injury.”

But why should we go so far back and quote cases in proof of that of which we have got a melancholy instance before our Eyes. In the Transport Surry, the Poison was generated by the close confinement of the Convicts in the Prison. It diffused its Malignant influence through every part of the Ship and Spared none, who came within the sphere of its Action.

To prevent the generation of this subtle, Malignant and indiscernible poison, every effort should be directed, and that it is possible in, perhaps, every instance of bringing Convicts from England to this Country, the numerous examples of those Arriving in health, having lost few or none on the passage, render it extremely probable, if not quite Certain. In this point, however, it is to be regretted that those ships, which are the subjects of this investigation, have most miserably failed. Whether this failure arose from timidity, ignorance or inattention to their duty, this is certain, that had they intended to have favored the propagation of Contagion, and to have given full force to its Virulence, they could not have devised a more effective plan for their purpose.

It is recorded above, that 20 or 21 of the Convicts, composing one of the nine divisions, into which the whole were formed with fourteen privileged persons were admitted on deck in their turn, when the weather and the duties of the ship would permit; And it is no where recorded, either in the surgeon's or Ship's journal that the Convicts were at any time, from their first embarkation to the period of their Arrival in this port, All on deck at Once. Hence it follows that 165 persons, or nearly that Number, were locked up in the Prison or Hospital. The word Ventilation is never once Mentioned; No provision of Windsails, The Stove is removed at an early Stage of the Voyage; The bedding was never once brought on deck. Here is a combination of circumstances favouring the generation of contagion, without one
rationally directed effort to counteract it. To have escaped con-
tagion under the circumstances would have been Miraculous. It
is only to be wondered at that so few died.

Forming the Convicts into these small divisions, and admitting
but one on the deck at a time, seems to embrace a twofold
intention, The Safety of the Ship and the health of the Convicts.
That the first part of this intention might be effected by other
means remains to be shewn; but that the Second is entirely
defeated by its own operation will require but little proof.

It will be taken for granted that what had been Once done can
be done again. It is mentioned above that the Convicts, how-
ever badly managed in other respects, were at least on deck all
at Once every Sunday, when the weather and the duties of the
Ship would admit, in Order to Attend Divine Service, And
during the time they were fumigating the Ship for the first time
Six Weeks. It is also stated those of the three Bees were all
on the Deck together every day while in Rio Janeiro. Here are
300 Convicts in the former and 200 in the latter all on deck at
once, Yet nothing was attempted to endanger the safety of the
ships. Had this been practised every day on board those three
ill fated ships, there would have been no Occasion for these
observations. There would have been but little Scurvy, Fever
or Dysentery. To effect this object, the plan is simple And easy
execution. It only requires to put no more Convicts on
board each Transport than the deck is capable of holding, to
choose such time of the day when the Officers and Ship’s Com-
pany shall be most disengaged, to place the guard in a State of
preparation and in the most favourable position to command the
deck, in case of any attempt to gain possession of the ship.

The Custom of Admitting 20, 30 or 50 of the Convicts on the
deck at a time in rotation is on the principle of benefiting the
health of each individual, and of guarding the whole against
Contagion. It might, perhaps, be wrong to assert that the
Prisoners individually receive no benefit from the very short
time they are on the Deck, but it might be easily proved that
the advantage is not so great as is usually supposed.

Granting that the whole 2 or 300 Men shall have been on the
deck by 30 or 50 at a time during the day, what does this effect
as to the State of the Prison? Does it cause a thorough Change
of Air? That it neither does, or can, requires no proof. If it fall
short of this, it is of no utility. Disease will be as infallibly
generated by 165 persons constantly remaining in the Prison, as
if the whole had remained there.

To effect a Complete renovation of Air in the Prison, and to
prevent the generation of Contagion, let the whole of the Prisoners
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Proposal for the daily cleansing and fumigation of the prison.

Further precautions to be taken.

Reasons for absence of disease on female transport ships.

Incompetency of most transport surgeons.

with their bedding be taken on deck daily when Admissible, And detained there some time; in the mean time, let the Prison be well cleaned and fumigated, And that not in the Common manner of performing this Operation, but let the Hatchways, Ports and Scuttles, fore and aft, be shut in and covered down, in Order that the fumigation be rendered as perfect and general as possible. When this shall have gone on a Sufficient length of time, let the Hatchways, Ports and Scuttles be thrown open, let fires be lighted in the Prison, And, when the whole shall have been thoroughly Aired and dried, the Convicts with their bedding may be sent below. Keeping in mind that the longer they are on the deck in a body, the more certain the prevention of contagion. In addition to this, the Prison and Hospital ought to be white washed every two or three Weeks with Quicklime. I would earnestly contend for the diffusion of the Nitric or Muriatic Acid, in the form of Gas, in the peculiar Case of a Transport carrying prisoners, Altho' I might under other circumstances concur in opinion with the intelligent and spirited Author, who says that "the long Catalogue of fever exorcisms (from the explosive devils that used to render the between decks of our ships so many Miniature representations of Tartarus, down to the more elegant Antitoimic farce of Oxymuriatic incantation) is now superseded by the Simple Application of three elements that are always at hand, Water,—Air,—fire. And thus what was decided in the Senate to be deserving of a National reward is known in the Cockpit to be the veriest phantom of imagination."

On what principle is it to be Accounted for that not one of the Transports, employed exclusively in bringing out female Convicts, has had a Contagious disease Among them? the Answer is obvious. From the Women, there is nothing to Apprehend with regard to the safety of the ship; they have therefore unrestrained Access to the deck, and are generally on it, so that a perfect renovation of the Air of their prison is constantly taking place. On this principle, and on this alone, is the absence of Contagion to be Accounted for.

4. It becomes necessary to make a few Observations respecting the Medical men, who are appointed to take care of the health of the Convicts on their Passage. Those, who have been hitherto appointed, have been either Students from the lecture room, or men, who had failed in the respective lines of their profession. If from the first class, they are without experience, And, however they may be fraught with the instructions conveyed in the various lectures they have Attended, or with the Contents of the Numerous Volumes they have read, they are but ill qualified to take charge of the health of two or three hundred men about
to undertake a long Voyage, through various climates, and under peculiarly distressing circumstances, without a Sense of Conscious rectitude to support them, dissatisfied with the past, repining at the present, and apprehensive of the future, deprived of the power of enjoying the Air and exercise, &c. necessary to maintain the due equilibrium of temper and Spirits so essential to the well being of man. If from the second, it but too frequently happens that either from the cause or consequence of their failure, they totally devote themselves to inebriety.

How little capable, either the one or the other is for this important trust, is too self evident to require demonstration.

Besides they are employed by the owners of the ships and placed immediately under the Command of the Masters of the Transports, who, with few exceptions, having little claim to education, refined feeling, or even common decency, generally treat their Surgeons as they do their Apprentices and men with rudeness and brutality.

Incapable of appreciating the value of learning, and despising all knowledge beyond what they themselves possess, they avail themselves of every opportunity to insult and mortify their Surgeons. Under this species of treatment, with no means of redress during a long voyage, the Mind becomes paralysed, they view their situation with disgust, and, if they have the means, should they not have been so before, they soon become confirmed drunkards. Hence their duty is neglected, and the poor convicts become the unhappy victims of the Captain's brutality and the Surgeon's weakness, want of skill or drunkeness.

That this picture is not surcharged, the records of the Colony will furnish but too many proofs. Yet, at the same time, it is but fair and just to observe that, altho' this is by much too frequent, it is not so general but that there is now and then an exception.

With a view therefore of providing skilful and approved medical men for this service, it might not perhaps be deemed improper to suggest that the Surgeons ought to be appointed by Government, selected from the Surgeons in the Navy—men of abilities, who have been accustomed to sea practice, who know what is due to themselves as men, and as officers with full power to exercise their judgment, without being liable to the control of the Masters of the Transports.

Previous to dismissing this part of my subject, it may be right to observe that, as disease has so often made its appearance among the convicts during the voyage, and as it pays no more respect to the surgeon than to any other person, he is therefore equally liable to become the victim of contagion; in which
1 Oct.

Proposed appointment of an assistant surgeon.

Reasons for appointment of an agent for transports on each ship.

Summary of proposed reforms for management of convicts on transport ships.

event the ship is without any Medical Assistance. And indeed if there be much sickness and the Surgeon be fortunate enough to escape, the duty in Attending upon so many is too arduous and difficult for any one Man to perform, as it ought to be done. I should therefore most Strenuously recommend that an assistant Surgeon be also provided.

As it has sometimes happened that those, concerned in bringing Out the Convicts, regardless of the principles of honesty and humanity, and availing themselves of the unlimited power with which they are invested, have with held a portion of the rations and Articles of Comfort from the Convicts, and Appropriated them to their own use; instances of which are hinted at above. I trust it will not be conceived impertinent to recommend that An Agent for Transports be sent out in every ship. He might be Selected from the Navy Surgeons, combining the Offices of principal Medical Officer and Agent in his own person. An Appointment of this nature, filled by a person duly qualified, promises to be Attended with incalculable Advantage and that too at a trifling increase of expence.

Having thus taken an excursive, though I trust not useless, View of the Subject, I shall beg leave to Conclude by recapitulating the principle results of this enquiry, and most respectfully, at the same time most strenuously, recommending them to Your Excellency's Consideration.

1. That more warm clothing be provided for the Winter passage.
2. That more regard be directed towards personal Cleanliness by facilitating the means of washing And cleaning their persons and dress.
3. That cold affusion be employed as largely as possible.
4. That Masters of Transports be prohibited purchasing or exchanging, unless by direct instructions from the Transport Board, any part of the Rations of the Convicts.
5. That a different distribution, or rather an increase of the quantity of the Convicts' Wine, be provided for.
6. That no reduction, unless under peculiar circumstances, of the regulated allowance of Water be suffered.
7. That no part of their rations or Articles of Comfort be surreptitiously or fraudulently withheld.
8. That, in Order to prevent the generation of Contagion, it is absolutely necessary that the Convicts with their bedding should be Admitted every day, when the weather will permit, on the deck for a Certain time, The longer the better.
9. That the Prison and Hospital be regularly cleaned and fumigated with the Nitric or Muriatic Acid in a gaseous State; That
the fumigation be as perfect, and as general, over the ship as possible, well airing and drying the prison before the convicts are sent below.

10. That, for the better preservation of the health of the convicts, more eligible medical attendants, and on a different establishment, be provided.

11. That an agent for transports be sent out, in whose person might be combined the two offices of agent and principal medical officer, invested with powers to cause the necessary regulations to be carried into effect.

I very much regret that time will not permit me to correct these observations. They are written without method or attention to arrangement or stile, and as your excellency is aware of the very short time I have had to prepare this paper, owing to the pressure of professional business, I trust that every allowance will be made for the imperfect state in which it meets your excellency's eye. If however any thing contained herein should be the means of throwing any additional light on the management of the convicts, and, by giving more effect to the benevolent intentions of his majesty's government, of ameliorating their condition, or be the means of saving the life of a single individual, I shall feel more than amply compensated for any pains I have bestowed on the subject.

I have, &c,

Wm. Redfern, assist. Surgeon, N.S.W.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 11 of 1814," per ship Seringapatam; acknowledged by Earl Bathurst, 4th December, 1815.)

Government House, Sydney, New South Wales, 7th October, 1814.

1. The last time I had the honor of addressing your lordship was by the opportunity of the brig James Hay, which sailed for England on the 2d of June last. The duplicates of my dispatches on that occasion are transmitted by the present conveyance.

2. I have now to acknowledge the honor of your lordship's and Mr. Goulburn's several dispatches as specified in the margin* by the broxbornebury and surrey, convict transport ships, which arrived here from England on the 28th of July last, and shall pay the strictest and most respectful attention to their contents.

* 3d, 5th, 6th, and 13th of feby., 1814, from his lordship, and 20th Decr., 1813, from Mr. Goulburn
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Approval of Macquarie's administration.

The necessity for the increased expenditure.

3. From Your Lordship's Dispatch of the 3rd of February last, I have derived the Most Sincere and heart-felt Satisfaction in learning that the Measures of My Government Have been Approved by His Royal Highness the Prince Regent up to the Period of my Dispatches by Lieutenant Lundin, and that my Communications at that time in regard to the Tranquility and Increasing Prosperity of this Colony had proved Satisfactory to His Royal Highness, and also to Your Lordship. My Perseverance in the same Line of Conduct, which has been thus Approved, Will I flatter Myself Secure to Me His Royal Highness's and Your further Approval of my Subsequent Measures.

4. Well aware that the Expences of the Colony Since My Assuming the Government have been Very Weighty to the Mother Country, I can only regret that Circumstances such as I have already stated to Your Lordship should have existed to Create the Necessity for their being Increased so much beyond those of former Years. In All my late Dispatches I have entered so fully into the Explanation of those Circumstances, that I trust I shall stand Acquitted of having Accumulated those Expences by any Improvident Measures, or Neglect of the Strictest Principles of Economy, and it Will be Most Consolatory to Me to find that Such will be the Sentiment of His Majesty's Ministers, When those Dispatches shall be received. Notwithstanding the Retrenchments, which I am making in the Expenditure of Stores and Provisions, and indeed in every other practical Way, it is a Source of Much Regret to Me to add that the General Amount of the Expences Cannot be reduced in any very Considerable Degree for some Short time to Come. The Construction of Barracks and Hospitals for the Military, and for some of the Civil Servants entitled to Government Quarters, together with the other Buildings essentially Necessary for Government, Must for some time prevent the Reduction in the Drafts on the Treasury from being Sensibly felt; but when these shall have been Completed, which I trust will be the Case Within the period of two Years at the utmost, I think I may Venture to say that the Expences will be reduced to a Sum not exceeding two thirds of What they are at present. To be more Minute I shall Consider the existing Expences at £75,000 p. annum, and I Calculate on their being reduced to £50,000, Within two Years from the present time, if My Plans of Reform and Economy shall be Approved and Meet my own Expectations. The Court House and additional Church, which are Much Wanted, but will not be Commenced on for Some time to Come, are not of Course Comprehended in the foregoing Period Assigned for the Completion of the Public Works, which has only Reference to those now in
progress. One principal Article in the Expence of the Colony is the Clothing and Victualling a very great Number of Convicts, who are employed on the Government Works; one half of these Men I trust I shall be enabled to discharge on the Completion of those Works, and thereby to get rid of the Expence of Clothing and Victualling them, Which will be a very Considerable Saving. If my proposed Plan of taming and Slaughtering the Wild Cattle should be approved and meet my own Expectations, the Government Stores will be almost entirely Supplied with Meat from thence at an Expence very trifling indeed, When Compared With the present. On this Subject I Wait the Commands of Your Lordship in reply to my former Suggestions.

5. Out of one Hundred and twenty female Convicts Embarked in the Broxbornebury, two died on the passage and 118 have been landed here. By the Ship Surrey, on board of Which Two Hundred Male Convicts had been Embarked, One Hundred and Sixty four only Arrived, 36 having died on the passage of an Infectious and very Malignant Fever; there died Also on board one Serjeant and three Soldiers and ten Men belonging to the Ship’s Company, Including the Master or Commander, the Surgeon, the first and Second Mates and Boatswain. Thus deprived of her Officers, She Arrived here in a peculiarly distressing Situation, the Fever Still raging on board. A Detachment of the 46th Regt., under the Command of Brevet Major Stewart of that Corps, Arrived in her, having Acted as a Guard on the Convicts during the Voyage. In Consequence of the Danger to be Apprehended, I Caused the Ship and every person on board to be put under a Strict Quarantine, until the Fever should subside. All the persons Infected were landed and encamped on the North Shore of Port Jackson opposite to Sydney, Where they were Attended by Doctors Wentworth and Redfern of the Civil Medical Establishment, and I am happy to add, that with very few exceptions these Unfortunate people recovered under the humane and Skilful Attention of those Gentlemen. The Disease being thus overcome, the Quarantine was terminated on the 18th of August, and the Convicts brought to Sydney and Inspected; they Were then distributed in the Usual Way Among the Settlers. As it is Supposed that the Disease in a great degree Originated in the Neglect of the Master and Surgeon of the Surrey, I have made a Communication on the Subject by the present Occasion to the Commissioners of the Transport Board, and transmitted them the Report made to me by Doctor Redfern on the Causes to Which

* Note 57.
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he has been inclined to attribute the deplorable Mortality Which Occurred. I do myself the Honor to transmit Your Lordship a Copy of this Communication and Report for Your Lordship's Satisfaction.

6. Mr. Jeffery Hart Bent, Judge of our New Supreme Court, Arrived by the Broxbornebury, and Sir John Jamison,* Mr. Horsley and Mr. George Williams with the Reverend Benjamin Vale, Assistant Chaplain, and several free Women, Wives of Convicts, Arrived as Passengers by the same Opportunity. Many of these Women having large Families of Children, and None of them having the Means of Subsistence, I have been Under the Necessity of putting them All on the Store for some time; had not this Act of Humanity been extended to them, they must have perished for Want of Food. The Fever on board the Surrey has deprived Several of them of their Husbands, by Which Means these poor Women Are bereft of every Means of Support for themselves and their Children, and they Are of Course supported in Charity at the Expence of Government. Circumstances of this kind having frequently occurred, Whereby a Weighty Expence is Entailed on this Government, I beg leave to suggest to your Lordship that I Conceive the Wives of Convicts should not be allowed Passages, or permitted to proceed hither, unless they Give Satisfactory Proof of their possessing the Means of Supporting themselves and their families Without becoming a Burthen on this Government, the Expence arising from the Victualling those in Distress under the present Circumstances being very Considerable.

7. Not having received any Communication from Your Lordship or Mr. Goulburn respecting Sir John Jamison, Mr. Horsley or Mr. Williams, I have been at a Loss to know how far I am Warranted in treating them as Free Settlers, being at present Obliged to rest my Conduct on their own Representations of Your Lordship's Intentions towards them. Having however Good Reason to think favorably of the two former Gentlemen, I have promised Sir John a Grant of 1,500 Acres, and Mr. Horseley one of 1,000 Acres, and in Consideration of some respectable Testimonials produced by Mr. Williams of his good Character when Employed as Government Printer some Years ago at the Cape of Good Hope, I have promised him also a Grant of 500 Acres. All which Grants I Mean to Accompany With the Indulgences Usually Allowed to Settlers of the first Class, and I trust Your Lordship will approve of these Measures from the Circumstances I have Stated. With regard to Sir John Jamison, he addressed a Letter to Me soon after his Arrival.

* Note 58.
Stating his Claims, and the Expectations he entertained from the promises made to him in England, A Copy of Which I transmit for Your Lordship's Perusal.

8. In pursuance of the Commands transmitted Me by Your Lordship in Your Dispatch of the 3d of February last, I have made the Retrenchments therein directed, by Striking Off the Stores the families of the Civil Officers and the Government Servants hitherto Allowed them. In this Number are Included my own and the Lieutenant Governor's Family. I have likewise discontinued the Issue of Fuel to the Civil Officers, and have Struck off the Stores the Government Servants heretofore Allowed to the Gentlemen of the Army in this Colony. Entertaining a Degree of Doubt Whether it was in Your Lordship's Contemplation to Extend the Operation of these Retrenchments to the Civil Officers in the Subordinate Ranks, and feeling it would bear excessively hard upon Persons of this Description, Some of Whom have no Salaries, and the others very low and Inadequate ones, I have ventured on the Responsibility of Continuing the Families of this Class of Civil Officers (comprehending Government Licensed School Masters, Store Keepers, Head Clerks, Chief Constables, Jailors, Superintendants and Overseers) on the Stores, With the Allowance of One Government Servant each, Also on the Stores as heretofore. It may be here Necessary to explain to Your Lordship that it has been a Custom with my Predecessors in this Government to put Officers of the lower Class with their entire families on the Stores, and at the same time to Allow them the Service of one Government man Clothed and Victualled in lieu of any other Remuneration in the Way of Salary. Persons of this Description Could not of Course exist, if these Indulgences were Withdrawn from them. and, Until some other Mode of remunerating them shall be devised, they must remain as heretofore on the Stores. Others, Who have very Small Salaries, and are Free Men not being Able to support themselves on those Salaries, would immediately resign their Situations and betake themselves to other Lines of Life, if they Should be deprived of the Advantages they now possess from the Stores. For Your Lordship's fuller Information on these Subjects, I do myself the Honor to transmit You Copies of the General Orders, Issued by me on the 3d Ulto. and 1st instant, together With the Copy of a Letter, which I directed my Secretary to address to Mr. Allan, the Deputy Commissary General, dated 24th September in regard to the Execution of those Orders, from Whence I hope my Conduct will meet Your Lordship's Sanction and Approval.
In the Letter to the Deputy Commissary, Your Lordship will Observe that I have Ordered the Continuance on the Stores of the Families of All the Subordinate Civil Officers, Whose Salaries are under £100, as also of a Government Man to each of them As heretofore, being fully Convinced that those Persons Could not devote their Time to the public Duties without these Indulgences were Continued to them to Subsist their Families on. The Superintendants, Overseers, Head Constables and Jailors at Sydney having Addressed a Memorial to Me on the Occasion of my General Orders of the 3d of September, I take the Liberty to transmit it herewith for Your Lordship’s Notice and favorable Consideration. I have Also received Memorials from All the other Persons of this Class (including the Government School Masters), which, being for the Same purposes as the foregoing, I have Not Considered it Necessary to trouble Your Lordship with them. Under the Sanction of Your Lordship’s Instructions I have Continued the Allowance of four Government Men, Clothed and on the Stores, to each of the Magistrates, A Remuneration to which they are fully entitled.

9. The Retrenchments thus made will Certainly form a very Considerable Saving in the Expences, but I feel myself Obliged to Observe that in the present Latitude of their Operation, they will bear very Severely on those Officers, Who have Small Salaries and no Perquisites of Office. In this Class may be enumerated the Assistant Chaplains, Assistant Surgeons, and Deputy Surveyors of Land, whose scanty Salaries are totally Inadequate to the Maintenance of their Families and the Support of the Rank Which their Professions and Duties entitle them to. The Inequality between the Salaries of these Persons and those of the Officers of the Commissariat, with their Allowances as recently established here, is Certainly very great, and not at all Calculated to reconcile the former to the present Retrenchment operating exclusively on them. That a Degree of Jealousy should thus be Excited is the less extraordinary, when it is Considered that the Salaries of the Clergy and Surgeons Were equal, if not Superior to those of the Commissariat according to its original Establishment here, and by the latter being Considered as a Branch of the Military Department; another Source of Jealousy arises from their Continuing to receive Fuel and draw Rations for their Families, Whilst the former, not less Meritorious, with Inferior Salaries, are deprived of those Very important Benefits. Without Dwelling on the Liberality of the Pay and Allowances drawn in the Commissariat, especially in the Upper Departments of it, I must take the Liberty of remarking that the present Salaries of the Officers
in the Civil Department neither hold a proportionate Rate to those of the Commissariat (the respective Duties and Ranks of the Parties Considered), nor are by any Means adequate to the Expenses of living in that State of Comfort and Independence, which their Situations should lead them to Expect. Under this View of their Situations I beg leave most respectfully to recommend that I may be Authorized by Your Lordship to replace the families of the Assistant Chaplains, Assistant Surgeons, and Deputy Surveyors of Land, and of all those Other Civil Officers, Whose Salaries do not amount to £300, on the King’s Stores as heretofore. The Allowance of Fuel and Servants may be well dispensed with, and the Expence Saved in these Articles will be very Considerable; I should not therefore Advise that part of the present Order to be rescinded. Having lately received a Representation from the Medical Officers of the Civil Establishment respecting their present Allowances, I have the Honor to transmit it to Your Lordship. Knowing the Statements made therein to be perfectly Correct, and that the Gentlemen of that Department are a very Useful, Meritorious, and respectable Body of Men, I beg leave to recommend their Situations to Your Lordship’s Most favorable Consideration.

10. I am Concerned to Report to Your Lordship that Mr. Vale, Assistant Chaplain, Who lately arrived here with his family, has on Several Occasions expressed much feeling of Disappointment and Discontent at the Situation he Came here to fill, the Allowances of it being Much Inferior to What he says he Was led to expect when he received that Appointment. He has Stated that he was told at the Secretary of State’s Office that he should have a Separate Parish and Church Assigned to himself, and that he would be provided with a Cultivated Glebe and a Well-furnished Parsonage House, With an Allowance of Government Servants, Rations, Fuel, &c. These Expectations not being realized to him, he appears discontented and Miserable, In so much that he repeatedly declared An Intention of returning to England Immediately; for the present however, he has relinquished this last Expedient. On his Arrival, I appointed him Co-Adjutor to Mr. Cowper in the Duties of Sydney, Where Such Assistance is Much required, Altho’ there is at present but One Church here, and at the same time I put him and his Family on the Stores, and Assigned him a Government Servant, also on the Stores, with the Usual Allowance of Fuel. There not being any Barrack or Government House Vacant for Me to Assign for his Residence, I Informed him that he Should have the first that should become Vacant, and in the Mean time that he should be Allowed in lieu of such Accommodation, the Same

1814.
7 Oct.
Salaries of officers in the civil department.

Proposed modification of orders.

Discontent of assistant-chaplain Vale.

Duties assigned to Vale.

Allowances granted to Vale.
1814.
7 Oct.
Continued discontent of Vale.

Proposed appointment of Vale as chaplain at Liverpool.

Lodging Money as a Captain in the Army; I have even gone so far as to say that I would give him a Grant of Land with the Indulgences, Usually Extended to Free Settlers, Whenever he would Chuse to Select a Situation for that purpose. All this I have done in order to reconcile this poor Man to his Situation, but All has been in Vain, for he still Continues to be discontented, and in the present Circumstances I have it not in my Power to relieve him According to the Measure of his Expectations. Everything further in my Power shall however be done to render him as Comfortable as his own Temper and my Ability will admit. I have here to Observe that I have not received any Official Communication by Mr. Vale, from Your Lordship or Mr. Goulburn, and I am thence at a Loss in regard to the Conduct I should Strictly pursue towards him. In Consideration however of House Rent being very high, I hope Your Lordship will Approve of My allowing him equal Lodging Money as a Field Officer. The New and Now populous District of Liverpool (distant 20 Miles South West of Sydney) requiring the Duties of a Chaplain, I have it in Contemplation to appoint Mr. Vale to it, So soon as the Colonial Revenues will Enable Me to build a Comfortable House for his Residence, Which Arrangement appears at present Satisfactory to him.

11. On the Arrival of Mr. Jeffery Hart Bent, the Judge of Our New Supreme Court, I received him with those Marks of Attention and Respect, due to his Situation and high Office: His Landing was Hailed by a Salute from the Battery, and I have Continued to Shew him every Attention in my power. His Majesty's Letters Patent Establishing the new Courts and Mr. Bent's Commission as Judge of the Supreme Court were read and published at Government House on the 12th of August last (being the Auspicious Birth Day of His Royal Highness the Prince Regent) in the presence of All the Civil and Military Officers and of the principal Gentlemen of the Colony, at which time I administered the prescribed Oaths to him and Judge Advocate Bent. The Letters Patent Were afterwards read in the public Market place in the presence of a Numerous Assemblage of the People by the Provost Marshal. I am happy to add that the Terms of the Patent prove highly gratifying to all present, and I have every Reason to believe that this Gracious Measure of His Royal Highness the Prince Regent will prove highly beneficial to His Majesty's Subjects in this remote, but Improving Colony.

12. In pursuance of Your Lordship's Suggestion I have Assigned a part of the New General Hospital to be Converted into a temporary Court House, for which it is Much better...
adapted than any other Public Building here. Indeed, this was
the Arrangement I had Myself Made previous to receiving Your
Lordship's Instructions. The two Wards of this Building,* which
I have Assigned for a Court House, being large, will answer
the purpose exceedingly well, Until a Regular Court House and
Town Hall shall be Erected, and in the Mean time they Can be
Spared without any Inconvenience; the preparation, now in
progress to convert these Wards into a Court House, will be
Completed in time to Enable the Judge to Hold his first Court
there on the 1st of January Next.

13. Mr. Jeffery Bent applied to Me on his arrival to furnish
him with a House in Sydney at the Expence of the Crown for
his personal Residence, Considering himself entitled to that
Accommodation by Virtue of his Commission as Judge. Not
having received any Instructions from Your Lordship on this
Subject, and it being within my own Knowledge that the Judges
in India are not so accommodated I have on these Grounds
deprecated granting his Application. In order however to meet
Mr. Bent’s Wishes as far as I Considered Myself Warranted,
I made him a Proposal to Hire a House for him at the Expence
of Government, on Condition that he should Eventually pay the
Rent in Case my Conduct in Hiring it should not be Approved
by Your Lordship. Mr. Bent has declined these Terms, and
the Matter Must rest on its present Footing Until Your Lord­
ship shall be pleased to Honor me with Instructions on the Sub­
ject. The Judge Advocate has always had a House provided for
him in Common with the other Civil Officers of the Colony; but
as the Salary Originally Attached to the Situation of the Judge
Advocate was Small, and the Impossibility of procuring Houses
to hire in the early Period of this Settlement rendering it Abso­
lutely Necessary that Government should provide a Residence
for him, these Circumstances do not in My Mind Constitute a
Precedent, whereon the Supreme Judge Can fairly Claim a
Similar Indulgence, His Salary being liberal and with large
Fees arising from the Several Proceedings of his Court, and
Accommodation easily procurable from private Persons on Rent.
Mr. Bent has Also demanded Chambers, which he says are always
Allowed to English Judges in distant Settlements. Altho’ this
does not Come Within my own Knowledge, nor am I inclined
to think he is Well founded in the fact, Yet in order to Accom­
modate him as far as I felt myself Justifiable, I have Acceded
to that Request, and have Ordered two Rooms* in the Barrack
intended for the principal Surgeon to be partitioned off and
prepared for his Accommodation, So long as the Courts shall
be held in one of the Wings of the General Hospital.

* Note 59.
1814.
7 Oct.

Claims of officials for quarters or lodging money.

Free settlers victualled by government.

Macquarie's condemnation of "gentlemen" settlers.

Character and conduct of E. S. Hall.

14. Being frequently Importuned by various officers on the Civil Establishment for Barracks or Hired Quarters at Sydney, to which they Consider themselves Entitled, having been Always furnished with Barracks since the Period of the first Establishment of the Colony, but who now Rent Houses for themselves in Consequence of there being no disposeable Barracks Capable of accommodating them, I now take the Liberty to transmit Your Lordship a List of All the Civil Officers who have heretofore been so accommodated, but Who have been latterly obliged to Hire Houses for themselves in Consequence of the old Government Quarters being so decayed as not to be habitable. These persons, Considering themselves entitled either to Quarters or Lodging Money, have Claimed the latter in Consequence of not obtaining the former. Not feeling Myself at liberty either fully to admit or reject these Applications, I have Considered it Necessary to bring the Business in this Manner before Your Lordship, and if it should be deemed Expedient to Allow them Lodging Money, I have to request that Your Lordship will please to fix the Rate or Scale by which they shall be paid.

15. Your Lordship having in Your Dispatch of the 3rd of February last required Me to furnish You with a List of those Free persons from England to Whom I found it Necessary to Issue Rations, as Stated in my Dispatch No. 6 of 1812,* I have now to Mention the Names of those to Whom I then particularly Alluded; these Were Mr. D. D. Mathew (a Relative of Lord Gambier) with his family; a Mrs. Sims and her family, and Some Others, Wives of Convicts, but who Arrived Free themselves. All these Persons arrived totally destitute of the Means of Support, and Unable either from their Rank, Age, Sex, or Infirmities to support themselves. No Alternative was left Me, but either to see these friendless Creatures Starve, or to place them on the Bounty of His Majesty's Stores. The Enquiries now Instituted at Home in regard to the Means of Subsistence possessed by persons Soliciting permission to Come hither will I trust effectually prevent Such Occurrences for the future, and be attended with the happiest Consequences to the Persons themselves.

16. The Characters of Settlers, drawn by me in my Dispatch No. 6 of 1812,* had reference principally to Settlers Whom I found in the Colony, and Not to those who Arrived since my taking Charge of the Government. One Exception I must however make here in the Case of a Mr. E. S. Hall,† Who has Certainly Merited the Description of a Useless and discontented Free Gentleman Settler. This Person, without making the least Attempt at Industry, expressed himself Much disappointed in Not getting his Land cleared and Cultivated for him, and a

* Note 60. † Note 61.
House built for him at the Expence of Government, Notwithstanding that he had Obtained All the Usual Indulgences in as full a degree as any Settler in the Same Rank in the Colony. Tired of residing on his Farm, Mr. Hall has now Commenced Merchant at Sydney. It was not my Intention to say that those Whom I Called Gentlemen Settlers were sent hither by Government under that Denomination. The Term was only Applied by Me to that Description of Persons whose former Habits placed them either Above, or out of the Line of Farming Concerns; and whose Pride, or mistaken Ideas of the Colony, led them to Imagine themselves Entitled to Degrees of Indulgence beyond those Extended to the Ordinary Rank of Persons getting farms for Cultivation. Nearly the Whole of those Persons, who have Arrived here in the Character of Settlers, have been Ignorant of everything in the farming Line, and have in Consequence generally proved totally Inadequate to the Tasks they had Undertaken, and on these Occasions they Immediately look to Government for Assistance to Extricate them from the Difficulties their Ignorance had previously Involved them in. Such are the Persons designated Gentlemen Settlers in Contra-distinction to those of a lower Class, Whose early and laborious Habits render them Useful to the Colony, and Constitute them, properly Speaking, the Yeomanry of the Country, they being the real Improvers and Cultivators of the Soil.

All Persons Coming here from England, as Free Settlers, have been heretofore put on the Stores, together with their Families and Whatever Government Men have been Assigned them, for the Space of Eighteen Months. Such has been the Custom since the foundation of the Colony, and the Many Difficulties the early Settlers had to Encounter rendered this Indulgence Necessary; but I Conceive the improved State of the Country at this time does away the Necessity for such an Extension of Indulgence. and I have Consequently the Honor to Concur in Opinion with Your Lordship that an Indulgence of Six Months on the Stores will be Quite enough for the Settlers who may Come out hereafter. The progress made in the Cultivation and general Improvement of the Country has been so Considerable that I Conceive, in the Course of two Years hence, there will not be the least Occasion for holding out even the Indulgence of Six Months on the Store, or further Inducements to free Settlers, than merely the giving them Land and Government Servants to Cultivate it. This Plan being once adopted, a very great Saving would accrue to the Crown, and I Conceive it would tend very much to the rendering the Settlers themselves more Industrious and eventually richer and happier than at present.
17. The Instruction, Conveyed to Me in Your Lordship's Dispatch No. 25 of the 3d of February last, to raise the Quit Rents to the Sum of one Shilling per Acre on All future Grants of Land requires Me to State to Your Lordship, with the Utmost Deference, that this is a Rate Much higher than Can be borne in the present State of the Country, and Were it to be Strictly adhered to, there Would be very few people disposed to receive Lands on those Terms. My own personal Knowledge and Experience in this Country Alike Convince Me that this Tax would be unproductive to Government and Most discouraging to the Land Holders. I should here enter into the Explanation of the Effects of this Tax, but having Called Upon Mr. Oxley, the Surveyor General, to furnish Me in Writing With his Opinion and Sentiments on the Subject, He has Stated in his answer the Objections So Strongly in the Way that I have Myself felt them, that I take the Liberty of transmitting Your Lordship A Copy of his Letter, which I trust Will Satisfy Your Lordship of the Inexpediency of so large a Quit Rent. There is one point, however, in Which as I differ in Opinion from Mr. Oxley I beg to Submit to Your Lordship's Consideration. He Con­ceives that on Grants exceeding 500 Acres there should be a gradual Diminution of Quit Rent. His reasoning on this head does not appear to Me Satisfactory, as I Conceive, the greater the Grant is, the Possessor will be thereby the better enabled to pay the equable Rate, and the Rule being Adopted would Appear to make an invidious Distinction between the great and Small Land Holders. I do not altogether Approve of Mr. Oxley's Continuing the Quit Rent on Grants at a Rate by the hundred Acres. In lieu of his Plan in that respect, I beg to propose Conformably to Your Lordship's Suggestion that the Rent should be an Acre-able one, and from every Information I have been able to Obtain from the Oldest and Most Intelligent Settlers, I am of Opinion that a Quit Rent of two pence per Acre may be laid on Without prejudice to the Land-Holders; this would be 8 and ½ times as great as the present Rent,* and I hope Your Lordship Will be disposed to Approve of that Rate. In the mean time, feeling as I do that the greater Rent of one Shilling would be equally prejudicial to the Interests of the Settlers and the Government, I shall Venture on the Responsibility of Suspend­ing Your Lordship's Instructions Until I shall be Honored with Your final Commands thereon, fully trusting that Your Lordship will approve of my Motives and Conduct herein. The Quit Rents now due to the Crown shall be Immediately Collected agreeably to Your Lordship's Instructions, and for this purpose I have Appointed Mr. James Meehan (the present Deputy

* Note 62.
Surveyor of Lands at Sydney) to the Office of Collector of Quit Rents,* Allowing him a Salary of Seven Shillings per diem, to be paid Out of the Colonial Funds. Mr. Meehan has the Duties also of Superintendant of the Roads, Bridges and Streets throughout the Colony, attached to those of Collector of the Quit Rents Without any Additional Salary, for Which Several Duties he is particularly Well Qualified, being Well acquainted with the Country, of an active Disposition, and Conversant With the Business of building Bridges and laying out Roads. Combining thus so many Duties in One Person, I trust Your Lordship will Consider the Remuneration as Moderate, and be Pleased to Confirm the Appointment to him.

18. I have Communicated Your Lordship’s Commands† to Mr. Oxley, the Surveyor General, in regard to the dispensing With his Making Nautical Surveys for the Admiralty, in Consequence of that Service Interfering with his More Immediate Duties on Shore, and have Also Apprized him that Your Lordship, having thus exonerated him from Nautical Surveys, Does not Consider that the Assistance of a Deputy Surveyor is further Necessary to him. This Communication has led him to represent that He is Singly totally Unequal to the Duties Still remaining, and I must here express my full Conviction that the Duties required of a Land Surveyor in the extended State of the Settlement are Much More than he is equal to. Mr. Oxley’s Letter to me on this Subject being Very Clear and Satisfactory, I do myself the Honor to transmit Your Lordship a Copy of it, the Statements in which I can Assure Your Lordship are perfectly Correct. May I therefore repeat the Hope that Your Lordship will be pleased to Confirm My Appointment of Mr. Meehan to be Deputy Surveyor of Lands in the Territory of New South Wales, it being an Appointment Indispensably Necessary.

19. At the time of My Appointing Mr. George William Evans to be Deputy Surveyor of Lands in Van Diemen’s Land at a Salary of 5s. per diem, it was my Intention to recommend to Your Lordship’s Consideration the Making An Addition of 2s. 6d. per diem to that Salary, from the Consideration that this Officer has All the Duties of Surveyor to perform, both at Hobart Town and Port Dalrymple (being a distance of 120 Miles apart), and having of Course Weighty travelling Expences to Undergo. On these Grounds I now Solicit Your Lordship to authorize Me to increase Mr. Evans’s Salary to 7s. 6d. per diem to Commence from the 1st of January next, The Office of Surveyor of Lands at Port Dalrymple, formerly held by Mr. Mills, with a Salary of 5s. per diem, having been Abolished by me in Consequence of the Duties at that place not being Sufficient to Warrant the

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* Appointment of Meehan as collector of quit rents.
† Duties of John Oxley as surveyor-general.

Appointment of Meehan as deputy-surveyor.
Salary of G. W. Evans as deputy-surveyor in Tasmania.
Abolition of office of surveyor at Port Dalrymple.
1811.
7 Oct.

Proposed immigration to Tasmania.

Expence. I mention the Circumstance to Shew Your Lordship that after the proposed Addition to Mr. Evans's Salary there Will Still be a Saving to the Crown of 2s. 6d. per diem in the Expence of that Department in Van Diemen's Land.

20. Your Lordship being pleased to ask my opinion* on the Expediency of granting greater Encouragement than heretofore to Persons desirous of becoming Settlers in Van Diemen's Land, I have great Pleasure in Conveying My Sentiments thereon to Your Lordship. Considering Van Diemen's Land by far a richer and better Soil than this Country, and possessed of a fine Climate, it is My decided Opinion that it would be highly judicious to hold out every reasonable Encouragement to Industrious persons to proceed thither from England as Free Settlers, provided they be possessed of A Certain Degree of Property to enable them to Commence and pursue their farming Concerns without being a Burthen on the Government. Such Encouragement held out for two or three Years Would be likely to Induce a Number of respectable Families to Emigrate thither, and the Example of decent Deportment and Steady Industry, Which Might be expected from Such Persons, would probably have a good Effect on the Conduct of the present Inhabitants; who I am sorry to Add are a dissipated, turbulent, litigious Set. A Reform in their Conduct is Much to be desired, and I trust might be effected under the Government of a Wise and judicious Officer.

21. I am very happy to find that His Royal Highness the Prince Regent and Your Lordship have approved of my Suggestion as to the Removal of the principal Settlement at Port Dalrymple from Launceston to the Place I have named George Town in York Cove. This latter place, being seated at the East Entrance of Bass's Streights and possessing Many Advantages, will be a Most Eligible Situation for Trade, its Harbor, tho' Small, being a Very safe and good one. The Removal, agreeably to Your Lordship's Commands, shall not be precipitately Effected, but in Such a gradual Manner as to render the Expence as little as possible to the Crown.

22. The Establishment of a Chain of Military Posts or Stations between the Settlements of Hobart Town and Port Dalrymple is a Measure Which I still entertain in the Strongest Degree the Absolute Necessity for. Indeed the protection of the Settlers in the Interior, and of the persons passing from the one Settlement to the other, Who are now Numerous, on the Necessary Intercourses of Trade Against the Attacks and Depredations of the lawless Banditti of Runaway Convicts, who Infest the intermediate Country, Cannot be otherwise effected than by Means

* Note 64.
of Military Stations. The principal part of the Shipping touching only at the Derwent, the Articles of Trade required at Port Dalrymple are Consequently sent thither over Land. All which, together with the Herds, Flocks and Grain of the Settlers, are now Subjected to the plunder of these Banditti, Commonly Called "Bush Rangers," Who in the present State of the Country are beyond All Control. The proposed Military Stations Would soon disperse these Depredators, and finally bring them to Justice. They Would Also Check the occasional Irruptions of the Savage Natives, and reciprocally prevent their being Cruelly treated by the Bush Rangers. I trust the Consideration of these Circumstances Will Induce Your Lordship to Authorize Me to establish these Stations, as soon as the 46th Regt. shall be Increased to a Sufficient Strength to enable Me to Send Detachments from the Companies Stationed at Hobart Town and Port Dalrymple for this very Important Service.

23. Whilst on the Subject of Van Diemen's Land, I feel it my Duty to Express my Regret that on the Establishment of a Court of Civil Judicature in that Island to take Cognizance of and decide on (Without Appeal) All Causes not exceeding Fifty pounds Sterling, His Majesty's Government had not Selected a Gentleman of Legal Knowledge for the Situation of Judge Advocate. Mr. Abbott (late Major in the 102d Regt.), Who has been appointed to this very Important Trust, will, I apprehend, be found very deficient in the qualifications Suited to his Office. I express Myself With this Freedom from My Personal Knowledge of Mr. Abbott, Whom I believe to be a Very Good Kind of Man, but his Education and former Habits, and total Unacquaintance with Law Proceedings, Must in My Opinion render him Very Unequal to the Duties of Judge Advocate under the New Patent. The liberal Salary Allowed to Mr. Abbott would, as I am informed by Mr. Bent, the Judge of the Supreme Court here, have been Sufficient Inducement With several respectable Barristers of some Years Standing to have Accepted the Situation of Judge Advocate in Van Diemen's Land, and the legal Knowledge of Such a Person Would have prevented Much Litigation there, and Saved a great Degree of Trouble to the Courts here. The Spirit of Litigation, Which exists there in its fullest Extent, Will I apprehend Meet a Very inadequate Check from the Administration of the Laws by Mr. Abbott. Had the Court in Van Diemen's Land been so Constituted as to be enabled to take Cognizance, as well of the greater as lesser Causes in the Civil Department, it Would have been a Most desirable thing, and the Establishment likewise of a Court of Criminal Jurisdiction Would have been Attended with the happiest Effects. At present
the Inhabitants are laid under the very great Hardship and Risk of being Obliged to take a Voyage of upwards of 700 Miles to this place, When they are Concerned either as Principals, or Witnesses, on such Occasions as Must be referred to one or other of the Courts here. These are Hardships which I trust will Claim Your Lordship's humane Consideration; to this I have only to add that the Expence, attending the Conveying, back and forward, the Several Persons thus required to Attend on the Courts here, is Necessarily Very Weighty, and that the granting Competent Courts to Van Diemen's Land finally to determine in All Cases Civil and Criminal, under the same Restrictions as the Courts here, Would relieve this Government from the Weighty Expence Above Alluded to.

24. I have paid the Most Serious and respectful Consideration to the Opinion Expressed by Your Lordship on the Expediency of Sanctioning the Distillation of Spirits in this Country, and regret that Your Lordship's Sentiments are in Disapprobation of the Measure of Distilleries being now Established here, Your Lordship Conceiving that More time is required to Ascertain Whether the Surplus Grain of the Colony would be Sufficient to justify the Adoption of this Measure. With the Utmost Deference for Your Lordship's Superior Judgment, I beg leave to State that in My Opinion the Establishment of Public Distilleries would be so far from Militating With the Necessary Consumption of Grain in other Ways, that they Would More effectually Secure a redundant Supply for the primary Object of Bread or Food than any other Measure that Could be possibly devised. At present, My Lord, the Farmers having no other Demand for their Grain than what arises from the Consumption of it as Bread, they Will of Course limit the Cultivation to the Demand, for were they to Exceed that Quantity, the General Price Would be lowered, and the Redundancy Would be an unprofitable Stock on Hand, Which Circumstance, were it once to take place, would so discourage the Farmers that they Would Cease to Cultivate with Spirit and from the Extreme of Plenty they Would probably the Next Season Involve themselves and the Community at large in the opposite One of Scarcity. Such Appears to Me the probable Effect of a Circumscribed Demand; and on the other Hand I Conceive that the Indefinite Consumption, which the Distilleries would hold out, would bring Thousands of Acres into Cultivation that Would otherwise remain for Many Years to Come in the State of Nature. In the Event of the Distillery System being Adopted, it Would Certainly be Incumbent on the Government to Keep a Watchful Eye on the Consumption of Grain by them, and to guard against the price
being ever raised beyond a Standard Rate, and Also to Stop the Working of the Distilleries at all times When there Was the least Apprehension of Scarcity, Whether Arising from the Stock of Grain failing by any Fatality of Season, or otherwise. Under Such Restrictions I feel assured that Plenty would be the Consequence, and a pure Spirit Would be produced to the Exclusion of the deleterious Spirits of Bengal or Rio de Janeiro. It may not be improper to remark here to Your Lordship that the Extensive Tracks of high Forest-Land, Which I have Assigned to Settlers, Completely do away every Apprehension that might be entertained from the Floods of the River Hawkesbury, which formerly Swept away almost the entire Produce of the Season. The Lands of this Kind now in Cultivation are in themselves Sufficient to supply Grain enough for the present Consumption (the Casualties of the Season apart) of the Colony, independent of the Produce of the Hawkesbury, and were the Demand Increased, the Supply Would go hand in hand with it.

Arguments in favor of Distilleries, such as I have now urged, I have Submitted in a former Dispatch* to Your Lordship, and have now trespassed so far on Your Lordship's time by bringing them again to your Consideration from the Conviction, that, Wherever Established, they will Confer the greater Obligation on the Land-Holders and every other Class of the Community, and be of the greatest reciprocal Benefit to the Colony and the Mother Country. In a former Dispatch,* I Stated Incorrectly that the old Settlers expected to reap all the Advantage to themselves of the Distillery, Whenever it should be Sanctioned from Home. All that they Meant, or that I should have Understood from them, was that, as they have had Years of the laborious Concerns of the Colony to Struggle with, they hoped they Would be Allowed a full Share in the Advantages which are anticipated from the new Establishment, and that no Exclusive Privilege would be granted to New Comers who might be disposed to Speculate in such an Establishment.

25. In Consequence of Several large Shipments of Spirits having been Made into this Port during the Years 1812 and 1813 from India, Java, Mauritius, Rio-de-Janeiro, and some from England, I was induced to permit the several Importers to Land and Sell Considerable Quantities of them, rather than disappoint them so far as to oblige them to Carry them off from hence. Which Would have deprived them of the Advantage they had Calculated on from this Market: but in granting this Permission I necessarily Infringed on the Exclusive Privilege Conceded to the Contractors for the General Hospital, and they in Consequence demanded a Compensation† for the Injury they Sustained

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* Note 65.  † Note 66.
1814.
7 Oct.

Feeling that they had a fair Claim on this Account, I found Myself under the Necessity of Extending the Term of their Exclusive Right of Importation for Eight Months beyond the Time limited in the Contract, Which brings that Privilege on to the 1st of January Next. In the Hurry of other Affairs, I find that I have omitted, Until the present time, to Inform Your Lordship of this Circumstance for Which I have now to Apologize, and to express the Hope that, under the Circumstances Stated, Your Lordship will approve the Motive and the Measure. The Contract will be finally Ended* long before this Dispatch will probably reach Your Lordship, and I have only to add that it was the First, and it shall be also the last of that Nature, Which I shall Enter into, Whilst I have the Honor to retain the Government of this Country. I trust Your Lordship will Excuse My Adverting in any Degree to the Clamour, which has been Made against this Contract both here and in England, as it is designed to give a very false Impression of Me, and has been raised by Selfish Individuals in the Mercantile Line, who by Means of it have been restrained from Making All the Profits they Expected by Saturating the Country with Spirits; their Hopes thus blasted, they have not had the Justice or Liberality enough to admit that the Measure Effected Was one of Very great and lasting Importance to the Colony. This Clamour must now Cease, as the Restrictions it imposed are nearly at an End, and I shall ever reflect with proud Satisfaction that, in Erecting this Spacious, Ornamental and Most Useful Building, I have Conferred A lasting Benefit on the Colony without any Departure from Public Duty, or Violation to the Revenue of the Crown.

26. On the Expiration of this Contract in January next, I shall, in pursuance of Your Lordship's Commands,† Declare by Public Advertisement or Proclamation the Port of Sydney open and free for the Importation of Spirits, in Common with all other articles of Trade from British Ports or the British Colonies, subject however to Such Duties as it may be expedient to lay on them. The Avidity, with Which Spirits are brought here, and the Very great Profits arising to the Importers and Retailers of them, Induce Me to think that an Additional Duty may be laid on them, Without prejudice to the great Mass of the Consumers. It is therefore My Intention to raise the Duty, from and After the first of January Next, to the Sum of Seven Shillings per Gallon, which will give a very Considerable Increase to the Revenue, and will I trust be Approved by Your Lordship. After the Opening of the Port, I mean to discontinue the Annual Issue of Spirits at a limited price to the Officers,

* Note 66. † Note 67.
Civil and Military of this Government. The Issue in this Way for the present Year Must however take place, Altho’ it will probably be deferred until the beginning of the Next. I shall also Avoid making further Purchases with Spirits for Government.

27. I shall have great Pleasure in Ordering an Addition of £150 p. Ann. to the Salary of Lieut. Governor Molle, to be paid from the Colonial Funds, agreeably to Your Lordship’s Commands; and I shall feel Particular Satisfaction in paying Mr. Wentworth the Salary of £200 per Ann. as Superintendent of the Police, his Active, Zealous and Unremitting Exertions in that Department justly Entitling him to that Remuneration. I purpose paying Lieut. Gov. Molle his Additional Salary from the date of his Arrival, and that of Mr. Wentworth from the Date of his Appointment. The Funds being at present low, I shall defer the payment of these Salaries Until the beginning of the next Year. The two Solicitors, and the Clerks of the Judge of the Supreme Court here, and Judge Advocate of Van Diemen’s Land, will agreeably to Your Lordship’s Commands be paid also from the Colonial Funds. These Solicitors have not yet Arrived here, nor Mr. Abbott at the Derwent.

28. Altho’ Salaries have been Voted in the Annual Parliamentary Estimate for Two Clerks in the Secretary’s Office, I beg to Observe to Your Lordship that they Never have been drawn for on the Treasury or Colonial Agent (as a Reference to his Accounts will shew), but have been paid here from the Colonial Funds. The Salary of the Barrack Master and the Government Printer, tho’ likewise provided for by Parliament, have been Also paid from the Funds here. This has Arisen from the Choice of those Officers themselves, to Which I acceded for their Accommodation. This Circumstance will Account to Your Lordship for their Names appearing in the Accounts of the Police Fund, now transmitted. There are also in the Police Accounts two Small Salaries, Charged for two additional Clerks occasionally required in the Secretary’s Office, when the Press of Business is too great for the two regular Clerks to be Able to perform it. Your Lordship may rest assured that I am Particularly Solicitous not to burthen the Funds with any Salaries or Expences that Can be avoided.

29. All the Specie, received from India by H.M.S. Samarang for the Use of Government, has been Cut, Marked, and Stamped in the Manner I formerly reported to Your Lordship, and placed in the Hands of the Deputy Commissary General to be Issued by him in Payment of Grain and Animal Food required for the Stores. These Dollars pass for Six Shillings and three pence Sterling each,* and form a Most Useful and Valuable Circulating

* Note 68.
Medium, which the public are fully Sensible of. I do Myself the Honor to transmit Your Lordship the Receipt of Deputy Commy. General Allan for the total Amount of this Specie, for Which He has become Answerable to the Lords Commissioners of His Majesty's Treasury.

30. In Reply to Your Lordship's Observations on the Difficulty I had expressed in a former Dispatch of Appropriating the Female Convicts, I beg to State that the Young and Healthy Women may be Well disposed of, so soon as a Factory on a Sufficiently large Scale shall be Erected for their Reception and Employment on their Arrival in the Colony, or Until they shall be disposed of in Marriage, or as Servants in the families of Married Men. My Observation was only Meant to apply to the Case of old and infirm Women, Many of Whom Arrive both from England and Ireland, Who being Incapable of Work remain a Weighty Expence on the Government. In a former Dispatch, I requested Your Lordship to have the Goodness to order or appoint A Superintendant for the Factory at Parramatta. He should be acquainted with Weaving and the different Processes in the Manufacture of Linens and Woollen Cloths. A Man of this Description and of Sober Correct Manners, being Sent hither, Would be a very great Acquisition, and I beg to repeat the Request that Your Lordship will give the Necessary Directions for such a Person to be procured and Sent hither by an early Opportunity.

