COMMONWEALTH OF AUSTRALIA.

HISTORICAL RECORDS OF AUSTRALIA.

SERIES I.

GOVERNORS' DESPATCHES TO AND FROM ENGLAND.

VOLUME IX.
January, 1816—December, 1818.

Published by:
THE LIBRARY COMMITTEE OF THE COMMONWEALTH PARLIAMENT.
1917.
INTRODUCTION.

Governor Macquarie administered the government of New South Wales for eleven years and eleven months (1810-1821). During this period the growth and development of the colony was extraordinary. In 1810 settlement was practically confined within the boundaries of the county of Cumberland, exclusive of the settlements at Newcastle, at Norfolk island, and in Tasmania. In 1821 settlement had been extended in the west beyond Bathurst, in the south to the districts of Illawarra and Argyle, and in the north in various localities as far as Port Macquarie. The population had increased from 11,950 in March, 1810, to 38,778 in October, 1821, both inclusive of the military. Between the same dates, the cattle had increased from 12,442 to 102,939, sheep from 35,888 to 290,158, horses from 1,134 to 4,564. In 1810 the port duties collected at Port Jackson did not exceed £8,000; at the end of Macquarie's administration they amounted to between £28,000 and £30,000 per annum. During this period, methods and ideas had to be adapted to the altered conditions; the voice of public opinion asserted itself; the English government was compelled to listen to the desires and to consult the interests of a rapidly increasing class of colonists, who had made their homes and had acquired vested interests in the colony; and no longer was the English government enabled to regard the colony simply as the receptacle for the undesirables from other parts of the British empire.

Prior to the arrival of Macquarie, there had been virtually two paramount powers in the colony, the governor and the military party. The governor had been endowed with almost unlimited powers by his commission and by colonial customs and precedents. The military party, consisting of the New South Wales Corps and its adherents, had acquired a dominant interest by long residence in the colony, by the binding power of common interests, and from the fact that its members had naturally gained prestige in a community consisting of persons most of whom were or had been under the sentence of the law. The antagonism and jealousy that were only to be expected between the two paramount powers had in
many cases been prejudicial to the interests of the colony; but at the same time the military party had acted as a check on the exercise of too great arbitrariness by a governor, notably during the administration of Governor King.

When he arrived in the colony, Macquarie was accompanied by the 73rd regiment, and carried orders for the recall of the New South Wales Corps. By the removal of this corps, Macquarie was left a clear field for the introduction of a well-considered system for the development of the colony, as there was no longer an organised body to thwart the measures of the governor. For many years he possessed the unqualified confidence and unstinted support of the English government; when he experienced difficulty with a regiment, the regiment was removed; when he was involved in a quarrel with the judge-advocate and judge, orders were given promptly for the recall of both. He had an almost unlimited supply of convict labour at his disposal. He had the control of the public purse, and, although his lavish expenditure was constantly the subject of criticism by the secretary of state, no active measures were taken to limit it by the English government. His powers were enormous. The validity of the colonial custom of issuing government and general orders was not challenged until some years after his arrival, and even after they were questioned their promulgation was continued. By these orders, the governor could control trade, could impose customs duties, could inflict penalties, and generally could pass enactments which had all the force of law. His influence over the individual in all classes was likewise large owing to his powers of preferment, as he could make land grants, give various indulgences, assign useful or useless servants to settlers, grant pardons, and remit sentences.

When he arrived in the colony, Macquarie found that the rule of a governor was virtually, to quote the words of J. H. Bent, "quod gubernatori placet, legis habet vigorem." This maxim probably pleased Macquarie's vanity, and he endeavoured to maintain it throughout his lengthy administration. In the early years, whilst his attention was devoted chiefly to the material development of the colony in the construction of roads and the erection of necessary public buildings, the unfettered decision of the governor was of great value. But later, when it was necessary to develop the social, judicial, and economic fabrics of the colony, the obsession of this maxim led Macquarie into serious blunders, such
as his actions with regard to emancipists, his attempts to control the law courts, his flogging of free persons without any magisterial inquiry, his court martial of the Reverend Benjamin Vale, and his granting of a charter to the bank of New South Wales.

When he arrived in the colony, Macquarie found the administration in a state of chaos owing to the deposition of Governor Bligh; the public works neglected; the emancipists and free settlers dissatisfied; the system of public credit disorganised; a rising feeling against the judicial administration; and the convict system ill regulated. He found the colony rapidly emerging from infancy to adolescence, and, in fact, he found it necessary to re-create the administrative, social, economic, and judicial frameworks of the colony. Although he had the experience of the previous twenty-two years to assist him in framing his systems, and an undaunted personal determination, it is probable that his ill-balanced judgment prevented his personal influence from achieving any substantial improvement except the purely material development of the colony, and the initiation of a financial and economic system.

He commenced his government by revoking all the acts of the insurrectionary administrators and by reinstating the officials who had been in office at the time of the arrest of Governor Bligh. Subsequently, in accordance with the discretionary power given to him by the secretary of state, he confirmed* most of the land grants and pardons so revoked. His public works policy has been already discussed,† and it is necessary first to consider what might be called his social policy, as it had considerable influence over his entire administration.

Within a fortnight of his arrival in the colony, Governor Macquarie had committed himself to a policy for the encouragement of emancipists and expirees, which depended on the maxim that the fact of a person having once been a convict was no bar to his re-admission into society or to his appointment to the higher judicial and official positions in the colony. Prior to this date (1810), all persons, with two exceptions, belonging to the emancipist and expiree classes had been rigidly excluded from general society. The exceptions were G. B. Bellasis and the Reverend Henry Fulton; the former, an officer in the East India Company’s service, had been transported for killing his opponent in a duel,

*See notes 66 and 99, volume VII. †See pages xv and xvi, volume VIII.
and had held command of the governor's bodyguard under King; the latter had been sentenced for complicity in the Irish rebellion, and had acted as chaplain to Governor Bligh and his household. For twenty-two years a rigid barrier had been raised between all who had arrived free in the colony and those who had been landed under a sentence of the law. It is evident therefore that Macquarie, in adopting this policy, attempted a revolutionary change in the social conditions of the colony. The policy was "recommended more by motives of humanity than of reason, and (was) as new as it was hazardous."* It caused a storm of opposition, which was due not so much to the humanitarian principle involved, as to Macquarie's methods of attempting to procure its general acceptance.

Governor Macquarie assumed the administration on the 1st of January, 1810, and eleven days later he appointed Andrew Thompson, an ex-convict, as a magistrate at the Hawkesbury. With little practical knowledge of the colonial conditions, and without any attempt to educate public opinion up to the change in the social system that was thereby initiated, Macquarie took the drastic step of giving to an ex-convict the highest distinction which he had in his power to bestow. Thompson had been transported in 1790 for setting fire to a stack, when in his seventeenth year. When his sentence had expired, he had settled at the Green Hills (Windsor), had engaged in business as a retail shopkeeper, and had built small vessels, with which he traded to Sydney. He had been remarkably successful in amassing wealth, and, when Macquarie arrived, lieutenant-colonel Foveaux recommended him "as an individual and an active and intelligent chief constable." Macquarie stated that his reasons for making the appointment were Thompson's loyalty to the cause of Governor Bligh, the scarcity of men at the Hawkesbury eligible for the magistracy, and a desire to restore Thompson to that rank in society which he had lost. These reasons are of little value, when it is remembered that Macquarie could have selected the officer in military command at Windsor for the magisterial duties, and that, as Thompson's rank in society before his conviction had been exceedingly humble, his elevation to the bench of magistrates, instead of restoring him to an equal rank, raised him to a higher one. But in making the appointment Macquarie forgot that "some consideration was surely due to the feelings of those magistrates, as well as that society, who, with the

* See first report by J. T. Bigge, page 83.
knowledge they possessed of his (Thompson's) recent situation, could not but regard the unsolicited return of this lost member to his rank and place amongst them as a degradation of their own."* This appointment and a similar one given to another ex-convict, Simeon Lord, on the 3rd of August, 1810, brought forth a strong protest from the Reverend Samuel Marsden, on account of the character of the persons appointed; and, when Macquarie, about the same time, attempted to associate Marsden with Lord and Thompson as trustees of the public roads, he was met with Marsden's prompt refusal to accept such office with the co-trustees nominated.

Macquarie's new policy and his appointments to the magistracy met with universal criticism. Macquarie, however, was extremely intolerant of opposition, and it is probable that this intolerance and an ill-balanced judgment led him to make serious mistakes in the elaboration and execution of a policy, which on calmer consideration he would have perhaps avoided. The humanitarian principle of his policy was generally recognised and accepted; it was approved by the secretary of state,† and endorsed by a select committee of the House of Commons in 1812. But although the principle was correct, it is extremely doubtful whether the time had then arrived for its promulgation; and Macquarie's first attempts to raise members of an excluded class to the highest positions in the land, and to introduce them to the most exclusive class at that period, the military, were too revolutionary to succeed. Macquarie was also singularly unfortunate in his choice of the individuals for preferment.

After the elevation of Thompson and Lord to the magistracy, they were introduced to the society of government house, and were invited to the mess of the 73rd regiment; but their social advancement was not effected. Macquarie failed to realise that his patronage alone could not secure the general acceptance of an individual, and that men whom he chose to invite to his table might be considered by private individuals unfit associates on account of their morals and personal character. He made no attempt to conciliate the opposition to his measure, and failed to recognise "the evils of resistance in quarters where co-operation

* See first report of J. T. Bigge, page 82. † See page 134, volume VIII.
was necessary." In this failure, he materially contributed to the opposition which developed against his policy and administration in other spheres.

At an early period, Governor Macquarie selected assistant surgeon William Redfern for special preference. Redfern had been transported for complicity in the mutiny at the Nore. He was possessed of considerable professional abilities, but his manner was self-assertive and was resented by the class to which Macquarie attempted to introduce him. He was invited to government house, and through Macquarie's influence to the mess of the 73rd regiment, and later to that of the 46th regiment; but this had little effect on his social status. When the 48th regiment arrived, he was introduced by Macquarie to its officers, and, in the company of brigade-major Antill, he called on each of them, but with four exceptions they refused to return his call. When he was invited to the mess by lieutenant-colonel Erskine, many of the junior officers abruptly left the table; to obviate such action in future, Erskine made it a rule of the mess that no officer should leave the table until the first thirds were drank.

Governor Macquarie encouraged the presence of five other ex-convicts at government house. They were the Reverend Henry Fulton, James Meehan, the deputy surveyor, Richard Fitzgerald, a superintendent, Michael Robinson, confidential clerk in the secretary's office, and Francis Howard Greenway, the architect. Of these, Robinson received special notice of Macquarie's favour. He had been transported in 1798 for writing a threatening letter to Mr. James Oldham.* After Macquarie's arrival he was appointed chief clerk in the office of the governor's secretary, and as such fulfilled the confidential duty of transcribing the governor's despatches. On the occasions of the birthdays of their Majesties, he was invited to government house and permitted to recite to the assembled company odes of his own composition.

The results of Macquarie's endeavours to introduce ex-convicts into general society were aptly summarised by Mr. Commissioner Bigge.†

"The elevation of these persons to a rank in society, which they never possessed and for which, without meaning any reflection upon them, their manners gave them no kind of claim, has not been productive to them of the benefits that were contemplated.

*See note 193, volume II. †See first report of J. T. Bigge, page 150.
“It was in vain for Governor Macquarie to assemble them, even on public occasions at government house, or to point them out to the especial notice and favour of strangers, or to favour them with particular marks of his own attention upon those occasions, if they still continued to be shunned or disregarded by the rest of the company.

“With the exception of the Reverend Mr. Fulton, and, on some occasions, of Mr. Redfern, I never observed that the other persons of this class participated in the general attentions of the company.

“Although the emancipated convicts, whom he has selected from their class, are persons who generally bear a good character in New South Wales, yet that opinion of them is by no means universal. Those however, who entertained a good opinion, would have proved it by their notice and those, who entertained a different opinion, would not have contracted an aversion to the principle of their introduction from being obliged to witness what they considered to be an indiscreet and erroneous application of it.”

It is clear that Governor Macquarie’s endeavours to introduce ex-convicts into general society were defeated largely by his own methods. His attempts to restore them to full civil rights were only a qualified success. Notwithstanding the criticism of the appointments of Thompson and Lord to the magistracy, Macquarie made two further appointments of ex-convicts to the bench, in the persons of the Reverend Henry Fulton and William Redfern. Of these four appointments, Mr. Commissioner Bigge reported* that they “were unnecessary, that they produced no good effect upon the parties themselves, and that they have lowered the respect and estimation of the magisterial office.” Subsequently Redfern’s name was omitted from the new commission, which Macquarie was directed to issue on the accession of King George IV; Simeon Lord was allowed to resign prior to the issue of the new commission, whilst Andrew Thompson had died nine months after his appointment. Least exception was taken to the elevation of the Reverend Henry Fulton to the bench.

When the new charter was promulgated in 1814, by which new civil courts were established, Governor Macquarie, in furtherance of his policy, attempted to force the judge-advocate and judge to

*See first report of J. T. Bigge, page 89.
INTRODUCTION.

adopt the principle that a previous conviction was no bar to the admission of an attorney to the practice in the colonial courts. This led to a bitter controversy* between the governor and the judge, J. H. Bent. Bent refused to adopt Macquarie's proposals, and adjourned the sittings of the supreme court until a reference could be made to England. The secretary of state did not support Macquarie in his advocacy of this principle, and refused to sanction its adoption. Nevertheless, Macquarie still continued his attempt to procure the admission of ex-convicts to an official position in the courts, and in 1817 appointed Simeon Lord a member of the supreme court bench, and a little later Richard Fitzgerald a member of the governor's court which was held at Windsor.

In the establishment of the bank of New South Wales and in the proposed formation of an agricultural society, Governor Macquarie attempted to secure full rights for ex-convicts. In the formation of the bank, he desired that all classes should co-operate, especially as some ex-convicts were among the most opulent in the colony, and that all classes should be represented in its direction and management. When the election of directors for the bank was under consideration, it became known that a conditionally emancipated convict, Edward Eagar, was to be nominated for office by William Redfern; whereupon four out of six proposed directors refused to accept office if Eagar was elected. The subscribers accordingly made it a rule of the bank that no person was eligible as a director unless he was absolutely and unconditionally free. Macquarie had to accept this regulation, and shortly afterwards soothed Eagar's disappointment by granting him an absolute pardon.

Macquarie prevented the formation of an agricultural society by stating his desire that its membership should be open to all classes of the community. This was impracticable, as it was probable that ex-convicts would have been excluded under the system of ballot that was proposed for the election of members.

Macquarie carried his policy of encouraging emancipists to such extremes that it became proverbial in the colony that "the surest claim to his favour and confidence was that of having once worn the badge of conviction for felony."†

* See page 479 et seq., volume VIII.
† See first report of J. T. Bigge, page 147.
In spite of all Macquarie's efforts, little was achieved in removing the barrier which was raised around the emancipists and expirees. Mr. Commissioner Bigge stated that only one instance was known of the wife of an emancipist being admitted to the society of the wives of military officers, but he added, "it has generally been thought that such instances would have been more numerous, if Governor Macquarie had allowed every person to have followed the dictates of their own judgment."*

It is probable that Governor Macquarie's emancipist policy was conceived in haste and elaborated afterwards; that in the year 1810 certain ex-convicts had been emancipated, by servitude or pardon, for a sufficient period to justify by their subsequent good conduct their claim for a modification of their rigid exclusion from the respectable walks of life; that this class began to assert its claims, when encouraged by Macquarie's appointment of one of their number to the magistracy; that Macquarie recognised the justice in part of these claims; that he utterly failed in achieving his object owing to the ill-advised methods he adopted, although he won the gratitude of the large class he had befriended; and that the net result was exasperation and disappointment to the entire class of emancipists and expirees.

In fact, Macquarie's policy did more harm than good, and had the effect of strengthening instead of removing the barrier between the two classes, the free population and the emancipists and expirees. J. T. Bigge, in 1822, reported that the prejudices of the free population were then "too deeply fixed to be removed; and the ambitious feelings of the higher classes of emancipated convicts have been too long encouraged and cherished to expect from them either submission or conciliation. Governor Macquarie has thus left to his successor the difficult and, I may even add, the hopeless task of bringing back, to their proper and just standard, the pretensions of two large classes of the inhabitants of New South Wales, without giving to the one party a supposed ground of triumph, and without inflicting upon the other too large a measure of vexation and disgrace."†

Macquarie's treatment of the free settlers and his interference with social activities were arbitrary and non-conciliatory. At an early date he conceived a dislike for the settlers from England,

* See first report of J. T. Bigge, page 150.  † Ibid., page 154.
who had arrived free, and he developed a decided preference for settlers from the emancipist class.* Macquarie had some justice in criticising adversely some of the free settlers, as a large number were of a poor type, and had come to the colony in the hope of bettering themselves after they had failed in England. On the other hand, such good settlers as did arrive found it difficult to obtain the labour necessary for farming pursuits. Macquarie's passion for the erection of public buildings absorbed the best labourers amongst the convicts, and, when the settlers applied for assigned labour, it was practically impossible to obtain builders, blacksmiths or other mechanics, who would be useful on their farms. The free settlers experienced also many difficulties from Macquarie's intolerance of opposition and from his sympathies with the class of emancipists.

Three instances may be quoted of the governor's arbitrary treatment of free persons.

In the year 1816, a memorial from a number of colonists was transmitted to the House of Commons, which represented certain grievances† against the administration of Macquarie. The governor thereupon took the severe step of refusing all land grants and indulgences to the alleged signatories. For this action he was severely censured by Earl Bathurst,‡ who stated that it had a tendency to check the undoubted right of a subject to petition parliament. Macquarie, in his defence,§ stated that the petition contained malicious representations, and he was justified in withholding indulgences from those "who dared to asperse my personal honor and Government." This was typical of Macquarie's attitude on many occasions, for he was frequently unable to perceive that the person criticised often cannot gauge the value of the criticism, and that an attempt to expose the abuse of authority by himself was not an act of sedition on the part of the complainant.

In the year 1816, Philip Connor, who had been a lieutenant in the 73rd regiment, and had been convicted of manslaughter,|| returned to the colony for the purposes of marriage. Macquarie had not approved of the lenient verdict given by the criminal

* See page 598, volume VII.  † See page 329 et seq. and page 732 et seq.
‡ See page 762.
§ See despatch marked "No. 1 of 1819," dated 1st March, 1819.
|| See page 7 et seq., volume VIII.
court in Connor's case, and rightly considered Connor an undesirable immigrant. He accordingly compelled him to enter into a bond to leave the colony by the ship in which he arrived. As this ship sailed before the ordinary banns of marriage could be published, Connor was prevented from fulfilling his marriage contract, as Macquarie refused to grant a special license.

In the year 1816 also, Macquarie ordered the corporal punishment* of two ex-convicts and one free immigrant for trespass on the government domain at Sydney. These punishments were inflicted merely on the reports of constables and without any magisterial inquiry, and were a deliberate breach of the civil rights of the subject.

When reports of these occurrences and of Macquarie's preference for emancipists reached England, it is little wonder that the better type of free settlers was disinclined to go to the colony; and the free settlers already in the colony might be afraid of being subjected to an arbitrary act of the governor. It is certain that Macquarie's influence had a decided effect, and towards the close of his government free immigration was somewhat restricted.

The policy of Governor Macquarie with regard to the financial and economic affairs of the colony was good, and materially assisted in its advancement.

The powers of the governor over trade and commerce were supreme. By the colonial custom of issuing general orders, he could regulate the currency; establish specie values; fix the rate of interest, the prices of commodities, and the rates of wages; impose export and import duties; and control monopolies.

When Macquarie arrived in the colony, there was no legalised currency or specie, and the internal trade suffered from the want of a proper medium of exchange. The internal trade of the colony depended chiefly on the demand of government for supplies of grain and meat. When these were lodged in the public stores, store receipts were issued, which were consolidated at stated periods by bills on the English treasury. These bills were eagerly sought by merchants and others, who were desirous of making remittances to England. Prior to consolidation, the store receipts passed from hand to hand as the equivalent of money in the ordinary course of business. Their use, however, brought disadvantages to the small settler. Owing to the want of small change, he

*See page 734 et seq. and note 162.
was compelled to lodge his receipt with the retail storekeeper or publican for purchases made, and, until the value of the receipt was exhausted, it induced improvidence and extravagance on the part of the settler. To obviate the want of small change, it had become the practice to issue small notes of hand for sums as low as threepence. So long as the issue of these notes was made by persons of probity, no evils were experienced; but the ease with which these notes were placed in circulation induced many to take pecuniary advantage of the system. The methods of effecting this were described by Macquarie in a despatch to Earl Bathurst.* Macquarie quickly realised the evil influences on the colonial trade of the want of a legalised circulating medium. On the 30th of June, 1810, he issued a proclamation,† regulating the issue of currency notes, and in his third despatch in 1810‡ he sought permission to establish a government loan bank with the power to issue notes. This proposal was not entertained by the committee of the privy council for trade and plantations, but at the same time it was decided to send £10,000 worth of dollars to the colony to alleviate the distress caused by the want of currency. When these dollars were received by Macquarie in 1812, he decided to partially re-mint them, and to make a specie peculiar to the colony, in order to conserve it for local use. Each dollar, worth five shillings, was converted§ into a "holey dollar" and a "dump" with colonial values of five shillings and one shilling and threepence respectively. These coins were put in circulation in the year 1814 through the agency of the commissariat department,|| and considerably relieved the specie difficulty.

The advantages of a sterling standard for all commercial transactions were, however, imperfectly attained, and towards the end of the year 1816 the growth of trade made this want more acute. In consequence, Macquarie caused a public meeting to be held, whereat it was decided to establish a bank,¶ subject to the governor's approval, with a capital of £20,000. Macquarie readily gave his sanction to the proposal, and granted the shareholders a charter of incorporation. It is typical of the change in Macquarie's character that, whereas in 1810 he had sought the permission of the English government to establish a bank, in 1817 he

* See page 216. † See note 54. ‡ See page 265, volume VII. § See page 750 et seq., volume VII. ¶ See page 333, volume VIII. || See page 219 et seq.
INTRODUCTION.

granted a charter for the formation of a bank and sought confirmation of it afterwards. This charter was held to be null and void by the English crown law officers, and Macquarie was informed that he had no power to grant such a charter.* Notwithstanding the illegality of the incorporation, the formation of the bank of New South Wales under Macquarie’s sanction formed a prominent milestone in the financial history of the colony. The bank issued notes of value from two shillings and sixpence upwards, payable in sterling on demand, and these notes practically initiated a sterling circulation in the colony.

The unlimited control exercised by a governor over finance and trade is well exemplified in the fixation of rates of interest. Governor King, by an ordinance in July, 1804, had fixed the legal rate at £8 sterling per centum per annum. Notwithstanding the variations in the value of money, it had remained at that arbitrary rate until February, 1817, when, at the request of the directors of the bank of New South Wales, Governor Macquarie increased it to £10 per centum.

Throughout most of his administration, Macquarie maintained the practice of fixing the prices of commodities necessary to support life. As already noted, the internal trade of the colony depended largely on the purchases of wheat and meat made by government. As long as the government was the chief purchaser, the fixation of the price of wheat had many advantages. It enabled the farmer to anticipate his return with some confidence. If the government had not fixed the price, in years of abundant harvest the price of wheat would have fallen so low that it would not pay the farmer to grow it. In consequence, in the year following, little ground would be cultivated, and then, the harvest being small, the price of wheat would be increased enormously. In spite of much opposition, Macquarie maintained fixed prices for wheat. At the same time, he strongly advocated the establishment of a distillery, protected by a preferential duty on the spirits distilled, in order that a market might be created for the surplus crop of grain after the demands of government were satisfied.

Prior to Macquarie’s arrival, the evils of monopoly had been rampant. These evils had been most in evidence in the spirit trade, and had been the cause of considerable difficulty to former governors. Macquarie had received specific instructions from the secretary of state to suppress the traffic in spirits, and to prohibit

* See page 840.
their use as a medium of barter for produce and the necessaries of life. Shortly after his arrival, he had practically attained this end by the imposition of an import duty of three shillings per gallon, and by requiring all importers to receive a permit for each individual speculation in spirits prior to landing the same in the colony. These regulations had practically controlled the spirit traffic; but, nevertheless, about ten months after his arrival in the colony, Macquarie granted a huge monopoly* in spirits to the contractors for the erection of the general hospital. This remarkable action was severely criticised by the secretary of state, † and seems incapable of any justification.

Macquarie was, however, successful in coping with attempted monopolies in the necessaries of life. He prevented a monopoly in grain by means of importations from Bengal; he utilised the government herds of cattle to defeat a monopoly in meat; and in September, 1812, he issued a striking proclamation‡ strongly condemning any attempts to secure the artificial inflation of prices.

In December, 1814, Macquarie abolished§ the retail sale of goods from the government stores. This practice had been established in the year 1800 to protect the settlers against extortions in their purchases of the smaller articles of merchandize; but Macquarie found that it was no longer necessary owing to the arrival of frequent shipments of goods and to the competition amongst the traders. At the same time, Macquarie opened all the ports in the territory to the unrestricted importation of spirits and merchandize.

Throughout his administration, Macquarie was lavish in the expenditure of public money. As the larger part of this was met by drafts on the English treasury, a considerable sum of money was introduced into the colony. The average aggregate amount of bills drawn during the four years (1806-1809) preceding Macquarie's arrival was £29,415. In 1810 Macquarie drew £72,600, in the first ten weeks of 1811 £21,214, and in subsequent years his expenditure rapidly increased, out of proportion to the increase of the population. The circulation of this money caused a "boom," and led to a false and superficial prosperity. Macquarie claimed credit for this prosperity, but, unfortunately for such claim, the "boom" was followed by the inevitable depression after his departure.

* See page 401 et seq., volume VII, and note 66, volume VIII.
† See page 486, volume VII.
‡ See note 130, volume VII. § See page 471, volume VIII.
Macquarie made every effort to encourage trade and commerce. An example of this may be quoted. In 1813 he had enacted a schedule of import duties* on certain articles which were the produce of the south seas. A few years' experience of their incidence convinced him that they were a source of injury to the trade, and in 1817 he proposed† that a draw-back of these duties should be allowed on such articles that were re-exported.

In one instance in connection with trade Macquarie showed a remarkable hastiness of disposition, and his intolerance of opposition led him to commit a serious error. After the declaration of peace with America, the resumption of American trading at Port Jackson was expected. In February, 1816, the American schooner Traveller arrived from Canton, freighted with tea and merchandise, which were at the time much in request at Sydney. Macquarie granted the schooner liberty of entry. Shortly afterwards she was seized under the provisions of the navigation act by the Reverend Benjamin Vale, one of the chaplains on the colonial staff. When Macquarie heard of this he at once released the schooner from arrest. He then preferred charges against Vale, and had him brought to trial by court martial,‡ which sentenced Vale to be "publicly and severely reprimanded and admonished." Such action was quite illegal, and in consequence Macquarie was severely censured by Earl Bathurst.§

Macquarie's influence on finance, trade, and commerce materially contributed to the advancement of the colony. He created a "boom," which had certain advantages, although followed by the inevitable depression. He developed a system of public credit. He abolished some restrictions on trade and drew attention to others. Excepting his mistakes in conniving at a monopoly in spirits in 1810, and in the wrongful issue of a charter to the bank, his influence over finance and commerce was excellent.

Macquarie's character was many-sided, and this is strikingly demonstrated in his relations with the individuals over whom he more or less had control. He showed an extraordinary kindness of heart and even an excessive leniency to those who were incompetent or had committed errors, provided that they had in no manner clashed with his own principles. On the other hand, he

* See page 749, volume VII.
† See page 401.
‡ See page 100.
§ See page 206.
INTRODUCTION.

was unjust and even vindictive, probably owing to his intolerance of opposition and his natural hastiness of disposition, when an individual came into conflict with him.

Examples of his kindness may be quoted. In March, 1816, Macquarie reported* that he had found it necessary to remove surgeon Mountgarrett from the magistracy for improper conduct, and at the same time recommended his retirement from the position of surgeon on account of the loss of an arm. In the same despatch he severely criticised the conduct and capacity of surgeon Luttrell, and recommended his removal. Yet, in spite of such adverse reports, Macquarie proposed that pensions should be granted to both officers. The pensions were refused at first by the secretary of state, in consequence of Macquarie's reports, but on a second application were granted. His action with regard to a pension for Mrs. Eliza Bent was very similar.

His vindictiveness was shown on several occasions. One has already been noted, viz., his withdrawal of land grants and indulgences from the alleged signatories to a petition of grievances to the House of Commons.† His treatment of the Reverend Samuel Marsden was remarkable. At an early date the opinions of the latter had clashed with his own. Marsden had adversely commented on the appointments of Thompson and Lord to the magistracy. In the month of February, 1814, Macquarie and Marsden were again in conflict, owing to the refusal of the latter to read a general order in church. It had been customary to announce many general orders, relating to a variety of subjects, during divine service. As Marsden was largely engaged in farming pursuits, it is possible that his refusal to read this order,‡ which related to the supply of grain to the public stores, was due to a personal interest. A difference of opinion also arose over Marsden's attempted introduction of low-church doctrines. In 1817 Earl Bathurst transmitted an extract§ of a letter containing charges against Macquarie's administration, without disclosing the author's name. The governor wrongfully assumed that the letter was written by Marsden, and in his reply to Earl Bathurst made an attack¶ upon him. At the same time, in a confidential despatch, Macquarie transmitted a list,∥ which included Marsden's name, of twelve

* See page 67. † See page xiv. ‡ See page 257 et seq., volume VIII.
§ See page 197 et seq.
¶ See page 495 et seq. and page 502 et seq. ∥ See page 500.
persons, whose dispositions he variously described as discontented, intriguing, vindictive, or seditious towards the colonial administration. Prior to this date, in spite of previous differences, there had been a certain amount of friendship between the governor and the chaplain; but, subsequently, Macquarie conceived the idea that whilst professing friendship Marsden was making secret attacks on him. The relations between the two became strained, and finally Macquarie took the grave step of taxing Marsden, in the presence of others, with the crimes of sedition and mutiny. The charge of sedition was based on the fact that Marsden had taken a deposition from the public flogger, relating to the corporal punishments* ordered by Macquarie for trespass on the government domain at Sydney. These punishments were grossly illegal, and, as J. T. Bigge reported,† it was probable, "from a consciousness, perhaps, . . . that he was without defence, Governor Macquarie from one error only fell into another" in making this charge against Marsden. The charge of mutiny was based on Marsden's refusal, some years before, to be associated with the ex-convicts, Andrew Thompson and Simeon Lord, and his objection to the principle that ex-convicts should be admitted to general society. At the interview with the governor, Marsden declared that he would no longer act as a magistrate, a position which, by reason of his long residence in the colony, he was probably the most qualified to hold. He did not, however, give immediate effect to his resolution, but in March, 1818, he tendered his resignation. Macquarie thereupon announced in general orders that he "had been pleased to dispense with the services of the Reverend Samuel Marsden as justice of the peace and magistrate." As it was Macquarie's practice to publish an eulogistic statement of the services of a public officer on his retirement, this bald announcement conveyed the impression of a real dismissal accompanied by disgrace. It is evident that Macquarie's conduct towards Marsden was most unjust, and it is probable that, had he listened to the advice of Marsden, many of the mistakes of his administration would have been avoided.

The conclusion of the discussion of Governor Macquarie's administration will be found in volume X.

October, 1916.

FREDK. WATSON.

* See note 162. † See first report by J. T. Bigge, page 92.
DESPATCHES.
HISTORICAL RECORDS
OF
AUSTRALIA.

SERIES I.

SIR H. E. BUNBURY TO GOVERNOR MACQUARIE.
(Despatch per ship Atlas; acknowledged by Governor Macquarie to Earl Bathurst, 4th April, 1817.)

Sir, Downing Street, 16th Jany., 1816.

I am directed by Earl Bathurst to transmit to you an Assignment of One hundred and eighty nine Male Convicts shipped on Board the Atlas.

I have, &c,
H. E. BUNBURY.

[Enclosure.]

UNDER SECRETARY BECKETT TO UNDER SECRETARY GOULBURN.

Sir, Whitehall, 14th Jany., 1816.

I am directed by Lord Sidmouth to transmit to you the within Assignment of 189 Male Convicts, which have been embarked in the Ship Atlas for the purpose of being sent to New South Wales, and I am to desire that you will lay the same before Lord Bathurst, and move His Lordship to be Pleased to forward such Assignment to the Governor of that Colony. I beg leave to observe that the Ship Atlas is now at Spithead under Sailing Orders.

I have, &c,
J. BECKETT.

[Sub-enclosure.]

[A copy of the assignment of convicts is not available.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship Atlas; acknowledged by Governor Macquarie to Earl Bathurst, 4th April, 1817.)

Sir, Downing Street, 16th Jany., 1816.

I am directed by Earl Bathurst to transmit to you an application, which has been addressed to him by the Son of the late Governor King, with a Copy of the answer, which has been

Ser. I. Vol. IX—A
1816.

16 Jan.

LIEUTENANT NORFOLK KING TO EARL BATHURST.

My Lord,

No. 1 White Harte Court, Brook Street, Holborn, 4th Jany., 1816.

Having no Friends to present my Petition, I have Taken the Liberty of Inclosing it to your Lordship, Trusting that the Claims therein stated will move your Lordship to Interest yourself in my Behalf, in enabling me to get out and Settle in the Colony of Van Dieman’s Land.

I can assure your Lordship that it is the total want of Friends that gives me the Honour of Subscribing My self,

Your Lordship’s, &c.,

NORFOLK KING, Lieutenant in the Royal Navy.

HISTORICAL RECORDS OF AUSTRALIA.

returned to it by his Lordship’s direction, in order that you may be apprized of the degree of expectation which has been held out to Mr. King, and consider yourself authorized to fulfil the intention Lord Bathurst has expressed in the event of Mr. King’s proceeding to New South Wales.

I have, &c.,

HENRY GOULBURN.

[Enclosure No. 1.]

LIEUTENANT NORFOLK KING TO EARL BATHURST.

My Lord,

Transmission of petition.

My Lord, 4th Jany., 1816.

Having no Friends to present my Petition, I have Taken the Liberty of Inclosing it to your Lordship, Trusting that the Claims therein stated will move your Lordship to Interest yourself in my Behalf, in enabling me to get out and Settle in the Colony of Van Dieman’s Land.

I can assure your Lordship that it is the total want of Friends that gives me the Honour of Subscribing My self,

Your Lordship’s, &c.,

NORFOLK KING, Lieutenant in the Royal Navy.

[Enclosure No. 2.]

THE PETITION OF LIEUTENANT NORFOLK KING.

To the Right Honorable Earl Bathurst, Principal Secretary of State for the Colonial Department.

The petition of lieutenant King.

The Humble Petition of Lieutenant Norfolk King, Royal Navy, Sheweth,

That your Petitioner is Son to the late Captain Philip Giddley King, and late Governor of His Majesty’s Territory of New South Wales; that, Your Petitioner was born at Norfolk Island in the Year 1788, and supposed to be the first human being born on that Island from which circumstance he takes his name.

That Your Petitioner held a Grant of Land* on Norfolk Island, of which the evacuating that Island deprives him.

That Your Petitioner is given to understand that those Persons, deprived of Land in the above Island, have been remunerated by a proportion of Land in Van Dieman’s Land.

That Your Petitioner entered His Majesty’s Navy at the age of 14, was promoted to the rank of Lieutenant in 1810, and has been constantly employed.

And Your Petitioner, as in duty bound will ever Pray,

NORFOLK KING.

* Note 1.
[Enclosure No. 3.]

UNDER SECRETARY GOULBURN TO LIEUTENANT KING.

Sir,

Downing Street, 16th January, 1816.

I am directed by Lord Bathurst to acknowledge the receipt of your Letter of the 4th instant, and to acquaint you that directions have been given to the Governor of New South Wales to place you on the same footing with other Persons possessed of Land in Norfolk Island at the date of its evacuation; but, as Government have ceased to give free Passages to Persons proceeding to N. S. Wales, it is not in Lord Bathurst’s power to comply with that part of your request.

I have, &c.,

HENRY GOULBURN.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked “No. 1 for 1816,” per H.M. brig Emu*; acknowledged by Earl Bathurst, 30th January, 1817.)

My Lord,

Government House, Sydney, 20th February, 1816.

Previous to entering upon the Business which is to constitute the principal object of this Letter, I have with much regret to inform your Lordship that Ellis Bent Esqre., our late Judge Advocate, who has been for a long time in a declining State of Health, at length paid the last Debt of Nature on Friday the 10th of November, 1815. His disease latterly proved to be a Dropsy in the Chest. Some weeks before his Decease, finding his complaint increasing on him, he had taken the resolution of returning to Europe by the Way of India in the Hope that the Voyage might be of Service to his Health, and for this purpose had applied for and obtained my permission; his complaint however increased too much to allow him to carry that purpose into Effect, and he had in consequence relinquished it.

My late Dispatches will have informed your Lordship of certain parts of Mr. Bent’s Conduct having been very offensive and disrespectful to me, which I had much reason to resent, having uniformly endeavoured to serve him and his family to the utmost extent of my power, as I could well convince your Lordship, were it necessary, by the recital of those Services which I had rendered him in this Country; but my Successful recommendation of him, to the Earl of Liverpool your Lordship’s Predecessor, for an Increase of Salary will itself be Sufficient to Shew how much disposed I was to be his Friend. Neither do I, even now, either regret that I had so interested myself on his behalf, or consider that I Suffered private Regard in any degree to lead me to make any favourable communication respecting him which was not due to his Public Character as Judge Advocate.

* Note 2.
And now, my Lord, when Death has put an end to all responsibility on his part for his altered conduct towards me, and notwithstanding that I did not receive any communication from him expressive of Regret for the part he had latterly taken in opposition to me and my measures, altho’, as he felt himself evidently passing out of Life, I had entertained a degree of Hope that he would in some sort have done so, I still feel that I should write of this Gentleman to your Lordship in those Terms which his Administration of the Law in his official Capacity here seems to me to merit.

In the very arduous discharge of his Duties as Judge Advocate I am free to say that Mr. Bent’s conduct alike gave full and perfect Satisfaction to myself and the Public, to whom He faithfully, indefatigably and ably administered Justice, so long as his Health enabled him to take the Bench. Mr. Bent has left a widow in an advanced State of Pregnancy, and four children, the eldest of whom is under Eight years of age, and I fear they are left in a very unprovided destitute State. I combine the circumstances of Mr. Bent’s upright character as a Judge with that of the Severe Loss Sustained by his family by his decease, in order that this latter event may the more forcibly Impress on your Lordship’s humane consideration the Distress entailed on his helpless family.

Having thus paid a just Tribute to the meritorious Services of the deceased, I shall now proceed to a much less pleasant Duty, which is the Recital of Acts, most daring and insulting to me and my Government, which Mr. Jeffery Hart Bent, the Judge of the Supreme Court here, has continued unceasingly to manifest Since the Period of my former communication* to your Lordship on the same Subject.

Previous however to entering on the particularly offensive part of Mr. Justice Bent’s Conduct, I must beg to call to Your Lordship’s Recollection that, shortly after my arrival in this Country, finding its progress towards Comfort and Wealth much impeded by the want of good Roads to lead to the Farms and Settlements in the Interior, and that the Cultivators and Graziers were thereby much discouraged in their Undertakings, whereby the indispensably necessary Supplies from thence were rendered at Head Quarters not only precarious but also excessively dear, I say, my Lord, finding this to be the Case I early determined on the construction of good roads, which by local funds I have been happily enabled to effect to the mutual advantage of the Crown and the Public. One of these Roads and the earliest as to the time of its Construction, is that leading from hence to Parramatta, which has been Subsequently continued to Windsor on

* Note 3.
the River Hawkesbury, 36 miles from hence, in the Heart of our principal Grain Country. When this road was completed, I considered it expedient to place Turnpikes on it, and to Cause a moderate Toll to be levied thereon, not only to keep the Road itself in Repair, but also to repay to the Police Fund eventually the considerable sums which had been drawn thence for its construction. In adopting this measure, however, I considered it advisable to consult with the late Judge Advocate Bent (the only Law Officer of the Crown then in this Territory) and having obtained his decided opinion in favor of its Justice and Legality, I got him to frame in the Technical Terms of Law, a Suitable Proclamation for me to issue for the information and guidance of the Public on that occasion. This he very willingly did, and in terms perfectly corresponding with my wishes. A Copy of that Proclamation (dated 30th March 1811) forms the last in the Series of documents which I transmit herewith for your Lordship's perusal and Information.

Having made a communication* to Lord Liverpool, at that time Secretary of State for the Colonies in regard to the expence attending the Construction of this Road, and also transmitted Him a copy of the Proclamation apprising His Lordship of my Intention to appropriate the Surplus of the Tolls, after making the necessary repairs on the Road, to the Liquidation of the Debt contracted to the Police Fund, His Lordship was pleased to approve of the Expenditure for the reasons assigned, and the more particularly from my having, by the Establishment of Tolls, provided a Source whence the original expence would be eventually discharged. Thus far, my Lord I have entered into these long past and minute circumstances in order to Shew that the establishing a Toll on the road between Sydney and Parramatta being deemed a legal measure by Judge Advocate Bent, and the Same having been also approved by your Lordship’s Predecessor, I had the most satisfactory reason to consider the Measure perfectly within the Limits of my Authority. The Benefit resulting to the Public has been justly appreciated, and I have the pleasure to add that the Tolls imposed have been most cheerfully paid by every Person using the Road, All being alike sensible of the very great Benefit resulting from it, and also perfectly satisfied with the moderation of the Toll enacted. My own public Duty requiring that I should from time to time pass into the Interior, I thought fit to exempt myself and Suite from the Payment of the Tolls, and for Similar reasons I likewise exempted the Lieutenant Governor. I had also in contemplation to exempt the Judge Advocate (rather however as a courtesy and acknowledgment for his having framed the Proclamation and antecedently rendered

* Note 3.
Refusal of judge-advocate to accept exemption.

Legality of levy of tolls questioned by J. H. Bent.

Claim of J. H. Bent to exemption from tolls.

The governor's power to levy taxes.

J. H. Bent's threat to resist payments.

me other legal assistance and advice, than from his having any Public Duties to perform which could warrant such Exemption); but, on consultation with him on that point, he very candidly admitted that he had no reasonable Ground for claiming Such Indulgence arising out of the nature of his appointment, and foreseeing that if I were to extend it him, every ordinary Magistrate and other Officers of the Crown would demand the Same as a right, he freely relieved me from the measure, and the exemptions have been confined to the Lieut. Governor and myself, and our respective Families.

Thus I have brought the history of this Road and of the principal circumstances connected with it down to the period of the Arrival of Mr. Justice Bent in this Country in July, 1814; and I have now to inform your Lordship that it has been reserved for that Gentleman to call in question the Legality of the Small Tax laid on the use of the Road, and to be the first and only Person, who has ever shewn the Slightest Inclination to oppose its payment or to remonstrate either against its expediency, Legality, or amount. The first intimation I had from Mr. Justice Bent on this Subject was that in the first letter of the Series which accompanies this; it is dated the 18th Augt., 1815. In it he is pleased to inform me that no Difference exists between the Civil powers of the Governor, the Lieut. Governor, and Judges of this Colony, and consequently that he has an equal right with them to be exempt from paying the Toll. Indeed he Subsequently adds that the demand of Toll is Illegal, as I possess no legal power or authority whatever to Levy Taxes upon the Subject. A Position which not only goes to the rendering the Tolls so Collected Illegal, but, by its indefinite nature, equally affects all other Duties or Imports, and consequently Strikes at the existence of every Colonial Fund whatever; for all the Duties on Imports or Exports, the Sums levied upon Licences for the keeping of Public Houses, and all others, which constitute and go to the Support of that Fund, have been laid on by the Governors from time to time, and, of course, are fit Subjects by this Doctrine for resistance by all who are required to pay them. The Subsequent part of this letter, filled with false assertions, and malignant Insinuations, and concluding with a threat that unless I remove the cause of his Complaint that he should resist the Payment, drew from me under the same date a short Reply, No. 2, expressing my indignation and Contempt. I had hoped that this mode of Treating his Threat would have at least relieved me from any further communications from him on this Subject; but in this I was disappointed, for on the 25th of the Same Month He addressed me again, complaining of the bad
MACQUARIE TO BATHURST.

state of the Road and Bridges, and equally falsely stating that there is only one Trustee* for the Road, altho' in fact there are three Gentlemen in that Situation, and re-iterating that the Toll is contrary to Act of Parliament and Arbitrary; and finally he taxes me in direct terms with having lost sight of my own high Station and totally forgotten the Rank and Office that he holds in this Colony.

To follow Mr. Bent further thro' the Series of Letters into which he has continued to annoy me on this Subject appears to be unnecessary, as the Letters themselves and my answers with the proceedings, which took place before a Magistrate, in consequence of Mr. Bent having Violently forced a Passage thro' the Turnpike gate, are all transmitted herewith, and will fully exemplify the disposition of Mr. Justice Bent to bring my Government into the utmost contempt and ridicule, and these will, I trust, meet your Lordship's most decided Reprobation. It is not for me to expatiate to your Lordship on the dangerous consequences of any Man under a Colonial Government presuming to oppose the ordinary measures of that Government, but more particularly on the extraordinary impropriety of a Law Officer of Mr. Bent's Rank enlisting himself as the Champion of a weak and wicked faction to impede the just measures of Government, to Increase the Taxes on the Mother Country by annihilating all those levied in the Colony itself, and to pronounce on the Illegality of measures which he might possibly have to pass legal Judgment upon in his own Court of Justice, were other persons to be found who would render Such an appeal necessary.

When I inform your Lordship that the total amount of the Tax as it would affect Mr. Bent could not possibly exceed threepence per day, for he has never kept any carriage and only one road horse since, in evil hour, he came into this country; I trust it will thence appear pretty evident that it is not for the sake of Saving that Sum that his opposition is founded. And Altho' he has Stated in one of his Letters that he is actuated in his opposition to the Tax by a Sense of Public Duty only, and a consequent wish to do it away as an Arbitrary and Illegal Tax, oppressive in its operation to the Community, yet he has also Said in those Letters that if he be himself Exempted from it, his opposition to it will cease. Here, My Lord, are two assertions So diametrically at variance, one with the other, that one is at a loss to know what kind of understanding the man is possessed of, who would lend his name and Character to them. Evident however it is that his Public Spirit is not very ardent, when the absolving himself from the payment of a paltry tax, which

* Note 4.
1816.
20 Feb.

Conflicting reasons given by J. H. Bent for his action.

Public degradation alleged by J. H. Bent.

Proposed absence of Ellis Bent on leave.

J. H. Bent’s offer to act as judge-advocate.

could only affect him to the amount of three pence per day, He declares himself ready to abandon the good cause in which he had volunteered his manly struggle with the Deputy Keeper of the Turnpike Gate, and forced his passage thro’ it for the purpose of inducing others to follow his example. That I may not be considered as either straining the sense or forcing constructions which Mr. Bent’s Language does not bear, I beg particularly to refer your Lordship to his letter of the 18th August, passing from the fact of his requiring Exemption from the Toll, merely for himself, without any regard whatever to the Hardship of others being obliged to pay it, and for the declaration of his motives being disinterested without any private Views, and his being actuated by a Sense of Public Duty only, the last passage in his long Letter dated the 2d of October and numbered 8 in the accompanying Series will show.

I shall now conclude my remarks on Mr. Bent’s Conduct in regard to the Turnpike Gate and the payment of Tolls with requesting your Lordship’s particular attention to the circumstance, that whilst he expresses himself much shocked at my not having prevented his being rendered responsible to Justice for the Violence used by him in forcing a passage thro’ the Toll Gate, whereby his Rank and judicial character have been in his eyes so much degraded, yet he does not allow himself to consider for a moment that if his feelings be so much violated that mine should be still with much more reason injured by his stepping forward thus publickly to call in question my Authority, and threatening to burn or destroy the Turnpike Gates, an Act in itself fully declaratory of his considering himself not merely equal with me in Authority and Privileges, as he had stated in the first letter of the annexed correspondence, but that he was invested with even superior Authority to mine.

The next subject of correspondence with Mr. Bent, which I have now to advert to, arose out of the Intention, once entertained by his Brother the late Judge Advocate to return to England for the benefit of his health. On this occasion, under date the 24th October, 1815, I received a Letter from Mr. Justice Bent marked in the Series No. 10, wherein he very justly remarks on the evils which must result from the Suspension of the Court of Criminal Jurisdiction by his brother’s absence, unless someone else were nominated to supply his place; and there makes a Tender of his own Services for that purpose under the Sanction of my Warrant, but proceeds to express himself sensible of Incurring thereby a heavy Responsibility, and that he should have great reluctance in passing the Sentence of Death, unless.
he should be assured that it would not be carried into Effect until the pleasure of His Royal Highness the Prince Regent should be made known.

A Tender of Services from a Man, who had so far lost sight of all Respect for me and my Authority, combined as it was with a restriction in regard to the Execution of the Sentence of the Law, which rendered altogether nugatory the purposes of a Criminal Court, would in themselves have been quite Sufficient to prevent me from accepting such paralyzed Services, but objections of a different kind were not wanting. Mr. Jeffery Hart Bent having been appointed the Judge of the Supreme Court, the Functions of which had been distinctly Separated in the New Patent from those of the Governor's Court, or that in which his Brother presided, I conceived that they could not be legally blended again in the Person of any Individual by me, and consequently I considered Mr. Justice Bent as legally incapacitated to fulfil its functions, whilst I felt equal difficulty in relieving him from the Duties of the Supreme Court altogether for the purpose of assigning him those of the Governor's Court, as in that Case if there should be any Question as to my having the right of nominating, pro tempore, to either Court, as Mr. Justice Bent Seems to imply by his qualifying the Terms of his undertaking the Duties of the Governor's Court, that objection would by such management have been doubled, as I should then have to appoint by my own Authority both to the Governor's and the Supreme Court, which latter would be vacated by Mr. Justice Bent's accepting the other. Such were the Reasons on which I declined Mr. Bent's Offer of Services and I trust your Lordship will approve my having done so upon every principle which I have assigned.

Feeling however very Sensibly the Embarrassment which must necessarily arise from the Suspension of the Functions of the Governor's Court, and particularly those of the Criminal Court, which were left without a Head by the Death of Mr. Judge Advocate Bent, I considered it Incumbent on me to supply the deficiency by appointing Mr. Solicitor Garling, ad Interim, to be Judge Advocate (on which Subject I shall address your Lordship more at large in another Dispatch*), and I then communicated his appointment to Mr. Justice Bent, requesting him, as representative of his deceased Brother to deliver over to Mr. Garling the muniments and documents of whatever nature belonging to the former Court of the Judge Advocate, and of the late established Governor's Court; to this letter I received a Short answer, but with which I was perfectly Satisfied, as I conceived from it that Mr. Justice Bent meant to comply fully with my desire;

* Note 5.
but several days afterwards I was under the necessity of addressing him again on the same subject, being informed by Mr. Garling that he had refused to deliver up those documents which were of the very first importance, alleging that they were the private property of his late brother. In my letter on this occasion, I also requested Mr. Justice Bent to deliver to Mr. Garling the sett of the statutes which his brother had lately received, as I had understood from Mr. Ellis Bent, for the use of his court and consequently the property of the crown. I was the more confirmed in this opinion in consequence of Mr. Ellis Bent having asked me what he should do with the older sett of the statutes, which had been delivered over to him as the property of the crown by his predecessor, Mr. Judge Advocate Atkins. In this letter I requested that the old sett should be sent to the government library in government house, unless Mr. Justice Bent wished to retain it for the use of the supreme court. This letter induced a reply, which was very unnecessarily and unprovokedly replete with unmannerly and insulting language in regard to myself, and virulent invective against Mr. Judge Advocate Garling, the latter circumstance appearing to me the more extraordinary as Mr. Justice Bent had on former occasions boasted much of Mr. Garling’s professional knowledge, taking to himself the merit of having recommended him to His Majesty’s Ministers for the situation of law solicitor in this country. But Mr. Jeffery Bent’s inconsistencies are too numerous to be further dwelt on. Indeed I know of only one part of his conduct which lays any claim to consistency, and that is the unqualified opposition, and low mean resistance to all and every measure of my government. Mr. Bent now retains the old sett of the statutes for the use of his court not in consequence of my having given him the liberty to do so, if he wished it, but as he says because it now appertains to the supreme court, although he does not condescend to explain by what authority such transfer, independent of me, has taken place.

I have now, My Lord, gone thro’ the principal points on which I have felt it my duty to inform your Lordship, respecting the treatment I have experienced at the hands of Mr. Justice Bent, since my former communications* on the same disagreeable subject, and I do feel much regret at being by this means obliged to obtrude myself at such length on your Lordship’s most valuable and important time, particularly as I am obliged to involve in this representation several circumstances, which appear more of a personal nature to myself than of political importance; but as the head of this government and the representative of His

---

* Note 3.
MACQUARIE TO BATHURST.

1816.
20 Feb.

Majesty in it, I cannot but consider all attempts at rendering me, or my administration odious, as a most unwarrantable measure and calling loudly for Redress.

In consequence of Mr. Justice Bent not having effected his design of excluding all other Attorneys from acting in the Supreme Court, except the Solicitors, Garling and Moore, no Court has been held by him, nor is it his Intention to hold one until the Point, in regard to the re-admission of Attornies Sent hither as Prisoners, shall be determined agreeably to his own wishes in the Negative.

Under all these Circumstances, I have now, my Lord, only to express my fullest and firmest conviction that no Court of Law, wherein Mr. Bent shall preside, will ever render this Colony a Service, and that his Midnight Cabals and petty Factions will render this Government, in whatever Hands it may be placed, a Source of Constant Inquietude and annoyance to its Head.

I trust your Lordship will Sympathise with the warmth of my expressions on this occasion, duly weighing the wanton and unwarranted provocations I have received, and that your Lordship will for Similar Seasons excuse the Diffusiveness of the present communication, which, under all the Circumstances, I know not how to compress.

I have, &c.,
L. MACQUARIE.

[Enclosure No. 1.]

MR. JUSTICE BENT TO GOVERNOR MACQUARIE.

Sir,
Sydney, 18th August, 1815.

In consequence of a Demand having been made upon me for Toll, I am induced to address your Excellency upon that Subject.

Since His Majesty's most gracious Charter has made no Distinction between the Governors, Lieutenant Governors, and the Judges of this Colony, but in the Same Clause* conferred equal Civil Powers, I should have hoped that no Distinction in Privileges would have been made in the Colony itself, and that if I had happened to have been arrived in this Country at the time of the Establishment of the Turnpikes, the Same Immunity, which has appeared right to be given to the Lieutenant Governor, would have been extended also to me.

But notwithstanding your Excellency has made so mortifying a Distinction between the Lieutenant Governor and His Majesty's Judges, and notwithstanding I am well aware of the Illegality of the Demand, and that your Excellency possesses no legal Power or Authority whatever to levy Taxes upon the Subject, I

* Note 6.
1816.
20 Feb.

Criticism of the administration of the roads.

am so much alive to the advantages arising from good Roads that I should have most willingly contributed my Quota towards their maintenance, had I not from the neglected State of the Road sustained considerable personal risque, and had I not found that, instead of the System general in England with respect to the Turnpike roads being resorted to here, namely the appointment of Trustees for the purposes of collecting the Tolls and seeing to the due application of the Money on the Roads from which it was collected, and who are by Law responsible for the good State and Repair of the Roads, a new and arbitrary mode has been adopted, and only one person* appointed by your Excellency, whose Duty Seems only to be to Sett the Tolls to farm, and who has not the Slightest power to lay out anything upon the Roads, or even to order any the most necessary Repairs, and whose Office and name of Trustee are alike Nugatory and appear to me a mere Blind for those who have not the means for personal information on this point, and had I not also found that the sums levied are carried to a general Account, and no part appropriated to the repair of the Road on which they were collected, or to those purposes which could alone form a Reasonable Pretence for their exaction.

Under these Circumstances I feel myself justified in declining to pay a demand absolutely Illeagal, or to Submit to a Burden from which your Excellency has relieved yourself and the Lieutenant Governor, and your respective Families and Suites.

As I must always feel great reluctance to disturb any arrangements of your Excellency, or to impede in any manner the execution of any measures adopted previous to my arrival in this Colony, I thought it proper before my determination became Public to apprise your Excellency, in order that an opportunity might be afforded of removing the necessity that leads to it.

I am, &c.,

JEFFERY HART BENT,
Judge of the Supreme Court.

[Enclosure No. 2.]

MORNOWLED OF MR. JUSTICE BENT'S LETTER OF DATE, 18 AUGUST, 1815.

The Governor has received a most Insolent and disrespectful Letter of this day's Date from Mr. Justice Bent, full of gross misrepresentations and Calumnies, which merits no other answer than his expression of Contempt for the Weak and Ineffectual Efforts of the Writer to disturb the peace of the Colony, and counteract the measures of his administration.

Government House, Sydney, 18th August, 1815.

* Note 4.
Sir,

Sydney, 25 August, 1815.

I have to acknowledge the receipt of your Excellency's note of the 18th Inst., and feel it necessary in my own justification from the Charges which your Excellency has made, to reassert my former Statements, and clear them from the harsh Epithets bestowed upon them.

It is a matter of general notoriety that the Parramatta Road and the Bridges upon it are in a bad state of repair, and it is also a matter of great and general Complaint that so heavy a Toll should be enacted for so bad a Road, the first few miles of which, after the last rains we had, were Scarcely passable.

I have stated that so far from the System of England being adopted, only one Person was appointed by your Excellency (nominally) as a Trustee, and I find on reference to the Statement of Officers in the General Almanack,* published by Authority, and Submitted to your Excellency's Inspection, that there is only one person of such a description, and I find also from the Quarterly Statement of the Colonial Fund published in the Sydney Gazette that the Treasurer gives credit for the Tolls so paid into his Hands.

I may state without fear of contradiction that no money is paid out of the Colonial Fund without your Excellency's Warrant, and that the Trustee of the Roads neither considers himself, nor is considered by others, as responsible for their repair; that he has never in fact ordered any, and has not any control over or power of drawing or expending any part of the Tolls whatever, and that his duty is entirely confined to Letting the Tolls to Farm. I may again say that such a System is contrary to that established in England by numerous Acts of Parliament in cases of Turnpike Roads, and that it is (to me at least) both new and arbitrary; I feel justified in the Inference I drew from these Facts that there is no person in England hearing that a Trustee of the Roads had been appointed but would conclude that he has the Same powers and was Subject to the Same Responsibilities as Similar Trustees at Home, and no one could Conceive Such Person was a mere non-efficient, or that your Excellency (as the fact undeniably is) had the sole and entire control of the Repairs of the Roads and as to the expenditure of the Tolls levied from them.

I have further Stated that from the Burthen of those Tolls your Excellency has thought proper to free yourself, the Lieutenant Governor, and your respective families and Suites, and I think your Excellency will admit that to be a fact that I have not misrepresented.

* Note 4.
If I have not been correct in these Statements of my letter of the 18th Inst., the means of proving their Incorrectness must be in your Excellency's power, and I think myself fairly entitled to call upon your Excellency to show what I have grossly misrepresented, or wherein I have calumniated, or how a wish to render even an illegal measure Satisfactory to the Public can be construed as a desire to disturb the peace of the Colony.

I may now add that your Excellency seems to me to have fallen into the error of considering the Tolls as a Branch of Public Revenue, and not as in England exclusively devoted to the due maintenance and Repair of the Roads from which they are levied.

With respect to the Style and tone of Your Excellency's late Communication to me, I shall restrain myself to observing that no Judge in any part of His Majesty's Dominions was ever before treated with so much indignity, and that your Excellency appears in the Ebullitions of your Violence to have lost Sight of your own high Station and to have totally forgotten the Rank and Office.

I have, &c.,

Jeffery Hart Bent,
Judge of the Supreme Court.

Answer to Mr. Justice Bent's letter of date, 26 August, 1815.
The Governor has received Mr. Justice Bent's letter of yesterday's date, and has only to refer him to his Note of date 18th Inst. in reply to Mr. Bent's letter of that date; his last letter admitting of no other answer from the Governor.

Excepting upon points of Public Duty immediately belonging to or connected with Mr. Justice Bent's Official Situation as Judge of the Supreme Court, the Governor must decline all further Epistolary Correspondence with him.

Government House, Sydney, 26 August, 1815.

Mr. Justice Bent to Governor Macquarie.
Sydney, 28th August, 1815.
The Judge of the Supreme Court begs to remind Governor Macquarie that all his Relations with this Colony, and his late as well as former Correspondence with His Excellency, have resulted Solely from his Judicial Station, and he has to express his sincere regret that his Correspondence Should have been hitherto principally confined to a Resistance to Governor Macquarie's improper Interference with him as a Judge, and a Remonstrance against Measures trenching in his opinion on the Liberties of the Subject.
Mr. Justice Bent has never as a private Individual had any Knowledge, Acquaintance or Correspondence with Governor Macquarie, and from the mortification he has in his public Station experienced from His Excellency should by no means think such private Knowledge or acquaintance desirable, or feel himself much honored by such correspondence.

[Enclosure No. 6.]

[1] MR. D'Arcy Wentworth to Governor Macquarie.

Sir, Police Office, Sydney, 9 September, 1815.

I have the Honor to Communicate to your Excellency the particulars of a Complaint made at this Office on the 6th Inst. by Messrs. Redman and Cullen, Proprietors of the Tolls arising from the Gates between Sydney and Parramatta, against Jeffery Hart Bent, Esqr., for refusing to pay Such Dues as he was from time to time liable to, and acting forcibly against the payment thereof. I was therefore under the painful necessity of proceeding to take Depositions touching the Matter, but wishing to act with all possible Delicacy towards a person holding So high a Situation in this Colony, and accidentally noticing him passing My house the day following, I thought proper verbally to communicate to him the Substance of the Charge with the View and hope that a little Reasoning on my part would induce him to make Such a Concession as might tend to render the adoption of other Measures unnecessary; but in that expectation I was disappointed, and have to regret that instead of Mr. Bent's appreciating the Compliment paid him on that occasion, he appeared to treat it and the Regulations adopted on that Head with the utmost Disrespect. I was therefore compelled to proceed in the usual way by Summons, to which I received in reply a Letter dictated in Terms highly contemptuous of my Authority and, as I presume, Subversive of Law; but, feeling that I was justified and warranted in my proceedings, I on the Return of the Summons and due proof of the Services thereof proceeded ex parte, and finally adjudged that Mr. Bent had forfeited the Sum of forty Shillings Ster'g, to be appropriated as the Law in Such Cases directs; and, in doing so, I acted with forbearance, for I mitigated to the Smallest Sum in a Case where Strictly Speaking no mitigation was due; but I did so with a further View and Hope that Such forbearance would operate as an indirect Testimonial of my Delicacy in an Affair which was as repugnant to my feelings as its agitation would, I felt persuaded, be to your Excellency's wishes.

I have respectfully to add that I have not as yet proceeded further, and still entertaining the greatest regret that a Person,
holding so high a Situation in the Judicial Departments of the Colony, should have so acted, I have considered it advisable before I do so to transmit for your Excellency’s perusal a Copy of the Proceedings so taken. I have, &c.,

D. WENTWORTH, J.P.


Territory of New South Wales | County of Cumberland To Wit, |

Before D’Arcy Wentworth, Esqr., one of His Majesty’s Justices of the Peace for Said Territory.

THE Examination of MICHAEL WYER Servant in the Employ of Messrs. Redmond and Cullen, Proprietors of the Toll Gate between Sydney and Parramatta, who, being duly Sworn, Depoeth That he has been stationed for some time past at the Tollgate at the lower end of George Street, Sydney, being one of those held by Said Redmond and Cullen, by whom he has been there placed for the purpose of collecting the Tolls arriving at Said Gate, pursuant to His Excellency the Governor’s Proclamation having date the Thirtieth day of March, One thousand Eight hundred and Eleven, creating Such Tolls, and their purchase thereof at Public Vendue for the year, commencing on the first day of June last and ending on the thirty first day of May next, as he this Examinant has heard and Verily believes; and Saith that he this Examinant having some days Since reported to said Redmond and Cullen, in whose Employ he so is, that Jeffery Hart Bent Esqr. had been in the constant Habit of riding and driving through Said Gate without paying the accustomed and established dues, and moreover that he the said Jeffery Hart Bent had refused upon one occasion to pay Same, and further that he had publickly asserted that he never would pay Toll, they the Said Redmond and Cullen in consequence thereof directed this Examinant in future to prevent the Said Jeffery Hart Bent from passing thro’ Said Gate unless he paid Such Toll, as he was liable to pay. And Saith that about the hour of Three o’clock in the afternoon of Yesterday, Examinant having perceived the Said Jeffery Hart Bent riding on horseback, accompanied by a Mr. Nicholas also on horseback, coming from Sydney towards the Gate at which Examinant was so stationed, he, this Examinant, therefore Closed the Said Gate and upon the arrival of Said Jeffery Hart Bent and Mr. Nicholas thereat, this Examinant, in the most respectful manner addressing the Said Jeffery Hart Bent, told him that he had orders from his Employers not to let him pass without paying Toll; whereupon the Said Jeffery Hart Bent said “I’ll pay no Toll, I am Judge of this
MACQUARIE TO BATHURST.

Colony. I'll pay no Toll whilst I am in it, and if you don't let me pass I'll Send you to Jail.” Examinant then informed him that he might do so, but that he, Examinant, would not open the Gate; that the said Jeffery Hart Bent then got off his horse and taking hold of the Gate said he would have it cut down and burned; that he then violently Shook the Gate whereby the Chain was loosened and the Gate opened; that Mr. Bent then passed thro' without paying Toll and Mr. Nicholas whilst waiting to receive Some change due to him observed to Examinant that he was a fool for his pains, for that it was on account of the Governor that he (meaning Mr. Bent) did so; Saith that immediately after said occurrence, Examinant reported the Circumstance herein stated to Mr. Patrick Cullen, one of the Proprietors, who in consequence thereof directed that Examinant might attend at the Police Office this morning.

MICHL. WYER.

Sworn before me this 6th day of September, 1815:—

D. WENTWORTH, J.P.

PATRICK CULLEN being sworn deposes that on the first day of June last he, in conjunction with Edward Redmond of Sydney Dealer, became proprietors of the Tolls arising from the Turnpike Gates between Sydney and Parramatta for one year, and saith that having some days since been informed by Michael Wyer the last Examinant, who has been stationed at the Tollgate at Lower end of George Street for the purpose of collecting the Tolls arising at Said Gates, that Jeffery Hart Bent Esqr. was in the Constant habit of passing Said Gates without paying Toll, and peremptorily refused to pay any, he, this Examinant, in consequence thereof personally attended at the said Gate for some days afterwards in order that he might have an opportunity of enquiring into the particulars or cause of such refusal, and saith that on Thursday last having gone a short distance from the Gate the Said Jeffery Hart Bent accompanied by a Mr. Nicholas in a Gig happened to pass through the Gate before Examinant noticed them; but after proceeding a few yards Examinant followed and demanded of the Said Jeffery Hart Bent, who held the Reins on that occasion, that he might pay the Toll he was then liable to; whereupon he the said Jeffery Hart Bent Stood upon the Gig and said “You damned Scoundrel, who are you, do you Know who I am?” Examinant answered “Yes,” but that he Examinant was one of the Proprietors of the Toll Gates, and that he would not be robbed by him or any one else; that the Said Jeffery Hart Bent then made use of the Epithets “Scoundrel and Rascal” towards Examinant, and
peremptorily asserting that he never would pay Toll, in a most angry manner threatened that he would commit Examinant to Jail for his Natural life and called to Samuel Champness, a constable then Standing near, to take Examinant into Custody; Whereupon Examinant Said he would not be taken into Custody by him or any body else, as he was only doing his Duty; that Mr. Bent then proceeded on without paying Toll, in consequence of which Examinant directed Michael Wyer before named to Shut the Gate in future upon Mr. Bent and not let him pass unless he paid Toll.

Sworn before me same time:—D. WENTWORTH, J.P.

SAMUEL HOCKLEY being Sworn deposeseth that he was at the lower end of George Street near the Turnpike about the hour of Three o'clock on Tuesday Evening last and witnessed the Transaction Stated in the deposition of Michael Wyer the first Examinant.

This Examinant Saith that upon the approach of Mr. Bent and another gentleman, Wyer shut to the Gate and hung on the Chain. He then went towards Mr. Bent, whom he respectfully addressed, and told him that his Master directed him to shut the Gate against him till the Toll was paid. Mr. Bent replied that he would put him to Jail. He then got off his horse, took hold of the Gate and Shook it violently, till it flew open; he then Said he would have the Gate Cut down and burned, for that he would be damned if he would pay any Illegal Toll whilst he was in the Country; after which he mounted his horse again, threatened he would have Wyer put to Jail, and rode away without paying the Toll.

Sworn before me this 7th day of September, 1815:—

D. WENTWORTH, J.P.

Fined in the Mitigated Penalty of 40s.

[3] SUMMONS ISSUED TO MR. JUSTICE BENT.

Cumberland }

To Wit. }

Whereas Complaint and Information hath been made upon Oath Before me D'Arcy Wentworth Esqr. one of His Majesty's Justices of the Peace for the Said County by David Wyer and Patrick Cullen (the former Collector and the latter one of the Proprietors of the Tolls arising and payable at the Toll Gate Stationed at the Lower end of George Street Sydney in the
County) that you the Said Jeffery Hart Bent Esquire about the Hour of Three o'clock in the afternoon of Monday last, and at divers other times theretofore, did forcibly and against the will and consent of the said Michael Wyer, as Such Collector of said Tolls, and of the Said Patrick Cullen as Such proprietor, pass through Said Gate without paying the usual accustomed and established Dues, to which you were on those occasions liable under and pursuant to His Excellency the Governor's Proclamation on that head, bearing date the thirtieth day of March, one thousand eight hundred and Eleven, and also that you the Said Jeffery Hart Bent Esqr. had publickly declared on those occasions that you never would pay any Toll at Said Gate, and threatened that you would commit the said Michael Wyer and Patrick Cullen to Gaol for attempting to demand the same.

These are therefore to require you, personally to appear before me at my Office in George Street, Sydney, in the Said County, at the Hour of Eleven o'clock in the forenoon of Saturday next, the ninth day of September, To stand to answer the Said Complaint and Information made by the Said Michael Wyer and Patrick Cullen, who are likewise directed to be then and there present to make good the Same.

Herein fail not.

Given under my Hand and Seal this 7 day of September, 1815:—

D. Wentworth, J.P.

[4] MR. JUSTICE BENT TO MR. D'ARCY WENTWORTH.

Sir, Sydney, 8 September, 1815.

I have to express my great astonishment that you have thought it proper to send a Summons under your Hand and Seal to me.

I must observe that you have omitted my designation as Judge of the Supreme Court; and Seem entirely to have forgotten that I have the Honor to hold that Office.

As Judge of the Supreme Court, I am by no means amenable to any Criminal Jurisdiction in this Territory, and you must not expect any attention will be paid by me to your Summons, a proceeding of great Indignity towards myself and exceeding the Bounds of your Duty.

It seems to me very extraordinary that such a measure should have been adopted on your own Authority towards one of His Majesty's Judges, without any avowed Communication with His Excellency the Governor.

I am, &c.,

Jeffery Hart Bent,

Judge of the Supreme Court.
1816.
20 Feb.

Warrant for fine imposed on J. H. Bent by default.

Cumberland}
to Wit.}

Be it remembered that on the Sixth day of September, in the year of Our Lord one thousand eight hundred and fifteen, at Sydney in the County aforesaid, Michael Wyer and Patrick Cullen came Before me, D'Arcy Wentworth, Esqr., one of His Majesty's Justices of the Peace of the Said County, and informed me that Jeffery Hart Bent Esquire on the fourth day of September now last past, and at divers other times theretofore, at Sydney in the said County, did forcibly and against the Will and Consent of the Said Michael Wyer, whilst acting as Collector, and of the Said Patrick Cullen as one of the Proprietors of the Tolls arising and payable at the Toll gate Stationed at the lower end of George Street Sydney in the County aforesaid, pass thro' Said Gate without paying the usual accustomed and established Dues to which he, the Said Jeffery Hart Bent, was at the day and at the time before mentioned liable under and pursuant to His Excellency the Governor's Proclamation on that Head, bearing date the thirtieth day of March, one thousand eight hundred and eleven. Whereupon the Said Jeffery Hart Bent after being duly Summoned to answer the Said Charge did neglect and refuse to make any defence against the Said Charge; but the Same being fully proved upon the oaths of the Said Michael Wyer and Patrick Cullen and of Samuel Hockley, credible witnesses, It manifestly appears to me the Said Justice that the Said Jeffery Hart Bent is guilty of the Offence charged upon him in the Said Information. It is therefore considered and adjudged by me the Said Justice that the Said Jeffery Hart Bent be convicted, and I do hereby declare and adjudge that he the Said Jeffery Hart Bent hath forfeited the Sum of Forty Shillings of lawful money of Great Britain for the offence aforesaid to be Distributed as the Law directs.

Given under my Hand and Seal this 9th day of September, 1815.

D. Wentworth, J.P.


Civil Department.

Government House, Sydney, Saturday, 9th September, 1815.

The Governor has been officially Informed with much Surprize and Regret that an Officer of very high Rank in the Civil Service of this Colony has refused to pay the Toll ordered, in the
Proclamation under date the 30th March, 1811, to be levied on all Persons travelling on Horseback or in Carriages on the Turnpike Road Established by that Proclamation, and Subsequently approved of by His Majesty's Ministers.

Whilst the Governor laments that any person should be found in the Colony so wanting in public Spirit as to wish to evade contributing his Mite towards the Support of so useful and beneficial an Establishment for the Country and the Community at large, He cannot allow any person whatever, however high his Rank may be, to break through or Set at defiance the Established Regulations of the Colony; and he thus publickly declares that no Person whatsoever can or shall be exempted from paying the Tolls in question, excepting those few already Specified in the Government Orders.

The Farmers of the Several Tolls throughout the Colony are hereby accordingly authorized to Instruct and Direct their respective Toll Gate Keepers to enforce the Orders and Regulations contained in the Proclamation herein alluded to, under date the 30th March, 1811, on the Subject of Tolls, and not to permit any Horse or Carriage to pass through them without the Owners or Riders paying the Dues therein prescribed. And in the Event of any Person or Persons attempting to use Force or Violence to evade paying such Tolls or Dues, the Toll Gate Keepers are hereby directed to call for Assistance from the Police to enforce the established Regulations of the Colony in this particular Instance.

The Police Magistrate at Sydney and also the Several District Magistrates in the Interior, when so called upon, are accordingly hereby authorized and directed to afford the necessary aid of Peace Officers to assist the Said Toll Gate Keepers in enforcing the established Regulations of Government in the manner prescribed by the Said Proclamation bearing date the 30th March, 1811, as well as to preserve the Public Peace from being violated and the Government from being insulted in the just exercise of its authority.

Altho' the Governor forbears, from motives of Delicacy and out of respect for the high Office he holds, to name the Officer herein alluded to, he cannot help expressing thus publickly his astonishment and Regret that he Should be the first and only Person in this Colony, who has openly and avowedly attempted to break thro' and counteract the Regulations the Governor has deemed it necessary to establish for the Benefit and Improvement of the Country. From a Person at the Head of so High an
Office the Governor had just reason to hope and expect every degree of reasonable Support instead of opposition and violent resistance to his public measures.

By Command of His Excellency the Governor,

JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 8.]

MR. JUSTICE BENT TO GOVERNOR MACQUARIE.

Sir, Sydney, 2nd October, 1815.

On account of the extraordinary Transactions which have lately taken place, I am under the necessity of again addressing your Excellency.

Having in pursuance of my opinion of the Illegality of Tolls declined paying the Same, I have been Subjected to a personal outrage by the Farmer of the Tolls in a State of Intoxication, and also been obstructed when coming into Sydney and returning to my place of abode, which obstructions, in order to obtain a passage, I have been obliged to remove.

In consequence of my so doing, without any communication either from your Excellency or Mr. Wentworth on that Point, that Gentleman has thought proper to take Depositions, and also to issue a Summons calling upon me to appear personally before him to answer to Such Complaints; an Indignity, I will venture to say, never before offered to any Judge even in this Colony; and which was the more Indecent as the Authority, so to act towards even a private Individual, is founded Solely on the Proclamation, the Legality of which I dispute.

It will be proper for me to mention that the Office Mr. Wentworth holds of Superintendant of Police is one which of itself confers no authority, being a mere Title and utterly unknown to the Law, and that all that Gentleman’s authority is derived from his appointment as a Magistrate under your Excellency’s Precept. When he ceases to be a Magistrate he ceases to have Such authority, and he can have no Power which does not equally belong to every other Magistrate in this Territory.

As one of His Majesty’s Judges, I have the same Privilege with your Excellency of exemption from the ordinary jurisdiction of the Magistrates, or from any criminal jurisdiction within this Territory excepting in a case of Treason or Felony; and the reason of Such exemption is very obvious, for were it otherwise, any magistrate in any part of the Colony upon the most frivolous pretext, or most malicious accusation might issue his Summons and in default of appearance proceed to conviction against His Majesty’s Judges, and by that means not only degrade the Office in public Estimation, but a Subject would be assuming a power
to Suspend His Majesty’s Commission and also to put a period, at his pleasure, to the Courts of Civil and Criminal Judicature, and thereby virtually abrogate His Majesty’s Charter under His Great Seal.

Such an assumption of Jurisdiction is too glaring an absurdity to be justified by any reasonable person, and I must confess my Surprise that Mr. Wentworth, who is confessedly Ignorant of the Law, who cannot in many ordinary cases proceed without consulting His Majesty’s Law Officers, should, when acting with regard to one of His Majesty’s Judges, proceed with so much precipitancy, and that no avowed communication should have taken place with your Excellency, or any from your Excellency to me, on such a Subject.

A Report has reached me that Such a Measure had been undertaken by your Excellency’s Orders, or by your concurrence, and I certainly neither did, nor could have, credited Such an assertion, had not an Order issued by your Excellency on 9th September, and forwarded to me by your Secretary, appeared to confirm it. The public censure which Your Excellency has thought proper by that Order to pass upon my conduct, I may be bold to Say Your Excellency is unauthorized in doing in any manner, or at any time, and still less to print your reprimands in a Public Gazette, or to insert them in the Order Book of any Regiment in Garrison here. Your Excellency has there considered me as an Officer under your Command, and not as a Judge Holding a Commission from His Majesty, and who is not bound by any Instructions, or, by the tenor of his Commission, to take any Orders from your Excellency, and whose Commission was so given for the express purpose of rendering him independent of the Governor of this Colony.

But the Principal Grounds of my Complaint and Remonstrance against that Order is that your Excellency has therein evidently expressed a Design to Subject His Majesty’s Judges to a jurisdiction of your own creating, and has given power by what is called a Government Order not only to Magistrates acting under your Excellency’s Authority to proceed against Judges acting under the King’s Commission, but has also extended that Authority to the meanest Persons and their Convict Servants, and by the allusion to me throughout the whole of that Order, your Excellency has held out encouragement to Persons, convicts or otherwise, to offer me every Insult or even personal Violence, being Secure that under that Order it may be done at least with Impunity.

I will not enlarge upon the Contumely and Disrespect with which I have been treated in this Instance, nor upon your
1816.
20 Feb.

J. H. Bent's decision for future action.

Excellency's Endeavours to reduce His Majesty's Judges to the Scale of Inferior Officers on the Establishment, and to Subject them to a Jurisdiction to which they are not amenable; nor upon Your Excellency's holding me up as a mark for the insults and personal Violence of those who have, I may Say a natural antipathy to the character of a Judge, but will merely add that it is not my intention to oppose the force to which your Excellency has thought proper to have Recourse or to court any personal violence or disrespect to myself, but content myself with taking care not to become liable to any payments Established by your Excellency, and which I contend are Illegal Exactions.

I must however deprecate the continued System of mortification which your Excellency has adopted towards His Majesty's Judges in this Colony. Very soon after my arrival here, it was Signified to me that your Excellency's Resolutions, even on a point immediately concerning my own Station and Comfort, went to preclude all Remonstrance. The Courts of Justice have been held of so little importance that I have seen the private Interests and Convenience of inferior Officers on the Establishment preferred to their Suitable accommodation. In a matter of peculiar professional Practice and Feeling, wherein a Judge might be supposed to be entitled to have a Deference paid to his opinion, So far at least as to leave the Question at Rest till the Sentiments of His Majesty's Ministers were Communicated, I have met with unexpected and I may add, unjustifiable Interference, and an endeavour to oblige me to give up my Judgment of the Law and the practice of Courts of Justice to the Crude Ideas of those, who are uninformed upon those Subjects, and to the furtherance of a System hastily adopted by your Excellency and which is unexampled in any other part of His Majesty's Dominions. I am required to admit that to be Legal and founded on a due Authority which I know to be otherwise; and to acknowledge that your Excellency's will, expressed by Proclamation, by what is termed a Government Order, or a Government Notice, has the force and Validity of Law, a proposition so Startling that I cannot conceive any Person in England, much less any Lawyer, could have the Slightest notion that it would ever be maintained even in argument, far otherwise that it would be attempted to be carried out to its fullest extent in practice. The attempt of Mr. Wentworth to assume a jurisdiction over me (an attempt not only over-stepping the bounds of his authority, but which from its mode would be considered Indecent towards a Magistrate acting under similar authority with himself, and which is grossly so towards a Judge Holding His Majesty's Commission) has been countenanced by your

Macquarie's alleged interference with the judges and the legal administration.

Validity of general orders questioned.

Wentworth's action approved by Macquarie.
Excellency, and farther, an Order has been issued in which your Excellency has thought it proper to publickly censure my conduct without a right So to do, has attempted to strip me of the Respect and Authority, my Due by virtue of my Commission, and held me up as a Mark for the personal outrage of the meanest Individual in the Colony.

Those who entertain a just Idea of the Judicial character and functions, how necessary a part persons who fill that Station are of any Executive and how Important to the welfare of any Community, will be at a loss to comprehend by what reasoning your Excellency can justify the System So pursued towards His Majesty's Judges in this Colony, or upon what grounds your Excellency has withdrawn your Support from them, and has diminished the respect so much on every account and, I may venture to Say, so deservedly their due. Such a System will be always considered as contrary to every principle of Sound policy and every maxim of good Government.

As my relations with this Colony have arisen Solely from the Judicial Station I have the honor to hold, as my conduct has throughout been disinterested, unconnected with any views of private Interest, and according to my Sense of public Duty, I shall entertain no fears from submitting the whole of my Conduct with regard to the late Transactions to His Majesty's Ministers, and to whom your Excellency, as well as myself, is amenable.

I am, &c.,
Jeffery Hart Bent,
Judge of the Supreme Court.

[Enclosure No. 9.]

Answer to Mr. Justice Bent's Letter of Date 2nd October, 1815.
The Governor has received the Letter addressed to Him by Mr. Justice Bent under this day's date, which, being like all his former ones, of a highly disrespectful nature to him, as Governor in Chief of this Territory, is not deemed worthy of any particular Reply.

Government House, Sydney, 2nd October, 1815.

[Enclosure No. 10.]

Mr. Justice Bent to Governor Macquarie.

Sir, Sydney, 24 Octr., 1815.

As in the Event of the Departure of my Brother for Europe it may be necessary that some person should be appointed to fulfil the functions of Judge Advocate in this Colony during his absence, In order to prevent those Evils which must arise
from any Suspension of the Court of Criminal Jurisdiction, I beg to tender my Services to your Excellency, and to express my readiness to undertake those duties under the Sanction of your Excellency's Warrant. At the same time I must state that I am aware of the heavy responsibility I incur, and should feel considerable Scruples and great reluctance in passing Sentence of Death, unless it was previously understood that the execution of Such Sentence should be delayed until the Pleasure of His Royal Highness the Prince Regent was communicated.

I have, &c.,

Jeffery Hart Bent, Judge of S.C.

[Enclosure No. 11.]

Answer to Mr. Justice Bent's Letter of October 24th, 1815.

Sir,

Government House, Sydney, 26th October, 1815.

I have the honor to acknowledge the Receipt of your Letter under date 24th Inst., tendering your Services to fulfil the Functions of Judge Advocate of this Colony during the absence of your Brother Mr. Ellis Bent, in the event of his departure hence for Europe.

The disposition you have so openly manifested to counteract my public measures, and treat my Authority with marked disrespect, would of itself be a Sufficient objection to my appointing you to that Office; but independent of So Strong an objection, I should consider it as highly Irregular as well as Illegal, your officiating as Judge Advocate, the Duties of that Office being in my opinion quite incompatible with those of the Supreme Court of Civil Judicature.

On these Grounds I must decline accepting your proffered Services to act as Judge Advocate.

I have, &c.,

L. Macquarie.

[Enclosure No. 12.]

Governor Macquarie to Mr. Justice Bent.

Sir,

Government House, Sydney, 18th Decr., 1815.

Having appointed Frederick Garling, Esq., to the Situation of Deputy Judge Advocate of this Territory, in the room of your Brother Ellis Bent Esqr. deceased, until His Majesty's Pleasure shall be made known thereon, and presuming that you as Brother to the late Judge Advocate have been left in charge of the Official documents belonging to the Department of the Judge Advocate, I have to request that you will be pleased to give the necessary Instructions for all the Books, Records and Documents, of whatever kind belonging to that Department,
being delivered over to Mr. Garling, together with Such Docu-
ments as may belong to the lately instituted Court, termed the
Governor's Court, to which your Brother Stood appointed.

As it is of much importance that Mr. Garling should receive
the charge of the foregoing Documents previous to the assembling
of a Criminal Court, and the Dispatch of Business requiring that
Such a Court should be Speedily convened, I have now only to
add the further request that you will cause the Delivery of them
with the least possible Delay.

I have, &c.,
L. MACQUARIE.

[Enclosure No. 13.]
MR. JUSTICE BENT TO GOVERNOR MACQUARIE.

Sir,
Sydney, 20th Decr., 1815.

I have the Honor to acknowledge the Receipt of your
Excellency's Letter of the 18th Inst., and in Reply I have to
State that all those muniments and records I consider Strictly
belonging to the Civil or Criminal Courts in which the Judge
Advocate presided, I have given up to the custody of Mr. James
Foster, Clerk to my Brother the late Judge Advocate, who holds
himself ready to deliver the Same to any person properly autho-
rised to make the Demand.

I have, &c.,
JEFFERY HART BENT, J.

[Enclosure No. 14.]
GOVERNOR MACQUARIE TO MR. JUSTICE BENT.

Sir,
Government House, Sydney, 6th Jany., 1816.

By a communication from Mr. Judge Advocate Garling, I
am informed that, in consequence of the Letter I had addressed
to you on the 18th Ulto., He has received Various Documents
and papers from you relating to the Court of Criminal Juris-
diction, but I also learn that there are Proceedings of that Court
(perhaps the most material of all others) which you have not
delivered, under the opinion that they are the private property
of your late Brother. Of this Description Mr. Garling par-
ticularly mentions "the Records of the Convictions of the Court."
As these Records have been always Subscribed in due form by
all the members of the Court previous to being Submitted to
me, or otherwise acted upon, they are consequently public Docu-
ments of Office, and I trust you will see the particular propriety
in, and necessity for, their being handed over to the present
Judge Advocate. Some of the Inconveniences that might result
from their being withheld as private property, or under any
other consideration, having been put in what I consider a very
clear light by Mr. Garling in his letter to me, I shall quote
them; "In prosecuting an accessory, it is material to prove the
previous conviction of the Principal." "If a man should happen
to be prosecuted a Second time for the Same offence the proof of his former conviction may be most material possibly to save his life.” These two instances, one on the part of the Crown, and the other on the part of the Prisoner, will, I trust, Suffice to mark the propriety of those documents being in the Court of the Judge Advocate.

Allow me therefore to call your attention to the last passage in my letter of the 18th Ulto. on this Subject, and to repeat that I request that you will Cause delivery of the Book containing the convictions and Sentences of the Criminal Court to be made to the present Judge Advocate with the least possible Delay.

There having been a Sett of Statutes at large sent out by His Majesty’s Ministers for the use of the Judge Advocate, which was received by your late Brother, I have to request that you will put the present Judge Advocate in possession of it, agreeably to the Intention with which it was Sent hither. Another Sett of Statutes having been handed over to your Brother on his arrival here by his predecessor Mr. Atkins, I request you to send to me, in order to their being deposited in the Government Library, which it was the avowed Intention of the late Judge Advocate to have done on his receiving the new Sett, tho’ (possibly owing to Inadvertency) that did not take place. It may not however be amiss to say here that if you should, in your official Capacity as Judge of the Supreme Court, wish to retain this latter Sett in your Possession, I have no objection to your retaining it in your Office.

The Chambers originally assigned to you in the new General Hospital (but which you signified your wish to relinquish, preferring the apartments belonging to the Public Court House formerly occupied by your Brother) being now much required for the use of the present Judge Advocate, I trust I need not urge any thing further to induce you to deliver them to him as soon as you possibly can, so that he may have the accommodation of them at the approaching Sittings of the Criminal Court and the Governor’s Court.

I have, &c,

L. MACQUARIE.

[Enclosure No. 15.]

MR. JUSTICE BENT TO GOVERNOR MACQUARIE.

Sir, Sydney, 9th Jany., 1816.

I have received your Excellency’s Letter of the 6th Inst., and in reply have to state that I delivered all the Documents, which I conceived to belong to the Governor’s Court and the Criminal Court, to Mr. Foster, clerk to my late Brother; and tho’ I might have retained them till a Person was legally entitled
by the holding His Majesty's Commission to demand them, I have not thrown any obstacle in the way of those Measures which your Excellency has thought proper to adopt.

Your Excellency has been misinformed as to the fact of my retaining the Records of the Convictions of the Criminal Court. I could not do so for the best of reasons, viz. because no Convictions have ever been recorded. The Books alluded to are the Judge's Notes of the Evidence, which made no part of any Record that I am acquainted with, and his minute of the Conviction thereupon. It was Scarcely necessary to quote the words of so Inferior a Person in the Profession to me, who am a Barrister of ten Years Standing and to whom the High Office of Judge has been confided by the Crown; and more especially when the Cases Stated have not arisen, nor are likely to occur; and Should Cases of that Kind arise, it cannot be Supposed that I Should refuse any Paper in my Possession that could in any way be necessary. Ignorance of the Duties which have been undertaken, together with a wish to adapt the method of another Person, from incapacity to frame any other, is the real motive of the application to your Excellency. But as your Excellency appears to think these Books requisite, I have no wish to retain them, and will give directions for their being given up to Mr. Foster accordingly; at the same time I may say that the Documents which have already been delivered up are not yet removed.

Your Excellency is also in an error with regard to the copies of the Statutes. An old copy formerly belonging to the Court of Civil Jurisdiction now appertains to the Supreme Court; and I shall retain the Same for the use of that Court till I receive other directions from His Majesty's Ministers. Another copy in my late Brother's Library forms a part of his private property, and is marked by him as such with his private mark; and I believe that it will be allowed that he was not a man to appropriate to himself what was the property of others. He acquired this Copy by Gift from the Crown, it being the Present usually made to all persons accepting Judicial Offices on their first appointment, and it was his absolute, unconditional and private property, and it will be delivered to no person who shall not first purchase it. If your Excellency has any wish of that Kind, it is at your Excellency's Service at a fair and reasonable price.

I mentioned in my late Interview that I should be ready to give up my Chambers at the Hospital at any time, and Should have done it Sooner had your Excellency not told me there was no immediate necessity and that I might Suit my own time and convenience. In the Course of the week I will take care that it shall be done.
But I must observe your Excellency mentions my Brother’s Office as “apartments belonging to a Public Court House.” I know of no such apartments. The Office belonging to my Brother consisted originally of only one room for his use and his Clerks, to which another room for his Separate accommodation was afterwards added, and not at the expense of Government, and they are appendages to no Court House.* This Office he was obliged to use as a Court Room, and I am astonished at the mode of expression used, when your Excellency must be aware that a Serious difference arose between my late Brother and yourself about the providing a Suitable Court House, and that previous to my arrival, no Court House, or even Court Room existed, and my Brother declared to me at that time that he had contracted a Disease (tho’ he was mistaken in its nature) that would carry him to his Grave in Consequence of Sitting for so long a continuance in so miserable a place, and so unfit for the decent or even Healthy accommodation of a Court of Justice, and his Sentiments on this point continued the Same to his Dying Hour.

I am drawn into these observations from the peculiar expression in your Excellency’s Letter, and I must add that I prefer my late Brother’s Chambers to my own, not because they belong to any (or to the) Public Court House, but because they form a part of the premises now occupied by his Widow, with whom I am residing.

I have, &c.,

Jeffery Hart Bent,
Judge of the Supr. Court.

[Enclosure No. 16.]

[A copy of Governor Macquarie’s proclamation for the management of the turnpike road was forwarded as enclosure No. 11 to his despatch, dated 18th October, 1811; see page 417 et seq., volume VII.]

Under Secretary Goulburn to Governor Macquarie.

(Despatch per ship Surrey; acknowledged by Governor Macquarie to Earl Bathurst, 4th April, 1817.)

Sir,

Downing Street, 24th February, 1816.

I am directed by Earl Bathurst to acquaint you that he has granted permission to the bearer, Mr. Henry Kitchin, to proceed as a Settler to New South Wales, and I am to desire you

* Note 7.
MACQUARIE TO BATHURST.

will make him a grant of Land proportioned to the means he may possess of bringing it into Cultivation and extend to him the other Indulgences usually granted to Settlers.

I am, &c.,
HENRY GOULBURN.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked “No. 2 for 1816,” per H.M. brig Emu*; acknowledged by Earl Bathurst, 30th January, 1817.)

My Lord, Government House, Sydney, 24th February, 1816.

In my Despatch No. 1 of the present year, and by the present conveyance, I had the Honor to announce to your Lordship the lamented death of Mr. Judge Advocate Bent, and also that I had appointed Mr. Solicitor Garling to perform the Duties of Judge Advocate until His Royal Highness the Prince Regent’s Pleasure should be made known thereon.

I have now the Honor to inform your Lordship that I was Reasons for determined in the choice of Mr. Garling to supply the Vacancy occasioned by Mr. Bent’s Death by the Circumstance of his professional experience and qualifications rendering him better Suited for it than any other Person in this Country, whom I had it in my power to Select; for I do not conceive that I would have been warranted in removing Mr. Justice Bent from the Supreme Court to fill the Situation of Judge Advocate, and could not think of uniting the two Courts in his Person from the consideration that they had so lately been rendered distinct by His Majesty’s Patent. These circumstances combined with the Imperious necessity for a Judge Advocate to dispatch the great accumulation of business, more especially in the Court, determined me on calling to my aid one of those Gentlemen who had been lately Sent hither as Solicitors, and it required little Penetration to give a decided preference to Mr. Garling over Mr. Moore the other Solicitor.

I had some difficulty, notwithstanding, in procuring Mr. Garling’s Acceptance of the Situation. Motives of Delicacy on his part towards Mr. Justice Bent, and diffidence in his own Qualifications, arising out of his not having been bred up a Barrister, leading him to wish to decline undertaking So very important a Trust as that of Judge Advocate. Indeed, Mr. Garling’s objections were urged So Strongly that I could only overcome them by assuring him that I should hold myself altogether responsible for the measure.

Without interfering with Mr. Garling’s Salary as a Solicitor, I have engaged to allow him as Judge Advocate a Salary of

* Note 2.
1816.
24 Feb.

Salary and allowances given to Garling.

Proposed confirmation of Garling's appointment.

Correspondence and orders re Garling's appointment.

Alternative recommendation of James Moody as Judge-advocate.

£800 pr. annum, and in lieu of a house (the present one being still occupied by the widow of the late Judge Advocate) to pay him at the rate of £100 pr. Annum for House hire, until he shall get into the one attached to the Department of Judge Advocate.

As Mr. Garling, in the acceptance of the Appointment of Judge Advocate, necessarily relinquishes his Practice as a Solicitor and might be eventually a Sufferer by his so doing, were he to return to the Situation of a Solicitor, I feel it due to him to recommend him most Strongly to your Lordship's Kind consideration, and to request that your Lordship will be pleased to recommend to His Royal Highness the Prince Regent to be graciously pleased to confirm him permanently in that Situation for which I consider him very well qualified.

The correspondence I had with Mr. Garling on the Subject of his undertaking the Office of Judge Advocate, together with a copy of the Government and General Orders announcing his appointment, and his letter in regard to the Documents belonging to the Judge Advocate's Court, received from or withheld by Mr. Justice Bent, with my Reply, accompany this Dispatch.

Circumstanced as this Country has been by the Death of Judge Advocate Bent, I trust my nomination of Mr. Garling and the allowances, I have engaged to make him, will meet His Royal Highness the Prince Regent's fullest approbation, and that of your Lordship. If however your Lordship should consider the Situation of Judge Advocate as one for which Mr. Garling is not fully Qualified in consequence of his not being regularly brought up as a Barrister, and that he cannot therefore be confirmed in it, I take the liberty of recommending to your Lordship's Notice a Gentleman who I am well assured will, in the event of his being appointed, render the fullest Satisfaction to the Colony. This Gentleman, whose name is James Moody, is a Lawyer of 15 or 16 years Standing at the Irish Bar, and has been confidentially represented to me as not only perfectly regular in all the Circumstances of College and Temple Education, but also of well approved Legal abilities and Knowledge, and of most amiable Dispositions. If Your Lordship should be pleased to accept of this Gentleman's Services, I am convinced he will be a credit to my recommendation in the double capacity of a faithful and upright Judge, and a good Law Adviser to whomever may be in charge of this Government. On these principles I shall feel myself much personally obliged by his receiving the appointment, Mr. Moody's Address is "James Moody Esqr. Barrister, Dominick Street, Dublin."

Having thus recommended this Gentleman to your Lordship's consideration, I hope your Lordship will excuse him if he should
make a personal application, which it is probable he will do when he learns the Interest I have endeavoured to obtain in his behalf with your Lordship.

I have, &c,

L. MACQUARIE.

[Enclosure No. 1.]

GOVERNOR MACQUARIE TO MR. FREDERICK GARLING.

Sir, Government House, Sydney, 9 Decr., 1815.

By the much lamented death of the late Ellis Bent, Esqr., the Office of Judge Advocate, which he filled, having become vacant, and the previous long Suspension of the functions of the Courts over which he presided (owing principally to the ill state of his health) rendering it imperiously necessary that a person of competent Qualifications should be promptly appointed to fill that Situation, I have on mature consideration determined to avail myself of your legal Knowledge by calling on you to accept and exercise the functions of Judge Advocate of this Territory until His Royal Highness the Prince Regent’s Pleasure shall be Known thereon.

The many evils arising from the further Suspension of the Courts, and particularly that of Criminal Jurisdiction, will by these means be averted, and the general dispensation of Justice restored to its regular course, both of which, as you must be very Sensible, are objects of primary importance under my Government.

In Selecting you for this Office in addition to the favorable opinion of your Qualifications impressed on me by your appointment to the Situation of a Solicitor in our Law Courts by His Majesty’s Government, I must add (without meaning to flatter) that I am also influenced by the Strongest conviction of my own mind that you are perfectly qualified by Legal Knowledge and liberal education to discharge the high and important Duties of Judge Advocate with Honor to yourself and advantage to the Public, and further that I look upon you as better qualified than any other Person at this time in the Colony to administer the Duties of that Office.

Under these Circumstances I cannot allow myself to doubt that you will cheerfully accept my present Tender of the Office of Judge Advocate, and I only wait your notification of that acceptance to cause the necessary warrant or Commission to be made out for you.

In nominating you to this important Office I shall take upon myself the responsibility of annexing to it a Salary of £800 Sterling per annum, to commence from the date of your Commission, and to be paid from the Colonial Funds, exclusive of your Salary as a Solicitor. I shall also avail myself of the earliest opportunity to make a Communication hereon to His
Majesty's Ministers and recommend to their favorable consideration the expediency of moving His Royal Highness the Prince Regent to be pleased to confirm you in the Office of Judge Advocate of this Territory with the increase of Salary latterly allowed to the late Mr. Bent.

I have now only to add that my appointing a Person to perform the functions of Judge Advocate is in consequence of the late Patent for the holding Law Courts here not having specially provided for the Supply of any Vacancy, such as the present lamented one (indeed it is altogether silent on that Subject), and of Course the right to do so remaining with me as Governor in Chief for the time being.

Should any irregularity or informality be hereafter found in the Measure of my appointing a Judge Advocate ad interim, I beg you to understand that I shall hold myself altogether and exclusively responsible for it and its consequences, being fully persuaded that the urgent necessity of the Case would, independent of all other considerations, amply justify the measure, and Secure to me the full approbation of His Royal Highness the Prince Regent and His Majesty's Ministers.

I have, &c.,

L. Macquarie.

[Enclosure No. 2.]

MR. FREDERICK GARLING TO GOVERNOR MACQUARIE.

Sir, Sydney, New South Wales, 11th Decr., 1815.

I beg to acknowledge the receipt of your Excellency's letter of Saturday, the 9th Inst., wherein you are pleased to call upon me, in the most flattering and encouraging manner, to accept the high and Important Office of Judge Advocate of this Territory, Vacant by the much lamented death of the late Ellis Bent Esqr., and to exercise the functions thereof until His Royal Highness the Prince Regent's Pleasure shall'be Known thereon.

It is impossible to be insensible of the Honor your Excellency thus confers upon me, and whether I consider the Offer itself or the liberal way in which that Offer is made I cannot but feel the most grateful Impressions.

Recollecting the enlightened mind, profound erudition, and vast legal Knowledge that distinguished the late Judge Advocate, whose persuasive eloquence and peculiar Sauvity of manners adorned his character in the Judicial Seat, and endeared him to all ranks of Society in this Colony, and contemplating my own inferior acquirements, I should hesitate to accept (under Such disadvantages) the appointment you have deemed it proper to offer me, but the urgent necessity your Excellency suggests of the Office being promptly filled, in order to the immediate
dispensation of Justice in this Territory, and feeling that the allegiance I owe to His Majesty under the Sacred Oaths I have taken renders it incumbent on me to aid and support His Government in every way my limited powers may be considered capable of doing, I am induced, therefore, by a sense of public duty to accept the appointment of Judge Advocate on the terms and conditions expressed in your Excellency's letter of the 9th inst., and I can only give you, Sir, an assurance that my best endeavours shall be exerted to discharge the arduous duties of the office.

I request your Excellency's acceptance of my best thanks for the promise your letter contains of recommending me favorably to His Majesty's Ministers, with a view to my being confirmed in the office of Judge Advocate. Your Excellency is no doubt prompted in a great measure to make this recommendation in my behalf from an impression that it would not only be painful to my feelings but derogatory to become a practitioner of those courts in which I shall have presided.

Altho' I apprehend from the wording of the patent the power would not vest in your Excellency to appoint a judge of the Supreme Court in the event of a vacancy in that department, I am inclined to an opinion, from the silence of the patent as to the appointment of Judge Advocate, that your Excellency as Governor in Chief is invested with the authority to appoint in the latter case, and (besides the precedents for the exercise of such a power in this colony) I am strengthened in my opinion by the course recommended by the late Mr. Bent to be pursued as to the performance of the functions of Judge Advocate on that gentleman's intended departure for England, and the proposal of his brother the present judge of the Supreme Court to hold the office and exercise the duties of it during his absence. However, as your excellency has liberally undertaken to bear the entire and exclusive responsibility of giving me the appointment ad interim I hope and trust the measure will be sanctioned with the approbation of His Majesty's Government at home.

I beg to repeat the due sense I feel of the honor your Excellency has conferred upon me in selecting me to fill the vacant office and assure you that I am, &c,

FREDERICK GARLING.

[Enclosure No. 3.]

GOVERNMENT AND GENERAL ORDERS.

Civil Department.

Secretary's Office, 16th Decr., 1815.

His Excellency the Governor having been pleased by commission dated the 11th Instant to appoint Frederick Garling Esqr. to be a
Justice of the Peace and Magistrate throughout the Territory of New South Wales and its Dependencies, and having been further pleased by Commission dated 12th Instant to nominate and appoint him, the Said Frederick Garling, Esqr., to be Deputy Judge Advocate of the Settlements in New South Wales, in the room of Ellis Bent Esqr., deceased, until His Majesty's Pleasure shall be made Known thereon; and he having this day duly qualified for the performance of the Duties of those Offices by taking and Subscribing the usual Oaths and Declarations before His Excellency the Governor at Government House, and in the presence of His Honor the Lieutenant Governor, the Magistrates resident at Sydney, the Provost Marshal, and Mr. Solicitor Moore, he is to be from this date respected and obeyed accordingly.

Mr. Garling is to receive a Salary of Eight hundred pounds Sterling per annum, as Deputy Judge Advocate, to be paid him half yearly from the Police Fund, commencing from the Date of his Commission.

By Command of His Excellency,

J. T. CAMPBELL, Secretary.

[Enclosure No. 4.]

JUDGE-ADVOCATE GARLING TO GOVERNOR MACQUARIE.

Sir, Sydney, 4th Jany., 1816.

As your Excellency has been pleased to advertize the Assembling of a Criminal Court, I beg leave to enclose a Precept for Summoning Such Officers of His Majesty's Forces as Your Excellency shall think proper to compose that Court in pursuance of the Letters Patent of the 2nd April, 27th George 3rd.

I beg leave also to enclose a Precept for Summoning two fit and proper persons of this Territory, whom your Excellency may be pleased to appoint for the purpose of assisting me in holding the Governor's Court, as I have advertized a Meeting of the latter Court on Monday the 13th Inst.

I avail myself of this opportunity to acquaint your Excellency that I have received from Mr. Justice Bent various Documents and Papers relating to the Court of Criminal Jurisdiction, but there are proceedings of that Court (perhaps the most material of all others) which he objects to deliver to me under an opinion that they must be considered the private property of his late Brother, I mean the Records of the Convictions of the Court. It appears that the practice of the late Judge Advocate was to unite with the Convictions and Sentences the Evidence as taken at the Trial. This he certainly need not have done, and if he had not, the evidence so taken down might be considered as his
private minutes; but having incorporated them with the other proceedings, it cannot Surely be held that the Convictions and Sentences, Subscribed as they are in form by all the Members of the Court, are therefore not to be delivered to a Succeeding Judge Advocate to be preserved as public documents in his Office. I need not enumerate all the Inconveniences that may result from these records being withheld, one instance as well on the part of the Crown as of a prisoner will Suffice.