31. Mr. Fosbrook of the Commissariat Department, Who is at present under the Sentence of a Court Martial, being in a very bad State of Health, as has been Certified to Me, and Very Anxious to proceed to England in the Hope that the Voyage may recover him, having Solicited My Permission for this purpose, I have granted him Twelve Months Leave of Absence, and he proceeds by the present opportunity to England. As Mr. Fosbrook's Accounts with this Government are Not Yet finally Settled, I have order'd him to find good Securities with himself to the Amount of £1,000 to Meet any Claim that Government may eventually have against him, Which Was the only Terms on Which I should have granted a Leave of Absence. Mr. Fosbrook and his Securities having Entered into a Bond for this purpose, I do myself the Honor to transmit Your Lordship the Counterpart of It.

32. I have much Satisfaction in reporting to Your Lordship that on the 1st of July last the British Ship Seringapatam (South Sea Whaler) late of London Arrived in this Port. This Ship had been Captured on her outward bound Voyage to the
Fisheries in the Month of July, 1813, by the American Frigate Essex, and finally Carried by her to the Marquesas, at Which place She was recaptured by Fourteen British Seamen on the 6th of May last, Without any Act of Violence or Severity being Offered to the Enemy. The Seamen, Who so bravely effected the Recapture, brought the Vessel to this place as the Nearest British Port, and immediately put themselves and her on the protection of this Government. I referred the Case to the Court of Vice Admiralty; but, it Not having Jurisdiction in Prize Cases, I have deemed it Expedient to dispatch her for England for Adjudication by the Court of Admiralty. None of the Seamen, who recaptured the Seringapatam, Considering themselves Competent to the Safe Navigation of her on so long a Voyage, I have at their Instance and Solicitation Appointed Mr. Eber Bunker, a very able and expert Seaman, and of a Most respectable Character, Who has long been a Resident in this Country, to the Command of her, and have furnished him with a Protection, and a Letter addressed to the Lords Commissioners of the Admiralty, Informing them of the peculiar Circumstances of this Case, and recommending the Recaptors to their Lordships’ humane Consideration.

33. The Detachment of the 73rd Regiment, Which Was left here on the General Embarkation of that Corps for Ceylon, in Consequence of there Not being sufficient Accommodation on board The Windham and General Hewitt, Transports, Still Continues here, No Suitable Shipping having Offered for their Conveyance thither. I expect that the Somersetshire, Which I understand is destined for India, will be glad to receive this Detachment, and it is My Intention to send it by that Opportunity, if possible.

34. I have great Pleasure in reporting to Your Lordship that this Country is at present in a State of perfect Peace and Tranquility. In My former Dispatch* I had to Notice Some Sanguinary Acts on the part of the Natives, but since that Period they have Entirely discontinued their predatory Incursions and Savage Attacks on the Settlers. They have even Made such Advances towards a good Understanding for the future as to Make Submissions for the past. It has long been in Serious Contemplation with me to Endeavour to Civilize the Aborigines of this Country so as to render them Industrious and Useful to the Government, and at the same time to Improve their own Condition. Having made some Arrangements for this purpose, I shall address a Separate Dispatch* to Your Lordship on that Subject by the present Opportunity.

* Note 70.
35. I am Concerned to say that the present appearances of the Crops of Grain in the Ground are not by any Means promising, and from the long Continuance of Drought, Whereby the Grain has Suffered very Materially, I am apprehensive that the Ensuing Harvest will be a very Scanty One, Altho’ a greater Quantity of Land is under Grain than has been any Season Since My Arrival here. The Seasons appear to have Undergone a Complete Change in this Climate within the last 3 Years. Antecedent to that Period the Rains Came in such Torrents, as frequently to Sweep away All the Promise of the Year, but within this Period the Droughts are so Continued that All Vegetation is nearly at an End; the Consequence of Which and of the Exhaustion of the Springs has been that a Very Alarming Mortality among the Cattle took place last Year, and the same Causes, Existing now, excite great Apprehension of a Repetition of that Calamity. In other respects, I am happy in being Enabled to State that the Country is in a progressive State of Improvement, The Settlers taking much Pains in Clearing, Enclosing, and Cultivating their Lands. Among the Superior Order of Settlers, A Spirit of Cultivation has also taken place, and they now devote a Share of their Attention to Agriculture, Instead of Confining themselves as heretofore to the Grazing System only.

36. Having Already Made a Communication at some Length to Your Lordship on the Subject of the rich and fertile Region of Country, which was Explored beyond the Blue Mountains in December last by Mr. Evans the Deputy Surveyor, Your Lordship will I trust be pleased to Learn that in order to the rendering this New Country beneficial to the present Settlement, I have had a party of from 40 to 50 Men Clearing a passage and forming a Road* over the intermediate Mountains. These Men Commenced the Work on the left bank of the Nepean River on the 18th of July last under the Direction and Superintendance of Mr. William Cox, principal Magistrate at Windsor (formerly paymaster of the 102d Regt.), Who Very Kindly volunteered his Services on the Occasion, which I accepted the more readily from the Consideration that he is particularly Well adapted for such a Business, being Active and Very Intelligent in the Conduct of such Affairs. He has Already Completed 28 Miles of good Road across the Blue Mountains, and he expects to have it Completed to “Bathurst Plains” (a distance of 154 Miles from the Commencement at the Nepean) by the Month of March Next. Once he gets over the present Difficulties of the Mountain, and descends to the Plains on the Western Side of them,
the Work will go on rapidly. When the Road shall be nearly finished, I purpose to proceed to the Extent of Mr. Evans's Discoveries beyond the Mountains, and to Make as Minute an Estimate of the Importance of this Acquisition as My own Judgment will enable me. The Expence of Constructing this Road will be very trifling to Government, the Men Employed in it being Convicts, who Volunteered their Services for this Work on the Condition of receiving Emancipation for their Extra Labor on the Conclusion of it. This is the only Remuneration they receive, except their Rations, and I have agreed to Emancipate them accordingly, they being A Considerable time in this Country and of decent Conduct, provided they perform the Work to my Satisfaction. May I express the Hope that this Arrangement will Meet Your Lordship's kind Approbation?

37. The Light Horse or Body Guard being of Very Great Use in going Expresses and Conveying My Orders to the distant parts of the Colony, as well as on Many other Occasions, I feel much gratified by Your Lordship's Sanctioning* the Continuance of it, and its Increase to one Serjeant, One Corporal and 12 Privates, as formerly proposed by Me.

38. It has afforded me the Most Sincere Gratification to find, from Your Lordship's late Very Obliging Communication on that particular Subject, that your Lordship Approves of my Motives and Conduct in regard to the Re-Admission to Society of Certain Persons;† who had formerly been Convicts, but Whose Good and Meritorious Conduct during their Exclusion rendered them, on the Recovery of their Freedom, deserving of that place in Society, which they had formerly forfeited. On this Subject, Your Lordship may rest fully Assured of my paying the Most respectful Attention to the humane and Wise Line of Conduct, Which You have Suggested for My Guidance. To the high and Important Duties of the Magistracy, I shall be particularly Cautious not to Advance any Person, Who shall not appear to me fully and respectably Qualified. On this principle I have heretofore Acted, and Whilst I have the Honor of Administering this Government, I shall not deviate from it, being fully Sensible of the Necessity for the Making those Appointments as respectable as the Nature of the Colony and the Population Will Admit. Some Illiberal Men there Certainly are in this Country, Who Would destine a fellow Creature, Who had once deflected from the Path of Virtue, to an Eternal Badge of Infamy, and however a Subsequent Conduct of Rectitude Might be expected to throw a Veil over past Errors, Yet in the Eyes of such persons no Reform, No Amendment however Sincere, Will be admitted as

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* Note 71. † Note 72.
Sufficient for this purpose. I am happy in feeling a Spirit of Charity in Me, which shall ever Make Me despise such Unjust and illiberal Sentiments. I am happy to add that the Illiberality of Sentiment, I have now dwelt on, is Confined to a few; tho' I am Sorry to be Obliged to Avow that they are to be found in the higher Class, where more Enlightened and liberal Sentiment Might have been reasonably Expected to be Cherished.

39. Exclusive of the Several Documents, Already referred to in this Dispatch, I have the Honor to transmit Your Lordship the following Returns and Reports.

1st. The Account Current of the Expences of the Colony from 24th February last (to which Period the former one has been Already transmitted) to 24th August, 1814, Inclusive.


3. A Demand for the Annual Supplies of Stores, Slop Clothing, Ordnance and Naval Stores, for the Use of the Colony.


5. Report of the Naval Officer Containing the Arrivals and Departures of Ships and Vessels from the 1st of April to the 30th of June Inclusive, and the Acco't of the Duties, Collected by him, within the Same Period.

6. The Acco't of the Colonial Police Fund from the 1st of April to the 30th June, 1814, Inclusive.

7. Report of Prisoners tried by the Crim'l Co't at Sydney from the Date of the former Return, the 25 April, to the 1st inst., Inclusive.

8. A Return of Convicts, Male and Female, Arrived from England and Ireland, from the 1st Jany. to the 30th June, 1814, Inclusive.


40. I Commit this Dispatch for Your Lordship to the Care of Mr. Eber Bunker, Master of the recaptured Ship Seringapatam, who will take the greatest Care of it, and I have directed him to deliver it to Your Lordship immediately on his Arrival. I have now Only to add that Mr. Bunker is a very respectable Man, and from his long Residence here Well qualified to give Your Lordship any Information in regard to the State of the Colony, which Your Lordship may be disposed to require of him.

I have, &c.,

L. MACQUARIE.
[Enclosures Nos. 1 and 2.]

[These were copies of Governor Macquarie's despatch to the commissioners of the transport board, dated 1st October, 1814, and of the enclosure to that despatch.]

[Enclosure No. 3.]

SIR JOHN JAMISON* TO GOVERNOR MACQUARIE.

Sir, Sydney, 24th August, 1814.

I beg leave to State to Your Excellency that My Nepean grazing Farm,† consisting of Nine hundred Acres, begins to be much too limited for the support of my Herd of Oxen and breeding Cattle, now between five and Six hundred Head in Number, and I look for an encrease of nearly two hundred Calves in the Course of Six Weeks. Your Excellency's extensive knowledge of the Country, you Govern, enables you to Judge correctly how unequal such a Confined tract of Pasture land is to Maintain such an increasing Stock of Breeding Cattle. And it is also well known to you, that I cannot at present sufficiently reduce their Number, without great loss to myself, and perhaps injury to the interest of breeding Cattle in the Colony.

Under these Considerations and Your Excellency's constant application and attention to the interests and well doing of the Colonists, I trust it may not appear unreasonable in me, to request that Your Excellency will be pleased to grant me such an Additional tract of adjoining pasture land as you may think necessary. The Overseer of My Stock assures me that I lost twenty two of my Old Cattle last year from real Starvation, owing to the extreme dry Season making their Confined Pasture still more unequal to their Support. It appears the general fatality among the Cattle in the Colony did not Originate in this Cause, but from want of Water, or the Ponds being so lowered that Numbers were forced into them and could not return, mine it seems did not suffer from this cause, as they freely resorted to the Nepean River. I find the Land Surrounding my farm is granted away in large lots, except in One direction,† where there is a Considerable tract of Land unappropriated, and tho' considered to be of very inferior quality still it would be of great importance to me as affording My Stock additional Grazing Scope: two Small Grants of One hundred Acres each, the Property of Mr. Rose and Thompson of Sydney, only interpose between my farm and the disposable land alluded to.

In the Year 1811, at the request of My Agent in this Country (Mr. Throsby), I applied to Lord Liverpool to recommend me to

* Note 58. † Note 73.
Your Excellency for a Grant of a tract of Land then called Emu Island; I received what I considered a very favourable Answer from His Lordship which I enclosed to you, but finding it has not come to hand, I Apprehend it was on board the Emu when Captured. However all my Letters and Papers on board that Vessel were to be sent to England, and I look for them in the first Transport from thence. Not Knowing by what Conveyance the Letter alluded to has been forwarded, and not receiving your Answer, shortly before I left England I renewed my application to Lord Bathurst on the precedent of the Grant ordered by His Lordship to Mr. Lord, and to know how far it might be proper for me to carry His Lordship’s Sanction, so as to leave Your Excellency at Liberty, if you pleased, to grant me Emu Plains as being of such Consequence to My Stock of Black Cattle and Horses. I received His Lordship’s Answer through Mr. Goulburn as extracted in the following Words:—

"Downing Street, Jany. 3d, 1814.

"I am directed by Lord Bathurst to acknowledge the receipt of Your Letter of the 2nd inst., requesting a Grant of a tract of Land in New South Wales Called Emu Island, In reply I am directed to Acquaint you that the particular tract, Specified by you, appears to be One reserved by Governor Macquarie for Government purposes, and consequently Lord Bathurst cannot feel himself at liberty to Accede to that part of your request. How far the Governor may on your Arrival in the Colony consider it adviseable to grant you an extensive tract of Land is a question, which can be decided by the Governor alone.” “The case of Mr. Lord, which you have referred to, is one which bears no analogy to Lord Bathurst’s measures, since the grant made to him was only in consequence of an express promise made to him by Lord Castlereagh in the Year 1805, a period at which the Value of Land in the Colony, and the inconvenience of improvident grants had not been sufficiently known.

“HENRY GOULBURN.”

In a subsequent interview, I was perfectly Satisfied that Lord Bathurst had not Specified certain Allotments of Land to any Person coming to this Colony during His Lordship’s Administration in the Colonial department, but left it entirely to your discretion and Arrangement, which made me perfectly Content to depend on you.

I have the honor to subscribe Myself with great respect, &c.,

JNO. JAMISON.

Compared:—JNO. THOS. CAMPBELL, Secy.
Government and General Orders.

Head Quarters, Sydney, Saturday, 3d September, 1814.

His Excellency the Governor is pleased to direct that the following Extracts from a Public Dispatch from the Right Honorable Earl Bathurst, His Majesty's Principal Secretary of State for the Colonies, dated London, 3d February, 1814, and recently received by His Excellency, shall be published for the information and Guidance of all Persons concerned:—

"Until I received your Dispatches by the Isabella, I was not aware that the Families of the Civil Servants in the Colony received Rations from the Public Stores, and I am to desire that you will give immediate Orders for putting a Stop to this Practice, as well as that of allotting to each a Government Servant, clothed and Victualled at the Public Expence. However necessary such a favor might have been at the first Establishment of a remote Settlement, there is not the least Ground for continuing it in the present State of the Colony. The Civil Servants will, however continue to draw their own Rations until further Orders."

"The Allowance of One Government Man to each Military Officer is also a Practice, which should be immediately discontinued, more especially as I suppose the Officers have the usual Privilege of taking a Servant from the Ranks; and both they and the Civil Officers will still have it in their Power to apply to you for Convict Servants, if they chuse to be at the expense of feeding and Clothing them."

"You will, however, consider whether this should apply to those Gentlemen, who act in the Capacity of Magistrates, and who have hitherto received the Advantage of Government Servants, as a Compensation for their Trouble, in thus Acting as Justices of the Peace."

"I am also to authorise you to discontinue the Issue of Fuel, at the Public Expence, to the Civil Servants."

In Pursuance of the foregoing Orders and Instructions His Excellency the Governor directs that the Families of all the Civil Servants serving in this Territory and its Dependencies shall be struck off the Government Victualling List, from and after the 30th day of the present Month of September; and that no Fuel shall be supplied, after that date, to any Civil Officer. The Government Servants, at present attached to all Civil and Military Officers, who are Victualled at the expense of the Crown, are to be struck off the Store from and after the 30th Instant.
Civil and Military Officers, who may wish to retain their present Government Servants off the Stores, are to Notify the same to the Principal Superintendent of Convicts (in Writing) on or before the above date, of the 30th September instant; and those, who do not mean to retain their Government Servants on the above Conditions, are hereby required to surrender them to the Principal Superintendent of Convicts, on or before the 1st of October next ensuing.

Agreeably to the Instructions contained in the foregoing Extracts from the Secretary of State’s Dispatch, the Magistrates are still to retain four Government Men each, as heretofore, in Compensation for their Services as Justices of the Peace.

By Command of His Excellency The Governor,

J. T. CAMPBELL, Secretary.

Compared:—JNO. THOS. CAMPBELL, Sec.

[Enclosure No. 5.]

GOVERNMENT AND GENERAL ORDERS.

Head Quarters, Sydney, Saturday, 1st October, 1814.

It is His Excellency the Governor’s Intention to make a Communication by the earliest Opportunity to the Right Honourable EARL BATHURST, Secretary of State for the Colonies, on the Operation of the General Orders issued by His Excellency on the 3d Ultimo under His Lordship’s Directions, so far as they relate to a certain Class of Civil Officers, holding subordinate Situations under this Government; he is pleased to say that he will suspend the Operation of said Orders to that Class of subordinate Officers, until he shall receive His Majesty’s further Commands in Reply to this Communication.

In adopting this Resolution, and taking the Responsibility necessarily arising therefrom on himself, His Excellency is influenced by the Consideration that the Salaries, at present attached to the Situations herein alluded to, are in themselves a totally inadequate Compensation for the Duties required of the Persons holding them:—His Excellency has therefore directed that all Government Schoolmasters, Storekeepers, Head Clerks, Chief Constables, Jailors, Superintendants, and Overseers, with their Families and one Government Man each, shall be continued on His Majesty’s Stores until further Orders.

Although the Governor does not by any means approve of the Practice, which has hitherto prevailed among the Superintendants, Overseers, and other inferior Officers, of hiring out the Government Servants assigned to them on the Stores (it being in many Respects objectionable), yet under the Consideration that
some of those Persons have no Salaries, and the Remainder
very inadequate ones, he is induced to authorise the Continuance
of it under the following Restrictions, until such Time as another
Mode of Remuneration shall be adopted in Lieu of such
Indulgence.

It being absolutely necessary that the Places of Residence
and particular Occupations of the Men, assigned to such inferior
Officers, and by them hired to other Persons, should be known
and registered at the Office of the Principal Superintendant of
Convicts at Sydney, it is hereby ordered and directed that all
inferior Civil Officers, who thus hire out their Government Men,
shall immediately send in to the Principal Superintendant a
Report, in Writing and signed by them, of the Names and
present Places of Residence of their said Government Men, and
also the Names of the Persons by whom they are hired.

On receiving this Report the Principal Superintendant is to
grant a Certificate to each Man, so transferred, specifying to
whom he belongs, and how, where, and by whom employed.

The Government Men, thus disposed of, when possessed of the
prescribed Certificate from the Principal Superintendant, are
not to quit the Employ of the Person, or leave the District men-
tioned therein, without applying to and obtaining the Permission
of the next District Magistrate, and on such Permission being
granted, the Person obtaining it is to apply to and obtain a
fresh Certificate from the Principal Superintendant in the same
Form and Manner, as before prescribed, surrendering at the
same Time the Certificate granted on the former Occasion.

The Principal Superintendant is to send a List of the Names
and Employments of all Government Servants of the foregoing
Description, and of those by whom employed, to the Magistrates
of the Districts, in which they respectively reside, retaining a
Register of the same for Reference in his Office. He is also to
apprise the Magistrates of the Districts concerned of all Changes
of Residence from the one to the other, which he may grant
Certificates for.

All such Lists and Changes to be transmitted once in each
Month to the respective Magistrates concerned therein.

By Command of His Excellency the Governor,

J. T. CAMPBELL, Secretary.

[Enclosure No. 6.]

SECRETARY CAMPBELL TO COMMISSARY ALLAN.

Sir, Secretary’s Office, Sydney, 24th September, 1814.

I have it in Command to call your Attention again to the
Government and General Orders, issued on the 3d Instant, and
to repeat to you that His Excellency the Governor requires of you to have them Carried into Effect at the prescribed time (the 1st Proxim), so far as rests with you, not only at Head Quarters, but also at all the Subordinate Settlements of Parramatta, Windsor, Castlereagh and Liverpool, by striking off the Government Stores the Families of all Civil Servants and also the Servants of all Officers, whether Civil or Military, and Comprehending among others those of the Governor and Lieut. Governor.

The Officiating Magistrates are an exception from the foregoing Regulation, they being allowed the Services of Four Men each, as a Remuneration for the Duties of their Offices, and you are of course to Issue Rations and Slops as heretofore to those Persons.

His Excellency, having some doubts whether it is the intention of Lord Bathurst to include the families of the Storekeepers, Superintendents, Clerks, Constables and Jailors in the general List of Persons to be struck off the Stores, wishes you to understand that He means to take the Responsibility on himself of continuing all those under the foregoing Denominations on H.M. Stores, until such time as He shall receive Lord Bathurst's Instructions in reply to a Communication, which His Excellency means to make his Lordship by the earliest Opportunity on that Subject; and He trusts that the Consideration of the small Salaries, attached to those Situations, will induce His Lordship to Sanction their being permanently continued as heretofore on the Stores.

The Government Men, hitherto allowed to the Storekeepers and Head Clerks, Superintendants, Overseers, Head Constables, and Jailors, and some few other Subordinate Officers, are likewise to be Continued on the Stores for the same reasons as the preceding; until further Orders.

Several Civil Officers having Government Men assigned to them on the Store in their capacities as Settlers or Proprietors of Land, A List of their Names is herewith sent to you with the Number assigned to each of those Officers, and for what time; which List or Schedule is to be your guide in Victualling and Clothing those Servants.

The Families of all Subordinate Civil Officers, whose Salaries are under One Hundred Pounds Per Ann., together with the Government Man assigned to each as a Servant, are likewise to be continued on the Stores, until further Orders.

I have, &c.,

Jno. Thos. Campbell, Secy.
LIST of Names of Civil Officers having Government Men assigned to them as Settlers, and who are to have the Number of Men Annexed to their respective Names, Victualled and Clothed at the expence of the Crown for Eighteen Months from the 1st of October, 1814, Vizt:

<table>
<thead>
<tr>
<th>No.</th>
<th>Names of Civil Officers</th>
<th>Quality</th>
<th>Number of Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Lieut. Colonel Molle</td>
<td>Lieut. Govr.</td>
<td>8</td>
</tr>
<tr>
<td>2</td>
<td>John Thos. Campbell, Esqr</td>
<td>Secretary</td>
<td>4</td>
</tr>
<tr>
<td>3</td>
<td>David Allan, Esqr</td>
<td>Depy. Comy. General</td>
<td>8</td>
</tr>
<tr>
<td>4</td>
<td>John Oxley, Esqr</td>
<td>Surv'r General</td>
<td>6</td>
</tr>
<tr>
<td>5</td>
<td>Wm. Gore, Esq</td>
<td>Prov't Marshal</td>
<td>4</td>
</tr>
<tr>
<td>6</td>
<td>Revd. Wm. Cowper</td>
<td>1st Ass't Chaplain</td>
<td>2</td>
</tr>
<tr>
<td>7</td>
<td>Revd. Mr. Fulton</td>
<td>3d Ass't Chaplain</td>
<td>2</td>
</tr>
<tr>
<td>8</td>
<td>Revd. Mr. Vale</td>
<td>4th Ass't Chaplain</td>
<td>1</td>
</tr>
<tr>
<td>9</td>
<td>Mr. James Meehan</td>
<td>Depy. Surv'r General</td>
<td>2</td>
</tr>
<tr>
<td>10</td>
<td>Mr. William Redfern</td>
<td>Ass't Surgeon</td>
<td>2</td>
</tr>
<tr>
<td>11</td>
<td>Mr. Edwd. Luttrell</td>
<td>Ass't Surgeon</td>
<td>1</td>
</tr>
<tr>
<td>12</td>
<td>Mr. Wm. Evans</td>
<td>Ass't Surgeon at Newcastle</td>
<td>2</td>
</tr>
</tbody>
</table>

Total 42

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 7.]

THE MEMORIAL OF THE SUPERINTENDANTS, OVERSEERS, HEAD CONSTABLES AND JAILORS, SERVING UNDER THE GOVERNMENT OF NEW SOUTH WALES.

To His Excellency Governor Macquarie, etc., etc.

Dutifully Sheweth,

That your Memorialists observe a Government and General Order issued under your Excellency’s Authority in the last Week’s Gazette, importing that their Families, together with their Government Servants hitherto allowed them, are to be Struck off the Government Victualling List from and after the 30th Instant.

That your Memorialists have been several years in the Service of Government with the Allowance of said Rations and Men, as a Compensation for the Smallness of their Salary, and now to be deprived of such Compensation would subject them to the greatest inconvenience.

And your Memorialists presume Your Excellency is aware that the Salary attached to their respective Situations is altogether insufficient to clothe their Families, so that the Carrying said Order into effect will necessarily withhold from them the means of support.

Your Memorialists therefore humbly trust that the said Order will not apply to them, as Subordinate Civil Servants of the
Crown in this Colony, and that Your Excellency will be pleased to represent their Situation to His Majesty's Ministers, and Continue their Rations and Servants as hitherto, until further Instructions shall arrive respecting them.

And Your Memorialists as in Duty bound will ever Pray, &ca.,

WILLIAM HUTCHINSON, Princ'l Super't.
WILLIAM COSAR, Master Builder.
NATH'L LUCAS, Super't of Carpenters.
THOS. LEGG, Sup't of Brick Layers.
DAVID LANGLEY, of Smiths.
JOHN O'HEAREN, of Stone Masons.
ROBERT JONES, Assistant Sup't of Police.
JOHN REDMAN, Chief Constable.
DANIEL CUBITT, Jailor.

Sydney, 9th Sepr., 1814.

[Enclosure No. 8.]

THE MEMORIAL OF THE COLONIAL MEDICAL OFFICERS OF NEW SOUTH WALES.

To the Right Honorable Earl Bathurst His Majesty's Principal Secretary of State for the Colonies &c. &c. &c.

Most Respectfully and Humbly Stateth,

1. That, from the very high Price of every Article of European Produce and manufacture, which is seldom less, than two or three hundred Per Cent. on that of the London Market, Memorialists having long felt it impossible, with all the Allowances and Indulgences hitherto granted, to exist, and support the appearance of Gentlemen on their Pay.

2. That Memorialists beg leave most humbly to represent to Your Lordship, that low as their Means of Existence have hitherto been, it is rendered still much lower—by carrying into effect Your Lordship's instructions, as promulgated in His Excellency's The Governor's "Government and General Orders" bearing date the third day of September 1814 (a Copy of which is hereunto Annexed) wherein their families are directed to be struck off the Stores, the Servant heretofore Victualled by the Crown, and the supply of Fuel to be discontinued.

3. That although this Order seems to affect Memorialists but in common with His Majesty's other Civil Servants in the Colony, yet they Most Humbly Presume to state for Your Lordship's consideration the Grounds on which they conceive it affects them in a more peculiarly distressing Manner, than any other Officer or set of Officers in His Majesty's Colony or Service.
4. That Memorialists most respectfully solicit Your Lordship to take into Consideration, the expensive preparatory Education necessary to qualify them for the Study of Medicine, and still more expensive Subsequent Courses of Instruction, to enable them to practise the Profession of which they made choice with Advantage to the Public and satisfaction to themselves.

5. That although they have the honor of holding His Majesty's Commission in common with the Medical Officers of the Army and Navy yet it is with pain and regret, that they feel themselves compelled from the Peculiarity of existing Circumstances, to observe, in taking a Comparative view of their relative situations, that Memorialists cannot but be sensible of the degrading inferiority of the Rank they hold on His Majesty's Medical Staff.

6. That the Medical Officers and all others Officers in His Majesty's Army and Navy are allowed Servants from the Ranks and from the Ship's Company at a very reduced rate; whilst on the contrary, the wages and Provisions of a Servant in New South Wales, which cannot be calculated to the Master at a less Sum than Fifty Pounds Per Annum, would absorb nearly one Half of the Assistant Surgeon's Salary.

7. That the Officers of every description have an Allowance of, or for, Fuel, when in Quarters.

8. That with-holding the Rations from their families whilst it is allowed to those of the Officers of the Army and Commissariat affects Memorialists in a most serious Manner.

9. That every Officer in His Majesty's Army and Commissariat is, in this and all foreign Stations, allowed Bât and Forage, according to his Rank.

10. That every Staff and Regimental Surgeon and even Assistant Surgeon, when on detached Duty in His Majesty's Army, has an Allowance for a Horse; whilst there is no similar allowance to the Medical Officers of New South Wales; although from the Nature of a Country of this description, the Colonial Medical Officers have not only to perform the duties of the respective Hospitals to which they are immediately attached, but to attend, to their own Houses, the Civil Officers, their Wives and Families, and also the Convicts, who are distributed to the various Settlers, scattered over the Country at considerable distances from each other, and from the Quarters of the different Medical Officers, without any Fee or Compensation; and that in order to enable Memorialists to perform this laborious Duty in a Warm Climate, they are under the necessity of keeping Horses at a very great expense.

11. That Memorialists' Pay is not only inferior to that of any other of His Majesty's Officers in the Colony—The Pay of a
Clerk in the Commissariat Department* of a few days standing, whose only requisite Qualification is that of writing a fair hand and casting up a column of figures—being, including his Allowances, superior to that of a Colonial Assistant Surgeon of many years standing; but their duty is more arduous and laborious, since there are regular fixed Periods for the Dispatch of the duties attached to the Situations of almost all His Majesty's Civil Servants in the Colony, whilst Memorialists from the nature of their duty are liable to be called to great distances in all Weathers, and at all Hours, as well in the Night as Day.

12. That, exclusive of the Superior Salaries of the other Officers of the Colony, there are Fees annexed to the performance of the respective duties in the various Offices; Whilst, on the contrary, there are neither Fees nor Perquisites from any Part of their Public Duty; but as it might be urged that they are not prohibited from Private Practice, Memorialists beg leave to observe, that the greater Number of those, who are able to Pay, conceive they have a claim on their Services and seldom think of making them any remuneration for their trouble, and that those from whom they might, with Propriety, demand a Fee, are from Poverty incapable of paying for Medical attendance; so that the Emoluments arising from Private Practice merit no Place in the Calculation.

13. That the Medical Officers in the Army and Navy possess, in point of promotion, a manifest advantage over the Medical Officers of New South Wales, since there is but one Medical Officer of the Rank of Surgeon, and since there is no routine of Duty in this remote part of the World opening a view to Promotion. Memorialists, therefore, most respectfully submit to Your Lordship's consideration the propriety of allowing their Promotion to proceed by a certain rate of standing, whereby they would be entitled to succeed to the Rank of Surgeons, Physicians, Deputy Inspectors, Inspectors &c. &c. in common with the Medical Officers of His Majesty's Army.

14. That as a certain Half Pay is allowed to the Officers in the Army, Navy, and Commissariat, And although they humbly presume, a similar provision is made for the Colonial Medical Officers of New South Wales, Yet as Memorialists have not had the honor of a Notification to this effect, they are emboldened to obtrude it on Your Lordship's Notice.

15. That as many of Your Lordship's Memorialists have spent, or are likely to spend, the greater part of their Lives in His Majesty's Service, and are, in common with other Men, daily liable to be removed by Death from their families, who would in this event, be unprovided for, they Most humbly Pray that

* Note 74.
Your Lordship will be pleased to place them on a footing with the Officers of His Majesty's Army &c. by affording their Wives, in case of their Deaths, a Claim on the Widows Pension.

16. And Lastly—that Memorialists having taken the liberty of thus stating the various circumstances connected with their case; And resting their Claims on the justice and liberality of His Majesty's Government, of which Your Lordship constitutes so distinguished a part, are induced with all possible respect and deference to hope that Your Lordship will cause such favorable representations to be made to Their Most Gracious Sovereign in their behalf as will incline His Royal Highness The Prince Regent to afford Memorialists such Relief as He, in His Wisdom may conceive the peculiar hardship of their Case and justice of their Cause entitle them to.

So PRAY YOUR LORDSHIP'S Most Respectful and Humble Memorialists,

D. WENTWORTH, P. Surgeon.
J. MILEHAM, Assist. Surgeon.
WM. REDFERN, Assist. Surgeon.
EDW. LUTTRELL, Assist. Surgeon.
H. YOUNGE, Asst. Surgeon.
Sydney, N. S. Wales, 4th Octr., 1814.

[Enclosure No. 9.]

List or Schedule of the Number and Rank of Civil Officers in the Service of Government, who were Allowed Government allowed Quarters or Barracks at Sydney, on the Original establishment of the Colony* of New South Wales, Vizt:—

1. The Judge Advocate.
2. The Secretary to the Governor.
3. The Provost Marshal.
4. The Naval Officer.
5. The Commissary.
6. The Deputy Commissary.
7. The Principal Chaplain.
8. The Assistant Chaplain.
9. The Principal Surgeon.
10. The Assistant Surgeon.
12. The Deputy Surveyor General of Lands.
14. The Principal Superintendant of Convicts.

Sydney, N. S. Wales, 4th October, 1814.

Compared:—JNO. THOS. CAMPBELL, Secy.

* Note 75.
1814.
7 Oct.

The proposed increase of quit rents.

SURVEYOR-GENERAL OXLEY TO GOVERNOR MACQUARIE.

Sir, Sydney, 20th Septemr., 1814.

In Obedience to the Commands of Your Excellency, Conveyed by Mr. Secretary Campbell in his Letter of the 15th Inst., enclosing a Copy of a dispatch* from the Right Honble. Earl Bathurst, directing me to deliver my Opinion on the "Probable effect of raising the Quit rents from the present rate of Two Shillings on the Hundred Acres to One Shilling on each Acre on all future Grants, as directed in Lord Bathurst's Dispatch." I respectfully beg leave to submit to Your Excellency such Observations as my Official Situation has afforded me the Means of making.

It appearing that the determination of Earl Bathurst to raise the Quit rents to One Shilling per Acre arises from an impression (in consequence of the increasing demand for Land) that the uncultivated and ungranted Portions of the Territory are of considerable Value, It will be proper to lay before Your Excellency a View of the Rents, demanded and given for Land in all parts of the Colony.

Rich Flooded Lands on the Banks of Rivers or Creeks, if cleared of Timber, and convenient to a Market, from .......................... 15s. to 20s. per Acre

In some Situations where Buildings are on the Grounds ...................... 25s. to 30s. per Acre

Cleared Forest Lands, not so rich or so well adapted for Cultivation, from 6s. to 8s. Do.

Uncleared Forest Lands, in a state of Nature, if affording Good Pasturage and Water, from ......................... 9d. to 1s. Do.

Indifferent Forest and Brush Wood Lands can seldom meet with a Tenant, and, when taken, can be had in most districts at ............. 6d. Do.

These rates of Rent must of course be considered as applying only to Lands let on Lease or by the Year. If the Proprietor is also the Occupier, the benefit derived by him will in most situations be Considerably more, particularly on the Four first descriptions of Land; with respect to the fifth description, I have no doubt that the Holders would readily surrender their Lands, did the unappropriated Parts of the Colony admit of a Change being made for the better.

In Proof that the Rents, assigned to the above descriptions of Land, are not underrated, it will be necessary to state the Value

* Note 76.
of Lands held in Perpetuity,* and subject to the present quit rent, when brought either to a Public or Private Sale.

Lands of the 1st and 2d description may bring, exclusive of the
Buildings .......................... from £4 to £6 per Acre
Lands of the 3d Description .......... from £2 to £3 Do.
Do. 4th Do. ....................... from 10s. to 12s. Do.
And of the 5th, a Sale can scarcely be effected at ........................ from 3s. to 5s. Do.

except they have some peculiar local advantage of Situation, Natural Boundaries, &ca. to recommend them, and then the Price will rarely reach to that of the 4th Description.

The above rents and Prices being Matter of Public Notoriety, and within the knowledge of every resident in the Colony, I am induced to fear that a rise of the Quit rents to One Shilling per Acre would by no Means answer the Intentions of Government to raise a Revenue from the Crown Lands, intended to be granted, as it will appear to Your Excellency, from the Statements I have submitted, that the proposed quit rents would on the Rent of Lands of

The 1st and 2d Description be equal to $2\frac{1}{2}$ to 7 Per Cent.
On Lands of the 3d .................... 15 Per Cent.

On Do. of the 4th, it would be equal to the whole rent; And on the 5th, it would double it. The Charge on Lands of the 1st and 2d Quality would be considerably more, was the Interest of the Capital, expended in Clearing and putting them in a state of Cultivation, added thereto, and which cannot be estimated at less than from £6 to £8 per Acre according to the thickness of the growing Timber.

Having attentively and carefully considered this Subject in Obedience to Your Excellency's Directions, I am sorry to be obliged to deliver an Opinion which I am fearful will not meet either the expectations of His Majesty's Government or of Your Excellency; I am fully persuaded that should the Quit rent be raised One Shilling per Acre, few persons could be found that would take a Grant subject to such a rent, which in the present situation of the Colony is equal to the whole rent of an uncleared farm, and to $\frac{1}{10}$ of its freehold Value at Ten Years Purchase; I respectfully submit it to the superior knowledge of Your Excellency whether it might not have the effect of deterring Persons, who arrive from England as Settlers, from receiving the Lands their Capital or Recommendations might entitle them to expect.

Whilst I respectfully hazard an Opinion that the Lands granted by the Crown would not bear an increase equal to the Amount directed in Earl Bathurst's Dispatch, I am sensible that an advance may be made on the present quit rent without

* Note 77.
Matterially affecting the Value of the Lands; at the same time that a very considerable addition would be made to the Revenue of Government, and which would of course annually increase in proportion to the Number of New Grants given within the Year. The addition that I most respectfully would propose, though apparently small in itself, yet in the Aggregate the amount is Considerable. A Quit rent of Ten Shillings on every hundred Acres on all Lands to be granted in future, I am humbly of Opinion would be as much under every Circumstance, as the Proprietor could afford to Pay; at the same time (taking the Annual Number of Acres granted to be about 60,000) its Operation in the first year would produce a Sum, including the present quit rents, equal to $\frac{1}{15}$ of the whole circulating Medium of the Colony, and in five years, admitting the same Number of Acres to be Annually granted, it would be more than equal to $\frac{3}{5}$ of the whole expenditure of Government. It may also be proper to Observe that the quit rent of Ten Shillings per hundred Acres is an Increase of five hundred Per Cent. on the present quit rent.

I have been induced to take this View of the Subject from a Belief that it comes under the Observation of Your Excellency that the necessary Expenditure of Government, within the Colony for the support of the Troops and Convicts, forms by much the greatest part of the disposable Capital in the Country; And that, until the exertions of the Settlers and Merchants under the Protection of Government render the exports more equal to the Imports, the surplus produce of the Lands, being purchased by the Government, at present afford the Colonists the Chief means of procuring many of the Necessaries of Life; and that one Consequence of the proposed increase of the Quit rent to One Shilling per Acre would be an Annual decrease to a very considerable Amount of the Settlers' means of providing Necessaries for their families.

I would respectfully beg leave to suggest that, in all Grants above 500 Acres, there should be a gradual diminution of the Quit rent (whatever may be the Quantum) proportioned to the extent of the Grant; For this reason that the Holders of small Grants have a better chance of selecting a greater Quantity of Good and Productive Land than the Possessor of a large Grant, who must necessarily take a greater portion of bad land than commonly falls to the lot of Smaller Settlers, and is thereby better enabled to pay his Quit rent.

I cannot conclude these Observations without entreating Your Excellency to believe that they are offered with the utmost deference to your superior knowledge, And that I should not have presumed to have expressed an Opinion on the subject, had
I not been Authorised to do so. I most respectfully request, if it should appear that I have inadvertently committed any Error, either with respect to the Statements I have submitted, or the deductions I have drawn from them, you will be Pleased to Pardon it, and attribute it to an over anxious desire to fulfil the duty imposed on me by Your Excellency to the best of my Ability.

I beg leave to remain with the greatest respect &c.

J. Oxley, Surveyor General.

Compared:—JNO. THOS. Campbell, Secy.

[Enclosure No. 11.]

Surveyor-General Oxley to Governor Macquarie.

Sir,

Sydney, 20th Septem’r, 1814.

I have the Honor to acknowledge the receipt of Mr. Secretary Campbell’s Letter of the 15th Inst., transmitting me an Extract of a Dispatch* from the Right Honble. Earl Bathurst, which, having immediate reference to my personal duties, I am directed to make such a representation to Your Excellency on the Subject thereof, as the Circumstances of the Case And my experience may authorize me to do.

From a full Conviction that the Various widely extended and increasing duties of my situation cannot be efficiently executed to the Satisfaction of either the Governor or Public without adequate assistance, I am humbly induced to hope that upon further Consideration, and Your Excellency’s representation, that the assistance of a Deputy will be continued to the Department, more especially as the Appointment is neither a new One nor attended with a greater expence than in the early establishment of the Colony.

It will be recollected by Your Excellency that the Deputy Surveyor of Norfolk Island, although Nominally on the Strength of that Establishment, was always on Duty at Head Quarters as an Assistant to the Surveyor General, and this at a Period when the Annual average Number of Grants did not exceed fifty, and then seldom exceeding in Quantity One hundred Acres; at present the Average Number exceeds One hundred and Seventy, and that Number from the increasing Population it is reasonable to presume will be considerably Augmented.

At the early period to which I allude, the Settlers Chiefly took their Lands in the immediate Neighbourhood of the Two Principal Towns, or on the Hawkesbury River, very few Cases occurring where the distance exceeded Six or Eight Miles from those places. At present, the Farms and Townships extend in a

* Note 76.
Duties increased by extension of settlements.

Employment of deputy-surveyor at Port Dalrymple.

Necessity for deputy-surveyor at headquarters.

Impossibility of making marine surveys.

North Westerly and North direction (including Newcastle) from fifty to Eighty Miles, and to the West and South West from Thirty Six to forty five Miles, every Part of which, East of the Nepean River, is Settled, with the exception of such Lands as are totally unfit for any useful purpose and those Grazing Tracts reserved for the use of Government.

I respectfully beg leave to Observe that, when the establishment of Norfolk Island was transferred to Port Dalrymple, the Office of Deputy Surveyor was still Continued, tho' the duties were executed at Head Quarters, Your Excellency Considering that One Deputy Surveyor, stationed at Hobart Town, was competent to perform all the Duties required in the Settlements on Van Diemen's Land; Thus transferring the Services of the Deputy Surveyor to the Station that most required them without any additional expence to the Crown.

From the Statement I have made, it might be deemed improper and presuming to enlarge further on this Subject, than to Observe that I respectfully trust the necessity of a Deputy Surveyor being allowed on this Establishment will be apparent to Your Excellency, as it is felt by myself.

With respect to any Marine Surveys being made by me in compliance with the Instructions of the Hydrographer to the Admiralty, Your Excellency is well acquainted that none such could be undertaken, excepting under your directions, and at such periods as you might consider least to interfere with my more immediate and proper duties. The Number of Grants, to be Measured and described with other Circumstances connected with my Situation, would effectually prevent me from carrying those Instructions into execution.

I have, &c.,

J. OXLEY, Surveyor General.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 12.]

COMMISSARY ALLAN’S RECEIPT FOR SPECIE.

Deputy Commissary Gen’l’s Office, Sydney,
New South Wales, 7th Octr., 1814.

I HEREBY acknowledge to have received from His Excellency Major General Macquarie, Governor in Chief and Commander of the Forces in this Territory, the Sum of Twelve Thousand, Four Hundred, and Seventy One Pounds, Nine Shillings, and Eight Pence, Farthing, Sterling, being the Amount of 39,908½ Dollars, received by His Excellency, and re-coined in this Country, and delivered to me at the rate of Six Shillings and Three Pence* each, in Conformity with His Excellency's Pro-

* Note 68.
clamoration of date 1st July, 1813, and which Sum of £12,471 9s. 8½d. was received by me at the following respective periods, Viz.:—

<table>
<thead>
<tr>
<th>Date</th>
<th>Boxes</th>
<th>Amount</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>25th Jany. 1814</td>
<td>One Box cont'g 3,000 at 6/3</td>
<td>£937 10 0</td>
<td>£937 10 0</td>
</tr>
<tr>
<td>10 Feby.</td>
<td>Do.</td>
<td>3,000 at 6/3</td>
<td>937 10 0</td>
</tr>
<tr>
<td>23</td>
<td>Do.</td>
<td>3,000 at 6/3</td>
<td>937 10 0</td>
</tr>
<tr>
<td>24</td>
<td>Do.</td>
<td>3,000 at 6/3</td>
<td>937 10 0</td>
</tr>
<tr>
<td>4 March</td>
<td>Two Boxes</td>
<td>6,000 at 6/3</td>
<td>1,875 0</td>
</tr>
<tr>
<td>10</td>
<td>One Box</td>
<td>3,000 at 6/3</td>
<td>937 10 0</td>
</tr>
<tr>
<td>16</td>
<td>Two Boxes</td>
<td>6,000 at 6/3</td>
<td>1,875 0</td>
</tr>
<tr>
<td>23</td>
<td>One Box</td>
<td>3,000 at 6/3</td>
<td>937 10 0</td>
</tr>
<tr>
<td>24</td>
<td>Do.</td>
<td>3,000 at 6/3</td>
<td>937 10 0</td>
</tr>
<tr>
<td>15 April</td>
<td>Two Boxes</td>
<td>3,908½ at 6/3</td>
<td>1,221 9 8½</td>
</tr>
<tr>
<td>2 Augt.</td>
<td>One Box</td>
<td>3,000 at 6/3</td>
<td>937 10 0</td>
</tr>
</tbody>
</table>

Total 39,908½ £12,471 9 8½

At which times, I gave receipts for the separate Amounts, and Credited myself therewith at the time in my Cash Accounts with the Right Honorable the Lords Commissioners of His Majesty's Treasury, the whole of which separate receipts have been returned, and this general Acknowledgment is now granted by me for the said Sum of Twelve Thousand, Four hundred, and Seventy One Pounds, Nine Shillings, and Eight Pence, Farthing, Sterling.

D. ALLAN, D.C. Gen'l.

[Enclosure No. 13.]

BOND GIVEN BY LEONARD FOSBROOK, JOSEPH AND JAMES UNDERWOOD.

New South Wales.

Know All Men by these Presents that We, Leonard Fosbrook, Esquire, Deputy Commissary at Hobart town in Van Diemen's Land, Joseph Underwood, and James Underwood, of Sydney, Merchants, are jointly and severally held and firmly bound unto David Allan, Esquire, Deputy Commissary General of this Territory, in the penal sum of Two thousand Pounds, of good and lawful Money to be paid to the said David Allan, Esquire, his Attorney, Successors, or Assigns, for which payment, well and truly to be made, We and each of us, jointly and Severally, bind ourselves, our Heirs, Executors, and Administrators, firmly by these Presents, Sealed with our respective Seals, Dated the eighth Day of October, in the year of Our Lord, One thousand, eight hundred and fourteen.

Whereas the above named Leonard Fosbrook is at this time under the Sentence of a Court Martial,* held on him in the months of February and March last in this Colony, on certain charges then before the said Court; And Whereas the said Leonard Fosbrook, by Reason of his very ill state of health, Hath applied to and Solicited His Excellency the Governor of this

* Note 69.
Colony for Permission to proceed to England in the Ship Seringapatam, now about to depart hence, and having produced a Certificate from Mr. William Redfern, one of the Assistant Surgeons on this Establishment, representing the dangerous State of the said Leonard Fosbrook's Health, and certifying his opinion that the said Leonard Fosbrook may probably derive great benefit from a Sea voyage; His Excellency hath been pleased to accede to the Request of the said Leonard Fosbrook, and to grant him permission to be absent from this Colony for one year from the time of the sailing of the said Ship from this Port to England, On the express Condition, Nevertheless, that he the said Leonard Fosbrook do and shall find two good and responsible Securities, with himself, to meet any Demands to the amount of One thousand Pounds, that may hereafter be made against him by this Government on the final auditing of his the said Leonard Fosbrook's Public Accounts, or on any other legal Grounds, which may arise on the part of this Government against him. And whereas the said Joseph Underwood and James Underwood have become Securities for the said Leonard Fosbrook with himself in the premises, Now the Condition of the above written obligation is such that, if they the said Leonard Fosbrook, Joseph Underwood or James Underwood, or either of them, or either of their Several Heirs, Executors, or Administrators, Do and shall, whenever called upon or required so to do, well and truly answer under, and pay to this Government all and whatsoever Sum of money shall appear to be due from the said Leonard Fosbrook on the final auditing of his Public Accounts, or any other legal Grounds, which may arise on the part of this Government against him, to the amount of one thousand Pounds Sterling, without Fraud or Delay, Then this obligation to be void and of no effect or else to remain in full force.

LEONARD FOSBROOK.
JOSEPH UNDERWOOD.
J. UNDERWOOD.

Sealed and Delivered (no Stamps being used in this Colony), in presence of
GEO. JOHNSTON.
ISAAC NICHOLS.

Compared, Correct:—JNO. THOS. CAMPBELL, Secy.

[Enclosures Nos. 14, 15, 16, and 17.]

[These were the accounts and returns numbered 1, 2, 3, and 4, in paragraph 39; copies of these papers will be found in a volume in series II.]
**Estimate of Duties collected by the Naval Officer from the 1st day of April to the 30th day of June, 1814.**

<table>
<thead>
<tr>
<th>Vessel</th>
<th>Duties collected</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ship Catherine</td>
<td></td>
<td>7.46</td>
</tr>
<tr>
<td>Brig Amelia</td>
<td></td>
<td>262.127.5</td>
</tr>
<tr>
<td>&quot; Hibernia</td>
<td></td>
<td>422 44</td>
</tr>
<tr>
<td>Ship Eliza</td>
<td></td>
<td>315 193</td>
</tr>
<tr>
<td>Brig Morning Star</td>
<td></td>
<td>490 43</td>
</tr>
<tr>
<td>Ship Frederick</td>
<td></td>
<td>212 39</td>
</tr>
<tr>
<td>&quot; Argo</td>
<td></td>
<td>0 50</td>
</tr>
<tr>
<td>&quot; Britania</td>
<td></td>
<td>0 50</td>
</tr>
<tr>
<td>&quot; Windham</td>
<td></td>
<td>0 50</td>
</tr>
<tr>
<td>Schooner Derwent</td>
<td></td>
<td>0 50</td>
</tr>
<tr>
<td>Brig James Hay</td>
<td></td>
<td>0 50</td>
</tr>
<tr>
<td>Entries of Colonial Vessels pr. Abstract</td>
<td></td>
<td>284 166</td>
</tr>
<tr>
<td>Sailings Do. Do.</td>
<td></td>
<td>6 70</td>
</tr>
<tr>
<td>Spirits to Individuals 22 Gallons @ 3s</td>
<td></td>
<td>81 10</td>
</tr>
<tr>
<td>Do. 311 5s 77 15 0</td>
<td></td>
<td>5 0</td>
</tr>
<tr>
<td>Auction Duties from Mr. David Bevan</td>
<td></td>
<td>47 15</td>
</tr>
</tbody>
</table>

**Total:** £2,130 19 7½

Deduct Naval Officer's Commission of 5 per Cent. 106 10 11½

**Balance due Government:** £2,024 8 8

Naval Office, Sydney, New South Wales, 30th day of June, 1814. E.E.

**JOHN PIPER, Naval Officer.**

**Explanation of the within Estimates of Duties.**

**Catherine**—

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Entry</td>
<td>4 15 0</td>
</tr>
<tr>
<td>Wharfage on 27 packages 6d</td>
<td>0 13 6</td>
</tr>
<tr>
<td>Ad. Val. on £36 @ 5 Per Cent.</td>
<td>1 16 0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>7 4 6</td>
</tr>
</tbody>
</table>

**Amelia**—

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Entry &amp; port clearance</td>
<td>2 15 0</td>
</tr>
<tr>
<td>wharfage on 964 Packages 6d</td>
<td>24 2 0</td>
</tr>
<tr>
<td>Ad. Val. on £4,229 12s, 7½d</td>
<td>241 9 7½</td>
</tr>
<tr>
<td>duty on 648 Galls. of wine 9d</td>
<td>24 6 0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>262 12 7½</td>
</tr>
</tbody>
</table>

**Hibernia**—

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Entry</td>
<td>3 10 0</td>
</tr>
<tr>
<td>wharfage on 964 Packs. 6d</td>
<td>24 2 0</td>
</tr>
<tr>
<td>Ad. Val. on £5,828 7s. 4d</td>
<td>291 8 4</td>
</tr>
<tr>
<td>duty on 688 Gallons of rum 3s</td>
<td>103 4 0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>422 4 4</td>
</tr>
</tbody>
</table>
1814.
7 Oct.

Explanations of Estimates of Duties—continued.

<table>
<thead>
<tr>
<th>Name</th>
<th>Entry</th>
<th>Wharfage</th>
<th>Ad Val.</th>
<th>Duty</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eliza</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>315 19 3</td>
</tr>
<tr>
<td>Morning Star</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>490 4 3</td>
</tr>
<tr>
<td>Frederick</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>212 3 9</td>
</tr>
</tbody>
</table>

Return of marriages, births, and deaths.

<table>
<thead>
<tr>
<th>Quarter ending</th>
<th>District</th>
<th>Marriages</th>
<th>Number of Births</th>
<th>Deaths</th>
</tr>
</thead>
<tbody>
<tr>
<td>31st March, 1814</td>
<td>Hawkesbury</td>
<td>6</td>
<td>16</td>
<td>14</td>
</tr>
<tr>
<td>30th June, 1814</td>
<td></td>
<td>9</td>
<td>13</td>
<td>12</td>
</tr>
<tr>
<td>31st March, 1814</td>
<td>Parramatta</td>
<td>8</td>
<td>12</td>
<td>8</td>
</tr>
<tr>
<td>30th June, 1814</td>
<td></td>
<td>20</td>
<td>12</td>
<td>4</td>
</tr>
<tr>
<td>Half year to 30th June</td>
<td>Hobart town</td>
<td>5</td>
<td>20</td>
<td>8</td>
</tr>
<tr>
<td>31st March, 1814</td>
<td>Sydney</td>
<td>10</td>
<td>46</td>
<td>35</td>
</tr>
<tr>
<td>30th June, 1814</td>
<td></td>
<td>9</td>
<td>31</td>
<td>34</td>
</tr>
</tbody>
</table>

Governor Macquarie to Earl Bathurst.
(Despatch marked "No. 12 of 1814," per ship Seringapatam; acknowledged by Earl Bathurst, 2nd December, 1815.)

My Lord, 7th October, 1814.

I feel it Incumbent on Me to Apprize Your Lordship of an Innovation, Which has been lately Attempted here, in the Celebration of the Church Service by Mr. Marsden, the Principal Chaplain, and Some of the Assistant Chaplains; and I request that Your Lordship will Honor me with Instructions as to the Line of Conduct which I should pursue in regard to it.
A few Months ago, Mr. Marsden either Imported (with other Books on his own Account) or received from A Missionary Society, a Number of Copies of Dr. Goode's Version of the Psalms, and without any previous Communication or Reference to Me on the Subject, He Caused them to be Sung for some Sundays in our Churches to the Exclusion of those Attached by Authority to the Bible and Book of Common Prayer.