In prosecuting an Accessory it is material to prove the previous conviction of the Principal. If a man should happen to be prosecuted a second time for the Same offence, the proof of his former conviction may be most material (possibly to save his life). I beg to suggest also the probability that reports may again be required by the Government at Home of the Various convictions and Sentences in this Colony; allow me to request therefore that your Excellency will have the goodness to instruct Mr. Justice Bent to transfer to me the Documents I have alluded to, and I shall be obliged if at the Same time Your Excellency will do me the favour to ask when it will Suit his convenience to relinquish the Chambers intended to be appropriated for the Judge Advocate’s Office.

I understand Mr. Justice Bent desires to have a Specific requisition from your Excellency previously to his delivering up the Several Volumes of the Statutes at large which the late Judge Advocate found in the Office on his arrival in this Colony. May I request Your Excellency to make an application to him for them? And as I am informed the late Mr. Bent was Supplied by Government with a Complete Set of the Statutes, I suppose they are the Set alluded to in a Letter I received from the Secretary of State on the 2nd June, 1814, wherein he informed me that a Set of the Statutes had been then lately sent from England for the use of this Settlement. These books it seems are considered the private property of the late Mr. Bent. Your Excellency will best judge whether or not it will be proper to allude to them in your application to Mr. Bent.

Having adverted to the Several Public matters that at present occur in my Department, I presume now to engage your Excellency’s consideration on a Subject more immediately applicable to myself. I allude to the Privileges usually extended to Officers holding those Commissions with which your Excellency has been pleased to honor me—namely a House and Government Men on the Stores. In mentioning residence I wish it to be distinctly understood that I have not the most remote View to interfering with either Mrs. Bent and her family or Mr. Justice Bent; their Comforts, Conveniences, and feelings, I am as anxious to consult
in every respect, as I know Y'r Excellency is desirous they should be consulted; and in referring to these Privileges I am principally actuated by a desire that any Indulgences, peculiar to my Appointment as calculated to support the rank of it, may not be considered forfeited by Any Omission on my part, but whatever Your Excellency may think proper to determine on in these respects cannot but be perfectly Satisfactory to Myself.

I have, &c.,

FREDERICK GARLING, J.-A.

[Enclosure No. 5.]

GOVERNOR MACQUARIE TO JUDGE-ADVOCATE GARLING.

Government House, Sydney,

  Saturday, 6th Jany., 1816, 3 P.M.

  I have the honor to acknowledge the receipt of Your Letter of date 4 Inst. which was delivered to Me Yesterday afternoon. I now do myself the pleasure of enclosing to You herewith the Precepts for assembling the Criminal Court and the Governor's Court, the Members' Names appointed for each of these Courts being inserted respectively.

  I have Written this day to Mr. Justice Bent on the Subject of delivering to You without delay the Books of Records of the Convictions of the Criminal Court, and also the Statutes at large, which were sent by Govt. for the use of the Judge Advocate of this Colony, and I conclude he will Comply with the Requests made to him on both these Points.

  I have also written to Mr. Bent respecting relinquishing, and giving up to You as Soon as he possibly can, the Keys of the Chambers originally designed for him in the New General Hospital, and trust he will also Comply with my Bequest on this head without further delay.

  In reply to that part of Your Letter respecting Yourself, I have only to observe that as the House and Offices occupied by the late Judge Advocate cannot be assigned for Your Accommodation at present, nor until I hear from Home on this Subject, I shall take upon myself the responsibility of paying You at the Rate of £100 per Annum from the Colonial Fund, in lieu of House Rent, from the Date of Your Appointment as Judge Advocate, till I receive further instructions from Home on this particular point. No Civil or Military Officer is allowed any Govt. Men on the Store, this indulgence having been withdrawn from them by Orders from home some time Since.

  I have, &c.,

  L. MACQUARIE.

True Copy:—JNO. THOS. CAMPBELL, Sec.
GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 3 for 1816," per H.M. brig Emu*; acknowledged by Earl Bathurst, 24th January, 1817.)

My Lord,

Government House, Sydney, 28th February, 1816.

1. I am Concerned to be under the disagreeable Necessity of Reporting to Your Lordship that Captain (now Major) John Murray of the 1st Battalion of the 73rd Regt., Whilst Commandant of Hobart Town in Van Diemen’s Land in the Year 1811, Ordered the Deputy Commissary, Mr. Fosbrook, at that Settlement to purchase a House for Government from a Mrs. Grove, for Which the Deputy Commissary paid, by his Order, the Sum of £135, and charged the Same to Government in the Colonial Police Fund there; this House was for Some time Occupied as a temporary Barrack by Officers of Government, but was Afterwards Converted by Capt. Murray to his Own Use, And Subsequently Sold by him as his own private Property to a Mr. Fisk at Hobart Town, and No Account Whatever rendered Murray of the Amount to Government. Captain Murray is Consequently Indebted to Government at this time in the Sum of £135, the original Price of the Said House which he has repeatedly been Called on to pay, but has Always evaded doing so on Various frivolous Excuses. Herewith I transmit Your Lordship Certain Documents relative to the purchase of the House in Question, Which Will Clearly Shew that Captn. Murray has in this Transaction Acted in a fraudulent Manner, and that he is Indebted to Government for the Amount.

2. In Lieu of a regular Circulating Medium, it has been a Practice with many persons in this Colony and its Dependencies to Issue And Send into Circulation their own private promissory Notes. Captn. Murray, Whilst Command’t at Hobart Town, Adopted this bad practice, Ostensibly for paying "the Subsistence of his Company," but in reality to answer his Own private purposes; and on his Departure from Hobart Town in May, 1814, for Ceylon, he Neglected to Call in and Consolidate those Notes, as in Honor and Justice he was bound to do, Whereby Notes to the Amount of £162 10s. Od. Continued in public Circulation; the Holders afterwards paid them in to Government for Duties, &c. to the Naval Officer, Who, Considering them as having been Issued under the Sanction of Government, Very improperly received them in payment for such Duties.

3. These two Sums, Vizt. £135 for the House and £162 10s. Od. for Notes, Amount Altogether to the Sum of £297 10s. Od. due by Captn. Murray to the Crown; And I have therefore respectfully to request Your Lordship to be pleased to Move His Royal Highness the Commander in Chief, and also the Secretary at War,

* Note 2.
to Write to the Governor of Ceylon, Where Major Murray is
Now Serving with his Corps, to Call Upon and Compel that
Officer to pay the Debt due to Government, as herein Specified,
and in the Event of his declining to do so, to Order his Pay to
be Stopt, or his Commission to be Sold for that purpose. Here­
with is Enclosed A List of the Dates, Numbers and Amounts,
respectively, of the Notes left by Captn. Murray in Circulation at
Hobart Town on his Departure from that place for Ceylon.
4. I should not have troubled Your Lordship on Such a Subject
but from the Impracticability of recovering this Money by any
other Means from Captn. Murray, as by his Removal to Ceylon,
he is now out of my Jurisdiction.

I have, &c,
L. MACQUARIE.

[Enclosure No. 1.]

WARRANT FOR PURCHASE OF MRS. GROVE'S HOUSE.

By John Murray, Esqre., Commandant of His Majesty's Settle­
ment Hobart Town, River Derwent, Van Diemen's Land,
and Captain in the 73rd Regt of Foot, etc., etc.

HAVING deemed it expedient to Purchase on account of Govern­
ment the Dwelling House of Mrs. Susan Grove situate near the
Rivulet in this Town for an Officer's Barrack;
You are hereby required and directed to Pay the Sum of One
Hundred and thirtyfive Pounds Sterling for the same, out of the
Money you have in hand belonging to the Colonial Fund, taking
proper Receipts for the Same. And for which this shall, be Your
sufficient Authority herein.

Given under my Hand at Government House, Hobart Town,
this 7th day of February, 1811.
J. MURRAY, Capt. 73 Regt., Comm't.

To Mr. Leonard Fosbrook, Depy. Commy.

True Copy:—Revd. ROBT. KNOPWOOD, J.P.

[Enclosure No. 2.]

MRS. GROVE’S RECEIPT FOR PURCHASE MONEY.

Hobart Town, River Derwent, Van Diemen's Land,
7th Feby., 1811.

RECEIVED from Mr. Leonard Fosbrook, Treasurer of the Colonial
Fund, the Sum of One Hundred and Thirty five Pounds Sterling,
being the Amount of the purchase Money of my House by
Government for Officers Quarters, And for which I have signed
three Receipts of this tenor and Date.

£135.

SUSANNAH GROVE.
[Enclosure No. 3.]

DEPUTY COMMISSARY FOSBROOK’S EXPLANATION respecting a House Purchased by Him from a Mrs. Grove at Hobart Town in the Year 1811, for the Use of Govt. as an Officer’s Barrack by Order of Captain Murray, Commandant.

On receiving Captain Murray’s Written Order to Pay £135 for the House in Question, I informed him I had no Government Money in my Hands but Store Receipts, which could not be consolidated before the end of the Quarter, and, as Mrs. Grove was going to Port Jackson, that sort of Payment would be of no use to her there. Captain Murray said he would take Government Receipts to that Amount and Accommodate Mrs. Grove by giving her a Bill in lieu thereof on the Paymaster; this was accordingly done. Captain Murray received Store Receipts from me to the Amount of £135.

The House was first occupied by Captn. Smith and family as a Government Barrack, until they left the Derwent, when Captain Murray sold it to a Mr. Ayers; it has since become the Property, and is now occupied by Mr. Fisk.

The Sum of £135 was paid by me for the Purchase of the House for the use of Government with the Public Money, which Government has never been reimbursed in any Way Whatever.

LEONARD FOSBROOK, Dy. Comm’y.

Sworn before me at Sydney, New S’th Wales, this 12th day of October, 1814.

S. LORD, J.P.

[Enclosure No. 4.]

NOTES issued by Capn. Murray 73rd Regt. at Hobart Town.

Numbers and dates so far as they are legible.

[This return specified the particulars of one note issued for the sum of £10, nine for £5, nine for £2, seventy-two for £1, thirty-three for 10s., one for 7s. 6d., two for 5s., and one for 2s. 6d.; the dates were in the years 1810, 1811, and 1813.]

<table>
<thead>
<tr>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>56 Notes</td>
<td>Amo’t</td>
<td>70 17 6</td>
</tr>
<tr>
<td>64 Do.</td>
<td>Do.</td>
<td>70 0 0</td>
</tr>
<tr>
<td>8 Do.</td>
<td>Do.</td>
<td>21 12 6</td>
</tr>
</tbody>
</table>

In all 128 Notes Total Amo’t £162 10 0 for Subsistence of the 73rd Regt.

All signed,—J. MURRAY, Cap’n, 73rd Regt.

True Copy:—JNO. THOS. CAMPBELL, Secy.
HISTORICAL RECORDS OF AUSTRALIA.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Wilberby; acknowledged by Governor Macquarie to Earl Bathurst, 4th April, 1817.)

Sir,

Downing Street, 2d March, 1816.

I am directed by Lord Bathurst to acquaint you that he has granted permission to the Bearer, Mr. Richard Barker, to proceed with his Family to settle at New South Wales, and I am to desire you will make him a Grant of Land proportioned to the means he may possess of bringing it into Cultivation, and extend to him the other Indulgences usually granted to Settlers.

I am, &c.,

HENRY GOULBURN.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 4 for 1816," per H.M. brig Emu; acknowledged by Earl Bathurst, 6th February, 1817.)

My Lord, Government House, Sydney, 8th March, 1816.

I had hoped that the late Treaty of Peace with America Would have enabled me on the first Communication on that Subject to make a favorable Report to Your Lordship in regard to the Restoration of that Trade which had been formerly Carried on by American Shipping With this Port; but that Hope has been frustrated by A Circumstance as Extraordinary as Unexpected, which has taken place, and having for its Object the total Extinction of All foreign Trade with this Place, and the Subversion of that Harmony which the Treaty of Peace had given the happy Assurance of; I have now the Honor to lay the Circumstances, herein Alluded to, before Your Lordship with such Remarks as the Occasion has suggested.

An American Schooner, Called "The Traveller," Commanded by Captain William French, and having on board an American Gentleman, Called Mr. J. J. Wilcocks, as Part Owner and Super cargo, Arrived here on the 19th Ulto. from Canton, being partly freighted by Mr. Walter Davidson, Agent and Merchant there, to Carry Some Teas and other Articles of Merchandize for Account of Merchants of Sydney.

This Vessel was Cleared out in the Usual Form from Canton, and had a regular Pass Signed by the Select Committee of Supercargoes of the East India Company, the Clearance and Pass being both for this Port. Pleased with the Prospect of a beneficial Intercourse being thus renewed by this first Arrival of an American since the Treaty of Peace, and not foreseeing that any Doubt or Difficulty Could be started in regard to the Legality of the Voyage, I did not hesitate a Moment to grant the Traveller the same Liberty of Entry as I should have done had She been a British Vessel. The Entry and Permission for Landing the

*Note 2.
Goods Consigned hither, on the regular Duty being paid, or Whatever Other part of her Cargo the Owner or Master Wished to dispose of, were granted in the Usual and Accustomed Form by Me to the Naval Officer. It is almost Unnecessary to add that the Transaction had the fullest Publicity.

A few Days after this took place I had Occasion to go on a Tour of Inspection into the Interior from Whence I returned on the 26th Ulto., and on My Arrival learned with Much Surprise that the American Schooner, Whilst in the Discharge of her Freightage at the Public Government Wharf, had during my Absence been Seized as a lawful Prize under the Navigation Act; and this Surprise was Not a little increased When informed that the Seizure had been made by the Reverend Benjamin Vale, One of the Assistant Chaplains, Supported and Abetted by W. H. Moore, One of the Solicitors lately sent out by Government on a Salary of £300 a Year to Encourage him to become A practising Attorney in this Colony under the New Patent.

A Representation having been made to Me by the Supercargo and Owner the Day after My Return, I removed the Arrest or Restraint, which had thus been laid on the Discharge of the Cargo, and Continued the Permission of Landing which I had Originally granted, Conceiving that there was no Law prohibiting such Trade, and knowing that the Constant Usage and Custom of this Place, from its first becoming A British Settlement, has been Invariably (in Times of Peace) to Admit American Ships and Cargoes to come to Entry in every Respect as if they Were British Property.

The Traveller is the forty Second Vessel under American Colours which has been brought to Entry and Cleared out from Port Jackson since the Formation of this Colony under Governor Phillip; Eight of which from Various Ports and Places took place within the Period of my own Government, and no Illegality or Objection was ever Suggested to Me from any Quarter to such Trade, Altho’ Were there any just Ground of Objection I had a Right to expect that the late Mr. Bent, as Judge Advocate, and the only Legal Adviser I had in the Colony, would have pointed it out to Me, and thus have guarded Me against an Error Which I might otherwise be liable to. Since the Demise of Mr. Bent, I have Not required on any particular Occasion to Make a reference to any living Law Authority, for I have Not Considered that any Difficulty has arisen in this Interval that required Such Advice; but had this been otherwise I should have felt the Utmost Reluctance in resorting to Mr. Justice Bent, Whose Every Measure has been Calculated to Obstruct and Embarass even the plainest Measures and most Obvious Duties
of my Administration. Whilst on this Subject I have to Add that I have been debarred from Reference to the Statutes themselves by Mr. Bent retaining both the Setts which Government had at different times Assigned for the Use of the Law Court, as I have more particularly Mentioned to Your Lordship in my Dispatch, dated the 22d Ulto.

If the Measures, I have pursued on this Occasion in regard to the American Vessel, should prove to be at Variance with the Laws of the Land, which Fact I do not profess Myself Able to determine, the Constant Usage of the Port being Precedents Altogether in favor of their Legality, and the no less Important Consideration that I have not had the Benefit of any Law Advice, or even the Opportunity of Appealing to the Statutes themselves, Will, I trust, when Combined, fully Absolve Me from Every Blame or Censure, that under other Circumstances might be Imputed to Me.

That the Uniform Practice of my Predecessors in this Government has been to Admit American Ships to Entry here, will be Obvious to Your Lordship from the List of American Vessels that have resorted hither in former times which I transmit for Your Lordship's Information; And I have to remark that as my Predecessors Were all Officers in His Majesty's Navy, a Class of Gentlemen Who are Generally Supposed to be Well Informed on the Law of Prizes, and to be tenacious Also of Enforcing them, I trust, if it Should be deemed an Error, that such Precedents will Exculpate Me from the Consequences.

Viewing the Case in this Light, I have the fullest Reliance on Your Lordship's liberal Construction of My Motives and that in the event of the Law having been in this Instance Unknowingly Violated that Your Lordship will protect me from the Risk of Malicious Prosecution by those whose sordid Expectations have been frustrated by my Means.

If I were even Sensible of having Interrupted the regular Course of the Law, I might be justified in pleading on this Occasion that the existing Scarcity of those most Important Articles of Consumption, namely Tea and Sugar, Which Could Scarcely be procured at any Price, formed a Ground of Necessity for the Measure that Would Warrant My having Adopted it on that principle Alone. But, My Lord, Altho' the Scarcity in those Articles of prime Importance to the great Mass of the People Might be Worthy of Some Consideration, particularly as No regular Commercial Intercourse is Yet established between Us and the Mother Country, Yet I do Not by any Means wish to rest my Conduct on Such Circumstances, or to make any Plea from thence to justify what might otherwise prove to be Illegal.
The Uninterrupted Usage of the Port, and My Not knowing of any Law being thereby Infringed, are the Basis on which I found with the Utmost Confidence My Reliance on Your Lordship for Protection on this Occasion, if what I have done Should Not be Conformable to the Law of the Land or any existing Treaties.

The Obstinacy and Contumely with which Mr. Vale and his Abettors persevere on this occasion leave Me no Room to doubt that He and they Will prosecute the Business elsewhere against Me with All possible Virulence, and thence I beg to submit, to Your Lordship's Superior Wisdom and kind Consideration, the Expediency of Obtaining An Act of Indemnity for Me, in the Event of the Navigation Act having been thus Unknowingly Violated, My Motives having been altogether pure and disinterested.

Mr. Vale's Conduct and that of Mr. Moore (both Officers receiving the Pay under this Government) being highly disrespectful, Insolent and Insubordinate, in Making Seizure of a Vessel during My Absence, which they were fully Aware had received My Sanction for Entry and Discharge, I felt it my Duty to remark so much to Mr. Vale, Whom I sent for on the 27th Ulto. and Admonished him on the Impropriety and great Indelicacy of his Conduct in this Instance towards Me as His Governor and Commander in Chief. The Circumstances of his Conduct were so Glaringly Offensive, that I had entertained a Hope that my Observations to him would have Induced a Suitable Apology and Submission for the Insult so offered to My Authority; but I am sorry to say that such Expectation was Altogether disappointed: for instead of any Expression of Regret, He even Attempted by Argument to Vindicate the Measure. Under these Circumstances I felt it due to the Necessary Support and Maintenance of My own Authority to mark such Obstinate Resistance (especially in A Person whose sacred Profession should have taught him a very different Line of Conduct) with a proportionably Strong Reprobation, and for that purpose I ordered him into a Military Arrest, his Commission as Assistant Chaplain Specifically rendering him Amenable to Martial Law, in order to his being brought to a Court Martial. In pursuance of this Arrest I ordered a Court Martial for the Investigation of the Conduct of Mr. Vale on the Specific Charges which I preferred against him. A Copy of which I transmit Your Lordship herewith.

This Court was Assembled Yesterday and the Trial has been proceeded upon in the Usual Way. When the Proceedings shall be Concluded I shall do Myself the Honor to Inform Your Lordship of them in a future Dispatch.
1816.
8 March.

Criticism of Moore's conduct.

Withdrawal of salary and indulgences from Moore.

Participation of J. H. Bent in the seizure.

Permission for Vale to return to England.

The Conduct of Mr. Moore, the Solicitor in Acting as the Law Agent of Mr. Vale on this Occasion, being equally Insulting and Insubordinate as that of Mr. Vale himself, I have deemed it Necessary to Mark my Sense of it in Such a Manner as I Considered his Insolence Merited, and for this purpose I have given Directions for his Salary of £300 to be discontinued to him from the Police Fund from the day of his Assisting Mr. Vale (23rd February) in making the Seizure, and I have Ordered him not to be Continued on the Government Stores; at the Same time With-holding every other Indulgence from him, Which I might under other Circumstances have been disposed to Extend to him. I trust, My Lord, that the Indignation I have felt at the Conduct of Mr. Vale and Mr. Moore, and the Measures I have founded thereon Will Meet Your Lordship's Sanction and Approbation; and that no part of my Conduct, in regard to them, will be deemed either Irregular or Stronger than their Insulting Efforts to bring My Authority into Contempt fully Warranted, and demanded at my Hands.

I have to State to Your Lordship that Mr. Vale and Mr. Moore, on the Occasion of the Seizure, proceeded direct from the House of Mr. Justice Bent (with the Notifications of a Seizure ready drawn Up) on board the Traveller, and I have besides much Reason to Apprehend that their Proceedings herein were under the private Advice and Recommendation of that Law Officer; hence I am persuaded that Your Lordship will Agree with Me in the Opinion that the Measure has been Undertaken and persevered in upon the most Factious and Illiberal Principles in regard to Me. Indeed, when Your Lordship shall have Viewed the Business in all its Bearings, and Considered the Difficulty of preserving Peace and Good Order in a Colony, at once so remote and peculiarly Circumstanced as this is, I trust the Measures I have Adopted Will be Considered More Lenient than the Occasion required, or the Persons Concerned deserved at my Hands, particularly when it is taken into Consideration that the highest Law Officer of the Colony, Whom I should Expect to Advise and Assist Me in any Occurrences of legal Difficulty, is the Root of this and every Faction and Cabal that takes place in the Colony.

A Considerable time previous to the Seizure of the Traveller, I had Complied with Mr. Vale’s Ernest request to be permitted to return with his Sickly Wife and family to England, and he had in Consequence engaged a Passage on board The Governm’t Brig Emu, now about to be dispatched thither. His Conduct throughout, Since his Arrival in this Country, has been that of a discontented or disappointed Person; Altho’ on my part, I have
rendered him every Accommodation and Comfort within my Power to Extend, and Consistent with his Situation to receive. This discontented Turn of Mind and Dislike to his Situation Induced Me to Accede the more readily to his Wish of returning to England, And I mean still to permit him to Avail himself of the Opportunity of going by the Emu, as soon as the Proceedings on his Trial shall be Closed, being fully Convinced that he will be no further Serviceable here in His Clerical Profession.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

List of Forty One American Ships which have at different times come into, and Sailed out of, the Harbour of Port Jackson since the Establishment of that Settlement to the close of the Year 1813.

<table>
<thead>
<tr>
<th>No.</th>
<th>Ship or Vessel's Name</th>
<th>Where from</th>
<th>Date of Arrival</th>
<th>Sailed for</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Hope</td>
<td>Rhode Island</td>
<td>1792</td>
<td>Rhode Island</td>
</tr>
<tr>
<td>2</td>
<td>Philadelphia</td>
<td>Philadelphia</td>
<td>1792</td>
<td>China</td>
</tr>
<tr>
<td>3</td>
<td>Fairy</td>
<td>Boston</td>
<td>1793</td>
<td>N. W. Coast</td>
</tr>
<tr>
<td>4</td>
<td>Halcyon</td>
<td>Rhode Island</td>
<td>1794</td>
<td>China</td>
</tr>
<tr>
<td>5</td>
<td>Hope</td>
<td>Do</td>
<td>1794</td>
<td>China</td>
</tr>
<tr>
<td>6</td>
<td>Mercury</td>
<td>Do</td>
<td>1794</td>
<td>back home</td>
</tr>
<tr>
<td>7</td>
<td>Abigail</td>
<td>Do</td>
<td>1796</td>
<td>China</td>
</tr>
<tr>
<td>8</td>
<td>Grand Turk</td>
<td>Boston</td>
<td>1796</td>
<td>Do</td>
</tr>
<tr>
<td>9</td>
<td>Otter</td>
<td>Do</td>
<td>1796</td>
<td>Bengal</td>
</tr>
<tr>
<td>10</td>
<td>Mercury</td>
<td>Manilla</td>
<td>1797</td>
<td>China</td>
</tr>
<tr>
<td>11</td>
<td>Semiramis</td>
<td>Rhode Island</td>
<td>1798</td>
<td>Fishery</td>
</tr>
<tr>
<td>12</td>
<td>Resource</td>
<td>Do</td>
<td>1799</td>
<td>China</td>
</tr>
<tr>
<td>13</td>
<td>Belle Sauvage</td>
<td>Do</td>
<td>1800</td>
<td>Home</td>
</tr>
<tr>
<td>14</td>
<td>Betsey</td>
<td>America</td>
<td>1800</td>
<td>Fishery</td>
</tr>
<tr>
<td>15</td>
<td>Diana</td>
<td>America</td>
<td>1800</td>
<td>China</td>
</tr>
<tr>
<td>16</td>
<td>John Jay</td>
<td>Rhode Island</td>
<td>1800</td>
<td>China</td>
</tr>
<tr>
<td>17</td>
<td>Sugar</td>
<td>Do</td>
<td>1800</td>
<td>China</td>
</tr>
<tr>
<td>18</td>
<td>Caroline Schooner</td>
<td>America</td>
<td>1800</td>
<td>Home</td>
</tr>
<tr>
<td>19</td>
<td>Follingsby</td>
<td>America</td>
<td>1801</td>
<td>China</td>
</tr>
<tr>
<td>20</td>
<td>Hope</td>
<td>America</td>
<td>1801</td>
<td>China</td>
</tr>
<tr>
<td>21</td>
<td>Missouri</td>
<td>America</td>
<td>1801</td>
<td>Do</td>
</tr>
<tr>
<td>22</td>
<td>Weltha Ann</td>
<td>New York</td>
<td>1802</td>
<td>Fishery</td>
</tr>
<tr>
<td>23</td>
<td>Fair American</td>
<td>Manilla</td>
<td>1804</td>
<td>Manilla</td>
</tr>
<tr>
<td>24</td>
<td>Mary Ann</td>
<td>Boston</td>
<td>1804</td>
<td>Manilla</td>
</tr>
<tr>
<td>25</td>
<td>(Eolus</td>
<td>New York</td>
<td>1805</td>
<td>China</td>
</tr>
<tr>
<td>26</td>
<td>Eliza</td>
<td>Buenos Ayres</td>
<td>1807</td>
<td>Fejees</td>
</tr>
<tr>
<td>27</td>
<td>Grand Sachem</td>
<td>Boston</td>
<td>1807</td>
<td>Fishery</td>
</tr>
<tr>
<td>28</td>
<td>Hannah and Sally</td>
<td>Rio</td>
<td>1807</td>
<td>America</td>
</tr>
<tr>
<td>29</td>
<td>Hope</td>
<td>New York</td>
<td>1807</td>
<td>America</td>
</tr>
<tr>
<td>30</td>
<td>Jeannette</td>
<td>Boston</td>
<td>1807</td>
<td>Fejees</td>
</tr>
<tr>
<td>31</td>
<td>Amethyst</td>
<td>America</td>
<td>1808</td>
<td>Fishery</td>
</tr>
<tr>
<td>32</td>
<td>Hero</td>
<td>New Mexico</td>
<td>1808</td>
<td>Chili</td>
</tr>
<tr>
<td>33</td>
<td>Anne</td>
<td>America</td>
<td>1809</td>
<td>Fishery</td>
</tr>
<tr>
<td>34</td>
<td>Active</td>
<td>Mauritius</td>
<td>1810</td>
<td>Fejees</td>
</tr>
<tr>
<td>35</td>
<td>Aurora</td>
<td>Virginia</td>
<td>1810</td>
<td>Fishery</td>
</tr>
<tr>
<td>36</td>
<td>Aurora</td>
<td>Fishery</td>
<td>1810</td>
<td>Fishery</td>
</tr>
<tr>
<td>37</td>
<td>Hunter</td>
<td>Cape of Good Hope</td>
<td>1810</td>
<td>Derwent</td>
</tr>
<tr>
<td>38</td>
<td>Aurora</td>
<td>Macquarie Island</td>
<td>1811</td>
<td>Bengal</td>
</tr>
<tr>
<td>39</td>
<td>Millwood</td>
<td>New York</td>
<td>1811</td>
<td>Fejees &amp; Canton</td>
</tr>
<tr>
<td>40</td>
<td>Sally</td>
<td>Mauritius</td>
<td>1811</td>
<td>China</td>
</tr>
<tr>
<td>41</td>
<td>Anne</td>
<td>America</td>
<td>1812</td>
<td>Fishery</td>
</tr>
</tbody>
</table>

True Extract:—JNO. THOS. CAMPBELL, Secy.
Charges preferred against the Reverend Benjamin Vale.

The Reverend Benjamin Vale, Assistant Chaplain under the Government of New South Wales, Ordered Under Arrest by His Excellency The Governor and Commander in Chief on the Undermentioned Charges, Vizt:

**First Charge.**—For Conduct highly Subversive of all good Order and discipline in taking upon himself unauthorized to make a Seizure of the American Schooner Traveller in Sydney Cove on Friday, the 23d of February, 1816, after His Excellency The Governor and Commander in Chief of this Territory had permitted and regularly sanctioned the said Schooner to be entered at this Port with leave to land certain parts of her Cargo.

**Second Charge.**—For insolent, disrespectful and insubordinate Conduct towards His Excellency The Governor and Commander in Chief in making the Seizure adverted to in the first Charge, in Contempt of His Authority, thereby tending to weaken the Powers of the Executive Government of the Country and bringing Odium and disrepute on the Public Measures of the Governor, whom the Reverend Mr. Vale is bound to obey and respect as his Commander in Chief.

**Third Charge.**—For disgraceful and ungentlemanly Conduct highly derogatory to his Sacred Character as Assistant Chaplain and Clergyman serving under this Government, in so far stepping out of the proper line of his Duty as to make the Seizure of the said American Schooner Traveller in his own Person, and from apparently Seditious unworthy and Sordid Motives.

**Fourth Charge.**—For highly disrespectful insolent and insubordinate Conduct in having Authorized his Agent, Mr. William Henry Moore, an Attorney in Sydney, to address certain Papers and Letters written in very improper and inflammatory language to His Honor Lieutenant Governor Molle (in the Absence of the Governor on Public Duty in the interior) on the Subject of the Seizure of the American Schooner Traveller.

Government House, Sydney, N. S. Wales, 2nd March, 1816.

By Command of His Excellency The Governor and Commander of the Forces. H. C. Antill, Major of Brigade.

True Copy:—Jno. Thos. Campbell, Secy.

**Governor Macquarie to Earl Bathurst.**

(Despatch marked "No. 5 for 1816," per H.M. brig Emu*; acknowledged by Earl Bathurst, 30th January, 1817.)

My Lord, Government House, Sydney, 12th March, 1816.

I have been honored with a Letter from Mr. Adam Gordon of the Colonial Office (Written by Your Lordship’s Command).

* Note 2.
dated 9th November, 1814, and enclosing the Copy of one from S. R. Lushington, Esqr., Secretary of the Treasury, relative to the Accounts of the Commissariat Department of the Settlement on Van Diemen's Land for the Years 1807 and 1808, and requiring to be Informed Why the Expences of the former Year should so much exceed those of the latter, being Upwards of double the Amount, with Such other Information or Suggestions as I might be enabled to furnish.

I am Sorry to Acquaint Your Lordship that the Means of Information within My Power on this Subject are so very limited that I am not enabled to give any Satisfactory Explanation of the Cause of the Expences of Van Diemen's Land having been so Very Great in the Year 1807; No Accounts or Records for that Year or the two Ensuing Ones being forthcoming in the Public Offices here, the Whole having been either destroyed or Mislaid during the time of the Insurrection and Consequent Overthrow of Gov'r Bligh's Authority in 1808.

From such Information as I have been enabled to Collect, I am of Opinion that the Extraordinary Expences of 1807 must have been Incurred by the partial Evacuation, which took place that Year, of the Settlement of Norfolk Island, and the Inhabitants of the latter place having been removed to, and Settled by Government in Van Diemen's Land, the Expences were Charged in the Accounts of that Settlement.

Not being in Possession of the Documents Necessary to Explain distinctly all the Causes of the Encreased Expences of 1807, I Cannot take upon Me to say that so great a Difference in the Expences of that Year, from those of the Subsequent Ones, is altogether Owing to the partial Evacuation of Norfolk Island, but the Compensations made to the People so removed must have been Considerable.

The late Deputy Commissary at Hobart-Town, Mr. Leonard Fosbrook, who is now in England, should be able to explain to the Lords of the Treasury All the Circumstances of the Expences of the Settlements in Van Diemen's Land, and I therefore beg Leave to recommend that Mr. Fosbrook be Called Upon to do so. I believe this Gentleman's Residence is at No. 19, Vale Place, Hammersmith, in Middlesex. I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 6 for 1816," per H.M. brig Emu*; acknowledged by Earl Bathurst, 30th January and 21st April, 1817.)

My Lord, Government House, Sydney, 13th March, 1816.

The terms, in which some of the Sentences of Transportation are expressed for Prisoners who are sent here under

SIR. VOL. IX—D * Note 2.
Convictions in Scotland, exciting considerable uncertainty as to their construction or meaning, I beg to state the circumstances and to request Your Lordship's instructions thereon.

In the Indents sent hither with Convicts, the Sentences from the Scotch Court run not unfrequently in the following terms: 
“For Life, the Contractors to have his (or her) services for — years from — date.” This qualification, or double Sentence of Life and Years, creates the difficulty in question, and renders it doubtful whether a Prisoner under such Sentence shall, after the term of years have expired for which His Services are enacted to the Contractor, become ipso facto Free, in like manner as a Prisoner under Sentence for a limited Period only; or whether He shall, on the expiration of the term of years so enacted to the Contractor, be then only entitled to an exemption from that Service to the Contractor, or to this Government, but still remain, under the other part of the Sentence, An Exile here for Life. I am rather inclined to put the former Construction on the Sentence, and in this case it appears to me that there is no occasion for the other part, expressing Transportation for Life, which being omitted would do away the present Ambiguity.

An Application, lately received from a Prisoner in the predicament now stated, is the immediate occasion of My addressing Your Lordship at this time on the Subject. This Person, whose Name is Andrew Stewart and resides at the Derwent, states that He was tried at Edinburgh in January, 1809, and received Sentence of Transportation for Life, but that his Services were enacted to the Contractor and his Assigns for Seven Years, and he thereon lays claim to his freedom at the expiration of that limited Period. Having caused examination to be made in the Indents of the Indian, which is the Name of the Vessel he arrived in, I find the chief Circumstances of his statement Correct, his Sentence being “for Life,” “The Contractors to have his Services for Seven Years from the 5th day of July, 1810.” By this Extract it appears that Stewart's Sentence, even supposing it to terminate with the years above mentioned, will not be at an end until the 5th of July, 1817.

By reference to Your Lordship's Letter No. 48, dated the 28th July last, and that of Mr. Beckett to Mr. Goulburn, I find that the person I have mentioned is the same Andrew Stewart, who had made an application on his case to Mr. Beckett, the Under Secretary of State for the Home Department, And I should be glad if Your Lordship would instruct me on the subject, as it respects him and the other Persons mentioned in the Abstract transmitted by Your Lordship.
In regard to the Case of Robert Shreeves, a Copy of whose Memorial* to His Royal Highness The Prince Regent I have received from Your Lordship, I beg to state that I have no recollection of the Circumstances stated in his Memorial; they may however be correct as to his having Surrendered an Absolute Pardon to me which He had obtained from Colonel Paterson; for on my taking charge of this Government, I called in All the Free and Conditional Pardons, which had been granted by Colonel Paterson and others during the Period of their Usurpation of this Government on the Arrest of Governor Bligh, not deeming them legal, and Ordered those who possessed them to be considered and treated as Persons still under their Original Sentences. Several of those Persons who had good Conduct to plead, I afterwards granted either Conditional or Free Pardons to, according to their respective Periods of Servitude and general Behaviour. The Petitioner Shreeves not having mentioned by what Ship He arrived in this Country, I am not enabled to say whether or no He has correctly represented his Sentence of Transportation, as I do not know to what Indents I should make a reference in his Case.

William Dockerell, whose case is also mentioned in the List* transmitted Me by Your Lordship, appears in the Joint Indents of the Ships Fortune and Alexander to have been tried at Cambridge Assizes on the 12th of March, 1805, and to have been Sentenced to Transportation for Fourteen Years, but as it is stated in the remarks on the List or Memorandum above referred to (transmitted by Mr. Beckett from Lord Sidmouth to Henry Goulburn Esquire), that the Sentence of William Dockerell, on the Books was only Seven Years, I shall of course correct the error in the Indents and give him a Certificate of his term of Transportation having expired on the 12th of March, 1812.

Being on the Subject of Convicts I avail myself of the occasion to repeat to Your Lordship that no Indents came out with the Convicts in the Ship General Hewitt in 1814, neither have any arrived for them since that time. I have also to inform Your Lordship that the Male and Female Convict Ship Francis and Eliza, which arrived last Year, having been Captured by an American Privateer on the Passage hither, the Indents for the Convicts together with the Register and all the Valuable Papers Connected with the Ship herself were totally destroyed.

The Indents of Convicts being of constant and important reference here on various Occasions, I request Your Lordship to

* Note 8.
have the goodness to Order correct Copies of those for the Ships General Hewitt and Francis and Eliza to be made out and sent hither by an early opportunity.

I have, &c,

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked “No. 7 of 1816,” per H.M. brig Emu*; acknowledged by Earl Bathurst, 30th January, 1817.)

My Lord,

Government House, Sydney, New South Wales,

18 March, 1816.

1. My last general Dispatch to Your Lordship's Address was dated the 24th June 1815, and was transmitted to England per the Ship “Sydney Packet” Which Sailed hence on the 3rd of July last. I send the Duplicate by the present Conveyance, namely, His Majesty's Colonial Brig Emu, Commanded by Lieut. G. B. Forster, now under Dispatch direct for England.

2. Since the departure of the Sydney Packet I have had the Honor to receive Your Lordship's and the Under Secretary of State's several Letters as Specified in the Margin:† to all which the most respectful and pointed Attention will be paid. I have much to Lament that I have not Yet been Honored with any Communication from Your Lordship on Several Very Interesting and important Points relative to the Colony and my general Administration of its Government as Contained in My Several Dispatches‡ Addressed to Your Lordship in the Years 1813, 1814, and 1815 per the Ships Minstrel, James Hay, Seringapatam, and Wellington. Many of these Points being of the Greatest possible Importance to the future Prosperity Welfare and Improvement of the Colony, I take the Liberty Most Respectfully to solicit Your Lordship's early Consideration of them, and that Your Lordship Would be kindly pleased to honor Me with Your Commands and Sentiments thereupon, As soon as Your Lordship's more important Avocations Will Admit.

3. I have the Pleasure to report to Your Lordship that this Colony continues in a progressive State of Improvement. The Very Extraordinary and Unprecedented Droughts, We have Experienced for the last three Years, have, as might be Expected, Occasioned a very great Mortality amongst the Horned Cattle and Sheep throughout the Colony, as well as greatly Injured the

* Note 2.
† 30th & 31st Jany.; 2d, 21st, 24th, & 25th March; 18th & 30th April; 8th May; 24th & 26th June; 7th, 12th, 22d, 27th, & 28th July, and 9th, 17th, 22d, and 31st Aug., 1815.
‡ Note 9.
Crops of Wheat, Maize, Oats, Barley and Potatoes; which Consequently occasioned a Considerable Rise in the price of Animal Food and Grain during that Period tho' never Amounting to an Actual Scarcity. But as the last harvest promised to be a very indifferent one, I deemed it a necessary Measure of precaution to Commission One Hundred and fifty Tons of Wheat from Bengal for the Use of this Government, and this Quantity together with a Supply of Sugar and Spirits at reasonable prices for the Use of the King's Stores, Arrived here a few days Ago, Which proves a Very Seasonable Supply as it will be the Means of preventing Monopolizers from raising the Prices of those Articles on the poorer Classes of the People. By the latest Accounts from the two Settlements on Van Diemen's Land, the Harvest there has promised to be a Most Abundant one; the Droughts We had here not extending to that Island, and besides the Soil being Infinitely Superior to that of the Settlements of Port Jackson excepting Immediately on the Banks of the Rivers Hawkesbury and Nepean Where the Lands Are Occasionally Flooded and Consequently much enriched; there is now, I am happy to say, every Reason to expect that We shall have more favorable Seasons for the time to Come, as We have lately had very Copious and Seasonable Falls of Rain throughout every part of the Colony, which were greatly Wanted, the Lands every Where being quite parched and burnt up, Affording Neither Grass nor Water for the poor famished Cattle, which Were dying in Hundreds 'till this favorable Change took place in December last. About the latter End of that Month, the Rain fell in such Torrents that We were threatened with a Flood, the River Hawkesbury having risen in the Course of a few Days No less than twenty two Feet above its Usual Level. The Rains however soon Moderated, and We are again relieved from the Apprehension of a Flood for this Season.

I am much Concerned to be under the Necessity of Reporting to Your Lordship that the Native Blacks of this Country, Inhabiting the distant Interior parts, have lately broke out in Open Hostility against the British Settlers residing on the Banks of the River Nepean near the Cow Pastures, and have Committed most daring Acts of Violence on their Persons and Depredations on their Property, in defending which no less than five White Men have been lately Killed by the Natives, who have not been known to Act in such a ferocious Sanguinary Manner for many Years past. I have Uniformly made it my Study since my first Arrival in the Colony to do every thing in my power to Con- ciliate the Native Tribes by Shewing them on all Occasions much
1816.
18 March.

Macquarie’s policy towards the natives.

Kindness, and frequently Supplying them with Provisions and Slops. Indeed I had entertained Very Sanguine Hopes of being enabled to Civilize a great proportion of them in a few Years by the Establishment of the Native Institution and School at Parramatta for their Children, and Settling Some few Grown up Men and Women on Lands in the Neighbourhood of Sydney; but I begin to entertain a Fear that I shall find this a More Arduous Task than I at first Imagined, tho’ I am Still determined to persevere in My Original Plan of endeavouring to domesticate and Civilize these Wild rude People. In the mean time it will be Absolutely Necessary to Inflict exemplary and Severe Punishments on the Mountain Tribes who have lately exhibited so Sanguinary a Spirit against the Settlers. With this view it is my Intention, as soon as I shall have Ascertained What Tribes* Committed the late Murders and Depredations, to send a Strong Detachment of Troops to drive them to a Distance from the Settlements of the White Men, and to Endeavour to take some of them Prisoners in order to be punished for their late atrocious Conduct, so as to Strike them with Terror against Committing Similar Acts of Violence in future. Many of the Settlers have entirely Abandoned their Farms in Consequence of the late Alarming Outrages. In Order, however, to Induce them to return to their Farms, I have sent some small Parties of Troops as Guards of Protection for those Farms which are Most exposed to the Incursions of the Natives; but these have of late become so very Serious that Nothing Short of Some Signal and Severe Examples being made will prevent their frequent Recurrence. However painful, this Measure is Now become Absolutely Necessary.

Unwilling hitherto to proceed to any Acts of Severity towards these People, and if possible to Conciliate and Keep on friendly Terms with them, I have forgiven or Overlooked Many of their Occasional Acts of Violence and Atrocity, exclusive of Numberless petty Thefts and Robberies Committed by them on the defenceless remote Settlers for the last three Years.

I do myself the Honor to report to Your Lordship the arrival of the following Male and Female Convict Ships at this Port from England and Ireland, subsequent to the Date of my Dispatch of the 24 June last, viz.:—

1st. The Ship Canada, Commanded by Captn. John Grigg, Arrived on the 5th of August with 156 Male Convicts from Ireland guarded by a Detachment of the 1st (or Royal Scots) and 46th Regts. under the Command of Lieut. Suckling of the former.

* Note 10.
Macquarie to Bathurst. 55

Corps, the Convicts being a good deal Afflicted with Scurvy, owing to the great Length of the Voyage, but the Troops were quite healthy.

Mr. Martin Tims, Provost Marshal of the Settlements on Van Diemen’s Land, together with his family, Arrived Passengers in the Canada.

2nd. On the 8th of August, the Ship, Francis and Eliza, Commanded by Capt'n. William Harrison, Arrived from Ireland (having Sailed in Company with the Canada from that Country) having 52 Male and 65 female Convicts on board, Guarded by a Detachment of the 1st (or Royal Scots) and Royal African Corps Under the Command of Ensign Daniel Alt of the latter Corps, the Troops and Convicts being in pretty good health. This Ship had been Captured by an American Privateer* off the Island of Madeira, but was afterwards released by the Commander of the Privateer and permitted to prosecute her Voyage to this Country. She touched at the Island of Teneriff, and afterwards at Sierra Leone, Where Capt'n. Brown, Commander of the Ulysses, Man of War, thought proper, for the greater Security of the Francis and Eliza, to Order a Detachment of the Royal African Corps from that Station to be put on board her.

Frederick Garling Esq. Solicitor, with his family and a Mr. Richard Lewis, A Free Settler, Came out as Passengers on board the Francis and Eliza.

3d. On the 7th of September, the Ship Baring, Commanded by Capt'n. John Lamb, Arrived from England, having 298 Male Convicts on board, guarded by a Detachment of the 34th and 46th Regts. under the Command of Captain Sanderson of the latter Corps. The Whole of the Convicts and Troops on board Arrived in perfect good Health; it appeared that the Commander and the Surgeon and Agent (Mr. David Reed) paid every possible Attention to the Health and Comfort both of the Convicts and Soldiers during the Voyage, No less than 300 of the former having Embarked and only two having died on the passage hither. A Mr. Parker and a Mr. Puckley, Free Settlers, Arrived as Passengers on board the Baring.

4th. On the 17th of January, the Ship Fanny, Commanded by Captain John Wallis, Arrived from England, having 171 Male Convicts on board, guarded by a Detachment of the 56th Regt., the whole of the Convicts Arrived in perfect good Health, owing to the very humane and Vigilant Attention of the Commander and Surgeon and Agent (Doctor Macdonald); three Convicts only died during the Voyage.

5th. On the 19th of January, the Ship Mary Anne, Commanded by Captain J. K. Arbuthnot, Arrived from England,
1816.
18 March.
Arrival of the ship Mary Anne.

Having 101 female Convicts on board, all of whom arrived in good health, one Convict Woman only having died on the passage out of 102 originally embarked on board this ship. Doctor Bowman of the Royal Navy came out as Surgeon and Agent of the Mary Anne, and appears to have paid most assiduous and humane attention to the health and comfort of the Convicts and other passengers on board that ship. Fifteen free Women, Wives of Convicts, arrived in this ship to join their Husbands here. Capt. E. Bunker, who proceeded to England some time since in the Command of the recaptured ship, Seringapatam, returned on board the Mary Anne as a Passenger.

6th. On the 30th of January, the ship Ocean, Commanded by Capt. Alexr. L. Johnston, arrived from England, having 218 male Convicts on board, guarded by a detachment of the 46th and 56th Regts. under the command of Ensign Bullivant of the former Corps. All the Convicts, and also the Troops arrived in excellent health and appeared to have been treated with the greatest kindness and attention by both the Commander and the Surgeon and Agent, Doctor Bromley of the Royal Navy, one Convict only died on the passage hither. The Reverend John Youl, Assistant Chaplain for Port Dalrymple, Lieut. Nepean of the 46th Regt., who had lost his passage on the ship Fanny (in which he had embarked originally in command of the guard), and Mr. John Wentworth (son of Mr. Wentworth, the principal Surgeon here) came passengers in the Ocean.

6th. The good and beneficial effects of the recently adopted system of appointing respectable and skilful Surgeons of the Navy to be Surgeons and Agents of the Convict Ships, are eminently conspicuous in the four last instances, namely, The Baring, the Fanny, the Mary Ann, and the Ocean, of which vessels Doct'r Reed, Doct'r McDonald, Mr. Bowman, and Doct'r Bromley were the respective Surgeons; these four Gentlemen are all Naval Surgeons, well experienced in their Profession and very respectable characters, the consequence of which has been that the Convicts on board these four Ships arrived, as I have already stated, in excellent health, and without any complaints against the Commanders. Whereas, previous to this arrangement, very few ships arrived without a long list of grievances from the Convicts against their Commanders for bad treatment and short provisions. I mention these circumstances to Your Lordship, in justice to the merits of those Naval Surgeons who have been lately sent out in the capacities of Surgeons and Agents of Convict Ships according to the New
System,* and Also to prove to Your Lordship the great Advantage resulting from its Adoption. All the Gentlemen, thus sent out by the Commissioners of the Transport Board, as Surgeons and Agents of Convict Ships, have made Application to Me on their Arrival here to furnish them with Quarters to live in While on Shore, and Also with a free Passage to England at the Ex pense of the Crown, these being, as they State, the Terms of their Agreement with the Commissioners of the Transport Board. But, as I have never been Honored with any Instructions from Your Lordship relative to this Subject, I have declined either furnishing them with Quarters on Shore to live in, or with Passages to England at the Expence of the Crown; referring them to the Commissioners of the Transport Board for such Remuneration on these Heads as they should deem them entitled to receive. The only Allowance, I have made to these Officers during their Residence here, has been Rations from the King's Stores, Which have been Issued to them According to the Rules of the Royal Navy. I respectfully request to be Instructed by Your Lordship how I am to Act in future in regard to the Surgeons and Agents of Convict Ships, or Whether I am to be guided by the Instructions of the Commissioners of the Transport Board relative to them.

7. On the Occasion of the Capture of the Ship Francis and Eliza Transport by the American Privateer† off the Island of Madeira on her passage hither last Year, it has been Stated to me by the Commander and Surgeon of that Ship, as well as by Mr. Garling, the Solicitor, that both the Male and Female Convicts on board of her, Conducted themselves with great Discretion Moderation and Decency at the time of the Capture, and Whilst the Vessel remained in the Possession of the Enemy, as well as subsequent to her being restored; and those Gentlemen, in Con sequence of such Correct Conduct on the part of the Convicts, recommended them very Strongly to my Favor and good Offices on their Arrival here in August last. I therefore respectfully submit to Your Lordship's favorable Consideration that I may be Authorized to grant Conditional Pardons to All the Male and Female Convicts, Who Came out in the Francis and Eliza Transport, Whose Conduct since their Arrival in the Colony has Continued to be Correct, as a Reward for their good Behaviour on the Occasion of the Capture of that Ship. This Marked and Special Indulgence Will in All probability have a good Effect on the future Conduct of the persons Who Immediately benefit therefrom, and will also serve to Stimulate others on any Similar Occasion to Act with Equal Forbearance, Discretion and Loyalty.

* Note 12. † Note 11.
1816. 18 March.

Arrival of settlers without recommendations.

The case of Parker.

8. Several persons having within the last Six or Eight Months Arrived in the Colony as Passengers on board of private Merchant Ships, As well as in some few of the Convict Ships, with the Intention of Settling in this Colony as Merchants, Mariners, Tradesmen or Farmers, Without any Letters or Permission from Your Lordship or other Authority for Coming here from any Department of His Majesty's Government in England, I feel greatly at a Loss how to treat or Act towards those people on their Arrival, More especially in respect to those of them who have no Means of Maintaining themselves, and of this Description there are occasionally a few. I shall however only Mention One of this last Class in particular to Shew Your Lordship the Necessity of Adopting some steps to prevent Similar Occurrences in future. A Mr. Parker (who I have heard is of An Affluent and genteel Family in England) Arrived here in the Baring Transport in September last, Calling himself a Free Settler, but without any Letter from Your Lordship's Department An­nouncing him to me as such. This Unfortunate Gentleman (for I Understand he had been An Officer in One of the Regiments of Foot Guards) from his own Folly and Extravagance in England, had Incurred the Displeasure of his family and Friends there, and they, in Order to get rid of such a Burthen, procured a Passage for him and sent him out to this Colony to do the best he Could for himself with only thirty or forty pounds in his Pocket. This he very soon spent, and Was for some little time supported by Voluntary Subscriptions from a few Military Officers and other Humane Persons, but, as he is an incorrigible Drunkard and addicted to low Company, these Subscriptions Were soon discontinued; and therefore to prevent his Starving, I was Under the Necessity of Ordering him to be Victualled from the King’s Store, which is the only Means of Support now left him.

Mr. Parker is too dissipated and drunken ever to be able to do anything for himself in this Country; and I think it a great Hardship that Government should be obliged thus to support such Idle and Useless Characters. I therefore take the Liberty of strongly recommending that Instructions should forthwith be given by His Majesty’s Government to the Commissioners of the Customs (more particularly at all the Out Ports) never to permit any Person whatever, Whether Male or Female, to embark or Sail in any private Trading Ships or Vessels bound for this Colony, Unless they produce properly Authenticated Passports from your Lordship’s Office, Authorizing them to Come to this Colony and Specifying in what Capacity. Similar Instructions

Proposed prohibition of unauthorized immigrants.
ought also to be given to the Transport Board not to Order a Passage for any Person Whatever in any of the Convict Ships without a Written Order from Your Lordship's Department for that purpose. Whilst on this Subject I beg leave to report to Your Lordship that, in the Month of August last, a Person named Samuel Leigh Arrived here on board the Ship Hebe, Merchantman, Without any Letter or Pass from Your Lordship's Office; this Person is a Methodist Preacher and was sent out at the Ex-pense of that Society to preach the Gospel in this Colony. This Man has Conducted himself Very quietly and Inoffensively since his Arrival, and I have no fault to find with him as he is no Expence to the Crown. But tho' Mr. Leigh's Conduct has been hitherto very Correct here, Still I should Strongly recommend that no Persons of his Description should in future be permitted to Come out to this Colony. We require regular and pious Clergymen of the Church of England, and not Sectaries, for a new and rising Colony like this.

9. I beg leave to report to Your Lordship that I have made the following Appointments since the Date of my Dispatch of 24th June last:—

1st. Mr. Major West, late Surgeon of the Francis and Eliza Transport, to be Assistant Surgeon in the Room of Assist. Surgeon Younge, removed to the Settlement of the Derwent in Van Diemen's Land, the Appointment of Mr. West bearing Date 8th August, 1815.

2nd. Senior Colonial Assistant Surgeon Edward Luttrel to be Acting Colonial Surgeon at the Settlement of the Der-went in Van Diemen's Land, in the Room of Acting Colonial Surgeon Hopley, deceased; Mr. Luttrel's Appointment bearing date the 25th of August, his Predecessor having died on the 24th of the same Month at Hobart Town.

I trust Your Lordship will Approve of these Appointments, and that You will have the Goodness to Move His Royal Highness the Prince Regent to be graciously Pleased to Confirm them.

10. I also beg leave to report to Your Lordship that I have Appointed Mr. Andrew Allan (Eldest Son of Mr. Allan the Deputy Commissary General), A Young Man of Seventeen Years of Age, at the particular Recommendation of Deputy Commy. General Allan, to be a Clerk on the Commissariat Establishment of this Colony, there being now a Vacancy of a Clerkship at Hobart Town; Mr. Allan's Appointment as Clerk bears date the 12th of the present Month of March. I trust Your Lordship will Approve of my making this Appointment, and that You will be pleased to Move the Lords of the Treasury to Confirm it in the Usual Manner.
1816.
18 March.

Report on Evans' expedition to the Lachlan river.

Account of the settlement at Bathurst.

Specimen of wheat grown at Bathurst.

Cattle sent west of Blue Mountains.

11. Pursuant to my Promise Contained in My Dispatch No. 9 of 1815, I now do myself the Honor of transmitting herewith for Your Lordship's Information and Observance the Chart of the Second Tour* made by Mr. Evans, the Deputy Surveyor, in the New discovered Country to the Westward of the Blue Mountains in New South Wales in the Months of May and June last. This Chart, together with the Journal (both of which are transmitted in Duplicate) Kept by Mr. Evans, sent in My Dispatch above adverted to, Will be sufficient to give Your Lordship a tolerable good Idea of the Value and Importance of the Countries thus recently discovered, and I have No Doubt they will prove a Most Valuable Acquisition to the Mother Country, as well as to this rising Colony in particular, Whatever time it shall be the Pleasure of His Majesty's Ministers to sanction My sending Settlers to them. Having Still only the Small Establishment at Bathurst I reported to Your Lordship in a former Dispatch, The Accounts I have lately received from that Country are highly favorable, and give the Strongest Reason to suppose the Soil to be most productive and of the best Quality, both for the purposes of Agriculture and Grazing. In Order to ascertain the former I had Ordered the Superintendant at Bathurst to Cultivate and Sow with Wheat Seven or Eight Acres of Ground, and also to form a Small Garden for Vegetables. Both these Experiments have Exceeded even my most sanguine Expectations, these small pieces of Cultivated Land and Garden Ground producing most Abundant and excellent Crops of Wheat and Vegetables Without the Ground being Manured excepting in a very trifling Degree.

Herewith I do Myself the Honor to transmit for Your Lordship's further Information and Observance, A small Phial† full of the Wheat produced at Bathurst this last Harvest, and which is Considered here by the best Judges to be of a Very superior Quality to the Wheat Generally Grown on this Eastern Side of the Blue Mountains.

In Consequence of the Very great Mortality which had taken place in the Government Herds, as well as in those of Individuals, during the last three Unfortunate Years of Droughts, I was Induced to grant Permission to several of the great Stock-Holders in the Colony to send their Horned Cattle‡ across the Blue Mountains to Graze in the New discovered Country and I also sent Some Herds of the Government Cattle thither as an Experiment. I have now the Pleasure of reporting to Your Lordship that both the Government Cattle, and those belonging to Individuals, have greatly benefitted Already by the Change, and the Whole

* Note 13. † Note 14. ‡ Note 15.
Wonderfully Improved both in Size and Appearance owing to the Abundance of rich Grass and Water to be Met with in all parts of that Country.

Deeming the Services of Mr. Evans, the Deputy Surveyor, as both Useful and Meritorious in his recent Tours of Discoveries to the Westward of the Blue Mountains, during Which he had to Contend with many Difficulties, Hardships and Privations, I took upon Myself the Responsibility of Making him a Remuneration on the part of Government from the Colonial Police Fund of One Hundred Pounds Sterling, as a Reward for his great personal Fatigues, extra Expences, and important Discoveries.

13. The Salary of Mr. Drummond, some time since Appointed from Home to be Naval Officer at the Derwent, having been Ordered by Your Lordship not to Commence till his Arrival at that Station, and no Opportunity having Occurred of Conveysing him thither for Some Months After his Arrival here from England on the 27th of January, 1815, he represented to Me the great Hardship of his being Obliged to live so long at Sydney without receiving any Pay, having a Wife and Family to Support at a Considerable Expence. Feeling the peculiar Hardship of Mr. Drummond's Situation, and reflecting at the Same time on the Smallness of his Salary, I took on Myself the Responsibility of paying him equal to the Amount thereof, Namely five Shillings per diem, from the Colonial Police Fund from the Date of his Arrival here up to the Day of his Departure to Assume his Office at Hobart Town. I trust Your Lordship will Approve of my having made this Payment.

14. After an Absence of Nine Months and Seventeen days in performing her Voyage, His Majesty's Colonial Brig Kangaroo, Commanded by Lieut. Jeffreys, returned to this Port on the 5th of last Month from the Island of Ceylon, Whither She had been sent from hence with the remaining Detachment of the 73rd Regt. in April, 1815, and where She landed that Detachment on the 25th of July following. The great Length of time Lieut. Jeffreys took in performing this Voyage, and the Very great Expence he has put the Government to in provisioning and supplying his Vessel with Stores While at Ceylon, Serve to Confirm Me in the Opinion that I had formerly expressed that Neither the Kangaroo nor her Commander are at all fit for, or calculated ever to render any important Service to this Colony, at least in No degree to Compensate for her Very Great Annual Expence to the Crown; I have therefore fully resolved on sending the Kangaroo to England in January next, in Case I receive no Orders to the Contrary from Your Lordship in the Intermediate time in reply to My former Dispatch* on this Subject.

* Note 16.
15. In My Dispatch of 24th June last, I reported to Your Lordship the very decayed State of His Majesty's Colonial Brig Emu, Commanded by Lieut. Forster, and Informed Your Lordship at the same time that that Vessel, After being Minutely Examined and Inspected by a Competent Committee of Survey, was reported to be Unfit to be Continued in the Service of this Colony from the rotten and decayed State of her Timbers; and, in Consequence of her having been thus Condemned, I also Informed Your Lordship that it was my Intention, with the Concurrence of her Commander, to send her to England in January last. But in the long and Unexpected Absence of the Kangaroo, I was Obliged to employ the Emu in Making some few Trips to the Settlements of the Derwent and Port Dalrymple in Van Diemen's Land with Troops, Convicts, Provisions, and Stores, for the Use of those Settlements and in effecting the Reliefs of the Military Detachments Stationed at those places. These Voyages were performed with the greatest alacrity by Lieut. Forster and within Very short periods, so as to entitle him to my Thanks and fullest Approbation. The Services of the Emu Can now however be very well dispensed with here, in Consequence of the recent Return of the Kangaroo from Ceylon, and the Emu will accordingly now be dispatched for England in the Course of a very few days to be disposed of on her Arrival there as Your Lordship may deem Most adviseable to direct. I have Addressed A Letter by this Same Conveyance to the Commissioners of the Transport Board relative to sending Home the Emu, enclosing them a Copy of the Report of the Committee of Survey held here on her.

16. The Brig* belonging to Government, which has been many Years on the Stocks here, is at length Nearly Completed in her Hull and I hope to have her ready to be Launched in two Months from this Date at farthest. She is Likely to prove a very Useful Vessel for the Service of Government, as well for the Importation of Coal, Lime and Timber from Newcastle, as for transporting Troops and Stores to Van Diemen's Land. This New Brig, when Completed for Sea, will, in Co-Operation with the Brig Lady Nelson, be fully Adequate in my Opinion to the Service of the Colony for many Years to Come; so that the Services of both the Emu and Kangaroo can Very easily be dispensed with entirely, Which will be a very great Saving to Government.

17. I am Concerned to have now to report to Your Lordship that His Majesty's Colonial Schooner, the Estramina, many Years employed in the Service of the Colony, was Unfortunately entirely lost on the 19th of January last in Coming out of Hunter's

* Note 17.
River laden with Coals and Cedar for the Use of Government from the Settlement of Newcastle on that River, having in a Gale of Wind been driven on Shore on a Sand Bank Where She soon went to pieces; fortunately No Lives were lost, and Most of her Rigging and Furniture were saved After she became A Wreck. The Estramina was very Old and Worn out in the Service, Not having been Considered Sea worthy for a long time past. It was therefore My Intention to have Sold her the Moment the New Brig now on the Stocks should have been Completed; being So very much decayed, the Loss to Government on this Occasion is Comparatively Very trifling.

18. I shall not fail to pay the earliest Attention to Your Lordship's Commands* relative to Building a small Vessel here for the King of the Sandwich Islands, and shall send her to His Majesty as soon as Completed and fit to Undertake the Voyage to those Islands. On Making Enquiry I find it will be much better to build this Vessel here than to send her in Frame to the Sandwich Islands as probably the King there might not have People that Could put her together properly. The Moment the Government Brig is launched and Completed, I shall have the Vessel for the King of the Sandwich Islands Commenced Upon.

19. The New Form of Return of Convicts required in Your Lordship's Dispatch of Date 2d March, 1815, to be sent Home Annually in Alphabetical Order, I am not enabled to transmit for this Year by the present Conveyance, as the Making out of the first of this Description and Form in a Correct Way is attended with much Difficulty and Trouble. There has been a Clerk for the last three Months exclusively employed in Making Up this Alphabetical Return, and I do not expect it will be Completed in less than three Months more. As soon as Completed I shall not fail to transmit it to Your Lordship by the first Opportunity. In the Mean time I send the Annual Returns of Convicts as formerly required, but Shall discontinue so doing After the New Return is Once Completed, Which will enable me to send Home succeeding Annual ones of the Same Description made upon the first of January of each Year.

20. In Reply to the Enquiry made by the Under Secretary of State in his Letter of date 2d March, 1815, relative to the Fate of Joseph Boneham, tried at the Assizes at Northampton, and Sent out a Convict to this Country on board the Ship Indian in 1810, I beg to Inform Your Lordship that he is now Alive, and in the Service of a Mr. Samuel Terry, A Wealthy Merchant.

* Note 18.
and Farmer in this Colony, and bears a Very good Character from his Master. I sent for and Spoke to Joseph Boneham lately, and he was then in good Health.

21. The Convict Named David Linley, Mentioned to Me in Your Lordship's Dispatch under date 31st January last, and respecting Whom Lord Sidmouth had Addressed a Letter to Your Lordship, I have only lately discovered to be Alive, and now in the Service of A Mr. Jonathan Griffiths, a respectable Settler in the District of Richmond. On Enquiry I find David Linley bears a Most Excellent character from his Master and other persons who have known him during his Residence in the Colony. I shall therefore in pursuance of Your Lordship's Commands grant David Linley a Free Pardon Immediately.

22. I shall not fail to pay all due Attention to Your Lordship's Commands relative to Mr. W. Lang, lately returned to this Colony on board the private Merchant Ship, Dowson, with a large Cargo of Goods; but as Your Lordship leaves Me at liberty to exercise my own Judgment as to Complying with the Demand made by this Gentleman to Your Lordship for a Grant of 3,000 Acres of Land, I shall Certainly Avail Myself of the discretionary Power left in respect to the Quantity of Land to be further granted to him in Addition to what he has Already received in this Colony. Mr. Lang has Very improperly practised a gross Imposition On Your Lordship by Stating that he only received One Hundred Acres of Land in the Colony before he Went Home, Whereas he Actually received a Grant of Eight Hundred Acres, Seven Hundred of which were located to him on the Banks of the South Creek near Windsor (and of which Lands he took possession) and the remaining One Hundred Acres Were some time Afterwards given to him at his own particular Request at the Derwent in Van Diemen's Land; so that I think if Mr. Lang should get 1,200 Acres more on that Island in Order to make up his whole Quantity, here and there, to 2,000 Acres he will get full as Much as he deserves, or Will Make any good Use of.

23. In Reference to Major General Bunbury's Letter Under date the 25th March, 1815, Conveying to me Your Lordship's Commands relative to a Mr. John Ingle, A Merchant and Settler at the Derwent, and referring to my Consideration a Memorial Addressed to Your Lordship by Mr. Ingle Soliciting further Grants of Land as well as other large Indulgences from Government; I have to State to Your Lordship that this Mr. Ingle is a low Vulgar Man Who has Accumulated a Considerable Property by Carrying on Trade at the Derwent, but has no just Claims whatever on Government for any particular Indulgences, And,

* Note 18.
having Already received Eight Hundred Acres of Land by
Grants from the Crown, he ought to be perfectly Satisfied with
that Quantity. I cannot help expressing My great Surprize
and Regret at Lieut. Governor Davey’s so far Committing him­
self as to sign a Certificate for Mr. Ingle, which he must have
Well Known at the time was Incorrect, No Individual in Van
Diemen’s Land possessing 730 Head of Horned Cattle. Such an
Assertion Was a gross Attempt at Imposition in Mr. Ingle, and
evidently With the View of establishing a Claim for large
Additional Grants of Land. It is a Common Trick with many
Traders in this Colony to receive Cattle in payment of their
Goods, which they Sell again as Soon as they Can, So that these
Cattle are Constantly fluctuating from one person to another,
being seldom Many Days in the possession of any one person.
Consequently to give all the Traders or Merchants under these
Circumstances large Grants of Land would be extremely In­
judicious and prove ruinous to the Agricultural Interests of the
Colony.

24. I have lately received Several pressing Applications from
Persons now residing in England, and in India, to Confirm to
them Certain Grants of Land given to them in this Colony by the
late Colonel Paterson, during the Usurpation of the Colony
and the Arrest of Govr. Bligh, and which were all Cancelled* by
Me as Illegal by Command of His Majesty on my taking Charge
of this Government on the 1st of January, 1810. Such of those
Grants, as Appeared to Me to have been given Impartially and to
well behaved People then Actually residing in the Colony, I
afterwards Confirmed; but I uniformly resisted All Applications
made to me for Confirming the Grants of Absentees.

Col. Paterson, who was a Simple good Natured Man, was
frequently so far Imposed on that he gave Grants of Land
indiscriminately to all persons that Chose to ask for them. It
was a Common practice with him to give Grants of Land to
Commanders of Ships, who at any time brought Goods for Sale
here either from England or India, who perhaps only remained
here a few Weeks Without any Intention of ever again returning
to the Colony. Such persons Merely Obtained those Grants for
the purpose of Selling them again or transferring them to some
Friend.

All the Officers of His Majesty’s Ship Porpoise received Grants
of Land from Col. Paterson during his Usurpation of the
Government, and these Grants I Cancelled Along With All the
others given at that time. I have lately received an Application
from Capt’n. Kent of the Navy who was here as Lieutenant on
board the Porpoise during the Usurpation of the Government,
Refusal of Kent's application for confirmation of land grant.

Applications from Mell and Burton also refused.

and who with the other officers received a Grant of Land from Colonel Paterson, which he now Calls on Me to Confirm as a Reward for his Services in this Country, and in Consequence of a Correspondence he has had on the Subject with Your Lordship's Department in which he is referred to Me. As I think it would be very bad Policy to Confirm any Grant of this Description, I shall decline doing so, unless I receive a positive Order to that Effect from Your Lordship. I do not know any Services performed by Lieut. Kent in this Colony that Can possibly entitle him to a Grant of Land, for it Would be extremely Invidious to Confirm his Grant in particular, and not those of the other Officers of the Porpoise, All of Whom may Consider themselves entitled equally with Lieut. Kent to Similar Rewards for their Services in this Colony. I am however decidedly of Opinion that No Naval or Military Officers should have their Services rewarded in this Way, and that No Person Whatever should receive A Grant of Land in this Colony, Unless he Comes here to reside on and Cultivate it for the purpose of Increasing the Internal Resources of the Colony.

Similar Applications to Capt'n. Kent's have recently been Made to Me by Pay Master Mell of the 102 Regt. in England and by a Mr. Campbell Burton in India for Confirmation of Grants of Land given them by Col. Paterson during the Usurpation of the Government. Mr. Burton was Commander of an Indian Vessel which brought Supplies from that Country to this during the period adverted to, and it was on that Occasion he got his Grant of Land. This Man Came here Afterwards on a Mercantile Speculation and I then refused to Confirm his Grant, and shall do so still Unless I receive positive orders from Your Lordship to the Contrary. Mr. Burton being a Very bad Man and Very Unworthy of receiving any Mark of favor from this Government on Account of his Very Insolent and ungrateful Conduct towards it. I shall also decline to Confirm Pay Master Mell's Grant as I am not aware that he has any Claim Whatever for any particular Indulgence More than any other Officer of the 102d Regt. present here during the Usurpation of the Government. I have deemed it necessary to be the more diffuse on this Subject of Confirmation of Grants with a View of possessing Your Lordship of the real Facts, so as to enable Your Lordship to answer any further Applications that may be made by the persons herein Alluded to.

25. I shall pay respectful Attention to Your Lordship's Instructions relative to Theodore Walker, as Conveyed to Me in Your Lordship's Letter under date the 12th of July last, by
sending Home that person to Stand his trial in England as Soon as the necessary Witnesses for his Conviction Can be Collected here, in Case they Can be prevailed Upon to go to England for this purpose; for it Appears to be the Opinion of Messrs. Garrow and Shepherd that these Witnesses Cannot legally be Compelled to go to England; but at all Events they are at present dispersed in different parts of the Colony and Cannot now be Collected in Sufficient time for the purpose of being Sent Home in the Emu.

26th. Herewith I do myself the Honor to transmit for Your Lordship's favorable and Indulgent Consideration a Memorial from Mr. Jacob Mountgarrett, Surgeon on the Civil Medical Establishment of Port Dalrymple on Van Diemen's Land; this Gentleman has lately had the misfortune to lose his left Arm as stated in his Memorial, and is Consequently entirely disqualified for exercising any longer the Duties of his Profession as Surgeon in His Majesty's Service. I therefore take the Liberty to Solicit in Consideration of his long Services and Misfortunes that Mr. Mountgarrett may be permitted to retire from the Service With such Pension or Half pay as Your Lordship may deem him entitled to in Consideration of his past Services. I regret that I am Unable to bear Testimony to the good private Character of Mr. Mountgarrett, having been some time ago Under the disagreeable Necessity of removing him from the Magistracy of Port Dalrymple on Account of his Carrying On a Clandestine Trade and Conniving at Very improper Proceedings at that Settlement. Mr. Mountgarrett and Mr. Smith, the Assistant Surgeon at Port Dalrymple, Were lately Accused and Tried here by the Criminal Court on a Charge of being Concerned in Stealing Government Cattle at Port Dalrymple, but the Charge Not being proved, they Were Acquitted. Nevertheless very Strong Suspicion of the Guilt of both those Officers Still rests on the public Mind. It would therefore be desirable that they Were both removed from their present Situations as Medical Officers under Government, as they Never Can be respected at that Settlement Where So Strong a Suspicion exists of their Delinquency. But as Mr. Mountgarrett has served so long and No Immediate Guilt proved against him, I think it would be hard to remove him from his professional Situation Without Allowing him an adequate Pension. On these Grounds I hope your Lordship will be pleased to Move His Royal Highness the Prince Regent to grant him such Pension as his Services may Merit.

As to Mr. Smith, the Assistant Surgeon, he has no Claims Whatever on Government, and his Appointment being Only a Colonial One he may be removed at Pleasure without Injustice to himself or Injury to the Public.
27. Altho' I have lately been under the Necessity of Appointing Senior Colonial Surgeon Luttrell to Act as Surgeon at the Derwent in the Room of Mr. Hopley, deceased, from the Want of a better Qualified person to fill that Situation, Yet I am Sorry to add that Mr. Luttrell is a Very Unfit person to be any longer trusted with the Care of Administering Medical Relief to the Sick of any description; for Altho' he is not deemed deficient in professional Skill, he is Very Unfeeling and Criminally inattentive to his Patients, Added to Which he is extremely Irritable and Violent in his Temper and Very Infirm from Dissipation. In fact he is Completely Superannuated as to further Services. Under all these Circumstances I strongly recommend that Mr. Luttrell should be entirely removed from the Civil Medical Establishment of this Territory, and placed on Half Pay, or allowed such Pension or Annuity from the Colonial Police Fund as Your Lordship may be pleased to order him. Mr. Luttrell is Advanced in Years, with a large family, and Altho' his Services have not been such as to entitle him to any Strong Mark of favor, Yet in Commiseration of his Age and Infirmities, as Well as in Consideration of his having a large family to Support, it Would bear rather hard upon him to remove him from his present Situation without making some Provision from Government for his Support.

28. I do myself the Honor of transmitting to Your Lordship herewith Copies of Letters lately Addressed to Me by Doctor Bromley and Doctor Bowman (the former late Surgeon and Agent of the Ship Ocean Transport, and the latter late Surgeon of the Ship Mary Anne Transport) Applying for the Situation of Surgeons at Port Dalrymple and the Derwent respectively, in the Event of those Appointments becoming Vacant, Both these Gentlemen having been for Several Years Naval Surgeons and of Unblemished Characters as Well as Skilful in their professions. I should Consider them as very great and Valuable Acquisitions to the Medical Establishment of Van Diemen's Land. I therefore respectfully recommend that Dr. Bromley May be Appointed to Succeed Mr. Mountgarrett as Surgeon of the Settlement of Port Dalrymple, and that Doctor Bowman may be Appointed Surgeon of the Settlement of the Derwent on the Removal of Mr. Luttrell. During the late Residence of Doctors Bromley and Bowman here I had an Opportunity of Seeing a good deal of them, and from their Mild Gentleman-like Manners and Accomplishments and respectable Deportment, I think they Would prove a Most Valuable Acquisition to the Colony both in their professional and private Capacities. I should Consequently
feel Much gratified by those two Gentlemen being appointed to
the Situations they have respectively Solicited, and I earnestly
recommend their Requests to Your Lordship's Most favorable
Consideration.

The Senior Assistant Surgeon now at the Derwent is Mr. St.
John Younge, Whom I sent thither some short time ago to
succeed Mr. Hopley on the promotion of the latter to be Surgeon;
but Mr. Younge is a very trifling dissipated Young Man and
very Ignorant of his Profession, so that it would be doing Great
Injustice to the Public Service to promote him to any higher
Situation than the One he holds at present. Neither Mr. Younge
at the Derwent, nor Mr. Smith, the Assistant Surgeon at Port
Dalrymple, have any Claim from Character or professional Skill
for Succeeding to the Surgeoncies at those Stations on their
becoming Vacant; and the two Senior Assistant Surgeons at
Port Jackson, vizt. Messrs. Mileham and Redfern, preferring to
remain Where they are at present, Wave all Claims to Promotion
at Van Diemen's Land, which has hitherto been considered a
distinct Establishment from that of Port Jackson; and thus all
Objections that Might be supposed to Exist on the Plea of
Succession are removed to the Appointing of Doctors Bromley
and Bowman to be Surgeons there. I beg further to State that
in the Event of these Gentlemen not being Appointed, it will be
necessary to send out from England two other properly Qualified
Medical Gentlemen to fill the Vacancies at the Derwent and
Port Dalrymple.

29. An Application having lately been made to Me by Memorial
from Daniel and Sarah O’Neill, Prisoners of the Crown, to Solicit Your Lordship to be so good as to order a Passage to be
granted in One of the Convict Ships for their Children, now in
England to Come out to them in this Country, I now take the
Liberty to transmit herewith for Your Lordship's Indulgent
and favorable Consideration the Memorial of the Said Daniel
and Sarah O’Neill. I beg to add that these poor People have
Conducted themselves With Strict Propriety sinoe their Arrival
in this Colony.

30. I am happy to have it in my power to report to Your Lordship that the Military Barracks, and other more immediately
and essentially necessary Public Buildings now in progress (more
particularly detailed in my former Dispatches) are Nearly Com­
pleted, and I trust will be entirely finished before the 1st of
January next, on Which Occasion I shall do Myself the Honor
to transmit Your Lordship a regular Return or Schedule of
them; there are also Several New Lines of Road Marked out
and now Constructing in the Interior Districts of the Colony for the purpose of facilitating the Intercourse between the remote parts of the Colony and the Capital, as well as for the greater Security and Accommodation of Travellers passing from One part of the Colony to the other; all these New Lines of Roads, I trust and expect Will be Completed by the 1st of January Next.

31. From my Anxiety to get the other More essentially Necessary Public Buildings Erected and Completed at Sydney, I have hitherto postponed doing Any thing to render the Altogether Inadequate Accommodations of Government House, in respect to Quarters for Myself, Family, and Domestics at Sydney, More Comfortable and Commodious than What I have found them on My Arrival, with the Exception of three Booms which I was under the Necessity of getting built soon after My Arrival immediately in the Rear of the Old House to Answer the purposes of a Dining Room, An Office, and a Family Bed Room. The old Government House* and Offices, Originally built by Governor Phillip twenty-Eight Years ago, remain exactly as I found them; and upon late Inspection they have been found so Much decayed and rotten as to render them extremely Unsafe any longer to live in, Whilst from the same Circumstances it is Impossible to give them any thing like a thorough Repair. Indeed, if it were possible to repair them, they are in point of Size Altogether Inadequate to the Residence and Accommodation of even a private Gentleman’s Family and Much less that of the Governor in Chief. All the Offices, exclusive of being in a decayed and rotten State, are ill Constructed in regard to Plan and on Much too Small a Scale; they now Exhibit a Most ruinous Mean Shabby Appearance. No private Gentleman in the Colony is so Very ill Accommodated with Offices as I am at this Moment, Not having Sufficient Room in them to lodge a Very Small Establishment of Servants; the Stables, if possible, are still worse than the other Offices, it having been of late frequently Necessary to prop them up with Timber Posts to prevent their falling, or being blown down by the Winds. Exclusive of this decayed State of the Old Government House and Offices Which I have here described, their Situation is extremely bad and ill Selected, being built on the Declivity of a Hill Which rises Abruptly in rear of the Dwelling House; this Hill is full of Springs which Occasion a Constant Dampness in every Room in the House, And All Attempts to remove it have proved Ineffectual. So that No New House built on the Same Site, or any Addition Made to the present One, Could ever be rendered free from Damp. Under Your Lordship’s liberal Consideration of all these Circumstances,

* Note 20.
I entertain the fullest Assurance that Your Lordship Will Approve of My Building a suitably Spacious and Comfortable Government House with Corresponding good Offices on a New Site in a More eligible part of the Government Domain. I am persuaded Your Lordship Will not Consider it reasonable, or at all Suitable to their relative Ranks, that the Governor of this Country and his Family should be many degrees Worse Accommodated than the Lieutenant Governor, or may I add than any respectable Civil or Military Officer in the Colony, Which is literally the Case at the present time. Presuming therefore that Your Lordship will not disapprove of a Measure so essentially Necessary for the personal Comfort of the Governor of this Country and for the Dignity of the Rank he has the Honor to hold in it, I shall take the Liberty to Commence Erecting a New Government House and Offices as soon as the Military Barracks and other more Immediate Necessary public Buildings now in progress shall be Completed. I shall take the Utmost Care that the New Government House and Offices shall be built on as Economical a Plan as possible, and that No part of the Expence Shall be drawn for on England but that they shall be entirely built by the Government Mechanics and Labourers, and that All Materials, required to be purchased here for Constructing them, shall be paid for from the Colonial Police Fund. In respect to the three new Rooms herein Already Adverted to, and Which were added to the Old House soon After My Arrival here, the Expence Incurred thereby Will not be by any means thrown away, as in the Arrangement I have Made I intend to Convert them into a Suit of Public Offices for Myself, my Secretary, and the Clerks employed in his Department, A Building of this Description being Very much required and essentially Necessary in the present Improved and rapidly Increasing State of the Colony in the point of Trade and general Importance. These Rooms are also admirably Well Calculated for Government Offices in point of Situation being Close to the Town at the Eastern Extremity of it. I trust therefore that this part of the General Arrangement will also be Honored with Your Lordship’s Sanction and Concurrence.

32. Exclusive of the Documents herein Already Alluded to I Have now the Honor of transmitting herewith for Your Lordship’s Information and Notice, the following Returns, Reports and Accounts, Including the Annual Musterly Statements of the Colony for the last Year Vizt:—

1st. The Accounts Current of the Expences of the Colony from 25th April to 24th December 1815, both Inclusive.

3d. Statement and Return of Provisions remaining in His Majesty's Magazines on 24th December, 1815.

4th. Demand for the Annual Supplies for the Use of the Colony for the present Year.

5th. Reports of the Naval Officer Containing the Arrivals and Departures of Ships and Vessels from the 1st of April to the 31st of December, 1815, Inclusive; together With the Accounts of Duties Collected by him Within that Period.

6th. The Accounts of the Colonial Police Fund from the 1st of April to the 31st of December, 1815, Inclusive.

7th. Statement and Return of the Result of the Annual Muster for last Year, Including that of Van Diemen’s Land.

8th. Return and Report of Prisoners tried by the Criminal Court at Sydney from the 1st of June, 1815, to the 29th of February, 1816, Inclusive.

9th. Returns of the Names of Male and female Convicts Arrived in the Colony from England and Ireland from the 1st of January to the 31st of December, 1815, both Inclusive.

10th. Returns of Marriages, Births and Deaths in the Colony from the 1st of January to the 31st December, 1815, both Inclusive.

11th. Nominal Return of Officers holding Civil and Military Employments in the Colony of New South Wales on 1st January, 1816.

33. This Despatch will be delivered to Your Lordship by Lieutenant G. B. Forster of the Royal Navy, Commander of His Majesty’s Colonial Brig Eum, Whom I take the Liberty of Strongly recommending to Your Lordship’s Favor and Protection. During this Officer’s Residence in this Country he has Conducted himself in so extremely Correct and Gentlemanlike a Manner as to attract general Esteem and regard, and I have particular Reason to be well pleased with his public Conduct as an Officer. The steady attention and Zealous Alacrity, he has ever Manifested in Meeting and Complying with all my Wishes for forwarding the Public Service in the Department he filled, Merit My Warmest Thanks and highest Commendation. From the Very high Opinion I have formed of the Strict Honor, Integrity Activity and Judgment of Lieutenant Forster, I think he would be a Very Great Acquisition to this Colony in any office Your Lordship Might feel disposed hereafter to Nominate
him to, Which I the More Willingly dwell on, as I believe it is
his Wish to return again to this Country in the Event of his not
getting Promotion in the Navy soon After his Arrival in
England.

As Lieut. Forster is a Very Intelligent Well Informed Young
Man, and has been Observant of the General Progress of this
Colony and the Improvements now Carrying on on both here and
on Van Diemen's Land, I take the Liberty of referring Your
Lordship to him for any particulars you might wish to be In­
formed of relative to the present State of this Country.

I have, &c,
L. MACQUARIE.

[Enclosure No. 1.]

[The chart of the expedition of G. W. Evans to the Lachlan
river will be found in the volume of charts and plans.]

[Enclosure No. 2.*]

[A] DR. BROMLEY TO GOVERNOR MACQUARIE.

Sir, Sydney, New South Wales, 4th March, 1816.

From the late Accident sustained by Mr. Mountgarrett,
the Surgeon at Port Dalrymple, Van Diemen's Land, it is most
probable he may not be Enabled to perform the Operative Part
of his Profession; should that be the Case, I shall feel myself
much obliged by Your Excellency's recommending me to His
Majesty's Secretary of State for the Colonies as his successor.

I have, &c,
E. J. BROMLEY, M.D., Surgeon, E.N.

True Copy:—JNO. THOS. CAMPBELL, Secy.

[B] MR. JOHN BOWMAN TO GOVERNOR MACQUARIE.

Sir, Sydney, 29th Febry., 1816.

Understanding there is a Vacancy for a Surgeon at the
Derwent in consequence of the death of the late Mr. Bowden, the
Principal Surgeon there, I have to request Your Excellency will
be pleased to appoint me to that situation.

Should this interfere with Your Excellency's Arrangements, I
shall feel greatly obliged if You will have the goodness to
recommend me to His Majesty's Secretary of State for any other
Vacancy that may Occur.

I have, &c,
J. BOWMAN.

True Copy:—JNO. THOS. CAMPBELL, Secy.

* Note 14.
To the Right Honorable Earl Bathurst His Majesty’s Principal Secretary of State for the Colonies, &ca., &ca., &ca.

The Memorial of Jacob Mountgarrett, Surgeon at the Settlement of Port Dalrymple in Van Dieman’s Land, One of the Dependencies to His Majesty’s Territory of New South Wales,

Most humbly represents,

That Your Lordship’s Memorialist has been for a period of upwards of twenty one Years in His Majesty’s Service as Surgeon, was appointed to His Majesty’s Sloop Sincere, Captain Bradby, by Warrant dated 16th July, 1798, confirming one given to Memorialist by Admiral Hotham, Commander in Chief of His Majesty’s Ships and Vessels in the Mediterranean, dated 17th July, 1795; Afterwards to His Majesty’s Ship La Minerve, Captain George Cockburn, by Warrant dated 16th July, 1798, confirming one given to Memorialist by Admiral Sir John Jervis, K.B., Commander in Chief of His Majesty’s Ships and Vessels in the Mediterranean, dated 31st October, 1796, in which Duty Memorialist continued ’till the Year 1802, when that Ship was paid off at Deptford; and had been in One Action in the Mediterranean against the Spanish Frigate Sabina in 1796, and in the General Action on the 14th February with Lord St. Vincent against the Spanish Fleet off Cape St. Vincent; That Memorialist came to the Colony of New South Wales with four hundred Male, and two hundred female Convicts.

That on Memorialist’s Arrival in this Colony, he Volunteered his Services with Captain John Bowen R.N. to go in his Medical Capacity to a new Settlement then about to be formed at the Derwent in Van Dieman’s Land, and after that Settlement had been established and Memorialist had resided there about twelve Months, Memorialist went as Surgeon and a Magistrate with the late Colonel Patterson of the 102nd Regiment to the Settlement of Port Dalrymple, where Memorialist continued to exercise his professional Duties, and the Office of a Magistrate with Fidelity, Zeal, Promptitude and Attention.

That Memorialist came to Head Quarters at Sydney in New South Wales early in the Year 1815, and there had the misfortune to be obliged to undergo the Amputation of his Arm, in consequence of the exercise of his Duty as a Surgeon at Sydney.

That Memorialist is therefore led to cherish a Hope that his long Services and Sufferings and his present shattered and incapacitated State will plead with Your Lordship in his behalf,
when Memorialist humbly Solicits Permission to retire from the Service on such a Pension or Allowance as Your Lordship in your Wisdom and Humanity may deem equivalent to his long Services and Sufferings.

That Memorialist is desirous to pass the remainder of his days as a Settler on Van Dieman's Land, and therefore most humbly Prays Your Lordship will approve of his receiving such Indulgencies from the Government in that behalf, as are usually extended to Settlers of that description.

May it therefore please Your Lordship to take Memorialist's Case into gracious Consideration, and to allow him to retire from the Service with the Indulgencies herein humbly Solicited.

And Memorialist will ever pray, &ca.,

JACOB MOUNGARRET, Surgeon.

Sydney, February 6th, 1816.

I beg leave to recommend the Prayer of the foregoing Memorial to the favorable Consideration of Earl Bathurst.

L. MACQUARIE.

[Enclosure No. 4.]

[A copy of the memorial of Daniel and Sarah O'Neill is not available.]

[Enclosure No. 5.]

The Accounts Current of the Expences of the Colony from 25th April to 24th December, 1815, both Inclusive.

[Enclosure No. 6.]

List of Bills drawn by Depy. Commy. General Allan on the Lords of the Treasury and Colonial Agent from 25th April to 24th December, 1815.

[Enclosure No. 7.]

Statement and Return of Provisions remaining in His Majesty's Magazines on 24th December, 1815.

[Enclosure No. 8.]

Demand for the Annual Supplies for the Use of the Colony for the present Year.

[Copies of these four enclosures will be found in a volume in series II.]
[Enclosure No. 9.]

REPORT of Ships and Vessels entered Inwards at Port Jackson in His Majesty's Colony of New South Wales from the 1st day of April to the 30th day of June, 1815.

<table>
<thead>
<tr>
<th>Date of Entry</th>
<th>Vessel's Name</th>
<th>Master</th>
<th>Build.</th>
<th>Number of Tons</th>
<th>Where Built</th>
<th>Registered</th>
<th>Name of Owner</th>
<th>From whence</th>
<th>General Cargo</th>
<th>Duty and Fees of Entry</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Frederick</td>
<td>J. Williams</td>
<td>Do</td>
<td>210 400</td>
<td>Java</td>
<td>Do</td>
<td>Palmer &amp; Co.</td>
<td>Do</td>
<td>5234 8 74</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Indefatigable</td>
<td>M. Bowles</td>
<td>British</td>
<td>592 844</td>
<td>Whitby</td>
<td>Whitby</td>
<td>Atkins &amp; Co.</td>
<td>London</td>
<td>Do</td>
<td>2 0 0</td>
</tr>
<tr>
<td>May 9</td>
<td>Catherine</td>
<td>R. Graham</td>
<td>American</td>
<td>204 824</td>
<td>America</td>
<td>London</td>
<td>D. Bennett &amp; Co.</td>
<td>Fishery</td>
<td>Do</td>
<td>359 11 43</td>
</tr>
<tr>
<td></td>
<td>Cochin</td>
<td>R. Murray</td>
<td>Foreign</td>
<td>203 433</td>
<td>Cochin</td>
<td>Calcutta</td>
<td>Hogue &amp; Co.</td>
<td>Calcutta</td>
<td>£ 0 15 0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Eliza</td>
<td>J. A. Tweep</td>
<td>Plantation</td>
<td>200 832</td>
<td>Calcutta</td>
<td>Do</td>
<td>R. Murray</td>
<td>Do &amp; Derwent</td>
<td>£ 0 15 0</td>
<td></td>
</tr>
</tbody>
</table>

Spirits imported.—Union: Rum, 82 Casks, 1,871 Gallons. Frederick: Rum, 191 Casks, 19,373 Gallons (3,805 Gals. Bonded). Cochin: Rum, 119 Casks, 10,785 Gallons (Bonded); Brandy, 24 Casks, 430 Gallons. Eliza: Rum, 1 Cask, 112 Gallons (Bonded).


APPENDIX OF CARGOES.

Union.—3,300 Bags of Wheat.
Frederick.—200 Bags of Rice, 200 Maunds of Flat Iron, 79 Boxes of Candles, Tea, Paper, Glass Ware and Sundries, 12 Casks of Soap, and 24 Bales of Piece Goods.
Indefatigable.—10 Hhds. of Ale and Porter, and 27 Packages of Sundries.
Catherine.—100 Tons of Sperm Oil for the London Market.
Cochin.—1,359 Bags of Wheat, Sugar and Rice, 314 Bundles of Iron Hoops, 85 Bolts of Canvas, 10 Bales of Twine, 71 Chests of Soap, 39 Bales and Cases of Sundries, 3 Casks of Iron Ware, 42 Casks and Cases of Oil Man's Stores, 1 Bale of Flannels, 20 Bags of Oil, 38 Hhds. of Porter, and 12 Cases of China Ware.
Northampton.—87 Cases of Sundries, 17 Casks of Do., 2 Chests of Rasp'y Brandy, 2 Boxes of Tools, 93 Bundles of Plate and Bute Hoops, 2 Hamps. of Shoes, 2 Jack Screws, 9 Boxes of Tin Plates, 21 Barrels of Tar. Pitch and Rosin, 9 Trunks Books, &c., 3 Bales of Shoes and Slops, 40 Firkins of Butter, 1 Box of Jewellery, 54 Baskets of Cheese, 9 Bottles of Turpentine and Varnish, 1 Crate of Earthen Ware, 1 Bale of Prints, and 400 Baskets of Tobacco.
[Enclosure No. 9]—continued.

Report of Ships and Vessels cleared Outwards from Port Jackson in His Majesty's Colony of New South Wales from the 1st Day of April to the 30th Day of June, 1815.

<table>
<thead>
<tr>
<th>Date</th>
<th>Name of Vessel</th>
<th>Master</th>
<th>Number of Tons</th>
<th>Guns</th>
<th>Build</th>
<th>Where Built</th>
<th>Registered</th>
<th>Owners Name</th>
<th>Where bound</th>
<th>General Cargo</th>
<th>Clearance Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 2</td>
<td>Marquis Wellington</td>
<td>Geo. Beetham</td>
<td>653</td>
<td>12</td>
<td>70</td>
<td>Plantation</td>
<td>Calcutta</td>
<td>London McCallum &amp; Co</td>
<td>Canton</td>
<td>See Appendix</td>
<td>£ 8 5 0</td>
</tr>
<tr>
<td></td>
<td>Eliza</td>
<td>Robt. Murray</td>
<td>200</td>
<td>8</td>
<td>26</td>
<td>Do</td>
<td>Do</td>
<td>Calcutta R. Murray</td>
<td>Batavia</td>
<td>Ballast</td>
<td>0 5 0</td>
</tr>
<tr>
<td></td>
<td>Union</td>
<td>J. A. Schultz</td>
<td>280</td>
<td>2</td>
<td>47</td>
<td>Do</td>
<td>Do</td>
<td>Do Sarkis &amp; Co.</td>
<td>Do</td>
<td>Do</td>
<td>0 5 0</td>
</tr>
<tr>
<td>June 8</td>
<td>Frederick</td>
<td>J. T. Williams</td>
<td>210</td>
<td>4</td>
<td>41</td>
<td>Do</td>
<td>Do</td>
<td>Palmer &amp; Co. Madras</td>
<td>Do</td>
<td>See Appendix</td>
<td>0 5 0</td>
</tr>
<tr>
<td></td>
<td>Catherine</td>
<td>R. Graham</td>
<td>304</td>
<td>8</td>
<td>24</td>
<td>American</td>
<td>America</td>
<td>London Dl. Bennett</td>
<td>Whale Fishery</td>
<td>Do</td>
<td>0 5 0</td>
</tr>
<tr>
<td></td>
<td>Sydney Packet</td>
<td>J. Wilkinson</td>
<td>273</td>
<td>4</td>
<td>20</td>
<td>Do</td>
<td>Do</td>
<td>Birnie and Walters</td>
<td>London</td>
<td>Do</td>
<td>0 5 0</td>
</tr>
</tbody>
</table>

Appendix of Cargoes.

Marquis Wellington.—102 Tons of Sandal Wood and 62 Tons of Coals.
Frederick.—Troops for Madras and 77 Tons of Coals.
Catherine.—100 Tons of Sperm Oil for the London Market.
Sydney Packet.—188 Casks and Bales of Wool, 99 Casks and 542 Seal Skins, 14 Casks of Oil, 2 Casks and 276 Bullock Hides.

Errors Excepted.

Naval Office, Sydney, New South Wales, 30th Day of June, 1815.

John Piper, Nav'l Off'r.
### [Enclosure No. 9]—continued.

**ESTIMATE of Duties collected by the Naval Officer from the 1st day of April to the 30th day of June, 1815.**

<table>
<thead>
<tr>
<th>Ship</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Union</strong></td>
<td>542</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td><strong>Frederick</strong></td>
<td>5,234</td>
<td>13</td>
<td>7½</td>
</tr>
<tr>
<td><strong>Indefatigable</strong></td>
<td>22</td>
<td>17</td>
<td>9</td>
</tr>
<tr>
<td><strong>Catherine</strong></td>
<td>2</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td><strong>Cochin</strong></td>
<td>359</td>
<td>11</td>
<td>4½</td>
</tr>
<tr>
<td><strong>Eliza</strong></td>
<td>5</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Northampton</strong></td>
<td>65</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td><strong>Marquis of Wellington</strong></td>
<td>8</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td><strong>Sydney Packet</strong></td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td><strong>Entries of Colonial Vessels Pr. Abstract</strong></td>
<td>229</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td><strong>Sailing of Do. Do.</strong></td>
<td>6</td>
<td>11</td>
<td>0</td>
</tr>
</tbody>
</table>

**Duty on 3,941 Gallons of Spirits issued from H.M. Bonded Store to Individuals @ 7s.**

| | 1,379 | 7 | 0 |

**Deduct Nav. Officer's Commission of 5 pr. Cent.**

| | 7,856 | 4 | 2½ |

**Balance due to Government**

| | 392 | 16 | 2½ |

---

**Naval Office, Sydney, New South Wales, 30th day of June, 1815. Errors Excepted.**

**JOHN PIPER, Nav'l Off'r.**

---

**EXPLANATION of the within Estimate of Duties.**

**Union**

<table>
<thead>
<tr>
<th>To Entry and Port Clearance</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duty on 1,871 Galls. rum less issued to Kangaroo</td>
<td>542</td>
<td>8</td>
<td>6</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rate</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1,471 @ 7s.</strong></td>
<td>514</td>
<td>17</td>
<td>0</td>
</tr>
<tr>
<td>Duty on 10 Galls. wine 9d.</td>
<td>0</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>wharfage on 762 Packages 6d.</td>
<td>19</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Mooring chains 3 weeks</td>
<td>3</td>
<td>3</td>
<td>0</td>
</tr>
</tbody>
</table>

**Frederick**

<table>
<thead>
<tr>
<th>To Entry and Port Clearance</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ad. Val. on £6,047 1s. 11d. @ 5 pr. Ct.</td>
<td>302</td>
<td>7</td>
<td>0½</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rate</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duty on 10,066 Galls. rum @ 7s. 3,523</td>
<td>9</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Do. 9,307 do. remains unissued 3,805 in Bond'd Store</td>
<td>5,502</td>
<td>5</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rate</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duty on 280 Galls. wine 9d.</td>
<td>1,375</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>wharfage on 639 Packs. 6d.</td>
<td>15</td>
<td>19</td>
<td>6</td>
</tr>
<tr>
<td>Do. 7½ Tons Iron 6s.</td>
<td>18</td>
<td>4</td>
<td>6</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rate</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,234</td>
<td>13</td>
<td>6½</td>
<td></td>
</tr>
</tbody>
</table>
MACQUARIE TO BATHURST.

[Enclosure No. 9]—continued.

EXPLANATION of the within Estimate of Duties—continued.

Indefatigable—

<table>
<thead>
<tr>
<th>Vessel</th>
<th>To Entry</th>
<th>Duty on 403 Galls. wine 9d</th>
<th>wharfage on 41 Packs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>£ 6 15 0</td>
<td>15 2 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1 0 6</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Vessel</th>
<th>Wharfage on 884 Packs. 6d</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£ 22 2 0</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Catherine—

<table>
<thead>
<tr>
<th>Vessel</th>
<th>To Entry and Port Clearance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£ 2 5 0</td>
</tr>
</tbody>
</table>

Cochin—

<table>
<thead>
<tr>
<th>Vessel</th>
<th>To Entry</th>
<th>Duty of 430 Galls. Brandy @ 7s.</th>
<th>Ad. Val. on 3,644 Galls. 8s. @ 5 pr. Ct.</th>
<th>wharfage on 884 Packs. 6d.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>£ 4 15 0</td>
<td>£ 150 10 0</td>
<td>£ 182 4 4 1/2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>£ 22 2 0</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>£ 359 11 4 1/2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Eliza—

<table>
<thead>
<tr>
<th>Vessel</th>
<th>To Entry and Port Clearance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£ 5 0</td>
</tr>
</tbody>
</table>

Northampton—

<table>
<thead>
<tr>
<th>Vessel</th>
<th>To Entry</th>
<th>Ad. Val. on £925 @ 5 pr. Ct.</th>
<th>Wharfage on 500 Packs.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>£ 46 5 0</td>
<td>£ 12 10 0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>£ 65 10 0</td>
<td></td>
</tr>
</tbody>
</table>

Marquis Wellington—

<table>
<thead>
<tr>
<th>Vessel</th>
<th>To Clearance</th>
<th>Mooring Chains</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£ 0 5 0</td>
<td>£ 8 0 0</td>
</tr>
<tr>
<td></td>
<td>£ 8 5 0</td>
<td></td>
</tr>
</tbody>
</table>

Entries of Colonial Vessels at the Naval Office, Sydney, from the 1st day of April to the 30th day of June, 1815.

<table>
<thead>
<tr>
<th>Vessel</th>
<th>From Whence</th>
<th>Bus's.</th>
<th>General Cargo</th>
<th>Duty.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Wheat.</td>
<td>Feet of Cedar</td>
<td>Tons of Coals.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maize.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

April

<table>
<thead>
<tr>
<th>Date</th>
<th>Vessels Name</th>
<th>From Whence</th>
<th>Bush's.</th>
<th>General Cargo</th>
<th>Duty.</th>
</tr>
</thead>
<tbody>
<tr>
<td>04/06</td>
<td>Windsor</td>
<td>Hawky.</td>
<td>400</td>
<td>0</td>
<td>£ 0 2 0</td>
</tr>
<tr>
<td>04/07</td>
<td>Improve't.</td>
<td>Do</td>
<td>100</td>
<td>0</td>
<td>£ 0 2 0</td>
</tr>
<tr>
<td>04/08</td>
<td>Mary Anne</td>
<td>New Castle</td>
<td>2499</td>
<td>14</td>
<td>£ 42 2 3</td>
</tr>
<tr>
<td>04/11</td>
<td>Hawky. Packet</td>
<td>Do</td>
<td>200</td>
<td>18</td>
<td>£ 13 15 0</td>
</tr>
<tr>
<td>04/12</td>
<td>Recovery</td>
<td>Hawky.</td>
<td>200</td>
<td>0</td>
<td>£ 0 2 0</td>
</tr>
<tr>
<td>04/24</td>
<td>Mary Anne</td>
<td>New Castle</td>
<td>22</td>
<td>18</td>
<td>£ 13 15 0</td>
</tr>
<tr>
<td>04/25</td>
<td>Mary</td>
<td>Broken Bay</td>
<td>2000</td>
<td>13 15 0</td>
<td></td>
</tr>
<tr>
<td>05/29</td>
<td>Hawky. Packet</td>
<td>New Castle</td>
<td>18</td>
<td>13 15 0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Henrietta</td>
<td>Derwent</td>
<td>1500</td>
<td>0 5 0</td>
<td></td>
</tr>
</tbody>
</table>

May

<table>
<thead>
<tr>
<th>Date</th>
<th>Vessels Name</th>
<th>From Whence</th>
<th>Bush's.</th>
<th>General Cargo</th>
<th>Duty.</th>
</tr>
</thead>
<tbody>
<tr>
<td>05/03</td>
<td>Betsey</td>
<td>Hawky.</td>
<td>100</td>
<td>0 2 0</td>
<td></td>
</tr>
<tr>
<td>05/04</td>
<td>Windsor</td>
<td>Do</td>
<td>200</td>
<td>0 2 0</td>
<td></td>
</tr>
<tr>
<td>05/04</td>
<td>Union</td>
<td>Do</td>
<td>200</td>
<td>0 2 0</td>
<td></td>
</tr>
<tr>
<td>05/06</td>
<td>Mary Anne</td>
<td>New Castle</td>
<td>253</td>
<td>13 15 0</td>
<td></td>
</tr>
<tr>
<td>05/24</td>
<td>Mary</td>
<td>Do</td>
<td>5005 10</td>
<td>0 5 0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Improve't.</td>
<td>Hawkesy.</td>
<td>2160</td>
<td>13 15 0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Betsey</td>
<td>Do</td>
<td>100</td>
<td>0 2 0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hawkesy. Packet</td>
<td>New Castle</td>
<td>18</td>
<td>13 15 0</td>
<td></td>
</tr>
<tr>
<td>June</td>
<td>Windsor</td>
<td>Hawkesy.</td>
<td>50</td>
<td>0 2 0</td>
<td></td>
</tr>
</tbody>
</table>

1816. 18 March.  

Account of fees and duties collected by naval officer.
Entries of colonial vessels.