It appearing to Me that this was a very Unwarrantable Violation of the Service of the Established Church, and one which would probably lead to Still further and greater Innovations on its sacred Ceremonies, I have deemed it my Duty to prohibit this Version, or any other than that attached to the Bible and Prayer Book of the Church of England, from being any longer Used, Until such time as Reference Could be made to the Supreme Authority of our Church, and the Commands of His Royal Highness the Prince Regent should be Communicated to Me.

My Apprehension of the Consequences, which Might Attend the Submitting to, or in any degree sanctioning, Changes of this kind, are not a little heightened by the Consideration that Mr. Marsden and some of the Assistant Chaplains are originally of low Rank, and not qualified by liberal Educations in the Usual Way for the Sacred Functions entrusted to them, and are also much tinctured with Methodistical and other Sectarian Principles, which dispose them to a hasty Adoption of new Systems, or at least of New Forms, to the Exclusion of the Old Establishment of the Church of England.

If these Principles Were Sanctioned by me (as they Would appear to be, were I not to repress them), they would give such Latitude to Dissent, that I am fully Convinced Various Sectaries would spring up in this Young and Unschooled Colony, Much to the Injury of that established Uniformity of Worship, which I Conceive to be of the Utmost Importance to the Peace and Harmony of the Colony to preserve Inviolate.

In Making this Communication to Your Lordship, I have taken the Liberty to express my own Sentiments with Freedom, and have now only to add that Your Lordship's Instructions shall be the Rule of my future Conduct on this Subject.

I do myself the Honor to transmit Your Lordship a Copy of a Letter, which I instructed My Secretary to address on this Occasion to Mr. Cowper, the resident Chaplain at Head Quarters, Whence Your Lordship will perceive the Motives whereby I have been actuated in the Course of this Business, and I trust the Measures adopted by me Will Meet Your Lordship's Approbation.

I have, &c.,

L. MACQUARIE.
HISTORICAL RECORDS OF AUSTRALIA.

[Enclosure.]

SECRETARY CAMPBELL TO THE REVEREND WILLIAM COWPER.

Revd. Sir, Secretary’s Office, Sydney, 22d August, 1814.

I am directed by His Excellency the Governor to Inform You that in the Celebration of the Church Service Yesterday at St. Philips, Sydney, He was much Surprized to Observe that the regular and legally Established Version of the Psalms was omitted, and in their Stead others from a New Version by Doct’r Goode Were Sung.

His Excellency, desirous alike from Duty and Inclination to preserve Uniformity and Consistency with the legally established Rites and Ceremonies of the Church of England, with which any unsanctioned Version of the Psalms Must Militate, Desires to be Informed by You in Writing by What Authority You have acted in thus Venturing to depart from the old established Ceremonies of the Church, and Unless in this Communication You shall be enabled to shew that this New Version of the Psalms by Dr. Goode is ordered to be Sung in Churches by the Supreme Head of that Church, It is His Excellency’s Desire that You shall not in future Use it in the public Celebration of Divine Service, such Innovation being Neither justifiable by Necessity, nor by that Obedience to the religious Establishment of this Colony, which it is Alike His and Your Duty to uphold.

I have, &c,

JNO. THOS. CAMPBELL, Sec.

Compared:—JNO. THOS. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked “No. 13 of 1814,” per ship Seringapatam; acknowledged by Earl Bathurst, 4th December, 1815.)

Government House, Sydney, N. S. Wales, 7th October, 1814.

My Lord,

I feel Myself Called Upon at this time to address Your Lordship on two Subjects, which I should have Most Willingly Avoided, had not the Interests of the Crown and the future Increase and Prosperity of the present thriving Town of Parramatta been so deeply Involved in them, as to render Silence Criminal, and to demand my Waving the Point of Delicacy towards two of my Predecessors in this Government, whilst I state the Circumstances to Your Lordship.

When Governor Bligh Arrived here in the Year 1806 to relieve the late Governor King, A Mutual Interchange of very Important Favors* took place between them, and among other Grants of

* Note 78.
Land, which Gov'r King made to Gov'r Bligh, previous to his Assuming the Government, there was one Consisting of 105 Acres,* situated Close to the Town of Parramatta, on the North Side of the River of that Name. This Grant is what I have now to make some Observations on. The Land was originally cleared of Timber, and for some Years Cultivated for Government Purpose at a very Considerable Expence to the Crown, and some small Portions of it were Afterwards Given on Leases to private Persons. The Grant to Governor Bligh was however so made out as to Embrace the reversionary Title to the Leased parts, in Consequence of Which He now possesses the Whole Tract of 105 Acres, but he never proceeded to make any Improvements on it, or even Occupied it by Stock or otherwise.

Without Questioning Gov'r King's Right to grant away Lands, which had been Cleared and Cultivated at the Expence of the Crown (Altho' His doing so is in direct Violation of the Standing Orders† of His Majesty's Ministers) I Can feel no Hesitation in pronouncing it a Very Unwarrantable and unjust Measure, and one which at this day prevents the Extension of the Town of Parramatta in the only Direction Suitable to it. The Chart, which I transmit Your Lordship, will better explain the local Advantages of this Ground than any Description I Can give, but what renders it of the Greatest Importance is that the River, which Skirts it, possesses the only Good Water in the Neighbourhood, the same River lower down in its Course thro' the Town, being Salt in Consequence of the Tide flowing up it.

In addition to the Injury thus done to Parramatta by the Inhabitants being Excluded from the fresh Water, I have to bring to Your Lordship's further Consideration that this is the only Eligible Situation in the Neighbourhood for the Erecting a Factory for the Employment of the female Convicts in the Manufacture of Coarse Linen and Woollen Cloths, it Affording Cleared, level Ground for a Bleach Field, and fresh Water for the people and the Use of the Manufactory. The Constant Influx of female Convicts rendering a Factory on a much larger Scale than the present one Indispensable, I respectfully solicit Your Lordship to require Gov'r Bligh to surrender his Grant of this Ground to Government on a fair Compensation in Land, which May be made him in any part of the Colony not already disposed of.

The Second Subject, Which I am now proceeding on, and to Which I solicit Your Lordship's Attention, is one, Wherein My own personal Comfort and that of My Family, Which is still more dear to me, in our Residence at Sydney, is involved. The late Gov'r. King, having required the Surrender of a small piece

* Note 79. † Note 80.
of Ground* belonging to Mr. Commissary Palmer, situated in
Sydney, in order to Convert it into a Government Lumber Yard
Gave that Gentleman in Exchange for it a Lease of a Piece
of Ground situated in the Government Domain on an Eminence
overlooking the Government House, and only at a Distance of
160 paces from it. On this Land, Consisting of 3 Acres and 32
Rods, Mr. Palmer Erected two Wind Mills, one of Stone, and the
other of Timber, and also a Bake-house and Offices. It is
Scarcely less Surprizing that Mr. Palmer should have presumed
to ask for Ground in Such a Situation and for such purposes,
than that Govr. King should have Acceded to it; but such is the
fact, Notwithstanding that the Government Domain was Origi­
nally marked out, and Assigned as such for all Succeeding
Governors, by Governor Phillip,† who Also Obtained for it the
Approval and Confirmation of His Majesty’s then Secretary of
State. Govr. King, being aware that he could not grant away,
or Lease any part of the Land, which had been Cleared at the
Expence of the Crown, for a greater Period than Five Years,
was on this Occasion regulated by that Circumstance, but in
the Lease for 5 Years, which he gave Mr. Palmer, He had
Inserted “He has a Promise of the Lease being renewed at the
End of every 5 Years Until the Term of Twenty one Years
Expire,” thus Endeavouring to Entail on his Successors a kind
of Obligation to renew the Lease from time to time for that
Term, which he felt his own Incompetency to Make good in the
first Instance; but in this He was disappointed, for the Lease
expired on 31st March, 1807, and was not renewed by Govr.
Bligh. I have the Honor to transmit Your Lordship a Copy of
the Lease in Question for Your Lordship’s fuller Information.

Considering the promise of Govr. King on this Occasion by no
Means Obligatory on Me After a Lapse of nearly 8 Years, which
Mr. Palmer or his Creditors have derived the Advantage of,
beyond the Period to which they had any Legal Title to them,
I have given Notice to Mr. Walker, the Agent of Mr. Palmer’s
Creditors, to whom the Lease and Buildings were some time
since Assigned, to remove the Buildings and Yield Up the
Ground to this Gov’t on or before the 31st March next.

One of the Mills, being built of Stone, Cost a Considerable
Sum of Money; in Consequence of which I notified to Mr. Walker
that I would let him have any Situation in the Neighbourhood
of Sydney, Not Already located, that he would Select for the
Re-Erecting of the Mills on, and further that I should Make
him a Grant’ (In Trust for Messrs. Fairlie & Co. of Calcutta,
Whose Agent he is in this Concern) of Land on a reasonable
Scale of Compensation for the Loss, which must Necessarily

* Note 81. † Note 82.
Attend the removal of the Buildings. Mr. Walker does Not Consider himself Warranted in According to these Terms on the part of his Constituents, until he shall receive special Instructions to that Effect from them, and the Business thus remains unsettled.

I beg to observe here that, Altho' I have required Mr. Walker to resign the Possession of the whole on the 31st of March next, It is my Intention to Insist only on the possession of that part which is not Occupied by, or immediately Necessary to the large Mill, and to Suspend the final Measure in respect to that Building, Until I shall be Honored With Your Lordship's Sentiments thereon. The Steps, I have Already taken, will be best drawn from the Accompanying Correspondence between My Secretary and Messrs. Walker and Palmer, which I now do Myself the Honor to transmit for Your Lordship's Inspection. Your Lordship will be at no Loss in Appreciating the Nature and Degree of Annoyance that these Mills and Buildings, thus overlooking the Govt. House, must be to Me and My family, Who, instead of enjoying a Seclusion from the public Gaze, are thus perpetually exposed to it, Wherever We turn thro' the Domain; Even the Passage to the Govern't Garden, which would be a pleasant Place of Recreation to Mrs. Macquarie and Myself, lead thro' the Leased Ground and Close by the Mills, Whereby We are Nearly Excluded from that Satisfaction.

All these Circumstances will, I trust, excuse the Anxiety I feel to get rid of these Buildings, and Secure Your Lordship's Approbation of the Terms of Compensation proposed to the present Possessors.

Some of my Predecessors having frequently Alienated Lands, which had been Cleared, and Houses, which had been built at a very great Expence to this Government, in a manner, Which if not Absolutely Illegal, was at the least Very Unjust, I take the Liberty to Suggest to Your Lordship's superior Judgment the propriety of transmitting a peremptory Order to Me and My Successors on that Subject, prohibiting the further Alienations of Lands or Houses Under such Circumstances, Unless the Sanction of His Majesty's Secretary of State for the Colonies shall have been previously Solicited and Obtained.

I have, &c.,
L. MACQUARIE.

[Enclosure No. 1.]

[A copy of the chart of Governor Bligh's farm will be found in the volume of charts and plans.]
ENCLOSURE NO. 2.

DEED OF LEASE TO JOHN PALMER.

By His Excellency Philip Gidley King, Esquire, &c., &c.

I do hereby acknowledge that the allotment of ground, now in the occupation of John Palmer, Esquire, situated in the Township of Sydney, on the West Side of Farm Cove, containing three acres and thirty-two rods, being a remuneration for a lot in the Town of Sydney (leased to Captain Joseph Foveaux and purchased by the said John Palmer, see Page 112 in register No. 1*) Converted into a Lumber yard for the use of Government, is to be considered as demised and let unto the said John Palmer for and during the term of five years from the day of the date hereof; and as he has erected some durable buildings on the said lease, he has a promise of the lease being renewed at the end of every five years, until the term of twenty-one years expire, he paying, or causing to be paid to the Crown, an annual quit rent of two shillings and sixpence for the aforesaid allotment of ground.

In witness whereof I have hereunto set my hand and seal at Sydney in New South Wales, this thirty-first day of March, in the year of our Lord one thousand eight hundred and two.

Philip Gidley King.

Registered in the Secretary's Office,

W. N. Chapman, Sec'y.

Secretary's Office, Sydney, 6 Oct'r, 1814,
Compared with Register. Correct.

Jno. Thos. Campbell, Sec'y.

Bearsings

S. 23½ W. 10, 32
E. 40 S. 4
N. 15¼ E. 11, 60
E. 23 N. 2, 15

See Register No. 3, folio 97. *

The above, being omitted when the lease was made out, is inserted by command of His Excellency.

David Dickinson Mann, Clk.

ENCLOSURE NO. 3.

CORRESPONDENCE BETWEEN SECRETARY CAMPBELL AND WILLIAM WALKER.

[1] Secretary Campbell and William Walker.

Sir,

Secretary's Office, Sydney, 2d Nov'r, 1813.

His Excellency the Governor being informed that you have lately taken possession of the landed and other property belonging to John Palmer, Esquire, in this colony, on the part of Messrs. Fairley Ferguson & Co., of Calcutta, as creditors of the said Mr. Palmer, I have it now in Command to inform you that

* Note 83.
the Lease, granted by the late Governor King to Mr. Palmer, consisting of three Acres and thirty two Rods, situated within the Boundaries of the Government Domain (as laid out by Governor Phillip and approved and confirmed by His Majesty's Ministers), in the Town of Sydney, expired on the 31st March, 1807, being given for five years, which is the utmost period any Governor could give a Lease for of Lands situated within the approved Boundaries of the Government Domain.

The Circumstance of the Expiration of this Lease, as also of its being necessarily limited to the Term of Five Years, did not come to His Excellency's knowledge until very lately, which will account for His not having Claimed and taken Possession of the property long before the present time on the part of the Crown.

His Excellency is pleased, however, to say that in Consideration of the very expensive buildings, erected by Mr. Palmer on the Ground in question, probably under the expectation that His Lease would be renewed to him, and from the further Consideration that no regular warning had been given to Mr. Palmer, or his Agent, hitherto, to evacuate the said Premises and surrender them to the Government, He is unwilling to avail Himself immediately of the Exercise of his legal and Customary privilege by requiring the prompt Surrender of the Ground as the Lease has long since expired.

With the view, therefore, to the affording a Sufficient time to Mr. Palmer, or his creditors, to remove the Materials of the expensive Buildings erected by him on this Lease, or to dispose of them otherwise (which His Excellency is willing on the Part of Government to Permit, altho' they have become absolutely the property of the Crown by the expiration of the Lease), The Governor will forbear to take possession of the Ground &c. until the 31st of March, 1815. I have it in Command therefore to inform you officially that, on the said 31st March, 1815, it is His Excellency's intention to resume the possession on the Part of the Crown, and you are to consider the present as a legal Notice to that effect, and to be prepared on that Day to resign the said Ground to Government, it being required for the very necessary purpose of enabling His Excellency to enclose the whole Domain exclusively within a Stone Wall.

If Mr. Palmer, or his Creditors, should be desirous of procuring an Allotment of Ground from Government to remove the Materials of the Windmills to, in order to re-erect them on, His Excellency will have no objection to the assigning him or them an eligible allotment for that purpose in the vicinity of Sydney, and of equal extent to that whereon they are now placed within the Government Domain.
1814.
7 Oct.
Proposal for purchase of bake-house.

His Excellency Considering that the Bake-house erected on these Premises by Mr. Palmer might be converted into a Serviceable portion of those Offices, which it is His intention to build shortly close by the place where it stands, desires to inform you that He will purchase the same for the Crown at a fair and regular valuation, to be made by a Competent Committee of Survey, provided you render the possession to Him within the Space of two months from the present Date.

I have to request that you will let me have an early Answer to this letter, and that you will Particularly signify your Compliance, or the reverse, with the Governor's proposition with regard to the purchase of the Bakehouse.

I have, &c.,

JNO. THOS. CAMPBELL, Secy.


Sir,
Sydney, 3d November, 1813.

I beg leave to acknowledge the receipt of your letter of yesterday's date, stating it to be the intention of His Excellency the Governor to take possession of that spot of Ground behind Government House, now under Lease from the late Governor King to John Palmer, Esqre., and upon which Mr. Palmer has erected several expensive buildings.

Though these buildings are now under an Assignment to Messrs. Fairlie & Co., of Calcutta (for whom I am acting as proposed Agent here), by a regular Mortgage Deed, yet as there is a clause of redemption in that instrument for the period of Seven years, provided the interests on the Principal Sum of the Debt, which it was granted to secure, was paid, and that Proviso having been attended to by Mr. Palmer's Agent, I do not feel that I would be justified in returning any Specific answer to your letter, or at all entering into the merits of the question regarding the validity of Mr. Palmer's Lease, until I have Communicated with that Gentleman's Agent on the Subject. I shall make a point of immediately doing so, and either he or I will do ourselves the pleasure of waiting on you with a final Answer on an early Day; meantime I have the honor to be &c.

WILLM. WALKER.


Sir,
Sydney, 26th November, 1813.

Agreeable to my Promise, contained in my respects of the 3d instant, I now beg leave to acquaint you for the information of His Excellency the Governor, that I have communicated with Mr. Palmer j'r, as agent for his father, on the Subject of your letter of the 2d instant.
That Gentleman informs me the Power of Attorney, he holds from his father, is not sufficient to enable him to dispose of any real property, so that as the matter stands at present it appears there is no Person in the Colony that can legally do so; but as there is every reason to expect either that Mr. Palmer himself or sufficient powers will arrive by the next Ships from England, it would be very desirable, and certainly felt as a matter of much favor, that His Excellency would agree to suspend any proceedings with regard to the Offices, which He means to convert the Bake-house &ca. into, for the space of a few months, by which time it is presumed Mr. Palmer or his Agent will be ready to give a legal Sanction to His Excellency's wishes on that head.

With regard to the Windmills as I have not yet been able to get the original Lease, so as to take legal advice on the subject, I can only say, that though I must hope, for the present, we may be enabled to retain them for the whole period of the 21 Years, yet, as His Excellency seems decidedly of opinion that He might take Possession of them at any time he thought proper, I must beg to return my best acknowledgements on the part of the Parties interested to His Excellency for so kindly extending that time for the Period he has mentioned.

I have, &c.,

WILLM. WALKER.


Sir,

Secretary's Office, Sydney, 27th Novr., 1813.

I have submitted your letter of yesterday's Date, on the subject of the Windmills and Bakehouse situated within the Government Domain, to His Excellency the Governor.

From the circumstances stated by you, His Excellency is pleased to say that He shall postpone for some time any further proceedings respecting those buildings in the hope that a Competent Authority may arrive, agreeably to your expectations, for the final disposal of these concerns. His Excellency, however, desires it to be understood that, at the time already mentioned in my letter to you of the 2d Inst., He will resume on the Part of Government the Lands now occupied by these buildings with whatever Buildings may be then on them.

I have, &c.,

JNO. THOS. CAMPBELL, Secy.


Sir,

Secretary's Office, Sydney, 16th Sept., 1814.

Referring you to my former letters of the 2d & 27 Novr. 1813, and yours of the 3d & 26th Novr. 1813, on the Subject of the Windmills, Bakery & other buildings, erected by Mr. Palmer
Correspondence with John Palmer.

Assignment of lease by Palmer.

Lease to be surrendered and buildings removed.

Bake-house not required by government.

1814.
7 Oct.

with the boundaries of the Government Domain, and also of the Lease of the Ground on which said buildings stand, I have it in Command to transmit you the accompanying copy of a Letter, which I addressed to Mr. Palmer on the 24th of June last, and also of Mr. Palmer's answer to it, dated 4th July, 1814, on the same Subject.

From the foregoing Letter of Mr. Palmer, it appears that the property of the Land and Houses, herein referred to, has been transferred to Messrs. Fairlie & Co., and that you, as Agent to those Gentlemen, have been put in possession of them by Mr. Palmer, since his return from England.

As the difficulty, which you expressed yourself under in your letter of the 26th Novr. in regard to taking upon you to surrender the Premises and Buildings herein alluded to to Government, are now obviated by your being put into full possession of them, I am instructed to inform you that His Excellency the Governor hereby directs, and He expects, that you will on or before the 31st of March next ensuing (the time mentioned in my letter of the 2d Novr.) remove all the Materials of the said Windmills, Bake-House, &c. and surrender to Government the Ground occupied by them, and formerly leased to Mr. Palmer. As you did not accede to His Excellency's proposal for the Bake-house and contiguous buildings, I have now only to add that the possession of them is no longer an object with His Excellency, and you are required to remove the Materials of them also.

I have, &c.,
JNO. THOS. CAMPBELL, Secy.


Sir,

Sydney, 20th Sept., 1814.

I beg leave to acknowledge receipt of your letter of the 16th Inst. with two enclosures relative to the Windmills &c., about which we have already had some correspondence.

These buildings, together with the lease, as Mr. Palmer has informed you, are now the property of Messrs. Fairlie, Ferguson & Co. of Calcutta, having been regularly delivered up to me as their Agent some time since, and for which those Gentlemen have given a very valuable Consideration.

However anxious I may be to accede to His Excellency's wishes in everything, where I am only personally interested, yet in this instance, as a mere Agent, I consider it my Duty to take the advice of such Professional Men as the Colony affords, as well as that of private Friends, with regard to the validity of the Lease granted by Governor King (a correct Copy of which I enclose for your Perusal) and how far I should be justified in resigning so valuable a Property to Government without any Compensation.
The result of my enquiries has been such that I should consider myself highly blameable and neglectful of the interest of my employers, were I to do so without bringing the matter regularly before the Civil Court, whose decision, if given against me, will of course satisfy them that I have done everything in my power to preserve the Property for their benefit.

In order however to convince His Excellency that there can be no wish on my Part to interfere with his views or wishes, I shall be ready at any time appointed by him (31st March next), or sooner if required, to resign the Lease and Buildings to Government on being paid for Same in Sterling Money at a fair valuation by persons properly qualified to estimate them.

I cannot refrain from seizing the present opportunity to detail a few particulars regarding the Lease in question, craving His Excellency's patience to Peruse the same, being hopeful when the matter has been properly and correctly laid before Him, that He may feel disposed to wave any further proceedings in the matter, and allow the buildings to remain for the remainder of the time mentioned in the Lease.

In the first place, as the Lease itself expresses, this Allotment of Ground was granted to Mr. Palmer for a Certain term of years in consequence, not only of his having erected very expensive buildings on it (which buildings in the then infant State of the Colony were, as His Excellency must be well aware, of the most essential benefit to it, and could not have been undertaken on so large a Scale by another Individual in the Country), but as a remuneration for another Lot given to Government, and now converted into a Lumber yard.

In the second place, Mr. Palmer, being fearful that his large Mill might be too near Government House, spoke to Governor King on the subject, and proposed to Him to grant a piece of Ground somewhere near the Spot where the Military Hospital is now erecting, that so expensive a building, as he purposed to erect, might be secure from any interference on the part of Government or others; but Governor King informed him that he must build it on or near the Spot where it now Stands, and no where else; as it was his intention to remove the Government House to the other side of the Town, and that the Domain would take in the hill, which Mr. Palmer was so anxious to obtain, and consequently would interfere with his then Excellency's plans.

In the third place, It is a matter of notoriety that Mr. Palmer and Mr. Campbell, as private Individuals, have been more benefit to the Colony from the improvements they have made, the number of Men they Kept in Constant Employ, and the consequent large Sums of money which they circulated in it, than

* Note 34.
any other private Individuals who have been resident in it; and when His Excellency considers that the money thus expended was, as it now appears to be, the real and bonafide property of those Gentlemen in India and London, who have now entered into possession of the property in question, I cannot but think that his Excellency will feel disposed to shew them every indulgence in his Power, and either allow the buildings to remain until the expiration of the Lease, or make them a very ample remuneration in the event of his insisting upon their being removed, so as in some measure to make up for the very heavy loss, which they must Suffer in Consequence of so large a portion of their property being expended in buildings and other improvements in this Colony.

I trust that His Excellency will be disposed to view this matter in as favorable a light as possible, and as I shall write very fully on the Subject with a Copy of the Lease, to my Constituents in London (who are equally interested in the matter with the house in Calcutta) by the Seringapatam, I should feel much satisfaction if His Excellency would agree to delay doing anything further in the business, until an answer can arrive to that letter.

WILLM. WALKER.


Sir, Secretary's Office, Sydney, 26th Sept., 1814.

Having Submitted your letter of the 20th inst. (in reply to mine of the 16th inst.) to His Excellency the Governor, I have it now in Command to inform you that the Lease of the Premises, on which the two Windmills and Bakehouse were erected by Mr. Palmer within the Government Domain, has long since expired, and that the right on the part of the Crown to resume those Premises is absolute and uncontrollable. This being the Case, I am now finally to inform you that it is His Excellency's determination to take possession of these Premises on the 31st of March next, they being absolutely required for Government purposes. In the meantime, His Excellency recommends it to you to take advantage of the present interval by removing the materials of the buildings off the Ground for the benefit of those Gentlemen, whose Agent you are in these affairs. This removal of the Materials is the more earnestly recommended to you from the circumstance of their not being required on the part of Government, and of course will not be purchased by His Excellency on any terms whatever.

It cannot have escaped your own observation that these Buildings, situated as they are within the Government Domains and
close to the Government House which they overlook, constitute
a very great nuisance and Annoyance to His Excellency's Per-
sonal Comfort; and hence you will no doubt see the propriety
of their being removed; and also fully account for His Excel-
Iency's determination that they shall not remain there.

A bare inspection of the Lease, originally given of the
Premises by Governor King, must put beyond a Doubt that it
has long Since expired, it having been given on the 31st of
March, 1802, for the Term of Five years only. The expression
of a promise from Governor King that this Lease should be renewed
from time to time for the term of 21 Years, clearly evinced that
He was sensible He had it not in His Power to grant this Lease
for a longer period than the five years expressed therein, the
orders* of H.M. Ministers in regard to the Leasing of any Lands,
either in the immediate possession of Government, or which had
been cleared by it, being express and absolute on that head. It
is therefore Scarcely necessary to add that what Governor King
could legally do in his own Person whilst Governor, he could
not possibly entail as a Duty on His Successors in that Office.
Thus far the Governor has been anxious to Convince you that
His determination to resume the Ground has arisen out of His
incontrovertible right to do so, which he is the more disposed
to assert on this occasion in order to get rid of a nuisance
extremely offensive in every respect to the Privacy and comfort
of the Government house and Domains.

If you should however deem it advisable to take Law opinions
here, or to write to your Constituents on this Subject, His Excel-
Iency has no objection thereto, but you are to under-
stand that he will neither relinquish the Rights of the Crown,
or refer them on an occasion so clear as the present, to the
decision of any Court whatever.

Adverting to your observation in regard to Mr. Palmer and
Mr. Robert Campbell, Senr., His Excellency cannot at all admit
that they have any particular merit for the extent of their
expenditures in this Colony, or any claim whatever on Govern-
ment on that Account, those expenditures having been entirely
confined to the erecting of Buildings for their own immediate
use or Emolument, and not in any degree calculated to encrease
the internal resources or prosperity of the Country.

It now only remains for me to repeat to you that in considera-
tion of the weighty ex pense attending the Construction of the
Buildings in question, His Excellency will be happy to grant an
equal extent of Ground, to that on which they now Stand, in
any unappropriated Situation in the neighbourhood of Sydney,

* Note 85.
for the re-erection of those Mills, if that measure should appear advisable to you; And in order to the reducing still further the loss your Constituents Messrs. Fairlie, Ferguson & Co. will necessarily sustain by the destruction of the present Buildings, His Excellency will have no objection to the making those Gentlemen a handsome Grant of Land in the interior.

Whilst the Governor is thus disposed to render the loss as light as possible to these Gentlemen, it is to be understood that such remuneration as now proposed is a voluntary one, and not at all resulting from any legal claim which they could advance.

I have, &c.,

JNO. THOS. CAMPBELL, Secy.

Compared:—JNO. THOS. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO THE LORDS COMMISSIONERS OF THE ADMIRALTY.

(Despatch per ship Seringapatam; acknowledged by Secretary Barrow, 24th February, 1815.)

Government House, Sydney, New South Wales, 7th October, 1814.

I have the Honor to Inform Your Lordships that, on the 1st of July last, the Ship Seringapatam, formerly a South Sea Whaler, belonging to London, Burthen about 370 Tons, was brought into this port by fourteen British Seamen, who reported that she, with several other Ships on their Voyage to the Fisheries, had been captured by the American Frigate, Essex, about the 13th of July, 1813, and in September in that Year Carried by her into one of the Groupe of Islands in the South Pacific Ocean, Called the Marquesas.

These Seamen State that they had been cruelly treated by their Captors, being obliged to Work at the Erection of a Fort, and exposed to several other Indignities, which as Prisoners of War they should have been Exempted from; and that in Consequence they resolved on Effecting their Escape, Whenever a Suitable Opportunity should Occur. Such an Opportunity at length offering itself, whilst the Essex was out on a Cruise, they boldly Embraced it, and on the 6th of May were fortunate enough to recapture the Seringapatam without Loss of Blood or any personal Injury on either Side, and thence proceeded with her to this Port, where on their Arrival they Claimed and received the Protection of the Government as British Seamen.

Considering our Court of Vice Admiralty best qualified to act under the Circumstances of the Case, I referred the recaptors to it, but, as it has not Jurisdiction as a Prize Court, the Judge
only received the Memorial of Mr. Joseph Underwood, Agent for the Recaptors, which was subscribed and deposed to by them, Severally, as true and Correct, and dismissed the Business, recommending that the Ship should be permitted to proceed to England for Adjudication with such Certificates and Protection, as I could extend in my Character as Vice Admiral and Governor of this Territory.

Under this Recommendation, I have accordingly given orders for the Seringapatam to proceed Immediately to England, and at the Solicitation of the Crew (none of whom felt Equal to Undertaking the Command of her), I have appointed Mr. Eber Bunker to that Situation. Mr. Bunker, in the Year 1791, Commanded the Convict Transport, William and Anne, from England to this Country, and has for some Years resided here, Maintaining a most respectable Character, and is well qualified as a Master Mariner, which Circumstances determined Me on giving him the present Command.

Mr. Bent, the Judge of our Instance Court of Vice Admiralty, having given his opinion that there could be no legal objection to the Seringapatam taking Goods on Freight from hence to England, I have Sanctioned that Measure, and Capt. Bunker has accordingly procured some Freight and a Number of Passengers.

No Specific Wages are promised to Capt. Bunker, who is perfectly satisfied to refer his Claims on that Account to Your Lordships' Liberality, or that of the Court to which you may be pleased to refer the Matter.

The Recaptors, having no Means of Subsistence here but such as arose from the supposed Claims that they may have to a Salvage, have had Clothing and other Necessaries supplied them by Mr. Joseph Underwood, a Merchant of this Place, who providentially fell in with them at Sea on his passage hither from China, and humanely furnished them with such Articles as they stood in need of, and also remained by them, until they finally made the Port, which they might probably have been otherwise much at a Loss to Effect.

The Fourteen Seamen, who Effected the Re-Capture, belonged to the Crews of different Ships Unfortunately in the same Predicament as the Seringapatam, one only of them having sailed from England in her. Since their arrival here, they have Conducted themselves with great Propriety, and, under all the Circumstances of this Singular Business, I have Reason to believe they Acted with great Moderation and Humanity. I have therefore much Pleasure in recommending their Case to Your Lordships' humane and liberal Consideration.
I have the Honor to transmit Your Lordships, herewith, an Official Copy of the Memorial Presented by the Agent of the Recaptors to the Court of Vice Admiralty, and also of the License I have furnished to Captain Bunker to serve as a Register for the Voyage Home. I have, &c.,

L. MACQUARIE,
Governor in Chief of N.S. Wales.

[Enclosure No. 1.]

THE PETITION OF JOSEPH UNDERWOOD.

His Majesty's Territory of New South Wales.

To Ellis Bent, Esq., Judge of the Vice Admiralty Court of this Territory.

The Petition of Joseph Underwood of Sydney, Merchant, Agent for and on behalf of the several persons whose Names are here-under Inserted, being Mariners lately arrived in this Port from the Marquesas Islands in the Ship Seringapatam, after having recaptured the said Ship there.

Humbly Sheweth,

That the said Ship Seringapatam, South Sea Whaler of London, Commanded by Capt'n. Stivers, was Captured off the Gallipagos Islands on or about the 13th of July, 1813, by the Essex, American Frigate, David Porter, Comm'r.

That the Master of the Said Ship Seringapatam was taken on board the said Frigate, and shortly afterwards sent a Prisoner to America on board the Georgiana, an English Ship, which had also been captured by the Essex Frigate.

That the other officers of the said Ship Seringapatam and several of her Crew, after her Capture, were sent on board the Charlton (another English Ship which had been Captured by the Essex Frigate) to Rio de Janeiro, as a Cartel Ship, which the Commander of the Essex had given up to the Master, Namely, Capt'n. Halcrow, after having discharged the oil on board her and all the other property, leaving on board the said Ship Provisions barely sufficient to take them to Rio.

That Your Petitioners were sent on board different Vessels, which had also been unfortunately Captured by the Essex, and, in Company with that Frigate, proceeded Prisoners to the Marquesas Islands, where they arrived on or about the 13th day of September, 1813, the said ship Seringapatam being amongst the Number of Vessels so taken to the Marquesas Islands.

That your Petitioners Endured great Hardships and Sufferings during their Confinement at a Fort, Erected at the Marquesas Islands by the Americans.
That your Petitioners occasionally Consulted together on the Means of Effecting their Deliverance from the miserable State of Captivity to which the Chance of War had consigned them, and one and all determined to avail themselves of the first Opportunity that offered to accomplish their purpose.

That, on the 6th day of May last, in pursuance of that Resolution, Your Petitioners being all on board the said Ship Seringapatam (and which Ship, having been Used as a Store Ship at the said Fort, had on board her Considerable property and Stores which had been removed from the other Captured Ships there, and was on that Account an Object of greater Importance to your Petitioners to Seize) Did, on a Signal Agreed on amongst Your Petitioners, Suddenly Seize the said Ship, Secure three Prize Masters then on board, and having possessed themselves of a quantity of Arms and Ammunition from the Ship, Greenwich (another Captured Ship then in the said Fort), and having also spiked the Guns at the Fort, which they effected with great Difficulty and Danger, Your Petitioners made Sail in the said Ship Seringapatam in the Night of the said 6th of May, and proceeded to Sea bound to this Port.

That Petitioners put the Prize Masters into a Boat (giving them some Provisions and also Arms and ammunition to protect them) at as short a distance from the Fort as they judged advisable.

That Petitioners Navigated the said Ship Seringapatam, which they had so retaken in an Enemy’s Port, and, having touched at Otaheite, arrived safe in this Port on the first day of July last.

That Petitioners, having thus at the Hazard of their Lives effected the Recapture of the said Ship Seringapatam with a Valuable Cargo on board, and brought her into this Port, Humbly pray to submit their Claim for Salvage to the Consideration and Justice of this Honorable Court, presuming that the Maritime Law of England, which adopts the most liberal rule of restitution on Salvage with respect to the recaptured property of its own Subjects, will Decree and Adjudge Your Petitioners such Rate of Salvage as the Importance of the Object and the Value of the Ship and Cargo may equitably afford; this Court taking it also into due Consideration that the said Ship Seringapatam was and had been actually converted by the Americans, after her Capture, into an Armed Vessel with 22 Guns, and had accompanied the Essex Frigate on a Cruize, which Circumstance, as well as the Capture of the Seringapatam, Petitioners will be able to prove, and trust that such facts will weigh with the Court in their Adjudication and Decree of the Rate of Salvage due to

Petition of Joseph Underwood as agent of the recaptors of the Seringapatam.

1814.
7 Oct.
Your Petitioners, as the Recaptors of the said Ship Seringapatam; and Petitioners humbly hope that this Court will Interpose its Authority, so far as to decree Petitioners the Salvage they are entitled to, and Direct the same to be rendered and paid to them in this Colony forthwith, without Exposing or Subjecting their Claims to the Risque of the said Ship Seringapatam leaving this Port and proceeding on her passage to England, Considering that Your Petitioners have safely brought the said Ship into this Port, and that they are therefore Entitled to their Salvage without further Risque or Delay.

May it therefore Please this Honorable Court to take All the Circumstances of Petitioners' Case into Mature Consideration, and to grant Petitioners such Salvage as by the Maritime Law of England, and by the practice of the Courts of Vice Admiralty there in Similar Cases, has been held fit and reasonable. And that this Honorable Court will Issue a Warrant to its Marshal to Arrest the said Ship Seringapatam, or take such other Means and Measures, as in its Wisdom shall be deemed expedient, with a View to the granting and rendering Petitioners the Restitution required, and to which they are entitled for Salvage. And that your Petitioners be allowed to file such Libel or other papers in Support of their Claim, as the Court may be pleased to require and direct on the return of the said Warrant being duly made by the Marshal.

And Petitioners will ever pray, &c.,

JOSEPH UNDERWOOD,
Agent for and on behalf of,

THOMAS BELCHER. RICHARD POWER.
JAMES MORRISON. JAMES DUNCAN.
ROBERT LAMBRESS. WILLIAM CLARKE.
SAMUEL SEWELL. WILLIAM STYLES.
ROBERT WHITE. ROBERT GEORGE.
JEREMIAH WORKMAN. JAMES BANTUM.
MARTIN STANLEY. LEWIS RANSOM.

Mariners who recaptured the Ship Seringapatam.

Sydney, 2d August, 1814.

ATTESTATION BY THE RECAPTORS.

OATH.—Thomas Belcher, James Morrison, James Duncan, Robert Lambress, William Clarke, Samuel Sewell, William Styles, Robert Whyte, Robert George, Jeremiah Workman, James Bantum, Martin Stanley, Lewis Ransom and Richard Power Mariners named in the Annexed Petition are true and Correct in Substance and Matter of fact, so far as the same applies or
apply to each of them respectively, and to the best of the
Knowledge and Belief of these Deponents generally.

THOMAS BELCHER.  RICHARD POWER.
JAMES DUNCAN.  JAMES MORRISON, his mark x
SAM'L SEWELL.  ROBERT LAMBRESS.
ROBT. GEORGE.  WILLM. CLARKE.
JAMES BANTUM, his mark x  WM. STYLES.
MARTIN STANLEY, his mark x  ROBT. WHITE, his mark x
LEWIS RANSOM, his mark x  JEREMIAH WORKMAN, his mark x

Sworn in Court, 5th August, 1814, Before me: ELLIS BENT, Judge.

True Copy.—JNO. THOS. CAMPBELL, Registrar of the Court of
Vice Admiralty, New South Wales.

[Enclosure No. 2.]

LICENSE AS REGISTRATION FOR THE SHIP SERINGAPATAM.
HIs Majesty's Territory of New South Wales.

By His Excellency Lachlan Macquarie, Esquire, etc., etc.
WHEREAS the Ship Seringapatam of London, South Sea Whaler,
which had been captured by the American Frigate, Essex, off the
Gallipagos Islands in the month of July, 1813, and taken to the
Marquesas Islands, Was on the Sixth day of May, 1814, recap­
tured at that place, and taken possession of by fourteen British
Mariners, and brought into this Port on the first day of July last,
and is now proceeding to England under my Sanction and
Authority, to abide such Decision as the Lords Commissioners of
the Admiralty, or other persons interested and concerned, may
judge and deem expedient in the Premises. AND  WHEREAS  the
original register of the said ship Seringapatam hath either been
taken possession of by the Captors of the said Ship or is other­
wise lost or not forthcoming, as appears by the Affidavit of Eber
Bunker, Master of the said Ship, and confirmed by the Affidavit
of two of the Mariners, who recaptured her. And it  being
expedient that some Document should be substituted in stead
thereof, in order to be put on board the said Ship Seringapatam
on her homeward bound passage to England, and John Piper,
Esquire, Naval Officer of this Port, and Mr. William Cosar,
Master Builder of this Territory, Having certified to me that
the said Ship Seringapatam (whereof Eber Bunker is at present
Master) was built at Bombay, has . . . * Deck and three
Masts that her length from the fore part of the Main Stern to the
after Part of the Stern Post aloft is one hundred and five feet,
her Breadth at the broadest part, whether above or below the
Main Wales, is twenty eight feet, that the Depth of her Hold is
twenty feet, and admeasures three hundred and seventy one
Tons, is Carver built, and has a Gallery and Figure Head.

* Blank in manuscript.
License as registration for ship Seringapatam.

I, the said Lachlan Macquarie, Esquire, Captain General Governor and Vice Admiral as aforesaid, Do substitute these Presents as an Official Certificate of the same, and do Direct and desire that the same shall stand, and be deemed and considered according to its Tenor and Effect, to all necessary Intents and purposes, until the said Ship Seringapatam shall arrive in the Port of London to receive and abide such further orders and directions as the Lords Commissioners of the Admiralty shall think fit to make in regard to the said Ship, and all Parties and Persons Interested or Concerned; Of which all Persons are required to take notice and be Governed accordingly.

Given under My Hand and Official Seal at Government House, Sydney, in New South Wales aforesaid, the 4th Day of October, one thousand eight hundred and fourteen. L. MACQUARIE.

Registered in the Secretary's Office:—JNO. THOS. CAMPBELL, Secy.
Compared:—JNO. THOS. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Geanspatch marked "No. 14 of 1814," per ship Seringapatam; acknowledged by Earl Bathurst, 17th August, 1815.)

Government House, Sydney, New South Wales,

My Lord,

8th October, 1814.

I do myself the honor to transmit Your Lordship herewith An Attested Copy of the Proceedings of a Court of Criminal Jurisdiction, lately assembled here, on the trial of Michael Hoolaghan and Alexander Suttar on an Indictment for Murder.

The Evidence adduced on this Occasion appearing to the Court perfectly clear and conclusive of their Guilt, the Prisoners were found Guilty and Sentenced to be hanged.

Notwithstanding this Sentence, the impression was so strong on the Public Mind that they were not the Murderers, that I yielded so far to the earnest Solicitations made to me in their behalf by some Persons of respectability, as to defer the execution of the Sentence from time to time, in the hope that some Circumstances would come to light to Settle every doubt on the Subject.

Most Providentially for these Apparently Ill fated Men this Suspension of their Sentence took place, for their innocence has at length been most clearly and satisfactorily established by the Voluntary Confession of One of the Real Murderers, Named John White.

In consequence of this Confession John White was arrested and fully Convicted on the Clearest testimony, independent of
his Own Confession, and Suffered the Sentence of the Law on the 22nd of July last.

The evidence on this conviction having fully exonerated Hoolaghan and Suttar, I have respited them for the Sentence passed on them, and admitted them to Bail, until His Majesty’s Pleasure shall be made known thereon.

I have now to request that Your Lordship will be Pleased to lay the Proceedings of Our Criminal Court, on this extraordinary Occasion, before His Royal Highness the Prince Regent, and Move His Royal Highness to extend His Majesty’s Free Pardon to the said Michael Hoolaghan and Alexander Suttar.

I have, &c.,
L. MACQUARIE.

[Enclosure.]

PROCEEDINGS AT THE TRIAL OF MICHAEL HOOLAGHAN AND ALEXANDER SUTTAR.

At a Court of Criminal Jurisdiction, holden at Sydney in the Territory of New South Wales on Saturday, the Twenty fifth day of June in the Fifty fourth year of the reign of our Sovereign Lord George the third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the faith, and in the year of our Lord One Thousand, Eight hundred and fourteen. for the trial of all and all manner of Felonies, Misdemeanors, and of other Offences, Committed within the said Territory or its dependencies, or within any part thereof. In pursuance of a precept, under the hand and seal of Lachlan Macquarie, Esquire, Captain General and Governor in Chief in and over His Majesty’s Territory of New South Wales and its dependencies, bearing date the fifteenth day of June, One thousand eight hundred and fourteen.


On which day, Michael Houlaghan, otherwise called Michael Woolaghan, and Alexander Suttar are put to the bar, charged by an Information in writing, exhibited to the Court by Ellis Bent, Esquire, Judge Advocate of our Lord the King for the said Territory, with the Wilful murder of one Rowland Edwards which Information is duly read in open Court to the said Prisoners in these words:

“In the Fifty-fourth year of the Reign of our Sovereign Lord George the third, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the faith.

New South Wales

To Wit

Be it remembered that Ellis Bent, Esquire, Judge Advocate of our Sovereign Lord the King for the Territory of New South Wales and its dependencies. Who Prosecuteth for our said Sovereign Lord the King in this behalf, in his proper person, cometh here into the Court of Criminal Jurisdiction, holden in Sydney in the said Territory for the trial of all and all manner of felonies, Misdemeanors, and of other Offences, Committed within the said Territory or its dependencies, or within any part thereof, on Monday, the Twentieth
Proceedings at trial of Michael Houlaghan and Alexander Suttar for murder.

1814.
8 Oct.

Day of June, in the Fifty fourth year of the Reign, aforesaid, and, for our said Sovereign Lord the King, Giveth the Court here to understand and be informed that Michael Houlaghan, late of Parramatta in the Territory aforesaid, labourer, otherwise called Michael Woolaghan, and Alexander Suttar, late of the same place, labourer, not having the fear of God before their eyes, being moved and seduced by the instigation of the devil on the Twenty eight day of May, in the Fifty fourth year of the Reign of our Sovereign Lord, George the third, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the faith, and in the year of our Lord One Thousand eight hundred and fourteen with force and arms at Parramatta, aforesaid, in the territory, aforesaid, in and upon one Rowland Edwards in the peace of God and of our Lord the King then and there being feloniously, wilfully, and of their Malice aforethought, did make an Assault; and that the said Michael Houlaghan, otherwise called Michael Woolaghan, a certain Gun of the value of Ten Shillings, then and there loaded charged with Gun Powder and divers leaden bullets, which Gun, so loaded as aforesaid, he, the said Michael Houlaghan, otherwise called Michael Woolaghan, in both his hands then and there had and held, to, against, and upon the said Rowland Edwards, then and there, feloniously, Wilfully, and of his Malice aforethought, did shoot and discharge; and that the said Michael Houlaghan, otherwise called Michael Woolaghan, with the leaden bullets and leaden slugs aforesaid, out of the Gun aforesaid, by force of the Gunpowder shot and sent forth as aforesaid, the aforesaid Rowland Edwards, a little above the right hip of him, the said Rowland Edwards, then and there, feloniously, Wilfully, and of his Malice aforethought, did strike, penetrate and wound, giving to the said Rowland Edwards then and there with the leaden Bullets and leaden Slugs aforesaid, so as aforesaid shot, discharged, and sent forth out of the Gun, aforesaid, by the said Michael Houlaghan, otherwise called Michael Woolaghan, in and upon the right side of him, the said Rowland Edwards, a little above the right hip of him, the said Rowland Edwards, then and there, feloniously, Wilfully, and of his Malice aforethought, did strike, penetrate and wound, giving to the said Rowland Edwards then and there with the leaden Bullets and leaden Slugs aforesaid, so as aforesaid shot, discharged, and sent forth out of the Gun, aforesaid, by the said Michael Houlaghan, otherwise called Michael Woolaghan, the felony and Murder aforesaid, in manner and form aforesaid, to do and Commit: And so that the said Michael Houlaghan, otherwise called Michael Woolaghan, and the said Alexander Sutter him, the said Rowland Edwards, then and there, feloniously, wilfully, and of their Malice aforethought, did Kill and Murder against the peace of our Lord the King, his Crown and Dynasty.”

To this information, the Prisoners pleaded that they were not Guilty of the said Felony and Murder, in manner and form as is charged by the said Judge Advocate against them.

Edward Main, sworn and examined for the Prosecution, says, I live at the South Toll Bar at Parramatta. I keep the Turnpike Gate there. I am perfectly acquainted with the prisoners at the Bar. They have been frequently at my House. I have a thorough knowledge of their persons. On the evening of the Twenty Eight of May last, William Jenkins of Sydney came to my house; a little
boy (named Humphreys, I think) came with him. It might be such a thing as half past six O'Clock, when they first came. They asked for some refreshment and leave to stop for the night. It was a very fine night, indeed the moon shone exceeding bright. The Supper was served on the Table, and they partook of it. Just as they had done the deceased Rowland Edwards came in from Sydney on his way to Prospect; he was travelling with a Cart and two bullocks; he also asked for house room and refreshment; Some supper was got for him. It might be seven O'Clock or perhaps ten minutes after, when he arrived: They both complained of being weary of their journey and went to bed, and so did I also.

It was then about nine, but I had no watch, and cannot be exact as to minutes; but having a necessity of often in the night, I have a good Idea of the time. About Eleven O'Clock, one David Dunstan and his man came with a Cart and four Bullocks, desiring to pass thro' the Gate on his road to Hawkesbury. It was moonlight and a very bright night indeed. I got up and let them pass thro', but the man stopped behind in my house for five minutes against my will to light his pipe, and he was very fresh in liquor.

After he went away I went to bed again and fell sound asleep. At half past Eleven, I was called three times to open the door by a voice that I thought I knew as I was getting up; it called—Main! open the door, Main! open the door. Before I opened my door I had a perfect Conviction in my own mind that it was Houlaghan's Voice; his voice is very familiar to me. I got up and opened the door. When I came to the door, instead of seeing a Cart, which I expected was in company with Woolaghan, I saw two men masked with handkerchiefs. The tallest man had a Yellowish handkerchief on his face, and the shortest man had a reddish one. I was not perfectly sure, when I went out, who they were; I was so deceived. They were on each side of the door, standing like centuries, each a Musquet in his hands rested on the ground. I proceeded immediately to unmask them and succeeded in tearing the handkerchiefs off their faces. I knew them then. I am sure of the one, but I am not so sure of the shortest man; the other was Houlaghan, I can take upon myself to swear it was Houlaghan. I will not positively swear that the other man was Suttar. But to the best of my belief it was. I seized hold of the short man's Musquet and tried to get it from him, and very near effected it; he cried, knock him down, knock him down; but before this Houlaghan fired his Musquet from the middle part of him. Rowland Edwards and Jenkins were at this time coming to the door. I heard them fall and the deceased Edwards call out, I am bleeding to death. I still with great fervency called out for help, but no one came; after the Musquet was fired, Sutter called out knock him down, knock him down; and immediately I had several blows on my back, but they were not given with great strength. I believe he began to get afraid; in the Scuffle I was pulled near a rod from the door towards Pickering's House. I fell on my Knees in the road, and the short man got from me; they then fled by Pickering's House at the North side of it, and I saw no more of them. I then went in and secured the doors for a few minutes. Jenkins was a dead Corps, just within the door; I could hardly shut the door for him. Edwards, the deceased, had drawn himself towards the fire; to all appearance, he was in exceeding great agony and said, I am dying, I am dying; he said, Main go for help, perhaps I may be saved for the sake of my poor children; he died that same night. I examined the body...
of Jenkins and found it a dead Corps. I laid it against the door for I was afraid they would burst the door open. I went to Edwards, and examined him upon my knees; he was bleeding very much and crying out very much. I left the little Boy to stop in the House with Edwards and the Body of Jenkins, and I went down to Parramatta for the Constable and Doctor Younge; I stopped at the House of one Refane in my way and told him the circumstance, and he sent up two men to my House. I then went to Mr. Oakes, and the Constable, and told him; and then I went to Doctor Younge's, and told him to come in all haste. I was the first man back to my House myself; in about five minutes, I summoned the boy to open the door, and he cried out, oh! Sir, I'm afraid, it is not you; a party of the military also arrived, and Mr. Marsden very near day light. I and a Soldier searched about the road in the front of the House with a lamp, and we found two handkerchiefs one yellow, and the other red; the yellow one was within a yard and a half of where Woolaghan stood, and the red one at the place where I was pulled down on my knees, about a perch from the door in an oblique direction. These two handkerchiefs are the very two we picked up on the road. I believe them to be the same as the two men, I had the contest with, had on their faces; the yellowish one had a tear in it when I found it. One Norris was at my House in the forepart of the same evening conversing with Jenkins, it was on a Saturday Evening. I knew the voice of the low sized man, I believe it was Suttar's.

Cross-examined, says, To the best of my belief, I gave the same positive testimony before the Coroner as I have given to day. I believe I was much agitated and confused at the time I opened the door and saw the men masked; a few days before this I never expressed myself with great displeasure relative to Woolaghan about his decoying my Woman away. I had not the most distant thought of his decoying her away. I pay the tolls of the Gate to Cullen and Redman. I never had any conversation to my knowledge relative to Woolaghan's decoying my Woman away with Cullen.

Re-Examined says, I believe that at this time Woolaghan did not like me, but I was never in dread of my life of him. I had been informed by two different persons before this that Woolaghan had threatened me at the time I unmasked him. I was perfectly sure he came to rob me and kill me. I had given Woolaghan Credit for different things he had had at my house, and he had not paid me, and I had informed his employer; another reason was that there were two Women belonging to the factory at Parramatta, who, when their work was over, used to go in the afternoon to some of four Men, who were employed on the new road from Parramatta to Liverpool. Woolaghan and Suttar were two of those four Men, Bond and Day were the other two.

Question from the Prisoner; Woolaghan could not easily have fired his Musquet at me, at the time in question, because at that moment I was too close to him.

Court.—A hat was found upon the road before the Handkerchiefs, but not by me; this is the hat which was found on the road. I do not know whose hat it is; no demand was made on Me for Money.

ANNE MAIN, sworn and Examined for the Prosecution, says, On a Friday Evening, the thirteenth of May, I was coming from a Person in the Brick-fields, a little below Our house towards Parra-
MACQUARIE TO BATHURST.

Niatta, Susan Wyatt was in company with me. I met the two prisoners and Bond and Day upon the road; all four were together. Woolaghan stopped on the road, the other three walked on; he asked me what my husband (Main) meant by calling them ragged rascals, and stopping their women and preventing them coming through the gate. I asked him who told him so, for I did not think he made use of any such expression. Woolaghan said the women told him so. Woolaghan, then swearing an oath, said, let Main look out, for the first time he got drunk he would serve him.

(The hat, shewn to Main and picked up near the turnpike, is shewn to the witness who says.)

I have seen the prisoner Suttar wear this hat frequently. I have seen the others wear it also; they used to wear each other's things; and the whole four of them has threatened my husband's life to me at different times. I told my husband what Woolaghan said. in company with Susan Wyatt and Mr. Waring, and he promised to write to Mr. Wentworth about it.

Susan Wyatt, sworn and examined for the prosecution, says, I know the prisoners at the bar by sight. I met the two prisoners in George Street Parramatta, I was in company with Anne Main; there were three men forward and one behind; the tall prisoner spoke to Mrs. Main, and said, first time he got drunk he would serve Main. I did not hear the three others speak at all, only this one. I live at Hawkesbury; I told Main what this man said.

Sarah Barrow, sworn and examined for the prosecution, says, I live at Parramatta. On the Saturday evening before Whit-sunday, a young man came up to the door of my house; he asked me for bread, we had not any bread; it was all gone. To the best of my knowledge, this was betwixt the hours of eight and nine. Another man was at the door. This young man said he was a traveller on the road, and that he was on business for the Governor, and what would he say if he could get no bread. I told him, if he would come in, I would give him some off a loaf cut for our own family. I weighed him a pound of bread and charged him sixpence. I perceived some kind of bright fire arms in his left breast, and what appeared to me a piece of lead in his left ear. He said he always carried arms when he travelled. To the best of my knowledge, the prisoner Suttar is the man. He had an old dark coloured, silk handkerchief on his neck. I saw the man on the following day at the Court house, Parramatta. He had a different handkerchief on then; it was yellow. The handkerchief, he had on that night, was very like this reddish one; if not the same, it was one of that description. He had on what appeared to me a tarpaul'd hat. I had seen him with that hat two or three times before, he used to come for bread and pay for it at the time. I saw him with a hat the following day at the Court house at Parramatta, but neither the hat nor the handkerchief, he had on then, were the same as he had on Saturday night. This hat is very like the one he had on on Saturday night. He was very near me for some minutes; had it not been for the light of the lamp, I should not have known him. The fire arms appeared to me to be very carefully tucked in his jacket. I was rather alarmed.

Thomas Wolly, sworn, says, I live at Parramatta with Mr. Barrow. I know the prisoner next me, he came out in the same ship with me; he went by the name of Alick Scott then; I believe he calls himself Sutter now. He came twice for bread to my
House in the beginning of May last. He wore a straw or a Chip hat, covered with something.

The same hat is shewn to the Witness, who says:

This is the hat he wore the first time he came to my house. I know it particularly by the holes in the crown of it. I never had it in my hand, before I saw it at the Court at Parramatta, and then I knew it directly. I took very particular Notice of it, before I saw it at the Court, when I first saw him, because I had not seen him for two years before, and thought I knew his features, and looked at his hat to see, if he was a Sailor or a Prisoner. The Prisoner came out to this Country in the Gambier as a Sailor; I came in the same ship. I cannot tell whether he was at Barrow’s house on the Saturday night before Whitsunday. I was in bed.

ELEONOR NORRIS, sworn and Examined for the Prosecution, says, I live between Main’s Turnpike Gate and Parramatta.

(The Handkerchief, sworn by Main to have been picked up near the turnpike Gate, and to have been pulled off Woolaghans face, is shewn to the Witness), who says,

This is the Handkerchief I gave Martha Dunn. I know it by buying it, and hemming it, and washing of it, and likewise when I tore it with a pin on my neck, by putting it on my hand to darn it back again, and by hemming it with yellow silk, I see the same Torn place now on it, and I did not mend it, because I swapped it away with this Woman. I am very sure it is the same handkerchief. Martha Dunn at the time liv’d in the house with me; some time ago, I cannot tell how long, I was going on the road to Sydney to Mr. Wentworth’s farm, to look for my pigs which I had lost. I met Woolaghan on the Way; he asked me if Martha Dunn lived at my house; I said, no; he asked me where she lived; I said, I believed on the other side of the Water. I observed a Handkerchief round his neck, which I thought was the one I gave Martha Dunn, and that made me suppose Martha Dunn and he lived together. I asked him if Martha Dunn gave him that handkerchief. I then said, if it were mine, there was a hole in it; he said he would shew it to me if I liked; with that he went on, and I pushed towards Mr. Wentworth’s farm; he told me Martha Dunn had not given it to him.

MARTHA DUNN, sworn and Examined for the Prosecution, says, I never have been in the habits of cohabiting with the Prisoner, Michael Houlaghan. I am acquainted with him, and, when I came into the Country, he asked me to live with him. I recollect swapping Handkerchiefs with Eleanor Norris, I lent it to this man, I mean the Prisoner, Woolaghan; he wanted to go to Sydney; he never returned it to me.

Cross-Examined, says, I never heard Eleanor Norris say she would have revenge of Woolaghan. After I was living with Eleanor Norris, I went to her house, and she told me that Main was going to Sydney; that these four men had run in debt with him ten Pounds, and Main would be ruined. She then said bad luck to them, for they Stole my pigs; I mean the two Prisoners and the two Men, outside, Bond and Day. I did say that Eleanor Norris had perjured herself in identifying the handkerchief.

The same Handkerchief is shewn to this Witness, as is shewn to Eleanor Norris, who says,

This is not the Handkerchief I lent Woolaghan, nor the one I
received from Eleanor Norris. I kept the handkerchief, I received from Eleanor Norris, about a Day or two before I gave it to Woolaghan. I never had an opportunity of examining it afterwards. I saw what I supposed to be the handkerchief about Woolaghan's neck. I should know the Handkerchief I gave to Woolaghan if I saw it. I saw it on Woolaghan's neck, when he came into the Court house at Parramatta, and told Jack Norris, when he was going in, to take care what he was going to do; she had sworn to the wrong handkerchief.

JOSEPH KING, sworn and examined for the Prosecution, says, I am a Private in the Seventy third Regiment. I was quartered at Parramatta on the twenty eight day of May last; about half past Eleven on the Evening of that day, I was directed by Captain Brabyn to proceed to the Parramatta Gate House with other Soldiers. I went there; from there I went with the Soldiers and two Constables to some Bark huts on the new road from Parramatta to Liverpool; there were some Soldiers and Constables there before us. The Soldiers and the Constables apprehended the two prisoners there; the Prisoner Woolaghan had what appeared to me to be a half-handkerchief in his hand of a reddish Colour; we apprehended the two other men, also Bond and Day, all four were brought into Parramatta that night; it was between two and three O'Clock in the Morning, before we got to the gate. I stopped at the turnpike Gate with another Soldier till morning, as the men seemed very frightened. Main and I afterwards searched about the door of the House and we found two handkerchiefs, One was a red one torn in two halves, the other was a Belcher; I believe these Handkerchiefs, now shewn me, to be the same. We also picked up the Sleeve of a red Jacket; I did not find a hat nor was I present when one was found. Woolaghan had a red handkerchief in his hand, when I apprehended him; he had not any on his neck. I asked him why he did not put it on; he had a Belcher on his neck, when he was examined on the Sunday at Parramatta. I cannot tell whether he took any Close with him from the huts to Parramatta or not; the Prisoners did not shew any reluctance on being apprehended, but he hung very much behind. I did not go into the men's hut at all.

JOHN WHITEMAN, sworn and examined for the prosecution, says, I was in Confinement in His Majesty's Gaol at Parramatta on the Twenty eighth day of May last. I had some Conversation there with the Prisoner Woolaghan on the Sunday Morning, the Twenty ninth of May; he asked me to shave him. I told him I had not a razor to shave him; he borrowed a piece of Soap and lathered himself; he sent several times to borrow a razor; he could not get one and I had an old razor in my Pocket. I shaved him with that razor; after I had shaved him with it, he said he would not have been shaved for fifty Pounds with such a razor if it had not been for that time. I asked him, who was the instigation of his being taken. He said Bloody Main at the Toll bar; he said that Main informed against some Bushrangers between Mr. Wentworth's paling and the Toll-bar; if they had paid him for the Cask of beer, they had been drinking at Mr. Main's, he would not have informed against them; that they might have robbed between the toll bar and Sydney, and Murdered who they chose, if they had paid for the Cask of beer. He said the bloody piece missed fire the first time, and the Second time he pulled the Trigger he seed
the two Men fall. That he struck at Main with the Butt end of it. He said, if he got his liberty, he would have his life, if there never was another man in the Colony. He said it was not meant for the two men that were shot. It was meant for Main. He had very large Whiskers before I shaved him. By his own desire, I altered the form of them to a point. One Isaac Howard overheard this Conversation and said, he has told you as much, Whiteman, as would hang forty men. I was put into Parramatta Gaol for running away from Mr. Bally's service. I was never convicted of any other offence in this Colony. I am a Prisoner. I have been ten months in this Country.

Cross-examined, for the Prisoners, says. This conversation happened in the large room in the Gaol; there were not many persons belonging to the Gaol Gang standing around us at the time I was shaving the Prisoner. Isaac Howard was nearest. He spoke so that nobody could hear it within two yards. I informed Mr. Marsden in the Gaol that it was a brass-barrelled piece the prisoner had. Mr. Marsden remarked to me that it was a very extraordinary thing that the others did not hear it. I said they did hear it, if they chose to speak the truth. I never saw Woolaghan before but once; he put such Confidence in me by the report of the other people saying I was a good Man and trusty. I cannot tell what his reason was for telling me this.

ISAAC HOWARD, sworn for the Prosecution, says, I was confined in the Parramatta Gaol on the night Edwards and Jenkins were Killed. I recollect John Whiteman shaving the Prisoner Woolaghan. I recollect hearing a conversation between Whiteman and Houlaghan. I heard Houlaghan say (I mean the older man of the two prisoners, let his name be what it will) that he strove the piece twice at Main, but it missed fire both times, and, on its miss firing, he struck at Main twice with the butt end of it. That was all I heard passed betwixt the old man and Whiteman. I never made any remark to Whiteman. I did not tell him he had said enough to hang forty persons.

Cross-examined for the Prisoners, says, Whiteman has not been along with me these ten days. I told Whiteman what the old man had said to him.

MR. FRANCIS OAKES, sworn for the Prosecution, says, I am the Chief Constable at Parramatta. About Twelve O'Clock on the Evening of the Twenty Eighth of May last, Edward Main came to my House and informed me that two ruffians Had been there, and had shot one man dead, and the other was dying. I went to the Toll-Gate and asked him had he any knowledge of the persons; he said he had; he was sure it was the men making the new road from Parramatta to Liverpool. He particularly named Woolaghan. I asked him did he know the man's voice; he said yes; He mentioned Suttar, but was not positive as to him. I sent the constables with a party of Soldiers out to bring them in. At this time, I was at the Toll-Gate. I had been there but a few minutes when this hat was picked up at the outside of the Toll-gate on the Causeway at the end of the house next the bridge. The Soldier handed it to me and I took it into the House. At this time one Norris was there. I stopped there till the Soldiers and the Constables brought the two prisoners at the Bar, and the other men, Day and Bond. On the Sunday Morning, these two handkerchiefs (namely the two found near the turnpike-Gate) were handed to
This other handkerchief I took of the Prisoner Woolaghan's neck that morning.

(Note this last handkerchief was sworn by Martha Dunn to be the one she received from Eleanor Norris, and gave to the Prisoner Woolaghan.)

Witness further says, There were orders for the Prisoners being put into Solitary Cells, but they were full; and they were put into the large room. Things might have been very easily handed to them.

John Norris, sworn and Examined for the Prosecution, says, I live between Main's Turnpike Gate and the Town of Parramatta. I recollect the night that Jenkins and Edwards were shot at Main's House. I was in company with Jenkins the forepart of that Evening. I went up to Main's house after they were shot. I saw that hat picked up at Main's Door by a Soldier. I have no previous knowledge of that hat. I cannot positively swear to this handkerchief, I have wore something of the sort.

Mr. Henry St. John Younge, Sworn and Examined, says, I am Assistant Surgeon at Parramatta. I was called, on the night of the Twenty Eighth of May last, to go to the house of Edward Main at the turnpike. I saw Rowland Edwards there. He was shot through the body, thro' the lower part of the Abdomen or belly, and likewise the groin. I examined the Wounds, I considered them to be Mortal. I saw his body after death. I consider his death was occasioned solely by those Wounds. I saw the dead body of William Jenkins there.

Prosecution Closed.

William Day, sworn and examined for the Prisoners, says, I was employed on the new road leading from Parramatta to Liverpool, on the Twenty eighth of May last under Mr. Roberts; the Prisoners were employed with me and Thomas Bond; we had two bark huts on the road about two Miles and a quarter from the Turnpike at Parramatta. Thomas Bond and I lived in the first hut, and the two prisoners lived in the other; between nine and ten O'Clock next night, I went to the Prisoners' hut to borrow a loaf of bread and some Sugar, and Stayed there a quarter of an hour and then I came back. I went about a quarter of an hour after I went the first time to the Prisoners' hut for a Shovel, they were still in Bed; I took the Shovel and came back to my own Hut. I never saw any fire arms about the place; the Prisoners were displeased at my disturbing them. I never saw the Prisoner Sutter, since I knew him, with any other hat than the one he now produces. I have known him Nine or ten Weeks. I saw the handkerchief taken from about Woolaghan's neck by Mr. Oakes. I never saw him with any other Handkerchief than that, he has a small blue one besides that. There were five loaves of bread in the Prisoners' hut, besides the one I borrowed.

Cross-examined says, The huts are eight or nine rods asunder. On a Still night we could hear each other speak. The Prisoners could not be possessed of fire Arms without my knowing it. I dare say it was after ten when we went to Bed. I slept sound; I can't say immediately. Bond was at Parramatta for bread, when I came back the first time from the Prisoners, Bond was just returned. Woolaghan got a Handkerchief from Mrs. Dunn; Mrs. Dunn gave the handkerchief to Woolaghan upon the road between our huts at Parramatta. It is like one he lost.
1814.
8 Oct.
Proceedings at trial of Michael Hoolaghan and Alexander Suttar for murder.

Mr. George Crossley, sworn for the Prisoners, says, I know the Prisoner Woolaghan. I have known him about a year and a half or two years; he did a good deal of fencing for me at Sydney; he was very industrious and behaved very well when with me; he went from me to Roberts, and I was very angry with Roberts for taking him off the Store. I should consider myself safe in travelling the road with him. I consider him a peaceable and quiet man.

Cross-examined, says, I have heard that he was some time ago brought forward on a charge of a similar description. I did not know it till he had been employed by me some time. I heard that he was convicted of that crime.

Thomas Bond, sworn and Examined for the Prisoners, says, I am one of the Men that worked on the Parramatta New Road to Liverpool with the Prisoners and William Day. I recollect the night that Jenkins and Edwards were Shot. I live in the first of the bark huts, as you go from Parramatta, with William Day. I went that evening to Parramatta at Sundown. I returned to our huts between nine and ten o’Clock. I saw William Day and the Girl he was living with at our hut when I returned; he was coming with some things he had borrowed from the Prisoners’ hut. I did not see the Prisoners. I never knew of any fire arms being about the place. There could not be any fire arms there without my seeing them. I saw Martha Dunn give the Prisoner a handkerchief. I should know it if I saw it. I never saw the men leave the huts after hours. This is the Handkerchief given by Martha Dunn to Woolaghan (and the same that is sworn to by Martha Dunn); she gave it to him in the road near the huts near two months before this happened. She came out on purpose. Woolaghan had a yellow handkerchief, which was lost, when he and Mrs. Dunn had liquor at Main’s house and she gave him this in the room of it. I have known Sutter since last March. This is Sutter’s hat (the same hat sworn to by Day). I have never known him wear any other hat.

Cross-examined, says, (The hat being shewn him found at the turnpike Gate) I never saw this Hat till I saw it at the Inquest. I never wore it myself; We were not in the habit of changing hats and wearing each others Cloaths.

Patrick Cullen, sworn and examined for the Prisoners, says, Redman and I farm the Tolls on the Parramatta road. I had some conversation with Main before this business happened, relating to the Prisoners at bar. On the fourth or fifth of May last, I overhauled Main’s Books. When I overhauled his books and Settled the account, he said he could not pay the Money due at that time: he said he had a parcel of bills that he knew Mr. Redman and I could not approve of, and that he laid them out for a Cask of Beer with Mr. Blaxland; in the course of this Conversation, he said he dared to say his Wife was along with the raggamuffins at Roberts’s Hut; he did not mention any body’s names. I understood him to mean the huts these four men were living at; he spoke in very Angry terms; he desired me to have her advertized. The Sunday Morning after the Murder was Committed, I saw Main. I asked him if He was sure the Prisoners were the People that committed the Murder; he told me he had every reason to believe they were from the Expressions they made to his Wife; he was not then positive they were the people. I conceived he merely
suspected them from that circumstance. I am not sure whether the Inquest was sitting at this time or not.

Mr. William Roberts, sworn and Examined for the Prisoners, says, The Prisoners were in my employ; Woolaghan had been in my employ since April Twelve Months, Suttar for Three Months. I found Woolaghan Industrious and trusted him as an overseer over the other men. I considered him a peaceable quiet man and very industrious. I never saw Suttar but three times, since I employed him. I saw no harm in the man. I never furnished the Prisoners with any fire arms. I was in both huts the last time I was there. I stopped in one hut and had some Tea with them.

Mr. Joseph Thompson, sworn and examined for the Prisoners, says, I was Master of the Brig Trial. The Prisoner Suttar served under me in that Brig from November One Thousand Eight hundred and Thirteen till February last. I considered him a very peaceable man, during the time he was employed under me. I was very much astonished when I heard of this.

The Prisoners do not call any other Witnesses.

The Court, having materially Considered and fully understood the evidence adduced, as well on behalf of the Prosecution, as on behalf of the Prisoners at the bar, doth adjudge that the said Michael Houlaghan, otherwise called Michael Woolaghan, and the said Alexander Sutter are, and that each of them is Guilty of the Felony and Murder, wherewith they stand charged. And this Court doth further adjudge that the said Michael Houlaghan, otherwise called Michael Woolaghan, and the said Alexander Sutter, for the said Felony and Murder, be taken from hence to the Prison from whence they came; and from thence, on such day as His Excellency the Governor shall be pleased to appoint, they shall be taken to the place of Execution, and that they shall there be severally hanged by the neck, until their bodies be severally dead, and that their bodies, when dead, shall be taken down and be dissected and Anatomized.

ELLIS BENT, J.-A.
H. GLENHOLME, Captn. 73rd Regt.
JNO. GILL, Captn. 46th Regt.
THOMAS MILLER, Lieut. 46th Regt.
A. CAMPBELL, Lieut. 46th Regt.
H. MORRISON, Lieut. 46th Regt.
T. B. BICKNELL, Ensign 73rd Regt.

A true extract from the Records of the Court of Criminal Jurisdiction at Sydney, New South Wales, Which I attest,

ELLIS BENT, Judge-Advocate.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 15 of 1814," per ship Seringapatam; acknowledged by Earl Bathurst, 4th December, 1815.)

Government House, Sydney, New South Wales,

My Lord,

8th October, 1814.

I feel peculiar Pleasure in submitting to Your Lordship's Consideration some Reflections, which, in the Course of My Government, have Occurred in My Mind in regard to the Character and General Habits of the Natives of this Country;
by A Communication of Which, I trust I shall be enabled to Interest Your Lordship's humane and liberal Feelings in behalf of this Uncultivated Race.

Scarcely Emerged from the remotest State of rude and Uncivilized Nature, these People appear to possess some Qualities, which, if properly Cultivated and Encouraged, Might render them not only less wretched and destitute by Reason of their Wild wandering and Unsettled Habits, but progressively Useful to the Country According to their Capabilities either as Labourers in Agricultural Employ or among the lower Class of Mechanics.

Those Natives, Who resort to the Cultivated Districts of this Settlement, Altho' prone like other Savages to great Indolence and Indifference as to their future Means of Subsistence, Yet in General, are of free open and favorable Dispositions, honestly Inclined, and perfectly devoid of that designing Trick and Treachery, Which Characterize the Natives of New Zealand and those of the Generality of the Islands in the South Seas. The Natives of New South Wales have never been Cannibals. In fact they seem to have as great an Abhorrence of practices of that kind as if they had been reared in a Civilized State. The principal part of their Lives is Wasted in Wandering thro' their Native Woods, in Small Tribes of between 20 and 50, in Quest of the immediate Means of Subsistence, Making Opossums, Kangaroos, Grub Worms, and such Animals and Fish, as the Country and its Coasts Afford, the Objects of their Fare.

The Introduction of Herds and Flocks has not even Yet tempted them to Alter their Mode of living, Which is a Circumstance to be Calculated on as peculiarly fortunate; since, had they been Inclined to Make prey of them, it would have been a Matter of the Greatest Difficulty, if not altogether Impossible in the early state of the Colony, to have guarded against their Depredations, and the Consequence would have been that Instead of the Numerous and promising Herds and Flocks, which now extend over the face of the Country, very few would have been preserved, and the Supplies of Animal Food would not have been in any Degree equal to our Wants.

Those Natives, who dwell Near Sydney or the other principal Settlements, live in a State of perfect Peace, Friendliness, and Sociality With the Settlers, and even Shew a Willingness to Assist them Occasionally in their Labours; and it seems only to require the fostering Hand of Time, gentle Means, and Conciliatory Manners, to bring these poor Un-enlightened People into an important Degree of Civilization, and to Instil into their Minds, as they Gradually open to Reason and Reflection,
A Sense of the Duties they owe their fellow Kindred and Society in general (to Which they Will then become United), and taught to reckon upon that Sense of Duty as the first and happiest Advance to a State of Comfort and Security.

From Whatever Motives or Causes Some of these Natives have been Induced to Commit Acts of Hostility against the Settlers, it seems to bear a reasonable Inference that Provocation or Aggression from some Undiscovered or Unacknowledged Cause may have given Rise to them, Under an Impression of temporary Revenge; but when once Induced to forego this Vindictive Spirit, which Kindness and Encouragement and Social Intercourses together Would Sooner or later bring about, their next Step towards Civilization would be rapid and easy, and they Would learn to Appreciate that Degree of Importance to Which they had thus progressively Attained.

From Considerations of this kind, Which in a great Measure have been Guided and Strengthened by My own personal Knowledge and Observation, I have determined to make an Experiment towards the Civilization of these Natives, Which is the Object I have in View by this Address, and trust it Will Meet Your Lordship's benevolent Patronage. As a preliminary Measure I intend to establish an Institution at Parramatta, first on a Small Scale under the Direction of a Mr. William Shelley (formerly a Missionary), Whom I shall Appoint as Superintendent for Educating, and bringing up to Habits of Industry and Decency, the Youth of both Sexes, Commencing at the Outset with Six Boys and Six Girls. Mr. Shelley Appears to be Well Qualified for such an Undertaking, is a Moral, Well Meaning Man, and has Manifested great Zeal and Promptitude On this Occasion, Insomuch that I Consider him a very fit Person to be Entrusted for such a Purpose.

Herewith I do Myself the Honor to transmit Your Lordship Mr. Shelley's Plan and Estimate of the Annual Expence of such an Institution, and I trust they Will Meet Your Lordship's favorable Consideration and Approval. The Expence Appears high for so small a Number of Scholars, but it Will diminish in proportion to the Increase of Scholars to be expected. Whatever Degree of Doubt May Impend over An Attempt of this Nature, it Appears to Me to be Worth the Trial of two Years, and the Expences will be defrayed from the Colonial Fund.

I have it Also in Contemplation to Allot a piece of Land* in Port Jackson bordering on the Sea Shore for a few of the Adult Natives, Who have promised to Settle there and Cultivate the Ground. Such an Example Cannot, I think, fail of Inviting and Encouraging other Natives to Settle on and Cultivate Lands,

1814. 8 Oct.

Acts of aggression due to motives of revenge.
Proposal for the civilization of aborigines.
Native institution to be established.
Plan and expenditure proposed.
preferring the productive Effects of their own Labor and Industry to the Wild and precarious Pursuits of the Woods.

Whilst it is Well known that Considerable Sums of Money are Expended, by the Missionary Societies of London and other parts of England, in Attempting to Evangelize the Natives of New Zealand and Otaheite, it may be Allowed to be an Object favorable to the Interests of Humanity to see an Attempt of this kind made on a frugal and prudent Scale in the Territory of New South Wales, the Natives of Which Appear to Me to have peculiar and strong Claims to the philanthropic Protection of a British Government.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

MR. WILLIAM SHELLEY TO GOVERNOR MACQUARIE.

Sir,

Parramatta, 8th April, 1814.

The civilization of the Natives of this Continent, particularly those contiguous to these Settlements, having frequently occupied my thoughts, I take the liberty of laying before Your Excellency a few ideas on that important Subject.

Notwithstanding the prejudices that many have against the probability of success in Civilizing the Natives of New South Wales, yet, if we consider that human nature is the same in every Clime, allowing for the difference of manners and Customs and variety of Circumstances in which they are placed, I think this opinion supported neither by theory or experience. I know it has been alledged that men have been Carried to England, lived in civilized Society during a long space, and on their return relapsed into their former habits and Society; but it must be acknowledged that they learned no means of supporting themselves in their improved habits, nor Could they make themselves respectable in their new Society. They were generally despised, especially by European females; thus all attachment to their new Society was precluded; they learned neither mechanical arts, nor manual labour, so as to make them pleasant or useful to them; long Contracted habits recurred with greater force on this account. Where is the human being, who would be pleased to live at a Gentleman’s table, and wear his Clothes, without having any prospect in view but food and Clothes, while he remained useless and despised in the Society in which he lived? Young Men live in a prospect of Marriage, and have ambition and pride to be respectable in their own Society. No European Woman would marry a Native, unless some abandoned profligate. The same may be said of Native Women received for a time among Europeans. A Solitary individual, either Woman or Man, educated from infancy, even well, among Europeans, would
in general, when they grew up, be rejected by the other Sex of Europeans, and must go into the Bush for a Companion; Or, if educated among drunken or thievish Servants, must become Still worse. In order to their improvement and civilization, let there be a Public Establishment Containing one Set of Apartments for boys, and another Separate Set for Girls; let them be taught reading, writing, or religious education, the Boys, manual labour, agriculture, mechanic arts, etc., the Girls, sewing, knitting, spinning, or such useful employments as are suitable for them; let them be married at a Suitable age, and Settled with steady religious Persons over them from the very beginning to see that they Continued their employment, so as to be able to support their families, and who had Skill sufficient to encourage and Stimulate them by proper Motives to exertion. The chief difficulty appeared to me to be the Separation of the Children from their Parents, but I am informed that in many Cases this could be easily done.

Should Your Excellency conceive the above plan practicable, I will endeavour to lay before Your Excellency the cheapest method of supporting such an Institution, as also a few rules for regulating the same.

I am, &c,

WILLIAM SHELEY.

Secretary's Office, Sydney.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 2.]

MR. WILLIAM SHELEY TO GOVERNOR MACQUARIE.

Sir, Parramatta, 20th Augt., 1814.

Having in a former letter stated to your Excellency a few ideas on the practicability of civilizing the Natives of this Territory after the most mature deliberation, I am fully persuaded that, under the blessing of God, these Natives are as capable of receiving instructions as any other untutored Savages.

Since I last wrote your Excellency, I have mentioned the subject to a number of the Natives, who express the utmost readiness to send their children and declare they will never entice them to run again into the Bush. From the different enquiries I have caused to be made through the Settlement, the same willingness has been expressed by the different tribes. I was visited on Monday, the 8th inst., by a great number of Natives, who seemed much pleased at the idea that their children should be taught as European children are; a number of the children were very desirous to stop, and four (three Boys and one Girl) pleaded so hard that I consented to their remaining, and they appear very happy.
The enclosed is a plan of the institution, which I take the liberty of submitting to your Excellency's Consideration; should your Excellency approve of the Plan, and appoint a Committee to see it carried into effect, I would like to become the Manager; and, as it would take up my whole time, I would expect such remuneration as would enable me to disengage myself from other pursuits, and attend to it without distraction.

I am, &c.,

Secretary's Office, Sydney.

William Shelley.

Compared:—Jno. Thos. Campbell, Secy.

[Enclosure No. 3.]

PLAN OF THE NATIVE INSTITUTION.

First.—That there be a Native Institution to consist of a Committee of Five Persons under the Governor, as Patron, Mrs. Macquarie, as Patroness.

Second.—That the Committee and Manager be chosen by the Governor, and that the Manager be one of the Committee.

Third.—That the object of the Institution be the Civilization of the Natives of New South Wales.

Fourth.—That the Institution be supported by Government in such manner as His Excellency the Governor may appoint.

Fifth.—That an Asylum be established for the reception of Native children of both Sexes.

Sixth.—That the Children be taught Reading, Writing, etc., also useful occupations, as Agriculture, Mechanical Arts, and such Manufactures as may best suit the Age and disposition of the children, and that proper Instructors be employed to teach them in these different branches.

Seventh.—That to the Manager be committed the care of the children, the purchase of Provisions and materials for the work, and to provide a Sale for articles manufactured.

Eighth.—That a Piece of Land be provided for the use of adult Natives, who shall be encouraged to cultivate it, and who, under the inspection of the Manager, shall be employed as the Committee may think proper.

Ninth.—That in order to extend the benefit of the Institution to as many objects as possible, subscriptions be received from such Societies and Individuals as may be inclined to forward the object of the Institution.

Parramatta, 20th Augt., 1814.

Secretary's Office, Sydney.

Compared:—Jno. Thos. Campbell, Secy.
ESTIMATE of the Annual Expences of the proposed Institution for Civilizing and Educating the Male and Female Youth, the Natives of New South Wales.

<table>
<thead>
<tr>
<th>Item</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Head Master and Superintendent</td>
<td>100</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>&quot; one Male Attendant</td>
<td>20</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>&quot; one Female Do</td>
<td>12</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Rent of a School House and Lodgings for the Scholars</td>
<td>30</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Victualling 12 Children as per. Annexed Scale of Weekly Ration</td>
<td>170</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Clothes, Bedding, Coals, Candles, Washing, Books, Pens, Ink, Paper, etc.</td>
<td>86</td>
<td>16</td>
<td>0</td>
</tr>
</tbody>
</table>

£419 2 0

Clothing and Sundry Expences pr. Annum.

<table>
<thead>
<tr>
<th>Item</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Shirts or Shifts</td>
<td>1</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Jackets and Trousers or Gowns</td>
<td>1</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>&quot; One Pair Shoes</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Caps and Bonnets</td>
<td>0</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>&quot; Beds and Blankets</td>
<td>0</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Washing</td>
<td>0</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>&quot; Books, Pens, etc. etc.</td>
<td>0</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>&quot; Candles</td>
<td>0</td>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>&quot; Coals</td>
<td>1</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>&quot; Cooking Utensils, and Earthen Ware</td>
<td>0</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Gardening Utensils</td>
<td>0</td>
<td>10</td>
<td>0</td>
</tr>
</tbody>
</table>

£7 4 8

Scale of Weekly Ration for one Child.

<table>
<thead>
<tr>
<th>Item</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
</table>
| To 3½ lbs. Meat @ 7d. | 2  | 0  
| 2 lbs. Rice       | 0  | 6   |
| 10 lbs. Corn flour | 1  | 8   |
| 2 lbs. Wheat Do.  | 0  | 8   |
| ½ lb. Sugar       | 0  | 3   |
| ½ lb. Soap        | 0  | 2   |
| Salt and Pepper   | 0  | 2   |

5 5½ x 12 x 52 = £170 6 0

Parramatta, 21st Sept., 1814. WILLIAM SHELLEY.

Secretary’s Office, Sydney.
Compared:—JNO. THOS. CAMPBELL, Secy.
8th October, 1814.

Sir,

I enclose you herewith, for the purpose of being submitted by you to the favorable Consideration of Earl Bathurst, a Memorial addressed to me by Mrs. Charlotte Rutter, the Widow of the late William Rutter, Salt Boilier in this Colony, Soliciting that her two Children, now in England, may be Permitted to join her, and that a Passage may be found for them at the expence of Government in One of the Convict Ships coming out to this Colony. I have accordingly to request that you will be kindly pleased to Move His Lordship to Order a Passage to be found for the two Children in question, on their Relations making an Application for the same.

I have, &c.

L. MACQUARIE.

[Enclosure.]

The Memorial of Mrs. Charlotte Rutter.

To His Excellency Governor Macquarie, etc., etc., etc.

The Humble Memorial of Charlotte Rutter, Widow,

Respectfully Sheweth,

That Memorialist is the Widow of William Rutter, with whom she Intermarried in this Colony in the year 1807, and who departed this Life about Two Years Since, leaving Memorialist in an Unprotected State with Three Infant Children to provide for.

That Memorialist’s late Husband was eminent in his Profession of a Salt boilier, which he brought to great perfection, and rendered particularly useful to the Inhabitants of this Colony, altho’ by his unwearied pursuits in that line he Sacrificed his health and eventually his Life.

That Memorialist came Free to this Colony on the Ship Brothers in the Year 1807, being then a Widow, and having left two Children by her former Marriage in England, Vizt. a Boy and Girl, the former of Whom, named Francis Flowers, is now aged 20, and, untill the within last Two Years, has been brought up to Agricultural pursuits, and the latter, named Emma Flowers, is now about the age of 18 Years.

That Memorialist, prompted by Natural Tenderness and Solicitude for the welfare of her said two last mentioned Children, and with a View to their advancement in Life, to have them sent out to this Colony, and therefore respectfully solicits Your Excellency to be pleased to represent her humble and anxious wishes in that respect to His Majesty’s Ministers at Home, under the
Hope that, thro' your Excellency's Gracious and Humane Inter-
position in her behalf, her said Children may be provided with
a Passage to New South Wales by as early a conveyance as
may be convenient, and admitted to Participate the usual Indul-
gences granted to Settlers of this Discription.

May it therefore please your Excellency to make such a repre-
sentation of her Wishes in this respect to His Majesty's Ministers,
as may be the means of procuring her said Two Children a
Passage to this Colony with the usual indulgences.

And Memorialist will ever Pray

CHARLOTTE RUTTER.

The address of the before mentioned Children are as follows,
Vizt.:

Francis Flower at Mr. John Drinkald's, No. 19 Beer Lane,
Great Tower Street, Tower Hill, London, and

Emma Flower at Mr. Geo. Flower's, Thrinton, near North-
allerton, Yorkshire.

Parramatta, 30 Sept., 1814.
Inadequacy of military pay and allowances.

1814.
12 Oct.

of the Officers of the 46th Regt. to be correct, and well founded; and happy should I be if anything, I could say or advance in support of their Claims, could contribute to procure them the relief, which they so much require in this Country; their present Pay and allowances being very inadequate to their support in a respectable decent Style in this very expensive distant Colony. I therefore take the liberty to express my hope that His Royal Highness, The Comr. in Chief, will be graciously pleased to take the Case of the Officers, serving in this Country, into his indulgent Consideration, and move His Royal Highness, The Prince Regent, to be graciously pleased to afford them such relief as in his Wisdom he may deem them entitled to.

L. MACQUARIE.

[Enclosure No. 1.]

LIEUTENANT-COLONEL MOLLE TO MAJOR-GENERAL MACQUARIE.

Sir,

Sydney, 11th October, 1814.

I have the honor to transmit a Memorial, in the Name of myself and of the officers of the 46th Regt., praying for some additional allowance in this Colony, and am most respectfully to request that Your Excellency would be pleased to transmit the same for the gracious consideration of His Royal Highness The Commander in Chief.

I have, &c,

G. MOLLE, Lt. Col. 46 Regt.

[Enclosure No. 2.]

MEMORIAL OF OFFICERS OF THE 46TH REGIMENT.

Unto Field Marshal His Royal Highness Frederick, Duke of York, K.G. Commander in Chief, etc., etc.

The Memorial of Lieuten’t Col’l George Molle and of the Officers of His Majesty’s 46th Regiment of Foot

Humbly Sheweth,

That Your Memorialists Embarked from England in August, 1813, for this Colony (to relieve the 73d Regiment) and arrived in February, 1814.

That Your Memorialists, since their arrival, have found considerable difficulty and embarrassment in supporting and keeping up the respectability of the Regimental Mess, as well as in defraying the other necessary expences attending their living, and in supplying those Articles of Clothing required for their Military Equipment.

The cause of this difficulty and embarrassment, Your Memorialists most humbly beg leave to explain.

In the first place, in this far distant Settlement (Yet in its Infancy) the Price of all Colonial produce is fluctuating, and
altho' the common Articles of Life (such as Butcher's meat, Poultry, etc.) may occasionally be as moderate as in England, yet in general they are much higher. Such being the Price of the common Articles of Life (the production of this Colony), Your Memorialists need not add that their weekly Messing frequently amounts to a much greater expense than in England, or perhaps in any of His Majesty's Dominions Abroad.

In regard to other Articles usually required for the Table, such as Oilman's Stores, etc. Your Memorialists have to add that the purchase of them is almost above their means, as all European imports of every description are sold at (never less and frequently more than) 100 p. Cent.

In the second place, the same fact holds good with respect to every Article of Clothing or Military Equipment, Scarlet Cloth being never under Five Guineas p. Yard, and every other Article equally dear in proportion.

Your Memorialists are aware that It may be asked why they did not provide and bring out with them a sufficient Stock of every thing necessary for the Regimental Mess, as well as for their own private use and personal habiliment, for a length of time? To this, they humbly beg leave to reply that they did so as far as their means would permit, and the Tonnage, allowed them by the Transport Board, accommodate; and, altho' additional supplies have been ordered, yet, from the unavoidable delay attending the Transmission of Articles from England to this Colony, they find themselves (at present) at the mercy of the Merchants here for every thing they may want, and whose Price, as already Stated, is never less than 100 p. Cent.

Your Memorialists having presumed thus far to detain Your Royal Highness in Stating the preceding facts, they, with the greatest deference, beg leave to add that no Ration of Wine or Spirits is issued to the Troops in this Colony. The liberal allowance of Wine money granted to Regimental Messes at home, Your Royal Highness is aware does not extend to Foreign Stations, and Your Memorialists are constrained to add that, as no Wine is produced in the Colony, the purchase of European or other Wines is attended with so enormous an expense, as almost to deprive them of so beneficial an indulgence (even in a moderate degree) in a Climate, where such indulgence is Salutary and requisite.

It is not the Wish or intention of Your Memorialists to convey to Your Royal Highness's mind, that they have any considerable grievances to complain of, but they conceive that they labor under some hardships and privations, which were not felt by their predecessors, and it is consistent with the knowledge of His
1814.
12 Oct.
Memorial of
officers of
46th regiment
soliciting a
colonial
allowance.

Excellency Major General Macquarie, Command'r of the Forces, that the late Orders, received from His Majesty's Ministers, taking away Convicts, Servants, a privilege hitherto enjoyed by the Military in this Colony, has rendered the situation of Your Memorialists subject to additional expences, which the Corps preceding them were not exposed to.

Your Memorialists further humbly beg leave to refer to Your Royal Highness's gracious perusal that Paragraph of the Report of the Select Committee of the House of Commons on Transportation, 10th July, 1812, Page 5th, where it is said, "But it does not appear to Your Committee that the Military Officer is in New South Wales exposed to such hardships, or obliged to incur such expence, as to entitle him to benefits not generally bestowed upon Officers of the British Army."

Your Memorialists do not ask for more; and they therefore most profoundly approach Your Royal Highness with this Memorial, the humble Prayer of which is that Your Royal Highness would be most graciously pleased to move His Majesty's Ministers to make such additional Provision, either as Colonial allowance, or otherwise, to the Officers of the Regiment Serving in New South Wales, as may put them upon a par with their Brother Officers serving in Ceylon, or in any of His Majesty's Dominions to the Eastward of the Cape of Good Hope.

All which is most humbly and respectfully Submitted.

G. MOLLE,
Lt. Col. Comm'g H.M. 46th Regt. of Foot.
Sydney, New South Wales, 11th October, 1814.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 34, per ship Francis and Eliza.)

Sir,

Downing Street, 20th Oct., 1814.

Having received a very favorable Report of the Character and professional Abilities of Mr. Major West, who proceeds to New South Wales as Surgeon of the Convict Ship Frances Eliza, and who is desirous of settling in the Colony, I am to desire that, in the Event of a vacancy occurring in the Medical Establishment at Van Diemen's Land, you should appoint him to act as an Assistant Surgeon in those Settlements, and that in the mean time you do instruct Lieut. Governor Davie to give Mr. West a Grant of land, and the usual privileges allowed to free Settlers, either at Hobartston or Port Dalrymple, according to the place where he may be inclined to establish himself.

I have, &c.,

BATHURST.
MR. ADAM GORDON TO GOVERNOR MACQUARIE.

(Despatch per ship Indefatigable; acknowledged by Governor Macquarie, 24th June, 1815.)

Sir,

In the absence of the under Secretary of State, I am directed by Earl Bathurst to transmit to you the Copy of a Letter, addressed to this Department by command of the Lords Commissioners of the Treasury, observing upon the heavy Expenditure of the Out Settlements on Van Diemen's Land for the Year 1807 and 1808. And his Lordship further commands me to call your particular attention to this subject, and to request you will transmit any information or Suggestions you can furnish thereupon, in order that the same may be communicated to the Treasury.

I have, &c.,

ADAM GORDON.

[Enclosure.]

SECRETARY LUSHINGTON TO MAJOR-GENERAL BUNBURY.

Sir,

Having laid before the Lords Commissioners of His Majesty's Treasury the Auditors' Statement of the Account of Leonard Fosbrook, Esqr., as Deputy Commissary in Van Diemen's Land, from 1st Jany. to 31st Decr., 1807, and from 1st Jany. to 31st Dec'r, 1808, I have it in command from their Lordships to acquaint you for the information of Lord Bathurst, that the Comm'rs for Audit observe that the Expenditure of the Accountant, as Deputy Comm'y in Van Diemen's Land for the year, 1807, is more than double the amount of his Expenditure for the preceding year, and that the expences for the year 1808, as well as those for the year 1807, appear to them to be very large, and I am to desire you will move his Lordship to give such instructions to the Governor of that Colony on the Subject, as his Lordship may deem expedient.

I am, &c.,

S. R. LUSHINGTON.

EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per ship Indefatigable; acknowledged by Governor Macquarie, 24th June, 1815.)

Sir,

I transmit to you, for your Information and Guidance, the Copy of an Act, passed in the last Session of Parliament, to Amend the Act of the 22nd year of His Present Majesty, relating

1814.
9 Nov.

17 Nov.

Statute relating to patent offices.

Expenditure on settlements in Tasmania in 1807 and 1808.

Expenditure in Tasmania under deputy-commissary Fosbrook.
1814. 17 Nov.
Statute relating to Patent Offices.

30 Nov.
Opposition of justice Bent to location of court-house.

Arrangements made for court-house and judge's chambers.

Inspection of proposed court rooms.

Governor Macquarie to Earl Bathurst.

(Despatch marked "No. 17 of 1814," per ship General Browne; acknowledged by Earl Bathurst, 4th December, 1815.)

Government House, Sydney, New South Wales,

My Lord,

30th November, 1814.

1. Having some Reason to think that Mr. Jeffrey Hart Bent, the lately Appointed Judge Of our New Supreme Court of Civil Jurisdiction, has made a Representation to Your Lordship on the Subject of the Arrangement I have made for a temporary Court House in the New General Hospital, and as the Suggestions and Remarks, made by that Gentleman on the Occasion of my informing him of that Arrangement, Appeared to me, Not only Very Selfish, but also extremely Unreasonable, I feel it a Duty owing to Your Lordship and to Myself to lay the Circumstances of the Case before Your Lordship, in Order to Guard Against any Impressions, which incorrect or disingenuous Representations might make to the Prejudice of My Conduct.

2. In the 12th Paragraph of a former Dispatch, under date the 7th October last, I had the Honor to inform Your Lordship that I had then given Directions for two of the largest Wards in the General Hospital to be finished off and fitted up with all Dispatch for a temporary Court House, and that I had Also Acceded to Mr. Bent's Request in Giving him Up, under the denomination of Chambers, two excellent Rooms in the Barracks, Originally destined for the Principal Surgeon. This Arrangement was on so large a Scale that I did Conceive it Would Not only have most fully answered every public Object of a Court House, but that it would Also have been Considered a Most liberal One for the personal Accomodation of the Judge.

3. A few days after the Date of the Dispatch above alluded to, I requested Mr. Bent and his Brother, Mr. Ellis Bent, our Judge Advocate, to accompany Me to the General Hospital, to View and examine the Apartments I had assigned for the Accommodation of their respective Courts, and for their personal Convenience and Comfort, and to receive from them such Suggestions, as they Might please to Make, as to Alterations or Improvements in the general Arrangement of the Whole. On this Occasion, and to

* Note 87.
My Very Great Surprize and Astonishment, both these Gentlemen expressed themselves Much dissatisfied with the Rooms, which Were then fitting up, giving as a Reason that they were Situated too Near the Apartments,* which may be hereafter Occupied by the Sick. When I inform Your Lordship that these Rooms are Separated from those destined for the Sick by a Very thick Stone Wall, running from the Bottom to the Top of the Whole Building, and that the Entrances to the temporary Courts and those to the Hospital Wards are not only distinct, but also removed to a Considerable distance from each other, I trust Your Lordship Will Consider the Objection Not only frivolous, but also More Calculated to Give a Vexatious Opposition than to produce any good Effect Whatever. In Case an Infectious Dis­temper should Visit this place, it Would Certainly be improper in the highest Degree to Assemble Courts of Justice any Where in the Neighbourhood of the place Where it raged; but providentially this Country has been heretofore exempt from All such Visitations,† and the Nature of the Climate is such, as to give every Rational Expectation for its Continuing so; but, Were it even otherwise, the Danger Could not be greater, nor even so Great, as Must Arise from the Neighbourhood of Disease in close Confined Huts. Instead of Accepting the offered Accom­modations in the Spirit of Good Will, in Which I had designed them, these Gentlemen Made a peremptory Demand for the Whole of the Building‡ intended for the several purposes of a Residence for the Principal Surgeon, a Dispensary, a Store Room, and an Anatomy Room, which they Affected to Consider, in Consequence of their being detached a few Yards from the Main Building of the Hospital, as better Calculated for the purposes of Courts of Justice than those I had previously Assigned.

4. This Alteration, involving in it a Most Unfair and illiberal Usurpation of the Accommodations designed for the Principal Surgeon, and for so Many other purposes, I felt it my Duty not to Accede to; but in order the more fully to Convince these Gentlemen that it was my anxious Desire to meet their Wishes in every reasonable Point, I made them the Offer of four Complete Wards of the Hospital, Comprising one half of that entire Building, and those Rooms are now in preparation for the Sitting of the Courts early in January next. Each of these Rooms is Sixty feet long by 24 feet wide, those on the Ground floor, Which are destined for the Courts, are each Sixteen feet high; and the two Wards or Rooms above them are fourteen feet high, and in each Room both above and below there are Eight Windows; All which, as already Stated, are Cut off from the other half of the Building by a thick Stone Wall; between

* Note 59. † Note 88. ‡ Note 89.
the Apartments, assigned for the Courts, there is a Spacious Hall of 18 feet Wide and 24 feet deep, and the Rooms Above Stairs are Separated by a Lobby of the Same Size as the Hall. For Elegance, Size, Air, and General Accommodation, these Apartments fully equal any I have Yet Seen in any of His Majesty's foreign Dominions, and I believe are rarely excelled at home by Buildings Specially Assigned to the purpose of Sessions or Court Houses. Whilst on the other Hand, the Buildings, Which the Messrs. Bent have been so solicitous about procuring, are Very ill Calculated for the Accommodation of the Public, or for any of the purposes of a Court House, the Apartments being on the Moderate Scale Suited for a private Residence, and totally Inadequate in Size to the Object in View, being less than one half of the Size of those I have determined on.

5. As it is impossible to Assign the Motives of these Gentlemen, in desiring to possess the detached Quarters of the Principal Surgeon, instead of the More Spacious and dignified Apartments in the Main Building, to any Sense of the public Accommodation, I Cannot hesitate to State that this Choice evidently Arises from the Circumstance of the detached Quarters possessing a Variety of private personal Accommodation, suitable to a Gentleman's Residence, such as a Kitchen, a Stable, a Coach House, etc., and that Mr. Jeffery Bent, in Aiming at the Possession of them, has merely in View his own private Convenience, without Consulting in the Slightest Degree either the Accommodation of the Public or the feelings of a respectable Officer, Whose Apartments he Wishes thus to possess himself of. I am Most fully Convinced that the personal Accommodation, Which Mr. Bent would thus Obtain the possession of, has been his Sole Motive for Urging it, as he was totally unable to defend the Choice by any Argument to shew that the Apartments were even as Well, and Still Much less that they Were better, Calculated for the public Service than those I had Assigned.

6. Under these Impressions I should have felt myself doing an Act of Very Great Injustice to the Principal Surgeon, had I yielded to so Very illiberal and Unfair a Request as that made by Mr. Justice Bent. Indeed the detached Barrack in Question having been expressly built for the Residence of the Principal Surgeon, and for the other Special purposes Connected with that Department, which I have Already enumerated, and the Necessity for his being Quartered near to the Sick being so Obvious, I cannot avoid repeating my Surprise at the Injustice and gross Indelicacy of the Attempt to deprive him of them. If any thing Could heighten the Unreasonableness of this Request, it Would
be the Consideration that the Principal Surgeon, Who has always
been Entitled to a Residence, at present Inhabits a House in
Such a Wretched State of Decay, as to be Unsafe to reside in,
and his New Residence has been in Consequence preparing for
his Reception in Order to his Going into it as Speedily as
possible.

7. I have troubled Your Lordship With a More Minute Recital
of All the Circumstances of this Case, than it may appear to
merit; but I trust Your Lordship will be thereby Guarded
against any Insinuations that may be Made to the Prejudice of
My Motives, and against Representations dictated either by
Disappointment or A Wish to Mislead.

8. Having Always Studied to be on friendly Terms with the
Officers at the Head of Departments Under this Government, and
having particularly Studied to Cultivate the most friendly Under-
standing with Mr. Judge Advocate Bent, and Shewn also to the
Utmost of my power the same Disposition in regard to his
Brother, Mr. Justice Bent, since his Arrival, I feel the More
distressed at Conveying to your Lordship any Sentiments tend-
ing to Imply a Disposition on the part of those Gentlemen to
give an Unnecessary Opposition to my Measures; but I trust
the Circumstances, Which I have now brought to Your Lord-
ship’s View, will sufficiently justify the Terms, in which I have
Conveyed My Sentiments of them.

9. I have had it in my Power, and I have frequently availed
Myself of that Power, to render Mr. Ellis Bent, and his family,
not only Marked Attention and Civilities, but also Important
Services. I am sorry to add that I have Not in any Instance
Met from him the Slightest Disposition to return the Offices of
Civility, and even less have I Experienced from him any Sense of
Gratitude or Acknowledgement for the Services I have rendered
him.

I have, &c,

L. Macquarie

EARL BATHURST TO GOVERNOR MACQUARIE.
(Despatch No. 35, per ship Hebe.)

The Bearer of this Letter is Mr. Chippendale from Liver-
pool, who proceeds at his own expence to join his Relations in
the Colony of New South Wales, and at his request I make you
acquainted with these circumstances, in order to satisfy you that
his intention has been communicated to this Department, and
that His Majesty’s Government have no objection thereto.

I have, &c,

Bathurst.
MAJOR-GENERAL BUNBURY TO GOVERNOR MACQUARIE.
(Despatch per ship Northampton.)

Sir,
Downing Street, 7th Dec., 1814.

Earl Bathurst having given permission to Mr. Andrew White to proceed as a Settler to New South Wales, I am directed by his Lordship to acquaint you that he will embark in the Northampton, and to desire that you will grant him an allotment of land, in proportion to his Capital, with the other Encouragements allowed to Settlers of the same Class.

I have, &c.,

H. E. BUNBURY.

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MAJOR-GENERAL BUNBURY TO GOVERNOR MACQUARIE.
(Despatch per ship Northampton; acknowledged by Governor Macquarie, 24th June, 1815.)

Sir,
Downing Street, 8 Dec., 1814.

I am directed by Lord Bathurst to transmit to you a Copy of the Case of Wm. Brest, who is now residing at Van Diemen’s Land, praying for a Grant of Land in that Colony. This case has been attested by Lord Henry Fitzgerald, and I am to acquaint you that should you upon Enquiry find the Person in question to be the Character he describes himself, you are authorized to instruct Lt. Governor Davey to make him a Grant of as much land as you may consider he merits.

I have, &c.,

H. E. BUNBURY.

[Enclosure No. 1.]

STATEMENT RELATING TO WILLIAM BREST.

The Case of William Brest, humbly presented to the Honble. the Secretary of State for the Colonial Department, praying for a Grant of Land in Hobartown new South Wales; the said William Brest is of respectable parents, and well educated, aged about Twenty eight; was some time on board Lord Nelson’s Ship the Victory, as his own Cook, and Volunteer’d his Services on a dangerous Expedition in an open boat one night, on which occasion he was wounded, and by the Surgeon’s Certificate is a Pensioner at Greenwich for life; he left Lord Nelson’s Service through Illness, and was confined with the yellow fever at Gibraltar, which, when he recovered, he returned to England to his Father, and in May, 1807, he left England again with a Gentleman with letters of recommendation, meaning to settle at the Cape, as Clerk to a Factory; but, not settling himself as he wished, left the Cape in Sept., 1807, and, meeting with much ill treatment from the person he went with, left him and remained at Hoberstown, and is now in the employ of Francis Williams,
Esqre., who confides the management of all his concerns to him. Since he left England, his Father Died, and left him an equal Share of his Property with the other Children; his Share is at present £300, and, at the Death of the Widow, he will have £300 more; he has sent over a Power of Attorney to Messrs. Morlands, Pall Mall, to have his Share remitted to him; his Family are well known to the Right Honble. Lord Henry Fitzgerald.

[Enclosure No. 2.]

STATEMENT BY LORD HENRY FITZGERALD.

I with great pleasure can attest that I know the Family of William Brest on the Father and Mother's Side; that it is highly respectable, and in every Way deserving of Countenance and Encouragement.

HENRY FITZGERALD.

MAJOR-GENERAL BUNBURY TO GOVERNOR MACQUARIE.

(Despatch per ship Northampton; acknowledged by Governor Macquarie, 24th June, 1815.)

Sir, Downing Street, 9th Dec., 1814.

I am directed by Earl Bathurst to transmit to you, for your information, a list of Women, the Wives of Convicts, already in the Colony, who have received his Lordship's permission, at the recommendation of Visc't Sidmouth, to join their husbands, And to desire that, if any of the latter are at Van Diemen's Land, their families may be conveyed thither.

I have, &c.,

H. E. BUNBURY.

[Enclosure.]

[This list contained the names of thirty-five women.]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch No. 18, per ship General Browne, via Ceylon.)

Government House, Sydney, N. S. Wales, 12th December, 1814.

Having done Myself the Honor to address Your Lordship at Considerable Length, so very lately as the 16 of October last, by the direct Opportunity of the Ship, Seringapatam, I have now but little to add to the Dispatches, I then forwarded, and Avail myself of the present Opportunity (the Ship General Browne, via Ceylon and India) Chiefly for the purpose of forwarding the Duplicates of those Dispatches.
The Indian Ship, Genl. Browne, having lately arrived here with merchandise, and being about to return to Bengal without a cargo, I have had a favorable opportunity to engage her on very reasonable terms for the purpose of conveying part of the detachment of the 73d regt., still remaining here, to Ceylon, for which purpose her build and construction render her particularly well calculated.