<table>
<thead>
<tr>
<th>Date</th>
<th>Vessels Name</th>
<th>From Whence</th>
<th>Bush's Wh.</th>
<th>Maize</th>
<th>Feet of Cedar</th>
<th>Tons of Coals</th>
<th>General Cargo</th>
<th>Duty</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 6</td>
<td>Recovery</td>
<td>Hawkesy.</td>
<td>200</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Union</td>
<td>Do</td>
<td>89</td>
<td>360</td>
<td>18</td>
<td></td>
<td></td>
<td>0 2 0</td>
</tr>
<tr>
<td>20</td>
<td>Hawky. Packet</td>
<td>Macq. Isd.</td>
<td></td>
<td></td>
<td>4700</td>
<td>25½ Tons Oil.</td>
<td></td>
<td>0 2 0</td>
</tr>
<tr>
<td>23</td>
<td>Elizt. &amp; Mary</td>
<td>Hawky.</td>
<td>50</td>
<td>250</td>
<td></td>
<td></td>
<td></td>
<td>0 2 0</td>
</tr>
<tr>
<td>27</td>
<td>Anna Maria</td>
<td>Do</td>
<td>60</td>
<td>600</td>
<td></td>
<td></td>
<td></td>
<td>0 2 0</td>
</tr>
</tbody>
</table>

Naval Office, Sydney, 30th June, 1815.

E.E. John Piper, Nav'l Off'r.

Sailings of Colonial Vessels from the Naval Office, Sydney, from the 1st day of April to the 30th day of June, 1815.

<table>
<thead>
<tr>
<th>Date</th>
<th>Vessels Name</th>
<th>Where Bound</th>
<th>General Cargo</th>
<th>Duty</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 3</td>
<td>Union</td>
<td>Hawky.</td>
<td>Ballast</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Whale</td>
<td>Do</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>10</td>
<td>John Palmer</td>
<td>Port Dalrymple</td>
<td>Do</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Hope</td>
<td>Hawky.</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>12</td>
<td>Elizt. &amp; Mary</td>
<td>Macquarie Isd.</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>13</td>
<td>Hawky. Packet</td>
<td>New Castle</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>14</td>
<td>Windsor</td>
<td>Hawky.</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>15</td>
<td>Mary Anne</td>
<td>New Castle</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>16</td>
<td>Endeavour</td>
<td>Society Isds.</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>17</td>
<td>Recovery</td>
<td>Hawky.</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>18</td>
<td>Improvement</td>
<td>Do</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>27</td>
<td>Active</td>
<td>New Zealand</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>28</td>
<td>Hawky. Packet</td>
<td>New Castle</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>29</td>
<td>Mary Anne</td>
<td>Do</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>30</td>
<td>King George</td>
<td>South Sea Isds.</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>May 2</td>
<td>Mary</td>
<td>Hawkesy</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>5</td>
<td>Governor Bligh</td>
<td>New Zealand</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>9</td>
<td>Hawky. Packet</td>
<td>New Castle</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>10</td>
<td>Hope</td>
<td>Hawkesy</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>11</td>
<td>Betsy</td>
<td>Do</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>12</td>
<td>Recovery</td>
<td>Do</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>13</td>
<td>Union</td>
<td>Do</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>18</td>
<td>Windsor</td>
<td>Do</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>23</td>
<td>Anna Maria</td>
<td>Do</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>24</td>
<td>Henrietta</td>
<td>Do</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>25</td>
<td>Trial</td>
<td>Do</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>26</td>
<td>Brothers</td>
<td>New Zealand</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>30</td>
<td>Mary Anne</td>
<td>New Castle</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>June 2</td>
<td>Betsy</td>
<td>Hawky.</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>3</td>
<td>Hawky. Packet</td>
<td>New Castle</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>10</td>
<td>Whale</td>
<td>Hawky.</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>13</td>
<td>Elizabeth</td>
<td>Port Dalrymple</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>16</td>
<td>Recovery</td>
<td>Hawky.</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>23</td>
<td>Hawky. Packet</td>
<td>Hawky.</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>24</td>
<td>Windsor</td>
<td>Do</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
</tbody>
</table>

Naval Office, Sydney, 30th June, 1815.

E.E. John Piper, Nav'l Off'r.
[Enclosure No. 9]—continued.

REPORT of Ships and Vessels entered Inwards at Port Jackson in His Majesty's Colony of New South Wales from 1st July to 30th Septembr'r, 1815.

<table>
<thead>
<tr>
<th>Date of Entry</th>
<th>Vessel's Name</th>
<th>Master</th>
<th>Build</th>
<th>Number of Tons</th>
<th>Where Built</th>
<th>Registered</th>
<th>Name of Owner</th>
<th>From Whence</th>
<th>General Cargo</th>
<th>Duty and Fees of Entry</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 5th</td>
<td>Brig Udney</td>
<td>Sl. Ashmore</td>
<td>Calcutta</td>
<td>160</td>
<td>Calcutta</td>
<td>Scott &amp; Co.</td>
<td>Calcutta</td>
<td>See Appendix</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Phoenix</td>
<td>Wm Parker</td>
<td>Foreign</td>
<td>341</td>
<td>France</td>
<td>London</td>
<td>W. Bennett &amp; Co.</td>
<td>See Appendix</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Augt. 7th</td>
<td>Canada</td>
<td>Jno Grigg</td>
<td>British</td>
<td>403</td>
<td>North Shields</td>
<td>Josh Reeve &amp; Co.</td>
<td>London</td>
<td>See Appendix</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Francis &amp; Eliza</td>
<td>Wm. Harrison</td>
<td>Do</td>
<td>377</td>
<td>London</td>
<td>Do</td>
<td>Herring &amp; Hutchins</td>
<td>See Appendix</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Hebe</td>
<td>Jas. Porter</td>
<td>Do</td>
<td>416</td>
<td>Hull</td>
<td>Do</td>
<td>Staniforth &amp; Blunt</td>
<td>See Appendix</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>Spring</td>
<td>Wm. Bunster</td>
<td>Plantation</td>
<td>150</td>
<td>Bermuda</td>
<td>Do</td>
<td>Lord &amp; Co.</td>
<td>See Appendix</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sept. 8th</td>
<td>Cretan</td>
<td>Josh. Moore</td>
<td>Foreign</td>
<td>356</td>
<td>Isle of Crete</td>
<td>Do</td>
<td>Birnie &amp; Co.</td>
<td>See Appendix</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Baring</td>
<td>Jno. Lamb</td>
<td>British</td>
<td>890</td>
<td>Deptford</td>
<td>Do</td>
<td>Buckle &amp; Co.</td>
<td>See Appendix</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


APPENDIX OF CARGOES.

Brig Udney.—36 Bales Piece Goods, Canvas Bags, and Canvas, 2 Trunks Sundries, 410 Bags Sugar and Salt Petre, 181 Boxes Tallow Candles, Soap, Window Glass, and Crockery Ware, 66 Cwt. Bar Iron, 1,000 Bundles Rattan, 36 Cwt. Caiar, 3 Packs. Tea, 1 Case Ginger, 2 Shawls.

Phoenix.—42 Tons Sperm Oil.

Canada.—Prisoners and Stores for the Colony.

Francis and Eliza.—Prisoners and Stores for the Colony.

Hebe.—636 Cases, Trunks and Packs. Merchandise, 353 Hhds. and Butts Porter, and 42 Tons Iron.

Spring.—5,900 Seal Skins, 2,500 Kangaroo Do., 1,300 Bus. Wheat, 15 Tons Potatoes.

Cretan.—178 Hhds. Ale and Porter, 2 Casks Slops, 834 Galls. Linseed Oil, 5 Tons Iron Hoops and Rivets, 1 Bag Corks.

Baring.—83 Packages Merchandise, 66 Rolls Tobacco, 1½ Tons Iron, 20 Tierses Cyder, 10 Casks Dorset Ale.
[Enclosure No. 9]—continued.

Report of Ships and Vessels cleared Outwards from Port Jackson in His Majesty’s Colony of New South Wales from 1st July to 30th September, 1815.

<table>
<thead>
<tr>
<th>Date</th>
<th>Name of Vessel</th>
<th>Master</th>
<th>Number of Tons</th>
<th>Build</th>
<th>Where Built</th>
<th>Registered</th>
<th>Owners' Name</th>
<th>Where bound</th>
<th>General Cargo</th>
<th>Clearance Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 10th</td>
<td>Indefatigable</td>
<td>M. Bowles</td>
<td>549 12 45</td>
<td>British</td>
<td>Whithy</td>
<td>London</td>
<td>Attys &amp; Co.</td>
<td>Java</td>
<td>4 Tons Coals 4 Horses</td>
<td>£ 6 8 0</td>
</tr>
<tr>
<td></td>
<td>Campb’l Macquarie</td>
<td>R’d Siddons</td>
<td>135 18</td>
<td>Calcutta</td>
<td>Calcutta</td>
<td>Calcutta</td>
<td>Alexander &amp; Co.</td>
<td>Calcutta</td>
<td>80 Do 70 Spurs 33½ Tons Oil.</td>
<td>0 5 0</td>
</tr>
<tr>
<td></td>
<td>Cochin</td>
<td>Robt. Pearson</td>
<td>203 33</td>
<td>Foreign</td>
<td>Cochin</td>
<td>Do</td>
<td>Hogue &amp; Co.</td>
<td>Do</td>
<td>10 Tons Coals</td>
<td>0 5 0</td>
</tr>
<tr>
<td>Augt. 18</td>
<td>Sidney</td>
<td>S’l Ashmore</td>
<td>160 33</td>
<td>Plantation</td>
<td>Calcutta</td>
<td>Do</td>
<td>Scott &amp; Co.</td>
<td>Do</td>
<td>60 Do</td>
<td>0 5 0</td>
</tr>
<tr>
<td>Sept. 18</td>
<td>Spring</td>
<td>Wm. Bunster</td>
<td>150 13</td>
<td>Do</td>
<td>Bermuda</td>
<td>London</td>
<td>Lord &amp; Co.</td>
<td>Derwent</td>
<td>30 Hhds Porter, 1 Pipe Madeira Wine, 16 Cases and Trunks Merchandize.</td>
<td>£ 7 8 0</td>
</tr>
</tbody>
</table>

Errors Excepted.

John Piper, Navl Off’r.

Naval Office, Sydney, New South Wales, 30th Septr., 1815.
### ESTIMATE of Duties Collected by the Naval Officer from 1st July to 30th September, 1815.

<table>
<thead>
<tr>
<th>Vessel</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Udney</td>
<td>1,202</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Phoenix</td>
<td>4</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>Canada</td>
<td>5</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>Francis and Eliza</td>
<td>4</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>Hebe</td>
<td>32</td>
<td>17</td>
<td>0</td>
</tr>
<tr>
<td>Spring</td>
<td>3</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>Cretan</td>
<td>17</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Baring</td>
<td>366</td>
<td>13</td>
<td>11 1/2</td>
</tr>
<tr>
<td>Indefatigable</td>
<td>6</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>Campbell Macquarie</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Cochin</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Udney</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Spring</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Duty of 1,566 Galls. Spirits to Individuals @ 7s.</td>
<td>548</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Do. on 1,205 Do.</td>
<td>5</td>
<td>301</td>
<td>5</td>
</tr>
<tr>
<td>Do. on 1,100 Do. to Mr. Blaxland Contractor @ 3s.</td>
<td>165</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Entries of Colonial Vessels Pr. Abstract</td>
<td>118</td>
<td>10</td>
<td>9</td>
</tr>
<tr>
<td>Sailings of Do. Pr. Do.</td>
<td>3</td>
<td>14</td>
<td>0</td>
</tr>
</tbody>
</table>

**Total:** £2,781 11 11 1/2

**Deduct Naval Officer's Comm'n 5 P. Cent.** £139 1 7

**Bal'e due Govern't:** £2,642 10 4 1/2

---

**Naval Office, Sydney, New South Wales,**

30th Sepr., 1815. Errors Excepted.

**JOHN PIPER, Nav'l Off'r.**

---

### EXPLANATION of the preceding Estimate of Duties.

#### Udney—

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Entry</td>
<td>2</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>Ad. Val. on £5,881 6s. 3d.</td>
<td>294</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Duty on 5,214 Galls. Wine @ 9d.</td>
<td>195</td>
<td>10</td>
<td>6</td>
</tr>
<tr>
<td>Do. on 2,890 Do. Rum for the Contractors @ 3s.</td>
<td>433</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Duty on 722 Galls. Rum 7s.</td>
<td>252</td>
<td>14</td>
<td>0</td>
</tr>
<tr>
<td>Wharfage on 800 Packs. 6d.</td>
<td>20</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Do. on 8 1/4 Tons Iron &amp; 3 1/4 Do. Cov. Yarns 6s.</td>
<td>3</td>
<td>10</td>
<td>6</td>
</tr>
</tbody>
</table>

**Total:** £1,202 1 3

#### Phoenix—

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Entry</td>
<td>4</td>
<td>15</td>
<td>0</td>
</tr>
</tbody>
</table>

#### Canada—

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do.</td>
<td>5</td>
<td>15</td>
<td>0</td>
</tr>
</tbody>
</table>

#### Francis & Eliza—

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do.</td>
<td>4</td>
<td>15</td>
<td>0</td>
</tr>
</tbody>
</table>
84 HISTORICAL RECORDS OF AUSTRALIA.

[Enclosure No. 9]—continued.

EXPLANATION of the preceding Estimate of Duties—continued.

**Hebe**—

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Entry</td>
<td>5</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Wharfage on 706 Packs. @ 6d.</td>
<td>17</td>
<td>13</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Do. on 31 tons Iron 6s.</td>
<td>9</td>
<td>9</td>
<td>0</td>
</tr>
</tbody>
</table>

**Spring**—

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Entry and Clearance</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Cretan**—

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Entry</td>
<td>5</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Wharfage on 400 Packs. 6d.</td>
<td>10</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Do. on 5 Tons Iron 6s.</td>
<td>1</td>
<td>10</td>
<td>0</td>
</tr>
</tbody>
</table>

**Baring**—

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Entry</td>
<td>6</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Ad. Val. on £253 19s. 4d.</td>
<td>12</td>
<td>13</td>
<td>1½</td>
</tr>
<tr>
<td>&quot; Duty on 962 Galls. Spirits 7s.</td>
<td>36</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Do. on 50 Doz. Wine (120 Galls.)</td>
<td>4</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Wharfage on 227 Packs. 6d.</td>
<td>5</td>
<td>13</td>
<td>6</td>
</tr>
<tr>
<td>&quot; Do. on 1½ Tons Iron 6s.</td>
<td>0</td>
<td>7</td>
<td>6</td>
</tr>
</tbody>
</table>

**Indefatigable**—

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Clearance</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Mooring Chains</td>
<td>6</td>
<td>3</td>
<td>0</td>
</tr>
</tbody>
</table>

**Campbell Macquarie**—

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Clearance</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
</tbody>
</table>

**Cochin**—

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Do.</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
</tbody>
</table>

**Udney**—

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Do.</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
</tbody>
</table>

**Spring**—

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Do.</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
</tbody>
</table>

Entries of Colonial Vessels at the Naval Office, Sydney, from 1st July to 30th September, 1815.

<table>
<thead>
<tr>
<th>Date</th>
<th>Vessels Name</th>
<th>From whence</th>
<th>Bushels</th>
<th>Feet of</th>
<th>Tons of</th>
<th>General</th>
<th>Duty.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Wheat</td>
<td>Cedar</td>
<td>Coals</td>
<td>Cargo for</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Maize</td>
<td></td>
<td></td>
<td></td>
<td>£ s. d.</td>
</tr>
<tr>
<td>July 3</td>
<td>Mary Ann</td>
<td>New Castle</td>
<td>60</td>
<td>200</td>
<td>3765</td>
<td>10</td>
<td>54</td>
</tr>
<tr>
<td>4</td>
<td>Recovery</td>
<td>Hawkesby</td>
<td>200</td>
<td></td>
<td></td>
<td></td>
<td>16</td>
</tr>
<tr>
<td></td>
<td>&quot; Mary</td>
<td>Do</td>
<td>2000</td>
<td>Bus. Lime</td>
<td>10</td>
<td></td>
<td>16</td>
</tr>
<tr>
<td>15</td>
<td>Betsey</td>
<td></td>
<td>350</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Augt. 3</td>
<td>Hawkesby</td>
<td>Packet</td>
<td>900</td>
<td></td>
<td></td>
<td>Do</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>&quot; Hope</td>
<td></td>
<td>80</td>
<td>300</td>
<td></td>
<td>Do</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>&quot; Whale</td>
<td></td>
<td>200</td>
<td>200</td>
<td></td>
<td>Do</td>
<td>0</td>
</tr>
<tr>
<td>9</td>
<td>Mary</td>
<td>Do</td>
<td>2000</td>
<td>Bush. Lime</td>
<td>10</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Active</td>
<td>New Zealand</td>
<td>130</td>
<td>Logs &amp; Spars 1 Ton</td>
<td></td>
<td>Individls</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Flax</td>
<td></td>
<td></td>
<td>Government</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Anna Maria</td>
<td>Hawkesby</td>
<td>300</td>
<td></td>
<td></td>
<td>Do</td>
<td>0</td>
</tr>
<tr>
<td>15</td>
<td>Recovery</td>
<td></td>
<td>300</td>
<td></td>
<td></td>
<td>Do</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>&quot; Union</td>
<td></td>
<td>70</td>
<td>400</td>
<td></td>
<td>Do</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>&quot; Improvement</td>
<td></td>
<td>29 Do</td>
<td>471</td>
<td></td>
<td>Do</td>
<td>0</td>
</tr>
</tbody>
</table>

Account of fees and duties collected by naval officer.
### ENTRIES of Colonial Vessels, &c.—continued.

<table>
<thead>
<tr>
<th>Date</th>
<th>Vessels Name</th>
<th>From whence</th>
<th>Bushels</th>
<th>Feet of Cedar</th>
<th>Tons of Coals</th>
<th>General Cargo for</th>
<th>Duty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sepr. 10</td>
<td>Eliz'h Cutter</td>
<td>Port Dalrymple</td>
<td>160</td>
<td>three hundred &amp; forty Seal Skins, five hundred &amp; fifty Kangs. Do</td>
<td></td>
<td></td>
<td>£ s. d.</td>
</tr>
<tr>
<td>14</td>
<td>Windsor</td>
<td>Hawkesby.</td>
<td>30</td>
<td>500</td>
<td></td>
<td></td>
<td>0 2 0</td>
</tr>
<tr>
<td>&quot;</td>
<td>Whale</td>
<td>Do</td>
<td>430</td>
<td></td>
<td></td>
<td></td>
<td>0 2 0</td>
</tr>
<tr>
<td>18</td>
<td>Hope</td>
<td>Do</td>
<td>300</td>
<td></td>
<td></td>
<td></td>
<td>0 2 0</td>
</tr>
<tr>
<td>&quot;</td>
<td>Hawkesby. Packet</td>
<td>Newcastle</td>
<td></td>
<td></td>
<td>18</td>
<td></td>
<td>13 15 0</td>
</tr>
<tr>
<td>&quot;</td>
<td>Mary</td>
<td>Do</td>
<td></td>
<td></td>
<td>34</td>
<td></td>
<td>25 15 0</td>
</tr>
<tr>
<td>30</td>
<td>Geordy</td>
<td>Derwent</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0 5 0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>£ 118 10 9</td>
</tr>
</tbody>
</table>


JOHN PIPER, Nav'l Off'r.

### SAILINGS of Colonial Vessels from the Naval Office from 1st July to 30th September, 1815.

<table>
<thead>
<tr>
<th>Date</th>
<th>Vessels Name</th>
<th>Where Bound</th>
<th>General Cargo</th>
<th>Duty</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1</td>
<td>Edwin</td>
<td>Hawkesbury</td>
<td>Ballast</td>
<td>£ s. d.</td>
</tr>
<tr>
<td>6</td>
<td>Anna Maria</td>
<td>Do</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>15</td>
<td>Elizabeth &amp; Mary</td>
<td>Do</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>&quot;</td>
<td>Hawkesby. Packet</td>
<td>Hawkesbury</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>&quot;</td>
<td>Hope</td>
<td>Do</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>15</td>
<td>Anna Maria</td>
<td>Do</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>18</td>
<td>Windsor</td>
<td>Do</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>26</td>
<td>Recovery</td>
<td>Do</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>31</td>
<td>Happy Return</td>
<td>Do</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>Sept. 8</td>
<td>Active</td>
<td>New Zealand</td>
<td>Sundries</td>
<td>0 5 0</td>
</tr>
<tr>
<td>9</td>
<td>Mary</td>
<td>Newcastle</td>
<td>Ballast</td>
<td>0 5 0</td>
</tr>
<tr>
<td>10</td>
<td>Mary Ann</td>
<td>Do</td>
<td>Do</td>
<td>0 5 0</td>
</tr>
<tr>
<td>&quot;</td>
<td>Union</td>
<td>Hawkesbury</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>15</td>
<td>Improvement</td>
<td>Do</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>16</td>
<td>Happy Return</td>
<td>Do</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>21</td>
<td>Hope</td>
<td>Do</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>&quot;</td>
<td>Hawkesby Packet</td>
<td>Newcastle</td>
<td>Do</td>
<td>0 5 0</td>
</tr>
<tr>
<td>22</td>
<td>Windsor</td>
<td>Hawkesbury</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>29</td>
<td>Whale</td>
<td>Do</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>26</td>
<td>Mary</td>
<td>Newcastle</td>
<td>Do</td>
<td>0 5 0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>£ 13 14 0</td>
</tr>
</tbody>
</table>


JOHN PIPER, Nav'l Off'r.
**Enclosure No. 9**—continued.

Report of Ships and Vessels entered Inwards at Port Jackson in His Majesty's Colony of New South Wales for the Quarter ending 31st Decem'r, 1815.

<table>
<thead>
<tr>
<th>Date of Entry</th>
<th>Name of Vessel</th>
<th>Master</th>
<th>Build</th>
<th>Number of</th>
<th>Where built</th>
<th>Registered</th>
<th>Name of Owner</th>
<th>From Whence</th>
<th>General Cargo</th>
<th>Duty and Fees of Entry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decr. 12th</td>
<td>Amelia</td>
<td>S'T Shaw</td>
<td>Foreign</td>
<td>90</td>
<td>2 23</td>
<td>Cochin</td>
<td>Calcutta</td>
<td>S'T Shaw</td>
<td>Calcutta</td>
<td>See Appendix</td>
</tr>
</tbody>
</table>

Spirits Imported.—Rum, 3 Casks, 413 Gallons; Brandy, 2 Casks, 249 Gallons; Gin, 2 Casks, 241 Gallons.

Cargo of the Amelia.—278 Bags Sugar, 273 Bags Soup, 75 Bags Rice, 4 Casks Tar, 1 Do. Dammer, 6 Do. Sago, 4,000 Gunny Bags, 60 Bales Piece Goods, 6 Cases Do., 6 Do. Furniture, 9 Bales Sundries, 3 Packages Do., 4 Do. (Buggy), 60 Bolts Canvas, 24 Coils Rope, 12 Bundles Twine.

Report of Ships and Vessels cleared Outwards from Port Jackson in His Majesty's Colony of New South Wales for the Quarter ending 31st Decem'r, 1815.

<table>
<thead>
<tr>
<th>Date of 1815</th>
<th>Vessel's Name</th>
<th>Master</th>
<th>Number of</th>
<th>Build</th>
<th>Where Built</th>
<th>Registered</th>
<th>Owner's Name</th>
<th>Where bound</th>
<th>General Cargo</th>
<th>Clearance Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Octr. 11</td>
<td>Cretan</td>
<td>Josh. Moore</td>
<td>356</td>
<td>8 27</td>
<td>Foreign</td>
<td>Isle of Crete</td>
<td>London</td>
<td>Birnie &amp; Co.</td>
<td>Whale Fishery</td>
<td>Ballast</td>
</tr>
<tr>
<td>21</td>
<td>Canada</td>
<td>John Grigg</td>
<td>403</td>
<td>8 22</td>
<td>British</td>
<td>North Shields</td>
<td>Do</td>
<td>Josh. Reeve &amp; Co.</td>
<td>Java</td>
<td>Do (charges for Moorings)</td>
</tr>
<tr>
<td>Nov. 1</td>
<td>Francis &amp; Eliza</td>
<td>Wm. Harrison</td>
<td>347</td>
<td>8 22</td>
<td>Do</td>
<td>London</td>
<td>Do</td>
<td>Herring &amp; Hutchinson</td>
<td>Do</td>
<td>0 5 0</td>
</tr>
<tr>
<td>2</td>
<td>Phenix</td>
<td>Wm. Parker</td>
<td>416</td>
<td>8 22</td>
<td>Foreign</td>
<td>Do</td>
<td>Do</td>
<td>Bennett &amp; Co.</td>
<td>Do</td>
<td>See Appendix</td>
</tr>
<tr>
<td>5</td>
<td>Baring</td>
<td>John Lamb</td>
<td>580</td>
<td>14 71</td>
<td>British</td>
<td>Do</td>
<td>Do</td>
<td>Buckle &amp; Co.</td>
<td>Do</td>
<td>See Appendix</td>
</tr>
<tr>
<td>7</td>
<td>Hebe</td>
<td>Jas. Porter</td>
<td>416</td>
<td>13 33</td>
<td>Do</td>
<td>Do</td>
<td>Do</td>
<td>Staniford &amp; Blunt</td>
<td>Do</td>
<td>Ballast (charges for Moorings)</td>
</tr>
<tr>
<td>7</td>
<td>Northampton</td>
<td>J. A. T weer</td>
<td>501</td>
<td>14 43</td>
<td>Do</td>
<td>Rotherhithe</td>
<td>Do</td>
<td>Tibbutt, Batson &amp; Co.</td>
<td>Canton</td>
<td>See Appendix Do</td>
</tr>
</tbody>
</table>

**APPENDIX.**

*Phenix.*—60 Tons Sperim Oil.  
*Baring.*—139 Grind Stones, 1,500 Hides, 380 Tons Coals, 96 Spars, 4 Pipes Brandy imported in the Hebe by Mr. Riley, 7 Hhds. Madeira Wine, and 479 lbs. Copper.  
*Northampton.*—16 Tons Sandal Wood, 4,040 Seal Skins.  
*Naval Office, Sydney, 31st Decem'r, 1815.*  
E.E.  
*John Piper, Naval Off'r.*
**MACQUARIE TO BATHURST.**

[Enclosure No. 9]—continued.

**ESTIMATE of Duties Collected by the Naval Officer for the Quarter ending 31st Decem'r, 1815.**

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Amelia</td>
<td>188</td>
<td>1</td>
<td>9</td>
</tr>
<tr>
<td>Entries of Colonial Vessels Pr. Abstract</td>
<td>843</td>
<td>13</td>
<td>9</td>
</tr>
<tr>
<td>Sailing of Do. Pr. Do.</td>
<td>6</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>Clearance of Foreign Vessels Pr. Report</td>
<td>16</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Auction Duties from Mr. D. Bevan</td>
<td>43</td>
<td>17</td>
<td>9</td>
</tr>
<tr>
<td>Do. from Mr. R. Jenkins</td>
<td>29</td>
<td>15</td>
<td>10</td>
</tr>
<tr>
<td>Do. Mr. F. Oakes</td>
<td>14</td>
<td>11</td>
<td>10f</td>
</tr>
<tr>
<td>Duty on—</td>
<td>4,220</td>
<td>1</td>
<td>11f</td>
</tr>
<tr>
<td>3,998 Galls. Spirits imported Pr. Sydney Packet 7s.</td>
<td>1,399</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>479 Do. Cochin</td>
<td>167</td>
<td>13</td>
<td>0</td>
</tr>
<tr>
<td>199 Do. Frederick (1814) 5s.</td>
<td>49</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>1,208 Do. Udney 7s.</td>
<td>422</td>
<td>16</td>
<td>0</td>
</tr>
<tr>
<td>2,312 Do. Hebe</td>
<td>746</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>697 Do. Baring</td>
<td>243</td>
<td>19</td>
<td>0</td>
</tr>
<tr>
<td>136 Do. Amelia</td>
<td>47</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>Deduct Naval Officer's Comm'n of 5 p. Cent.</td>
<td>211</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Balance Due to Government</td>
<td>4,009</td>
<td>1</td>
<td>10f</td>
</tr>
</tbody>
</table>

Naval Office, Sydney, 31st Decem'r, 1815. E.E.

JOHN PIPER, Nav'l Off'r.

App'd:—L. MACQUARIE, 13 Jany., 1816.

**EXPLANATION of the foregoing Estimate of Duties.**

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Amelia—</td>
<td>188</td>
<td>1</td>
<td>9</td>
</tr>
<tr>
<td>To Entry</td>
<td>2</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Ad. Val. on £3,311 15s. 0d.</td>
<td>165</td>
<td>11</td>
<td>9</td>
</tr>
<tr>
<td>&quot; Wharfage on 800 Packs. 6d.</td>
<td>20</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Cretan—</td>
<td>11</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>To Clearance</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Canada—</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>To Do.</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Mooring Chains</td>
<td>11</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Francis and Eliza—</td>
<td>11</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>To Clearance</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Phoenix—</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>To Do.</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Baring—</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>To Do.</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Hebe—</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>To Do.</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Mooring Chains</td>
<td>0</td>
<td>14</td>
<td>0</td>
</tr>
<tr>
<td>Northampton—</td>
<td>0</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>To Clearance</td>
<td>2</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>&quot; Mooring Chains</td>
<td>2</td>
<td>17</td>
<td>0</td>
</tr>
</tbody>
</table>
**ENTRIES of Colonial Vessels at Port Jackson for the Quarter ending 31st Decem'r, 1815.**

<table>
<thead>
<tr>
<th>Date</th>
<th>Vessels Name</th>
<th>From Whence</th>
<th>General Cargo</th>
<th>Duty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1815.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oct. 2</td>
<td>Hawkesby. Packet</td>
<td>Newcastle</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Anna Maria</td>
<td>Hawkesby</td>
<td>150</td>
<td>251</td>
</tr>
<tr>
<td>3</td>
<td>Betsey</td>
<td>Do</td>
<td>350</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Improvement</td>
<td>Do</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Mary Ann</td>
<td>Newcastle</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Edwin</td>
<td>Hawkesby</td>
<td>54</td>
<td>678</td>
</tr>
<tr>
<td>16</td>
<td>Henrietta Packet</td>
<td>Port Dalrymple</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Windsor</td>
<td>Hawkesbury</td>
<td>370</td>
<td>20</td>
</tr>
<tr>
<td>18</td>
<td>Whale</td>
<td>Do</td>
<td>450</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>John Palmer</td>
<td>Port Dalrymple</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Hawkesby. Packet</td>
<td>Newcastle</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Mary</td>
<td>Do</td>
<td></td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Govr. Macquarie</td>
<td>Marquesas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nov. 1</td>
<td>Brothers</td>
<td>New Zealand</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Hope</td>
<td>Newcastle</td>
<td>520</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Mary</td>
<td>Do</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Mary Ann</td>
<td>Do</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Hawkesy. Packet</td>
<td>Do</td>
<td>115</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Elizabeth &amp; Mary</td>
<td>Macq. Island</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Queen Charlotte</td>
<td>Marquesas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Improvement</td>
<td>Hawkesby</td>
<td>242</td>
<td>111</td>
</tr>
<tr>
<td>20</td>
<td>Mary Ann</td>
<td>Newcastle</td>
<td>32</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Mary</td>
<td>Do</td>
<td>33</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Endeavour</td>
<td>Marquesas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>Edwin</td>
<td>Hawkesby</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>Active</td>
<td>New Zealand</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>Whale</td>
<td>Hawkesby</td>
<td>450</td>
<td></td>
</tr>
<tr>
<td>Decr. 4</td>
<td>Mary Ann</td>
<td>Newcastle</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Brothers</td>
<td>Do</td>
<td>34</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Mary</td>
<td>Do</td>
<td>35</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Hawkesy. Packet</td>
<td>Do</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>King George</td>
<td>Marquesas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Elizabeth &amp; Mary</td>
<td>Newcastle</td>
<td>55</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Mary Ann</td>
<td>Do</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>Mary</td>
<td>Do</td>
<td>35</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Hawkesy. Packet</td>
<td>Do</td>
<td>18</td>
<td></td>
</tr>
</tbody>
</table>

Naval Office, Sydney, 31st Decem'r, 1815.  

E.E.  

John Piper, Nav'l Off'r.
Sailings of Colonial Vessels from Port Jackson for the Quarter ending 31st Decem'r, 1815.

<table>
<thead>
<tr>
<th>Date</th>
<th>Vessel's Name</th>
<th>Where bound</th>
<th>General Cargo</th>
<th>Duty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1815</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oct. 3</td>
<td>Hawkesy. Packet</td>
<td>Newcastle</td>
<td>Ballast</td>
<td>£ 5 0</td>
</tr>
<tr>
<td>7</td>
<td>Anna Maria</td>
<td>Hawkesby.</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>9</td>
<td>Mary Ann</td>
<td>Newcastle</td>
<td>Do</td>
<td>0 5 0</td>
</tr>
<tr>
<td>10</td>
<td>Mary</td>
<td>Do</td>
<td>Do</td>
<td>0 5 0</td>
</tr>
<tr>
<td>12</td>
<td>Elizabeth</td>
<td>Bass's Straits</td>
<td>Do</td>
<td>0 5 0</td>
</tr>
<tr>
<td>14</td>
<td>Geordy</td>
<td>Hobart Town</td>
<td>Do</td>
<td>0 5 0</td>
</tr>
<tr>
<td>16</td>
<td>Improvement</td>
<td>Hawkesbury</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>23</td>
<td>Hawkesby. Packet</td>
<td>Newcastle</td>
<td>Do</td>
<td>0 5 0</td>
</tr>
<tr>
<td>26</td>
<td>Edwin</td>
<td>Hawkesbury</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>28</td>
<td>Mary</td>
<td>Newcastle</td>
<td>Do</td>
<td>0 5 0</td>
</tr>
<tr>
<td>29</td>
<td>Whale</td>
<td>Hawkesbury</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>Nov. 6</td>
<td>Anna Maria</td>
<td>Do</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>9</td>
<td>Henrietta Packet</td>
<td>Derwent</td>
<td>Do</td>
<td>0 5 0</td>
</tr>
<tr>
<td>13</td>
<td>Mary Ann</td>
<td>Newcastle</td>
<td>Do</td>
<td>0 5 0</td>
</tr>
<tr>
<td>14</td>
<td>Mary</td>
<td>Do</td>
<td>Do</td>
<td>0 5 0</td>
</tr>
<tr>
<td>16</td>
<td>John Palmer</td>
<td>Port Dalrymple</td>
<td>Sundries</td>
<td>0 5 0</td>
</tr>
<tr>
<td>18</td>
<td>Brothers</td>
<td>Newcastle</td>
<td>Ballast</td>
<td>0 5 0</td>
</tr>
<tr>
<td>21</td>
<td>Govr. Macquarie</td>
<td>Otaheite</td>
<td>Sundries</td>
<td>0 5 0</td>
</tr>
<tr>
<td>22</td>
<td>Mary Ann</td>
<td>Newcastle</td>
<td>Ballast</td>
<td>0 5 0</td>
</tr>
<tr>
<td>23</td>
<td>Improvement</td>
<td>Hawkesbury</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>30</td>
<td>Mary</td>
<td>Newcastle</td>
<td>Do</td>
<td>0 5 0</td>
</tr>
<tr>
<td>Decr. 5</td>
<td>Hawkesy. Packet</td>
<td>Do</td>
<td>Do</td>
<td>0 5 0</td>
</tr>
<tr>
<td>6</td>
<td>Elizabeth &amp; Mary</td>
<td>Do</td>
<td>Do</td>
<td>0 5 0</td>
</tr>
<tr>
<td>6</td>
<td>Hope</td>
<td>Hawkesbury</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>12</td>
<td>Edwin</td>
<td>Hawkesbury</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>14</td>
<td>Whale</td>
<td>Do</td>
<td>Do</td>
<td>0 2 0</td>
</tr>
<tr>
<td>16</td>
<td>Mary</td>
<td>Newcastle</td>
<td>Do</td>
<td>0 5 0</td>
</tr>
<tr>
<td>17</td>
<td>Hawkesby. Packet</td>
<td>Do</td>
<td>Do</td>
<td>0 5 0</td>
</tr>
<tr>
<td>17</td>
<td>Brothers</td>
<td>Do</td>
<td>Do</td>
<td>0 5 0</td>
</tr>
<tr>
<td>29</td>
<td>Elizabeth &amp; Mary</td>
<td>Do</td>
<td>Do</td>
<td>0 5 0</td>
</tr>
<tr>
<td>30</td>
<td>Rosetta</td>
<td>Fishy. N. Zealand</td>
<td>Do</td>
<td>0 5 0</td>
</tr>
</tbody>
</table>

£6 15 0

John Piper, Nav'l Off'r.

Naval Office, Sydney, 31st Decr., 1815. E.E.
[Enclosure No. 11.]

A General Statement of the Inhabitants of New South Wales taken by His Excellency Governor Macquarie and Acting Assistant Commissary General Broughton from the sixth Day of November to the sixth Day of December, 1815, inclusive.

<table>
<thead>
<tr>
<th>Civil Department Victualled</th>
<th>Military Department Victualled</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governor and Commander-in-Chief</td>
<td>Lieutenant-Colonel</td>
</tr>
<tr>
<td>Secretary to the Governor</td>
<td>Majors</td>
</tr>
<tr>
<td>Judge</td>
<td>Captains</td>
</tr>
<tr>
<td>Solicitor</td>
<td>Lieutenants</td>
</tr>
<tr>
<td>Provost Marshal</td>
<td>Ensigns</td>
</tr>
<tr>
<td>Clergy and Misses</td>
<td>Paymaster</td>
</tr>
<tr>
<td>Assistant Surgeon</td>
<td>Quartermaster</td>
</tr>
<tr>
<td>Surveyor General of Lands</td>
<td>Surgeon</td>
</tr>
<tr>
<td>Deputy Surveyor General</td>
<td>Asst. Surgeon</td>
</tr>
<tr>
<td>Naval Officer</td>
<td>Sergents and Corporals</td>
</tr>
<tr>
<td>Road Builder</td>
<td>Drummers and Pipes</td>
</tr>
<tr>
<td>Clerks and Superintendents</td>
<td>Privates</td>
</tr>
</tbody>
</table>

| Sydney        | 1 1 1 2 1 2 1 1 1 1 1 19 27 54 115 | 1 2 7 11 3 1 1 1 1 1 1 28 14 344 78 142 635 |
| Parramatta    | ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ......
### Enclosure No. 11—continued.

**A General Statement of the Inhabitants of New South Wales, &c.—continued.**

<table>
<thead>
<tr>
<th></th>
<th>Commissariat Staff Victualled</th>
<th>Free Persons Victualled</th>
<th>Prisoners Victualled</th>
<th>Rations</th>
<th>Persons not Victualled</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>204</td>
</tr>
<tr>
<td>Parramatta</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>64</td>
</tr>
<tr>
<td>Windsor</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>62</td>
</tr>
<tr>
<td>Liverpool</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>7</td>
<td>29</td>
</tr>
<tr>
<td>Newcastle</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>8</td>
<td>17</td>
</tr>
<tr>
<td>Colonial Vessels</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>7</td>
<td>17</td>
</tr>
<tr>
<td>Total Mustered</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>7</td>
<td>382</td>
</tr>
</tbody>
</table>

N.B.—In adverting to the last General Statement of the Inhabitants taken from the Muster in October and November, 1814, and comparing the same with the present one, an Error was discovered in the Number of Children stated to have been mustered at Windsor, at the former period, and instead of 1,443 Children included under the Column of Persons not Victualled, it ought to have been only 443, making a difference of one thousand more than was actually accounted for. It will appear that the Military are less in Number than they were in the last General Statement taken from the Muster of 1814; this circumstance is accounted for by the Embarkation of the remains of the 73rd Regiment, with their Families on board the Private Ship General Brown, and also on board the Armed Brig Kangaroo for Ceylon, both of which Events took place between the periods of the two Musters.—L.M.

Examined:—W. Broughton, A.D.C.-Genl.

L. Macquarie, Govr. in Chief of N. S. Wales.
A General Statement of the Land in Cultivation, &c., the Quantities of Stock, &c., as accounted for at the General Muster in His Majesty's Colony of New South Wales, taken by His Excellency Governor Macquarie and Acting Assistant Commissary General Broughton from the sixth November to the sixth December, 1815, inclusive.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The Crown</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>99</td>
<td>2,280</td>
<td>1,532</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td></td>
</tr>
<tr>
<td>At Sydney</td>
<td>1,557</td>
<td>653</td>
<td>20</td>
<td>36</td>
<td>7</td>
<td>69</td>
<td>200</td>
<td>3,395</td>
<td>54,648</td>
<td>60,605</td>
<td>736</td>
<td>6,361</td>
<td>11,392</td>
<td>59</td>
<td>1,190</td>
<td>100</td>
</tr>
<tr>
<td>Parramatta</td>
<td>1,557</td>
<td>1,033</td>
<td>111</td>
<td>89</td>
<td>19</td>
<td>97</td>
<td>233</td>
<td>3,006</td>
<td>53,437</td>
<td>59,584</td>
<td>547</td>
<td>5,748</td>
<td>23,364</td>
<td>131</td>
<td>1,558</td>
<td>562</td>
</tr>
<tr>
<td>Windsor</td>
<td>6,016</td>
<td>3,328</td>
<td>444</td>
<td>433</td>
<td>21</td>
<td>64</td>
<td>348</td>
<td>1,030</td>
<td>35,449</td>
<td>47,133</td>
<td>600</td>
<td>4,960</td>
<td>16,469</td>
<td>457</td>
<td>6,275</td>
<td>2,112</td>
</tr>
<tr>
<td>Liverpool</td>
<td>1,522</td>
<td>1,019</td>
<td>129</td>
<td>51</td>
<td>4½</td>
<td>99</td>
<td>100</td>
<td>1,337</td>
<td>36,693</td>
<td>40,055</td>
<td>356</td>
<td>5,981</td>
<td>9,659</td>
<td>22</td>
<td>1,000</td>
<td>85</td>
</tr>
<tr>
<td>Newcastle</td>
<td>59½</td>
<td>56</td>
<td>4</td>
<td>1</td>
<td>...</td>
<td>3½</td>
<td>...</td>
<td>...</td>
<td>146</td>
<td>270</td>
<td>...</td>
<td>13</td>
<td>80</td>
<td>...</td>
<td>83</td>
<td>...</td>
</tr>
<tr>
<td>Total Mustered</td>
<td>10,712</td>
<td>6,089</td>
<td>708</td>
<td>610</td>
<td>51½</td>
<td>333</td>
<td>901½</td>
<td>8,768½</td>
<td>180,373½</td>
<td>208,547</td>
<td>2,328</td>
<td>25,270</td>
<td>62,476</td>
<td>660</td>
<td>10,106</td>
<td>2,850</td>
</tr>
</tbody>
</table>

N.B.—On comparing this with the former Statement, collected from the Musters of 1814, there appears a Decrease in the Horned Cattle and Sheep, this circumstance was occasioned by the very long Droughts, which caused a great Mortality in these Species of Animals.—L.M.

Examinant:—W. Broughton, Ag. A. C.-Genl.

[A copy of the return relating to Van Diemen's Land will be found in a volume in series III.]
MACQUARIE TO BATHURST.

[Enclosure No. 12.]

RETURN and Report of Prisoners tried by the Criminal Court at Sydney from the 1st of June, 1815, to the 29th of February, 1816, Inclusive.

[A copy of this return will be found in a volume in series IV.]

[Enclosure No. 13.]

[This enclosure consisted of a return relating to all convicts, who arrived from England and Ireland during the year 1815.]

[Enclosure No. 14.]

**Summary of Births, Deaths, and Marriages.**

<table>
<thead>
<tr>
<th>District</th>
<th>Quarter ending</th>
<th>Number of Births (Baptisms)</th>
<th>Number of Deaths</th>
<th>Number of Marriages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Castlereagh and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Richmond</td>
<td>March 31st, 1815</td>
<td>7</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Do</td>
<td>June 30th, 1815</td>
<td>7</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Do</td>
<td>September 30th, 1815</td>
<td>8</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Do</td>
<td>December 31st, 1815</td>
<td>8</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Parramatta</td>
<td>(2 Quarters) to June 30th, 1815</td>
<td>40</td>
<td>24</td>
<td>24</td>
</tr>
<tr>
<td>Do</td>
<td>(Quarter) to Sept. 30th, 1815</td>
<td>11</td>
<td>11</td>
<td>15</td>
</tr>
<tr>
<td>Do</td>
<td>December 31st, 1815</td>
<td>21</td>
<td>6</td>
<td>17</td>
</tr>
<tr>
<td>Hawkesbury</td>
<td>March 31st, 1815</td>
<td>4</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Do</td>
<td>June 30th, 1815</td>
<td>19</td>
<td>9</td>
<td>7</td>
</tr>
<tr>
<td>Do</td>
<td>September 30th, 1815</td>
<td>6</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>Do</td>
<td>December 31st, 1815</td>
<td>20</td>
<td>6</td>
<td>11</td>
</tr>
<tr>
<td>Sydney</td>
<td>March 31st, 1815</td>
<td>47</td>
<td>32</td>
<td>14</td>
</tr>
<tr>
<td>Do</td>
<td>June 30th, 1815</td>
<td>43</td>
<td>36</td>
<td>20</td>
</tr>
<tr>
<td>Do</td>
<td>September 30th, 1815</td>
<td>31</td>
<td>13</td>
<td>15</td>
</tr>
<tr>
<td>Do</td>
<td>December 31st, 1815</td>
<td>27</td>
<td>23</td>
<td>13</td>
</tr>
<tr>
<td>Liverpool</td>
<td>March 31st, 1815</td>
<td>4</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Do</td>
<td>June 30th, 1815</td>
<td>5</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Do</td>
<td>September 30th, 1815</td>
<td>8</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Do</td>
<td>December 31st, 1815</td>
<td>9</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Hobart</td>
<td>June 30th, 1815</td>
<td>8</td>
<td>7</td>
<td>5</td>
</tr>
<tr>
<td>Do</td>
<td>December 31st, 1815</td>
<td>15</td>
<td>6</td>
<td>8</td>
</tr>
</tbody>
</table>
Return of persons holding civil and military appointments.

<table>
<thead>
<tr>
<th>Names</th>
<th>By whom Appointed</th>
<th>Appointments</th>
<th>Yearly Salary</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>L. Macquarie Esquire</td>
<td>The Crown</td>
<td>Governor to the Governor</td>
<td>£2000 s. d.</td>
<td></td>
</tr>
<tr>
<td>Geo. Molle</td>
<td>The Crown</td>
<td>Deputy to the Governor</td>
<td>£100 s. d.</td>
<td></td>
</tr>
<tr>
<td>Frederick Garling</td>
<td>The Crown</td>
<td>Secretary to the Governor</td>
<td>£80 s. d.</td>
<td></td>
</tr>
<tr>
<td>J. T. Campbell</td>
<td>Do</td>
<td>Surveyor General</td>
<td>£85 s. d.</td>
<td></td>
</tr>
<tr>
<td>William Gore</td>
<td>Do</td>
<td>Surveyor General</td>
<td>£182 s. d.</td>
<td></td>
</tr>
<tr>
<td>John Piper</td>
<td>Do</td>
<td>Surveyor General</td>
<td>£130 s. d.</td>
<td></td>
</tr>
<tr>
<td>Alfred Thirrup</td>
<td>Do</td>
<td>Surveyor General</td>
<td>£91 s. d.</td>
<td></td>
</tr>
<tr>
<td>Robert Mosman</td>
<td>Do</td>
<td>Surveyor General</td>
<td>£50 s. d.</td>
<td></td>
</tr>
<tr>
<td>James Stewart</td>
<td>Do</td>
<td>Surveyor General</td>
<td>£27 s. d.</td>
<td></td>
</tr>
<tr>
<td>John Oxley</td>
<td>Do</td>
<td>Surveyor General</td>
<td>£13 s. d.</td>
<td></td>
</tr>
<tr>
<td>James Mechem</td>
<td>Do</td>
<td>Surveyor General</td>
<td>£8 s. d.</td>
<td></td>
</tr>
<tr>
<td>D'Arcy Wentworth</td>
<td>Do</td>
<td>Surveyor General</td>
<td>£6 s. d.</td>
<td></td>
</tr>
<tr>
<td>James Mechem</td>
<td>Do</td>
<td>Surveyor General</td>
<td>£4 s. d.</td>
<td></td>
</tr>
<tr>
<td>John Young</td>
<td>Do</td>
<td>Surveyor General</td>
<td>£2 s. d.</td>
<td></td>
</tr>
<tr>
<td>Revd. S. Marsden</td>
<td>Do</td>
<td>Surveyor General</td>
<td>£1 s. d.</td>
<td></td>
</tr>
<tr>
<td>W. Coopert</td>
<td>Do</td>
<td>Surveyor General</td>
<td>£2 s. d.</td>
<td></td>
</tr>
<tr>
<td>B. Curren</td>
<td>Do</td>
<td>Surveyor General</td>
<td>£1 s. d.</td>
<td></td>
</tr>
<tr>
<td>B. Vale</td>
<td>Do</td>
<td>Surveyor General</td>
<td>£1 s. d.</td>
<td></td>
</tr>
<tr>
<td>B. B. Ross</td>
<td>Do</td>
<td>Surveyor General</td>
<td>£1 s. d.</td>
<td></td>
</tr>
<tr>
<td>L. W. Law</td>
<td>Do</td>
<td>Surveyor General</td>
<td>£1 s. d.</td>
<td></td>
</tr>
<tr>
<td>E. J. McIlwain</td>
<td>Do</td>
<td>Surveyor General</td>
<td>£1 s. d.</td>
<td></td>
</tr>
<tr>
<td>Joseph Cowell</td>
<td>Do</td>
<td>Surveyor General</td>
<td>£1 s. d.</td>
<td></td>
</tr>
</tbody>
</table>

Sydney, 1st January, 1816.
**A List of Persons holding Civil and Military Employments, &c.—continued.**

<table>
<thead>
<tr>
<th>Names</th>
<th>Appointments</th>
<th>By whom Appointed</th>
<th>Yearly Salary</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peter Plomer</td>
<td>3rd Clerk in Secretary's Office</td>
<td>Governor Macquarie</td>
<td>£30 each</td>
<td></td>
</tr>
<tr>
<td>Joseph Sumpter</td>
<td>4th Do in Do</td>
<td>Governor Macquarie</td>
<td>£30 each</td>
<td></td>
</tr>
<tr>
<td>James Foster</td>
<td>Clerk to Judge Advocate</td>
<td>Governor Macquarie</td>
<td>£30 each</td>
<td></td>
</tr>
<tr>
<td>William Roberts</td>
<td>Do to Judge</td>
<td>The Crown</td>
<td>£80 each</td>
<td></td>
</tr>
<tr>
<td>D'Arcy Wentworth</td>
<td>Superintendent of Police</td>
<td>The Crown</td>
<td>£80 each</td>
<td></td>
</tr>
<tr>
<td>Robert Jones</td>
<td>Asst. Do Do</td>
<td>Governor Macquarie</td>
<td>£80 each</td>
<td></td>
</tr>
<tr>
<td>George Chartres</td>
<td>Clerk to Do</td>
<td>Do</td>
<td>£30 each</td>
<td></td>
</tr>
<tr>
<td>Rowland Hassall</td>
<td>Superintendent of Stock</td>
<td>Do</td>
<td>£100 each</td>
<td></td>
</tr>
<tr>
<td>Thomas Arkell</td>
<td>Overseer at Do</td>
<td>Do</td>
<td>£50 each</td>
<td></td>
</tr>
<tr>
<td>William Chalker</td>
<td>Do Do</td>
<td>Do</td>
<td>£50 each</td>
<td></td>
</tr>
<tr>
<td>William Hutchins</td>
<td>Supdt. of Convict</td>
<td>Do</td>
<td>£75 each</td>
<td></td>
</tr>
<tr>
<td>Richard Iouse</td>
<td>Do of Public Works</td>
<td>Do</td>
<td>£50 each</td>
<td></td>
</tr>
<tr>
<td>David Langley</td>
<td>Do of Smiths</td>
<td>Do</td>
<td>£50 each</td>
<td></td>
</tr>
<tr>
<td>Samuel Bradley</td>
<td>Do of Carpenters</td>
<td>Do</td>
<td>£50 each</td>
<td></td>
</tr>
<tr>
<td>Richard Fitzgerald</td>
<td>Do at Windsor</td>
<td>Do</td>
<td>£50 each</td>
<td></td>
</tr>
<tr>
<td>William Hill</td>
<td>Do of Slaughterhouse</td>
<td>Do</td>
<td>£50 each</td>
<td></td>
</tr>
<tr>
<td>George Sutter</td>
<td>Do at Castle Hill</td>
<td>Do</td>
<td>£50 each</td>
<td></td>
</tr>
<tr>
<td>Richard Lewis</td>
<td>Do of New Road</td>
<td>Do</td>
<td>£50 each</td>
<td></td>
</tr>
<tr>
<td>A. Hutchinson</td>
<td>Do of Mills</td>
<td>Do</td>
<td>£30 each</td>
<td></td>
</tr>
<tr>
<td>Francis Oakes</td>
<td>Do at Parramatta</td>
<td>Do</td>
<td>£50 each</td>
<td></td>
</tr>
<tr>
<td>N. Divine</td>
<td>late Superintendant</td>
<td>The Crown</td>
<td>£45 each</td>
<td></td>
</tr>
<tr>
<td>John Redman</td>
<td>late Chief Constable</td>
<td>Governor Macquarie</td>
<td>£60 each</td>
<td></td>
</tr>
<tr>
<td>William Thorne</td>
<td>Asst. to Do</td>
<td>Do</td>
<td>£10 each</td>
<td></td>
</tr>
<tr>
<td>Daniel Cubitt</td>
<td>Gaoler</td>
<td>Do</td>
<td>£60 each</td>
<td></td>
</tr>
<tr>
<td>Jonathan Green</td>
<td>Asst. Do Do</td>
<td>Do</td>
<td>£30 each</td>
<td></td>
</tr>
<tr>
<td>5 District Constables</td>
<td>Do Do</td>
<td>Do</td>
<td>£50 each</td>
<td></td>
</tr>
<tr>
<td>Richard Wade</td>
<td>Steeple Keeper</td>
<td>Do</td>
<td>£10 each</td>
<td></td>
</tr>
<tr>
<td>John Austin</td>
<td>Clock Keeper</td>
<td>Do</td>
<td>£10 each</td>
<td></td>
</tr>
<tr>
<td>George Howe</td>
<td>Government Printer</td>
<td>Do</td>
<td>£10 each</td>
<td></td>
</tr>
<tr>
<td>Mrs. Martin</td>
<td>Govn. H. Keeper, Parramatta</td>
<td>Do</td>
<td>£20 each</td>
<td></td>
</tr>
</tbody>
</table>

**Military Employments.**

<table>
<thead>
<tr>
<th>Names</th>
<th>Employment</th>
<th>By whom Appointed</th>
<th>Yearly Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Captain H. C. Austill</td>
<td>Major of Brigade</td>
<td>Governor Macquarie</td>
<td>182 10 0</td>
</tr>
<tr>
<td>Lieut. J. Watts</td>
<td>Aid-de-Camp</td>
<td>Governor Macquarie</td>
<td>182 10 0</td>
</tr>
</tbody>
</table>

**MACQUARIE TO BATHURST.**

Return of persons holding military appointments.