This vessel is accordingly chartered, for the sum of £1,300 sterling, to convey as many troops, as she can with convenience accommodate. The sundry articles of provisions, water casks, water, bedding, cooking utensils, etc., being all provided by this government, she is enabled to take 132 men, in officers and soldiers, 30 women, and 58 children, which large number renders the freight more moderate than could be well expected. In payment of this sum, I have authorized the deputy comm'y general to draw bills on the lords commissioners of the treasury.

After this embarkation there will still remain for some future conveyance 54 men, officers and soldiers, 28 women, and 70 children of the 73d regt., whom I shall embark by the earliest opportunity that may offer.

I had expected to embark the entire detachment at once on board the male convict transport ship, Somersetshire, which left this harbor a few days ago; but the terms demanded for her services were so exorbitant that I did not feel myself warranted in acceding to them.

On the 22d of October, the ship Betsey, of Calcutta, arrived here bringing a very seasonable supply of 250 tons of wheat for this government, which the deficiency of last year's harvest had induced me to order from Bengal. It proves of very good quality, and will do away every risk of scarcity, until the present harvest shall be secured; the necessity for this supply I have had the honor to inform your lordship of in a former dispatch. The amount, £4,082 8s. 11½d., has been drawn for by my authority by the deputy comm'y general on the treasury.

It is with much pleasure I have to inform your lordship that the colony continues in a state of perfect tranquility and progressive improvement.

The unusual continuance of dry weather, which we have experienced here, has finally given way to some very seasonable falls of rain, and thereby the harvest, which was but a short time ago in a very unpromising state, now gives a fair prospect
BATHURST TO MACQUARIE.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 36, per ship Baring.)

Sir, Downing Street, 15th Dec., 1814.

The Prayer Book and Homily Society having stated to me their wish to send out to New South Wales a number of Prayer Books for the Use of the Inhabitants of the Colony, many of whom are represented to be unprovided with Books of this kind, and being desirous to promote the wishes of the Society, as far as may be possible, I am to acquaint you that directions have been given for the reception of the Packages, containing these Books, in the first Ship proceeding to the Colony, addressed to you; And I am to request that you would take under your own Direction the disposal and distribution of the Books, now forwarded, at such prices as may be fixed by the Society; And it being their object that all the Inhabitants of the Settlement, who are destitute of these Books, should be supplied with them, I am to recommend this subject to your attention in order that you may report any measures by which the Views of the Society may be best promoted.

I have, &c,

BATHURST.

THE TRANSPORT COMMISSIONERS TO GOVERNOR MACQUARIE.

15th December, 1814.

[The original of this despatch is not available. A copy was enclosed in Earl Bathurst’s despatch, numbered 62 and dated 1st April, 1816.]

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 37, per ship Baring; acknowledged by Governor Macquarie, 18th March, 1816.)

Sir, Downing Street, 30 Jan., 1815.

The Royal College of Surgeons being anxious to procure from New South Wales specimens of The Female Ornitherinici* and the female organs of the Kangaroo in different Stages of Impregnation, in order to complete the History of these two extraordinary Animals, I am to desire that you will furnish from the Government Stores to the Person, charged with procuring these Specimens, such quantity of Rum or other Spirits, as may be necessary for sending them home in a proper state of Preservation.

I have, &c,

BATHURST.

* Note 90.
Case of William Gaudry to be considered.

Recommendation of David Linley.

Proposed free pardon for David Linley.

EARL BATHURST TO GOVERNOR MACQUARIE.
(Despatch No. 38, per ship Baring; acknowledged by Governor Macquarie, 18th March, 1816.)

Sir,

Downing Street, 31 January, 1815.

I transmit to you herewith the Copy of a letter from the Home Department, inclosing a Representation in Behalf of Mr. Wm. Gaudry, who is stated to have resided in New South Wales from the year 1807. As you must have a Knowledge of his Character, you will be best able to judge how far he may be deserving of the indulgences solicited in his Behalf. I have, &c.,

BATHURST.

[Enclosure.]

(A copy of this letter is not available.)

EARL BATHURST TO GOVERNOR MACQUARIE.
(Despatch No. 39, per ship Baring; acknowledged by Governor Macquarie, 18th March, 1816.)

Sir,

Downing Street, 31 January, 1815.

I transmit to you herewith the Copy of a letter from the Home Department, stating the Applications, which have been received, in favour of David Linley, in consequence of which Lord Sidmouth has been induced to recommend his Case to favourable Consideration.

You will perceive by the Communication referred to that it is by no means intended the remission of Punishment, therein mentioned, should be granted, unless the measure should be entirely approved by you; you will therefore exercise your discretion in that respect.

I have, &c.,

BATHURST.

[Enclosure.]

LORD SIDMOUTH TO EARL BATHURST.

My Lord, Whitehall, 24th November, 1814.

Application having been made to me in favor of David Linley, who was convicted of a Capital Felony at York in March, 1810, and who was conveyed to New South Wales in the Ship Admiral Gambier, I have to request that your Lordship will communicate to the Governor of that Colony that, under the circumstances which have been reported to me on behalf of Linley, I feel disposed to recommend that the Prisoner should receive a free pardon; but, in making this recommendation, I beg that it may be expressly notified to the Governor that it is not intended, by this recommendation, to bias him in his decision upon the propriety of granting such Pardon, but that it is left entirely to him to judge whether, consistently with his Regulations which he may have adopted in that Colony, he ought to allow the Prisoner in question to return to this Country.

I am, &c.,

SIDMOUTH.
MACQUARIE TO BATHURST.

SECRETARY BARROW TO GOVERNOR MACQUARIE.
(Despatch per ship Baring.)

Sir,
Admiralty Office, 24th February, 1815.

I have received and Communicated to My Lords Commissioners of the Admiralty your Letter of the 7th of October last and its enclosures relative to the recapture of the Seringapatam, South Sea Whaler. I am, &c.,

JOHN BARROW.

GOVERNOR MACQUARIE TO EARL BATHURST.
(Despatch marked “No. 1 of 1815,” per ship Marquess of Wel­lington; acknowledged by Earl Bathurst, 18th April, 1816.)

My Lord, Sydney, New South Wales, 24th February, 1815.

1. To trespass on Your Lordship’s Valuable Time with a personal Complaint against any Officer under My Government is a Duty, which I should at all times enter Upon with much Reluc­tance; but when, as in the present Instance, Obliged to Animad­vert on the Conduct of an Officer of High Rank, and with whom I had been on Terms of good Understanding and Friendship, it is a Duty I perform with sincere and painful Regret, and were it not that the paramount Feeling of it being due to the General Welfare of the Colony, which I Conceive to be deeply Implicated on the present Occasion, and Also to My own Honor and Authority, I should be Most happy in declining the Task of Submitting Certain Circumstances in the Conduct of Mr. Ellis Bent, the Judge Advocate of this Territory, to Your Lordship’s Serious Consideration.

2. Previous to entering upon the Detail of the Circumstances in the Conduct of Mr. Bent, which I purpose to animadvert on, I Conceive it may not be Amiss, in Order to Mark the Spirit of Good Will, which I had entertained towards this Gentleman, to State to Your Lordship that, antecedent to the Measures I have now to Complain of, I had repeatedly served him in weighty and important Matters, as will appear from the Cases I shall now enumerate, but which should have Continued Unnoticed by Me had not the Urgency of the present Occasion Seemed to require their being dwelt on.

3. Mr. Bent and his Family left England, and Arrived here, in the Same Ship with me (His Majesty’s Ship Dromedary) on the 28th of December, 1809; and the familiar and friendly Inter­courses, which then Commenced between Us and our respective families, were prolonged without any Material Interruption until the 16th of December, 1813; during the whole Course of which Period, I Continued to extend to him and his family every Good Office, Civility and Attention within my power. As a Mark of My Attention to his Comfort and Welfare, I Conferred on
him, soon after our Arrival here, a very liberal and favorably Circum­stanced Grant* of 1,200 Acres of Land, Accompanied by a proportionate Number of Government Servants and Horned Cattle. Some time Afterwards, on his having an Increase to his family, I was Induced to Give him a further Grant of 800 Acres adjoining the former for the Ultimate Benefit of his two Infant Sons.

4. The Dwelling House and Offices, Assigned to the former Judge Advocates, having become Much decayed, and being in other respects inadequate to the Reception of a genteel Family, I willingly availed Myself of these Circumstances in order to the rendering Mr. Bent’s own Situation and that of his family as Comfortable and respectable as possible, by determining to build him a New Dwelling House with more suitable Accommodations, and an Office for the Assembling of the Civil and Criminal Courts. Before I was enabled to employ the Government Mechanics on these Buildings, Mr. Bent made a proposal to me to Contract in his own person for the Erecting of them for the purpose, as he then Stated, of being thereby enabled to plan and execute them more effectually according to his own Ideas of Taste and Convenience. His Plan of the Buildings and the Terms on which he offered to execute them Appearing reasonable, I willingly acceded to them on the part of Government. These Terms were One thousand Gallons of Spirits and Three Hundred Pounds Sterling. After proceeding for some time in his Contract, Mr. Bent found that the Sum, for which he had Stipulated, was inadequate to the Completing the proposed Buildings, and in Consequence of his representing in Strong Terms that this was the Case, I extended him a further Sum of £550 in Money and 200 Gallons of Spirits to enable him to finish them agreeably to his Original Plan. To form an Estimate of the Expence of these Buildings, thus partly paid for in Spirits, it is Necessary to Observe to Your Lordship that the Market price of Spirits at that time was 35s. per Gallon (tho’ these Spirits were paid by Mr. Bent to the Workmen at a much higher rate), at which price the whole of Mr. Bent’s Buildings amounted to £2,950 Sterlg., independent of the Value of the Materials of the Old House and Offices, and of Various Articles, which he received either Gratis or at a very reduced price from the Government Stores. In June, 1812, Mr. Bent Completed these Buildings, and on that Occasion I received a very polite Note from him expressive of his Obligation to me for the Extension I had made to the Terms of his Contract; and it was then perfectly understood by him and every person in the Colony that the New public Office, which he had himself built on a Much larger and more Commodious Scale than the former one, was to serve as a temporary Court House for the Assembling of the Courts, until such time as a Still larger

* Note 91.
and more suitable one should be Erected for the future Sittings of the Courts on a permanent and respectable Establishment. It was about this time that I signified to Bent that, if I should Obtain the permission of His Majesty's Ministers, it was my Intention to Erect at the Expence of Government a good and respectable Court House and Town Hall under the Same Roof, to be Commenced when the New Stores and Granaries, Military Hospital, and Barracks for the Troops, with the Surrounding Stone Wall (which was then in progress, and of the first Consequence to get finished), Should be finally Completed. With this Communication Mr. Bent appeared (as indeed he had good Reason to be) fully satisfied. Having, however, Grounds to expect that the Proceedings in our Courts of Justice would be soon New Modelled, and that this Charge would probably take place previous to my being enabled to Spare the Government Artificers from the more important and essentially Necessary public Works already alluded to, I suggested the Idea to Mr. Bent and the other principal Gentlemen of the Colony of Setting a Subscription on foot among themselves for the Building a Court House and Town Hall. This proposition being agreed to, a General Meeting of the Magistrates of the Colony took place in July, 1813, for the purpose of Entering into Subscriptions, and taking into Consideration the best Means for Carrying the Measure into Effect. On the part of Government, I subscribed from the Colonial Funds the Sum of £500, and at the same time from my own private Funds the Sum of £60 Sterl'g. The Subscriptions, however, falling very far Short either of what was Expected, or what the Estimate which had been made of the Expence demanded, the Whole Plan of building by Subscription was Abandoned in the following Month of November. Altho' I was not then Aware of it, I had afterwards good Reason to believe that Mr. Bent took the Liberty to express himself in a very passionate and unbecoming Manner at my Not withdrawing the Artificers and Labourers from the Several important works then in progress, and putting them to work immediately and exclusively on the Building a New Court House; and from this Period he Ceased to Visit me in his Usual familiar Way, and, when I had Occasion to Send for him on public Business, he Assumed a very Marked Degree of Coolness and Reserve in his Manner. On One of these Occasions, feeling Conscious that I had not intentionally Offered him any Offence, I was induced to Ask him from whence proceded that Coolness of Manner, which he had of late adopted towards me; and it was then to My utter Surprise and Astonishment that he told me, for the first time, the Cause of his Reserve and Dissatisfaction, Observing that he
had great reason to be offended and hurt at my conduct towards him, as "I had shewn a great want of feeling for his situation and personal comfort, as Judge Advocate, in not sooner having a suitable and comfortable court house erected at Sydney for his accommodation." This accusation being not less unjust than it was harsh and disrespectful, I could not avoid expressing my surprize and astonishment at the unreasonableness of his expectations, and the illiberality of his reflections on me. My sentiments of surprize at being thus accused by Mr. Bent were not a little heightened from the consideration of its being well known throughout the colony that I had uniformly, and on all occasions, treated him and his family with the utmost respect, kindness and attention, and that, in regard to his personal accommodation, I had provided him a dwelling house with public and private offices (according to his own plan and arrangement), far superior to those possessed by myself, as the governor of the territory, and particularly reminding him that the public office, of which he then complained, was not only much larger than the former, but also fitted up for the purpose by himself. During the course of a long conversation, which took place at this time, I endeavoured to convince Mr. Bent of the unreasonableness, as well as of the inconsistency of his complaints, expressing at the same time the hope that, on cooler reflection, he would be sensible that his present ground of complaint was unfounded, and that, in bringing it forward, he had done me very great injustice, and particularly so at that juncture, when I was doing every thing in my power to promote his own interest and that of his family. My observations, I am obliged to add, did not produce any effect in the way of removing the dissatisfaction he had expressed, and he left me seemingly much offended. This conversation took place on the 16th December, 1813, and from that period Mr. Bent ceased altogether to visit at Government House, and never appeared there except when sent for on public business. Hoping still that he would become sensible of the impropriety of his conduct towards me, and willing to bury it in oblivion, I even invited him and his family to Government House as formerly, trusting that such an advance to reconciliation would not have been rejected; but in this I was disappointed, for my invitation was declined in a pointedly rude manner. A conduct so highly disrespectful to me, as governor, of course determined me not to hazard future refusals by sending invitations to Mr. Bent and his family.

5. Subsequent to the period I have been now mentioning to your lordship, Mr. Bent has not considered it necessary to
preserve even the External Appearance of Respect for my Rank in the Colony, and has even Evinced a Spirit of Disrespect, Insubordination and Hostility to Me, and the Measures of My Government; some Instances of which, altho' in themselves and detached from other Circumstances, might perhaps pass Unnoticed, but when Connected with the general Line of his Conduct Must Mark his Motives as Inimical to Me; And I now beg to State to Your Lordship a few Cases of the Contumely of this Gentleman.

6. The Officers at the Head of Public Departments having been in the Habit of going frequently into the Country to their Farms, or in pursuit of Amusement, and Spending several days there, to the Neglect of their public Duties at Head Quarters, without Obtaining any regular Permission for so doing, I found it Incumbent on Me for the Benefit of the public Service to Check the practice by Issuing a Government and General Order on the 9th November, 1813, prohibiting Officers in the Several Departments from so Absenting themselves in future without having first Obtained my Sanction. A Copy of the Order issued on that Occasion will Accompany the present Communication for Your Lordship's Perusal. This Order had the desired Effect with every Officer in the Colony with the single Exception of Mr. Ellis Bent, who paid no Attention whatever to it. On my remonstrating with him on this very marked Disrespect for My Orders, He presumed to tell me in plain Terms that “He did not Consider himself bound to Obey any such Order,” adding, at the same time, “that he was not Subject to Military Discipline.”

7. Another Instance, tho' trivial when Considered by itself, I beg to State to Your Lordship as a public Mark of Mr. Bent's Disposition to treat Me personally with Disrespect. From the first Establishment of this Colony, it has been the Custom for the Whole Congregation to Stand up in Church on Sundays on the Entrance of the Governor in Chief, as the Representative of Majesty, and, in Compliance with this long established Usage, every person except Mr. Bent pays that Deference to me; but this Gentleman has latterly declined doing so.

8. In the Grants of Land, which I have made in this Country, I have had Certain Conditions Inserted, respecting the Clearing and improving of the Lands so granted, which are required to be performed before the Grantees Can Sell or Alienate them. Mr. Bent, an Officer at the Head of the Law Department, and from whom a ready Compliance with such Conditions might have been reasonably Expected, has lately thought proper to Sell the Lands, I had granted to him, without even paying Me the...
Compliment of Asking My Permission; and he has even proceeded so much further as to Sell Also the Grant, which I had made to him for the Benefit of his two Sons, Altho' he had not even got the Deed of Grant from the Office.

9. From the earliest Establishment of this Colony, it has been the invariable Custom for the Judge Advocate to preside (when his Health permitted) at the Bench of Magistrates at Sydney, and Mr. Bent Continued to do so from the time of his Arrival until the 31st of December last, when to my very great Surprize he announced to the Bench that he found it Necessary to decline Meeting them any more, or presiding at the Bench. The first Intimation, I had of this Measure, was from reading a Declaration to that Effect, which Mr. Bent had himself Inserted in the Bench Book,* and, the proceedings of the Magistrates being Submitted to Me as Governor, I there learned the Determination he had taken. I transmit Your Lordship herewith a Copy of the Declaration Inserted by Mr. Bent in the Bench Book. His Secession in this Abrupt Manner from the Bench of Magistrates, and without any previous Intimation to Me, was so highly improper and disrespectful, that I Could not Consider it as done from any other Motive than a Contempt of My Authority. In Consequence of viewing it in this Light, I remonstrated with him on the procedure; but he merely Observed that he Considered it as entirely Optional with himself to preside or Not at the Bench of Magistrates, and that he found it inconvenient to do so any longer.

10. The Instances, I have now Stated to Your Lordship of Mr. Bent's disrespectful Conduct towards Me personally, and of his Opposition to My public Measures, as Governor, may however be Considered of Minor Importance, when placed in the Scale with those of more recent date, which I now beg leave to Submit to your Lordship's Serious Consideration.

11. Finding that the Port Regulations, which I had framed and published on the 1st October, 1810, and which have been Acted upon ever since, were deficient in many respects, and having it in View at All times to open this Port for the Reception of Spirits and every other Sort of Merchandize from the British Dominions, and All Countries at Amity with Great Britain, so soon as the Contract for the General Hospital Should Expire, I determined on revising and New Modelling the present inadequate Regulations by Adding Such New Rules or Regulations as the Experience, I had Obtained in Course of four Years in this Government, Should point out as Essentially necessary. For this purpose I framed a new rough Draft of Port Regulations,
Nearly on the Same Principle, and as nearly as possible in the same Spirit, as the old ones; and, having done so, I sent for and conversed with Mr. Bent on the Subject, and requested him to revise them and put them in Appropriate technical Language, so as to render them efficacious by being strong and distinct, still however adhering to the Principle and Spirit in which the Rough Draft had been framed. Mr. Bent took my Draft on the Regulations home with him, promising to revise it, and to frame a regular Code of Port Regulations from it, as soon as he could devote a Sufficient portion of time to that Object from his other Avocations. From the time of My putting these Regulations into his Hands Very Nearly twelve Months Elapsed before he devoted any part of his time to the Consideration of them, Altho' I frequently reminded him thro' the Medium of Mr. Piper, the Naval Officer, of My Anxiety to have them perfected. Finally, on the 31st of December last, I received a Letter from Mr. Bent, enclosing my Draft of Regulations, Conveying his Observations thereon, instead of furnishing me with a Corrected or Amended Code, Such as I Conceived I had full Reason to expect after his having kept the Original Draft so very long in his possession; this Disappointment surprized and hurt me Much, as I Could not have Supposed for an instant that After having so long a time to put these Regulations into Legal Form, He would merely furnish me with a long Criticism in the form of Observations on the Old Regulations and My New Draft, without Offering any Others in their Room as more Suitable. These Observations being only Calculated to render Nugatory as far as possible both the Old Regulations and the New Ones then proposed, I felt that I Could not possibly Admit of Such a Violent Innovation without removing All those Restrictions, which had been found Absolutely Necessary for the last twenty Seven Years, to protect the Revenue, to prevent Smuggling, and to guard against the running away of Convicts, and also against the Introduction of Persons of abandoned and infamous Characters, from the Shipping resorting to the Harbor of Sydney; and I Consequently did not Accede to his Suggestions herein. Having very Seriously perused and Considered His Observations, I sent for and had a long Conference with him on the Subject, in which I Endeavoured to persuade him to draw up the New Code according to the Principle and Spirit of the Draft, I had placed in his Hands. My Arguments and Solicitations were however perfectly ineffectual, as he positively refused to frame them according to the Plan I had recommended. Trusting that on Reflection Mr. Bent would think and Act more reasonably, and that he would
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Second submission of draft to Bent.  

Yield a Compliance with my Request for the Good of the Service, I addressed a Letter to him in the Afternoon of the day, on which I had personally Spoken to him, and at the Same time Enclosed him the Several papers he had returned to me, and gave him my written answers to his Several Observations, requesting once more that he would Officially revise and frame a New Code from the rough Draft of Port Regulations. A few days after this, I received an Answer from Mr. Bent, Accompanied with the several papers I had sent him; and in this Answer he has persevered in refusing to frame the Regulations in the Manner I had required. That Your Lordship may be fully acquainted with All the proceedings in this Case between Mr. Bent and Me, I do myself the Honor to transmit herewith a Copy of the Port Regulations in their present Form, of the proposed New Ones, and of our Correspondence on this Occasion, with the Several Documents therein referred to.

12. Having now, My Lord, gone thro' the Recital of those Circumstances, which I have been principally Solicitous to Inform Your Lordship of in the Conduct pursued by Mr. Bent towards Me at various times, I shall decline making any General Comments on it, only Observing that the Facts I have Stated Can be Clearly Substantiated at any time by Unquestionable Authority, and they will Speak for themselves. Possessing Your Lordship thus of the facts, I firmly rely on Your Lordship's Impartiality, Justice, and Liberality, in judging of Mr. Bent's Conduct towards me, and of Mine towards him, fully assured that Your Lordship will adjudge to each of us our just Share of Commendation or Censure according to the Merits of the Case.

13. Whilst I most Solemnly disclaim being Actuated in the most remote Degree by any principle of ill will towards Mr. Bent, or in any way disposed to render him an Injury, Yet I must Observe that he has long Acted here in a Most unaccommodating Manner in regard to Me, and to my Feelings on public Subjects; and I have felt particularly hurt by the illiberal and expiree Manner, in which he has always treated those Persons, who had at any time been Convicts, however remote the period of their Offences, and however Meritorious their Subsequent Conduct may have been. On this Subject, he has Acted from principles, which I am happy to disclaim having any participation in. He Acts as if he Conceived that no Degree of Merit, however Connected with Birth, Education, or former pursuits, should ever plead in behalf of him, who has once fallen under the Sentence of the Law, so as to restore him to any Degree of that Rank in Society, which he had formerly held. This illiberal principle he has Never deviated from, Except in a few particular Instances.
Where he found his own pecuniary interest or other personal accommodation concerned, and on such occasions he is not at all scrupulous in associating with those, who had been convicts, which conduct shews most clearly that his motives in the one case or the other are not those arising from a strict sense of propriety.

14. To enter here upon the praise of my own conduct would certainly be presumptuous; but I trust it will not be deemed either totally irrelevant to the occasion, or assuming too much, when I assure your lordship that the wish nearest to my heart is to discharge my public duty in every situation with the strictest honor and integrity; and I can with confidence declare that my best endeavours have been uniformly and strenuously exerted in the administration of this government to produce the welfare and prosperity of its inhabitants, without favor or prejudice, and to conciliate the good will of every class of the community as far as I found consistent with my public duty. Ever studious to avoid controversy, or those subjects which might tend to produce party spirit or litigation of any kind, the whole of my life, since I was fifteen years of age, has been altogether devoted to the public service; and during the course of a long military career for the last 38 years, I have filled various important and confidential situations, both at home and abroad; and however it may appear like vanity, I have the satisfaction to add that it has been my good fortune to acquitted myself in them all with honor and credit. In the course of my profession, I have successively served on the staff under generals the earl of Harrington, the earl of Cavan, sir robert abercromby, sir david baird and general James Stewart (Colonel of the 72d regt.), to all of whom my public and private character is well known; and should your lordship be disposed to make a reference to any of these highly distinguished officers on the subject, I have every reason to believe they will bear most favorable testimonials, both to my public and private character and disposition. I have ventured reasons for making personal statement.
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Approval of actions anticipated.

either above or under Me, with whom I have ever had any Serious Disagreements on points of Public Duty.

15. When Your Lordship shall have Considered the Statement I have now made, I rely with Confidence on Your Exonnerating me from any Imputations, which may be thrown out against Me by Mr. Bent, and that you will Approve of the Principles of Moderation and Forbearance, with which I have Acted towards that Gentleman in his refractory and disrespectful Conduct to Me. I must add that the Spirit of Insubordination, Resistance to My Authority, and personal Disrespect, evinced by this Officer, which I have in part only detailed, unless promptly restrained, Appears to me fraught with the Most dangerous Consequences in a Colony so remote as this from any immediate Appeal to Superior Authority at Home. The Rank and Situation of Mr. Bent must necessarily, in the Exercise of Such Hostility and Opposition, have a degree of weight in drawing popular Odium on the Executive Power, the Example of which, being once Shewn, may be likely to spread a dangerous Contagion among All those Persons, whose Natural Disposition leads them to be discontented or dissatisfied with the Measures of Government; Numbers of whom are to be found Under all forms of Government.

16. The Tendency of Mr. Bent’s Conduct has indeed appeared to me of so Alarming a Nature, that, had it proceeded from any other Officer under My Government, I should have deemed it My indispensible Duty to have sent him Home, or at least to have suspended him from the Functions of his Office, Until the Pleasure of His Majesty’s Government should have been made known to me; and, but for the Consideration that there is no other person here Capable of filling the Situation of Judge Advocate and Judge of the Civil and Criminal Courts, I should not have hesitated either to have Sent him to England or suspended him here. Had I adopted this Measure, the Judicial business of the Colony would have been totally suspended, which would have Induced such an Accumulation of it on the Re-opening of the Courts, as would have been oppressive to get thro’; and therefore of two Evils I have preferred the least, in Submitting to his Insubordination and Disrespect, until I should have an Opportunity of making an Appeal on the Subject in the present Form to Your Lordship, which I am Confident I shall not make in vain.

17. Under the full Consideration of All the Circumstances, I trust that His Royal Highness, The Prince Regent, and His Majesty’s Government will approve of the Line of Conduct, which I have pursued in this Critical Juncture; and that Mr.
Bent will be Instructed and admonished to behave towards Me in future with more Respect and Deference; and that Your Lordship will define in express Terms how far Mr. Bent, by virtue of his present office, is Subject to My Orders and Control, and how far he is bound to Assist me with his legal Advice, when Called upon for that purpose.

18. Permit me now to Express the ardent Hope that Your Lordship will kindly Excuse the great Length, at which I have addressed you on this Subject, and accept my Apology for Occupying so Much of your Lordship's Valuable time with it, Assuring Your Lordship that Nothing but the Natural Desire of Maintaining Unimpaired My Own Authority, and the Respect due to the high Official Situation I have the Honor to fill, should have Induced me to have thus Obtruded myself on Your Lordship's Time and Patience, and to which I have been further Impelled by a presumptuous Threat made by Mr. Bent in a very insolent Tone, during the last Conversation I had with him, that He would Complain of Me to Your Lordship, which rendered it the more necessary that I should Speedily possess Your Lordship of All the Circumstances, so as to prevent wrong Impressions being made from false Representations.

19. Having in the Course of this Communication found it Necessary to Advert particularly to the proposed New Port Regulations, and for Your Lordship's Satisfaction on that Head deemed it Necessary to transmit them herewith, I now very respectfully request that Your Lordship will be pleased to take the Trouble of perusing them, and the existing ones, whereof a printed Copy is herewith Also transmitted, and that You will be pleased to Issue Instructions to One of the Crown Lawyers to frame a regular Systematic Code of Port Regulations from those materials, with such Additions, Alterations, and Amendments, as may Appear to Your Lordship proper and adviseable for the greater Security of the future Trade and Revenue of this Port; and, when Such a Code shall be framed as will meet Your Lordship's Approbation, that you will please to have it transmitted hither by the Earliest Opportunity. In the mean time, I shall Continue the Port Regulations in their present Form; but, as they are not Comprehensive enough for the Circumstances of the rapidly increasing Trade of this thriving Colony, and do not sufficiently guard against a Number of Impositions which are Attempted to the prejudice of the Revenue and the Injury of the Colony, I shall feel much Obliged by the New Modelled Regulations being prepared and Sent hither at as early a Period as possible.

I have, &c.,

L. MACQUARIE.
[Enclosure No. 1.]

GOVERNMENT AND GENERAL ORDERS.

Head Quarters, Sydney, Tuesday, 9th Novr., 1813.

No Officer on the Civil or Military Staff of this Colony residing at Head Quarters is ever to absent himself from thence for a whole Day and Night, without previously obtaining the permission of His Excellency the Governor for so doing.

By Command of His Excellency The Governor,

H. C. ANTILL, Major of Brigade.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 2.]

EXTRACT from the Book of Proceedings* of the Bench of Magistrates, dated Saturday, 31st of December, 1814.


On this Day the Judge Advocate stated to the Magistrates that a due attention to his leisure, his Health, and the other Functions of his Office, rendered it necessary for him to decline presiding at their Meetings in future.

ELLIS BENT, J.-A.

True Extract:—L. MACQUARIE.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 3.]

[A] JUDGE-ADVOCATE BENT TO GOVERNOR MACQUARIE.

Judge Advocate's Office, Sydney,

New South Wales, 31st Decr., 1814.

Sir,

I had some time ago the honor of receiving from Your Excellency the Draft of the Regulations, proposed to be established for this Port, with an intimation of your Excellency's wishes that I should arrange and revise them.

A considerable press of business, and the alterations which were about to be and have since been introduced in our judicial establishment, have prevented me till lately from devoting that time and uninterrupted reflection to this subject, which its importance required, tho' I have never wholly lost sight of it.

My attention has however for some time back been almost solely occupied by it, and after much consideration it appeared to me adviseable to remodel the Port Regulations; but, not knowing whether in so doing I should meet Your Excellency's ideas, I have thought it proper to lay before you my views of this Subject before I proceeded to Submit to Your Excellency any Draft of Regulations framed upon those views.

* Note 92.
I have therefore set down in writing as Concisely as I could such observations as were Suggested to me by a careful perusal of the Draft I received from Your Excellency, which observations* I believe to be in perfect conformity with the law of England.

In so doing I have been under the necessity of referring to a variety of Acts of Parliament, which I shall be happy to communicate to Your Excellency, if you are not already provided with them.

I have the honor to return the papers I received from Your Excellency on this subject, with the observations I have above mentioned, and to be, &c.,

ELLIS BENT.

[B] OBSERVATIONS ON THE PORT REGULATIONS.

N.B.—These remarks refer to the Manuscript Copy.†

No. 2. The object of this regulation appears to me sufficiently provided for by the 15 Car. 2, ch. 7, s. 8 and the 7 Geo. 3, ch. 46, s. 9. From the former of these Acts, the Appointment of Naval Officers had its origin, they being originally persons named by the Governors of Plantations for the purposes and under the Authority of that Act, and they are subsequently recognized by the name of Naval Officers in the 7 and 8 Wm. 3 ch. 22 s. 5, and particular provision made as to them. I may here observe in general that several of the Port regulations (particularly Nos. 12, 14, 39, 42, 46) might be dispensed with, and supplied by a general regulation, announcing to Masters of Ships that they must conform to the provisions of the Plantation Laws in all matters relating to the lading, unlading, and entering their Ships and Cargoes, as is expressly directed by the 7 and 8 Wm. 3, ch. 22, s. 6. For many of the objects of these Port Regulations appear to me to be fully provided for by these Laws, of which all persons are bound to take notice. And the Governors of all Colonies are bound by express oath to enforce these Laws, and cannot safely either alter or deviate from them without exposing themselves to very severe penalties, as may be seen by reference to the 12 Car. 2, ch. 18, s. 2, 15 Car. 2, ch. 7, s. 8, 7 and 8 Wm. 3, ch. 20, s. 69, and 4 Geo. 3, ch. 15, s. 39.

[Margin comment.] This Regulation No. 2 is to stand as in the Manuscript Draft.—L.M.

No. 3. I should recommend the omission of this regulation, as its end will be effectually obtained by a due Publication of the following article.

[Margin comment.] App'd.—L.M.

No. 4. In this regulation, I would omit all reference to the crying down the credit of Sailors, but declare that their Persons

* Note 93.
† Note 94.
should not be liable to arrest or detention for debts contracted by them in this Colony; at the same time, I should advise that this measure be confined to Sailors actually serving in Ships, not belonging to this Port, and not entered or shipped at this Port.

[Marginal comment.] Regulation No. 4 is to stand as in Manuscript Draft, but to be confined to Crews of Foreign Vessels, not extending to Colonial ones.—L.M.

No. 6. I should recommend that the Post Master be restrained from taking charge of any Parcels or Packages, and that he be confined to taking charge of letters only. This arrangement would be more agreeable to the practice of the Post Office at home.

[Marginal comment.] App'd.—L.M.

No. 7. As many of these regulations are comprehended in various Acts of Parliament, and as specific penalties are attached to the breach of several others of them, I am inclined to think that this bond might be dispensed with.

[Marginal comment.] Regulation No. 7 is to stand as in Manuscript Draft.—L.M.

No. 8. As I do not find that any such regulation as this is in force in any of the Colonies, I should recommend that it be confined to Ships having Convicts on board, either male or female.

[Marginal comment.] Regulation No. 8 to stand as in Manuscript draft.—L.M.

No. 9. I am of opinion that this regulation is illegal as far as it regards free British Subjects; after a very mature consideration of this matter, I conceive that a free British subject may lawfully remove from any part of His Majesty's Dominions to any other part of the same, and there reside, unless prevented by some positive Act of Parliament (as in the case of Persons going to the East Indies or of Artificers leaving the Kingdom without license) or by writ of ne exeat regno, or due process of law.

[Marginal Comment.] This Regulation No. 9 is to Stand as in Manuscript Draft of Port Regulations.—L.M.

No. 10. I do not think it legal to put a Military Guard on board a Merchant Ship without the consent of the person in command of the Ship. I would suggest that it would be more advisable to attach a Certain number of decent persons to the Office of the Naval Officer, in the nature of Custom house Officers, and to put one on board each Ship on its arrival to prevent the revenue from being defrauded.

[Marginal comment.] The Regulation No. 10 is to Stand as in Manuscript Draft.—L.M.
No. 11. Perhaps it might be proper to introduce here some provision as to Vessels arriving with dangerous diseases on board, and as to Vessels unshotting their Guns and securing their Powder, before they were allowed to anchor in Sydney Cove.  

[Marginal comment.] App’d.—L.M.

No. 12. This Regulation appears to me to be Sufficiently provided for by 7 and 8 Wm. 3, ch. 22, s. 6, which refers to 14 Car. 2, ch. 11, and by 15 Car. 2, ch. 7, s. 8, and the 7 Geo. 3, ch. 46, s. 9, I here beg leave to refer to the observation on No. 2.  

[Marginal comment.] Regul’n No. 12 is to Stand as in Manuscript Draft.—L.M.

No. 13. I would advise the omission of the latter part of this Regulation, and, instead thereof, add a provision that persons infringing it should be subject to the penalties attached to the landing prohibited or run goods in England. I think this would be more conformable to the tenor of the Plantation Laws.  

[Marginal comment.] App’d; but a Penalty ought to be attached to disobedience of this Regul’n.—L.M.

No. 14. This is already provided for by 7 and 8 Wm. 3, ch. 22, s. 6.  

[Marginal comment.] Regul’n No. 14 is to Stand as in Manuscript Draft.—L.M.

No. 15. It will be necessary to ascertain the Court, which is to take cognizance of this Offence.  

[Marginal comment.] Reference to the Judge Advocate to name the Court.—L.M.

No. 16. I should recommend that no Merchandize be landed, but in the presence of an Officer of the Customs, Wharfinger, or other Person attached to the Naval Office, and between certain hours of the Day, and also that the penalty be omitted.  

[Marginal comment.] App’d; but a Penalty to be attached to disobedience.—L.M.

No. 17. I cannot advise the requiring the Bond, mentioned in this regulation, to this extent, for it puts free Settlers, and free pardoned Persons, and other free British Subjects, on the same footing as Convicts, or persons having pardons subject to the condition of residence in this Territory. The two latter classes are not free, and therefore, if confined to them, I see no legal objection to the Bond. But all free Persons are at liberty to leave the Territory when they think proper, unless detained by due course of Law. To prevent Convicts and others imposing themselves on the Masters of Ships, as free Persons, it might be adviseable that all Persons about to depart from the Colony should present themselves at the Secretary’s Office and procure
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a Certificate from him that they had so done, and had duly passed the Office. I must add that an exception ought to be made in favor of Officers and others (who, from the Stations they have filled, must necessarily be well known), their Wives and Children, as they cannot come within the reason of the regulation. As to Masters of Vessels not leaving the Harbour without the Governor's Authority, it is so well understood a part of a Master's duty not-to leave any Port without a proper clearance, and the neglect of that Duty is attended with consequences so serious, that I consider it unnecessary to enforce it further. The Clearance is the only permission required by Masters of Ships.

[ Marginal comment.] This Regulation No. 17 is to Stand as in Manuscript Draft.—L.M.

No. 18. I should advise the omission of this Bond, because the landing of Persons in the Territories of the East India Company without due license is not an offence against the Government of this Colony (being an Act, not in itself criminal, committed out of its jurisdiction), and because it is already amply provided for by the different Acts of Parliament relative to the East India Company.

[ Marginal comment.] App'd.—L.M.

No. 19. The establishment of two distinct Courts of Civil Jurisdiction in this Colony requires the revival of this Regulation, and I should recommend the adoption of a different principle. It is the business of Creditors to take proper care that their Debtors do not escape from them; for this purpose they should apply to the proper Courts of Justice to enable them to recover their Demands. If they do not, they have no right to expect that the liberty of all should in some degree be restrained to apply a remedy to the consequences of the laziness or weak indulgence of a few. When the Courts are once open, all persons will be able at all reasonable hours to obtain due process against their creditors. I should therefore think some such arrangement, as the following, would be sufficiently effectual. All Persons might be obliged to give reasonable Notice in one or more Gazettes of their intention to leave the Colony, and of the name of the Ship in which they mean to embark. This will be sufficient to put Creditors and others on their guard. The Persons, meaning to depart, should, after the last of such Notices, present themselves at the Secretary's Office, and, having satisfied him of the due publication of such Notice and of their being free Persons, should be furnished with such a Certificate from him, as I have mentioned. I need not add that they will still be liable to be taken by their Creditors under due process.
of Law, as long as they remain within the jurisdiction of any of the Courts of this Territory. I should recommend the leaving all extraordinary cases to be provided for by the Courts of Justice according to the Law of England, modified by the local circumstances of the Colony. There does not appear to me to be any necessity for making any particular provision for the cases of Bail-bonds, Breaches of the Peace, etc. as these cases are sufficiently provided for by the Law.

[Marginal comment.]

Regulation No. 19 is to Stand as in the Manuscript Draft of the Port Regulations, as I conceive it to be one of primary importance.—L.M.

No. 20. I observe that the mustering of the Crews of Ships at the Secretary's Office is not explicitly directed in any part of the Port Regulations, being merely incidentally mentioned in this. It appears to me to afford much encouragement to desertion, and occasions great embarrassments to Ship Masters and Ship Agents. The object I conceive would be better answered by the Muster taking place on board. The only instance, I know of Crews or passengers being mustered at home, is by virtue of the 43d of the King, ch. 56, s. 4, under which for a particular purpose they are mustered by the Collector, Comptroller or Surveyor of Customs with a justice of the peace on board their Several Ships.

[Marginal comment.]

Regulation No. 20 is to Stand as in Manuscript Draft, it being deemed indispensibly necessary that the Crews of Ships should be mustered at the Secretary's Office.—L.M.

No. 21 and 22. I should recommend the omission of both of these Regulations; One of the evils, they are meant to guard against, will be very much prevented by the inf orcement of regulation No. 4. The rest is already to a certain degree provided for by Law.

[Marginal comment.]

Regulations Nos. 21 and 22 are to Stand as in Manuscript Draft.—L.M.

No. 23. I doubt the legality of this regulation, and am of opinion that desertion of this kind should be left to the penalties already enacted against it. See the 2 Geo. 2, ch. 36, s. 3, 4, 5, and the 31 Geo. 3, ch. 39, s. 3 and 4.

[Marginal comment.]

Regulation No. 23 is to Stand as in Manuscript Draft.—L.M.

No. 24. For the reasons I have already mentioned in my observa­tions on regulation No. 9, I would advise that this matter be left to whatever may be considered the legal Construction of Sect. 18, ch. 7 of the 11 and 12 Wm. 3.

[Marginal comment.]

App'd.—L.M.
No. 25. This regulation has never I believe been Strictly in-
forced. I would suggest that much of its object may be attained by
a strict inforcement and proper modification of Regulation No. 16.

[Marginal comment.] Regulation No. 25 is to Stand as in
Manuscript.—L.M.

No. 26. Boats are not usually forfeited except for a Breach
of the Revenue Laws. I should therefore imagine that it would
be sufficient to prosecute persons landing without permission at
Garden Island as for a trespass. I think the latter part of this
Regulation, as to Cockle Bay, requires consideration.

[Marginal comment.] App'd as far as Garden Island is con-
cerned; but the Regulation No. 26, as far as concerns Cockle
Bay and Farm Cove, is to Stand as in Manuscript Draft.—L.M.

No. 27. The offence of Sailors, deserting or absenting them-
selves from their Ships, is provided for by 11 and 12 Wm. 3, ch. 7,
s. 17, 2. Geo. 2, ch. 36, s. 3, 4, 5, and 31 Geo. 3, ch. 39, s. 3, 4.
If found strolling about the Streets at improper hours of the
night, I should recommend their being confined in the Gaol or
Watch house till the morning, and then put on board the Ships
they may Severally belong to. I cannot take upon myself to
advise their being worked in the Gaol Gang.

[Marginal comment.] App'd.—L.M.

No. 28. The fees here mentioned are in my opinion too high.
I do not see the ground on which the Ch. Constable can claim
any fee, when once the man has been lodged in Gaol.

[Marginal comment.] The Fees to be reduced to Half the
present Fees, but the rest of this Regulation to Stand.—L.M.

No. 29. I think that in the present advanced State of this
Colony this Regulation might be omitted without any ill con-
sequence.

[Marginal comment.] App'd as far as relates to Must'g, etc.
of Vessels on shore, but all Boats are to answer when hailed
after Tattoo.—L.M.

No. 30. I should recommend that all questions of Seizure and
confiscation, arising out of a breach of the revenue Laws, be
determined, as near as local circumstances will permit, accord-
ing to the provisions of 4 Geo. 3, ch. 15, s. 41.

[Marginal comment.] Regulation No. 30 is to Stand as in the
Manuscript Draft.—L.M.

No. 31. This regulation is rendered unnecessary in regard to
the King's Troops, being provided for by the Mutiny Act; and if a
Similar provision were extended to the case of Convicts, it would
I think answer the purpose.

[Marginal comment.] This Regulation is to Stand as in the
Manuscript Draft.—L.M.
Nos. 34, 35 and 36. These Regulations do not mention in what manner or before what Courts these penalties are to be recovered. In general, I should advise that all penalties not exceeding £5 should be sued for before two or more Magistrates. In other cases I should advise that the Offender be either prosecuted before the Court of Criminal Jurisdiction, or according to the provisions of the above quoted Act of 4 Geo. 3, ch. 15, s. 41, according to the nature of the offence.

[Marginal comment.] App’d.—L.M.

No. 37. I consider the detention of any Ship is a matter of such responsibility as to render a Warrant in writing necessary for the satisfaction of all parties.

[Marginal comment.] This Regul’n No. 37 is to Stand as in Manuscript Draft.—L.M.

No. 38. The responsibility of the Master for the acts of his Officers and Crew is here expressed in too general terms, as it must be recollected that these regulations are very extensive and the consequences of breaking them highly penal.

[Marginal comment.] This Regul’n No. 38 to be modified by Mr. Bent, in such manner as may appear to him suitable.

No. 39. The object of this regulation seems to be fully provided for by 4 Geo. 3, ch. 15, s. 36, 38, and by other plantation laws.

[Marginal comment.] This Regul’n No. 39 is to Stand as in Manuscript Draft, but the amount of Fine or Punishment is left to be modified by Mr. Bent.—L.M.

No. 40. This Regulation will now require alteration agreeably to the Proclamation of the 1st July, 1813.

[Marginal comment.] This Regul’n No. 40 may Stand as it is in Manuscript Draft, leaving out the words “unstamped Dollars.”—L.M.

No. 41. How far the Bond here mentioned may be legally required or inforced, I have much doubt. If the taking of letters and entering into the Bond were voluntary on the part of the Master of the Vessel, the circumstances of the case might be much altered.

[Marginal comment.] This Regul’n No. 41 is to Stand as in Manuscript Draft, experience having proved the necessity of it, and a similar Regul’n exists in India.—L.M.

No. 42. See the 15 Car. 2, ch. 7, s. 8.

[Marginal comment.] This Regul’n to Stand as in Manuscript Draft.—L.M.
No. 46. For the origin and purposes of the appointment of Naval Officers see the 15 Car. 2, ch. 7, s. 8, and 7 and 8 Wm. 3, ch. 22, s. 5. I think this Officer should here be considered as the principal Officer for collecting His Majesty’s revenue, arising from duties on goods imported and exported, and for carrying the plantation laws as to these matters into execution; as such, his powers are fixed by the 6th Sect’n of the above act, and are very extensive, and his Deputy is a recognized Officer in the Plantations.

[Marginal comment.] This Regulation No. 46 is to stand as in the Manuscript Draft.—L.M.

No. 48. By these Regulations, no less than five Bonds may now be demanded from Masters of Vessels, some with Sureties, some without; the whole penal Sums not falling far short of £3,000; it would be adviseable, if possible, to include all that might be thought necessary in one.

[Marginal comment.] This Regulation is left to the discretion of Mr. Bent to be new modelled, so as to include all the required Bonds in one, if possible, which is very desireable.—L.M.

**General Observations.**

Having given much attention to this Subject, I may venture to express my opinion that the laws, enacted at different times by the British Legislature for regulating the trade with the plantations, should be the basis of the Port Regulations here. That they are supposed to apply to this Colony is Sufficiently clear, because every Governor, previous to assuming the Government, is commanded by his commission to take an Oath for the due execution of them, and I may further add that they cannot be legally altered or dispensed with by any authority short of that of the British Legislature. This will clearly appear by a reference to the 49 Geo. 3, ch. 17, s. 1, giving His Majesty a power, by any order in council, to make regulations relative to the Trade with the Cape of Good Hope.

The plantation laws are much more ample in their provisions on almost all points, mentioned in these regulations, than the Regulations themselves; which, if they are considered as comprehending the whole Law of the Colony on this subject, are very defective, as they totally omit Several important matters, and, from the unavoidable looseness with which they are worded, afford too many loopholes thro’ which Offenders may escape; as it is a known principle of our Law that all penal Laws must be construed strictly, and no Offender punished unless he is brought within their very letter.
To introduce an abbreviation of the Laws, relative to the Plantations in the Port Regulations, would be a Work of great labor, would swell them to an enormous size, and might be attended with the mischievous consequences which would result from any inadvertent omission.

The local circumstances of this Colony undoubtedly demand consideration; but, in providing for them, the liberties and conveniences of others should be as little restrained as the nature of each particular case will admit. These local circumstances, as far as they are connected with this subject, seem to be confined to the provisions necessary to be adopted to prevent the escape of the Convicts, and the indiscriminate importation of Spirituous liquors; and, excepting such provisions as may be necessary on these accounts, I see no reason why the intercourse with this Colony should not be on the same footing as with the rest of His Majesty's foreign Dominions. I know of no act of the Legislature, which directs otherwise.

It might be adviseable to annex a Short proclamation to the printed Copies of such regulations as may finally be adopted, directing all Persons concerned to pay due obedience to them.

Sydney, 30th Decr., 1814.
Ellis Bent.

Compared:—Jno. Thos. Campbell, Secy.

[Enclosure No. 4.]

Governor Macquarie to Judge-Advocate Bent.

Sir,
Government House, Sydney, 9th Jany., 1815.

I was very much chagrined and disappointed to find on conversing with you this day on the subject of the Port Regulations of this Territory, that you were unwilling to undertake to frame them in the Manner and on the principle, proposed by me in the Manuscript Draft I had some time since the honor to submit for your revisal and Correction, on the Plea that you did not conceive the proposed regulations were warranted by Law. In this Opinion, I must beg leave to differ from you, as I do not know any Law that immediately prohibits any of the Articles in the Proposed Draft. And, as you are the only Law Officer now here belonging to the Crown, I must still call upon you, in this Official Manner, to revise and frame the proposed Port Regulations in Question, so as to enable me to Publish them with as little delay as possible for the guidance of all Persons concerned.

I accordingly beg leave to return to you the Observations you sent to me in your Letter of the 31st Ultimo, with my Marginal Notes thereon to guide you in framing the New Port Regulations.
I likewise send you herewith my Answers to your Observations, together with the Printed Copy of the present existing Port Regulations, and also the Manuscript Draft of the proposed New Ones; trusting that you will see the Propriety, on more mature reflection, of Complying with the present request, and thereby prevent my being Compelled to resort to the unpleasant alternative of making a reference to His Majesty's Ministers on this Subject.

I have, &c.,

L. MACQUARIE.

Compared:—JNO. THOS. CAMPBELL, Secy.

ANSWERS TO MR. BENT'S OBSERVATIONS ON THE PROPOSED NEW PORT REGULATIONS.

It certainly would be highly advisable to assimilate the Port Regulations of this Colony to the Plantation Laws, as nearly as practicable; but the peculiar Circumstances of this Colony, in respect to the nature and description of its Population, preclude the possibility of doing so in all cases; and therefore as long as it continues to be the receptacle for Convicts, its Port Regulations, as well as other Bye-laws, must be different from those of every other British Colony.

Hence it is evident that many restraints and restrictions are required here, which are rendered totally unnecessary in His Majesty's other Colonies; and although some of these restraints may appear at first view rather arbitrary, they are nevertheless essentially necessary here under the present peculiar Circumstances of the Colony.

The Governor very readily admits the perfect legality of all Mr. Bent's Suggestions in respect to the new modelling of the Port Regulations, but cannot agree with him as to the propriety or safety of removing entirely the restrictions contained in the Manuscript Draft of the proposed Regulations submitted for his revisal.

The Governor therefore, after very mature consideration and serious reflection, is decidedly of opinion that the Port Regulations for this Colony should be framed exactly on the principle laid down in the Manuscript Draft herewith returned, but to be modified in certain cases therein specified according to Mr. Bent's discretion, and the whole of the Regulations to be put in appropriate technical language, so as to make them as clear and distinct as possible.

In Mr. Bent's observations, it is stated that several of the proposed Port Regulations in the Manuscript Draft, submitted for his revisal, are sufficiently provided for in certain Acts of
Parliament therein quoted. Admitting this, however, to be the Case, it does not thence appear unnecessary to express Certain Duties to be reciprocally performed by the Masters of Ships and the Naval Officer; for, however full the Acts of Parliament may be on this Subject, it is scarcely to be expected that either the Subordinate Officers of the Crown, or the Commanders of Ships at this place, should be so conversant with those Statutes as to be enabled at all times to act in strict conformity to them.

The application of the Several Statutes, quoted in the observations, will of course rest with the Courts of Justice before which any steps shall be taken; and the Port Regulations should be considered as the Warrant or Authority under which the parties acted.

The Governor highly approves of a short Proclamation being annexed to the amended Draft of the Port Regulations, directing all Persons concerned to pay due obedience to them.

Govt. House, Sydney, 9th Jany., 1815. L. MACQUARIE.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 6.]

[This consisted of a printed copy of the port regulations, which will be found on page 656 et seq. in volume VII.]

[Enclosure No. 7.]

PORT REGULATIONS.

No. 1—Old No. 1.
1. Ships or Vessels, on their Arrival at Port Jackson, are to receive a Pilot on board Off or near to the Heads at the entrance of the Harbour, and are to be boarded as soon as convenient by the Naval Officer or his Deputy, who is to furnish each Master or Commander with a Copy of these Regulations for his guidance.

No. 2—Old No. 4.
2. Masters or Commanders of Vessels are to furnish the Naval Officer or the Deputy with a complete Account of their Cargoes, and such general Information respecting their Voyages, as He may deem necessary, and are to lodge at His Office a Correct List of their Ships’ Crews, regularly Signed and dated, previous to the admission Flag being hoisted.

No. 3—New.
3. The Credit of Ships’ Companies must be cried down by the Public Bell Man, thro’ the Streets of Sydney, before hoisting the admission Flag; and for this purpose, Masters or Commanders are required to give him a Written List of their Companies
Names, regularly dated and Signed, and perfectly Corresponding with that delivered to the Naval Officer, and to instruct him to Cry down their Credit through the Streets.

No. 4—New.

4. When the Credit of Ships’ Companies is duly Cried down according to the foregoing Regulation, No Claims or Demands, which may be made against them for Debts Contracted during the Ships remaining in Port, will be held legal; and the Seamen will not be prevented by such Plea of Debts from Proceeding to Sea in the Ship or Vessel by which they arrived. Publicans and others must Conform to this Regulation.

No. 5—formerly No. 38.

5. Letters, Packets or Dispatches, addressed to the Governor or His Secretary, or to any Public Officer of the Government, are to be considered On Service, and delivered to the Naval Officer or His Deputy on his boarding, who will either take charge of them himself, or give directions for their being delivered to the Post Master, when he shall go on board. Master of Vessels, withholding Letters or Packets so addressed, will incur a Penalty of £20 for each day after arrival that said Letters or Packets shall remain undelivered.

No. 6—formerly No. 39.

6. The Post Master is to board Vessels after the Naval Officer or his Deputy, and to take charge of all Letters, addressed to Private Persons, or which have not been taken charge of by the Naval Officer; and for all Letters so received by him, He is to give a receipt to the Master or Person from whom he shall receive them. Masters or Officers of Vessels, convicted of delivering Letters or Parcels to any other Person than the Post Master, to be fined ten Shillings for each Letter or Package.

No. 7—formerly No. 5.

7. Masters or Commanders of Vessels are to give Bond to the Naval Officer, with two Sureties both resident at Sydney, such as the Naval Officer may deem Competent, for the due observance of these regulations, for the sum of £1,000, themselves in £500 each, and each of the Sureties £250; On which Bond are to be levied All fines or penalties which may accrue from the breach of these Regulations.

No. 8—New.

8. No other Person or Persons, than the Officers mentioned in the foregoing Articles, are to be admitted on board any Ship or Vessel on Arrival, until the Master or Super Cargo shall have reported and made due Entry of the Cargo, perfected the usual
Bonds for the Observance of these Regulations, and received Permission from the Naval Officer to hoist the admission Flag on board his Vessel. For each Person Suffered to go on board, Contrary hereto, the Master or Commander will incur a Penalty of £5 Sterl'g to be levied on the Bond prescribed in the foregoing Article; And each Person, going on board without due Authority, will be fined the Sum of £5 Sterl'g for each Offence and imprisoned until payment shall be made.

No. 9—formerly No. 18.

9. None of the Crew or Passengers on board any Ship or Vessel are to be permitted to land without the Governor's permission having been previously obtained, or the Naval Officer having authorized their landing in Company with himself, or until the admission Flag shall be hoisted. For each Person, who shall land without such permission or authority, the Captain or Commander will incur a Penalty of £5 Sterling, and each Person so landing will be fined the Sum of £5 Sterling and Confined in Jail until Payment shall be made.

No. 10—formerly No. 2.

10. Ships or Vessels on Arrival are to receive a Guard on board (if deemed Necessary) to enforce due obedience to these Regulations, and to perform such other Duties as the Naval Officer may direct. Said Guard is to be Comfortably lodged, and not interrupted or insulted in the performance of its Duty.

No. 11—formerly No. 3.

11. Foreign Ships or Vessels are not to proceed further up the Harbour of Port Jackson than Neutral bay, until permission for that purpose shall be obtained from the Naval Officer. The Pilots are particularly required to carry this Regulation into Effect.

No. 12—formerly No. 4.

12. Masters or Commanders of Vessels are to furnish the Naval Officer with the following Lists or Papers. Vizt.

1. The Muster Roll of the Ship's Company;
2. The Articles with Ship's Company;
3. A List of the Passengers;
4. The Clearance from the Port first sailed from, and from all others touched at on the Passage;
5. The Log Book;
6. The Manifest of Cargo,

and generally all Papers, which may be necessary for the ascertaining the legality of the Cargo, whether taken in at the Port first cleared out from, or from any intermediate Port until
Arrival at Port Jackson. They are also to inform the Naval Officer what Articles on board are meant for Sale, and what for other Ports or Ship's Use. Private Ventures, belonging to Passengers or Ship's Officers, are to be reported and brought to Entry in the same Manner as the other parts of the Cargo.

No. 13—formerly No. 6.

Wine, Beer, Spirits, or other Strong Liquors are not to be discharged or sent on Shore from any Ship or Vessel in the Harbour of Port Jackson without a Special Permission from the Governor, Countersigned by the Naval Officer, on pain of being Seized and forfeited to the Crown. And the Master or Commander of the Vessel, from whence it shall have been discharged, will on Conviction be fined for each Offence the Sum of £50 Sterling.

No. 14—formerly No. 7.

All Boats, detected in Smuggling or Carrying Articles of Merchandize from on board of any Ship or Vessel, the same not being duly permitted as prescribed in the foregoing Regulation, will be Seized and forfeited to the Crown; and the Person or Persons, found on board them or assisting in Smuggling, will be Corporally Punished at the discretion of a Bench of Magistrates.

No. 15—formerly No. 8.

Arms, Ammunition, Naval and Military Stores are not to be Sold or delivered overboard from any Vessel in the Harbour of Port Jackson without a Special Permission from the Governor, under pain of Seizure and being forfeited to the Crown. Any Master or Commander of a Vessel, on being Convicted of having discharged or landed Arms, Ammunition, Naval or Military Stores, without the Special Written Permission of the Governor, will be fined for each Offence the Sum of £50 Sterling.

No. 16—formerly No. 9.

The King's Wharf (formerly called the Hospital Wharf), being the only legal or authorised landing place for Packages or Articles of Trade, Masters or Commanders of Vessels are to attend strictly hereto. Articles, landed or attempted to be landed at any other place within the Harbour of Port Jackson, will be considered as Smuggled, and of course Seized and forfeited to the Crown; And the Master or Commander of the Vessel, from whence they were discharged, will on Conviction be fined for each Offence the Sum of £50 Sterling.

No. 17—formerly Nos. 10 and 11.

The Master or Commander of every Vessel, whether British or Foreign Property, is to give Security by Bond to the Naval
MACQUARIE TO BATHURST.

Officer, himself in the Penalty of £800 Sterling, and two Sufficient Sureties in each the Sum of £50 Sterling, that he will not carry off from the Colony any Free Settler, Convict, Free, Pardoned or Emancipated Person, unless by the Permission of the Governor, and having his, her, or their Names duly inserted in the Clearance from the Secretary's Office; And further that He will not himself leave the Harbour, but by the same Authority. And the Owners and Masters of Colonial Vessels are to enter into Similar Securities, Once in each Year, Vizt. on the 1st January, or on the next ensuing day of business, if the first should be a Holiday.

No. 18—formerly No. 12.

18. Masters or Commanders of Vessels, bound hence to India or China, are to give Security by Bonds to the Naval Officer; Each Master or Commander in the Penal Sum of £500 Sterling, that He will not land any Free Person, Convict or other from this Colony in any part of the Territories of the East India Company, unless by Permission of the Governor General of India, or of the Governor of the Settlement at which His Ship or Vessel may Arrive.

No. 19—formerly No. 13.

19. Persons meaning to leave this Colony are to give Public Notice thereof in two Weekly Publications of the Sydney Gazette. The first Notice to be inserted ten days, previous to the Clearance being obtained for the Sailing of the Vessel, in which they mean to embark. They are further to Obtain Certificates from the Judge Advocate that no Detainers are lodged against them for Debts, Securities, Bail Bonds, or Breaches of the Peace; And such Certificates must be dated at least Eight Days Subsequent to the date of the first Advertizement, Notifying their intended Departure. These Certificates are to be brought to the Secretary's Office and deposited there, and, should it be then deemed expedient, the Names of those Persons will be inserted in the Secretary's Muster Roll of the Vessel or Vessels by which they are about to depart. Masters or Commanders of Vessels are strictly enjoined to attend to this Regulation, and not on any Account to receive or Allow any person or persons to embark on board their Vessels other than those whose Names shall be Entered at the Secretary's Office in the Muster Roll attached to their Port Clearance as above mentioned.

No. 20—formerly No. 14.

20. Masters or Commanders of Vessels are to give Public Notice in the Sydney Gazette in two Succeeding Publications of the time at which they mean to Sail from hence; And also
to give a Written Notice thereof to the Secretary, at least ten days previous to the time at which they may wish to Muster their Ships’ Companies at the Secretary’s Office.

No. 21—formerly No. 15.
21. Persons, who shall Harbour or retain Petty Officers or Seamen belonging to any Vessel or Vessels in the Harbour of Port Jackson, or inveigle Seamen from their regular Masters or Employers, will be Punished According to the Law in such Cases. And Persons, who shall entertain or lodge in their Houses any Officers or Seamen, who have Absented themselves or deserted from their Duty, will be fined on Conviction for each Person so lodged or entertained the Sum of £10 Sterling.

No. 22—formerly No. 16.
22. The Master or Commander or any inferior Officer of any Ship or Vessel in the Harbour of Port Jackson, who shall be Convicted before a Bench of Magistrates of having inveigled away or hired any Sailor or Sailors from on board or belonging to any other Ship or Vessel in said Harbour, or of receiving on board or into His employment any Sailor or Sailors, who have not regular Discharges from his or their late employers, will be fined for each Person, so inveigled or Seduced from His proper Master, the Sum of Fifteen Pounds Sterling; and the Sailor or Sailors, so inveigled, will be restored to his or their proper Master or Masters.

No. 23—formerly No. 17.
23. Any Seaman, who shall desert from the Ship or Vessel by which he arrived in Port Jackson and be found in any part of this Colony after the departure of the said Ship, will be apprehended; And for such desertion will receive Thirty One Lashes by the direction of any Justice of the Peace before whom the fact shall be proved, and will be afterwards Put to Government Public Labour in One of the Convict Gangs, until the Governor shall Authorize his embarking on board some other Ship or Vessel.

No. 24—formerly No. 19.
24. The Master or Commander of any Vessel, who shall Voluntarily leave any of the Seamen belonging to His Ship or Vessel in this Territory (not having obtained the Governor’s permission so to do), will on his next arrival be held responsible for all the reasonable expences, which such Persons may have incurred; And on Conviction be fined the Sum of £15 Sterl’g for each Seaman so left in N. S. Wales; and this fine will be levied from him in Whatever Vessel he may again arrive.
No. 25—formerly No. 20.

25. No Persons are to land in any part of Sydney Cove, but the King’s Wharf, unless from Government Boats, or from Boats belonging to King’s Ships, or by the Special Authority of the Governor. Boats, detected in landing any Person or Persons at the Governor’s Wharf or elsewhere than herein prescribed, will be Seized and forfeited, And the Person or Persons in charge of them Corporally Punished on Conviction at the discretion of a Bench of Magistrates.

No. 26—formerly No. 21.

26. Boats, detected in landing any Person on Garden Island without the Governor’s Permission, or in Cockle Bay, or Farm Cove after Sun Set, will be forfeited to the Crown, and the Persons Managing them Punished Corporally at the discretion of a Bench of Magistrates.

No. 27—formerly No. 22.

27. When Sailors abscond or absent themselves from their Duties on Ship board, or shall be found on Shore at improper hours, they are to be Apprehended by the Peace Officers and Secured in Jail; and the Masters of the Vessels, from whence they So absconded, may have them continued in the Gaol as a Punishment, Supplying them with their usual Provisions such as they would have received on board. Seamen, continuing to Act in disobedience to their Masters, will be further Punished by being put to work in the Gaol Gang, if their Masters should desire it during their Stay in Port.

No. 28—formerly No. 23.

28. Masters or Commanders of Vessels are to be responsible for all Gaol and incidental fees, incurred on such Occasions as the Preceding. For each Sailor Confined in Gaol, the Gaoler and Chief Constable are each to receive Two Shillings and Sixpence Sterling Per Night.

No. 29—formerly No. 24.

29. Masters of Vessels or Super Cargoes, who remain on shore after Taptoo beating, are to carry Lanterns and to make themselves known to Sentinels, when Challenged. And Persons in Boats, belonging to Merchant Vessels when Challenged by Sentinels on Shore or hailed from other Vessels, are to Answer such Challenge or Hail, under Pain of being detained and Corporally Punished at the discretion of a Bench of Magistrates.

No. 30—formerly No. 25.

30. Masters of Vessels, who may require Wood and Water at the Springs or Tanks on the North Shore and the adjoining
Grounds, are to Pay into the hands of the Naval Officer for the
Same According to the following rates proportioned to the Size
of their Vessels, Vizt.

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And should any Boats be discovered carrying away either Wood
or Water without Permission from the Naval Officer, they are
liable to Seizure and Confiscation on the fact being proved
before a Bench of Magistrates; And the Persons on board will
be Corporally Punished at the discretion of a Bench of Magis-
trates.

No. 31—formerly No. 26.
31. It being a standing Colonial Order that no person shall
purchase or otherwise possess himself of the Necessaries or
Bedding, issued from the Government Stores to the King's
Troops, or of the Slop Clothing or bedding, issued to Convicts,
or of any other description of Stores, belonging to and issued by
Government, All those Articles being the Property of the Crown
as well after being issued as before it, Sailors are Cautioned not
to Purchase or otherwise possess themselves of such Articles
under Pain of being Prosecuted and Punished for receiving and
possessing Stolen Goods.

No. 32—formerly No. 27.
32. The Natives of N. S. Wales are to be treated in every
respect as Europeans; and any injury or Violence, done or offered
to the Men or Women Natives, will be Punished in like Manner
and in equal degree as if done to any of His Majesty's Subjects.
And No Spirits, Wine, Beer or other intoxicating Liquor is to be
Sold or given on board of any Vessel to a Native.

No. 33—formerly No. 28.
33. Persons, dying on board Ship in the Harbour, are to be
put in Coffins and Sent on Shore for interment at the regular
Burial Ground.

No. 34—formerly No. 29.
34. The Master or Commander of every Ship or Vessel lying
in Sydney Cove, from whence Iron hoops, Stones, Gravel, Ballast
or Rubbish of any kind are thrown overboard any where below
High Water Mark, will on Conviction be fined for each Offence
the Sum of Five Pounds Sterling.
No. 35—formerly No. 30.

35. No Ship or Vessel is to Unmoor or quit her Anchorage in Sydney Cove, until She is ready to proceed to Sea, and shall have obtained a Clearance for that Purpose under the Penalty of £500 Sterling to be levied from the Master or Commander of such Vessel. And no Vessel, after having cleared out and Sailed from Sydney Cove, is to come to Anchor again within the Heads or Harbour of Port Jackson, unless in Case of some unforeseen Accident or being prevented by Wind or Weather from pursuing her Voyage; Neither is any Vessel to admit of Boats going alongside of her when under Weigh, or after having again Come to Anchor within the Harbour, under the Penalty of Fifty Pounds to be levied off the Parties to the Bond, herein before Mentioned, and resident at Sydney.

No. 36—formerly No. 31.

36. Any Vessel, anchoring within the heads of Port Jackson under the Circumstances expressed in the foregoing Regulation, is not again to weigh Anchor, until a fresh Permission shall be obtained from the Naval Officer under a Penalty of £500 to be levied off the Parties to the Bond, who are resident at Sydney.

No. 37—formerly No. 32.

37. If the Governor shall consider it necessary to detain a Vessel for the purpose of sending Dispatches on board of her, or for any other Reasons, after she shall have obtained a Clearance, the Master or Commander is to consider a Verbal Message (if delivered by any Civil, Military or Naval Officer) as a regular Communication of His desire on that head, and is not then to proceed to Sea until a renewed Authority shall be Conveyed to Him for that purpose under Pain of being excluded from entering or trading to this Port for the future and his Vessel fired on from the Batteries or any Armed Vessels in the Harbour.

N.B.—Nos. 33 and 34 of Old Regulations are rendered unneces­sary by the Opening of the Ports.

No. 38—formerly No. 35.

38. Vessels lying at Anchor within the Harbour of Port Jackson are to keep Watch or Guard on board, both by Night and day, in the following Proportion:—

If Under 100 Tons Register Meas't, Two Men.
All Vessels of 100 Tons and upwards, Four Men.

And Masters or Commanders will be responsible for the Suffi­ciency of said Guard or Watch, and also for the Conduct of their respective Officers and Crews, so far as respects their paying due Obedience to these Regulations, under the Penalty of £20 for
each Offence committed by them or any of them against the said Regulations; and the same Responsibility and Penalty will attach to the Secreting on board any Convict or Convicts agreeably to the 16th of George 2, Chap. 51.

No. 39—formerly No. 41.

39. If it shall appear that any Goods Wares or Merchandize, other than what have been specified in a Ship or Vessels Manifest or in the Entry of her Cargo with the Naval Officer, shall be landed from any Ship or Vessel within the Harbour of Port Jackson, or on any part of the Coast of N. S. Wales, the same will be considered as Smuggled; and the Vessel and Goods, so landed, will be both forfeited to the Crown. And should the Wharfinger or other Officer, whose duty required him to guard against Smuggling, be Convicted of being Accessory or privy to such Smuggling, He will be dismissed from his Office, and Sentenced to Twelve Months Imprisonment. Any Carman, Carter, Porter or other Person assistant in Smuggling will be wrought in the Gaol Gang for Six Months, And All Horses, Cars or Carts, so employed, will be Confiscated.

No. 40—formerly No. 42.

40. All Duties, to be collected on Spirits, Goods, Wares or Merchandize of whatever Nature, On Entry at Sydney, are to be paid either in Sterling Money, Government Dollars, Commissary's Notes, Or the Military Pay Master's Notes.

No. 41—New.

41. The Masters of Ships or Vessels, to whom Letters or Packets shall be entrusted from this Government for the Governor General of India or the Secretary of that Government, or for any Foreign Settlement or place for which they may be bound, will not be granted a Port Clearance, until they shall have executed a Penalty Bond for the Amount of £250 Sterl'g to deliver such Letters or Packets on their Arrival in India, or elsewhere, as the Case may be, either to the Secretary of the Government or such other Officer as may be there duly authorized to demand and receive the Same. And they are to bring with them, On their return to Port Jackson, a Certificate from the Proper Officer of His having received such Letters or Packets.

No. 42—formerly No. 40.

42. The Naval Officer is to make a written report, according to the prescribed Form, to His Excellency the Governor, or in His Absence to the Lieutenant Governor, or Senior Officer in Command, of the Arrivals of All Ships or Vessels, whether
British, Colonial, Indian or Foreign—which may arrive at Port Jackson, and said report is to be made with the least possible delay after said Arrival.

No. 43—formerly Nos. 36 and 37.

43. All Vessels, using the Mooring Chains or Buoys in Sydney Cove, are to Pay for the same at the rate of Twenty One Shillings Per Week, and for Occupying the Heaving down place, fifteen Shillings Per Day.

No. 44—New.

44. The Rates of Pilotage on Ships or Vessels into and out of the Harbour of Port Jackson from or to a distance of Two Leagues to Six are as follow:

<table>
<thead>
<tr>
<th>Depth of Water</th>
<th>£ s. d.</th>
<th>£ s. d.</th>
<th>£ s. d.</th>
</tr>
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<tbody>
<tr>
<td>Under 7 feet</td>
<td>4 0 0</td>
<td>14 feet</td>
<td>8 0 0</td>
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<tr>
<td>From 7 to 10 feet</td>
<td>5 10 0</td>
<td>15 feet</td>
<td>8 10 0</td>
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<tr>
<td>11 feet</td>
<td>5 15 0</td>
<td>16 feet</td>
<td>9 10 0</td>
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<td>12 feet</td>
<td>6 16 0</td>
<td>17 feet</td>
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<td>13 feet</td>
<td>7 5 0</td>
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</table>

Ships, not having British or East India Company's Registers, to pay One fourth more of the rates of Pilotage than above stated, unless chiefly laden with Corn or other Provisions not on Account of Government.

For half a foot exceeding the above Draughts of Water, the Medium Price between those limits is to be charged, and nothing under half a foot to be charged.

N.B.—Pilots, when they take charge of any Vessel, are to remain on board three Complete days without any Compensation, while such Vessel may be detained by any Casualty, and are not then to quit such Vessel, or demand any Compensation for further detention, if further detained by Winds, Weather or Tides; nor are they at liberty to quit any Vessel, if detained beyond three complete days on other Account than Winds, Weather, or Tides, provided a Compensation of Eight Shillings Per day be offered to them by the Master or Owners for any further time such Vessel may be detained.

No. 45—New.

45. The Fees to be Paid the Harbour Master for removing a Ship or Vessel from her Anchorage or Moorings to other Anchorage or Moorings, not being for the purpose of proceeding on her Voyage, are to be

<table>
<thead>
<tr>
<th>Size of Ship</th>
<th>£ s. d.</th>
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<tr>
<td>Under 200 Tons</td>
<td>0 15 0</td>
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<tr>
<td>200 to 300 Tons</td>
<td>1 0 0</td>
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<tr>
<td>300 to 400 Tons</td>
<td>1 10 0</td>
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<tr>
<td>400 to 500 Tons</td>
<td>2 0 0</td>
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<tr>
<td>500 and upwards</td>
<td>2 10 0</td>
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</table>
No. 46—formerly No. 43.

46. All Duties, prescribed in these Regulations for the Naval Officer to perform, may in like Manner be performed by His Deputy or Assistant, when He is not himself present; And the said Deputy or Assistant Naval Officer is to be respected Accordingly.

No. 47—formerly No. 44.

47. These Regulations and Orders, as far as they can be supplied, are to be given by the Naval Officer or his Deputy or Assistant to the Masters or Commanders of all Vessels on arrival in Port Jackson; but if the Contrary should happen, it is directed that it shall be no excuse for any disobedience of them, as they will be hung up in a Public Situation in the Office of the Naval Officer or His Deputy or Assistant, where All may have access to them. And a Table of the Fees, Assessments, Duties, etc., to which Masters or Commanders of Vessels and Cargoes are liable, is hung up in the Secretary’s Office, And in that of the Naval Officer.

48—New.

48. None of the Silver or Copper Coin, now Current in this Colony and intended to remain within it in constant Circulation, is to be exported from it by any Person whatsoever, or in any Ship or Vessel Trading to or from this Territory, under pain of incurring the Penalty Specified in the Proclamation of His Excellency the Governor, under date the 1st of July, 1813; an extract of which, as far as relates to the established Current Coins of the Colony, is to be furnished to the Master or Commander of every Ship or Vessel on its arrival in this Port by the Naval Officer or his Assistant, along with a Copy of these Port Regulations, and such Master or Commander is to execute the Bond required in the said Proclamation before the Admission Flag is permitted to be Hoisted.

49—New.

49. All Fines, herein directed to be levied, are to be collected by the Naval Officer, and paid to the Treasurer of the Colonial Police Fund for the Use of the said Fund.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 8.]

JUDGE-ADVOCATE BENT TO GOVERNOR MACQUARIE.

Judge Advocate’s Office, Sydney,

Sir, New South Wales, 11th January, 1815.

I had the honor of receiving yesterday Your Excellency’s Letter, dated the 9th Inst., on the Subject of the Port Regu-
lations, together with the accompanying Papers therein mentioned, all which I have carefully perused, and have to inform you that, for the reasons I have now the honor of Submitting to your Excellency, I cannot consistently with my ideas of my duty to my Sovereign, or to my own Conscience, undertake to frame the Port Regulations in the Manner and on the Principle proposed by Your Excellency in the Manuscript Draft you have done me the Honor to lay before Me.

I feel myself called upon to state that I do not consider it to be a part of my Official duty to draw up the Regulations or bye-laws of the Colony, as such an occupation is incompatible with my various Judicial duties, and more properly belongs to Your Excellency's Secretary. It is true that, from motives of Courtesy to Your Excellency, and regard to His Majesty's Service, I have at Your Excellency's request frequently been so employed; and the same Motives would prevent me from making any objections on the present occasion if I could conscientiously comply with your wishes, and if the task, required of me, did not interfere with my other duties.

His Majesty has been graciously pleased to confer upon Me the Offices of Judge of the Court of Vice Admiralty, and Judge Advocate in the Territory. By Virtue of the first Office, I have to exercise various and important judicial functions. By Virtue of my Office as Judge Advocate, I am a Magistrate throughout the Territory, and have to Officiate at General Courts Martial whenever called upon by Your Excellency, to Preside at the Chief Criminal tribunal in the Colony, at One of the Civil Courts of the Territory and judicially to assist at the Court of Appeal. To these duties, I may also add that of giving my legal opinion to Your Excellency on such Matters as you may think proper to Submit to me for that purpose. These Various duties are as much as One Man can properly perform, and I hope are Sufficiently laborious to excuse my declining other labours not distinctly attached to my Office, and which I never did or could imagine would be required of me.

On the present occasion I have, to the utmost of my ability, furnished Your Excellency with my observations on the proposed Port Regulations, and beg leave to say some of them deviated so much from the known laws of the realm, that I do not think they can legally be inforced by Your Excellency's authority alone. Having such an Opinion as well in the Character of your legal adviser, as in that of a Judge, I must confess I feel greatly hurt at being called upon by Your Excellency to put them into legal
1815.
24 Feb.

Reasons for Bent's refusal to frame regulations from draft.

Probable questioning of legality of regulations in court.

form. If Your Excellency differs with me as to the legality of these Regulations, and chooses to take upon yourself the responsibility of Acting contrary to My Opinion, I think it becomes a delicacy due to my judicial Character to select some other Person to draw them up; for whatever may be the Consequence, I cannot in the due discharge of My Duty to my Sovereign, or to my own conscience, consent to attempt to give legal form to that which is illegal, or to frame or draw up regulations, many of which, in the due exercise of my functions as a Judge, and with proper regard to My Oath to administer justice according to Law, I cannot enforce in my Judicial capacity. In my own Opinion I should be guilty of the greatest possible duplicity, and be unworthy either of His Majesty's or Your Excellency's Confidence, if I could prevail upon Myself to draw up the regulations proposed by Your Excellency after the opinion which I have given of them. Your Excellency will excuse me for saying that Your Order would be no justification to me in my own eyes or in the Opinion of His Majesty's Ministers, more particularly if I am right in my Opinion that it is no part of my Official duty to draw up Your Excellency's regulations.

I would wish to impress upon Your Excellency's mind that I may be called upon to decide as a Judge in the Court of Vice Admiralty, at one of the Civil Courts, or at the Criminal Court, and to give a judicial opinion at the Court of Appeal, on some of these Orders, when it will be my duty to enquire whether they are repugnant to or in conformity with the laws of the realm, and to give my Opinion accordingly. I would therefore suggest how far it may be prudent hastily to promulgate a Code of regulations, not immediately urgent, on the legality of which serious doubts may be entertained by the Principal Judges of His Majesty's Courts of Justice here.

When this Matter shall be submitted to His Majesty's Ministers, I feel the fullest Confidence that ample justice will be done to the Motives and the Purity of intention, which influence me on this Occasion, And while I am under the painful necessity of returning the inclosed Papers to Your Excellency, I cannot omit adding that I have been, and am always, most ready and willing to assist Your Excellency with My Opinion and advice on every Subject whenever called upon, and anxious to promote, as far as in me lies, the honor and welfare of your Government.

I have, &c.,

ELLIS BENT.

Compared:—JNO. THOS. CAMPBELL, Secy.
GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 2 of 1815," per ship Marquess of Wel­lington; acknowledged by Earl Bathurst, 18th April, 1816.)

My Lord, Government House, Sydney, 1st March, 1815.

1. I should not have Intruded on Your Lordship's Atten- tion on the present Occasion, or Considered it Necessary to have troubled You at all, on a Subject so unimportant in a public Point of View, as the Unreasonable and Unfounded Claims* lately Set Up against this Government by Mr. John Blaxland, a Free Settler in this Colony, had not that Gentleman in a Letter addressed to me on the 3d of January last, taxed me in plain Terms with having Acted with Injustice towards him in the making good the Engagements of His Majesty's Ministers, and at the same time, in Terms equally rude and Offensive, threatened to Appeal to His Majesty's present Ministers for Redress of his Alledged Injuries.

2. In order that Your Lordship may be enabled, Immediately Settlement of on the Receipt of the Charges, which Mr. Blaxland may be In-duced to transmit on this Occasion, to judge how far they are founded in Justice or in Truth, I beg to State that I have in the Amplest Degree made Good in every particular the Engagements formerly Entered into with him by Lord Castlereagh, One of Your Lordship's Predecessors in the Colonial Department, and that in order to get rid of his Importunities and Unreasonable Demands, I have made him Concessions, even far beyond what he Could Shew any just or legal Claim to.

3. Mr. Blaxland, in Obtaining the Very important Indulgences which were Conferred on him by Lord Castlereagh, had Stipu-lated to Expend the Sum of £6,000 Sterling in the Clearing and Cultivating the Lands which he was to Obtain on his Arrival here, and these were the express Terms on which he was finally to receive a Grant of 8,000 Acres of Land. The Arrest of Governor Bligh Necessarily Suspended the fulfilment of these Engagements on One Side or the Other, so that it Ultimately devolved upon Me to give Effect to the Intentions of His Majesty's Ministers in favor of Mr. Blaxland.

4. Immediately on this Gentleman's Return from England, whither he had gone during the Suspension of Govr. Bligh, I authorized him to Select Land, wherever he should find it Unappropriated to the Extent of his Claim, and told him that I should make him a Grant of it in due Form. At the same time, however, I Cautioned him not to fix upon any Lands which had been already Located to any other Individual or appropriated by Government for any public purpose, either as a Commonage or for the Erecting of a New Town-ship on.

* Note 95.
5. Notwithstanding this Caution, which would appear almost Unnecessary to give any other Person, Mr. Blaxland fixed on a large Tract,* and as he States in his Letter of the 3d January, had Cleared a Small part of it, previous to his Making any Communication to the Government Surveyor in Order to ascertain whether the Land so occupied by him was otherwise Appropriated or not. When the Surveyor was at length brought to the Ground, he discovered that a part of that Chosen by Mr. Blaxland had been previously assigned by Me as a Commonage for the large and improving District Wherein it was situated, and of Course that Mr. Blaxland must relinquish the Idea of retaining it.

6. This Circumstance Mr. Blaxland dwells on in his Letter of the 3d January, as a Complaint Against my Justice, without having the Candor to avow the Circumstances which I have above adverted to, and in his other Assertions, Altho' I do not feel it necessary to trouble Your Lordship with the following him thro' them in detail, I solemnly Assure You he is equally Unreasonable and Uncandid.

7. The Letters, which have passed between Mr. Blaxland and me thro' the Medium of My Secretary, include every thing of Importance on this Subject and I therefore do Myself the Honor to transmit herewith Attested Copies of them for Your Lordship's Perusal and Information, together with a Copy of the Commissary's Account of Government Men in the Employ of Mr. John Blaxland and his Brother and Partner, Mr. Gregory Blaxland.

8. In fact I have done so much for Mr. Blaxland in forwarding his Views and in Making good to him the Stipulations of His Majesty's Ministers, that I can now only Attribute his bringing forward the present Complaint, and unfounded Claims, to the Circumstance of My having Instructed the Commissary to keep one General Account for the Convicts Assigned to him and his Brother Gregory Blaxland, with whom he was in partnership, and who Managed their joint Concerns during Mr. John Blaxland's Absence from hence. This Measure was on my part Absolutely Necessary, as it was totally impossible for the Commissary to enter into the private Application of the Men, so assigned, whether they were for the Benefit of the One or the other of them Exclusively.

9. The Men, thus Assigned to the Agent and Partner of Mr. John Blaxland, were for the joint Advantage of both, in proportion to their respective Claims on this Governm't, and the Subsequent Application of them Could not possibly rest with this Government. I have indeed learned that a Dispute on this Subject arose between the Brothers on Mr. John Blaxland's
Return from England, and in Consequence of it this latter attempts to disclaim All Benefit from the Services of the Men Assigned in his Absence. This Attempt has of Course been resisted by me, as I Could not Consider Myself at Liberty to Yield a point of so much Importance, and I therefore directed the Commissary to make up their joint Account in the form Your Lordship will now receive it.

10. This Account was made up to the 25th of November last, and was furnished to Mr. John Blaxland on the 27th of the following Month, and Accompanied with a Communication that the period, at which his Convict Servants would Cease to be Victualled at the Expence of the Crown, would be on the 1st of the present Month of March, which Communication gave Rise to the Correspondence herewith transmitted for Your Lordship's Consideration.

11. I beg now to add that the great Expence the Crown has been put to on Account of the Messrs. Blaxlands, and particularly on Account of the Elder Brother, John Blaxland, has been most ungratefully acknowledged by him. His Conduct being on All Occasions (where Intercourse with him was necessary on the part of the Government) troublesome, Insolent and turbulent.

12. In the original Engagement between His Majesty's Secretary of State for the Colonies and Messrs. John and Gregory Blaxland, the latter had made a Solemn Stipulation, in Return for the Extraordinary Benefits Conferred on them, to Expend in Clearing and Cultivating the Lands to be assigned to them the Sum of £9,000 Sterling, in the proportion of £6,000 to John and £3,000 to Gregory Blaxland; but Notwithstanding that they have Sworn* that they Actually possessed property here to those, and even much larger Amounts, it has been fully and Clearly ascertained that their Estimates of Property have been fictitious, and consequently that their Conduct on that Score has been a palpable Imposition on Government. I need not trouble Your Lordship with any other proof of this fact than that both John and Gregory Blaxland are at this time Virtually in a State of Insolvency, being deeply Involved in Debt, and Unable to take up their Notes of Hand which they Issued here (so long as their Credit enabled them) to a very large Amount.

13. Having, My Lord, entered so far into the Recital of Messrs. Blaxland's Conduct and Progress in this Colony, I have now only to Sum up what I have already dwelt on by assuring Your Lordship that, Notwithstanding All the very great and liberal Advantages Conferred on these Gentlemen by Governm't in Lands, Men and Cattle, they have continued Lazy discontented

* Note 95.
Drones, never having yet made any real or Useful Improvements on their Extensive Possessions, or in any other way benefitted the Colony since their Arrival in it, now nearly Nine Years ago.

14. I trust the present Communication will enable Your Lordship to Judge fully of the Insolence and Fallacy of Mr. John Blaxland’s Representations in regard to my Treatment of him, and that Your Lordship will thereon be pleased to treat him with that marked Disapprobation which will prevent their Repetition.

I have, &c.,
L. MACQUARIE.

[Enclosure No. 1.]

MR. JOHN BLAXLAND TO GOVERNOR MACQUARIE.

Sir, Parramatta, 3d Jany., 1815.

It is with much concern that I am again compelled to address you on the Subject of my Government Men, having received a Second calculation made by Mr. Broughton, differing very materially from the former one, and approved by Your Excellency, stating that after the first of March next, I should have no more Men either fed or clothed at the Public Expence.

Much has been said on this Subject between us, and I am sorry to find your Excellency appears as much determined as ever to lessen those advantages intended for me by Agreement made with His Majesty’s Ministers previous to my leaving England; to whose, generosity and Justice I must again appeal; but I will once more mention those circumstances to your Excellency, wherein I feel you have acted with injustice towards me, hoping on a future view of the Subject, you will be induced to think different, and prevent my again troubling them.

The first thing I have to Complain of is that I never received a fair proportion of Cattle, to prove which, I must refer your Excellency to my Agreement,* and that of my Brother’s, made with His Majesty’s Ministers previous to our leaving England, which you will perceive are Separate and distinct, and the Indulgences each was to obtain were to be guided by the Capital each was to advance, that he advancing half as much Capital was to receive half the proportionate indulgences. And how can Justice have been dealt out towards me when he obtained Seventy head of Cows, and I but sixty; he came with his family to the Colony in a Transport, at the Government expence, and were all victualled on the Stores 18 Months, I found my own passage, brought 11 Persons to the Colony at my own expence, none of which were ever on the Store, which Circumstance Mr. Windham took into consideration, and in his letter to Governor Bligh, dated the 31st of July, 1806, directed that I should be remunerated.

* Note 95.
Your Excellency has said that there were no specific numbers mentioned in my Agreement; that omission was in consequence of my being assured at the Secretary of State's Office, when that subject was under discussion, that I could obtain as many Cows as I wished, as the Governor had directions to distribute them.

My next complaint is that on my return from England I applied to Your Excellency for my Land; the Surveyor being then absent, you permitted me to make a Selection, to be taken in two Allotments; that I proceeded to clear some ground, and had as far as I can judge fallen upwards of Sixty Acres, but when the Surveyor measured the Grant he insisted on measuring it all in one, and said the Land fallen was to be reserved by your Excellency as a Common; by which circumstance the whole of my labour and expense has been lost to me; but to add to the evil, my Land, not being before measured, was fed by other persons Stock and many of mine perished for want of that very food so taken to the amount of several hundreds of Pounds, and which Circumstance greatly retarded my Agricultural pursuits, and has kept me very backward in that respect. And I must now observe to your Excellency that you are wishing to deprive me of a large proportion of the advantages of my Men by having suffered my Brother to have more than his Agreement stipulated, and including that time in mine.

In the first place, my Brother’s Men, according to the account against him, began in May, 1806, and our Co-partnership did not commence before Augt., 1808; during which time he had a considerable proportion of Men; in the next place, I wrote to your Excellency a letter, dated the 13th of Octr., 1813, saying “it would be presumption in me to dictate to your Excellency whether my Brother’s term for having his men victualled on the Store was expired or not, but that I had had some conversation with Mr. Broughton, the Acting Commissary, who said, if that was the case, he should be charged for any extra food he might have drawn”; to which letter I received for answer that your Excellency could not interfere, and his Men were continued on the Store a considerable time afterwards; and I must beg leave to ask your Excellency why so great a length of time was suffered to elapse, as from May 1806 to the time in which you directed an Investigation to take place respecting the time each had derived those advantages, and why, from so great a neglect in the Commissariat Department, an error being discovered, that I should be made to suffer the loss, notwithstanding I had complained to you as Governor of the Colony, of the incorrectness of the proceeding and prayed for redress; under the existing circumstances, it will fall very heavy on me; as I had not any Land measured

 Alleged breach of agreement.
 Alleged losses of cattle.
1815.
1 March.

Government men assigned to the Messrs. Blaxland.

Explanation of signature to accounts.

Alleged discrepancies in Broughton’s accounts.

Allegations against Wm. Broughton.

that was fit for cultivation till the 1st of Novr., 1813, I could not therefore derive the advantages from their labour which was intended by my Agreement. Your Excellency has said that, my Brother and myself being in Partnership for a time, you considered us as one and the Same, but in reply, I again state that the Men were drawn separate and distinct, he claiming at the expiration of the time the Men given to him, and which Men he took from me; That the Accounts as you may perceive were always kept separate, for Your Excellency appears to have none at the commencement, but what were furnished by us.

With regard to Mr. Broughton’s remark of the Accounts being signed by me, which he seems to think of so much importance that an advantage can be taken of it, I must reply, that we were called upon to render Accounts of the Number of Men each had had, clothed and fed by Government, and what length of time; that the Accounts were so made out, and if I did sign them, which might have been the case in the absence of my Brother, it was done with no other view than that I would not retard the business of the Public Office, for I never could approve of a transaction that would do so great an injustice to myself.

But there appears a marked determination on the part of Mr. Broughton to shorten the time as much as possible, for he has made his calculation up to the 25th of Novr., 1814, when there were 21 Men victualled; but had he only looked at his Books on the 10th of the next month, the following time I drew the Men’s Rations, he would have found but 19 men drawn for, and I must remark to Your Excellency that he is very wrong in his calculations, having made a great difference between his two Accounts officially sent me, from the latter of which your Excellency has drawn your conclusions; he is again very considerably in an error to my Brother’s disadvantage, and in his calculations against me he is likewise incorrect; such repeated mistakes are very injurious to individuals, but if the Accounts of the Public are kept in the same way, it is of great importance to the Government.

I cannot conclude without informing your Excellency of Mr. Broughton’s great incivility to me on a former occasion, when I went to the Office to ask to have my name inserted with others on the list to supply in my turn His Majesty’s Stores with meat, to which request I received a positive denial; but Mr. Broughton often turns in very large quantities, which is very injurious to the Settler, who has nothing but his Stock and Crops to look to, to make good his payments, which in consequence cannot be made; and his property is destroyed by the operation of the Law, when...
the other is amply remunerated by the Government for his Services, And the Act itself is a direct violation of your Excellency's Order on that head.

I have, &c,

J. BLAXLAND.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 2.]

[A] SECRETARY CAMPBELL TO MR. JOHN BLAXLAND.

Sir, Secretary's Office, Sydney, 5th Jany., 1815.

I have it in Command to inform you that the Governor has received your Letter of the 3d Inst., and to Convey to you His Excellency's Sentiments thereon.

If this Letter had been only objectionable on Account of the very offensive and disrespectful language in which it is expressed, His Excellency would have been disposed to pass over that circumstance without a Comment; but the extraordinary Misrepresentation of facts in regard to his Conduct towards you, combined with the threat held out that you will appeal for redress of the alledged grievances to His Majesty's Ministers, require that some Notice should be now taken of the former, and that all further Correspondence on that Subject with you should cease.

The Governor cannot avoid considering it a wilful Misrepresentation when you state that He gave you Authority to Select your Land where-ever you pleased—the Permission to Select Land, you must be fully aware, both was, and could only be, Conditional, And the Condition was, that you should have such Land as you might Select, Provided it was not previously located or assigned to some public Purpose.

The Land that you chose to Select having been previously assigned as a Commonage, you could not of course expect it to be diverted from that purpose for your Private advantage, and therefore your Complaint on that Score is as unreasonable as it is unfounded in point of fact.

The Governor, having in every particular fulfilled the Agreement entered into with you by His Majesty's Ministers in the true and liberal Spirit thereof, cannot for a Moment admit that you have any real grievance to complain of. And whilst He feels satisfied that you have been thus liberally dealt with by His Majesty's Government, He must observe that the Colony has derived no Advantage whatever either from your exertions, or those of your Brother under similar circumstances, as Agriculturalists, neither have you shewn any useful example as Farmers since your Settlement in the Country.
The Governor has every reason to believe that the insinuations made in the concluding part of your Letter respecting Mr. Broughton are unfounded and therefore very unwarrantable on your part.

I have, &c.,
Jno. Thos. Campbell, Secy.

Compared:—Jno. Thos. Campbell, Secy.

[B] Secretary Campbell to Mr. John Blaxland.

Sir, Secretary's Office, Sydney, 6th Jany., 1815.

In Conveying to you the Governor's Sentiments in my Letter of yesterday, and in answer to yours of the 3d Inst., I find I accidentally omitted one part of His Excellency's Instructions which I now beg leave to set right as a continuance of the Letter of Yesterday.

You state in one of the latter passages of your Letter that Mr. Broughton shews a Disposition to abridge the time you are entitled to retain your Government Men, and, as a Proof of this, you mention that his (Mr. Broughton's) Calculation was made up to the 25th of Novr. last when you had 21 Men Victualled, but had he looked to his Books on the 10th of the next Month he would have found that you had at that time only 19 Men Victualled, and from this you infer that Mr. Broughton meant to deal unfairly by you; but candour must admit that in an Account made up (as you state yourself) on the 25th of Novemr. it was totally impossible for him to anticipate the changes that might take place in your Muster roll on the 10th of the succeeding Month, and therefore no imputation can possibly rest against his Conduct therein. I have now only to add that whatever deficiency may have occurred in your List of Government Men Victualled by the Crown, will be made good to you on the final Settlement, when the same shall be Vouched by Mr. Assistant Commissary Broughton.

I have, &c.,
Jno. Thos. Campbell, Secy.

Compared:—Jno. Thos. Campbell, Secy.

[Enclosure No. 3.]

Mr. John Blaxland to Secretary Campbell.

Sir, Sydney, 1st June, 1812.

In the course of my excursion up the Country I have seen some Land which appears unappropriated lying at a place called Cobbotty, and a further tract at Mulgowe, and Stoney Range, at
which place I hope Your Excellency will not object to my taking what remains due to me, having already expended £15,000 in the Colony.

I have, &c.,

J. BLAXLAND.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 4.]

MR. JOHN BLAXLAND TO GOVERNOR MACQUARIE.

Sir,

Parramatta, 14th Jany., 1815.

Much as I wish to obey Your Excellency’s Commands on all Occasions, I cannot in the present instance be silent under the observations made to me through Your Secretary in a Letter, dated the 5th Inst., there being Circumstances which I can call to your recollection which will place My Letter of the 3d Inst. in a different point of view, and as it is incumbent on me to endeavour to obtain from you, as Governor of the Colony, the fulfilment of my agreement made with His Majesty’s Ministers previous to my leaving England, so it is necessary that I should endeavour to correct any errors previous to my submitting my Complaints to them, and to disclaim against wishing that my correspondence with you should be disrespectful, or my language offensive.

Your Excellency appears to have forgot a Letter I wrote to you on the subject of my Land, dated June 1st, 1812, a Copy of which I have the honor now to enclose, to which I did not receive an answer; but I waited on you a short time afterwards to know your pleasure thereon, when you told me that I could not have any Land measured in three separate Grants, but consented that I should have it in two, and the Stoney Range, and Mulgow, was approved by Your Excellency for that purpose, that I waited on Your Excellency a Second time complaining that Mr. Nichols was going to erect a Stock Yard near to the Stoney Range where I had then begun to fall, and that I expected it might interfere with that Grant, and that I hoped before he went to any expence, Your Excellency would direct him to desist, which was the case, as he met me afterwards, and was angry for my having so complained; some of the timber he had collected to make his Yard now remains and it is called by the Stockmen “Nichols Folly” to this day; and I cannot help remarking to Your Excellency that the very spot I had fallen should be the beginning of the Common, as my Grant forms the side line of the fallen Timber on one side and Captain Piper takes his side line through a small part of it on the other, which circumstances must have escaped Your Excellency’s recollection, for I most positively
assert, that I did not proceed to fall the Timber without your approval. I cannot therefore have made any misrepresentation, neither is my assertion unfounded.

Your Excellency stating that I have been dealt with so liberally must rest with His Majesty's Ministers to determine, as I consider I have been treated quite the reverse; but I cannot pass over your observation respecting the Advantages the Colony expected to reap from my exertions as an Agriculturalist, when I have been kept out of any Land fit for that purpose, till the 1st of August, 1813, since which time I have made very great improvements on the Grant, having fallen 88 Acres, a considerable quantity of which is now cropped; neither can my Brother, and myself, be looked upon as Idle persons since we came into the Colony, having during the Partnership, and since, reared 1,168 Head of Cattle, 60 Horses, 4,773 Sheep, a great number of Hogs, which circumstance must have assisted Your Excellency in reducing the Price of Meat so low as Seven pence Per lb., instead of three Shillings, which was the Price on my Arrival here; that we have kept Three Teams of Oxen, besides Horses, and many Men constantly employed in Agriculture; but Your Excellency does not sufficiently encourage the Agriculturalist, or there would have been no necessity to feed the People with wheat Imported from India at this Moment, when it can be grown in any quantities in the Colony, and in that Sentiment I am supported by almost every Settler in the Colony.

In Your Excellency's observation respecting my remarks to Mr. Broughton, I can only reply, that I am not in the habit of misrepresenting, or asserting falsehoods, the truth of which can be ascertained by Your Excellency's allowing me to prove the Circumstances stated in my Letter of the 3d Inst.

I have, &c.,

J. BLAXLAND.

[Enclosure No. 5.]

SECRETARY CAMPBELL TO MR. JOHN BLAXLAND.

Sir, Secretary's Office, Sydney, 17th Jany., 1815.

In replying to your Letter of the 14th Inst., I have merely to communicate that His Excellency the Governor, having already most literally fulfilled the Agreement entered into by His Majesty's Ministers with you and your Brother, He cannot admit of his time being further encroached on and occupied by frivolous and altogether groundless complaints, such as He has lately received from you, His Excellency therefore desires to refer you to the letters I had the honor of addressing from Him
MACQUARIE TO BATHURST.

1815.

1 March.

to you under Dates the 5th and 6th Instants for His sentiments and intentions, and He must expect from you that all further correspondence on this Subject shall now cease.

I have, &c.,

JNO. THOS. CAMPBELL, Secy.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 6.]

ACCOUNT of Prisoners, victualled by Government in the Service of Gregory and John Blaxlands Esquires.

[This statement contained the names and particulars of all convicts assigned to the Messrs. Blaxland, of which the following is the summary.]

Mr. Gregory Blaxland.

No. of Men Victualled ................. 31
No. of Days Do ........................ 25,796

Mr. John Blaxland.

No. of Men Victualled ................. 47
No. of Days Do ........................ 37,996

Memorandum.

It appears from Mr. Gregory Blaxland’s agreement he was to have the labour of Forty Men, to be Clothed and Victualled at the expense of the Crown for the space of Eighteen Months; and Mr. John Blaxland’s agreement, he was to receive the Labour of Eighty Men to be Clothed and Victualled for Eighteen Months in like manner. Mr. John Blaxland left the Colony in September, 1808, and did not return until the Month of May, 1812, but Mr. Gregory Blaxland, who was the Partner of and Agent to his Brother John occasionally made draughts of Men in his Absence, from the Convicts, which arrived from England, making no distinction at the time of drawing them, with regard to the Numbers intended for each, but received them for the joint Concern, and appropriated their Labour to such purposes as he thought proper; consequently no Account but a joint one could be kept; it however appears from their own Returns, on which this Account is formed, that Mr. Gregory Blaxland appropriated 3,896 days labour for One Man, beyond what he was entitled to by his Agreement, to his separate use and Advantage, which was a Circumstance the Government of the Colony could neither foresee or prevent, and as Mr. John Blaxland made choice of his Brother as an Agent for his Concerns during his Absence,
he must of course look to him for remuneration for the Labour appropriated for the separate use, and Advantage of his said Brother.

40 Men for Gregory Blaxland for 18 Months is equal to 21,900 Days.
80 Men for John Blaxland for 18 Months is equal to 43,800 Days.

65,700

Mr. G. Blaxland has received the Labour, Provisions, and Clothing for 25,796 Days.
Mr. J. Blaxland has received Do. Do. 37,996

63,792

Number of Days Labour and Provisions due 1,908

65,700

It appears by Mr. Blaxland's returns, which are Corroborated by the Storekeeper, that there are now Twenty One Men in his employ, victualled at the expense of the Crown, they will of course be entitled to be victualled up to the first of March, 1815, which will compleat the victualling as per Agreement.

It is necessary to observe, that the List, on which Mr. Gregory Blaxland's account is formed, was not signed by him but by Mr. John Blaxland.

W. BROUGHTON, D.A.C. Genl.

Sydney, 25th November, 1814.

Appd.—L. MACQUARIE.

Compared:—JNO. THOS. CAMPBELL, Secy.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 40, per ship Baring; acknowledged by Governor Macquarie, 18th March, 1816.)

Sir,

Downing Street, 2d March, 1815.

Considerable inconvenience has been felt for some time past from the omission to transmit to this office annual Accounts of the several Convicts, transported to New So. Wales, with a Statement of their present Condition, and I have therefore to request that you would for the future transmit to me in each year a return of the Convicts, who were in the Colony at the date of your Arrival, and of those who may have arrived since the period of your assuming the Government; I enclose for your Guidance the form of such a General Return as I consider best calculated to enable me to answer the enquiries so frequently made by the Relatives of those, who have been transported.

I have, &c.,

BATHURST.
MACQUARIE TO BATHURST.

[Enclosure.]

RETURN to be made on the 1st of January in every year to the
Secretary of State for War and Colonies.

<table>
<thead>
<tr>
<th>No. of Convicts Alphabetically Arranged.</th>
<th>Date of Arrival in the Colony</th>
<th>Period for which Transported.</th>
<th>How disposed of.</th>
<th>Whether still resident in the Colony.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>This column will state whether the Convict be Dead, escaped, pardoned, or liberated from his Period of Transportation; the period at which either took place.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Baring; acknowledged by Governor Macquarie, 18th March, 1816.)

Sir, Downing Street, 2d March, 1815.

I am directed by Lord Bathurst to request that you will cause enquiry to be made with respect to the fate of Joseph Boneham, a Convict who was sentenced at the assizes at Northampton in the year 1809, and transported to the Colony in the year 1810 on board the Ship India, and would inform me whether he is alive or dead, and if alive in what Station or Condition.

I have, &c.,

HENRY GOULBURN.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 3 of 1815," per ship Marquess of Wellington; acknowledged by Earl Bathurst, 18th April, 1816.)

Government House, Sydney, New South Wales,

My Lord, 16th March, 1815.

1. It being My Most earnest Wish, in pursuance of the Instructions I have from time to time received from Your Lordship and Your Predecessors in Office, to lessen the Expences of this Colony by every practicable Means consistent with its prosperity and Safety, I must now beg leave to draw Your Lordship’s Attention to a very Serious Article of Expence, which has recently been Incurred and added to the already very weighty Expences of this Colony, by the sending out the two Brigs, Kangaroo and Emu, for the Service of it, on much higher and more expensive Establishments than their Services in this Country Can ever Compensate.

2. On my Arrival in this Country and taking Charge of this Government, I found the Government Colonial Craft, consisting
of the Lady Nelson, Brig, and Schooners, Estramina and Resource, and, after having had them minutely surveyed, I directed them to be thoroughly repaired. The Committee of Survey reported to Me, however, that the two Schooners were so very old and all their timbers so much decayed, that they could only be made serviceable for a few years; and indeed the smaller schooner Resource became so very rotten and consequently so leaky, that I was under the necessity of having her condemned and sold for whatever she would fetch. The Lady Nelson, Brig, is still very serviceable, and the Estramina, Schooner, with occasional repairs, will be serviceable for a couple of years more. At the period, however, of my taking charge of this government, I did not believe that the Government vessels I have just mentioned would have continued so long serviceable. I therefore wrote home,* early in the year 1810, to Lord Castle-reagh, His Majesty’s then principal Secretary of State for the Colonies, submitting to His Lordship’s consideration the expediency of ordering to be built in England, and sent out for the service of this colony, two small brigs—one of 150, and the other of 120 tons burthen, on a moderate and economical establishment, stating it as my opinion that two such vessels, together with those we had already, would be perfectly adequate for the various duties of the colony. I also added at the same time that it was my opinion that the whole expense of these two vessels would fall short of that of the sloop of war, which had hitherto been kept on this station, but which had rendered very little service to the colony. I therefore recommended that the sloop of war might be entirely withdrawn, as the two vessels alluded to would be much more useful to the colony than any single ship of war that could be stationed here. In making the requisition for the two new vessels, I took it for granted they would be placed on the most economical establishment, consistent with their size and the nature of the service they were destined for, namely, conveying troops, stores and provisions from one station to another, as also for bringing grain from the river Hawkesbury, and coals, lime and timber from the settlement of Newcastle. These are the principal services required to be performed by the Government Colonial craft, and they are indispensable.

3. The establishments, on which the brigs Kangaroo and Emu were built and sent out to this country, were totally different from what I wished and hoped they would have been, both in point of size and mode of Manning them. Both these brigs are commanded by lieutenants in the Royal Navy, they have

* Note 97.
Surgeons, Captains' Clerks and other petty Officers, totally Unnecessary in this Country, Considering the Services required of them. The Kangaroo, being 220 Tons Burthen, is much too large for executing any Services between this and Newcastle and the Hawkesbury, drawing too great a Draft of Water for these Rivers; added to this, a great part of her Main Deck is taken up for the Accommodation of her Commander, his principal and petty Officers, thereby leaving very little Room for the Conveyance of Troops, or other passengers going from One Settlement to another.

4. The Expence of the Brig Kangaroo, in particular, far Exceeds any Services she Can ever be able to perform for this Government, which Your Lordship will be better able to judge of when you have Compared the Services She has performed in this Country for the last twelve Months, with her Annual Expence, which falls little short of three thousand pounds Sterling, according to the following Statement, which is taken from the Reports and Accounts of her own Commander, Vizt.