1816.
### A List of Persons holding Civil and Military Employment, &c.—continued.

<table>
<thead>
<tr>
<th>Names</th>
<th>By whom Appointed.</th>
<th>Murtry Holdings—continued.</th>
<th>Yearly Salary</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charles McIntosh</td>
<td>Sir John Jamieson</td>
<td>Governor Macquarie</td>
<td>£200 0 0</td>
<td></td>
</tr>
<tr>
<td>Captain J. M. Gill</td>
<td>Do</td>
<td>Do</td>
<td>£180 10 0</td>
<td></td>
</tr>
<tr>
<td>John O'Beare</td>
<td>Do</td>
<td>Do</td>
<td>£45 12 0</td>
<td></td>
</tr>
<tr>
<td>Lieutenant Thompson</td>
<td>Do</td>
<td>Do</td>
<td>£91 5 0</td>
<td>per day</td>
</tr>
<tr>
<td>Charles Whalan</td>
<td>Do</td>
<td>Do</td>
<td>£0 1 0</td>
<td></td>
</tr>
<tr>
<td>Joseph Croft</td>
<td>Do</td>
<td>Do</td>
<td>£0 0 0</td>
<td></td>
</tr>
<tr>
<td>Thomas Evans</td>
<td>Do</td>
<td>Do</td>
<td>£0 0 0</td>
<td></td>
</tr>
<tr>
<td>Sir John Mackay</td>
<td>Do</td>
<td>Do</td>
<td>£0 0 0</td>
<td></td>
</tr>
<tr>
<td>Thomas Hutchinson</td>
<td>Do</td>
<td>Do</td>
<td>£0 0 0</td>
<td></td>
</tr>
<tr>
<td>Captain R. Short</td>
<td>Doboy</td>
<td>Governor Macquarie</td>
<td>£80 0 0</td>
<td></td>
</tr>
<tr>
<td>Lieutenant Governor</td>
<td>Sir John Jamieson</td>
<td>Do</td>
<td>£600 0 0</td>
<td></td>
</tr>
<tr>
<td>Judge Advocate</td>
<td>Do</td>
<td>Do</td>
<td>£91 5 0</td>
<td></td>
</tr>
<tr>
<td>Dr. Provost Marshal</td>
<td>Do</td>
<td>Do</td>
<td>£182 10 0</td>
<td></td>
</tr>
<tr>
<td>Naval Officer</td>
<td>Do</td>
<td>Do</td>
<td>£182 10 0</td>
<td></td>
</tr>
<tr>
<td>Sergeant of Light Horse</td>
<td>Do</td>
<td>Do</td>
<td>£91 5 0</td>
<td></td>
</tr>
<tr>
<td>Dr. Surveyor of Lands</td>
<td>Do</td>
<td>Do</td>
<td>£50 0 0</td>
<td></td>
</tr>
<tr>
<td>Superintendent</td>
<td>Sir John Jamieson</td>
<td>Do</td>
<td>£50 0 0</td>
<td></td>
</tr>
<tr>
<td>Schoolmaster</td>
<td>Do</td>
<td>Do</td>
<td>£30 0 0</td>
<td></td>
</tr>
</tbody>
</table>
MACQUARIE TO GOULBURN.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 8 for 1816," per H.M. brig Emu*; acknowledged by Earl Bathurst, 30th January, 1817.)

Government House, Sydney, New South Wales,

My Lord,

I herewith Do myself the Honor to transmit for Your Lordship's Information and Notice, the Series of Sydney Gazettes from 24th June, 1815 (when last sent per Sydney Packet), up to the 9th of this present Month of March Inclusive, together with New South Wales Almanac for the present Year.

I have, &c.,
L. MACQUARIE.

GOVERNOR MACQUARIE TO H.R.H. THE DUKE OF YORK, COMMANDER-IN-CHIEF.

(Despatch per H.M. brig Emu.*)

21st March, 1816.

[A copy of this despatch is not available.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Elizabeth; acknowledged by Governor Macquarie to Earl Bathurst, 4th April, 1817.)

Sir,

Downing Street, 22d March, 1816.

I am directed by Lord Bathurst to acquaint you that Mr. Joshua John Moore has been appointed to the Situation of judge-advocate in the Colony under your Government.

I am, &c.,
HENRY GOULBURN.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

(Despatch marked "Private," per H.M. brig Emu.*)

Government House, Sydney, N. S. Wales,

Dear Sir,

I have the honor to acknowledge the receipt of your Private Letters under dates the 27th of June and 13th of August, 1815, the former recommending Mrs. Collicott and her Family and the latter the Revd. Mr. Youl to my favor and good offices.

I can only assure you of my being sincerely disposed to meet your good wishes in favor of those Persons. Mrs. Collicott is an interesting respectable Woman, and with so large a Family to provide for is much to be pitied. I have put herself and her whole Family in the meantime on the Store, and intend giving her eldest Son a Grant of Land very soon with the usual indulgences granted here to Free Settlers, the Father not being yet

Ser. I. VOL. IX—G  * Note 2.
eligible for receiving a Grant of Land in his own Name, on account of his still labouring under the Sentence of the Law, but it is my intention to give him a Conditional Pardon in January next, which will make him eligible for receiving Lands in his own Name and to hold any Colonial Office that he may be found fit for. I shall be most happy to afford this unfortunate Family every reasonable Protection and assistance in my power, in as far as their own Situation and the Rules I have laid down for my own Government in such cases will admit of, both on their own account and the warm interest you appear to take in their welfare.

The Revd. Mr. Youl arrived in the Ocean Transport on the 30th of January last in good Health and greatly improved in looks and manner, since he left this Country for England in the Year 1813. I think Mr. Youl is a very great acquisition to the Colony for we greatly want a few really Pious and good men like him in this Country as Divines, and I wish we had two or three more like him. I shall be most happy on account of your recommendation of him to pay every little attention in my power to Mr. Youl, and to forward his views in any way I can.

In case there should be any thing in this Colony in the way of curiosity or rarity that you would wish to have sent to you from it, I beg you will not scruple to mention it, and I shall be most happy to execute your Commissions if to be procured in this Country.

I have, &c.,

L. Macquarie.

P.S.—If it were not intruding too much on you, I should esteem it a great kindness if you would be so good as to take a favorable opportunity of reminding Lord Bathurst that a great number of very interesting and important Points relative to this Colony as contained in my Dispatches* of the years 1813, 1814, and 1815 have never yet been noticed at all by His Lordship; and that I should feel highly gratified by being honored with his Lordship's Sentiments and Instructions on the Principal Points contained in the Dispatches above alluded to.—L.M.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

Government House, Sydney, New South Wales,

Sir, 22nd March, 1816.

I have the Honor to acknowledge the Receipt of Your Letter, under date the 22nd of May last (in Duplicate), and in Compliance with the Directions therein Contained, I have paid Daniel Conolly, Convict, the Sum of Thirty Pounds Sterling.

* Note 9. † Note 2.
and have now the Pleasure of enclosing herewith his Receipt for the same. I have, agreeably to Your Desire, drawn a Set of Bills on You for the above mentioned Sum in favor of James Birnie, Esq., payable at ten days After Sight.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

[A copy of the receipt is not available.]

GOVERNOR MACQUARIE TO RIGHT HON. CHARLES ARBUTHNOT.

(Despach per H.M. brig Emu.*)

Government House, Sydney, N. S. Wales,
Sir, 22nd March, 1816.

Although I have not the honor to be at all personally Known to you, yet I trust you will kindly forgive the liberty I now take in addressing you as a Stranger, when you know the motive.

Having heard that you take a warm interest in the welfare and Success of the Bearer, Lieutenant G. B. Forster of the Royal Navy, at present Commander of His Majesty's Colonial Brig Emu, I wish, if possible, to add to the interest you already take in this young man by thus assuring you that, during my long acquaintance with both Naval and Military Officers, I have never met with a more gentlemanlike or finer young man than Lieutenant Forster. By his urbanity, modest, unassuming and conciliatory manners, he has most deservedly attracted the friendship, respect and regard of all classes of the Society in this country. In his public Capacity as Commander of the Emu, he has given me entire Satisfaction from his honourable and vigilant discharge of every part of his Duty, which he has on all occasions executed with a zeal, alacrity and Public Spirit, highly creditable and honorable to himself and consequently deserving of my highest commendations.

I therefore take the liberty of recommending Lieutenant Forster to your Kind Patronage, favor and protection, as a young man of very Superior Merit and highly deserving of any thing you can do for him in promoting his future Views in life; and I most Sincerely hope to hear, through your kind Offices and his own merits, that he is soon promoted in his own profession to the rank of Master and Commander.

The Brig Emu being condemned as unfit any longer for the Service of this Colony is the only cause of Lieutenant Forster's returning so soon to England; and I very Sincerely regret that thereby the Colony and myself should be deprived of so able and so very useful an Officer.

* Note 2.
Having the honor of being very well acquainted with your Sister Mrs. Cockran, I beg you will do me the favor to remember me most Kindly to herself and Mr. Cockran when you see them

I have, &c.,

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

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 9 for 1816." per H.M. brig Emu*; acknowledged by Earl Bathurst, 30th January, 1817.)

My Lord,

Government House, Sydney, 23d March, 1816.

The Proceedings of the General Court Martial, Assembled here on the 7th Inst. for the Trial of the Revd. Benjamin Vale, Assistant Chaplain, having been brought to a Conclusion on the 16th inst., I Do Myself the Honor to transmit Your Lordship herewith, 1st, a Copy of the Charges preferred against Mr. Vale; 2nd, a Copy of the Sentence pronounced by the Court; and 3rd, a Copy of my General Orders on that Occasion.

Having in My Dispatch No. 4f of the present Year detailed at full Length to Your Lordship the Circumstances which gave Rise to the foregoing Trial, I beg to refer Your Lordship thereto.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

GOVERNMENT AND GENERAL ORDERS.

Head Quarters, Sydney, Monday, 18th March, 1816.

At a General Court Martial held at Sydney on the 7th of March, 1816, and continued by adjournments to the 16th of the same Month, and of which Major Alexander Ogilvie of the 46th Regiment was President, The Revd. Benjamin Vale, Clerk, Assistant Chaplain to the Settlement in New South Wales, was arraigned upon the undermentioned Charges, Vizt:—

[Here followed a copy of the four charges, which were forwarded in enclosure No. 2 to the despatch dated 8th March, 1816; see page 48.]

Upon which Charges the Court came to the Following Decision:—

The Court, having carefully examined and read the Charges exhibited against the Reverend Benjamin Vale, as well as the Evidence in support of the said Charges, and also what the Prisoner had to offer in his own Defence and the Evidence in support of his Defence, and maturely and deliberately considered

* Note 2. † Note 21.
the whole and every part thereof with the most Minute attention, is of Opinion with regard to the first Charge as follows:—

The Court, considering it was the Duty of the Prisoner to have ascertained previously to the Seizure whether or not the Governor had given Permission to enter the Schooner Traveller, is of Opinion that he is Guilty.

With respect to the Second Charge, The Court is of opinion that the Prisoner is not Guilty of that part of it which attaches insolence to his Conduct, but that he is Guilty of all the remaining part of the Charge.

With respect to the Third Charge, The Court is of opinion that the Prisoner is Guilty of Conduct derogatory to his sacred Character as an Assistant Chaplain and Clergyman serving under this Government in so far stepping out of the proper line of his Duty as to make the Seizure of the American Schooner Traveller in his own Person, but do acquit him of the other parts of the Charge.

With respect to the Fourth Charge, The Court is of Opinion that he is not guilty and therefore acquit him of the same.

The Court, having thus found the Prisoner Guilty of the whole of the 1st Charge, and part of the 2d and 3d Charges, Do adjudge that he be Publickly and Severely reprimanded and Admonished.

A. O'GILVIE, Major 46th Regt., President.

FREDERICK GARLING, Depy. Judge-Advocate.

Approved:—L. MACQUARIE, M. General, Govr. in Chief and Com'r of the Forces in N. S. Wales.

In approving the foregoing Sentence Passed by the General Court Martial on the Revd. Benjamin Vale Assistant Chaplain, His Excellency The Governor and Commander of the Forces, in Consideration of his Sacred Character as a Clergyman, is Pleased to dispense with his being Publickly reprimanded; but directs that he shall attend this day at Half past 12 O'Clock at the Government House in Order to have His Sentence and this Order read to him by the Major of Brigade, and to be Privately admonished by His Excellency in the presence of his Personal Military Staff and the Naval Officer; after which The Reverend Mr. Vale is to be released from his Arrest, and to return to the exercise of his former Functions as an Assistant Chaplain.

L. MACQUARIE.

By Command of His Excellency The Governor and Commander of the Forces,

H. C. ANTILL, Major of Brigade.
GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch per H.M. brig Emu.*)

Government House, Sydney, N. S. Wales.

23d March, 1816.

My Lord,

The Bearer, Mr. William Hayes a respectable Settler long resident in this Colony, having occasion to return to England for the Settlement of his Private concerns there by the present Conveyance per the Brig Emu, but intending again to return to the Colony, he will request of your Lordship to permit him to do so; and I take the liberty of respectfully soliciting that your Lordship would have the goodness to direct a Passage to be found for Mr. Hayes and his family, on board one of the Government Transports coming out to this Country with Male or Female Convicts, Mr. Hayes having left some Property in the Colony, and being besides a very deserving well-behaved man.

I have, &c,

L. MACQUARIE.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 02. per ship Elizabeth; acknowledged by Governor Macquarie, 1st April, 1817.)

1 April.

Sir,

Downing Street, 1st April, 1816.

I herewith transmit to you the Copy of a letter from the Secretary of the Transport Board with its Enclosures respecting the Case of Mr. Arnold who was sent from this Country as Surgeon and Superintendent of the Northampton Convict Ship, in which it is stated that you not only refused on the Arrival of Mr. Arnold to victual him during his stay in New South Wales in compliance with the directions of the Transport Board, but also to provide him with a passage back to this Country. Under the Circumstances of the Case I cannot help expressing my regret that, for want of a formal Instruction from this Office, you should have placed a Meritorious Public Officer in a situation of so much difficulty, when it was sufficiently apparent that such were the Terms under which Government had induced him to proceed to the Colony. I am to desire that on all future occasions you will cause the necessary Allowances to be issued to the Surgeon.

* Note 2.
BATHURST TO MACQUARIE.

1816.

1 April.

of Convict Ships during their Stay, and that you will provide them with a passage back to this Country by the first convenient opportunity.

I have, &c,

BATHURST.

[Enclosure No. 1.]

MR. ALEXANDER MCLEAY TO UNDER SECRETARY GOULBURN.

Sir, Transport Office, 29th Feby., 1816.

This Board having judged it advisable to send Surgeons in the Navy as Surgeons and Superintendents of Convict Ships for New South Wales, I am directed to transmit a Copy of their Letter, dated the 15th Decr., 1814, to Governor Macquarie in the case of Mr. Arnold; but as it appears, by the inclosed Copy of a Letter of the 5th of Novr. last from that Gentleman, who went out as Surgeon of the Northampton Convict Ship, that the Governor had refused not only to victual him during his stay in the Colony but also to provide him with a Passage by the first opportunity to this country, I have it in command to submit to His Lordship to issue such Instructions, as he may judge proper to be given on the Occasion, with a view of preventing any such Inconvenience in future as is complained of by Mr. Arnold.

I have, &c,

ALEXR. MCLEAY, Secy.

[Enclosure No. 2.]

TRANSPORT COMMISSIONERS TO GOVERNOR MACQUARIE.


We have the honor to inclose for your Information, a Charter Copy of the Charter-Party of the Ship "Northampton" 547 tons, taken up by this Board, in pursuance of the Directions of the Lords Commissioners of H.M. Treasury signified in Mr. Arbuthnot's Letter of the 17th Sepr. last, for the Transportation of 110 Female Convicts and 40 Females, wives of Convicts and their children, together with a List of Stores provided, and which we have caused to be shipped on board this Vessel. We have to add, that we have allowed the master of the Northampton 20 Tons for private Freight.

We have, &c,

RUP. GEORGE.

J. HARNESS.

JNO. FORBES.

P.S.—This Board requests you to cause Mr. Arnold, Surgeon Surgeon Arnold of this Ship, to be victualled at full allowance during his Stay to be victualled in the colony in New South Wales agreeably to the Custom of the Navy.

Sir,

Batavia, 5th November, 1815.

I Venture to report for the information of The Transport Board that on delivering My Charge, as Surgeon and Agent of the Northampton Convict Ship, to the proper Officers at Port Jackson in Obedience to my instructions, I waited upon the Governor to request to be informed when I might expect he would appoint me a Passage to England, and was greatly disappointed on being told by him that he had no instructions respecting me from The Secretary of State, without which the Colony should not be put to One penny expence on my Account.

I shewed to him my Warrant, which expressly said that I was to wait in the Colony till I received this Order, and His Excellency himself told me that he had a Memorandum from The Commissioners of Transports, recommending me to be Victualled as long as I might remain there; but, added he, "I cannot receive Orders from The Transport Board, and as you have not been Noticed in My Dispatches from Lord Bathurst's Office, I cannot allow the Colony to be put to any expence on your Account."

I Observed to Governor Macquarie that it could not be expected that a Naval Surgeon could afford to Pay for his Passage home, which sometimes might amount to more than his Annual Salary; but he merely observed that I was very remiss in coming out to New South Wales in this Capacity without bringing with me the necessary Orders for my support, while in the Colony, and my return to England from the Secretary of State; but, as I had omitted to do this, I must entirely depend on my own resources; that I might go or stay, as I Pleased; and that having now fulfilled the Duties imposed upon me by the Transport Board, I might Consider myself as fully discharged from My Engagements.

I have taken the liberty of informing the Commissioners of the above circumstances in order that, if they should think proper, they may take measures to prevent their future Agents of Convict Ships from suffering similar difficulties with myself, by providing that the Governor of New South Wales should have Authority from the Secretary of State to receive and treat them on their arrival at Port Jackson, as I am sure the Commissioners intended I should have been treated.

I further intreat Pardon for observing that the Surgeons and Agents of Convict Ships on their arrival at Port Jackson, unless they should be victualled and lodged there and have a Passage home found them at Government Expence, must be
totally ruined; to obviate which, it would be merely necessary that the Secretary of State should Notify to The Governor that the Gentlemen should be billetted according to their rank in the Service, that they should have their usual rations, and that he should order them home by the first proper Conveyance, giving a Bill on Government for the same as he does in the case of Military Officers.

I myself have been particularly unfortunate in my Appointment from my finding myself entirely neglected by the Governor; I was obliged to leave the Colony even before I had recovered from the Effects of the preceding long Voyage; I paid nearly £100 as part only of my Passage Money home, and having arrived at Batavia, the Indefatigable was totally burnt by Accident; and I have lost Clothes, instruments, and Books, to the Amount of more than £200, and what will be still more detrimental to me, the Masters of the Ships here ask 3,000 and even 5,000 Rupees for a Passage to England.

I have, &c.,

Jos. Arnold, M.D.,
late Surgeon and Agent of the Northampton (C.T.).

---

Under Secretary Goulburn to Governor Macquarie.
(Despatch per ship Elizabeth; acknowledged by Governor Macquarie to Earl Bathurst, 4th April, 1817.)

Sir, Downing Street, 1st April, 1816.

I am directed by Earl Bathurst to acquaint you that a Transmission Case containing one Copy of the Works and Charts of Captain Flinders for the Use of the Settlement of New South Wales was shipped in the River on the 10th Inst., and consigned to your Care, and that another Copy will be forwarded by the first opportunity.

I am, &c.,

Henry Goulburn.

---

Under Secretary Goulburn to Governor Macquarie.*

Sir, Downing Street, 1st April, 1816.

I am directed by Earl Bathurst to acquaint you that he has granted permission to Messrs. Moses and Kosciusko Anstice to proceed as Settlers to New South Wales, and I am to desire that you will make to them on their Arrival a Grant of Land in proportion to the means of Cultivation which they may possess, and extend to them the other Indulgences usually granted to Settlers.

I am, &c.,

Henry Goulburn.

* Note 22.
EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 63, per ship Surrey; acknowledged by Governor Macquarie, 4th April, 1817.)

Sir, Downing Street, 6th April, 1816.

This letter will be delivered to you by Captain Andrews who I beg leave to recommend to your notice, and I am to desire that you will make to him a Grant of Land upon his Arrival in New South Wales with such facilities for Improvement as it is customary to allow Settlers; but I must add that as Captain Andrews appears to possess some Property in the Colony already you must be guided in making him any additional Grant by the means which he may possess of bringing it into Cultivation.

I have, &c.,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 64, per ship Surrey; acknowledged by Governor Macquarie, 4th April, 1817.)

Sir, Downing Street, 6th April, 1816.

Mr. Kitchin having received my permission to proceed to the Colony under your Government, I am to desire that you will grant to him an Allotment of Land corresponding to the Amount of Capital which he is able to satisfy you he has the means of commanding for its Cultivation.

Mr. Kitchin having been regularly educated as a Surveyor and Architect may render himself useful to you if the Services of such a Professional Person should be required in the Colony.

I have, &c.,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 65, per ship Harriet; acknowledged by Governor Macquarie, 16th May, 1817.)

Sir, Downing Street, 6th April, 1816.

I am to acquaint you that Mr. Harry Thrupp has received my permission to proceed as a Settler to the Colony under your Government, and I am to desire that you will allot to him a grant of Land in proportion to the means he possesses of cultivating it, and extend to him the other Privileges and Indulgences that have been granted to Settlers of his Class.

I have, &c.,

BATHURST.
EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 60, per ship Elizabeth; acknowledged by Governor Macquarie, 4th April, 1817.)

Sir, Downing Street, 18th April, 1816.

Your Dispatches of the Year 1815 to No. 9 Inclusive have been received and laid before His Royal Highness The Prince Regent.

Though it afforded His Royal Highness much satisfaction to receive your Assurances of the Tranquility and general Prosperity of the Colony during the preceding Year, yet His Royal Highness did not learn without Serious Regret the differences which had arisen between yourself and the Judicial Officers of the Colony. In a Colony so far removed from the Mother Country, the evil consequences of such differences are from the delay incident to the Transmission of Orders from Home both of longer duration and of more fatal Effects; and in a Colony constituted like that of New South Wales, the continual Disagreement of the Judicial and Executive Authorities cannot but be particularly unfavorable to its Tranquillity. After the transactions which have taken place and the communications which have passed between yourself and the Messrs. Bent, it was impossible for His Royal Highness to indulge the hope of ensuring to the Colony in future your joint cordial Co-operation. Under these circumstances, His Royal Highness had no hesitation in recalling these Gentlemen, and appointing others in their room, nor can I better explain to you the grounds upon which this determination was formed than by transmitting to you Copies of the letters in which I have announced to them His Royal Highness's Decision. With respect to your own Conduct on this occasion, His Royal Highness has every reason to be satisfied, and with no part of it more particularly than your forbearance to exercise in the Case of Messrs. Bent the power, with which you are vested, of immediately suspending in extreme cases the Officers under your Command. I cannot indeed avoid this Opportunity of approving your discretion in not inflicting upon the Colony the suspension of all Judicial Proceedings, on account of any real or supposed Misconduct on the part of the Judges, and I derive much Satisfaction from the additional Assurance which this Conduct has given me of your disposition, even under circumstances of a most irritating nature, to prefer the Public Service to your own private Convenience.

I deem it unnecessary to enter at length into the cause in dispute between yourself and Messrs. Bent. It is not against the opinions entertained by them, but against the manner in which they were brought forward and acted upon, that the Censure of the methods, not the opinions, of Messrs. Bent.
Displeasure of His Royal Highness is directed. It was certainly competent to The Judge Advocate to express any legal doubts which he might entertain as to the Propriety of the New Port Regulations; feeling those doubts, it was his duty to make them known to you, but it was equally his duty to have lent his Assistance in rendering the regulations finally determined on by you, as free from Objection as possible. The Remonstrances of Mr. J. Hart Bent against the Employment of Convicts in the Confidential Situation of Attorneys was equally proper, nor am I disposed to sanction their Employment in the Colony under any other circumstances than those which existed at the time, namely there being but one other Attorney in the Colony. Both Gentlemen had clearly a right to protest against any Act of yours which they conceived to be illegal or improper, and to transmit that protest to His Majesty's Government; but they were not authorized on the ground of a difference of opinion, either to withhold from you the Legal Assistance which you required, or to interrupt the course of Judicial Proceedings.

I deem it not unimportant on this occasion to direct your Attention to the Importance of assimilating all Regulations, which you may think it expedient to issue, to the Enactments of British Statutes in all cases, in which the particular circumstances of the colony do not clearly authorize a deviation. The Laws, which regulate Trade, are generally speaking as applicable to New South Wales as to any other British Colony, and all additional restrictions, not heretofore observed, must derive their justification from the necessity of the Case, from their expediency with a view to the Security of the Convicts, or the Maintenance of Public Tranquility. The internal Government of the Colony must equally be guided by the English Laws modified by the Usages which have always subsisted there, nor can I perceive the necessity of applying to the present State of the Colony any more restrictive Measures of Police than those which were adopted in its Infancy. You will therefore regulate your future Conduct as far as possible on this principle.

It is with real regret that I learn your opinion as to the Vessels which were some time since sent from this Country for the Service of the Colony. The necessity of reducing in every particular the Colonial Expences, upon which I shall address you in a separate Dispatch, leaves no doubt upon my mind as to the expediency of sending home as speedily as possible the Kangaroo and the Emu, to be disposed of in any manner most advantageous to the Public Service. You will therefore order their return home with as little delay as possible and you
will avail yourself of the opportunity which they offer for sending home such of the Female Convicts whose Terms of Transportation are expired, as may be willing to return to Their Native Country. If any additional hands should be required to navigate them you will easily find among the Male Convicts similarly situated a resource for augmenting their present Complement, and of doing an Act of Justice to the Individuals so employed. In consequence of the determination to put down the Colonial Vessels I deem it unnecessary to make any Observation upon the conduct of Lieutenant Jeffery whose command will in consequence be of so limited a duration.

The only Paragraphs of your Dispatch No. 4* which require any Instruction from home appear to be the 6th, 7th, and 13th.

With respect to the former I am to convey to you the Authority of His Royal Highness The Prince Regent to place Mr. Drummond, The Naval Officer at Van Diemen’s Land, on the same footing as the corresponding Officer at Port Jackson, that is to withdraw from him the Salary heretofore attached to the Office and to Allow him a Per Centage of 5 Pr. Cent. on the Duties collected.

My dispatch (No. 60)* will have informed you that Foreign Vessels are not as the Law now stands at Liberty to trade in the Ports of New South Wales; it will therefore be necessary to restrict the Intercourse with the Colony to British Ships, except in cases in which the necessities of the Colony may require the relaxation of this General Rule; with the exception therefore of that part of Paragraph No. 7 which relates to the general Admission of Foreign Ships, I have to Approve of the Regulations to which it refers.

The Duty* imposed by you upon Spirits was required to check the immediate Consumption of them in the Colony, and the discontinuance* of the Issues of Government Stores was a wholesome Measure of Economy, which could not in reality affect the Interests of the Inhabitants.

I should have great pleasure in complying with your request† on behalf of Mr. Campbell, your Secretary, if I did not feel it absolutely incumbent upon me to restrain, as far as lies in my power, any increase of the Annual Estimate not only of New South Wales, but of all the other Colonies; I am therefore compelled to decline submitting to Parliament any Increase to the Salary voted for him; but, if the Colonial Funds will afford the means of Augmentation, I shall have great Pleasure in sanctioning your proposition in his favor, in consideration of his long Services in the Colony, and the Zeal and Fidelity with which he has discharged the Duties of his Office.

* Note 23. † Note 24.
I have had much satisfaction in observing from Mr. Marsden’s account* of his Residence in New Zealand the improved State of Civilization of the Natives of that Country. The Presents, which you gave The Chiefs who visited that Island, have been entirely approved as tending to conciliate them to British Interests and to secure a more favorable reception in the Island to those of His Majesty’s Subjects who may be disposed to settle or trade there.

The Plan* of an exclusive Trading Company to New Zealand, submitted in your Dispatch No. 7, is one which I am not disposed to recommend to His Royal Highness’s Sanction, since I see no advantage likely to result from it in a public point of view which would not be considerably enhanced by the Trade being open to Competition. If any Set of Merchants conceive that their own Interests will be best consulted by erecting in that Island a Factory and a permanent Mercantile Establishment, they are certainly at Liberty to commence such an Undertaking, provided that they obtain the Consent of the Natives. I have, &c.,

BATHURST.

[Enclosure No. 1.]

EARL BATHURST TO JUDGE-ADVOCATE BENT.

Sir,

Downing Street, 12th April, 1816.

I have had the honor of receiving your letter† of the 1st July, communicating to me the difference of opinion, which had arisen between Governor Macquarie and yourself, in the formation of the New Port Regulations for the Colony, and representing the general Conduct of the Governor, both with respect to the Colony and yourself, as exciting in your Mind the Greatest anxiety and Alarm.

Had the discussions between the Governor and yourself been confined to the mere question, which appears to have given rise to your Communication, I should not have despaired of reconciling your conflicting differences upon that point, so as to render them exertion available for the future Welfare of the Colony; for, indeed after a most attentive perusal of the Enclosure No. 2 in your letter, I am utterly at a loss to discover how you could have made those Port Regulations (which I believe with only two exceptions have already been sanctioned from this Country, and acted upon for a considerable length of time) the Ground of a serious difference with the Governor, and still less can I conceive your dread of incurring the Responsibility, which would attach to modifying some of those regulations according to your own suggestions and to improving others, although you might consider them of doubtful Expediency.

But the other parts of your letter and the late Intelligence from the Colony point out to me too clearly that your uneasiness

* Note 25. † Note 26.
is excited, not only by the Conduct of the Governor on this occasion, or even on the other instances, personal to yourself detailed in your correspondence, but by the feeling that the System of Government adopted in the Colony, and the nature of the Situation, which His Majesty's Government have thought it advisable that you, as its Principal Judicial Officer, should continue to hold, render it impossible for you to discharge your Duty with advantage to your Country or to the Colony.

I have already communicated to you the reasons* which induced His Majesty's Government upon the Alteration of the Charter to retain the Title of Judge Advocate in the Colony of New South Wales, and you will no doubt have easily deduced from thence the opinions entertained with respect to the Continuance of that system of Restriction, to which the Population of the Colony has up to the present moment been subjected, and to which it appears you have now formed decided Objections. Under all these circumstances you must at once see that His Majesty's Government have no other Alternative than that of relieving you from the performance of a Duty, which is at variance with your own feelings, and which indeed, if it were not so, your disputes with the Governor would prevent your performing any longer with Advantage. I have therefore been under the necessity of appointing Mr. Wylde to be Judge Advocate of New South Wales, and, as he will take his passage for the Colony at an early opportunity, you will consider yourself at liberty to return whenever it may suit your Convenience.

With respect to those parts of your letter, which relate to the altered State of the Colony of late Years, or to the general conduct of General Macquarie as Governor, it is not necessary that I should enter into detail. I am aware that it is a matter of some embarrassment to fix the precise moment at which a Colony, constituted as that of New South Wales is for the punishment of Offenders, ought to be released from that Species of Military Government, which the Composition of its population is admitted in the first instance to have rendered indispensably necessary. On such a question, it is natural that the Governor, responsible as he alone is for the Security of the Colony, should feel strongly the necessity of continuing the System which he found in force, and should incline to the opinion that the Convenience of those, who have freely placed themselves in a Colony of such a description, should be a Secondary Object, when compared with the Control which he considers necessary for the Security and the proper Government of the Convicts.

I have, &c.,

Bathurst.

* Note 27.
EARL BATHURST TO MR. JUSTICE BENT.

Sir, Downing Street, 12th April, 1816.

I have had the honor of receiving your letter* of the 1st July, communicating to me the Events, which took place at the First Sitting of the Supreme Court, and the Grounds upon which you had felt yourself authorized to suspend all further proceedings until His Majesty's pleasure should be known.

Having formed the most sanguine Expectation of the Advantages likely to result from the Establishment of the Supreme Court of Judicature in the Colony, and having placed, from the Recommendation which I had received, much Reliance upon your Judgment and Discretion, I was little prepared to anticipate such a Commencement of Your Judicial Labours.

It is not necessary that I should enter into the Question, on which your difference with Governor Macquarie appears to have originated; for whether Convicts be or be not authorized to practise is a question of little Importance, when compared with the consequences arising out of its agitation, the closing of the Supreme Court of the Colony for at least Twelve Months. With every disposition to make Allowance for your feelings in resisting the Introduction of such persons into your Court, I cannot find any Apology for your Refusal to accede to the qualified Admission, recommended by Governor Macquarie. You could not have been ignorant that the persons in question had before been admitted to conduct Causes before The Judge Advocate, as Agents for parties, and the same reasons, which induced him to overlook the deficiency of their qualifications for such an Office, ought to have equally operated upon you, at least until you received instructions from home. You ought moreover to have considered that there being, from the unfortunate Detention of Mr. Garling, only one regular Attorney in the Colony to whom, if your Regulation took immediate Effect, cases could be confided, one party in every Suit must be reduced to the Alternative of conducting his cause in person, or entrusting it to his Adversary’s Solicitor. But you ought above all never to have forgotten that the Evil of a Suspension of Justice, for the period intervening between the date of your dispatch and the probable arrival of Instructions from England, was one of too serious a Nature to admit of any Justification. It is to this measure above all that the Disapprobation of His Majesty’s Government is directed; for, although there appears but little reason after What has passed between yourself and the Governor to expect any very cordial Co-operation, I should have contented myself with

* Note 28.
expressing the Disapprobation with which His Majesty's Government have viewed your Conduct, had I not considered your Removal from the Colony necessary to mark the Sense which they entertain of the measure which you, so indiscreetly for the Colony and yourself, thought it necessary to adopt.

A Gentleman having been appointed to succeed you as Judge of the Supreme Court, you will be at liberty to leave the Colony at any period best suited to your Convenience.

I have, &c.,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 67, per ship Elizabeth; acknowledged by Governor Macquarie, 3rd April, 1817.)

Sir,

Downing Street, 18th April, 1816.

It has not been without pain that I have brought under the Consideration of His Royal Highness The Prince Regent the Conduct of Lieutenant Governor Davey, as detailed in your Dispatch No. 7* and in your private and Confidential Letter of the 22d March.

Although I fully enter into your Unwillingness lightly to bring forward Charges against an Officer of his rank in the Service and Consideration in the Colony, yet I equally concur with you in considering it in the present instance necessary to the Public Service that his Conduct should be brought under the Notice of His Majesty's Government. When the State of Society is good, the Immorality or Profligacy of a superior Officer may not produce any very detrimental Effects upon the Individuals composing it; but when it is, as in Van Diemen's Land, composed of Persons who have but lately, if at all, renounced the vicious habits of their former Condition, and of others who are placed there for the purpose of Reformation and Improvement, the Effect of a bad Example in a Commanding Officer has a direct tendency to defeat the Object for which the Colony was formed. It is for this reason that His Royal Highness has deemed it indispensably necessary to remove Lieutenant Governor Davey from the Situation which he holds and to appoint in his room Colonel Sorell, who will take his departure from this Country by the earliest opportunity. His Royal Highness however is desirous from a consideration for the family of Governor Davey, and the losses which he sustained by his Capture on his passage to the Colony,† to carry his supercession into Effect in the way least hurtful to his Feelings and to those of his Family. You will therefore intimate to him the Intention of His Royal Highness which I have now the honor to communicate.

1816.
18 April.
Recall of J. H. Bent.

Appointment of successor.

Recall of Davey and appointment of Sorell.

Probable effects of immorality of Davey.

Macquarie's reports on conduct of Davey.

SER. I. VOL. IX—H

* Note 29.  † Note 30.
to you, and will submit to him the propriety of resigning his
Situation either previous to, or on the arrival of Colonel Sorell,
at which date his Allowance as Lieut. Governor must cease.

As Colonel Davey has also applied for a Grant of Land in the
Colony, and as this appears the only way of affording any Relief
to his Wife and Family to which you consider them from their
Merits entitled, I have received the orders of His Royal Highness
to authorize your making to Colonel Davey a Grant of Land* in
the Neighbourhood of Port Jackson corresponding to his rank
in His Majesty's Service, and to afford him the Assistance in
point of Stock and Convict Labour which has usually been
granted to persons in his Situation of Life. It will afford me
much pleasure to learn that Lt. Governor Davey has duly appre­
ciated His Royal Highness's Indulgence, and has as a private
Individual at Port Jackson retrieved the Character which he
enjoyed in His Majesty's Service, and which has only been
tarnished by his misconduct at Van Diemen's Land.

I have, &c,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 68, per ship Elizabeth; acknowledged by Governor
Macquarie, 4th April, 1817.)

Sir,

Downing Street, 18th April, 1816.

I have not failed to peruse with considerable Interest the
account† of Your Tour into the newly discovered Country, and
that of the further discovery made by Mr. Evans in his second
Journey into the Interior. All that has hitherto been ascer­
tained of that Country only makes it desirable to penetrate
further into the Interior of the vast Continent which is now at
length become open to the Enterprize of the Colonists.

Although Mr. Evans is entitled to great praise for the perse­
verance with which he overcame the Natural Obstacles opposed
to the Progress of his Discoveries, and the Activity with which
he afterwards pursued his course to the Westward, yet he does
not appear from the Style of his Journal to be qualified by his
Education for the task of giving the Information respecting this
New Country, which it is so desirable to obtain. I hope there­
fore that in the further prosecution of these discoveries you will
associate with him some person of more scientific Observation
and of more General Knowledge. It appears to me that such
persons will be found either among the Officers of the Regiment
now stationed in the Colony or among the Medical Officers.
Some one of the latter indeed could not fail to be on many

* Note 31. † Note 32.
accounts a most valuable acquisition to any future expedition, and more particularly if any one can be found in the Colony possessing any competent Knowledge of Botany or Mineralogy. If you conceive that the Colony can furnish persons so qualified to pursue the discoveries with Advantage, you will consider yourself authorized to direct another Expedition into the Interior, and to furnish them with the means of prolonging their Absence from Bathurst, and consequently extending the range of their discovery. But if on the other hand no such persons willing to undertake the task can be found, little difficulty can exist in obtaining scientific persons here, not only willing but anxious to enter upon the great field which has been opened to them. In either case however the points, to which I consider it most expedient that their Attention should be directed, are specified in the enclosed Memorandum, which you will make the groundwork of any Instruction which you may give to future Travellers.

The Regulations which you have proposed for the Settlement of the Town of Bathurst appear to me in every respect proper. It is certainly most desirable to establish at that distance from the original Colony a point from which future travellers may commence Their Journey, and to which on any unforeseen or necessary occasion they may return. But I should hope that the charge of supplying the Settlers there with provisions might at a very early period be much diminished, more especially as the Soil has the Appearance of great Fertility, and the Kangaroos, with which the Country abounds, furnish if not an adequate means of Subsistence at least a very considerable Addition to that which may be obtained from other quarters.

I have, &c.,
BATHURST.

[Enclosure.]

MEMORANDUM.

Downing Street, 18th April, 1816.

It is most desirable that any person travelling into the Interior should keep a detailed Journal of his Proceedings. In this Journal all Observations and occurrences of every kind, with all the circumstances, however minute, and however familiar they may have been rendered by Custom, should be carefully noted down, and it is also desirable that he should be as circumstantial as possible in describing the general Appearance of the Country, its Surface, Soil, Animals, Vegetables and Minerals, everything that relates to the Population, the Peculiar Manner, Customs, Language, Government and Domestic Economy of the Individual Natives, or the Tribes of them which he may meet with.
The following however will be among the most important Subjects on which it be more immediately the Province of a Traveller to endeavour to obtain Information.

The General Nature of the Climate, as to Heat, Cold, Moisture, Winds, Rain, Periodical Seasons, The Temperature regularly registered from Fahrenheits Thermometer as observed at two or Three Periods of the Day.

The Direction of the Mountains; their General Appearance as to Shape; whether detached or continuous in ranges.

The Rivers, if any such are discovered; their direction, velocity, Breadth and Depth.

The Animals, whether Birds, Beasts or Fishes, Insects or Reptiles &c. distinguishing those animals, if any, which appear to have been domesticated by the Natives.

The Vegetables and particularly those that are applicable to any useful purposes, whether in Medicine, Dyeing &c.; any scented or ornamental Woods, adapted for Cabinet Work and Household Furniture, and more particularly such Woods as may appear to be useful in Shipbuilding; of all which it would be desirable to procure small Specimens, labelled and numbered so that an easy Reference may be made to them in the Journal to ascertain the Quantities in which they are found, and the Situations in which they grow.

Minerals; any of the Precious Metals, or Stones; if used, or valued by the Natives.

With respect to the Animals, Vegetables or Minerals, it is desirable that Specimens of the most remarkable should be preserved as far as the Means of the Travellers will admit, and especially the seeds of any plants not hitherto known. Where the preservation of Specimens is impossible, Drawings or detailed Accounts of them are most desirable.

The Description and Characteristic Difference of the several People whom he may meet, the Extent of the Population, their Occupations and means of Subsistence, whether chiefly, or to what Extent, by Fishing, Hunting, or Agriculture, and the principal Objects of their several pursuits.

A Circumstantial Account of such Articles, if any, as might be advantageously imported into Great Britain, and those that would be most valued by the Natives in exchange for them.

A Vocabulary of the Language spoken by the Natives whom he may meet; using in the compilation of each, the same English Words.

If the People are sufficiently numerous to form Tribes, it is important to ascertain their Condition and mode of Government; Their Genius and Disposition, the Nature of their Amusements,
GOULBURN TO MACQUARIE.

Their Diseases and Remedies &c.; Their Religion and Objects of Worship, Religious Ceremonies, and the Influence of Religion on their Moral Character and Conduct.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 69, per ship Elizabeth; acknowledged by Governor Macquarie, 4th April, 1817.)

Sir,

Downing Street, 25th April, 1816.

I have the honor to transmit to you herewith the Copy of a Letter from Mr. Beckett Under Secretary of State for the Home Department in favor of Thomas Holden, who was sentenced to Transportation for Seven Years, at a Special Sessions held at Lancaster in May, 1812, and I am to desire that you will grant to him the permission therein mentioned provided his conduct has been such as to entitle him to this Indulgence.

I have, &c,

BATHURST.

[Enclosure.]

UNDER SECRETARY BECKETT TO UNDER SECRETARY GOULBURN.

Sir,

Whitehall, 25th April, 1816.

Applications having been made to Lord Sidmouth in favor of Thomas Holden, who was Sentenced to Transportation for Seven years at a Special Sessions held at Lancaster in May, 1812, and in pursuance of such Sentence was sent to New South Wales by the Ship Fortune, I am to desire that you will move Lord Bathurst to be Pleased to Signify to the Governor of that Colony Lord Sidmouth's wish that the Prisoner in question should receive Permission to return to this Country, provided his Conduct, during the time that he has resided at New South Wales, has been Orderly and becoming his Situation.

I am, &c.,

J. BECKETT.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Elizabeth; acknowledged by Governor Macquarie to Earl Bathurst, 4th April, 1817.)

Sir,

Downing Street, 25th April, 1816.

I am directed by Lord Bathurst to transmit for your Information a Copy of a letter and of its Inclosures which has been received from the Secretary of the Treasury in answer to the Representation which was made by Mr. Oxley of the Inferiority of the Surveying Instruments sent out in the Indefatigable.

I am, &c.,

HENRY GOULBURN.
1816.
25 April.

Reports on surveying instruments.

118 HISTORICAL RECORDS OF AUSTRALIA.

[Enclosure No. 1.]
SECRETARY LUSHINGTON TO UNDER SECRETARY GOULBURN.

Sir,

Treasury Chambers, 22d April, 1816.

I am commanded by the Lords Commissioners of His Majesty's Treasury to transmit to you for the information of The Earl Bathurst Copy of a letter from the Transport Board of the 3d Instant and of its enclosures in answer to the Complaints made by Mr. Oxley, Surveyor General of Lands in New South Wales, of the inferiority of the surveying Instruments sent out in the Indefatigable, and to which subject their Lordships' Attention was called by your letter of the 27th December last.

I am, &c.,

S. R. LUSHINGTON.

[Enclosure No. 2.]
The Transport Commissioners to Secretary Harrison.

Sir,

Transport Office, 3d April, 1816.

We received your Letter of the 2d Ulto. transmitting a Letter from Mr. Goulburn with Sundry Inclosures, together with one from the Commissary in Chief relative to the Instruments for the Department of the Surveyor General of Lands in New South Wales forwarded to that Settlement in the Ship Indefatigable; and signifying the directions of the Right Honorable The Lords Commissioners of His Majesty's Treasury that we should cause an Enquiry to be made and report as to a Complaint made by Mr. Oxley, the Surveyor General, of the Inferiority of those Instruments and that an Artificial Horizon was damaged by being improperly packed; and in return, we inclose for the Information of their Lordships a Copy of a Letter from Messrs. Watkins and Hill by whom these Articles were furnished relative to their Quality, and stating that they are preparing an artificial Horizon in lieu of the one damaged on the passage; as well as a Copy of their Bill for the Instruments.

We return herewith the Inclosures which accompanied your Letter, and are, &c.,

RUPT. GEORGE.

J. DOUGLAS.

JOHN FORBES.

[Enclosure No. 3.]
MESSRS. WATKINS AND HILL TO SECRETARY MCLEAY.

Sir,

5 Charing Cross, 28th March, 1816.

In reply to your Letter respecting Mathematical Instruments furnished by Us for New South Wales, We beg leave to observe We have an Artificial Horizon in a state of forwardness in lieu of the One broke in its Voyage, and will take the liberty of informing you when it is finished.
We are extremely sorry to hear the Instruments did not meet Mr. Oxley’s entire approbation, but, Sir, as some of the first Surveyors in this Country frequently use instruments of an inferior quality to those sent, We have no hesitation in stating they were such as would Answer every purpose intended, and as good as could be Manufactured at the price charged.

We remain, &c.,

WATKINS AND HILL.

[Enclosure No. 4.]

ACCOUNT FOR MATHEMATICAL INSTRUMENTS.
The Honble. The Commissioners of The Transport Board
Dr. to Watkins and Hill.

<table>
<thead>
<tr>
<th>1814</th>
<th></th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 24th</td>
<td>To 1 Measuring Wheel</td>
<td>8</td>
<td>18</td>
<td>6</td>
</tr>
<tr>
<td>to</td>
<td>To 1 Circumferenter with Telescope</td>
<td>6</td>
<td>16</td>
<td>6</td>
</tr>
<tr>
<td>Augt. 1st.</td>
<td>To 1 inlaid Silver Arched Sextant</td>
<td>15</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>To 1 Taste Horizon</td>
<td>4</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>To 1 Case Drawing Instruments</td>
<td>4</td>
<td>14</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>To 1 Set of Ivory Scales of equal parts</td>
<td>3</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>To 1 2 feet Parallel rule (Ebony)</td>
<td>0</td>
<td>17</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>To 1 18 in. Do. Do.</td>
<td>0</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Strong Packing Case and Lighterage</td>
<td>1</td>
<td>3</td>
<td>0</td>
</tr>
</tbody>
</table>

£46 0 6

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship Mariner; acknowledged by Governor Macquarie to Earl Bathurst, 4th April, 1817.)

Sir,
Downing Street, 25th April, 1816.

Mr. Richard Tress having received the Permission of Lord Bathurst to proceed with his Family as a Settler to New South Wales, I am to desire that upon his arrival in the Colony you will make to him a Grant of Land in proportion to the means which he may possess of cultivating it, and extend to him the other Indulgences usually granted to Settlers of his Class.

I am, &c.,
HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship Mariner; acknowledged by Governor Macquarie, 4th April, 1817.)

Sir,
Downing Street, 25th April, 1816.

I am directed by Earl Bathurst to desire that you will make to Mr. Edward Gray, who is the Bearer of this Letter and is desirous of proceeding as a Free Settler to the Colony of New South Wales, a Grant of Land in proportion to the means of
Cultivation which he may be found on arrival to possess, and that you will extend to him such other Indulgences as are usually granted to a Settler of his Class.

I am, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.*

Sir,

Downing Street, 25th April, 1816.

I am directed by Earl Bathurst to acquaint you that he has given permission to the Bearers, Messrs. James and — Salmon to proceed as Free Settlers to New South Wales, and I am to desire that you will make to them a Grant of Land upon their arrival with a proportion of Convict Labour according to the means they may possess of bringing it into Cultivation.

I am, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.*

Sir,

Downing Street, 1st May, 1816.

This Dispatch will be delivered to you by Mr. Samuel Symonds, who proceeds to New South Wales on board one of the Ships which are now on the point of sailing.

He has been very strongly recommended to me both on account of his general good Character and of his Qualifications as a Medical Man, and I therefore beg to recommend him to your favorable Attention as a person well qualified to receive the usual Indulgence of a Settler and any appointment which it may be in your power to confer upon him.

I am, &c.,

HENRY GOULBURN.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 70, per ship Surrey; acknowledged by Governor Macquarie, 4th April, 1817.)

Sir,

Downing Street, 11th May, 1816.

In reply to that part of your Dispatch of the 7th October, 1814, which refers to the Expence which has been incurred by the Colonial Government having been obliged in some instances to maintain the Wives of Convicts sent to New South Wales, I have to acquaint you that the Subject has been submitted to The Home Department, and that Measures will be taken to prevent as far as possible the Embarkation of the Wives of such Convicts as are either unwilling or unable to support them on their Arrival.

Lord Sidmouth having suggested that returns should be occasionally sent home of such Convicts, who may have applied for

* Note 22.
permission for their Wives to join them, and that it should be also stated whether such Persons have the Means of maintaining their Wives and Families in the Event of their being allowed to proceed to the Colony, I am to desire that you will cause such Returns to be occasionally transmitted in compliance with the Suggestions of his Lordship.

I have, &c.,

BATHURST.

---

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

18th May, 1816.

[A copy of this private letter is not available.]

---

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 71, per ship Surrey; acknowledged by Governor Macquarie, 1st April, 1817.)

Sir, Downing Street, 20th May, 1816.

I herewith transmit to you the Copy of a letter which has been addressed to me by Mr. Samuel Blaxland, transmitting the Correspondence which had passed between his Brother and yourself respecting the alleged Injuries which he has received; Referring to that part of it in which he states that Mr. John Blaxland had been struck off the List of those persons who were allowed to furnish Meat to the Government Stores, I am to request that you will inform me of the reasons, which induced you to adopt this Measure.

I also transmit a Copy of the answer which I have directed should be returned to Mr. Samuel Blaxland, and altho' strictly speaking Mr. John Blaxland can have no just Claim for the loss he has sustained in consequence of clearing Land previously allotted to Government Purposes, yet as the Labour bestowed upon it may have been the means of improving the Allotment which has been temporarily occupied I am to desire that you will estimate the Additional Value so given to that Land, and make him such a Remuneration either in Stock or Convict Labour as you may consider adequate under the circumstances of the Case.

I have, &c.,

BATHURST.

[Enclosure No. 1.]

MR. SAMUEL BLAXLAND TO EARL BATHURST.

Clifford, Herefordshire, or 37 Parliament Street,

My Lord, 1st Feby., 1816.

In laying before you the accompanying papers, which were transmitted me for that purpose from my Brother John Blaxland
of the Colony of New South Wales, permit me to solicit that indulgence in their perusal, which may demand the statements of a Man, who for the last eight years has been struggling with adversity; if they are found in some instances to deviate from the facts he wishes to represent, they are evidently not connected with any party in opposition to the views of His Majesty’s Ministers or the prosperity of the Colony, but are dictated by the feelings of a Man brought up to Agriculture, whose conduct and character in that situation in this Country were irreproachable, who left it in the year 1806 with the encouragement and countenance of the Government to become a Settler in New South Wales with a very considerable property, which is nearly exhausted before he gains the fulfilment of his agreement, as his allotment of Land was not measured to him till November, 1813, and then without being allowed the number of Cattle, which he had reason to expect from the Secretary of State’s Letter (Mr. Windham) to the Governor, of the 31st July, 1806, and which other Settlers had obtained.

Thus circumscribed my Lord, his efforts for the advancement of Agriculture could be but very limited, and I hope may be considered a sufficient reply to the letter of Mr. Campbell the Secretary, No. 9, in which my Brothers, jointly, are accused of a want of exertion in that pursuit. I have no hesitation in saying, that on their arrival in the Colony their activity and exertions greatly contributed to gradually lessen the price of Meat, which, from being three shillings the pound, is now reduced to about sevenpence, and further by erecting Salt Works, supplied the Colony with that necessary, for its preservation, by which a supply is offered to all shipping trading in that direction.

I have attentively perused the papers now placed for the inspection of your Lordship, and with all due submission I will endeavor to connect the Subjects of my Brother John’s complaints, previously requesting your Lordship to pardon the intemperate expressions made use of in his letter to the Governor No. 10, which proceeded not from intention but from the ignorance of an unlettered farmer.

First.—That he had been allowed to select his Land is corroborated by Mr. Campbell’s Letter No. 2 of 20 Octr., 1813.

That he had been allowed to select a certain Tract of Land in expectation of its forming a part of his allotment, that he had cleared an extent equal to sixty acres with great labor and expence, which afterwards was found to be wanted for his Majesty’s purposes as common Land. He humbly prays that as there is no dispute as to the fact of this sixty acres having been cleared, and his Majesty’s Government having therefore
been benefited to a certain extent, the cleared Land being still in the hands of Government, an Instruction should be given to the Governor to make my Brother an allowance for the expence incurred on this occasion.

2. That he never has fully enjoyed those advantages in being furnished with Cattle, as recommended to Govr. Bligh in the Secretary of State’s Letter of 31st July, 1806. Governor Macquarie does not notice this claim at all in his answer to my Brother’s letter of 2nd January, 1815, But it will appear clear to Your Lordship from Mr. Windham’s letter of 31 July, 1806, that it was the intention of Government that my Brother should be remunerated for the expence he incurred in carrying out his family that year; although no particular number of Cattle is specified, Gregory Blaxland received 70 Cows, and as the Number of Men and quantity of Land assigned to John was precisely double, my brother John’s proportion of Cattle would be 140, but he has only received 60. He prays therefore that he may be allowed 80 Cows from the Government Stock to be paid for by installments of their produce in four years, and that your Lordship would be pleased to instruct the Governor accordingly, as his Property is so much exhausted that he has not otherwise the means of carrying into effect the objects of his pursuits in Agriculture, from which alone (with the exception of the Salt Works) he has to support an increasing and numerous family.

3. That my Brother John, in particular has been denied the privilege of putting his name on the List for the supply of his Majesty’s Government with Stores, when Men occupying Official Situations are allowed to traffic in the Supplies for the Government to the great prejudice of the Farmer. This abuse, my Lord, my Brother humbly prays may be redressed, not as an individual but in a more general sense, conscious that it cannot be countenanced by your Lordship; for it can hardly be necessary to point out the consequences that must follow, if the Commissaries in New South Wales, who are the Persons to receive the Meat into the Public Stores, are themselves permitted to furnish this Meat. In this case my Lord, the other Settlers can have but a poor chance of getting their quantities of Meat received into Store, at least so long as the Official Persons have any to tender. And this Evil your Lordship perhaps is not aware extends much further than I have stated it, and seems worthy of your Lordship’s correcting hand.

My Lord, Allow me most earnestly to hope that my Brother’s appeal to your Lordship’s justice and impartiality will not be in vain, for although forbid by Govr. Macquarie to again repeat his
Claims, from the completion of which he is dependant for support, I am conscious your Lordship's higher Tribunal will defend him from oppression.

I have, &c.,
SAML. BLAXLAND.

[Enclosure No. 2.]

MR. JOHN BLAXLAND TO EARL BATHURST.

My Lord, Parramatta, New South Wales, 11 June, 1815.

It is with much concern I am under the necessity of addressing your Lordship on a subject, which has given so much trouble in the honourable office you now hold; it relates to the Agreement* I entered into with His Majesty's Ministers for the establishing myself in the Colony as an Agriculturist; but I was so unfortunate as to arrive during the time Admiral Bligh was Governing, who set his face against me and lessened as much as possible those advantages intended by my agreement, and laid the foundation for the conduct of the present Governor Macquarie.

I have endeavoured all in my power to prevent this appeal to your Lordship, and have now the honor to enclose a Copy of the correspondence between me and the Governor, for your Lordship's information to which I beg leave to refer you.

In my Letter No. 8 to Governor Macquarie, I have stated the different circumstances under which I felt myself aggrieved and asked for redress, which he I am sorry to say considered offensive and disrespectful, which I must beg leave to assure your Lordship was far from my intentions; but, independant of the expectations I had hoped to derive from my Agreement, he led me into a great expence by promising me a certain tract of Land, in faith of which promise I proceeded to clear upwards of Sixty Acres for cultivation, which promise he afterwards denied, and my expences and time were lost.

In the same Letter, I complained to the Governor of the great disadvantage the Grazier laboured under from Mr. Broughton holding a high official Situation in the Commissariat department, and becoming a large Stock holder, which complaint the Governor considered as unfounded and unwarrantable; but the Governor's memory was again a little treacherous, as he confirmed the observation I had made in the publishing of the different persons' names, who was to put meat into the Government store where Mr. Broughton stood very conspicuous.

I have the honour to enclose one of the Sydney Gazettes† for your Lordship's perusal.

I do not, my Lord, mean to confine myself to Mr. Broughton, as the only person holding high situations under Government

* Note 33. † Note 34.
and entering largely into farming speculations, as that is an example too generally practised, which in times of plenty is very injurious to the settler, who has no interest to get his produce received into the Government Store and has nothing to look to but the return from his Land for the support of himself and family.

My reply to the remark the Governor made in his letter No. 9, respecting my exertions as an Agriculturist, will I hope be satisfactory to your Lordship, having reared 1,168 head of Horned Cattle, 60 Horses, 4,993 Sheep, and many Hogs up to that period; more would have been done, had I had, my Lord, and that assistance given me, which an undertaking of that nature required.

Trusting to your Lordship's impartial Justice, and that you will take all the circumstances into consideration,

I have, &c.,
J. BLAXLAND.

[Sub-enclosure No. 1.]

MR. JOHN BLAXLAND TO GOVERNOR MACQUARIE.

Sir,

Parramatta, 13 Octr., 1813.

I waited on you yesterday, in consequence of the Arrival of the Earl Spencer with Male Prisoners, to request permission to take five being a part of those I am entitled to conformable to my agreement with His Majesty's Secretary of State; when, from the disposition I found your Excellency, I thought it prudent to retire, but I cannot silently pass by the observation you made the agreement that my Agreement and my Brother's were one and the same. If you will take the trouble to look at them, you will find they differ in the Capital to be advanced and the number of Men each are to have in the same proportion, and that Lord Castlereagh's Dispatch to Govr. King respecting my Brother was dated 13th July, 1805, and Mr. Windham's Letter to Govr. Bligh respecting my Agreement was dated 31st July, 1806.

That on my arrival here, not being able to get my Agreements carried into effect, I entered into an Arrangement with my Brother for five Years to enable me to return to England, that, that time being expired, our Capital again divided and he claimed and took all the Men given to him, leaving me only fifteen, seven of which I received of the late Govr. Bligh, and eight from Your Excellency. I cannot presume to point out to Your Excellency whether my Brother's term for having the Men Vitualed on the Store is expired, or not; but I had some conversation with Mr. Broughton, the then Acting Commissary, who said, if that was the case, he should be charged for any extra Food he might have drawn.
I must observe to Your Excellency that not many Months ago you took from me a prisoner for life of the name of Steacy, who was in arrears for necessarys advanced in the sum of £3 10s. 3d.; that I received a Man in exchange whose term of Transportation was but for a short period; he became a bush ranger and committed many depredations, and that two of the ten you gave me were by the order of Mr. Marsden returned into Govt. Employ, and that I have received none in return.

I have been in the Colony upwards of seventeen Months; my Land not being yet measured has occasioned me very great losses, as it is not in my power to keep off other people's stock from Land selected by your permission, and my Cattle are dying for want of that Food which is thus unavoidably lost; neither can I erect my buildings or proceed in Agricultural pursuits.

The want of Men must still be a bar to my intentions in that undertaking.

I hope Your Excellency will take the above subject into consideration and afford me that assistance which the Govt. at home assured me I should receive.

I have, &c.,

JOHN BLAXLAND.

[Sub-enclosure No. 2.]

SECRETARY CAMPBELL TO MR. JOHN BLAXLAND.

Sir,

Secretary's Office, Sydney, 20th October, 1813.

I have it in command from His Excellency the Governor to acknowledge the receipt of your letter dated the 13th instant, and, in reply thereto, to inform you that during your absence in England, at which time your farming Concerns were carried conjointly with those of your Brother, Mr. Gregory Blaxland, all the Government men, that were at that time assigned to him on his various applications, were intended by his Excellency for the partnership or joint concern then subsisting between you and him, and by no means for the exclusive benefit of either the one or the other of you, but expressly for your and his joint accommodation in proportion to your respective claims. This being the case All the men so assigned must be charged to your Joint Account, and to this effect His Excellency has instructed the Commissary to debit you and him in Co-partnership. Any deviation from this Rule would be to the prejudice of Government, and in consequence His Excellency will not depart from it. The subsequent distribution of those men, which may have taken place on your separating your concerns from those of your Brother, should have been in the proportions herein expressed, and it must rest with you and him to make such arrangements as may appear most reasonable to you in that particular, as it does not rest with the Governor to interfere therein.
2. Whatever number of men, agreeably to the Commissary's Account, may still be due to you and your Brother, will be assigned accordingly from the first arrival of Male Convicts from the Mother Country.

3. The very great demand for men, at the present critical season, made by Settlers who were in much greater want of them than you could possibly be, precluded His Excellency from assigning you any from those lately arrived in the Earl Spencer Transport.

4. The man, who was sometime since removed from your service being a Sawyer and much required by Government itself, was replaced by another who was sent to you, and of course you have no just cause of complaint on that score, the more especially as the Governor gave directions to the Superintendant to stop the money due to you by that man out of the amount of his extra work, and this stoppage has been regularly going on.

5. On your producing a certificate from Mr. Marsden that he withdrew two of your men and put them into the employ of Government, His Excellency will give orders for their being replaced by others as soon as possible.

6. The Deputy Surveyor General, since his return from Van Dieman's Land, having been constantly employed on very important Public Duties, The Governor has not had it in his power to send him to survey and measure your Land; but on Monday the 1st of the next month The Surveyor General and Deputy Surveyor will be instructed to proceed to the Bringelly District to measure the Land selected by you, and you are hereby apprized of this circumstance in order that you may attend them and point out the Boundaries of the Land so chosen by you.

I have, &c,

JNO. THOS. CAMPBELL, Secy.

[Sub-enclosure No. 3.]

SECRETARY CAMPBELL TO MR. JOHN BLAXLAND.

Sir, Secretary's Office, Sydney, 1 Novr., 1813.

Agreeably to the communication I had the honor to make to you on the 20th ulto., I now transmit you a Copy of the Return, made by the Commissary, of the number of Government Men victualled and clothed at the expense of Government, who have been from time to time assigned to you and Mr. Gregory Blaxland for your joint account as Partners and carried on to the 23rd ulto.

By this return it appears that the labor of Twenty five men is still due for the term of Sixty one weeks and five days from the said 23rd ulto. to the joint concern, and this number will be accordingly continued on the Stores for that Period.
By the inclosed statement, which has been made up by the Commissary from Documents furnished by yourself and your Brother, it appears that Mr. Gregory Blaxland has had the service of more men than were actually due to him; but as His Excellency Governor Macquarie always gave Mr. Gregory Blaxland such men as he assigned to him for the use and benefit of the joint concern between you and him in proportion to your respective claims, He cannot now enter into the arrangement, which may have taken place between you, on the Public dissolution of your Partnership.

If you should however wish to have the services of more men on your own Account, than those already victualled, His Excellency is pleased to say that He will have no objection to the assigning you some on the arrival of the next Male Convict Ship, but in this case the time for which the Aggregate number will be victualled by the Crown will be proportionally reduced in the rate of the increase of men, and agreeably to the time specified in the accompanying statement.

Any casualties that may have taken place in the number of men assigned to you and your Brother in your Co-partnership concern, since the date of the Documents from which the accompanying Return is made up, will be admitted by the Governor on a final adjustment of the number of men due to you and him.

I have, &c.,

JNO. THOS. CAMPBELL, Secy.

[Sub-enclosure No. 4.]

MEMORANDUM RELATING TO THE SERVANTS OF J. AND G. BLAXLAND.

Memo.—It appears from Mr. Gregory Blaxland’s Agreement that he was to have the labor of Forty Men to be clothed and victualled for eighteen months, and by Mr. John Blaxland’s Agreement he was to receive Eighty Men to be clothed and victualled for the same period; but when Mr. Gregory Blaxland, who was partner with and Agent to his Brother in his absence, made draughts of men from the Convicts which occasionally arrived, no distinction was made with regard to the number for each, but he received these persons as the Joint Partner of his Brother, and appropriated the labor to what purposes he thought proper; consequently no account but a joint one could be kept against them; but it appears from their own Returns, upon which this Account is formed, that Mr. Gregory Blaxland has appropriated to his own use the labor of the people, beyond what he was entitled by his Agreement; of course Mr. John Blaxland must look to him for remuneration for their service,
but on the whole Account there is due to them jointly the labor of Twenty five men (who appear to be actually victualled by the Crown and employed by them) for Sixty one weeks and five days. Vizt:—

<table>
<thead>
<tr>
<th>Men</th>
<th>Days.</th>
</tr>
</thead>
<tbody>
<tr>
<td>40</td>
<td>21,900</td>
</tr>
<tr>
<td>80</td>
<td>43,800</td>
</tr>
</tbody>
</table>

65,700

It appears from their own statement that Mr. Gregory Blaxland has appropriated to himself the labor of ........ 25,070
And Mr. John Blaxland has the labor only of ............ 29,830

54,900

Leaving a Balance of ......................... 10,800

65,700

25 Men's Labor for 61 Weeks and 5 days .............. 10,800

From Commissary's Office.

JNO. THOS. CAMPBELL, Secy.

EXTRACT from Account of Prisoners victualled by Government in the service of Gregory and John Blaxland, Esquires, 23rd October, 1813.

<table>
<thead>
<tr>
<th>No. of Men.</th>
<th>No. of days vict'd.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Gregory Blaxland .......... 31 25,070</td>
<td></td>
</tr>
<tr>
<td>„ John Blaxland ............ 35 29,830</td>
<td></td>
</tr>
</tbody>
</table>

[Sub-enclosure No. 5.]

MR. JOHN BLAXLAND TO SECRETARY CAMPBELL.

Sir,

Parramatta, 8 Novr., 1813.

On my return from attending the Surveyor General, who has by the direction of His Excellency the Governor now marked my land, I was favored with your Letter of the 1st of the present month with an accompanying Document from the Commissary's Office of the numbers of men clothed and victualled at the expense of the Crown, agreeable to an Agreement* entered into with His Majesty's Secretary of State, previous to my leaving England in the year 1806. By the inclosed statement, it appears that my Brother has considerably exceeded the time he was to receive the indulgence of his men being victualled and clothed at the Public expense, and that he has now seven men on the Store, which are calculated into the time for which those indulgences, by virtue of my Agreement, were intended for me; and

* Note 33.
that I submit for His Excellency's consideration that, although my Brother and I having been in partnership and he, during my absence, acted as my Agent, the time is now expired wherein our mutual interest ceases, and his Agreement having been complied with that it cannot be right for him to have those Men continued on the Store included in my time, as he has claimed and taken them away at the expiration of the Partnership which terminated the last day of August.

I must beg leave to refer you to my letter, dated the 13th of last month, wherein I stated that I have now but fifteen men victualled on the Store, whose names I now enclose, seven of which I received from the late Governor Bligh, and eight from His Excellency Governor Macquarie. It is not for me to dictate to His Excellency whether my Brother is to have them continued on the Store or not, but I cannot admit the legality of their being calculated into my time.

There is a mistake in the number, originating in three men belonging to me, two of which having been returned into Government employ on the 7th and 14th August last, and John Cassidy, whom I received in the room of Stacey, ran away, and has not been victualled since the latter end of the same month.

On the arrival of the next Ship with Male prisoners, I should feel obliged by His Excellency giving me five men to enable me to proceed in my original intention of cultivation, having now for the first time during my residence in the Colony obtained land calculated for that purpose.

I have, &c.,
JOHN BLAXLAND.

[Sub-enclosure No. 6.]
SECRETARY CAMPBELL TO MR. JOHN BLAXLAND.

Sir,
Secretary's Office, Sydney, 15 Nov., 1813.

Having submitted your letter of the 8th inst., on the subject of your Government men, to his Excellency the Governor, I have it now in command to refer you to my former Letter of the 20th of October last and 1st Inst., and to inform you that His Excellency will not depart from the principle there laid down respecting the distribution of the men, drawn by Gregory Blaxland, your Agent and Partner, for your joint account; It must therefore rest between you and your Brother to make such a division of those men as may appertain to justice.

On the first arrival of Male Convicts, His Excellency will assign you five men agreeably to the request contained in your Letter of the 8th inst.

I have, &c.,
JNO. THOS. CAMPBELL, Secy.
SECRETARY CAMPBELL TO MR. JOHN BLAXLAND.

Sir,

Secretary's Office, Sydney, 27 Decr., 1814.

I have it in command to transmit you the accompanying Statement of the number of Convicts assigned at different times to you and your Brother and Agent, Mr. Gregory Blaxland, and victualled and clothed at the expence of this Government, which has been made out under date, the 25th ulto., by Mr. D. A. C. Genl. Broughton, and approved by His Excellency the Governor.

From this statement, it appears that you have still in your service Twenty one Government men and that you are entitled to the service of that number until the first of March next ensuing.

As your claim for men will accordingly cease on the 1st March next, I am directed to inform you that from and after that date your claims on this Govt. will cease, and consequently you will not have any men either fed or clothed at the public Expence after that date.

I have, &c.,

Jno. Thos. Campbell, Secy.

[A copy of the enclosure to this letter was forwarded as enclosure 6 in Governor Macquarie's despatch dated 1st March, 1815; see page 435, volume VIII.]

[Sub-enclosures Nos. 8, 9, and 10.]

[Copies of these letters were forwarded as enclosures 1, 2, and 4 in Governor Macquarie's despatch dated 1st March, 1815; see page 428 et seq., volume VIII.]

UNDER SECRETARY GOULBURN TO MR. SAMUEL BLAXLAND.

Sir,

Downing Street, 20th May, 1816.

I am directed by Earl Bathurst to acknowledge the receipt of your letter of the 1st February last, enclosing a variety of Documents in support of a Memorial addressed to his Lordship by your Brother Mr. John Blaxland, and stating the points upon which he is desirous of receiving his Lordship's decision.

With respect to the first, Vizt. the Loss sustained in consequence of clearing land previously allotted to Government purposes, it appears to Ld. Bathurst that Mr. Blaxland strictly speaking can have no just Claim upon Government; for whether the Governor did or did not caution Mr. Blaxland against selecting land already appropriated either to other Individuals or to Government purposes (though Lord Bathurst sees every reason...]

J. Blaxland's claim for cost of clearing land.
to believe that he did so caution him), it was clearly Mr. Blaxland's Duty to ascertain whether the Land he selected was otherwise disposed of. But as Mr. Blaxland's Labour may have been the means of improving the Government allotment which he temporarily occupied, Lord Bathurst has given directions to Governor McQuarie to estimate the additional Value so given to that Land and to make him such a remuneration either in Stock or Convict Labour as may be considered adequate.

With respect to a further Supply of Stock, Lord Bathurst considers that your Brothers have already been amply provided for in this particular, nor can his Lordship consider Mr. Windham's letter as holding out any additional Encouragement to Mr. John Blaxland beyond that of being permitted to pay for his proportion of Stock in produce in lieu of in Bills of Exchange on England.

The other point, adverted to in your letter, has for some time past been under the consideration of His Majesty's Government, and as soon as they shall have decided as to the expediency of continuing in force the system which has hitherto existed in the Colony, the Governor will be instructed to regulate his Conduct accordingly.

I am, &c.,
HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship Surrey; acknowledged by Governor Macquarie to Earl Bathurst, 4th April, 1817.)

Sir,
Downing Street, 20th May, 1816.

I am directed by Lord Bathurst to transmit to you the Copy of a letter from the Secretary of the Treasury with its Enclosure Stating that the Articles required by your Dispatch of the 28th June last for the use of the Printing Office, and the Instruments for the Surveyor General's Department were shipped on the 2d Instant on board the Elizabeth.

I am, &c.,
HENRY GOULBURN.

[Enclosure No. 1.]

SECRETARY LUSHINGTON TO UNDER SECRETARY GOULBURN.

Sir,
Treasury Chambers, 16th May, 1816.

I am Commanded by The Lords Commissioners of His Majesty's Treasury to transmit to you for the information of The Earl Bathurst Copy of a Letter from the Storekeeper General of the 4th instant reporting the Shipment of Printing Materials and Paper and Surveyor's Instruments for New South Wales.

I am, &c.,
S. R. LUSHINGTON.
MR. JOHN TROTTER TO SECRETARY HARRISON.

Sir,

Storekeeper General’s Office, 4th May, 1816.

I have the honor to acquaint you for the information of The Lords Commissioners of His Majesty’s Treasury that the Printing Materials and Paper for the Government Printing Office at New South Wales, and the Instruments for the Surveyor General’s Department there, Ordered by Your Letters of the 17th January last, were Shipped in the River on the 2nd instant on board the Elizabeth Transport, William Ostler, Master, Consigned to the Senior Commissariat Officer at that Colony.

A Bill of Lading has been forwarded to the Commissariat Officer, and His Excellency the Governor has been advised of this Shipment.

I am, &c.,

JOHN TROTTER.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 72, per ship Surrey; acknowledged by Governor Macquarie, 4th April, 1817.)

Sir,

Downing Street, 21st May, 1816.

Having observed in the correspondence* which has passed between Mr. Bent and myself, a complaint on the part of that Gentleman that you had pardoned Offenders without a previous Communication with the Judge of the Court before whom they had been tried, I deem it advisable, previous to the departure of the legal Officers who have been recently appointed, to communicate to you upon this point the practice which prevails in this Country and the opinion of His Majesty’s Government that it should be adhered to in New South Wales. Upon any Application which may be here made to His Royal Highness The Prince Regent for an Extension of His Mercy it has always been usual (when the circumstances stated appeared to warrant such a Reference) to refer it to the Consideration of the Judge, and his report, formed as it is necessarily from a Review of the Offender, has been uniformly, except in cases of very rare Occurrence, adopted as the guide of His Royal Highness’s Decision. In the same manner it appears proper that you should act in all cases in which persons sentenced by the Courts of the Colony apply to you for a pardon or remission of Punishment, and I am therefore to instruct you to regulate your future Conduct accordingly.

I have, &c.,

BATHURST.

* Note 26.
EARL BATHURST TO GOVERNOR MACQUARIE.

(A private despatch per ship Surrey; acknowledged by Governor Macquarie, 4th April, 1817.)

21st May, 1816.

[A copy of this despatch is not available.]

21 May.

23 May.

Assignment of convicts per ship Mariner.

Recommendation of Whitaker as a settler.

24 May.

Claim by Charles Shea.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 73, per ship Harriet; acknowledged by Governor Macquarie, 16th May, 1817.)

24th May, 1816.

Sir, Downing Street, 24th May, 1816.

Having given permission to Mr. Whitaker, who is the Bearer of this letter, to proceed as a Settler to New South Wales, I beg leave to recommend him to your favorable Notice, and I am to desire that you will make to him a Grant of Land in proportion to the Means which he may possess on his Arrival in the Colony of bringing it into Cultivation, and extend to him the Indulgences usually granted to Settlers of his Class. Mr. Whitaker thinks his Capital is equal to the Cultivation of 400 Acres.

I have, &c.,

BATHURST.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Surrey; acknowledged by Governor Macquarie to Earl Bathurst, 1st April, 1817.)

Sir, Downing Street, 24th May, 1816.

I am directed by Lord Bathurst to transmit to you the Copy of a letter which has been received from Mr. Charles Shea, dated 23d May, 1816, and to desire that you will furnish me for his Lordship's Information with any particulars which you may be able to procure either in elucidation or in contradiction of Mr. Shea's Claims.

I am, &c.,

HENRY GOULBURN.
GOULBURN TO MACQUARIE.

[Enclosure.]

MR. CHARLES SHEA TO UNDER SECRETARY GOULBURN.

Sir,

No. 8 Catherine Place, Greenwich, 23d May, 1816.

My father Captain John Shea of the Royal Marines, on his arrival at Port Jackson, New South Wales, in the Year 1787 or 1788 with the first settlers, received a Grant of Land, 500 Acres, which in a short time he cleared, sow’d Wheat that he carried from England and reaped it; finding that the fate of the Colony depended principally on the exertions of the first Settlers, my Father obtained a Second Grant to the same amount, and in consequence of the great exertion necessary to bring the ground to a proper state of cultivation he was taken ill and after lingering six weeks, died. Part of the Land, the present Church Yard at Sydney, was consecrated to bury my Father, and I understand that the principal part of the Town of Sydney is erected on that ground denominated Shea’s Farm. Myself being his only remaining Son and Heir, I beg leave to solicit that you will be so obliging as to move Lord Bathurst to direct that I may be furnish’d with a Copy of the said Grants of Land* or any information connected therewith which it may be thought proper to afford me, in order that I may be enabled to ascertain how far I may be entitled to succeed to any part of the said property.

I have, &c.,

CHAS. SHEA.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Elizabeth; acknowledged by Governor Macquarie to Earl Bathurst, 4th April, 1817.)

Sir, Downing Street, 24th May, 1816.

Mr. Vickery, who is proceeding to New South Wales as Surgeon and Superintendant of the Elizabeth, Convict Ship, having applied to Lord Bathurst to be allowed the Discretionary Power of remaining in the Colony for two Years from the period of the Disembarkation of the Convicts from that Vessel, if any circumstances should render it desirable for him to avail himself of it; I am directed by his Lordship to desire that you will grant to him the Indulgence he solicits if no particular Objection offers.

I am, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Elizabeth; acknowledged by Governor Macquarie to Earl Bathurst, 1st April, 1817.)

Sir, Downing Street, 25th May, 1816.

I am directed by Lord Bathurst to transmit to you herewith the Copy of a letter which has been addressed to him by

* Note 35.
Mr. Robert Wilson with an Enclosure from his Brother in Law, Mr. William Paterson, complaining of the Injuries he has sustained in consequence of his having been suspended from the Office of Superintendent of Convicts, and his having also been deprived of the Land which had been allotted to him; I inclose the answer which has been returned to Mr. Wilson on the first Subject of Complaint, and I am to desire that you will cause the necessary enquiry to be made into the latter and report to me for the Information of Earl Bathurst.

I am, &c.,
HENRY GOULBURN.

[Enclosure No. 1.]

MR. ROBERT WILSON TO EARL BATHURST.

My Lord, No. 16, Queen Square, 17th May, 1816.

I have received the enclosed Letters from My Brother in Law, Mr. William Paterson, Superintendent of Convicts at Hobart Town on the Derwent, New South Wales, and I have been Specially Charged by him to present them to Your Lordship, which I now take the liberty to do with the fullest assurance that Your Lordship will condescend to Notice the Contents thereof and to grant the necessary redress.

I hope I shall be forgiven for stating to Your Lordship that my Brother has held his present Situation for upwards of Thirteen Years, and has a Wife and Eight Children in the Colony. I have received many Letters from him, and several Persons from the Settlement have Called at my House in that Period, whose concurrent Testimony leaves no doubt of My Brother being a very ill used Man. As a proof of this remark, I beg leave to mention to Your Lordship the fact that My Brother left this Country upon an assurance that he would be paid a Salary of Fifty Pounds Per Annum as Superintendent, but from the Month of April, 1807, to this Moment, he has never received the Money, altho' he suspects that the Amount is regularly drawn for and included in the Parliamentary Estimate. Since the Year, 1810, he has received the Scanty pittance of Twenty five Pounds Per Annum; but for the last Nine years he has received no Salary whatever as Superintendent; added to this Circumstance, the Ground, which was allotted to him in the first instance to Cultivate for the support of his Family, is now taken away for the purpose of Public Improvements, and Altho' he has made repeated Applications for an equivalent in lieu thereof, he cannot Obtain the least redress.

I have, &c.,
ROBERT WILSON.
[Enclosure No. 2.]

THE HUMBLE PETITION OF WILLIAM PATERSON.

My Lord,

Permit me to say that, by the Permission and with the knowledge of Our present Worthy Lt. Gov. Davey to whom I have exhibited the whole thereof and unto whom no part thereof is unknown, I freely take the liberty to offer my Case at your Lordship's feet, and most humbly implore and expect that Justice, which the Nature of My Case most justly demands, humbly hoping that Justice, which is denied me here, will through your Lordship's kind and benevolent Attention be granted From the fountain of Justice, my Beloved Sovereign, to whom now (all other Efforts being in vain) I do most solemnly appeal. I shall not take up any more of Your Lordship's time than is absolutely necessary, and My Memorial to His Honor Lieut. Governor Davey and Remonstrance to His Excellency will no doubt fully satisfy your Lordship's Mind, that Mr. Evans' answer to His Excellency's request is a Jumble of too apparent falsehoods to require refutation; but, My Lord, as he has strengthened his pretensions by falsehood, it behoves me to expose and refute them on the true footing of simple Truth. For may it please Your Lordship, I am sure that my Ability or Inclination is totally unknown to him. I humbly hope, My Lord, that the Memorial and Remonstrance will fully satisfy your Lordship's Mind as to his Assertions, and give a complete refutation to his answer now before your Lordship. The annexed Plans of the Ground in its first state, and the different Allevations that have taken place, will merely satisfy Your Lordship as to his pretensions, and in Securing to me or my progeny what I first enjoyed without the possibility of reversion; but before I close this, permit me My Lord, to say that the House and Ground, which Mr. Evans purchased contiguous to mine, was first allotted to a Joseph Shipman (who has suffered at the Old Bailey) and by him sold to a William Thomas Stocker, both Convicts; the latter sold it to a Nathaniel Ayres, An American, of whom Mr. Evans made the above purchase. I have, &c.,

Hobart Town, 12th Sept., 1815.

WILLIAM PATERSON.

[Sub-enclosure.]

MEMORANDUM TO HIS HONOR LT.-GOVR. DAVEY.

With the utmost Reluctance do I take upon me to trouble you; but, when I find myself aggrieved and most egregiously injured as is now the case, I must claim your protection and counsel as My Governor, to whom I wish to pay implicit Obedience and respect. You will be pleased to recollect that A Memorial went
in your Dispatches, bearing date 29th Sept., 1813, which I was informed you had honored; but on its Return, I found was not noticed by you; hence the failure of that application is the Issue, and the severe Loss to my Family is the consequence, As Mr. Evans claims the best part of that Ground, of which I am the first and only occupier, and which was given to me by the first Governor of this Land immediately on Our Landing here, Of which Edward Lord, Esqre., will amply satisfy you respecting it, and to whom I most humbly beg leave to refer you. Moreover Mr. Meehan himself, on my representing the case to him, declared that the tenure, by which I held the Ground, was Sacred to me; the above are his very words. Surely, Honored Sir, Strange misrepresentations must have been made to His Excellency to induce him to withdraw any part thereof from me, as it is clear that my Memorial had arrived before The Deputy Surveyor's Report was given in, for on the face of the answer His Excellency waits for their Report. Therefore it is clearly evident that I am an injured Man to answer their purpose, to which with due submission to you I cannot submit; for I have cleared the ground from a wild, I have cultivated the same for Years until prevented by unheard of depredations, which were committed on me without redress before your arrival; then the alteration took place in the formation of the Town; so that for the last three Years I have sorrowfully lost the benefit thereof to my family; the which I was in hopes my Memorial would have been instrumental in restoring. I cannot therefore consent to give up my right, which I consider as soundly mine agreeable to the British Constitution; therefore do in the most solemn manner beg and request of you, as my Governor, your Advice and support that I may be enabled to proceed with the least possible Delay to fulfil His Excellency's Order to build on and cultivate the same.

Hobart Town, 29th September, 1814.

[Enclosure No. 3.]

UNDER SECRETARY GOULBURN TO MR. ROBERT WILSON.

Sir,

Downing Street, 20th May, 1816.

I am directed by Lord Bathurst to acknowledge the receipt of your Letter of the 17th instant, transmitting the Memorial of your Brother in Law, Mr. William Paterson, and I am to acquaint you that such part of it, as relates to the Land claimed by him at Hobarts town, will be by the first opportunity referred to Governor Macquarie for his report.

With respect to Mr. Paterson's Claim as Superintendent of Convicts, it appears from his Own Statement, which was enclosed in your Letter, that he was suspended from it by the same Lieutenant Governor Collins, whom he had Accompanied to the
MACQUARIE TO BATHURST.

Colony, and who was therefore the best judge of his Merits on the first Establishment of the Colony, and though he was afterwards appointed to Another Situation, Vizt. that of Wharfinger, he could not thence derive any Claim to the Pay of an Office, of which he had not, since the 14th of April, 1807, performed the Duty.

I am, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Elizabeth; acknowledged by Governor Macquarie to Earl Bathurst, 4th April, 1817.)

Sir,

Downing Street, 25th May, 1816.

I am directed by Lord Bathurst to transmit to you here-with An Assignment of One Hundred and Forty five Male Convicts shipped on board the Elizabeth.

I have, &c.,

HENRY GOULBURN.

[Enclosure]

[A copy of the assignment of convicts is not available.]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 10 of 1816," per brig Alexander.)

Government House, Sydney, N. S. Wales, 8th June, 1816.

My Lord,

In My Dispatch No. 7 of the present Year P'r H.M.C. Brig Emu, which sailed from hence on the 25th of March last, I had the Honor to inform Your Lordship that, in consequence of the hostile and Sanguinary disposition Manifested for a Considerable time past by the Aborigines of this Country, I had determined to send out some Military Detachments into the interior, either to apprehend or destroy them.

Pursuant to this determination and in consequence of various Punitive military expedition against the natives. Subsequent Acts of Atrocity being Committed by the Natives in the remote parts of the Settlements, I found it Necessary on the 10th of April to Order Three Detachments* of the 46th Regiment under the several Commands of Captains Schaw and Wallis, and Lieutenant Dawe of that Corps, to proceed to those Districts most infested and Annoyed by them on the Banks and in the Neighbourhood of the rivers, Nepean, Hawkesbury and Grose, giving them instructions to make as many Prisoners as possible; this Service Occupied a Period of 23 days, during which time the Military Parties very rarely met with any of the Hostile Tribes; the Occurrence of most importance which took place was under Captain Wallis's direction, who, having Surprized One of the Native Encampments and meeting with some resistance, killed

* Note 36.
1816.
8 June.

Punitive military expedition against the natives.

14 of them and made 5 Prisoners; among the killed there is every reason to believe that Two of the most ferocious and Sanguinary of the Natives were included, some few other Prisoners were taken in the Course of this route and have been lodged in Gaol. This necessary but painful Duty was Conducted by the Officers in Command of the Detachments perfectly in Conformity to the instructions I had furnished them.

Previous to the return of the Military Party, I issued a Proclamation dated the 4th Ulto. a Copy of which I do Myself the honor to transmit herewith for Your Lordship's information, stating in the first instance the causes which had led to the necessity of resorting to Military Force, and holding out to the Natives various encouragements with a view to invite and induce them to relinquish their Wandering Predatory habits and to avail themselves of the indulgences offered to them as Settlers in degrees suitable to their Circumstances and Situations. It is scarcely possible to calculate with any degree of Precision on the result that this Proclamation may eventually have on so rude and unenlightened a race; but it has already produced the good effect of bringing in some of the most troublesome of the Natives, who have promised to cease from their Hostility and to avail themselves of the Protection of this Government by becoming Settlers, or engaging themselves as Servants, as Circumstances may suit; and upon the whole there is reason to hope that the examples, which have been made on the One hand, and the encouragements held out on the other, will preserve the Colony from the further recurrence of such Cruelties. Under all these Considerations I trust Your Lordship will approve of the Measures I have taken.

I am much Concerned to have to report to Your Lordship that the long and continued Droughts which I mentioned in a former Dispatch have been Succeeded by incessant and heavy rains, which fell with such Violence for the last fortnight as to produce a Calamitous Inundation thro' those parts of the Country where the Rivers Hawkesbury and Nepean pass. The Flood on this occasion rose to so great a height as nearly to equal the greatest ever known in this Country; this unfortunate Visitation has occasioned considerable distress to the Settlers and their Families in those parts, tho' I have not heard of any Lives being lost, the Chief damage having extended to the great injury, if not to the utter destruction, of the Young Crops, and also to their Stock, Stacked Grain and Dwellings. Under these Circumstances it will be necessary that the destitute Sufferers should have some assistance from Government in Seed Wheat and temporary rations; but as I cannot help thinking that considerable blame
attaches to them in general for not availing themselves of the
Opportunities afforded them for removing to the Township
where they would have been Secure from Floods, It is my inten-
tion to administer this Aid in the Way of a Loan and to make
the Settlers reimburse it hereafter to Government.

Since the last Arrivals I had the honor to Announce to Your
Lordship, I have to report those of Two Irish Convict Trans-
ports, Namely, the Brig Alexander with Females, which arrived
on the 4th of April, and the Ship Guildford with Males on the
8th April. The Prisoners by both of which have Arrived in
good health.

This Dispatch will be delivered to Your Lordship by Dr.
McDonald R.N. late Surgeon and Agent of the Transport Ship
Fanny, who returns a Passenger in the Brig Alexander, And
whom I beg leave to recommend to Your Lordship’s favorable
Consideration.

I have, &c.,

[Enclosure.]
L. MACQUARIE.

PROCLAMATION.

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

WHEREAS the Ab-origines, or Black Natives of this Country, have
for the last three Years manifested a strong and sanguinary
Spirit of Animosity and Hostility towards the British Inhabitants
residing in the Interior and remote Parts of the Territory, and
have been recently guilty of most atrocious and wanton Bar-
barities in indiscriminately murdering Men Women and Chil-
dren, from whom they had received no Offence or Provocation;
and also in killing the Cattle, and plundering and destroying
the Grain and Property of every Description, belonging to the
Settlers and Persons residing on or near the Banks of the Rivers
Nepean, Grose, and Hawkesbury, and South Creek, to the great
Terror, Loss and Distress of the suffering Inhabitants.

And whereas, notwithstanding that the Government has here-
tofore acted with the utmost Lenity and Humanity towards these
Natives in forbearing to punish such wanton Cruelties and
Depredations with their merited Severity, thereby hoping to
reclaim them from their barbarous Practices and to conciliate
them to the British Government, by affording them Protection,
Assistance and Indulgence, instead of subjecting them to the
Retaliation of Injury, which their own wanton Cruelties would
have fully justified; yet they have persevered to the present Day
in committing every Species of sanguinary Outrage and depre-
dation on the Lives and Properties of the British Inhabitants,
after having been repeatedly cautioned to beware of the Conse-
quences that would result to themselves by the continuance of
such destructive and barbarous Courses.
And whereas His Excellency the Governor was lately reluctantly compelled to resort to coercive and strong measures to prevent the recurrence of such crimes and barbarities, and to bring to condign punishment such of the perpetrators of them as could be found and apprehended; and with this view sent out a military force to drive away these hostile tribes from the British settlements in the remote parts of the country, and to take as many of them prisoners as possible; in executing which service several natives have been unavoidably killed and wounded, in consequence of their not having surrendered themselves on being called on so to do, amongst whom, it may be considered fortunate, that some of the most guilty and atrocious of the natives concerned in the late murders and robberies are numbered. And although it is to be apprehended that some few innocent men, women, and children may have fallen in these conflicts, yet it is earnestly to be hoped that this unavoidable result, and the severity which has attended it, will eventually strike terror amongst the surviving tribes, and deter them from the further commission of such sanguinary outrages and barbarities.

And whereas the more effectually to prevent a recurrence of murders, robberies, and depredations by the natives, as well as to protect the lives and properties of his majesty's British subjects residing in the several settlements of this territory, his excellency the governor deems it his indispensible duty to prescribe certain rules, orders, and regulations to be observed by the natives, and rigidly enforced and carried into effect by all magistrates and peace officers in the colony of New South Wales; and which are as follows:—

First.—That from and after the fourth day of June ensuing, that being the birth day of his most gracious majesty king George the third, no black native or body of black natives shall ever appear at or within one mile of any town, village, or farm, occupied by, or belonging to any British subject, armed with any warlike or offensive weapon or weapons of any description, such as spears, clubs, or waddies, on pain of being deemed and considered in a state of aggression and hostility, and treated accordingly.

Second.—That no number of natives, exceeding in the whole six persons, being entirely unarmed, shall ever come to lurk or loiter about any farm in the interior, on pain of being considered enemies, and treated accordingly.

Third.—That the practice, hitherto observed amongst the native tribes, of assembling in large bodies or parties armed, and of fighting and attacking each other on the plea of inflicting
Punishments on Transgressors of their own Customs and Manners at or near Sydney, and other principal Towns and Settlements in the Colony, shall be henceforth wholly abolished, as a barbarous Custom repugnant to the British Laws, and strongly militating against the Civilization of the Natives, which is an Object of the highest Importance to effect, if possible. Any Armed Body of Natives, therefore, who shall assemble for the foregoing purposes, either at Sydney or any of the other Settlements of this Colony after the said Fourth Day of June next, shall be considered as Disturbers of the Public Peace and shall be apprehended and punished in a summary Manner accordingly. The Black Natives are therefore hereby enjoined and commanded to discontinue this barbarous Custom, not only at and near the British Settlements but also in their own wild and remote Places of Resort.

Fourth.—That such of the Natives as may wish to be considered under the Protection of the British Government, and disposed to conduct themselves in a peaceful, inoffensive, and honest Manner, shall be furnished with Passports or Certificates to that Effect, signed by the Governor, on their making Application for the same at the Secretary's Office at Sydney, on the First Monday of every succeeding Month; which Certificates they will find will protect them from being injured or molested by any Person, so long as they conduct themselves peaceably, inoffensively, and honestly, and do not carry or use offensive Weapons, contrary to the Tenor of this Proclamation.

The Governor, however, having thus fulfilled an imperious and necessary Public Duty, in prohibiting the Black Natives from carrying or using offensive Weapons, at least in as far as relates to their usual Intercourse with the British Inhabitants of these Settlements, considers it equally a Part of his Public Duty as a Counterbalance for the Restriction of not allowing them to go about the Country armed to afford the Black Natives such Means as are within his Power to enable them to obtain an honest and comfortable Subsistence by their own Labour and Industry. His Excellency therefore hereby proclaims and makes known to them that he shall always be willing and ready to grant small Portions of Land, in suitable and convenient Parts of the Colony, to such of them as are inclined to become regular Settlers, and such occasional Assistance from Government as may enable them to cultivate their Farms:—Namely,

First.—That they and their Families shall be victualled from the King's Stores for Six Months, from the Time of their going to reside actually on their Farms.
Secondly.—That they shall be furnished with the necessary Agricultural Tools, and also with Wheat, Maize and Potatoes for Seed, and

Thirdly.—To each Person of a Family, one Suit of Slops and one Colonial Blanket from the King’s Stores shall be given. But these Indulgencies will not be granted to any Native, unless it shall appear that he is really inclined, and fully resolved to become a Settler, and permanently to reside on such Farm as may be assigned to him for the Purpose of cultivating the same for the Support of himself and his Family.

His Excellency the Governor therefore earnestly exhorts, and thus publicly invites the Natives to relinquish their wandering idle and predatory Habits of Life, and to become industrious and useful Members of a Community where they will find Protection and Encouragement. To such as do not like to cultivate Farms of their own, but would prefer working as Labourers for those Persons who may be disposed to employ them, there will always be found Masters among the Settlers who will hire them as Servants of this Description. And the Governor strongly recommends to the Settlers and other Persons, to accept such Services as may be offered by the industrious Natives, desirous of engaging in their Employ. And the Governor desires it to be understood, that he will be happy to grant Lands to the Natives in such Situations as may be agreeable to themselves, and according to their own particular Choice, provided such Lands are disposable, and belong to the Crown.

And Whereas His Excellency the Governor, from an anxious Wish to civilize the Ab-origines of this Country so as to make them useful to themselves and the Community, has established a Seminary or Institution at Parramatta for the Purpose of educating the Male and Female Children of those Natives who might be willing to place them in that Seminary:—His Excellency therefore now earnestly calls upon such Natives as have Children to embrace so desirable and good an Opportunity of providing for their helpless Offspring and of having them brought up, clothed, fed and educated in a Seminary established for such humane and desirable Purposes. And in Furtherance of this Measure, His Excellency deems it expedient to invite a general Friendly Meeting of all the Natives residing in the Colony, to take place at the Town of Parramatta, on Saturday the Twenty-eighth of December next at Twelve o’Clock at Noon, at the Public Market Place there, for the Purpose of more fully explaining and pointing out to them the Objects of the Institution referred to, as well as for Consulting with them on the best Means of improving their present Condition. On this Occasion, and at
this public general Meeting of the Natives, the Governor will feel happy to Reward such of them as have given Proofs of Industry, and an Inclination to be civilized.

And the Governor wishing that this General Meeting, or Congress of friendly Natives, should in future be held annually, directs that the Twenty-eighth Day of December, in every succeeding Year, shall be considered as fixed for this Purpose, excepting when that Day happens to fall on a Sunday, when the following Day is to be considered as fixed for holding the said Congress.

And finally, His Excellency the Governor hereby orders and directs, that on Occasions of any Natives coming armed, or in a hostile Manner without Arms, or in unarmed Parties exceeding Six in Number, to any Farm belonging to or occupied by British Subjects in the Interior, such Natives are first to be desired in a civil Manner to depart from the said Farm, and if they persist in remaining thereon, or attempt to plunder, rob, or commit any kind of Depredation, they are then to be driven away by Force of Arms by the Settlers themselves; and in case they are not able to do so, they are to apply to a Magistrate for aid from the nearest Military Station; and the Troops stationed there are hereby commanded to render their Assistance when so required. The Troops are also to afford aid at the Towns of Sydney, Parramatta, and Windsor respectively, when called on by the Magistrates or Police Officers at those Stations.

Given under my Hand, at Government House, Sydney, this Fourth Day of May, in the Year of Our Lord One Thousand eight hundred and sixteen.

LACHLAN MACQUARIE.

By Command of His Excellency,

J. T. Campbell, Secretary.

God save the King!

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked “No. 11 for 1816,” per brig Alexander.)

Government House, Sydney, New South Wales,

My Lord,

10th June, 1816.

I have the Honor of transmitting herewith, for your Lordship’s Information and Perusal, the regular Series of the Sydney Gazettes from the 16th of March to the 8th of the present Month Inclusive, they having been already transmitted by the Emu, Government Brig, up to the 9th of March last Inclusive.

I have, &c.,

L. MACQUARIE.
146 HISTORICAL RECORDS OF AUSTRALIA.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Surrey; acknowledged by Governor Macquarie to Earl Bathurst, 4th April, 1817.)

Sir,

Downing Street, 23rd June, 1816.

The House of Commons having voted the Sum of £12,428 10s. 0d. for the Civil Establishment of the Colony of New South Wales from the 1st January to the 31st December, 1816, I am directed by Earl Bathurst to enclose for your Information a Copy of the Estimate upon which the Grant is founded.

I am, &c.,
HENRY GOULBURN.

[Enclosure.]

CIVIL ESTIMATE FOR 1816.

[Note.—The Civil Estimate for 1816 is identical with that for 1815, except that it omits the four following items:—]

Two Clerks in Secretary’s Office, £60 ea. per An. £120 0 0
Printer .................................................. £60 0 0
Barrack Master ........................................ £100 0 0
Allowance to Mr. Alt .................................. £91 5 0

[At Port Dalrymple £341 is allowed on account of fees for receipt and audit, instead of £350 as in 1815.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Lord Melville; acknowledged by Governor Macquarie to Earl Bathurst, 4th April, 1817.)

Sir,

Downing Street, 9th July, 1816.

I am directed by Lord Bathurst to enclose for your Information a Copy of a letter which has been received from Mr. Beckett, Under Secretary of State for the Home Department, together with an Inclosure, containing a List of Females and Children who have been selected as fit Persons to be allowed the Indulgence of proceeding to New South Wales by The Ship Lord Melville.

I am, &c.,
HENRY GOULBURN.

[Enclosure.]

UNDER SECRETARY BECKETT TO UNDER SECRETARY GOULBURN.

Sir,

Whitehall, 4 July, 1816.

I am directed by Lord Sidmouth to transmit to You the accompanying List of Females and Children, who have been selected as fit Persons to be allowed the Indulgence of proceeding to New South Wales; and I am to desire that You will lay the same before Lord Bathurst and move his Lordship (in case he
sees no objection thereto) to be pleased to forward such List to the Governor of New South Wales by the Ship Lord Melville, on board which Vessel a Passage has been provided for each of those Persons.

J. BECKETT.

[Sub-enclosure.]

[This list gave the names of eleven wives and eleven children of convicts already transported to the colony, and of two women who were desirous of rejoining their families in the colony.]

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch per ship Lord Melville; acknowledged by Governor Macquarie, 3rd April, 1817.)

Sir, Downing Street, 20th July, 1816.

I am to desire that you will immediately upon the receipt of this letter issue to Lieutenant Governor Davey the Sum of One Hundred Pounds Sterling from the Colonial Funds, and draw for the Amount thereof upon the Under Secretary of State for this Department.

I have, &c.,

BATHURST.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Lord Melville; acknowledged by Governor Macquarie to Earl Bathurst, 4th April, 1817.)

Sir, Downing Street, 22d July, 1816.

I am directed by Lord Bathurst to enclose to you the accompanying letter for Lieutenant Governor Davey, and I am to desire that you will give directions that it should be forwarded to him by the first opportunity that may occur.

I am, &c.,

HENRY GOULBURN.

[Enclosure.]

[A copy of this letter is not available. It was written by Lord Harrowby, and related to the transmission of £100 to lieutenant-governor Davey.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Lord Melville; acknowledged by Governor Macquarie to Earl Bathurst, 4th April, 1817.)

Sir, Downing Street, 22d July, 1816.

I am directed by Lord Bathurst to acquaint you that Mr. John Gurner has been appointed to the Situation of Clerk to the Judge of the Supreme Court in the Colony under your Government.

I am, &c.,

HENRY GOULBURN.
1816.
22 July.

148 HISTORICAL RECORDS OF AUSTRALIA.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Lord Melville; acknowledged by Governor Macquarie to Earl Bathurst, 4th April, 1817.)

Sir,

Downing Street, 22 July, 1816.

I herewith transmit to You a letter which has been received from Mr. J. Burton, of Calcutta, relative to a Grant of Land made to him at Sydney in the Year 1809 by Lieutenant Governor Collins,* together with a Copy of the answer which has been returned to it, and I am directed by Lord Bathurst to desire that you will make to him such a Grant of Land as under the circumstances of the Case you may think proper, and extend to him the Indulgences usually granted to Settlers of his Class.

I am, &c.,

HENRY GOULBURN.

[Enclosure No. 1.]

MR. J. C. BURTON TO UNDER SECRETARY GOULBURN.

Sir,

Calcutta, 6th November, 1815.