Pay and Wages of Officers and Crew for 12 Months ... £1,700 11 0
Provisions for do. for 12 Months .................... 940 3 4
Stores of Various Descriptions, including Tear and Wear of do. Vessel for One Year, at a Moderate Compensation, not less .................... 300 0 0

Kangaroo p. Ann. .......................... £2,940 14 4

5. In Enumerating the Services hitherto performed by the Brig Kangaroo for the last 12 Months, it is Necessary to presume that She Sailed from England for the Colony on the 2d of June, 1813, and, after having touched at Madeira, Rio Janeiro, and the Cape of Good Hope, Arrived at Port Jackson on the 10th of Jan., 1814, having been Seven Months and 8 days on her passage hither. The first Service, required of, and performed in this Country by the Kangaroo, was Completing the final Evacuation of Norfolk Island; on which Service I dispatched her the 3d of February, 1814, and She returned hither again on the 10th of the following Month of March, having Executed this Service very Expeditiously in the Short Space of five Weeks, and much to my Satisfaction in every other Respect. The Kangaroo was however Commanded on this Occasion by her Chief Officer, Mr. Martin, Lieut. Jefferys, her Commander, having Applied for and obtained my Permission to remain at Sydney on Account of a severe Indisposition his Wife then laboured under.

The Next Service required of the Kangaroo was to convey Sixty female Convicts and a few other passengers from hence to the Derwent. She Accordingly Sailed from this Port on her destined Voyage on the 29th of May, 1814, under the Command
1815.
16 March.

Failure of the Kangaroo to make voyage to Hobart.

Orders for second voyage to Tasmania.

Duration of voyage to and from Tasmania.

Jeffreys called on to explain causes of delay.

Unsatisfactory explanation tendered by Jeffreys.

of Lieut. Jeffreys, and After an Absence of Sixty Six days, returned again to this Port, without having again been Able to make good her Passage to Van Diemen’s Land, Altho’ much Smaller, and far worse Manned Colonial Vessels made good their Passage to the Derwent about the same time.

6. As Soon as the Kangaroo had repaired some Damages she Sustained during her last Unsuccessful Voyage (on which Occasion She had lost an Anchor at Port Stephens, where She had put into) I dispatched her once more for the Derwent with Orders to return from thence as speedily as possible, having sent Lieut. Governor Davey Strict orders to the Same Effect, leaving him at liberty, however, to send the Kangaroo round from the Derwent to Port Dalrymple to bring up from thence any Quantity of Wheat that She Could Safely Carry, and that Could be Conveniently Spared from the Latter Settlement for the Use of His Majesty’s Stores here. The Kangaroo Sailed from hence on the 21st of August, 1814, for the Derwent, and, even Allowing that Lieut. Governor Davey might have Occasion to Send her round to Port Dalrymple for a Lading of Wheat After she had discharged her Cargo and passengers at the former Port, I fully expected and Concluded She would be very well Able to return to Port Jackson again within two Months at the Very farthest. But in these Expectations I was disappointed, the Kangaroo not having returned from Van Diemen’s Land to Port Jackson till 2d of February last, having been thus Five Months and twelve Days in performing this Voyage, which any Common Colonial Vessel would easily have performed and have executed the Same Service in one third of the time taken by the Kangaroo. Feeling very much displeased with her Commander, Lieut. Jeffreys, for this extraordinary and most unaccountable Delay, I called on him for an Explanation of his Conduct, directing him to furnish Me with an Attested Copy of his Log Book and such other Documents as might explain to me the Cause of his Voyage having been protracted to so very Unusual a Length.

7. Lieut. Jeffreys furnished me Agreeably to My Desire with a Written Report, and a Copy of his Log Book, together with Copies of some Correspondence which passed between him and Lieut. Governor Davey at Van Diemen’s Land, in Explanation of his long Voyage; but as the Explanation, Contained in his Report and its Accompanying Documents, were by no means Sufficiently Satisfactory to me, I deemed it Necessary to Call on him for further Explanation, Stating to him My own Sentiments as to the Very Unnecessary Delay he had made at the Derwent and Port Dalrymple. Wishing to put Your Lordship in possession of every Necessary Information respecting this last Voyage of the
Kangaroo, I now do myself the Honor to transmit herewith for that purpose Copies of All the Correspondence, which took place on this Occasion between my Secretary and Lieut. Jeffreys, the Copy of the Log Book I do not deem it necessary to trouble Your Lordship with, as the Substance of it is Contained in the Reports of Lieut. Jeffreys.

8. From this Correspondence, and the Information I have given to Your Lordship in this Letter respecting the Services of the Kangaroo Since her Arrival in this Colony, Compared with the Statement of her Annual Expence, Your Lordship will be fully Able to form an Accurate Judgment of her real Value to this Colony; and when I Assure Your Lordship that either the Lady Nelson, or the Estramina is much more Useful to the Colony in regard to real Services, and neither of these Vessels Costs the Crown above One third of the Money the Kangaroo does, I feel persuaded that Your Lordship will Concur with me in Opinion that the latter is by no Means a proper Description of Vessel for the Service of this Colony, and under this Conviction I take the Liberty to recommend that I may be permitted by Your Lordship to send her back to England, or that I may be fully and distinctly Authorized to reduce her Establishment nearly to the Same Level with the Lady Nelson and Estramina, by Appointing a Master and Crew at Moderate Wages, and discharging Lieut. Jeffreys, his Surgeon, and Clerk, the two latter Description of Persons being entirely an Useless Expence in the Government Colonial Vessels here. I must likewise take the Liberty to add that it is my decided Opinion that no Government Colonial Vessels, intended for the Common Services of this Colony, ought ever to be Commanded by Officers of the Royal Navy; their early professional Habits of Life preclude their Submitting to the Necessary Duties required of Colonial Craft here in the Manner they ought to do; they persevere in Considering themselves as Commanding Vessels of War, and are much too proud to Submit patiently to going to Newcastle for Coals, Lime and Timber, or to the Hawkesbury for Grain. Independent of all this the Expences of these two Vessels, the Kangaroo and Emu, Under their present Establishments, are much too high, and no Services, they Can ever perform in this Country, Can by any Means sufficiently Compensate for their Expence to the Crown. I therefore repeat my Recommendation to Your Lordship that they should be immediately reduced from their present Establishment to nearly the same Level with the Govern't Colonial Brig, Lady Nelson, and Schooner, Estramina.

9. In Case Your Lordship Should be pleased to approve of this proposed Plan of discharging the present Commanders, and
1815.
16 March.

Proposal for return of Kangaroo and Emu to England.

Adverse criticism of Jeffreys.

Completion of vessel in government dock-yards.

Reducing the high Establishment of the Brigs, Kangaroo and Emu, I hope I shall be Honored with Your Lordship's Instructions on the Subject at as early a Period as may suit Your Lordship's Convenience. In the Event of Your Lordship not deeming it Expedient to reduce the present Establishments of these two Vessels, I hope Your Lordship will Authorize me to send them back to England. Perhaps, however, they might be deemed by the Board of Admiralty fit Vessels for Carrying on the Surveying Service in these Seas, and in this Case their Lordships would probably be glad to have them transferred to the Royal Navy; but I cannot speak as to the Competency of either of their Commanders for Carrying on a Service of Such Importance. Indeed I have every reason to believe that Lieut. Jeffreys is very Unequal to Such a Service, being said by his Own Officers to be a Very timid Seaman, and ignorant of his Duties as such. I Cannot say any thing of the Character of Lieut. Forster of the Emu, as that Vessel only Arrived here from England four days ago.

10. It is proper I should now Inform Your Lordship (which I am sorry to find I have Inadvertently hitherto neglected to report) that I found the Frame of a Government Vessel* of About 150 Tons Burthen on the Stocks, on My Arrival here from England in December, 1809; but which a Variety of other more Important works required of the few Ships Carpenters in the King's Dock Yard here has prevented my being able to get Completed. The Keel of this Vessel was first laid during the Administration of Govr. King, and All Judges of Naval Architecture here say that She is a very fine Vessel, and built on a Very judicious Plan and Construction. I have therefore determined to Complete her now as soon as possible, as she will Answer remarkably well for the Newcastle Service, and be of much more use than either the Kangaroo, or Emu, whilst she will not Cost above one third of the Expence of the former, and at the same time be much fitter for the Service of the Colony in Consequence of her being of so much Smaller a Size. When this new Vessel shall be Completed, the Services of both the Kangaroo and Emu Can very easily be wholly dispensed with, by which Government will save at least Four thousand pounds per Annum.

11. I should not have said so much Upon this Subject, nor have Urged the Reduction of the Establishments of the Brigs, Kangaroo and Emu, were it not that I was Myself the person, who originally proposed their being built and sent out from England, instead of keeping a Sloop of War regularly Stationed here; and had they been built of the Size I recommended, and

* Note 98.
Sent out on a Moderate Economical Establishment under the Command of good Able Seamen, bred up in the Merchant Service, I am Convinced they would have been found of Essential Service to the Colony; but, on their present Establishment, and Commanded as they are by Lieutenants in the Navy, I have no Hesitation in saying that they never will be of Much Service to this Colony, whilst they increase the Expences of it at least between Five and Six thousand pounds per Annum.

12. I have to Apologize for taking up so much of Your Lordship's Time on this Subject, and for dwelling on it so long; but Your Lordship may rest assured that my sole Motive in doing so is My Anxiety to reduce the Expences of this Colony by every practicable Means in my Power. I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

CORRESPONDENCE BETWEEN LIEUTENANT-GOVERNOR DAVEY AND LIEUTENANT JEFFREYS.

[1] Lieutenant Governor Davey to Lieutenant Jeffreys.

Sir, Government House, Hobart Town, 17th Octr., 1814.

There being at this time in His Majesty's Magazine at Port Dalrymple between two and three thousand Bushels of Wheat, which has been purchased for the consumption at Head Quarters, and His Excellency the Governor in Chief having requested me some time since to embrace the first opportunity of sending it to Sydney by a Government Vessel; You will be pleased to hold yourself in readiness to proceed to Port Dalrymple on Thursday next for the purpose of receiving the said Wheat on board and conveying it to Sydney.

As the Navigation of the River at Port Dalrymple may be difficult to a Person who is a Stranger to it, I shall direct Mr. Henry Hacking, Harbour Master and Pilot at this place, and who is well acquainted therewith, to accompany you round.

I shall also order the Detachment of His Majesty's 73d Regt. left behind here by the Ship Windham, consisting of Seventeen Men, Ten Women, and thirty six children, to be embarked on Wednesday Morning next for the purpose of being conveyed to Sydney, agreeable to the Instructions of His Excellency the Governor in Chief, a regular list will be furnished you at the time of their embarkation, from which Day you will be pleased to enter them upon your Books, and victual them in the usual Manner.

I am also desirous of sending round by this opportunity Twenty of the Female Convicts, lately brought hither in the
Kangaroo, which number His Excellency the Governor in Chief
has directed me to appropriate to the Settlement at Port Dal-
rymple, provided they can be accommodated on board with due
regard to the health and comfort of the other Passengers and
Crew, and upon which subject I shall be governed by your report
to me thereupon.

I have, &c.,

T. DAVEY, Lt.-Govr.


Sir, H.M. Brig Kangaroo, River Derwent, 18th Octr., 1814.

I have to acknowledge the receipt of your letter of yester­
day's Date, desiring me to hold myself in readiness to proceed
port Dalrymple on Thursday next, for the purpose of re­
ceiving on board between two and three thousand Bushels of
Wheat and conveying it to Sydney, as also to receive on board a
Detachment of the 73d Regt. consisting in all of 63 Souls, and
informing me you are desirous of sending twenty Women to the
Settlement at Port Dalrymple.

In answer to which, I beg leave to inform you that His
wheat auid° Majesty's Brig is not sufficiently large to convey both the Wheat
and Troops, but that I am perfectly ready to receive, whichever
you may be pleased to order; I have also to inform you that in
either case I can accommodate with a passage to Port Dalrymple
the 20 Women.

I have, &c.,

C. JEFFREYS, Lieut. & Comr.

[3] Lieutenant-Governor Davey to Lieutenant Jeffreys.

Sir, Government House, Hobart Town, 18th Octr., 1814.

Deeming it expedient that the Grain which has been pur­
chased at Port Dalrymple for the consumption at Head Quarters
should be immediately forwarded thither, and in consequence of
what you have stated to me in your letter of this day's date,
viz. that the Kangaroo is not sufficiently large to convey the
Detachment of the 73d Regt. and the Grain at one time, You
are required and directed to Sail on Thursday Morning for the
Settlement at Port Dalrymple, making the best of your way
thither, and on your arrival there intimating the same to Capt.
McKenzie of the 46th Regt., the Commandant thereat, who will
be instructed to ship on board as much Grain as you can Carry.
I shall proceed myself to Port Dalrymple in the course of a few
Days, and will then furnish you with my Despatches for His
Excellency Governor Macquarie, you will therefore not depart
therefrom until you have received my Instructions to do so.

I have, &c.,

T. DAVEY, Lieut.-Govr.
[4] Lieutenant-Governor Davey to Lieutenant Jeffreys.

Sir, Government House, Hobart Town, 19th Octr., 1814.

In Consequence of the Kangaroo proceeding to Port Dalrymple, I have directed Nine female Prisoners to be embarked this Day in addition to the ten already on board, all of whom you will be pleased to victual at the expense of the Crown, until they have been landed at Launceston. I accompany a list of their Names and have already sent an overland express to Capt. McKenzie announcing their approach and directing their being landed with the least possible delay after their arrival.

You will also be pleased to receive on board G. W. Williams and John Fawkner, the former is the late Acting Deputy Commissary at Port Dalrymple and is the person whose name is so conspicuously mentioned in Governor Macquarie's late Proclamation* on the subject of Bush rangers; I have therefore to direct that you will not allow him upon any account whatever to be relanded on the Island or even leave the Vessel previous to her arrival at Port Jackson. The latter is one of those persons who lately absconded from the Settlement after committing some most atrocious Robberys and Depredations, and is under Sentence of Transportation for five years; he proceeds to Sydney for the purpose of being sent to the Coal River during the period of his sentence, and also to break the Chain of a very dangerous Connexion which he has formed in this Settlement; you will therefore see the necessity of his being narrowly watched.

I have also directed there Soldiers of the 73rd Regt., single men, named Frs. Stewart, John Nicholls, and Thos. Walton to be embarked this Day for the purpose of doing Duty as a Military Guard; you will therefore be pleased to receive them on board and victual them at full allowance.

I have also directed the Deputy Commissary to issue to your Order Fifty Gallons of Spirits agreeable to the request contained in your letter of this Day, but I find it impossible to allow you to have it upon any other terms than as a loan, the whole of the Spirits in the King's Stores being exclusively Colonial property, and which cannot be appropriated to any other branch of the Service, you will therefore be pleased to return the same quantity in kind by the first favorable opportunity.

As I shall leave hence on the 28th Inst., and arrive at Port Dalrymple previous to your departure therefrom, I shall furnish you with my Dispatches for His Excellency the Governor in Chief and such further instructions as the nature of the Service may there require.

I have, &c,

T. DAVEY, Lt.-Govr.

* Note 99.
1815. 16 March.

Shipment of wheat at Port Dalrymple.

Lieutenant-Governor Davey to Lieutenant Jeffreys.

Sir, Launceston, 21st Novr., 1814.

The Grain, which has been purchased by Government at this Settlement for the purpose of being conveyed to Head Quarters (amounting to three thousand Bushels or thereabouts) being ready for delivery from H.M. Stores, I have to direct you will lose no time in adopting the necessary measures for the Shipment thereof.

Capt. McKenzie has been instructed by me to afford you every assistance, which the resources under his charge will admit of; and, as I am particularly anxious the completion of your voyage should be hastened as much as possible, I feel assured that no exertions will be wanting on your part towards carrying the same into effect. It will be necessary that an Officer from the Kangaroo should see the Grain measured from H.M. Stores, and when the whole has been issued you will be pleased to grant the necessary receipts for it to Mr. Archer the Commissary.

I have, &c,
T. DAVEY, Lieut.-Govr.

Lieutenant Jeffreys to Lieutenant-Governor Davey.

Sir,
H.M. Brig Kangaroo, Port Dalrymple River,
21st Novr., 1814.

In answer to your letter of this Day’s date, I have the honor to inform you that His Majesty’s Brig Kangaroo is perfectly ready to receive the Grain intended to be conveyed to Port Jackson whenever it may be sent down to her, provided Bags are furnished to put it in. I also beg leave to observe that the Custom of His Majesty’s Navy is to sign receipts for Provisions when received on board, and not when sent from the Store that it will be necessary some person of the Commissariat Department should deliver it, and that it is out of my power to take the said Grain in charge until it is put on board.

I also beg to remind you that I pointed out the necessity of having Bags and Casks to put the same into, when at Hobart Town, which were never furnished and that I have only Casks sufficient to take about Five hundred Bushels, and that I cannot stow it in bulk.

Every assistance shall be rendered on my part by sending the Launch of His Majesty’s Brig, which can carry about Eighty Bushels, and I beg to say from the distance we are from the Town, she probably may be two Days making one trip.

I have, &c,
C. JEFFREYS, Lieut. & Commr.

MACQUARIE TO BATHURST.

[Enclosure No. 2.]  
SECRETARY CAMPBELL TO LIEUTENANT JEFFREYS.

Sir,  
Secretary’s Office, Sydney, 3d Feb’y., 1815.

I have it in Command to communicate to you that the very extraordinary delay, which has taken place in the return hither of H.M.C. Brig Kangaroo under your command from Van Diemen’s Land, renders it necessary for His Excellency the Governor to call on you thus to explain in a written report the causes which have led to and occasioned this very unaccountable delay. When His Excellency considers the nature of the service, on which the Kangaroo was dispatched from hence, and the Instructions, with which you were furnished on that occasion, and likewise the tenor of the Orders sent to Lieut. Governor Davey in regard to the speedy return of that Vessel, He feels He would be deficient in His Public Duty if he did not require the explanations now called for at your hands.

Accompanying the Report now called for, you will please to furnish also an attested Copy of the Kangaroo’s Log Book or Journal, from the date of your sailing from hence on the 20th or 21st of August last, up to the period of your arrival yesterday in Sydney Cove, comprehending a Space of five months and 12 Days.

As the Governor feels it incumbent on Him to make a report to His Majesty’s Government at home on the subject of this apparently unaccountable delay of the Kangaroo. He requires you to furnish Him with every information in your power with regard to the circumstances, which may have tended to or occasioned it, in order that the Blame (if any) may be attached to him or them, who may have incurred it.

The very great expence of this Vessel to the Government, and the little benefit hitherto derived from her services, alike requires that the Report on this occasion should be Circumstantial and Satisfactory.

I have, &c.,

JNO. THOS. CAMPBELL, Secy.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 3.]

LIEUTENANT JEFFREYS TO SECRETARY CAMPBELL.

Sir,  
H.M. Brig Kangaroo, Sydney, 6th Feb’y., 1815.

In answer to your letter of the 3d Inst. calling on me (by command of His Excellency the Governor) to explain the cause of the very unaccountable delay in the return hither of His Majesty’s Brig under my Command, I have to state for His
1815.
16 March.

No delay caused by officers or crew of Kangaroo.

Excellency's information that no delay whatever has taken place on the part of the Officers and Ship's Company of His Majesty's Brig Kangaroo, but on the contrary every exertion has been made to facilitate her return, and that, with respect to any person not connected with this Brig, I am incompetent to judge, and shall at all times be happy to answer any question His Majesty's Ministers may have to ask, and with respect to my own Conduct am proud to say shall be able to give them every Satisfaction.

His Excellency must remember that He thought proper in his last Orders to direct me to follow the Orders of Lieut. Govr. Davey, or words to that effect. I shall now proceed to state the whole of the circumstances and correspondence, which have taken place since my quitting this Port in August last.

From contrary Winds and bad Weather, we did not reach the Derwent until the 14th Septr.; that the Passengers and Convicts were not all landed for near fourteen Days after our arrival; that by the 28th, had completed our Wood and Water, &c. and were perfectly ready for Sea. I repeatedly asked Lieut. Govr. Davey what were his intentions with respect to the Brig, but it was not until the 17th Octr. that I received any Satisfactory Answer, for which I refer you to his Letter (No. 1), as also my answer (No. 2) and his last Orders (No. 3 & 4) to proceed to Port Dalrymple, and receive nine Women for that Settlement in addition to ten that had remained on board, and fifty Gallons of Rum for the use of the Ship's Company. On Wednesday, the 19th, unmoored and got every thing ready for Sailing the next morning, but was prevented by the absence of my First Officer and a party of Men, who did not return 'till the Sunday following, having been Cast away. On Monday sailed, and on Tuesday were compelled to put into Adventure Bay, not being able to weather Cape Pillow, where we remained until the 2d Novr., and arrived at Port Dalrymple on the 5th. On the 9th, the Women were landed, when every preparation was made to receive the Wheat. On the 21st, I received a Letter from Lieut. Govr. Davey a copy of which (No. 5) is herewith enclosed as also my answer (No. 6).

I have to inform you that finding the Settlement at Port Dalrymple had only one Small boat, every assistance was rendered with the Boats and Men under my Command, and have to say that from the Distance we lay from the Town (28 Miles) the Strong Tides, the heavy Weather experienced in crossing that part of the River called Swan Bay and Nelson's Shoals, the Boats were in general three or four Days performing one trip.
I recommended Capt. McKenzie to hire a Vessel called the William and Ann belonging to a Merchant named Collins, who had offered to take it down, and which Vessel had been fitted up by her Owner for carrying Wheat; but Mr. Archer, I understand, declined hiring her for some reason unknown to me, altho' this Vessel could have taken the whole of the Wheat in two trips. At last the whole of the Wheat was got down by my sending Men and Stores to repair a Vessel belonging to a Man, named Wm. Stewart, by the 30th Decr. On the 1st Jany., we proceeded down the River, and on the 4th, I received Capt. McKenzie's Dispatches and the Prisoners. In a few hours afterwards Sailed; when about five miles from the land, a Sudden Shift of Wind obliged us to put back, as His Excellency will perceive by the Copy of the Log Book herewith sent, and also that we got on Shore and lost an Anchor; that We again attempted to proceed on the Wind moderating but were obliged to put back where we remained until the 26th and arrived in this Port on the 2d Inst.

I am, &c.,

C. Jeffreys, Lieut. & Commr.

[Enclosure No. 4.]

Secretary Campbell to Lieutenant Jeffreys.

Sir,

Secretary's Office, Sydney, 13th Feb'y., 1815.

I have the honor to acknowledge the receipt of your letter of the 6th Inst., accompanied by a copy of the journal of your late voyage to and from Van Diemen's Land, and of the correspondence which took place between you and Lieut. Governor Davey during your Stay there.

Having submitted this letter and Several Documents, therein referred to, to His Excellency the Governor, I have it in command to convey to you His Excellency's observations and Sentiments thereon.

His Excellency, having carefully and attentively perused all the above Documents on the subject of your late voyage, does not conceive that you have accounted by any means satisfactorily for the very extraordinary length of time occupied by it, and cannot refrain from expressing His opinion that it should have been performed in one third part of the time assigned to it, if the necessary exertions for such an occasion had been made by you and the Commanding Officers at Hobart town and Port Dalrymple respectively.

That the delay complained of may in some degree be attributed to those Officers, His Excellency is free to admit, in as
1815.
16 March.

Delays caused by officers in command in Tasmania.

Probable disapproval of Jeffreys' conduct.

much as they permitted you to remain so very long at the Derwent and Port Dalrymple, and also from the consideration that they did not use greater exertions in getting the Grain put on board at the latter place. These Officers are accountable for their own measures herein and His Excellency will not fail to call upon them for an explanation of them.

His Excellency in remarking on your observation "that you shall at all times be happy to answer any Question H.M. Ministers may have to ask, and with respect to your own Conduct that you are proud to say you shall be able to give them every satisfaction" cannot avoid expressing Himself doubtful that H.M. Ministers will be satisfied with your conduct on this occasion, when they shall be made fully acquainted with all the circumstances connected with this tedious voyage; And as it is His intention to make a representation of the case to them, He feels it necessary to call upon you for a more detailed and circumstantial report than that you have already made, and particularly on the following important points, namely,

1st. As Lieut. Governor Davey has reported to His Excellency that He required you not only to take on board the Kangaroo the three thousand Bushels of Wheat (then in readiness for shipping at Port Dalrymple), but also the Detachment of the 73d Regiment at that time remaining at Hobart town, and consisting of only 17 men, 10 Women and 36 Children, and likewise recommended that the Wheat should be Stowed in bulk, The Governor desires that you will explain the reasons, which induced you to decline taking the Grain in bulk, according to that recommendation, His Excellency being of opinion that if you had done so, the Tonnage of your Ship would have fully enabled you to have conveyed both the Grain and the Military Detachment, or at least the greater part of it hither, provided the suitable and necessary arrangements had been made, and not so very large a proportion of the Main Deck appropriated solely to your own personal accommodations as appears to have been.

2d. It appearing from good authority that you and Mr. Napper, the Surgeon of the Kangaroo, both quitted that Vessel at Hobart town, and travelled overland from thence to Port Dalrymple, whereby the charge of His Majesty's Vessel on the passage thither devolved on the Chief Officer or first Mate, His Excellency desires to be informed by what authority you and Mr. Napper ventured upon this measure, which His Excellency considers a most unwarrantable and unjustifiable Act, neither Sanctioned by the usage of the Royal Navy nor that of the Transport Service.
3d. The Kangaroo being a fine sailing Vessel and so very well manned and found in every particular, His Excellency is much at a loss to know how it could so happen that she did not make the passage from hence to the Derwent for the space of ten days after the arrival of the Private Merchant Brig, called the Spring, which did not sail from hence until three Days after her, making a difference of 13 Days in the run from hence to the Derwent. This difference of time in so short a distance His Excellency can only account for at present by the predilection you have shewn for putting into and delaying at different Ports along the Coast, which as a precautionary measure was not deemed necessary by the Master of the Spring; His Excellency will however be happy in receiving a more satisfactory explanation from you on this head.

The Governor trusts it is unnecessary to remind you that the Brig Kangaroo is not a Ship of War, or to be considered at all in that point of view, but on the contrary that she is merely a Transport for conveying Troops, Stores, Provisions, or any other articles, the Property of Government, from one Settlement to another; such are the Duties she is required to perform, and it was for these purposes solely that she was sent to this Country on the recommendation of His Excellency, under whose Orders and control she is consequently placed.

In summing up His observations and inquiries, The Governor has again to express His regret that you should have declined receiving the Grain in Bulk instead of in Bags and Casks, as by taking it in Bulk as recommended by Lieut. Governor Davey much delay would have been avoided and a very considerable expence saved to the Crown especially in the Articles of Bags and Casks.

Herewith you will receive three Papers respecting Persons embarked on board the Kangaroo at Port Dalrymple by order of Capt. Mackenzie, and signed by Him, which you transmitted to the Governor on the 3d Inst. for his Inspection.

I have, &c.,

JNO. THOS. CAMPBELL, Secy.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 5.]

LIEUTENANT JEFFREYS TO SECRETARY CAMPBELL.

Sir, 

H.M. Brig Kangaroo, Sydney, 18th Feby., 1815. 

I have the Honor to acknowledge the receipt of your Letter of the 13th Inst. Communicating to me His Excellency the Governor's Observations and Sentiments on my Letter of the
6th Inst., and stating that His Excellency deems it necessary to call on me for a more detailed and circumstantial report on three important points therein mentioned, which should have been answered but for the pressure of Public Duty in paying off the Ship’s Company.

In Answer to that part of your Letter stating that His Honor Lieut. Govr. Davey had required me to take on board the Three Thousand Bushels of Wheat and the Detachment of the 73d Regiment, I beg to refer His Excellency to my Answer to Lieut. Govr. Davey’s Letter of the 17th Octr., stating my reason for not taking the Wheat and Detachment of the 73d Regt., and am sorry that His Honor has not intimated to His Excellency that he had told me that there would necessarily be a Number of Prisoners and Witnesses required to be taken up to Sydney on the part of Peter Mills, &c. that I then Calculated Sixty three Souls (at least) of the 73d Regt., thirty of my own Complement, and from five to ten on the part of the Bush-rangers, making together about One Hundred Souls; that these Hundred Souls required Provisions, Water and Room is Obvious; and that the Stowing Wheat in the Hold displaces the whole of the Provisions and Water; we could then stow but the few Casks we had lashed between the Guns, except a few under the Cables, not to be got at when at Sea but with very great risk and inconvenience; Three Thousand Bushels was more than the Hold could contain, and to Stow the Quantity brought up, was obliged to displace all the small Stores, and stow it in a place appropriated even in a common Merchantman Solely to the Ship’s Use.

His Excellency will be pleased to remember that His Majesty’s Brig under my Command has every Species of Stores allowed to a Class of Brigs in the Navy commanded by Commanders, and Commonly known by the name of ten Gun Brigs, and that, when she has three Months Provisions and Water on Board, she is supposed to be just in a Sea-worthy trim, and, to make room for any other things that may be put on Board in any Quantity, some of those Stores must be removed, or she would be so deep as to render her being Swamped Probable; that had the Troops, &c. and Three Thousand Bushels of Wheat been put on Board, in addition to her Ballast, Stores, Provisions and Water, in my Opinion that would have been the Case; this was the reason of my Answer to Lieut. Govr. Davey’s Letter of the 17th Oct.

You will be pleased to inform His Excellency that Lieut. Govr. Davey never once recommended stowing the Wheat in Bulk. I informed him it could not be taken in Bulk conceiving it a dangerous and improper way of Stowing Wheat, both for the safety of the Ship and Cargo, as it is at all times liable to Shift,
and chock the Pumps, and whenever a Small Portion of it got wet, it would inevitably destroy the whole, but notwithstanding wherever I could find a safe place, it was done, and out of the Quantity brought up about fifteen Hundred Bushels was in Bulk.

I lament that His Excellency the Governor should have in the slightest degree animadverted on my private Accommodations on Board, as the little extension I have was done by his Consent.

In reply to the Second Clause of your Letter concerning Mr. Napper and myself proceeding to Port Dalrymple by Land, I beg to state that Mr. Napper obtained my permission for so doing, and I proceeded round on my own Authority; but have to say that the Service received no injury or delay, nor was it likely to suffer, as in addition to an Officer fully competent to Command her, she was furnished with a Pilot by Lieut. Govr. Davey’s Orders, and have also to remark that in the Navy in so short a trip it is by no means uncommon for Commanders to allow their first Lieutenants to take charge of the Ship.

In reply to His Excellency’s observations that the Kangaroo is a fast sailing Vessel, I beg to observe that he is misinformed, as appears by the following Circumstance. At 1 H. 30 M. p.m. Augt. 29, 1814, I saw a Sail nearly right Astern; she was then so far off as to appear a mere Speck on the Horizon; by 4 she had gained considerably on us; I then perceived her to be the Brig Spring with much less sail than we had; by 10 O’Clock she was in the same parallel of Latitude as ourselves, and about two or three Miles distant; after seeing this, it is impossible any Nautical Man can say the Kangaroo even Sails tolerable, and this I suppose must be the reason of her arriving at that Port before us; but having had no Conversation with the Person who commands her, I cannot say what course he steered, what favorable Winds he met with, or any thing Concerning her; but have been told that the same Winds which drove me into Cape Barren drove her into Bass’s Straits, and that he strove for some time to reach that Anchorage; but I beg to inform His Excellency that these are Circumstances which are very common, and even the Sailing of a few Hours will occasion like Casualties; and, with respect to the Kangaroo being well Manned, I am sorry to Say I have very different ideas to His Excellency the Governor and shall write him more fully on that Subject hereafter.

In reply to that part of your Letter relative to the establishment of the Kangaroo, I beg to say that I am perfectly aware of the Purport of her being sent to this Colony, and that I have Orders from the Honble. Board, under whom I serve, to follow His Excellency’s directions for the good of His Majesty’s
1815.
16 March.

Jeffreys' second report unsatisfactory to Macquarie.

Papers to be transmitted to the secretary of state.

Statement of annual expenditure to be submitted.

Service, but am at a loss to know why he should have thought proper to remind me of it, as I know of no part of my Conduct which could have called it forth.

I have, &c.,

CHAS. JEFFREYS, Lieut. & Commr.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 6.]

[A] SECRETARY CAMPBELL TO LIEUTENANT JEFFREYS.

Sir,

Secretary's Office, Sydney, 21st Feby., 1815.

1. I have been duly honored with your letter of the 18th, in answer to my communication of the 13th inst., and, having submitted it to His Excellency the Governor, I have it in command to inform you that the reasons you have assigned for the very great delay, which took place in the late voyage of H.M.C. Brig Kangaroo under your command to Van Diemen's Land, and back hither, are not considered by any means satisfactorily explanatory, and that in consequence His Excellency must in justice to Himself, and for the good of His Majesty's Service, state the circumstances of the voyage to the Secretary of State for the Colonies to enable His Lordship to judge how far the expectations He had formed in regard to the services of the Kangaroo have been realized since her arrival here.

2. With this Statement, His Excellency will forward a copy of the correspondence, which the circumstances of it have given rise to between Him and you, and also a Copy of the Instructions with which you were furnished on the 27th of May last previous to Your sailing the first time on the voyage now under consideration. A Copy of the Orders sent on the same occasion to Lieut. Governor Davey, directing the speedy dispatch of the Kangaroo on her return hither, will accompany the foregoing Papers; from all which, it is presumed His Lordship will be fully enabled to judge how far His Excellency's Orders and Instructions have been on the present occasion the rule of your and Lieut. Governor Davey's conduct, and at the same time to appreciate the Services rendered to this Colony by the Kangaroo since her arrival, early in the year 1814.

3. The Governor, wishing to ascertain, with as much accuracy as practicable, the annual amount of the actual expence of the Brig Kangaroo to this Government, requests that you will furnish Him as speedily as possible with a Statement or Estimate thereof, comprehending the Pay, Wages and Provisions of her full complement of Officers, Petty Officers, and Seamen, with the probable wear and tear of her rigging and furniture, and of the usual quantity of Stores requisite for such a Vessel for the same period.
MACQUARIE TO BATHURST. 455

4. As it is probable the Kangaroo will be shortly required for another Duty, the Governor desires that you will take the necessary Steps to prepare for going to Sea with the least possible delay, supplying her with three months Provisions and Water for her complement of Officers and Seamen, and His Excellency desires to be informed by you what number of Troops she can with convenience and safety accommodate, reckoning on a Supply of three months provisions and Water being furnished for them also.

I have, &c.,
JNO. THOS. CAMPBELL, Secy.

Compared:—JNO. THOS. CAMPBELL, Secy.

[B] LIEUTENANT JEFFREYS TO SECRETARY CAMPBELL.

Sir, H.M. Brig Kangaroo, Sydney, 23d Feby., 1815.

I have to acknowledge the receipt of your Letter of yesterday’s date informing me of His Excellency the Governor’s wish to be furnished as near as possible with an estimate of the expenses of His Majesty’s Brig under my Command, and of the usual quantities of Stores required for such a Vessel for the same period, and beg leave to say that His Excellency must be well aware that these things depend entirely on the Service and situations the Vessel may be employed in, but having endeavoured to collect, with as much Accuracy as possible, the general expenses, beg to submit the enclosed documents for his Perusal.

In Answer to the last part of your Letter desiring to be informed what Troops can be carried with convenience and safety, I have to state, that His Majesty’s Brig stows little better than Thirty Tons of Water, and that Seventy five Souls, in Addition to her present Complement, will be about the Number she will be able to accommodate for a Voyage of Three Months.

I have, &c.,
CHAS. JEFFREYS, Lieut. & Comnr.

[C] LIEUTENANT JEFFREYS TO SECRETARY CAMPBELL.

Sir, H.M. Brig Kangaroo, Sydney, 23d Feby., 1815.

Enclosed you will receive Accounts of Bills drawn on the Transport and Victualling Boards for the Public Service, from the time of His Majesty’s Brig having been put into Commission to the 10th February last, and also an Account of the expenses during the said time, which you will be pleased to lay before His Excellency the Governor.

I have, &c.,
CHAS. JEFFREYS, Lieut. & Commr.
AN ACCOUNT of Bills drawn for the Public Service on the Commissioners for Victualling His Majesty’s Navy, between the 11th Day of February, 1813, and the 10th Day of February, 1815, from on Board His Majesty’s Brig Kangaroo, Lieut. Charles Jeffreys, Commander.

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<tr>
<td>1814 April 29</td>
<td>Sydney ......</td>
<td>Lieut. Jeffreys</td>
<td>Fresh Beef and Vegetables purchased of John Harris</td>
<td>£ 53 5 0</td>
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<td>August 19</td>
<td>Do ......</td>
<td>Do</td>
<td>Do purchased of Geo. Cribb</td>
<td>£ 161 0 0</td>
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<td>Oct 19</td>
<td>Hobart-town</td>
<td>Do</td>
<td>Do Do of Jas. Gordon, Esq.</td>
<td>£ 54 11 10</td>
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<td>£ 268 16 10</td>
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CHAS. JEFFREYS, Lieut. and Comm’r.

Extra Money Paid by His Majesty’s Consul at Rio de Janeiro £ 3110 9

AN ACCOUNT of Bills drawn for the Public Service on the Commissioners for conducting His Majesty’s Transport Service, &c., &c., &c., Between the 11th Day of February, 1813, and the 10th Day of February, 1815, from on Board His Majesty’s Brig Kangaroo, Lieut. Charles Jeffreys, Commander.

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<td>1813 July 1st</td>
<td>Madeira ......</td>
<td>Lieut. Jeffreys</td>
<td>Wine Purchased</td>
<td>£ 43 15 0</td>
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<td>Do</td>
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<td>Rio de Janeiro</td>
<td>Do</td>
<td>Payment of Advance</td>
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<td>Sydney ......</td>
<td>Do</td>
<td>Personal Pay</td>
<td>£ 63 0 0</td>
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<td>March 18</td>
<td>Do ......</td>
<td>Do</td>
<td>Do</td>
<td>£ 63 0 0</td>
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<td>Do ......</td>
<td>Do</td>
<td>Pay due to Mr. Bunster</td>
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<td>April 22</td>
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<td>Mr. Napper</td>
<td>Personal Pay</td>
<td>£ 37 1 0</td>
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<td>May 14</td>
<td>Do ......</td>
<td>Lieut. Jeffreys</td>
<td>Pay due to Mr. Martin</td>
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<td>&quot; 25</td>
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<td>Personal Pay</td>
<td>£ 55 17 4</td>
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<td>August 8</td>
<td>Do ......</td>
<td>Do</td>
<td>Payment of Wages due to Ship's Company</td>
<td>£ 431 17 5</td>
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<td>Do ......</td>
<td>Mr. Napper</td>
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<td>Launceston</td>
<td>Mr. Napper</td>
<td>Do</td>
<td>£ 55 17 4</td>
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<td>1815</td>
<td>Sydney ......</td>
<td>Do</td>
<td>Do</td>
<td>£ 37 1 0</td>
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<td>Feby.</td>
<td>Do ......</td>
<td>Lieut. Jeffreys</td>
<td>Payment of Wages due to Ship's Company</td>
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<td>£ 1099 12 4</td>
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<td>£ 2811 15 11</td>
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CHAS. JEFFREYS, Lieut. & Comm’r.
MACQUARIE TO BATHURST. 457

[Sub-enclosure No. 3.]
1815.
16 March.

AN ACCOUNT of Expences incurred on Board His Majesty's Brig Kangaroo, Lieut. Chas. Jeffreys, Commander, between the 11th day of February, 1813, and the 10th day of February, 1815.

<table>
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<tr>
<th>Time</th>
<th>Place Where</th>
<th>For what Service</th>
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<tr>
<td>1813</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Sept. 1</td>
<td>Rio de Janeiro</td>
<td>Purchase of Oakum and Rosin for Caulking the Brig</td>
<td>£7 10 10</td>
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<tr>
<td>16</td>
<td>Do</td>
<td>Hire of a House and Island for landing the Passengers on during the time the Brig was refitting</td>
<td>£20 16 0</td>
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<tr>
<td>1914</td>
<td></td>
<td>Paid by His Majesty's Consul for the Caulking of the Brig</td>
<td>£31 10 9</td>
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<tr>
<td>Octr. 19</td>
<td>Hobart-town</td>
<td>Paid for the Hire of Sick Quarters for Mr. James Napper Surgeon</td>
<td>£8 8 0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>£68 5 7</td>
</tr>
</tbody>
</table>

Chas. Jeffreys, Lieut. & Comm'r.

True Copy:—Jno. Thos. Campbell, Secy.

[Enclosure No. 7.]

AN ACCOUNT of the Establishment of His Majesty's Brig Kangaroo with the Amount of Wages for One Year.

<table>
<thead>
<tr>
<th>Quality</th>
<th>Rate of Pay p. Month.</th>
<th>Amount of Pay p. Year.</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>One Commander</td>
<td>£15 0</td>
<td>£286 2 0</td>
<td>Subject to Deduction for Income, Widows Fund Greenwich Hospital.</td>
</tr>
<tr>
<td>One Surgeon</td>
<td>£10 0</td>
<td>£182 10 0</td>
<td></td>
</tr>
<tr>
<td>One Chief Officer</td>
<td>£7 7</td>
<td>£88 4 0</td>
<td></td>
</tr>
<tr>
<td>One Second Do</td>
<td>£5 10</td>
<td>£66 0 0</td>
<td></td>
</tr>
<tr>
<td>One Clerk</td>
<td>£3 0</td>
<td>£54 15 0</td>
<td></td>
</tr>
<tr>
<td>One Gunner's Mate</td>
<td>£4 10</td>
<td>£54 0 0</td>
<td>Subject to Deduction for Income and Greenwich Hospital.</td>
</tr>
<tr>
<td>One Boatswain's Mate</td>
<td>£4 10</td>
<td>£54 0 0</td>
<td></td>
</tr>
<tr>
<td>One Carpenter</td>
<td>£6 0</td>
<td>£72 0 0</td>
<td></td>
</tr>
<tr>
<td>One Steward and Cooper</td>
<td>£4 10</td>
<td>£54 0 0</td>
<td></td>
</tr>
<tr>
<td>One Cook</td>
<td>£4 0</td>
<td>£48 0 0</td>
<td></td>
</tr>
<tr>
<td>Ten Able Seamen</td>
<td>£4 0</td>
<td>£48 0 0</td>
<td></td>
</tr>
<tr>
<td>Four Ordinary Do</td>
<td>£2 10</td>
<td>£120 0 0</td>
<td></td>
</tr>
<tr>
<td>Four Landsmen</td>
<td>£2 0</td>
<td>£96 0 0</td>
<td></td>
</tr>
<tr>
<td>Three Boys</td>
<td>£1 5</td>
<td>£45 0 0</td>
<td></td>
</tr>
<tr>
<td>Thirty One Total Number of Complement Amount of Pay for One Year</td>
<td>£1700 11 0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Provisions, etc., required for the above Complement for One Year:—

- Bread: Eleven Thousand, three Hundred and Fifteen Pounds;
- Salt Beef: Six Thousand, four Hundred and sixty four Pounds;
- Do. Pork: Three Thousand, two Hundred and thirty two Pounds;
- Rum: Seven Hundred and Seven Gallons, one Pint and a half;
- Pease: Fifty Bushels and a half;
- Oatmeal: Thirty seven Bushels, Seven Gallons;
- Sugar: One Thousand, two Hundred and twelve Pounds;
- Cocoa: Six Hundred and Six Pounds.

Provisions, etc., required for crew per annum.
1815.
21 March.

Recommendation of Thomas Hall as settler.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch marked "Separate," per ship Baring; acknowledged by Governor Macquarie, 18th March, 1816.)

Sir,

Downing Street, 21st March, 1815.

Mr. Thos. Hall, the Bearer of this letter, has received my permission to proceed as a Free Settler to the Colony under your Government. I have therefore to desire that you will grant to him an Allotment of Land, not exceeding one hundred Acres, corresponding to the Amount of Capital, which he is able to satisfy you he has the means of commanding for its Cultivation, together with any other Encouragement usually given to free Settlers.

I have, &c.,

BATHURST.

22 March.

Report on misconduct of lieut.-governor Davey.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "Private and confidential," per ship Marquess of Wellington; acknowledged by Earl Bathurst, 18th April, 1816.)

My Lord,

Government House, Sydney, 22nd March, 1815.

The painful duty of making a representation, most unfavorable to the Character and Conduct of an Officer of no less rank than that of Lieutenant Governor of Van Diemen's Land, is imposed upon me by a variety of circumstances of too much notoriety and importance to be longer passed over in silence. I feel it, therefore, due to His Majesty's Government and to the high trust, which has been reposed in me, not to let feelings of private regret for the Individual prevent me from expressing my warmest sentiments of disapprobation at the measures and conduct of Lieutenant Colonel Davey, since his arrival in this Country to fill the Situation of Lieutenant Governor of Van Diemen's Land.

Col. Davey's Stay at this place, previous to his proceeding to V.D. Land, furnished me a full opportunity of observing an extraordinary degree of frivolity and low buffoonery in his Manners, and gave me but too much reason to apprehend that, when he should have no Superior to control him, he would altogether lose sight of that Manly and dignified deportment, which his Rank in the Service, his present high authority, and his advanced time of Life should have All alike induced him to support. My apprehensions have been, My Lord, too fully realized in this respect, and the contagious effect of such an example in his rank is too obvious to require a comment.

To be more particular, I beg to inform Your Lordship that every succeeding arrival from Van Diemen's Land brings me fresh reports of Col. Davey's dissipation and profligacy. It has
come to my ears, thro' such a variety of Channels, that He spends almost his entire time in drinking, and every other Species of low depravity, in Company with the basest and meanest of the people, that I cannot further hesitate to give full Credit to the Report. What renders this Debasement the more gross and offensive is that He is a Married Man, and his Wife and daughter, who live with him, are both very amiable and highly respectable. If the effects of His thus giving way to the lowest propensities were Confin'd to himself and his own immediate family, however to be lamented, they still would not form a sufficient ground for my present animadversion; but they necessarily render him idle, indolent, and totally incapable of executing the Public Duties of his Station. The Orders and Instructions, which I convey to him from time to time, are of course rendered Nuga­tory, his Constant State of intemperance rendering him totally indifferent to them; and thus, by his want of personal exertion, or of regard to the performance of My directions, the Govern­ment is brought into Contempt, and the Public exposed to all the ill effects of Licentiousness in the most unqualified degree. Strong reports are also in Circulation of his being not only dissipated and profligate in his private life, of which I am myself fully convinced, but also that He is extremely venal and corrupt in his public Capacity. Among other abuses of power with which he is taxed, He is charged with having been privy to and sanctioning a great deal of clandestine trade and smuggling of Spirits at the Derwent. These are Charges, which of course I have no direct or positive proof of, else it would have become my duty to bring them forward in a public manner; but they are rumoured, nevertheless, so generally, that I am strongly apprehensive they are but too well founded.

The high and important rank of Lieutenant Governor of V.D. Land makes me extremely reluctant to push matters to extre­mities, or to expose this unfortunate Man to the Shame and disgrace, which must naturally attach to a public Conviction on such low and base grounds, and I have therefore wished to avoid that Measure as far as in propriety I have been enabled.

When Col. Davey came out to this Country, his Salary as Lieutenant Governor (as is well known to Your Lordship) was stopped by order of the Lords of the Treasury, until his Debt to the Public, contracted whilst he was a Pay Master of Marines, should be finally discharged; yet, notwithstanding this appro­priation, He has drawn several Bills on the Lords of the Treasury on account of Salary, and negociated them to Private Indi­viduals in payment of Goods purchased of them, whereby those persons have suffered most material injury.
These traits of Dissipation, Venality, and downright fraud and imposition, which I have had occasion to allude to, render Colonel Davey in my mind totally unfit for and unworthy of the Situation, in which he has been placed; and on these grounds, I take the liberty most respectfully to suggest the propriety of his being immediately relieved or superseded by some person of greater energy of Mind and of More honorable principles.

On a former occasion,* I took the liberty to recommend Major General Foveaux (at that time Lieut. Colonel in the 102nd Regt.) for the appointment of Lieutenant Governor of Van Diemen's Land, under the Conviction that his Superior talents, integrity, and honor qualified him most eminently for that Situation; and now, in the event of Lieut. Govr. Davey being either superseded or recalled, I once more beg leave to recommend General Foveaux to Your Lordship to succeed him, if He should feel disposed to come out to this Country.

The activity, zeal and intelligence of this Gentleman rendering him in my opinion better qualified for the management of that young and promising Settlement than any other person I am acquainted with. Under his Auspices, I think I can safely venture to predict that the Colony of Van Diemen's Land would in the course of four or five years become one of the most promising and productive Settlements under the British Government.

I have reason to believe that Lieutenant Colonel O'Connell, the late Lieutenant Governor of this Territory, and Lieutenant Colonel Geils, of the 73rd Regt., are each of them particularly solicitous to obtain the Lieutenant Government of Van Diemen's Land, and have been exerting their interest at home to that effect. They have each of them landed property and Live Stock in the Colony, which Circumstance, altho' a strong argument in a public point of view against their being nominated, will render them still the more solicitous to succeed; and I feel it my duty to observe here to Your Lordship that, from my knowledge of the tempers, characters, and abilities of these two Officers, I have no hesitation in declaring them both very unfit persons for that important trust. Lieutenant Colonel Geils, when a Major in the 73rd Regiment, was Commandant for some time at Hobart town; and, during that period, his Conduct did not reflect Credit on him, and still less did it benefit the Public. In the exercise of his temporary power, he displayed not only a sordid mean and covetous disposition, but, in many instances, shewed himself also venal and corrupt. These facts did not come to my knowledge in time to get them redressed; but I have been fully convinced of their truth, subsequent to his being relieved by Colonel Davey.

* Note 100.
The illiberal national partialities and prejudices of Colonel O'Connell, combined with an irritable temper and over bearing disposition, render him scarcely less unfit for the due Administration of the Government of Van Diemen's Land than Colonel Geils; and I therefore earnestly entreat your Lordship not to appoint either of them to that Government, at whatever time it may become vacant.

When it may be deemed necessary to recall Colonel Davey, I beg to express the sincere hope that Government in its liberality, will make some provision for his amiable, but unfortunate, Wife and Daughter, whose Situations with Him are at best much to be pitied.

I have, &c.,

L. MACQUARIE.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 41, per ship Baring; acknowledged by Governor Macquarie, 18th March, 1816.)

Sir,

Downing Street, 24 March, 1815.

The usual letter having been omitted to be sent to you upon a Gentleman of the Name of Hartley quitting this Country, I am now to desire that, immediately upon the receipt of this Dispatch, you do give a Grant of Land to that Gentleman, with the Indulgences usually given to Settlers of the first Class.

I have, &c.,

BATHURST.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 4 of 1815," per ship Marquess of Wellington; acknowledged by Earl Bathurst, 18th April, 1816.)

My Lord, Government House, Sydney, 24th March, 1815.

1. The Date of My last General Dispatch to Your Lordship was the 7th of October, 1814, the Original of which was transmitted by the Ship Seringapatam bound direct for England, for which She Sailed on the 16th of October, and the Duplicate by the Ship General Brown Via Ceylon and India, which Sailed on the 19th of December last.

2. By the latter Ship, I forwarded the greater part of the Detachment of the 73d Regt., which was left here on the Departure of the Main Body of that Corps, and reported to Your Lordship my having done so by the Same Ship; but the General Brown, not being large Enough to Accommodate the whole of the Detachment, there Still remain here two Officers, 51 Non-Commissioned Officers and Soldiers, 27 Women, and 72 Children, making in all 150 Souls. These I shall send on to Ceylon by the
1815.
24 March.

Arrival of the transport Somersetshire.

Arrival of the transport Marquess of Wellington.

Arrival of William Moore and John Drummond.

Arrival of the brig Emu and judge-advocate Abbott at Hobart.

Arrival of the brig Emu at Port Jackson.

earliest favorable Opportunity of Some of the India Traders frequenting this Port; and if no such Opportunity Should Occur, I have it in Contemplation to Send the Governm't Colonial Brig Kangaroo with this Detachment, in Case I find She Can with Safety and Convenience Accommodate the Whole of them.

3. I have now the Honor to report to Your Lordship the Arrival here on the 16th of October last of the Ship Somersetshire, Commanded by Captain Alexander Scott, having An Officer’s Detachment of the 46th Regt. and 199 Male Convicts on board, All in Good Health; one Convict only having been lost on the passage by his leaping overboard, Whereby he was drowned.

On the 27th of January last the Ship Marquess of Wellington, Commanded by Captn. George Betham, Arrived Also from England, having An Officer’s Detachment of the 46th Regt. and 199 Male Convicts on board, All in Good Health, having lost only One Convict during the Voyage. These two Ships Arrived very Opportunely, Convict Labourers being very much wanted; and therefore I had the Men immediately distributed amongst the Settlers, After retaining such Mechanics as were required for Carrying on the Government Works.

Mr. William Moore, Solicitor, with a Younger Brother and two Sisters, as also Mr. John Drummond, Naval Officer for the Derwent, and his Wife and one Child, Arrived by this last mentioned Ship. I had the Honor of receiving Your Lordship’s Letters* by these two Gentlemen respectively, to which I shall pay All due Bespect and Attention in regard to Your Lordship’s Commands relative to them. I did not receive any regular Dispatches from Your Lordship by either of the Ships I have last Mentioned, and I have long since fully replied to All the former Dispatches Your Lordship was pleased to honor me with.

4. His Majesty’s Colonial Brig Emu,† Commanded by Lieut’t G. B. Forster arrived from England at the Derwent on the 12th of February last, having Mr. Abbott, the New Deputy Judge Advocate of Van Diemen’s Land, on board with his family. Mr. Abbott and Family were Landed at the Derwent. The Emu remained there twenty Days, and then Sailed for this Port, where She Arrived on the 12th Inst., having been Six Months and twelve Days on her passage from England hither. Mr. Abbott forwarded to me the Letters* Your Lordship did me the Honor to write me by him. In pursuance of Your Lordship’s Commands I have already Sent the Necessary Instructions to Lieut. Governor Davey to Administer the prescribed Oaths to Mr. Abbott, as Deputy Judge Advocate of Van Diemen’s Land, and transmitted him at the same time an Authenticated Copy of the Patent for Holding the New Courts of Civil Jurisdiction

* Note 101. † Note 102.
in this Territory, with Directions that Mr. Abbott should, Immediately After being Sworn in, Enter on the Duties of his Office.

5. I shall not fail to pay All due Attention to Your Lordship's Commands in respect to giving Mr. Abbott a liberal Grant of Land, and of Extending to him and his family the Usual Indulgences granted to the Civil Officers of the Government. I am sorry to say from the great Negligence of the Several Officers, who have Commanded at the Derwent, there are no proper Quarters or Barracks Yet Erected there for either the Civil or Military Officers of Government, and Consequently there are None Suitable for the Accommodation of Mr. Abbott and his family. I have therefore Authorized Lieut’Governor Davey to allow Mr. Abbott, in the Mean time, House rent or Lodging Money at the Rate of One Guinea per Week, which I hope Your Lordship will Approve of; but I am Inclined to think that Mr. Abbott will Consider the Allowance Much too Small, as I am apprehensive he will not be able to procure Suitable Quarters for himself and Family at so low a Rate; and therefore I submit to Your Lordship My being Authorized to Increase his House Rent to Such Allowance, as Your Lordship may deem adequate to his Rank.

6. Mr. Drummond Still remains here, waiting a favorable Opportunity for proceeding to the Derwent to Assume his Duty there as Naval Officer; and he will soon be enabled to Obtain a passage thither free of Expence in One of the Government Vessels, which I intend dispatching Shortly for that Settlement with Stores. Mr. Drummond has expressed a wish to be placed on the same footing at the Derwent, as the Naval Officer here, namely to receive five per Cent. on all Duties Collected, instead of having a fixed Salary; and, as Mr. Drummond's fixed Salary of 5s. per day is very inadequate to the Support of himself and his family, I respectfully recommend that I may be Authorized to place him on the same footing with the Naval Officer at Port Jackson, in respect to receiving a per Centage on all Duties Collected at the Derwent. Herewith I do myself the Honor to transmit, for Your Lordship's favorable Consideration and Decision, a Letter addressed to me by Mr. Drummond on this Subject.

7. The General Hospital Contract having Expired on the 31st of December* last, I issued a Government and General Order under the Date, Notifying that All the Ports of this Territory (Including those in Van Diemen's Land) were to be open, from and after the first day of the then ensuing Month of January, for the Free Importation of Spirits in Common with all other Articles of Merchandize from all Foreign Ports or places in

* Note 66.
1815.
24 March.
Duty imposed on spirits.

Abolition of government retail stores.

Partial failure of harvest.

Probable supplies of grain.

Unsettled state of Tasmania.

Amity with Great Britain. I fixed the Duty on Spirits on this Occasion at Seven Shillings p'r Gallon, as I was perfectly Satisfied that they Could very well bear that high Duty in this Country, where there is so great Consumption, and So Strong an Avidity for this Article. I also deemed this a proper Occasion for Abolishing totally the bad Custom of Supplying Settlers and other persons with Various Articles for payment from the King's Stores in this Colony, as All their wants may now be fully Supplied by the Free Merchant Shipping, frequenting this Port from England and other Countries. The Custom* of Supplying Settlers and other persons with Articles from the King's Stores often on a long Credit being found from long Experience to be extremely prejudicial to Government, the Collecting the Debts being attended with great Difficulty, and many of them being never recovered at all, determined Me on the Measure of dis­continuing the practice, and I trust the Expediency of My doing so will be fully Obvious to Your Lordship. Herewith I do Myself the Honor of transmitting to Your Lordship Copies of these Separate orders, Issued on this Occasion, and of which I Indulge a Hope Your Lordship will approve.

8. I am Concerned to have to Report to Your Lordship that our last Harvest has not turned out so Abundant a one, as I had Reason to hope it would have been, at the time I had the Honor of last addressing Your Lordship on this Subject. I believe, however, there is Enough of Wheat saved for the Consumption of the Colony without being Obliged to resort to foreign Markets; but owing to the extraordinary and unprecedented Droughts that have prevailed for the last three Months (the Period formerly Considered the Rainy Season in this Country), the Crops of Maize (Indian Corn), which at first had a Most promising Appearance, have Almost Entirely failed in many parts of the Colony, which will prove a most severe Disappointment and Loss to the poorer Class of Settlers, whose Chief Dependence was placed in this Description of Grain for Subsisting themselves and their Cattle; Many of them have had their Entire Crops of Wheat destroyed by Most severe Hail Storms, with which Several parts of the Colony were visited in the Months of December and January last.

9. This part of the Territory, I am happy to have it in My power to report to Your Lordship, Continues in a State of per­fect Tranquility and progressive Improvement; but I sincerely Lament My being Obliged to report to Your Lordship that the Settlements on Van Diemen's Land are now, and have been for the last Six Months past, in a very disorganized and disturbed State, principally owing to the Want of a good and Efficient

* Note 103.
Police and the very Small Number of Troops, Stationed at these Settlements; and I may Also Add from the Want of Competent Courts of Criminal and Civil Jurisdiction for trying and punishing Notorious Offenders immediately on the Spot, on being detected in Committing Crimes and Outrages of a Serious Nature.

There have always been, since the Original Establishment of the Settlements in Van Diemen’s Land, Small Bands of Runaway Convicts Infesting the Country, and who have generally gone by the Denomination of “Bush Rangers”; but their Numbers were so Small, and their Depredations so trifling, that the peaceable Settlers did not experience any serious Loss or Molestation from them. Since the Departure however of the two Companies of the 73d Regt. from Van Diemen’s Land, this Banditti has Increased rapidly, and Committed the Most daring and Atrocious Depredations on the persons and property of the Inhabitants of the Several Settlements, Carrying off whole Flocks and Herds of Cattle, and burning the Crops of Grain of the Settlers, who happen to live at any Distance from the Chief Settlements. In May last, I Issued a Proclamation,* a Copy of which I had the Honor of transmitting to Your Lordship, holding out Pardon and Indemnity to Such of these deluded wretches, as might be Induced to Surrender themselves, and return to their Duty and Allegiance. This, however, I am sorry to say has not had the desired and hoped-for Effect, Very few of the Banditti having Surrendered themselves. Being thus disappointed in my Expectations, I sent Instructions, some time since, to Lieut. Governor Davey to appoint a Number of additional Constables in the Repressive Several Districts in Van Diemen’s Land, to furnish them with Arms, and to add Small parties of Soldiers to them, and to send them in pursuit of the Banditti, and to Apprehend them, if possible, at the same time Authorizing him to Offer pecuniary Rewards to such Persons as might be able to apprehend and bring in any of the Bush Rangers. I also recommended to Lieut. Governor Davey to Call on the Settlers, generally, to Associate in Bands in the several Districts for their own Safety and Mutual Defence against the Attacks of the Banditti. There has not yet been Sufficient time for Ascertaining the Result of these last advised Measures, which however I was anxious to give a fair Trial to before I should resort to the more Summary and Coercive Measure of Proclaiming Martial Law, for a Certain time in Van Diemen’s Land, for the purpose of Extinguishing this dangerous Banditti. Indeed the very Small Military Force at present on that Island would not justify my now resorting to this last Measure, nor Can I spare a further Detachment from Head

1815. 24 March.
Causes of disturbances in Tasmania.

Depredations by bushrangers.

Proclamation of an amnesty to bushrangers.

Repressive measures ordered.

Reluctance to proclaim martial law.

SER. I. VOL. VIII—2 G * Note 104.
Quarters at present on account of the small Number of Men, which the 46th Regt. Consists of; but I greatly fear this Banditti Can never be entirely extirpated by any other Means than by Enforcing Martial Law and Using of a Strong Military Power against them; at the same time, I am so fully sensible of the serious Evils attendant on Such a Measure that I shall have Recourse to it with great Reluctance and only in the last Extremity. By the last Arrivals from the Derwent, I received a Letter from Lieut. Governor Davey on this very Serious Subject, Reporting various atrocious Robberies and Depredations recently Committed by the Bush Rangers in the immediate Vicinity of Hobart town, and the Measures he had deemed it Expedient to adopt on the occasion. I herewith Do myself the Honor to transmit, for Your Lordship's further Information, Copy of Lieut. Governor Davey's last Report to me on this Subject, together with a printed Copy of the Proclamation therein Alluded to.

10. The new Court of Civil Judicature has not yet been assembled here, agreeably to the new Patent for its Establishment, which I fear will prove a very Serious Inconvenience and Disappointment to the Inhabitants of the Colony, who have Suits and Causes to bring before it. The Apartments in the New General Hospital, fitted up in a very neat Stile for a temporary Court House, have long since been Completed, which I have Officially Signified to Mr. Justice Bent, suggesting to him at the same time the Expediency and Necessity of his appointing an early Day for the Opening and Assembling of the Supreme Court of Civil Judicature. I am sorry to say, however, that My Suggestions have hitherto been Unattended to by Mr. Justice Bent, who declines Assembling the Supreme Court until the Arrival of Mr. Garling, the Solicitor, which Certainly Appears to me to be a frivolous and ridiculous Reason to assign for delaying so long the assembling of the Supreme Court, as it is very possible Mr. Garling may never Arrive at all in this Colony, and as there are Several Attornies (exclusive of Mr. Moore, the Solicitor, Already Arrived) here, who have hitherto practised before the former Courts, and who might still be permitted to do so before the New Supreme Court; but, as I have No Control over Mr. Justice Bent, in virtue of the new Patent, I can only remonstrate with him on the Impropriety of his so long postponing the Assembling of the Supreme Court on such frivolous Grounds, and which I have Already done more than once without Effect.

11. In pursuance of the Intention, I did myself the Honor of Communicating to Your Lordship in my Letter under date the 8th of October last, of establishing a Native Institution at Parra-
matta for Civilizing and Educating the Children of both Sexes, the School was opened on the 18th of January last, that day being Chosen for the purpose as being the Auspicious Anniversary of Her Gracious Majesty’s Birth Day, when a few Children were voluntarily given up by their Parents and received into the Institution. Some others were afterwards brought in by their Parents, whereby the proposed Number of Six Boys and Six Girls were soon Completed, and in a Short time these Children Appeared to be perfectly happy and reconciled to their new Mode of Life. Some of their Parents, however, from an unaccountable Caprice, have since decoyed away their Children, and Six only remain now at the Institution instead of twelve. I have no doubt however of the Ultimate Success of the Institution, when the Elder Natives shall see and be Convinced that the few Children, who now remain in it, benefit so essentially from the Change in regard to their Health, Cleanliness and personal Appearance. The Natives, Naturally timid and suspicious, have not yet sufficient Confidence in Europeans to believe that this Institution is solely Intended for their own Advantage and Improvement; but, by bearing with their Caprices patiently and Indulging them a little in their Prejudices, I have no Doubt but their Repugnance to Civilization will soon yield and be entirely Overcome. I have already succeeded in getting Sixteen Adult Natives of this part of the Colony to settle permanently on a small Farm* on the Northern Shore of the Harbor of Port Jackson about Six Miles from the Town of Sydney, where I have had Comfortable Huts built for them, and they and their families appear to be perfectly Contented. I established these Sixteen families on their New Farm on the 31st of January last, and furnished them with some Slops, Agricultural Tools, and a Boat for Fishing, of which latter Occupation they are very fond; they have already made Some little progress in Cultivating the Ground, and by giving them some trifling assistance now and then from Government in the way of Slops and Provisions, I doubt not they will become Industrious, and set a good Example to the other Native Tribes residing in the Vicinity of Port Jackson.

12. I have the pleasure of reporting to Your Lordship that the Road† which I informed Your Lordship in a former Dispatch‡ had been Commenced upon in the Month of July last under the Direction of Wm. Cox, Esqr., Chief Magistrate at Windsor, from the left Bank of the River Nepean across the Blue Mountains to the new discovered Country to the Westward of them, was Completed in the Month of February last, so far as the Western Extremity of “Bathurst Plains” on the “Macquarie River,” the

* Note 86. † Note 42. ‡ Note 105.
Distance being upwards of one Hundred Measured Miles in nearly a due Westerly Direction to Bathurst Plains. The Whole of this Extent has been made a Safe Carriage Road, and great praise is due to Mr. Cox for his perseverance and arduous Exertions in getting it so soon Completed. The Road to the newly discovered Country being thus opened, it is My Intention to proceed thither Early next Month for the purpose of Surveying and ascertaining its real Value and Capabilities; for this purpose, I shall take with me the Surveyor General and the two Deputy Surveyors (including Mr. Evans, the first Explorer of this New Region), and some other Scientific Gentlemen, to assist me in My Survey and Examination of the Quality of its Soil, Timber, and other Natural productions. I also intend taking with me two small light portable Boats for the purpose of Ascertaining the Course of the "Macquarie River," and whether or not it Empties itself into the Sea on the Western Coast, which it is Supposed to do. I shall therefore detach Mr. Evans to trace the Course of this River on my Arrival at Bathurst Plains, where I am informed the Land is extremely fertile and luxuriant. On my Return from this Tour, which I expect will Occupy me at least a Month, I shall not fail to transmit Your Lordship a minutely detailed Report of the Result of All my Discoveries and Observations.

13. I have now to Solicit most earnestly and respectfully Your Lordship's kind Attention and favorable Consideration to a subject, on which I feel most warmly Interested. Mr. John Thomas Campbell, my present Secretary, a Gentleman of a most respectable family and liberal Education, was Originally Strongly recommended to me by his Friend, the Earl of Caledon, on my touching at the Cape of Good Hope in 1809 on my outward voyage here, where I first became acquainted with Mr. Campbell, and from whence he accompanied me as one of my family to this Colony. Mr. Campbell has ever Since been my Secretary, I having appointed him such immediately on my taking Charge of this Government on the 1st of January, 1810, now upwards of five Years ago; during this time he has lived an Inmate in my family on the Most Confidential and friendly Terms, and has discharged the Various and arduous Duties of his Office with an Assiduity, Zeal, Firmness, Honor and Incorruptible Integrity, that far Exceed any Commendation or praise I can possibly express or Convey to Your Lordship. He has proved himself on every Occasion extremely Useful to Me personally, and has Manifested at all times an honest and warm Zeal in promoting the public Service and the Welfare of the Colony. Under the present improved State of the Colony and the great Increase of its popu-
lation and Commerce, which consequently Entail a great Increase of troublesome and responsible Duty on the Governor's Secretary. I humbly beg Leave to State to Your Lordship that I do not Consider the Salary, at present Attached to his Office, as Adequate when Compared with that of other Officers in the Colony, who have not half the Duty to perform that the Governor's Secretary has. I therefore most respectfully and Strongly recommend that Mr. Campbell's Salary shall be Increased to £365 per Annum, and I also take the Liberty of most earnestly soliciting the favor of Your Lordship to Move His Royal Highness the Prince Regent to be graciously pleased to Appoint My friend and present Secretary, Mr. John Thomas Campbell, to be Colonial Government Secretary of New South Wales, with the above Mentioned Salary attached to that Situation. This Designation will add great Weight and Respectability to the Office of Secretary, and I trust it will not be deemed presumption in me to express a sanguine Hope that your Lordship will kindly grant my present Request in behalf of Mr. Campbell, which, Your Lordship may rest Assured, I should not have made at all, if he were not fully deserving of this Mark of Your Lordship's Favor and Kindness.

14. I send this Dispatch by the Ship Marquis of Wellington, bound direct to China and from thence to England; but this being a Very tedious and Circuitous Conveyance, I do not think it advisable to send the usual Annual Returns and Reports of the present State of the Colony, the more especially as I have a direct Opportunity of forwarding them to England in two or three Months hence by the Ship Sydney Packet, recently Arrived from thence, which Vessel her Owners Inform Me will Certainly be dispatched direct to England in two or three Months at farthest.

I have, &c.,

L. MACQUARIE.

P.S.—I take the liberty to forward herewith for your Lordship's notice and indulgent consideration, a Letter addressed to me lately by Mr. Evans, the Deputy Surveyor of Lands in Van Diemen's Land, Soliciting an increase of Salary, and also enclosing a Demand for Surveying Instruments; and I respectfully beg leave to recommend that Mr. Evans's Salary may be increased, and his Demand for Instruments Complied with.

Sydney, 24 March, 1815.

L.M.

[Enclosure No. 1.]

JOHN DRUMMOND TO GOVERNOR MACQUARIE.

Sir,

Sydney, New South Wales, 17th Feby., 1815.

As it appears from Earl Bathurst's Letter notifying my appointment as Naval Officer at the Derwent, that I am not
entitled to more than the fixed Salary of five Shillings per Diem, I most respectfully beg leave to state that, at the time the above situation was conferred on me, I firmly understood that I should be allowed (in addition to the above Salary) the usual per Centage on the (Port) Duties collected.

From the knowledge your Excellency has of the expence of living in this Colony, I need not state how totally inadequate the above Salary is to support a family, or to maintain the respectability of such an appointment as the one I now have the honor to hold.

I therefore have most respectfully to request that your Excellency would be pleased to make such application, as you may deem proper, to the Right Honble. The Secretary of State for the Colonies, in order that I may either be granted an increase to my present Salary or permitted to draw the usual per Centage allowed to Officers holding my situation.

I have, &c,

JOHN DRUMMOND, Naval Officer.

[Enclosure No. 2.]

GOVERNMENT PUBLIC NOTICE.

By His Excellency Lachlan Macquarie, Esquire, &c, &c.

Government House, Sydney, Saturday, 31st December, 1814.

IT being deemed conducive to the Commercial and general Interests of the Colony that the Restrictions now existing on the Free Importation of Spirituous Liquors shall cease and be discontinued; Notice is hereby Given, that His Excellency the Governor has determined to supersede those Restrictions, and henceforth to allow the Harbour of Port Jackson, in the Territory of New South Wales, as also the Harbours of Hobart-town and Port Dalrymple, in Van Diemen’s Land, to be open for the free Importation of Spirits, in common with all other Articles of Merchandize from and after the first day of January next ensuing; and those Ports will accordingly be open from and after that Period, for the Importation of Spirits from all Foreign Ports or Places in Amity with Great Britain, subject nevertheless to such Duties as are now, or shall hereafter be laid upon them by the authority of this Government.

LACHLAN MACQUARIE.

By Command of His Excellency The Governor,

J. T. CAMPBELL, Secretary.

Compared:—JNO. THOS. CAMPBELL, Secy.
MACQUARIE TO BATHURST.

[Enclosure No. 3.]

GOVERNMENT AND GENERAL ORDERS.

Government House, Sydney, Saturday, 31st December, 1814.

Civil Department.

His Excellency the Governor is Pleased to Order and direct, that from and after the First Day of January next ensuing, the Sum of Seven Shillings Sterling shall be levied and paid as a Duty on every Gallon of Spirituous Liquors, London Proof, which shall be brought into Port Jackson, Hobart-town, or Port Dalrymple in Van Diemen's Land, after the said First day of January next. But, with a view to render the Payment of that Duty as easy as possible to the Importers or Consignees, a Government Store will be provided for the Reception of such Spirits as shall so arrive, where they will be permitted to remain for a term not exceeding twelve Months, storage free, and the Duty only demanded as the Spirits shall be withdrawn from the said Store, And, at the same time it is ordered and directed by the Authority aforesaid, that the Importers or Consignees of Spirits shall either land and deposit them in the Government Store in the course of Four Days after arrival, or Pay the Duty on them at the time of their being entered with the Naval Officer, and gauged by the Government Gauger.

No less a quantity than One Cask will be allowed to be delivered from the Government Store, the Duty on which must be previously paid agreeable to the Gauge at Landing, and not by the actual Quantity in the Cask at Re-delivery.

And it will be required of Persons, thus depositing Spirits in the Government Store, to enter into approved Security by Bond to the Naval Officer, for the payment of the entire Duty, at the rate aforesaid, within the Space of twelve Months from the Day of such Spirits being landed. And should any quantity remain longer than twelve Months in the Government Store, it will be subjected to a Charge for Store-house Rent, of One Shilling Sterling Per Cask, for every Week it shall so remain there beyond the said Period of Twelve Months. LACHLAN MACQUARIE.

By Command of His Excellency The Governor,

J. T. CAMPBELL, Secretary.

[Enclosure No. 4.]

GOVERNMENT AND GENERAL ORDERS.

Government House, Sydney, Saturday, 31st December, 1814.

Civil Department.

The Harbour of Port Jackson in this Territory, as well as those of Hobart-town and Port Dalrymple, in Van Diemen's Land, being by the Government and Public Notice of the present date
declared open for the Free Importation of Spirits, and every other description of Goods and Merchandize, from and after the first day of January next, subject, however, to such Duties as are now, or shall be hereafter, laid upon them by the Authority of this Government; and as the freedom of Trade with foreign Ports and Places in Amity with Great Britain affords the fullest assurance of supplies from time to time adequate to all the Demands of the Colony, it will no longer be necessary that this Government should continue to import Articles in future for Distribution among the Settlers; and the Public are therefore hereby informed, that no Articles will in future be distributed from the Government Stores to any Individual whatever.

It is therefore to be clearly understood, that no application is to be made by any Person whatsoever for any Articles from the King's Stores, after the Promulgation of this Order.

In making this Communication to the Public, the Governor has also to order and direct that no Officer belonging to the Commissariat shall in future make any Issue of Articles from the Government Stores to any Person or Persons whatever; and neither directly or indirectly to apply any of such Articles to his own use without having previously obtained a written Order for that Purpose from His Excellency the Governor.

LACHLAN MACQUARIE.

By Command of His Excellency The Governor,

J. T. CAMPBELL, Secretary.

Compared:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 5.]

LIEUTENANT-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.

Sir,

Government House, Hobart Town, 13th March, 1815.

It is with the deepest regret I have to report to Your Excellency that the depredations of the Bushrangers have at length become so outrageous and alarming, as to compel me to adopt the most rigorous and decisive measures within my Power against them; And that I have accordingly sent armed Parties into the Woods with Orders to Apprehend all Persons, illegally ranging therein, and have given them power to resort to force of Arms in case of necessity requiring them to do so.

The Accompanying Affidavits* will, I trust, convince Your Excellency of the imperious and indispensable necessity for the adoption of these measures, which have not arisen from any in­temperate determination, but from the most mature Conviction of their Propriety.

Independent of the Personal injuries, which Mr. Humphrey and Barth'w Reardon have sustained by the wanton and Malici­cious attack made upon their Property, its effects will also be

* Note 106.
severely felt by the whole Settlement, as there is not sufficient Grain in it to Answer the annual Consumption of its Inhabitants; the quantity, destroyed* at Mr. Humphrey's and Reardon's tho. Constable, amounts to Considerably over Three Thousand Bushels; and, as it must be evident to Your Excellency that the Persons, who perpetrated the act, were solely directed from a Spirit of revenge to intimidate Mr. Humphrey and others from Acting against them in future, I should hope Your Excellency will concur with me in deeming it only Justice that Mr. Humphrey and Reardon should have their losses made good by Government. Mr. Humphrey was not at home at the time, but had been in town some days in the performance of His Magisterial duties by my express Commands, which, if possible, adds to the Concern I feel for his Loss.

Lieut't Carne, of His Majesty's 46th Regiment having applied to me for three Months leave of Absence to proceed to Sydney on his Private affairs, I have acceded to his request, and he takes his Passage in the Ship Sydney Packet.

Captain Wilkinson of the Ship Sydney Packet having supplied me with Six Stand of Arms on Government account, I have granted him a receipt for the same, and have to request the same quantity may be returned at Port Jackson.

Having had much cause of late to be dissatisfied with the Con-duct of John Wade, Chief Constable of this Settlement, I have particularly to request Your Excellency will not confirm the Grant of Land, which was measured for him at Pit Water by the Surveyor; upon this Subject, I shall be more explicit in my next communication.

I have the honor to enclose Your Excellency a Proclamation, which I have published upon the Subject of the Bush rangers, and which I hope will meet Your Excellency's Approbation.

I have, &c.,
T. Davey, Lt.-Governor.

Compared:—Jno. Thos. Campbell, Secy.

[Enclosure No. 6.]

PROCLAMATION.

By Thomas Davey, Esquire, Lieutenant Governor of His Majesty's Settlements on Van Diemen's Land, and Lieu-tenant Colonel of the Royal Marine Forces, &c., &c., &c.

WHEREAS divers Felons and other Persons have absconded from their lawful Occupations, and are now associated in Banditties in the Woods of this Island, committing the most atrocious Outrages and Roberies to the great terror of His Majesty's peaceable Subjects, and to the manifest and serious injury of their Properties; the Lieut. Governor, with a view to put an end to practices so

* Note 107.
subversive of social order and the peace of His Majesty's Subjects residing under his Government, is pleased to offer a Reward of Fifty Guineas to be paid to any Person or Persons, whether Free or Bond, who will Apprehend and lodge in safe custody any Felon or other Person so unlawfully associated or ranging in the woods as aforesaid. And the Lieut. Governor is further pleased to declare that, if any Prisoner or other Person associated or ranging as aforesaid will deliver himself up to any of His Majesty's Justices of the Peace, and give such Information as may lead to the apprehension and conviction of one or more of his Companions, or any other Person or Persons so illegally associated or ranging in the woods as aforesaid, the Person, giving such Information, shall not only be pardoned and held harmless for the offence, which he may have committed in absconding from his lawful occupation, but shall also receive the strongest Recommendation to His Excellency the Governor in Chief for a Free Pardon and a Passage to his Native Country at the expence of Government, provided the Person giving such Information has not been a principal in any act of Capital Felony during the period of his having been so illegally associated.

And the Lieut. Governor, being fully aware that the Felons and other Persons, above alluded to, have been countenanced, encouraged, aided and assisted by many evil disposed Persons, now residing under his Government, whereby they have been the better enabled to perpetrate their various atrocities, and being determined to bring all such Persons to the most exemplary Punishment, is further pleased to offer a Reward of Fifty Guineas to any Person or Persons, who will give such Information as may lead to the conviction of any Person or Persons of whatever description, who may have in any manner illegally corresponded with, countenanced, aided, or abetted any of the above Felons and illegally associated Persons, in order that the Person or Persons so offending may be brought to Trial as accessories, aiders, and abettors of Felony, and dealt with accordingly.

THOMAS DAVEY.

God Save the King.

Hobart Town, March 11th, 1815.

[Enclosure No. 7.]

ASSISTANT-SURVEYOR EVANS TO GOVERNOR MACQUARIE.

Hobart Town, Van Diemen's Land,

Sir,

1st February, 1815.

Confident that any reasonable request, which may be made to your Excellency by any Officer, who has the honor to be under your command, will meet your generous attention, I presume most respectfully to solicit your recommendation to His Majesty's
Ministers for an augmentation of the Salary attached to the performance of the duties of His Majesty's Land Surveyor on this Island.

Your Excellency, being perfectly acquainted with the excessive price that every necessary article bears at these Settlements, must also be aware that the small sum of Five Shillings per day (from which the income Tax is deducted) is a very inadequate compensation for the arduous duties I have to attend to as Land Surveyor, especially if your Excellency will be pleased to take into consideration the expenses I am frequently compelled to incur in exploring this extensive Island, together with the charges attending my journeys from hence to Port Dalrymple (a distance of One Hundred and twenty Miles), where my presence is required at least twice a Year; and when to these circumstances is added the loss I annually suffer in the unavoidable distraction of my apparel in travelling through the woods, your Excellency will not be surprised that I find it more than difficult to support myself on my present allowances with that degree of respectability, which my situation requires.

Having had the honor to serve His Majesty for a number of Years at Port Jackson, and have every reason to believe to your Excellency's satisfaction during the time you have administered the Government of these Colonies, I have taken the liberty to make the preceding application in the humble hope that you will be pleased to make such representations to His Majesty's Ministers in my behalf, as may induce them to sanction an increase of Salary with allowances equivalent to the important appointment I now hold, An appointment to which I was originally nominated by your Excellency, and which has recently been most graciously confirmed by His Royal Highness the Prince Regent.

I have, &c.,

G. W. EVANS.

P.S.—The several Surveying Instruments and other Articles specified in the accompanying Demand, being essentially necessary for enabling me to execute my Duties as Deputy Surveyor of Lands, I have to request your Excellency will move the Rt. Honble. the Secretary of State to order them to be purchased and sent out to me by an early opportunity.

G. W. EVANS.

[Enclosure No. 8.]

A DEMAND for Instruments, etc. required for His Majesty's Settlements on Van Diemen's Land. Viz.

Two Circumferentors with sights complete.

Six spare Needles for do.

Two Pockett Compasses.

1815.
24 March.

Evans' application for increased salary.
1815.
24 March.
Requisition for surveying instruments, etc., to be used in Tasmania.

A DEMAND for Instruments, etc.—continued.

One Case Mathematical Instruments complete.
One Case do. do. for the pockett.
Spare Compasses of sizes.
Beam Compasses.
Parallel Rulers of sizes.
Plotting Scales and Brass rulers.
Two Gunter's Chains.
One Box Colours.
One small Tent complete.

G. W. EVANS, Depy. Surveyor.

Hobart Town, February 1st, 1815.
Approved:—L. MACQUARIE.

25 March.
Transmission of Ingle's memorial.

MAJOR-GENERAL BUNBURY TO GOVERNOR MACQUARIE.
(Despatch per ship Baring; acknowledged by Governor Macquarie, 18th March, 1816.)

Sir,

I am directed by Lord Bathurst to transmit for your Consideration the Copy of a Memorial addressed to His Lordship by Mr. Jno. Ingle, a Merchant at Van Dieman's Land, together with a Certificate from Lieut. Govr. Davey recommending him to the favorable Consideration of His Majesty's Government.

I have, &c.,

H. E. BUNBURY.

[Enclosure No. 1.]

The memorial of John Ingle.

THE HUMBLE MEMORIAL OF JOHN INGLE, OF VAN DIEMEN'S LAND, NEW SOUTH WALES, MERCHANT.

To the Right Honorable Earl Bathurst, His Majesty's Principal Secretary of State for Colonial Affairs.

Sheweth,

That your Memorialist in the Year 1803 left England with, and under the Patronage of, Lieutenant Colonel Collins for Van Dieman's Land, and on his arrival was appointed overseer of Convicts.

That Your Memorialist carried with him the whole of his Property in Merchandize, &c.

That Your Memorialist became a Settler, and is so at this time; that he married in the Colony, and has 5 Children (Daughters), whose welfare depends upon your Memorialist's success in the Colony.

That Your Memorialist, Some years Since, obtained a Grant of 500 Acres of Land, which he has Cleared and Cultivated at a great expence.
That Your Memorialist has, since that period, obtained another Grant of 300 Acres of Land from Governor Macquarie, but in consequence of your Memorialist's Stock of Cattle having considerably increased, and being now very numerous, as appears by the enclosed Memorial, and Certificate of Lieutenant Governor Davey therein, he finds the land so granted to him insufficient for the Support of his numerous Stock and his necessary agricultural pursuits.

That Your Memorialist is desirous of erecting Several Buildings for the better protection of his Cattle, &c., but, inasmuch as the necessary Erections will be attended with a very considerable expence, and for which your Memorialist cannot expect any adequate compensation or remuneration without a further Grant of land, and which your Memorialist humbly Solicits, from the length of time he has been in the Colony, and having risked the whole of his property therein, whereby the Colony has been, he trusts, in some measure benefitted, that he has some Claim upon His Majesty's Government.

That your Memorialist further humbly States that understanding that the Situation of Naval Officer at this Colony is, or will be shortly, Vacant, in consequence of the Present holder Lieutenant Campbell being about to leave the Colony, and your Memorialist conceiving himself competent to fulfil the duties thereof.

Most humbly prays Your Lordship for a further Grant of 2,000 Acres of Land in three Separate Allotments, with 12 Government Men, and that your Lordship will be pleased to appoint your Memorialist to the Situation of Naval Officer in the event of the same becoming vacant.

And your Memorialist as in duty bound, &c.,

JOHN INGLE.

[Enclosure No. 2.]

[A copy of lieutenant-governor Davey's certificate is not available.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Fanny; acknowledged by Governor Macquarie, 18th March, 1816.)

Sir, Downing Street, 18th April, 1815.

I am directed by Earl Bathurst to transmit to you an Assignment of Male Convicts embarked on Board the Baring for the Colony under your Government.

I have, &c.,

HENRY GOULBURN.

[Enclosure.]

[A copy of the assignment of convicts is not available.]
EARL BATHURST TO GOVERNOR MACQUARIE.
(Despatch No. 42, per ship Fanny; acknowledged by Governor Macquarie, 18th March, 1816.)

Sir,

Downing Street, 30th April, 1815.

I am to acquaint you that permission has been given to Mr. Walter Lang, a Settler at the Derwent, to take out the Materials of a Steam Engine, which he proposes to erect at Hobartston; and, as this undertaking cannot fail to prove of Benefit to the Settlements on Van Dieman's Land, I am to desire that you will give Instructions to Lt. Gov. Davie to afford Mr. Lang any assistance that may be reasonable in forwarding his Views.

Mr. Lang has also applied for a Grant of Three Thousand acres of Land; But, altho' I have received a favorable Account of his Character and he has produced satisfactory Evidence that he is possessed of considerable Property, I declined to authorize a Grant of this Magnitude.

Mr. Lang states that he has only received one Hundred Acres from H.M.'s Govt., and I leave it to you to instruct Lt. Gov. Davie to pass a Grant to him of such an Extent as, under all the Circumstances, you may think him entitled to.

I have, &c.,

BATHURST.

8 May.

Parliamentary vote for civil establishment.

ESTIMATE FOR THE CIVIL ESTABLISHMENT FOR 1815.
(The Estimate for the Main Settlement for 1815 is identical with that for 1814, with the exception of the three following omissions:—)

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stationery</td>
<td>20</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Mineralogist</td>
<td>91</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Allowance to Governor Phillip</td>
<td>500</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>611</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Sum total estimated for Main Settlement</td>
<td>9,257</td>
<td>10</td>
<td>0</td>
</tr>
</tbody>
</table>
ESTIMATE for the Civil Establishment for 1815—continued.

Hobart’s Town. £ s. d. 1815.
Lt. Govr. of Van Diemen’s Land 800 0 0
Deputy Judge Advocate 600 0 0
Clergyman 260 0 0
Surgeon 182 10 0
First Ass’t Do. 136 17 6
Second Do. Do. 91 5 0
Deputy Surveyor 91 5 0
Two Superintendants of Convicts at £50 per An. ea. 100 0 0

Port Dalrymple.
Allow’ce to the Officer in Com’d of the Settlement 182 10 0
Clergyman 182 10 0
Surgeon 182 10 0
Assistant Surgeon 136 17 6
Two Superintendants of Convicts at £50 per An. ea. 100 0 0
Agent 150 0 0
On account of fees for receipt and audit 350 0 0

12,787 15 0

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship Fanny; acknowledged by Governor Macquarie, 22nd March, 1816.)

Sir, Downing Street, 22d May, 1815.

Mr. Ponsonby having requested me to forward Daniel Connolly, who was transported to New South Wales in the year 1813 or 1814, thirty pounds sterling, and not knowing in what manner to effect the object which he has in view, I have to request that you would, if the Individual be still living in the Colony, pay to him that Sum and draw upon me for the amount, transmitting at the same time Daniel Connolly’s receipt.

I have, &c.,
HENRY GOULBURN.

GOVERNOR MACQUARIE TO EARL BATHURST.
(Despatch marked “No. 5 of 1815,” per ship Sydney Packet; acknowledged by Earl Bathurst, 18th April, 1816.)

Government House, Sydney, New South Wales, 22nd June, 1815.

My Lord,

In a former Despatch* announcing the Arrival and Pro- mulgation of the Letters Patent Establishing the New Courts of Civil Jurisdiction, I had peculiar Satisfaction and Pleasure in being Enabled to Inform Your Lordship of the Sensations of grateful Acknowledgment, with which this Most Gracious Insta nce of His Royal Highness the Prince Regent’s paternal Solicitude for the future Prosperity of this Colony had been Universally received.

* Note 108.
Occurrences of Such a Nature, as I Could not have Anticipated, and from a Quarter that I should have least Expected them, have, however, Most unfortunately for the Colony, taken place, whereby His Royal Highness's Purpose in the Establishing of our New Courts has become for the present Nugatory, by all Legal Proceedings in the Supreme Court being rendered Impracticable.

To explain these Circumstances and to Appeal thereon to Your Lordship's Superior Judgment and Enlightened View of a Subject, on the Determination of which much of the future Prosperity and Welfare of the Colony Appears to me to depend, is the Object of the present Communication, which I shall endeavour to Compass within as Narrow Limits as the Nature of the Case and My own Judgment of its Importance will admit.

After many very unnecessary Delays on the part of Jeffrey Hart Bent, Esqr., the Judge, in regard to the Assembling of the Supreme Court, it was at length Announced by him that it would Commence its Sittings on the 1st Ulto.; and, thereon in Terms of the Patent, I nominated William Broughton and Alexander Riley, Esquires* (Magistrates resident at Sydney) to be the Associated Members with him.

Not foreseeing that any Difficulties Could possibly Arise to Impede the regular Course of Proceedings in that Court, I proceeded, previous to its assembling, on my Tour to the Country lately Explored beyond the Western or Blue Mountains, and only learned on my Return on the 19th Ulto. that it had repeatedly assembled and been as frequently adjourned, without having Even Entered upon any Business Wherein the Public were Concerned, and that the time of the Court had been principally Occupied in a Discussion on the Expediency and Legality of Admitting persons under Certain Circumstances to become Practitioners in that Court; Some of whom then prayed by Petition to be admitted to that Privilege.

The Petitioners were by Profession Attornies, and had been Originally transported to this Country as Convicts, but had (at different periods either by Virtue of their limited Sentences of Transportation having Expired, or by Emancipation in Consequence of good and regular Conduct) become Free Men, and had been regularly Admitted under the former Patent, and, Up to the period of its being Superseded by the present One, to plead in the Judge Advocate's Court either as regular Attornies or as the Agents of Others from whom they held Powers of Attorney.

It appears from the Reports made to Me by the Members, whom I had Associated with Mr. Bent, that this Gentleman, in his first Conference with them on the Subject of the Petitions,
laid it down as a fixed Principle that by Act of Parliament no person, Convicted of Certain Crimes, Should be permitted to practise as Attornies in that Court; and hereon he endeavoured to lead those Gentlemen into a full Coincidence of Opinion with himself that the petitions, then before them, Should be dismissed on the Ground that the Petitioners were legally disqualified for Admission into any Court of Justice as Attornies, they having been Convicts and transported to this Colony.

The broad Principle of Disqualification, thus laid down by Mr. Bent, was not however Acquiesced in by the Associated Members, who Urged that the Act of Parliament,* which he had quoted, limited its own Operation in express Terms to that part of Great Britain, Called Britain; and, for that and other Reasons, it Appeared to them that no Disqualification arose out of that Act to the re-admission of Attornies to the practice of their Original Profession in any other part of His Majesty's Dominions than England; they then urged the Inexpediency and Severity of adopting at this late period a Principle of Exclusion, which had never been heretofore Acted upon in this Colony, and which was not only Illegal, but also highly Impolitic, in a Settlement where the Chief Mass of the Population Consisted of Persons, who either then were or had been at some former period in that unfortunate situation, and whose Reformation must in great Measure depend upon the Continuance of that humane policy, which had thrown open a Door for the admission of such persons on long tried and approved Good Conduct into that Class of Society, where they would Enjoy the Privileges of Free British Subjects.

It would be tedious, My Lord, to give a Detail of All the Arguments Urged on both Sides of the Question at the different Meetings, which took place between the Judge and Members of the Supreme Court up to the last day of their Meeting on the 25th Ulto., nearly the same grounds having been gone over by each as on the first Occasion. The Recapitulation of them, here, is the less Necessary, as I find it Incumbent on me to transmit Your Lordship All the Documents, I have been Able to Collect, on this most Important Subject, which Your Lordship will find in the Accompanying Continued Series. Consisting of Seventeen distinct Numbers, running, either According to the Order of their Date or other Circumstance of Priority, from No. 1 to No. 17 Inclusive, and Labelled "Documents relative to the Supreme Court."

As My Letter of the 18th of April* to Mr. Bent, the Judge of the Supreme Court, recommending the Prayer of Certain Petitions, then transmitted by me to the favorable Consideration...
of that Court, has been made the Subject of much Illiberal and unfounded Calumny against me by that Gentleman, who has dared to tax me with Exercising an Undue Influence over the Minds of his Associated Members by Making such a Recommendation to them, I Cannot suffer it to pass without requesting Your Lordship's kind Attention to the Letter in question, trusting that Your Lordship will see from the Whole Tenor of it that, so far from Attempting to Exercise any Influence Whatever, that the referring the Business thus to Him and the Associated Members of the Court was in Effect the Clearest proof of my leaving the Object of those Memorials Altogether to the Discretion and Free Decision of that Court. It is true that I recommended their Cases to the favorable Consideration of the Court; whereby I merely meant to have it Understood that, in the Event of their being Admitted as Attornies by the Court, I should for the Reasons given in My Letter Confirm their Admission, when in Conformity with the Terms of the Patent they Should be Submitted to Me for Approval. On the Subject of those Memorials, I never once had any Communication, either personal or by Letter, direct or indirect, with either of the Associated Members; and of Course no Attempt Could have been Made by Me to Influence their Opinions, even Supposing those Gentlemen were Capable of being Influenced or Warped in their Decisions on a point of Such public Importance; and I cannot here Avoid expressing My Indignation at the equally Illiberal and unjust Charge, made on this Score by Mr. Bent, alike Affecting My Honor and that of the Associated Members of the Supreme Court.

In the latter part of the Correspondence between Mr. Bent and the Members, the former Affects to disclaim the having laid down as a general principle that Transportation was an Insurmountable Barrier to Persons being Admitted to Act as Attornies in the Law Courts here, and has Endeavoured to throw an Air of Ridicule over the Conduct of those Gentlemen by Charging them with protracting the Business of the Court merely for the Sake of one person, Namely George Crossley. The Unfairness of the Imputation and its total want of even the Colouring of Truth I Conceive very Clearly and Satisfactorily Appears in the Reply* of those Gentlemen, under date the 30th Ulto., where they declare "that they All along Considered the purport of the Opinions given by Mr. Bent, and of the Arguments whereby he Supported those Opinions, to be Unequivocally that he would never Allow any Men to practise before him who had Come to this Country as Prisoners." Whilst they add, in refutation of the Charge that Mr. Crossley was alone the Occasion of their

* Note 111.
Difference in Sentiment, that "the Question, whether Mr. Crossley, Mr. Eagar, or Mr. Chartris should be Eligible for this Privilege as Individuals, was in their Minds, as they had Expressly Stated, of Very trivial Consideration;" they Conclude this passage of their Letter in the following Terms, which I Conceive are demonstrative in the Most satisfactory Degree that their Minds were Occupied with Objects far different from and much more dignified than those Imputed to them by Mr. Bent. "Their Dismissal" (meaning the Petitioners) "on particular Objections Could only Affect themselves, while it being Decreed by the Court that no Persons transported to New South Wales should Ever be Admitted, however reputable their Characters might Subsequently prove, would in Our View of its Tendency have Such baneful Consequences, and be so absolutely Contrary to the first Principles of Justice, that we can Never Assent to its Promulgation"; and Conclude their Letter with making a proposition, in order to prevent if possible the Injury the Colony must receive, if an entire Suspension Should take place in the Proceedings of the Supreme Court, "that until the Pleasure of His Majesty is known on the future System to be adopted in this Territory, Such of the Petitioners as are in Usual Respects Considered fit and proper (without looking to the Consideration whether they have or have not been Prisoners) should be Allowed to practise, not as Sworn Attornies, but Simply as Agents under the respective Powers of Attorney they May be furnished with." To this proposition, the Reply of Mr. Bent Concluded with the Unreserved Declaration, "I never Can depart from my Determination Not to sit in a Court where they are Admitted to practise."

To avoid any Misconception and Consequent Misrepresentation of the Actual and real Cause of the Disputes between Mr. Bent and the Members of the Supreme Court, which have terminated in a total Suspension of the primary Functions of a Court of Justice, I have been induced to Make the foregoing Extracts, previous to my Conveying to Your Lordship my own Sentiments. Altho' I had purposed in the Beginning of this Letter Merely to refer Your Lordship to the accompanying Documents themselves.

I trust that, on the perusal of those Documents, it will appear in the Same point of view to Your Lordship, as it has done to Me, that Mr. Bent, in adopting the Principle of total and Unqualified Exclusion, has been Actuated by Motives and Considerations altogether repugnant to the benignant Views of that Government, which Originally founded this Colony, in the Charitable Hope that Men transported hither would be found worthy of
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22 June.

Policy of encouragement of emancipists and others.

J. H. Bent's objections to association with emancipists.

Previous admission of ex-convicts as attorneys.

J. H. Bent's misinterpretation of statute.

being restored to a Participation in those Rights and Privileges from which by their former Convictions they had been justly Suspended. The Number of Persons* in the Various Situations of humble Life, who are at this time to be found here honest, Sober, industrious, and otherways respectable, Altho' once Convicts, is the best Proof of the Wisdom and Sound Policy of that System; And I must here Observe that the Principle, if Wise as to the Mass of the people in the humbler Walks of Life, must be at least Equally wise and just as it applies to those of More liberal Education, who have been brought up to respectable Professions. In this View of the Subject, it Appears to me highly Impolitic and Unreasonable to Exclude men from resorting to the Exercise of their former Profession, when by Law they are restored to the General Rights of Free Subjects.

Mr. Bent Expresses himself Warmly at the Contamination, which he says must Arise from the permitting Persons of this Description to Plead in a Court of Justice; but, whilst he seems to feel thus Indignant at Such a Violation being Offered to his Feelings, he overlooks Altogether, or treats with the greatest Indifference, the Feelings of Others; for, if Contamination necessarily Arises from Such Intercourses, His Brother, the Judge Advocate, And All his and My Predecessors in this Government, as well as Myself, must have been Exposed to it of our own Free Will, it being an Incontrovertible fact that, from the Foundation of the Colony to the present time, Attornies, who had been Convicts, have been permitted to plead both in the Judge Advocate’s Court and in the Court of Appeals wherein the Governor personally presides; but it has been reserved for Mr. Jeffrey Hart Bent to discover Degradation and Insult to his Dignity in a Measure, which I or my Predecessors were not Capable of discerning. Thus in indirect Terms this Gentleman has presumed to pass Censure on the Conduct of All the Governors of this Colony, from its Foundation to the present Day, for having Compromised the Dignity of the Station, in which they have been placed, by Suffering Such persons to Come into their Presence in the Exercise of their Original Professions.

The Circumstance of Men being totally disqualified from Acting as Attornies in this Country under the Act† of Geo. 1st, as quoted by Mr. Bent, even Supposing that it was in Contemplation of the Legislature to Extend its Operation to all the Colonies and Settlements of Great Britain either then or Subsequently in Existence, might possibly have been a justifying Reason for Such Men being Excluded here in the first Instance, Considering the Point merely one of Law and not of Expediency; but this Objection having never been made until the present

* Note 72. † Note 110.
Time, and Attornies having been Uniformly permitted to Plead in the Courts here, who had been Convicts, Seems to bespeak a Disposition on the part of His Majesty's Government to Consider that Act as either not Applying to this Country or that the humane Policy, of permitting Such Men to resume their original Professions here, Counterbalanced all other Considerations; And more particularly as this Act of the Legislature had been passed upwards of half a Century before the Establishment of this Colony had been Contemplated.

I have so far, My Lord, dwelt on the Arguments Used for and Against the Admission of Men to practise as Attornies, who had been once Convicts; and as I think those in favor of their being restored to their Original Rank and Standing in Society far very far outweigh those on the other Side of the Question, I have at once Admired and respected the Cool, sensible and dispassionate Manner, in which those Arguments had been brought forward by Mr. Broughton and Mr. Riley, and Lamented that a Gentleman of a liberal Profession should have so far lost Sight of the Dignity and Decorum of his Situation in a Public Court of Justice, as to have Recourse to Language so very intemperate, illiberal and unjust, as that which Mr. Bent has made Use of on this Occasion.

Having now laid before Your Lordship this Detail of Proceedings, with my own Remarks and Observations thereon, I beg further to trespass on Your Lordship's Time by representing the Situation that the Colony is reduced to by these Measures.

1st. At present there is only one Attorney in the Colony (Mr. Moore), who will be permitted to Act as such in either of the two Courts of Civil Jurisdiction; and, Consequently, only one Party in any Cause Can have the Assistance of an Attorney whereby the party, who has not retained him, will have to Contend (if permitted to advocate his own Cause) with the superior Knowledge and Skill of a professional Man.

2d. Many persons in England and elsewhere having Confided the Management of their Affairs in this Country by Virtue of Powers of Attorney to those Persons, who have been heretofore permitted to Plead Professionally as Attornies, but who are now prohibited even the Common Privilege of any Ordinary Member of the Society, that of Conducting the Business of those Persons who have Confided their Affairs to them, the Consequence is that All the Property of Persons residing out of this Territory, which has been so entrusted, must remain Unrecovered Until the present Nomination of Agents Shall be Altered.

3d. Mr. Bent having originally deferred the Assembling of the Supreme Court in express Terms, because Mr. Garling the
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Supreme court to await the arrival of Garling.

J. H. Bent's action unwarranted.

Inconvenience and disappointment at suspension of judicial proceedings.

Attorney had not arrived here, thereby making his presence necessary to the Constitution of the Court. He must of course continue to defer proceedings in it for an indefinite length of time, as Mr. Garling has not yet arrived,* and there is reason to believe that the ship Francis and Eliza, in which he was a passenger, has been captured by an American privateer.

I believe, My Lord, this is the first instance of a lawyer expressing, and acting on, the opinion that the presence of any particular practising attorney was necessary to the construction of a Court of Justice, and I still trust it is not warranted either by the terms of the patent or the dictates of reason.

It would be trespassing too much on Your Lordship's time, were I to recapitulate or dwell on the numerous evils which must necessarily result from the suspension of judicial proceedings in this colony, and which may be termed nearly incalculable; particularly when it is taken into consideration that no court of civil jurisdiction has sat for nearly twelve months, and the public have naturally looked forward to the assembling of the Supreme Court with a reasonable degree of anxiety, connected with a common regard to their own interests. In this hope, however, they have met severe disappointment, a disappointment solely attributable to the conduct of Mr. Bent, who, in seeking to preserve his own dignity and to consult his own personal feelings, has entirely lost sight of the dignity of a Court of Justice and the feelings of the Members associated with him. Nor can this be made more manifest than by the language he made use of to those gentlemen, the grossly offensive and insulting nature of which tended to bring their opinions into disrespect and to proclaim himself the sole arbiter of justice. Neither is this the only evil likely to be felt in a colony, so circumstanced as this is. The public mind is liable to receive and to be governed by impressions of a very serious nature, when they find the judge of their Supreme Court hurried away by the impetuosity of his passions even on the bench of justice.

It might have been reasonably expected that a barrister of ten years standing (as Mr. Bent takes frequent opportunity of describing himself) would have learned and adopted a very different line of conduct from the example and deportment of our enlightened English judges, who, to their own honor and that of their profession, administer justice calmly, dispassionately and impartially.

Aware of the consequences that would be generally felt by the suspension of the Supreme Court, which I learned with much regret on my return to head quarters from my late tour, I

* Note 112.
addressed a Letter to Mr. Bent (No. 15 in the accompanying Series), dictated by a Spirit of Moderation and Conciliation, which I trust will meet Your Lordship's Approbation, and that you will Consider it entitled to a very different Reply from that it Obtained (No. 16), which Your Lordship will observe is Couched in highly disrespectful and insulting Language, Contumeliously braving My Authority in a Manner, which Can only be Considered deliberately and Malignantly Calculated to bring the executive Government into Disrespect, if not into absolute Contempt, and proclaiming himself (as Judge of the Supreme Court) Independent of the Governor of the Territory, under whose Authority the Members were Associated with him, and to Whose Approbation, the Patent Specifically prescribes, the Appointment of All Clerks and Officers of that Court shall be Subject. I will leave Your Lordship in possession of My Letter to Mr. Bent and his Answer, without further Animadversion on the Arrogance, Insolence and intolerable Spirit of Insubordination, which teem thro' every Period of it.

As Mr. Bent's Letter, to which I have just Alluded, Struck so forcibly at the Root of all further Intercourse that Could be possibly expected on the Score of Good Will or gentlemanly Explanation, I Contented myself with Sending the Reply to it, which Your Lordship will find Marked No. 17; and there Our Correspondence terminated.

I here take Occasion to Observe that the Alarm and Indignation, excited by Mr. Bent's Conduct, were so general that I was waited upon by the Provost Marshal with a Requisition, Signed by Several of the respectable Traders and Inhabitants of Sydney, to Call a Public Meeting on the Occasion; but Delicacy towards Mr. Bent, and a greater Regard for his Dignity than he had Shewn for mine, induced me to discountenance the Measure; in which I was led to Cherish the Hope that Mr. Bent would have seen the Impropriety of his Proceedings, and Yielded to the reasonable Terms of Accommodation proposed by the Associated Members, if not as a Tribute of Respect to me or My Authority, at least with a View to the Public Good; but He Continued Inflexible, and the Functions of the Supreme Court are now in Consequence suspended, and the Interests of the Commercial World, as well as All others, Sacrificed to the Illiberal Opinions and System, which he has fastidiously endeavoured to Obtrude upon the Country.

Before Closing my Observations respecting Mr. Bent, it may perhaps be Necessary to advert to that part of his Letter, where he Charges Me with Disrespect to him in not having at any time addressed him by the Title of "The Honourable," which he
tells me he has equally a Right to as any Governor to that of "Excellency." Certain it is, had I been At All aware of his being entitled to that Distinction, I should have been happy to have rendered it to him; but, as I had not any Communication that referred to him, Wherein he was so Styled, I should have Considered the Distinction ill timed; and I Can only add that, had he made any friendly or Courteous Communication to Me on the Subject, I should very Cheerfully have Attended to it.

Since the Commencement of the present Dispatch, having learned that Some Rules and Regulations had been Adopted by Mr. Ellis Bent, the Judge Advocate, and his Associated Members in "The Governor's Court," the Tendency of which was to Exclude All Persons who had Come Prisoners to this Colony from practising in that Court, and having Reason to Suppose that this Measure had proceeded from a Disposition to Co-operate with his Brother, The Judge of the Supreme Court, on this Subject; I addressed a Letter to the former (No. 18 annexed to the present Series), Calling upon him to furnish Me with an Official Copy of the Said Rules and Regulations, As also with the Names of those Persons, whom he had Appointed to Act as Officers in that Court.

From Mr. E. Bent's Answer (No. 19 also Annexed), Your Lordship will Observe that he, very Unnecessarily for any Good purpose, takes Occasion to disavow any Right on My part to Interfere with the Arrangements of that Court, other than in the Nomination of two persons to Constitute it with him; And furnishes me with an Extract, Containing a Copy of the Orders and Regulations referred to (No. 20).

Comparing this Communication with what has passed on the Same Subject between the Judge of the Supreme Court and Myself, it Appears that these Gentlemen have Mutually determined to deny my possessing any Powers whatever in regard to the Internal Regulation of their respective Courts, and that they have Mutually resolved to resist me in any Control that I might be disposed to Exert under Authority of the Patent, which Specifically requires that All Appointments in those Courts Should be Subservient to my Approval.

Thus Circumstanced with the two Principal and only Law Officers of this Colony, whose Support and Co-operation in the Administration of the Government I Considered Myself entitled to, it only remains for me to Say that, having possessed Your Lordship in the Most full and Clear Manner in my power of All the Circumstances leading to the present Unhappy Posture of our Law Affairs, that as Some Interference of the highest Authority is Indispensably Necessary to avoid a Continuance of it...