The kind interest, you take in every Subject connected with the welfare of the Colonies more immediately under your Superintendance, induces me to encroach on your time and to beg your attention to the following circumstances, Vizt.: In the year 1809, I was under the necessity of proceeding to New South Wales for the benefit of my health, then much impaired with a long residence in India. On my arrival in Van Dieman's Land and subsequently at Sydney, I was much pleased with the salubrity of the climate and certainly formed very sanguine Ideas respecting the future prosperity of those Colonies; I consequently formed a determination to exert myself to the utmost, as a humble Instrument towards the forward'g of this important object; shortly after the period of my arrival, an alarming Scarcity threatened the Colony, and Colonel Patterson, then in charge of the Government, requested of me to proceed in a small Schooner of 45 Tons (called the Antipodes) to Bengal through the dangerous Straits of Torres, for the sake of greater expedition, for the purpose of Carrying down a Cargo of Grain for the relief of the Settlements, which I immediately agreed to, and having landed safe in Calcutta purchased a Ship called the Venus, and arrived in sufficient time at Sydney to avert the expected Calamity; as a kind of remuneration, Colonel Patterson presented me with a Grant of Land of 500 Acres† about 20 Miles from the Town of Sydney, which I got regularly Surveyed, and paid the customary fees on the Grant. It happened however that, on the arrival of Colonel Macquarie, all the Grants made in Colonel Patterson's and Johnston's time were cancelled by

* Note 37. † Note 38.
GOULBURN TO MACQUARIE.

the Government at home, under an Idea that the Persons who received them were Partisans of one or the other of these Gentle- men; from any imputation of this description I should have been wholly excluded, as I was a perfect Stranger in New Holland and never had the most distant idea of intermedling with poli- ticks. I now however find that several Grants made during the period above alluded to have been confirmed at Home, and Among the rest the one presented to me; but it seems Colonel Macquarie has (I am informed) given away my Land to some other Person. As the Grant was a consideration for Services faithfully per- formed at the risk of my Life, and as I can venture to affirm no Man in India has been of more real Service to the Settlements at New Holland than I have been, and which will more fully appear by the enclosed abstract of property forwarded by me to that Country between the year 1810 and 15, Amounting to £51,799 19s. 8d., I beg to request your kind interference in ordering my Land to be returned, and, as I intend shortly to reside in New Holland, I hope you will not think me unreason- able in expecting a larger Grant with such encouragement as men of property receive on Similar occasions.

I am, &c.,

JOHN C. BURTON, Agent and Merchant.

[Sub-enclosure.]

AMOUNT of property Shipped by J. C. Burton to New South Wales from the Year 1810 to 1815 inclusive.

Invoice of Ship Venus dated Novemb'1, 1810 .......... 46,457 8 10
Do. of " Margarett " Septembr', 1811 ........... 15,802 7 8
Do. of " Frederick and Maria Jan'y, 1811 .... 81,348 15 2
Do. of " Hope January, 1812 ...................... 161,453 5 8
Do. of " Frederick 1st Voyage April, 1812 ... 57,615 1 10
Do. of " Do. 2d Do. Sepr., 1813 .. 30,870 8 0
Do. of " Do. 3d Do. Decr., 1814 .. 20,851 15 2

So. Rs. 414,399 14 4
at 2s. 6d. p. Rupee or £51,799 19s. 8d.

[Enclosure No. 2.]

UNDER SECRETARY GOULBURN TO MR. J. C. BURTON.

Sir,

Downing Street, 22d July, 1816.

I have laid before Lord Bathurst your letter of the 6th November last relative to the Grant of Land in New South Wales, which had been made to you by Lieutenant Governor Paterson, as a Remuneration for Services stated to have been performed by you by the Importation of Grain into the Colony in the Year 1809.
It appears by a Dispatch from Lieut. Governor Paterson to Lord Castlereagh of the 9th July, 1809, that the Grant in question was made to you under an Agreement that you should introduce and promote the Culture of Hemp in the Colony, and not as a Remuneration for Services.

Although Lord Bathurst cannot admit that you derive any additional Claim from the mere fact of your having imported Commodities into the Settlement, yet he has instructed me to refer your letter to Governor Macquarie with directions to make to you, on your application, a Grant of Land either at New South Wales or in Van Dieman's Land, as it may suit your Views, according to the means of Cultivation, which you may possess on your arrival in the Colony, and to extend to you the Indulgences granted to Settlers of your Class.

I am, &c.,
HENRY GOULBURN.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 74, per ship Lord Melville; acknowledged by Governor Macquarie, 31st March, 1817.)

Sir, Downing Street, 24th July, 1816.

I have the honor to enclose for your Information a Copy of the Treasury Minutes of the 28th November, 1764, and the 12th August, 1791, and an Extract of the Act passed for more effectually auditing the Public Accounts, in order that you may be fully aware of the principles upon which His Majesty's Government are determined to act with a View to the Regulation of Expenditure on Foreign Stations, and of the difficulties in which you will be involved by sanctioning any prodigal or incautious Expenditure.

I cannot avoid availing myself of this opportunity of impressing upon you in the strongest manner the necessity of accurately investigating upon the Spot every branch both of the Civil and Military Expenditure of the Colony, with a View to its immediate Reduction, and I have to desire that the Result of this Investigation may be as early as possible transmitted to me.

I have no doubt but that arrangements may be made, which will considerably diminish the heavy Charge which is now annually incurred on account of New South Wales. I have to direct your Attention particularly to the further Reduction or Discontinuance altogether for the future of the Issue of Rations to persons who may arrive in the Colony as Settlers. From the Change which has lately taken place in the Circumstances of the Colony Encouragements of this description are no longer indispensable to its Settlement and proper Cultivation, and persons
proceeding from this Country have been uniformly cautioned against expecting any encouragement beyond a Grant of Land and Some Assistance of Convict Labour; but at all Events the necessity of bringing the Colonial Expences within some more reasonable Limits is so paramount to every Consideration of Improvement, that I cannot hesitate in enforcing this Measure upon you for immediate Adoption, so far at least, as immediately to limit the Issue of such Rations to three instead of Six Months.

I must also urge upon your Consideration the Suggestions contained in the enclosed letter from the Secretary of the Treasury to my Under Secretary with respect to the Advantage which the Public would derive in point of Economy from opening the Market of the Colony to General Competition and abolishing the practice heretofore adopted of regulating the Price of the leading Articles of Consumption.

I am aware that a Measure of this kind may, if suddenly resorted to, or at too early a period, produce a result different from that which is expected, but as the period cannot be far distant when the Internal Commerce of the Colony must be placed in its Natural State and its present Restrictions removed, I am anxious to ascertain whether the moment is not arrived, in which the Public might be materially benefited by the immediate or early adoption of such a Measure. Upon the latter point I have to desire a detailed explanation of your Sentiments, and the reasoning upon which they are founded.

In specifying these two particular Heads of Economical Arrangement, it is far from my Intention to limit your Enquiries to these alone. An accurate Review of the Annual Accounts will bring before you many Items upon which your Discretion as to their Continuance will be to be exercised. His Majesty's Government look to you for executing this important Duty in the Spirit in which it is committed to you, and I have only to assure you that you cannot give yourself a stronger Claim to the Approbation of His Majesty's Government, than by proving, from the Retrenchments made by you on the present occasion, the sincerity of your desire to adopt, as the Rule of your Government, a System of regular and rigid Economy.

I have, &c,

BATHURST.

[Enclosure No. 1.]

SECRETARY HARRISON TO UNDER SECRETARY GOULBURN.

Sir,

Treasury Chambers, 6th July, 1816.

The Lords Commissioners of His Majesty's Treasury, having had under their serious consideration the important subject of keeping within due and proper bounds the Public expenditure within All His Majesty's Foreign Possessions, have
adverted to their Minute of the 28th of November, 1764 (which was submitted to and approved by His Majesty), whereby it was directed that no Commander in Chief or Governor should be authorised to incur any expense, for which Money had not been granted by Parliament, or which had not been previously approved of by His Majesty, and His Majesty’s Orders signified by this Board for that purpose, and Regulations were framed for the guidance and Conduct of Governors and Commanders of the Forces in case of sudden and unforeseen emergencies, and also to their Minute of 12th August, 1791, wherein it is stated that His Majesty having judged it expedient that more particular regulations, than had theretofore been issued, should be established in respect to the carrying on Military Services by direction of any of His Majesty’s Commanders in Chief, Governors, or Lieutenant Governors, or other Officers, Civil or Military, Commanding in any part of His Majesty’s dominions within the limits of any Command or Government, it was His Majesty’s Pleasure that the Regulations therein detailed should be observed by all Persons concerned therein, and His Majesty was Pleased to Confirm the said Minute of this Board of 28th November, 1764, restraining Commanders in Chief and Governors from incurring any expense without the Notice required by the said minute, which His Majesty was then pleased to approve.

It appearing to My Lords that the Regulations, established by the said Minutes of 28th November, 1764, and 12th August, 1791 (a Copy and an Extract of which I herewith transmit for the Earl Bathurst’s information), are well calculated to keep within due and proper bounds the Public Expenditure within His Majesty’s Foreign possessions, and My Lords having also adverted to the Alteration, which since the date of the last mentioned Minute, has taken place in many Foreign Stations as to the mode of drawing upon this Board for the Monies necessary for defraying extraordinary Expenditure, which is more frequently by the Officer in charge of the Commissariat under the Authority of the Commander of the Forces, than by the latter Officer, and to the Provisions of the 14th Section of the Act of 46th Geo. 3, Cap. 141, which Authorize this Board to set insuper, in the Account of any Accountant in part beyond the seas, any payments improperly made by the Orders of any Person having Competent Authority upon the Person so authorizing such improper payments; their Lordships have Commanded me to desire you will move the Earl Bathurst to transmit the Copy and Extract of the said Minutes, together with a Copy of the Act of the 46th Geo. 3, Cap. 141, to the several Governors and Lieutenant Governors Abroad, and that His Lordship will be Pleased to receive The Prince Regent’s
Command to convey to them His Royal Highness's strict injunctions to conform themselves to the Regulations established by the same Minutes; and that you will move His Lordship to call their Attention particularly to the 14th Section of the said Act of Parliament, and to acquaint them that in all cases where Bills shall be drawn for any extraordinary service by any Officer under their authority, they will be held responsible for the due and proper Exercise of that Authority conformably to the said Regulations; and in case they shall authorize any Bills to be so drawn in breach of these Regulations, that such a Conduct will not only be visited by the Prince Regent's displeasure, but their Lordships will under the before mentioned Provision of the said Act make them Personally responsible for the Amount of the Bills so drawn; And I am to desire you will suggest for the Consideration of His Lordship, the expediency of every Governor, who may hereafter be appointed, being furnished at the time of his appointment with these Regulations as a part of his Instructions.

I am, &c.,

GEO. HARRISON.

[Sub-enclosure No. 1.]

REGULATIONS FOR EXTRAORDINARY EXPENDITURE ON FOREIGN STATIONS.

Copy of Treasury Minute, dated 28th November, 1764.

My Lords are of opinion that no Commander in Chief or Governor is authorized to incur any expence for which Money has not already been granted by Parliament, or which has not been previously approved of by His Majesty, and His Majesty's Orders signified by this Board for that purpose.

2nd.—That if any Governor or Commander in Chief shall be of opinion that any expence ought to be incurred for the good of His Majesty's Service, he is previously to make representation thereof to the proper Office at home, who are to communicate the same to this Board that His Majesty's pleasure may be taken thereupon, and that proper Estimates may be laid before Parliament to the end that such Sums may be granted, as Parliament shall think necessary for that purpose.

3rd.—That if sudden and unforeseen emergencies should arise, where it is absolutely necessary that the Service should be undertaken before His Majesty's Pleasure can be known, or the necessary Sums be granted by Parliament for that purpose, such Governor or Commander in Chief may in these Cases only draw upon The Lords Commissioners of His Majesty's Treasury and on no other Person whatever; and at the same time that he make such draught, he is to transmit to their Lordships, as well as to the proper Office to whose Department the Service so undertaken...
particularly belongs, information thereof, with the reasons why, consistently with the good of the Service, it was not possible to delay the incurring such expense, until such time as the regulations above mentioned could be complied with.

4th.—That all Governors and Commanders in Chief be acquainted that no Bills will be accepted until the information above required be received, and that they be at the same time apprized that they will become Accountants to His Majesty for the Sums they shall respectively draw upon the Lords Commissioners of His Majesty’s Treasury, and that in passing and allowing their Accounts for the Expenditure of the same, their Lordships will take into Consideration not only the Authenticity of the Vouchers, but the urgent necessity of the Services so undertaken, and the reasonableness of the prices at which the same were performed.

Mr. Chancellor of the Exchequer is desired to lay this Minute containing the humble opinion of this Board upon a subject of so much importance before His Majesty, that, if His Majesty shall be Pleased to approve thereof, His Royal Pleasure may be signified thereupon in such Manner as His Majesty shall direct.

[Sub-enclosure No. 2.]

EXTRACT OF TREASURY MINUTES, DATED 12TH AUGUST, 1791.

His Majesty having judged it expedient that more particular regulations, than have hitherto been issued, should be established in respect to the carrying on Fortifications or other Military Services by directions of any of His Majesty’s Commanders in Chief, Governors, or Lieutenant Governors, or other Officers, Civil and Military, Commanding in any part of His Majesty’s Dominions, or by directions from the Master General or Board of Ordnance within the limits of any Command or Government.

It is His Majesty’s Pleasure that the following Regulations be duly observed by all Persons concerned therein.

1st. His Majesty is Pleased to Confirm the Minute of the Lords Commissioners of His Majesty’s Treasury of the 28th November, 1764, restraining Commanders in Chief and Governors from incurring any Expence without the Notice required by the said Minute, which His Majesty was then Pleased to approve, a Copy of which is hereunto Annexed.

2nd. In regard to Services, the expence of which is to be defrayed by His Majesty’s Treasury, each of His Majesty’s Commanders in Chief, Governors, Lieutenant Governors, or other Officers, Civil or Military, commanding in any part of His Majesty’s Dominions, are in each year to cause detailed estimates
to be made out, and signed by the proper Officer, of the expence of all such Works or other Articles of Services, Civil or Military, as may appear to such Commander in Chief, Governor, or other Person Commanding, necessary or expedient to His Majesty’s Service to be executed or provided within his Command or Government in the following year; and he is to transmit such Estimates to the Lords Commissioners of His Majesty’s Treasury and Duplicates thereof to One of His Majesty’s Principal Secretaries of State, so that they may arrive in London before the 1st day of September in the year preceding that in which it is intended to carry into execution the Services proposed, in order that there may be full time to enquire into and consider of the Propriety of the Services before the Estimate is laid before Parliament for such Sums, as Parliament may think necessary to vote for the purpose; and in case such Commanders in Chief, Governors, Lieutenant Governors, or other Officers, Civil or Military, commanding in any part of His Majesty’s Dominions, shall be of Opinion that some contingent Expences may be likely to be incurred, which cannot be precisely ascertained and specified before hand, they are to include in their Estimate such a Sum as will according to their Judgment be equal to the probable Amount of such expences and to state, as far as they are able, the Nature and Occasion thereof.

3rd. The said Commander in Chief, Governors, or other Persons Commanding are at the same time to transmit Accounts, to the latest period they can be made up, of the actual Expenditure of any Money granted by Parliament, or Ordered by His Majesty to be expended in the then Current year, and Communicate any circumstances, if there should be any, that may lead them to expect any variation of Expence from the Estimates before given in; and such Commanders in Chief, Governors, or other Persons Commanding, are in like manner within three Months after the expiration of each year to transmit Accounts of the whole actual Expenditure of any Money, granted by Parliament, or ordered by His Majesty to be expended, distinguishing the same under the same heads of Service as in the previous Estimate, distinguishing accurately the several particulars thereof.

4th. The several Commanders in Chief, Governors, or other Persons in Command are not to commence any work or Service they may have proposed, or incur any Expence on Account thereof, until His Majesty’s Pleasure has been duly signified thereupon, excepting only in cases of sudden and unforeseen emergency, where it is absolutely necessary that the Service should be undertaken before His Majesty’s pleasure can be known or the necessary Sums be granted by Parliament for that purpose.
5th. In such case, the said Commander in Chief, Governors or other Persons in Command are strictly to confine themselves to such Articles as come within the foregoing description; and they are to communicate by the very first opportunity the peculiar circumstances of the sudden and unforeseen emergency, which made it absolutely necessary for them to proceed before His Majesty's Pleasure could be known; they are to transmit at the same time regular Estimates of the Service they are carrying on. They are also to draw such Bills as may be necessary for defraying the Expence of such Service in their own Name on the Lords Commissioners of His Majesty's Treasury and on no other Person or Board whatever.

6th. The said Commander in Chief, Governor, or other Person Commanding are to be responsible to His Majesty for the indispensable necessity of the Case, which has obliged them to expend the Public Money without previous Authority from His Majesty; and the Commissioners of His Majesty's Treasury shall, as soon as may be after receiving an Account of such Expenditure, examine the grounds thereof, and after reference to His Majesty's Principal Secretaries of State, the Commander in Chief, the Master-General of the Ordnance, the Secretary at War, the Paymaster General, or the Comptrollers of Army Accounts, as the nature of the Case may require, shall receive His Majesty's Pleasure thereupon; and the Commissioners of the Treasury shall, within six Months after the receipts of such Account, signify to one of His Majesty's Principal Secretaries of State whether His Majesty is or is not satisfied of the necessity of such Expenditure; and if they shall signify that His Majesty is not satisfied of such necessity, such Commander in Chief, Governor, or other Person Commanding, besides incurring His Majesty's displeasure, shall be obliged to repay into His Majesty's Treasury the Amount of all the Bills he may have drawn on Account of the Service so undertaken without Orders; and it is His Majesty's Pleasure that, until such Monies shall be so repaid, all Pay or allowances, that may at any time be due, or shall afterwards become due to such Person, shall be stopped, and one of His Majesty's Principal Secretaries of State is to take care to give the necessary Orders for this purpose.

[Sub-enclosure No. 3.]

Extract from an Act for making more effectual Provision for the more speedy and regular Examination and Audit of the Public Accounts of this Kingdom Cap. CXLI.

[This consisted of the 14th section of the said act of 46th George IIIrd.]
BATHURST TO MACQUARIE.

[Enclosure No. 2.]

SECRETARY LUSHINGTON TO UNDER SECRETARY GOULBURN.

Sir, Treasury Chambers, 5th January, 1816.

The Lords Commissioners of His Majesty's Treasury having had under their consideration a Letter from the Commissary in Chief dated 28th Ulto., enclosing one from Commissary Allan at New South Wales, pointing out the inconvenience attending the mode by which His Majesty's Stores in that Settlement have heretofore been supplied; I have received their Lordships' Commands to transmit Copy of Mr. Allan's Letter to you, and am to desire you will submit the same to the Consideration of the Earl Bathurst, and move his Lordship to inform this Board, whether the Regulations under which Grain and other Articles are received into Public Store in New South Wales have obtained his Lordship's Sanction, it appearing to my Lords that unless there are some special reasons for continuing this practice, of which they are not apprized, it would be expedient that the Articles required should be procured in a manner more likely to give a stimulus to the industry of the Colony, and that what is wanted for the Public Service should be procured by open Competition, by which the prices to be paid would depend, as they generally ought to do, upon the demand and supply rather than upon any arbitrary value which may be fixed upon the Commodities by the local Government. I am, &c.,

S. R. LUSHINGTON.

[Enclosure No. 3.]

MR. DAVID ALLAN TO MR. J. C. HERRIES, COMMISSARY-IN-CHIEF.

Deputy Commissary-Genl.'s Office, Sydney, New South Wales, 25th Septr., 1813.

The Mode of Supplying His Majesty's Stores in this Settlement has heretofore been by his Excellency the Governors fixing, by General Orders, the price at which Grain and Fresh Provisions were to be paid for by the Crown, and the officer at the head of the Commissariat by Command of His Excellency then giving notice that the Stores were open for the reception of the same at the affixed prices, and when the quantities required were completed the like notice was given that the Stores were shut until further Notice.

The last general orders, dated 10th Decr., 1812, directs 8s. to be paid for all wheat p'r Bushel, and 7d. per pound for all Meat turned into Store.

How far this System may answer in Years of plenty, I am unable to judge, but during the present Scarcity, it is impossible to procure wheat at double the price, and I certainly do think
that it would, at all times, be most beneficial for the Crown, as well as the Public, that all purchases should be made by Public Tender or Contract, as no Individual will ever be expected to turn in Wheat voluntarily at 8s. p. Bushel when he can get 9s., 10s., or 15s. in the Market, although many in Years of plenty, like the last, will be ready to turn it in at 8s. when the market price happens to fall short of that sum, and which, prior to June last and the 8 Months preceding, was always the Case, the price in some instances having been as low as even 4s. p. Bushel.

I have, &c.,

D. ALLAN, D.C.-Genl.

25th July, 1816.

[Enclosure No. 1.]

MR. SAMUEL BATE TO EARL BATHURST.

My Lord, 4 New Street, Newington, 17th July, 1816.

I have the honour of accompanying herewith a Memorial for Your Lordship’s perusal; it is a statement of facts that have occurred during the period of my official duty whilst Deputy Judge Advocate of Van Diemen’s Land, and whatever inference may be drawn for the reasons assigned for my removal, Viz. “from the necessity of sending there a person qualified to administer civil Justice in the colony,” I shall not presume to determine; let it suffice that I went out to perform those duties, that I was ready to perform them, that I made every exertion by frequent applications to procure the necessary patent, that I strove by every means, when finding there was no prospect of their
arrival, to return to England, therefore, My Lord, I consider I have not been dealt fairly with and My Lord it is not customary for Englishmen to be condemned before they are heard. I found the colony the most gloomy and unpromising; I left it the most prosperous and flourishing. I underwent all the privations incident to an establishment situated nearly at the Antipodes, and where the intercourse was but seldom, where civilization would become retrograde, and were it not for the occasional introduction of fresh morals and manners human nature would dwindle to savage barbarity.

Prejudice, My Lord, goes great lengths, and I am somewhat fearful reasons more than Public ones have been urged to effect my removal; but no conduct of mine, whether Public or Private, but I am thoroughly purposed to stand the ordeal of public investigation.

I have, &c,

SAMUEL BATE.

[Enclosure No. 2.]

THE MEMORIAL OF MR. SAMUEL BATE.

[A copy of this memorial is not available.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Lord Melville; acknowledged by Governor Macquarie to Earl Bathurst, 4th April, 1817.)

Sir,

Downing Street, 16th August, 1816.

I am directed by Lord Bathurst to enclose to you an Assignment of One Hundred and Two Female Convicts, shipped on board the Lord Melville for the Colony under Your Government.

I am, &c,

HENRY GOULBURN.

[Enclosure.]

[A copy of the assignment of convicts is not available.]

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 75.*)

Sir,

Downing Street, 19th August, 1816.

Mr. J. Watkins, the Bearer of this Letter, having received my permission to proceed to the Colony of New South Wales, I am to desire that you will make him a Grant of Land in proportion to the means of Cultivating it, which, on his arrival in the Colony, he may possess.

I have, &c,

BATHURST.

* Note 22.
EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per ship Sir William Bensley; acknowledged by Governor Macquarie, 4th April, 1817.)

Sir,

Downing Street, 31st August, 1816.

I have the honor to transmit herewith for your Information and Guidance a Copy of an Order of His Royal Highness The Prince Regent in Council whereby certain Alterations are made in the Arms of the United Kingdom as far as concerns the Kingdom of Hanover.

I have, &c.,

BATHURST.

[Enclosure.]

[This was a copy of an order-in-council, dated 6th June, 1816, whereby the Hanoverian royal crown was substituted for the electoral bonnet in the royal arms.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Sir William Bensley; acknowledged by Governor Macquarie, 4th April, 1817.)

Sir,

Downing Street, 31st August, 1816.

I am directed by Earl Bathurst to acquaint you that he has granted permission to Mr. Urban Fidkin to proceed as a Settler to New South Wales, and I am to desire that he may receive a Grant of Land in proportion to his means of Cultivation, and extend to him the Indulgence usually granted to Settlers of his Class.

I am, &c.,

HENRY GOULBURN.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 12 of 1816," per ship Atlas.)

My Lord,

Government House, Sydney, 31st August, 1816.

Altho' I hope to be soon enabled to Address Your Lordship by a more direct Opportunity than the present, I am induced to Avail Myself of the Occasion of a Ship Sailing for Batavia to Inform Your Lordship by that Circuitous Route of another flagrant Instance of Insult and Contempt Offered to this Government by Jeffery Hart Bent, Esqr., Judge of the Supreme Court of Civil Jurisdiction, such as, I trust, is without Example in any other of His Majesty's Settlements.

The Documents, which I beg Leave to lay before Your Lordship herewith, will Exhibit Mr. Justice Bent acting in a most extra-judicial and Violent Manner in Attaching the Person of William Broughton, Esqr., a Magistrate of the Colony, and Assistant Commissary General, and finally Committing him to Jail Without Allowing him the Privilege of giving Bail to answer any Charge that Might be Legally preferred against him.
The Detail Contained in the Accompanying Papers Will shew Your Lordship that Mr. Justice Bent has presumed to Commit this Outrage Under Colour of his Office as Judge of the Supreme Court, Whereby he has Violated the Laws of his Country, and deprived a British Subject of the Protection which those Laws are Calculated to Afford him.

This Business Originated from the Circumstances of a Convict Servant, Who had been Assigned to the late Ellis Bent, Esqr., Judge Advocate, and Who Shortly After that Gentleman’s Decease had been discharged by Mrs. Bent, his Widow, on the Ground that She had no further Occasion for his Services, and therefore granted him Leave to employ himself as he pleased for his own Benefit, instead of returning him to Government, as she was bound to do by the Colonial Regulations. After a Lapse of some Months He offered his Services to Mr. Broughton, who hired him After taking the necessary Steps to ascertain that Mrs. Bent had relinquished All Claim to any further Services from him. In this Situation the Man remained for about three Months, when Without any previous Communication being made to Mr. Broughton, He was suddenly required to return to Mrs. Bent’s Service, and a Warrant was Issued under the Hand and Seal of Mr. Justice Bent, as Judge of the Supreme Court, to bring him before him. The Proceeding was so extraordinary, and so Completely at Variance with the Regulations of the Colony in regard to Government or Convict Servants, that Mr. Broughton did not think it Necessary to render Obedience to the Warrant and therefore detained the man. This Non-Compliance with the Arbitrary Exercise of Magisterial Functions by Mr. Justice Bent was promptly followed by a Warrant of Attachment against Mr. Broughton himself, Issued by Mr. Justice Bent, under the Pretence of Mr. Broughton’s Conduct in detaining his Servant being a Contempt of him in his Judicial Character. In Consequence of this Warrant Mr. Broughton was Arrested, and brought repeatedly to the Chambers of Mr. Bent, Where it Appears he was exposed to much personal Insult from the Gross and Very Ungentlemanly Language of Mr. Justice Bent, who finally wound up the Measure of his Tyranny and Oppression by Committing Mr. Broughton to the Common Jail, with the Threat that he should Continue there so long as Mr. Justice Bent Presided in the Supreme Court of this Colony.

The Matter being brought to such a Crisis, and a Representation being made to Me in Writing thereon by Mr. Broughton, dated from Sydney Jail, I found it Necessary to Interpose My Authority and to release him from such an Arbitrary Exercise of Lawless Power.
The Alarm and Indignation Universally felt at this daring Outrage on Personal Liberty and the Laws by Him, Who should have been their Most Zealous and Sacred Supporter, Induced Some of the Magistrates at Sydney to make a written Application to the President of the Bench of Magistrates, requesting him to Convene a full Meeting of their Body to take into Consideration all the Circumstances of this Singular Case, at once derogating from their Dignity and Subverting every Principle of Justice. The Proceedings which resulted from this Meeting form One of the Accompanying Documents, and will be found to Contain the Unanimous Sentiments of the Meeting in Reprobation of Mr. Justice Bent’s Conduct.

Annexed to these Proceedings, and Conformably to the Wish expressed therein, Will Appear the Sentiments of All the Magistrates residing in the Interior, Whose Attendance Could not be Obtained at the Original Meeting; the full Acquiescence in the Opinions Expressed in the original Proceedings Which the Magistrates in the Interior have given (with the Exception of Mr. Marsden, the Principal Chaplain, Who declines Approving them on the Ground that he was not present When the Depositions Were taken) will I trust satisfy Your Lordship that Mr. Justice Bent’s Conduct has excited Universal Disgust and Resentment, and Merits the Severest Reprehension.

If any thing Could aggravate a Measure so Violent and Insulting as that I have now Submitted to Your Lordship, I might add, in Order at least to Mark it more Strongly, that Mr. Broughton, the Gentleman who has been thus Wantonly Insulted, is an old and very Honorable Steady officer under this Government and Consequently possessed of My Esteem and Confidence; and was at the time of his Arrest under Orders to proceed from hence to Van Diemen’s Land to take Charge of the Commissariat there by relieving the Officer who then had Charge of it. Mr. Broughton has since this Embarked for the Duty Assigned to him at Hobart Town.

The Systematic Succession of Insults and Unwarrantable Opposition, which Mr. Justice Bent has Uniformly Manifested to all the Measures of My Government from the time of his Arrival here to the present Period, have been of so irksome and Offensive a Nature that I feel Satisfied I would have been fully WARRANTed in sending him out of the Colony, but Deference to the Commission he holds from His Royal Highness the Prince Regent has hitherto induced me to defer resorting to that final Measure.

Should Your Lordship Contrast the Sentiments I have now expressed in regard to Mr. Justice Bent, with those in My
Dispatch No. 2 of 1813, When I was Induced to recommend him for the Situation he now so Unworthily holds, I have only to Express my Regret that I should have been so Influenced on that Occasion solely by the earnest Solicitation of the late Mr. Judge Advocate Bent, who then possessed and Seemed to Merit my fullest Confidence.

I have, &c.,
L. MACQUARIE.

[Enclosure.]

PROCEEDINGS OF A MEETING OF MAGISTRATES.
Sydney, New South Wales, Saturday, 29th June, 1816.

In Pursuance of a requisition* from Alexander Riley, Esquire, and John Thomas Campbell, Esquire, Magistrates of this Colony addressed to D'Arcy Wentworth, Esquire, One of His Majesty's Justices of the Peace, and President of the Bench of Magistrates, Soliciting him to invite a Meeting of the Magistrates, as soon as he conveniently could, to consult on a Business of pressing Emergency; and the said D'Arcy Wentworth Esquire having convened a Meeting accordingly, the following Magistrates this Day Assembled Vizt:—

1. His Honor Colonel Molle, Lieutenant Governor,
2. Frederick Garling, Esquire, Judge Advocate,
3. D'Arcy Wentworth, Esquire, Chief Magistrate of Police,
4. Alexander Riley, Esquire,
5. Simeon Lord, Esquire,

His Honor the Lieutenant Governor having taken the Chair, and the requisition of Alexander Riley Esquire and John Thomas Campbell Esquire having been read, as also the call for the present Assembly founded thereon, it was explained that the Object in view in convening the present Meeting was to take into serious and deliberate consideration the Circumstance of a Member of their Body, namely William Broughton, Esquire, having been Yesterday Committed to the Common Gaol of Sydney, by Virtue of a Warrant signed "Jeffery Hart Bent, J." and to investigate the cause of so singular and Painful an Event.

The Magistrates assembled then proceeded to read and Consider such Documents as were produced before them, and to take the Depositions of such Persons, as were enabled to give Information on the Subject.

The first Documents submitted to Consideration were Two Warrants, Signed "Jeffery Hart Bent Judge of the Supreme Court N. S. Wales"; A Writ of Attachment against William Broughton, Esquire, signed "Jeffery Hart Bent, J." and addressed to William Gore, Esquire, Provost Marshal; A Writ or Warrant of Committal also signed "Jeffery Hart Bent, J.," and

* Note 39.
Proceedings of meeting of magistrates re the committal to gaol of W. Broughton by J. H. Bent.

1816.
31 Aug.

a Warrant from His Excellency the Governor for the Release of William Broughton, Esquire, from His Majesty's Jail of Sydney; A Deposition made by William Broughton, Esquire, and sworn before D'Arcy Wentworth Esquire on the 27th of June instant; A Deposition made by Mr. William Hutchinson Superintendant of Convicts, and Sworn before D'Arcy Wentworth Esquire on the 27th of June instant; An Examination of William Broughton Esquire then took place, and further depositions made by him were then sworn. Attested Copies of a Correspondence between The Honorable Mr. Justice Bent, and the Provost Marshal were next read. An Examination of Thomas Colbrook Constable was then entered into and Depositions made by him were sworn.

It being nearly 5 O'Clock, the Meeting was adjourned until Monday the first day of July, then to reassemble at 11 o'Clock A.M.

Monday, 1st July, 1816.

The Magistrates assembled agreeably to Adjournment, Mr. Judge Advocate Garling only excepted, who excused his absence by a Note Stating his being engaged in the Civil Court. Examinations of the following Persons were entered into, and their Several Depositions Sworn. (Vizt.)

John Harvey,
Lieutenant Carne, 46th Regt.,
John Redman, Chief Constable,
Mr. Provost Marshal Gore,
Mr. J. R. O'Connor.

The Meeting was further Adjourned to the next Day.

Tuesday, 2nd July, 1816.

The Magistrates assembled pursuant to adjournment present
1. His Honor Colonel Molle, Lieutenant Governor,
2. Frederick Garling, Esquire, Judge Advocate,
3. D'Arcy Wentworth, Esquire, Chief Magistrate of Police,
4. Alexander Riley, Esquire,
5. Simeon Lord,

The Deposition of Mr. George Johnston Junr. was made and Sworn. After some Conference the Meeting was adjourned 'till to morrow at 12 O'Clock.

Wednesday, 3rd July, 1816.*

The Magistrates assembled pursuant to adjournment, and, having maturely and deliberately considered all the foregoing Documents and Examinations, are unanimously of Opinion,

* Note 40.
1st. That Mrs. Eliza Bent having discharged from her employ John Harvey, a Prisoner of the Crown, she thereby, according to the Government and General Orders, forfeited her right to reclaim his Services, and the said John Harvey having subsequently entered into the employ of William Broughton Esquire with the entire Concurrence of the said Mrs. Bent and with the knowledge of Mr. William Hutchinson, the Principal Superintendent of Convicts, the said William Broughton Esquire was indisputably entitled to the Services of the said John Harvey, and ought not to have been molested in the retention of him.

2nd. That the alledged Complaint (supposing it was founded on fact) for which the Warrants Nos. 1 and 2 were issued, being cognizable only by a Magistrate, and having no relevancy whatever to any Cause or Matter in the Supreme Court of Civil Judicature in this Colony, and as by the wording of the Warrant No. 2 it appears that the same was issued by The Honourable Mr. Justice Bent in his Character of a Magistrate, this Meeting Considers that any Opposition thereto, or Obstruction to the Execution of it, could be at most but a Misdemeanour, indictable only in the Court of Criminal Jurisdiction, and cannot be construed into a Contempt of The Honourable Mr. Justice Bent, as Judge of the Supreme Court; and it is the decided Opinion of the Magistrates assembled, that from the Evidence before them Mr. Broughton never manifested any Contempt towards The Honourable Mr. Justice Bent in his Situation or Capacity as Judge of the Supreme Court.

3rd. That as the Utmost Offence, which the most Strained Construction can put on the Conduct of Mr. Broughton in this Affair, was of a bailable Nature, this Meeting is of Opinion That the Honorable Jeffery Hart Bent, Esquire, Judge of the Supreme Court, and ex Officio a Magistrate of this Territory, in issuing a Warrant against William Broughton, Esquire, one of His Majesty's Justices of the Peace in this Colony, Assistant Deputy Commissary General, and One of the associated Members of the said Supreme Court, and causing him to be arrested under the said Warrant by the Provost Marshal, and brought before him, the said Mr. Justice Bent, and thence committing him to His Majesty's Common Gaol of Sydney, without allowing him the Privilege of a British Subject of being confronted by his Accusers, or of hearing any Evidence of the alledged offence, or permitting the said Mr. Broughton to give Bail for his Appearance before a Competent Court to meet such Charge or Charges, as the said Mr. Justice Bent should prefer against him, he, the said Mr. Justice Bent, acted contrary to the Spirit of British Constitution, repugnant to all the feelings of a Gentleman, militating against
Proceedings of meeting of magistrates re the committal to gaol of W. Broughton by J. H. Bent.

Resolved:—That the foregoing proceedings, accompanied by the Documents therein referred to, be fairly transcribed and delivered to His Excellency the Governor for His Excellency's Consideration, and that His Honor Lieutenant Governor Molle and Mr. Judge Advocate Garling be charged with the Execution of this Duty.

Moved:—That His Honor the President do leave the Chair, and that Mr. Judge Advocate Garling do take it.

Mr. Judge Advocate Garling having taken the chair, It was moved and unanimously passed, That the Thanks of this Meeting be returned to His Honor The Lieutenant Governor for his upright, patient, and obliging Conduct in the Chair during the long Continuance of our Meetings.

His Honor then resumed the Chair, and adjourned the Meeting till to-morrow at 12 O'Clock, then to Assemble for the purpose of signing the Proceedings.

Thursday, 4th July, 1816.

The Magistrates having met pursuant to adjournment, It was resolved, previously to signing the Proceedings, that this Meeting not having had the advantage they had wished to derive from the Co-operation of the other Gentlemen of the Colony Associated with them in the Magistracy, owing to their remote Places of Residence in the Interior, That His Excellency the Governor be requested to communicate these Proceedings to those Gentlemen in Order that their respective Signatures may be obtained in the Event of their Approval of the Same.

G. MOLLE, Lieutenant-Governor, J.P.
FREDERICK GARLING, Judge-Advocate.
D. WENTWORTH, J.P.
ALEXR. RILEY, J.P.
S. LORD, J.P.
J. T. CAMPBELL, J.P.

Having carefully and attentively read the several Documents and Depositions, the former marked A.B. and the latter numbered 1 to 18 both inclusive, And also the Opinion expressed by the assembled Magistrates of Sydney thereon, I do most fully and Cordially agree with them in the expressions of the said Opinions in every particular, And with much readiness give my Signature of Assent thereto.

L. MACQUARIE, Governor in Chief of N. S. Wales.
Government House, Sydney, 5th July, 1816.
In approving the measures adopted and the opinions delivered by the Assembled Magistrates at Sydney, I cannot express my own Sentiments more fully than by adopting the same language and terms in which His Excellency the Governor has been pleased to express his Approbation of them which I most respectfully do accordingly.

HENRY FULTON,
Clerk, A.B., Justice of the Peace for the District of Sydney, 5th July, 1816.

Having attentively perused the Documents and Depositions herein referred to Marked A.B. and numbered from 1 to 18, I do most fully Coincide in the Opinion Delivered thereon by the Assembled Magistrates of Sydney.

For the above reasons I coincide with the Magistrates of Sydney.
THOMAS MOORE, J.P., Liverpool.
Sydney, July 12th, 1816.

Having attentively Considered the several Documents and Depositions alluded to, I perfectly Coincide in the Opinions delivered thereon by the Assembled Magistracy of Sydney.
ROBERT LOWE, J.P., Bringelly & Cooke.
Sydney, July 16th, 1816.

Having Attentively and deliberately perused the several Documents A.B. and No. 1 to 18, Do fully coincide with the Opinions given by His Honor the Lieutenant Governor and other Magistrates assembled at Sydney on the 3rd Inst.
WM. COX, J.P., Windsor & Richmond.
JAS. MILEHAM, J.P., Pitt Town.
Sydney, 17th July, 1816.

I have perused with attention the proceedings of a Meeting of the Magistrates of Sydney, which took place on the 29th June and was Continued by Adjournments Until the 4th of July, and also the several documents on which those Meetings were founded, And do fully Coincide in the opinion delivered thereon by Magistrates Assembled.
ROBERT CARTWRIGHT, J.P., Wilberforce.
(N.D.)

[Exhibit marked A.]

MESSRS. RILEY AND CAMPBELL TO MR. D'ARCY WENTWORTH.
Sir,
Sydney, 28th June, 1816.

In Our capacity of Magistrates We request you as President of the Bench to Convene a full Meeting of our Members at such hour tomorrow as may be most convenient to you in Order to
an Enquiry being instituted into the Circumstance of a Member of Our Body, namely William Broughton, Esquire, having been this day Committed like a Traitor or Murderer to the Body of the Common Gaol of Sydney by Jeffery Hart Bent, Esqre., Judge of the Supreme Court and Also a Magistrate, and refused the Undoubted privilege of all British Subjects to give Bail for his Appearance before a Competent Court to abide a Trial on such Charges as might be preferred against him.

We further request that you will invite any Magistrate who may be in Town from the Interior to assist in our Consultations on the present emergency for the Public Good.

We have, &c.,
ALEXR. RILEY, J.P.
J. T. CAMPBELL, J.P.

[Exhibit marked B.]

CIRCULAR LETTER TO MAGISTRATES FROM MR. D'ARCY WENTWORTH.

Sir,
Police Office, Sydney, 28th June, 1816.

Having been Solicited by Two Magistrates of Sydney on Matters of great Emergency, I have the Honor to request your Attendance at my Office at the hour of One O'Clock to morrow.

I have, &c.,
D. WENTWORTH.
Presid't of the Bench of Magistrates.

[Exhibit marked No. 1.]

WRIT OF ATTACHMENT AGAINST WILLIAM BROUGHTON.

To Wt.
New South Wales { George the Third, by the Grace of God of Ireland, King, Defender of the Faith, and so forth, To William Gore, Esquire, Provost Marshal of Our Territory of New South Wales Greeting; We Command you to attach William Broughton of Sydney, Esquire, so that you may have his Body before Our Judge of Our Supreme Court of Civil Judicature at Sydney in the Territory, aforesaid, at his Chambers situate at Sydney, aforesaid, on Thursday, the Twenty seventh day of this Instant June, there to answer to our said Judge as Well touching a Contempt which the said William Broughton as it is alledged hath Committed against our said Judge, as also other matters as shall be then and there laid to his Charge; And Further to do and receive what our said Judge shall then and there consider in this behalf; And hereof fail not and have there then this Writ. Witness the Honorable Jeffery Hart Bent, Esquire, Judge of Our said Supreme Court of Civil Judicature, at Sydney aforesaid the Twenty sixth day of June in the Year of Our Lord, One Thousand Eight hundred and Sixteen, and in the fifty-sixth Year of Our Reign. JEFFERY HART BENT, J.
WARRANT FOR COMMITTAL OF WILLIAM BROUGHTON.

New South Wales { George the Third, by the Grace of God of
To Wit. } the United Kingdom of Great Britain and
so forth, To William Gore, Esquire, Provost Marshal of Our
Territory of New South Wales, and To Mr. Daniel Cubitt,
Keeper of Our Gaol at Sydney in Our said Territory, Greeting.
WHEREAS William Broughton of Sydney, Esquire, hath by our
Writ bearing date the Twenty sixth day of June Instant, been
Attached to Answer for a Contempt against Jeffery Hart Bent,
Esquire, Judge of our Supreme Court in the Territory aforesaid,
in derogation of Our Laws and to the great Scandal of our said
Judge; And Whereas the said William Broughton hath persisted
and still doth persist in such Contempt and other contumacious
proceedings, We therefore command you and each of you that
you receive the said William Broughton into your custody and
detain him in our said Jail, or that one of you do receive him
there to remain till he shall clear such his Contempt, and Obey
such Order as Our said Judge shall consider of in this behalf,
or otherwise be delivered from your Custody According to Law.
Witness the Honorable Jeffery Hart Bent, Esquire, Judge of Our
said Supreme Court, at Sydney in the Territory aforesaid, this
Twenty Eighth day of June in the Year of Our Lord, One
Thousand Eight Hundred and Sixteen, and in the Fifty sixth
Year of Our Reign.

(J.S.) JEFFERY HART BENT, J.

True Copy:—G. MOLLE, Lieut.-Governor N. S. Wales.
True Copy:—JNO. THOS. CAMPBELL, Secy.

[Exhibit marked No. 3.]

WARRANT FOR RELEASE OF WILLIAM BROUGHTON.

By His Excellency Lachlan Macquarie, Esquire, Captain-General,
Governor and Commander-in-Chief of the Territory of New
South Wales and its Dependencies, &c., &c.
WHEREAS William Broughton, Esquire, One of His Majesty's
Justices of the Peace, has reported to me that he has been Com­
mitted to the Common Jail of Sydney within the Course of the
Present day, and that he continues there in a State of confine­
ment by Virtue of a Committal granted against him by Jeffery
Hart Bent, Esquire, One of His Majesty’s Justices of the Peace
in this Territory; and he, the said William Broughton, Esquire,
having represented that he is illegally Confined without per­
mission to give Bail for such Offence as may be alleged against
him, although not Charged with Murder, Treason, or any other Crime such as Warrants his being so detained, and praying there-on to be libersted.

This is therefore to order and Command that you liberate and discharge Him, the said William Broughton, Esquire, forth-with from Custody, for which this is Your Warrant and Authority.

Given Under My Hand at Government House, Sydney, this 28th of June, 1816.

L. MACQUARIE.

To Mr. Daniel Cubitt, Jailor of the County Jail at Sydney; and all others Concerned.

True Copy:—G. Molle, Lieut.-Governor, N. S. Wales.

[Exhibit marked No. 4.]

WARRANT FOR THE APPREHENSION OF JOHN HARVEY.

To John Redman, Chief Constable, or to Thomas Colebrook, One of the Constables of Sydney, in the Territory aforesaid, or to any other Constable of the said place.

WHEREAS John Harvey, a Prisoner Servant to Mrs. Eliza Bent of Sydney aforesaid, hath withdrawn and still continues to withdraw himself from the Service and against the Consent of the said Mistress, Eliza Bent; These are therefore to Command you in His Majesty's Name forthwith to Apprehend and bring before Me the Body of the said John Harvey to answer to the Complaint aforesaid and to be further dealt with According to Law and herein fail you not.

Given Under my Hand and Seal at Sydney aforesaid, this Twenty fifth day of June, One thousand Eight hundred and Sixteen.

JEFFERY HART BENT,
Judge of the Supreme Court, N. S. Wales.

(L.S.)

[Exhibit marked No. 5.]

WARRANT FOR THE RETURN OF JOHN HARVEY TO MRS. BENT.

To John Redman, Chief Constable, or to Thomas Colebrook, one of the Constables of Sydney in the Territory aforesaid, or to any other Constable of the same place.

WHEREAS John Harvey, a Prisoner Servant of Mrs. Eliza Bent of Sydney aforesaid, hath, by Warrant of this date Under My Hand and Seal, been Apprehended and brought before me The
Honorable Jeffery Hart Bent, Judge of the Supreme Court in
the said Territory, and Ex Officio Magistrate throughout the
same, The said John Harvey being Charged with withdrawing
himself from the Service and against the Consent of the said
Mrs. Eliza Bent; And Whereas the said John Harvey hath con-
fessed his absence from such Service and expressed his readiness
to return to the same, and that he did not willfully so remain
Absent but was retained by William Broughton, Esquire, to
whom he had hired himself; it therefore manifestly Appearing
that the said John Harvey ought to be returned to the Service of
the said Mrs. Eliza Bent as heretofore; I do hereby order and
require you the said Constables or some or one of you to convey
the said John Harvey to the House of the said William Brough-
ton, Esquire, for the purpose of Obtaining and receiving the
Articles of Wearing Apparel and other Effects to him belonging,
and Afterwards to Convey and deliver over the said John Harvey
to the said Mrs. Eliza Bent as her Prisoner Servant as heretofore.

Given under My Hand and Seal this Twenty fifth day of
June One Thousand Eight hundred and sixteen.

JEFFERY HART BENT,
Judge of the Supreme Court, N. S. Wales.

[Exhibit marked No. 6.]

THE DEPOSITION OF WILLIAM BROUGHTON.

Territory of New South Wales, | Before D'Arcy Wentworth, Deposition of
County Cumberland, | Esqre., One of His Majesty's William
To Wit. | of the Peace for said Territory.

The Examination of William Broughton, Esqre., who being duly
sworn, Deposeth that about Five Months ago a Man, named John
Harvey, came to his House and Offered his Services as a Cook;
that Examinant asked him in whose employ he last was; that
he replied "the late Mr. Bents," on whose decease he was granted
permission by his Mistress to employ himself for his own Advan-
tage; that on Questioning him further as to whether he had any
testimonials of good Character, he replied not, but added that he
had no doubt he could obtain them, and with that intention then
left Examinant, first being instructed to call again on the fol-
lowing Monday; that he did so and stated that Mrs. Bent was
indisposed, but that if Mrs. Broughton would call on her any
afternoon she (Mrs. Bent) would speak to his Character; that
upon the foregoing representation, Examinant was induced to
hire said Harvey at a Wages of Twenty five pounds Currency P'r
Annum; but previously Examinant further Questioned him as to
how he had disposed of his time since the decease of his Master
(being a lapse of nearly three Months at that time), to which
1816.
31 Aug.

Deposition of William Broughton.

...he replied that he had employed himself at Baking, but finding that it did not Answer his purpose, he had formed the intention of again going into a Gentleman's Service; that the said Harvey remained in his Service for Nearly three Months before any Application was made for the Man, when he was informed One Morning that a Constable had been sent to demand him as Mrs. Bent's Servant; that the Man refused to go upon the Grounds that he had not left Mrs. Bent's employ without her Consent and Approbation; that about ten days or a fortnight after Examinant was informed that Lieutenant Hemsworth had met One of Examinant's Servants in the Curicle, and had told him to desire the Cook to wait upon him at twelve O'Clock; that the Cook informed Examinant that he had waited on Mr. Hemsworth and that Mr. Hemsworth had told him that Mrs. Bent was not desirous to have him in particular; that a Man who could cut Grass and get Wood and Water would Answer her purpose; in Consequence of which information, Examinant in a day or two afterwards made Application to Mr. Hutchinson, the Principal Superintendent, to furnish Mrs. Bent with a person of that description in lieu of a Man who he Examinant had turned into Government some time before; that Examinant heard nothing further about the business till yesterday Morning; that he met a Constable named Colbrook in George Street, who stated that he was going to Examinant's House by Mr. Bent's directions to take away the Cook; that by reason of the Circumstances before stated having been Corroborated by Mr. Hutchinson relative to Mrs. Bent having given her Consent for the Cooks employing himself for his own Advantage, He Examinant replied that he could not think of giving him up, but that if Mr. Bent had anything to say on the subject, he Examinant would be glad to hear it from him; that between the hours of Eleven and three a Warrant was issued by Mr. Bent (as Examinant understands) and the Cook taken thereunder from Examinant's House in his absence; that about seven O'Clock Yesterday Evening the same Constable came to Examinant's House with the Cook, stating that he had a Warrant to take away the Bedding and Clothing belonging to the Cook; that Examinant asked to see the Warrant, which was then produced, and it not appearing to state matter of fact, Examinant considered it an unjustifiable One, and Accordingly not only refused Allowing the required Articles to be delivered, but detained the Cook; that in about an hour afterwards the Constable came back and Stated that Mr. Bent was extremely Angry at his Conduct, and desired him to bring the Cook before him, to which Examinant replied that his doors were lock'd and that he could not think of Admitting any person into the House on such
a business; that soon afterwards Mr. Redman, the Chief Constable, came on the same business, and was replied to by Examinant in the like terms.

W. BROUGHTON.

Sworn before Me this 27th day of June, 1816.
D. WENTWORTH, J.P.

[Exhibit marked No. 7.]

THE DEPOSITION OF WILLIAM HUTCHINSON.

WILLIAM HUTCHINSON, Principal Superintendent, examined, Deposeth that, shortly after the Decease of the late Mr. Bent, he was sent for by Mrs. Macquarie, who stated that she had received a letter from a Man named Harvey, who had been Cook to the late Mr. Bent, offering his Services to her, and asked Examinant's opinion of the Man; That Examinant having thereupon suggested his doubts as to the Man having sufficient Qualifications for Principal Cook at Government House, Mrs. Macquarie declined hiring him; that some time Afterwards Mr. Broughton Applied to him respecting the said Harvey, and Examinant informed him that He, Harvey, had been a Servant in the Employ of the late Mr. Bent and had obtained Mrs. Bent's permission to be on his own hands; further saith that no report has ever been made to Examinant of said Harvey being an Absentee.

WILLM. HUTCHINSON, P. Sup'd't.

Sworn before Me, 27th June, 1816.
D. WENTWORTH, J.P.

[Paper marked No. 8.]

THE EXAMINATION OF WILLIAM BROUGHTON.

WILLIAM BROUGHTON ESQUIRE again examined, Deposeth as follows:—On thursday, the 27th of June, between Nine and ten O'Clock in the Morning, as I was passing by the House of William Gore, Esquire, Provost Marshal, he was standing at his front Gate and requested me to stop, when he informed me that he had a Writ from Mr. Justice Bent to bring me before him at his Chambers to Answer for a Contempt to him as Judge of the Supreme Court; Mr. Gore then asked me as to my intentions on that head, to which I replied that I should submit to his Authority by Attending with him on Mr. Justice Bent whenever he, Mr. Gore, thought Proper. Mr. Gore about two O'Clock on the same day called on me at the Commissariat Store and took me into Custody; on being brought before Mr. Justice Bent in about an hour afterwards, Mr. Bent explained in a brief manner and in a general way that he had issued his Writ for my Appearance to answer for a Contempt to him as Judge of the Supreme Court;
that he had taken the Depositions of two Constables, who had deposed that I had made Use of these Words "that I would not attend to his Warrant or any other Judge's." I told Mr. Bent, that I had come there in Compliance with his Writ, not to answer to any interrogatories on the Subject of the allegations contained therein, and that I had obstructed his Warrant on the Grounds of it being illegal, and which I considered his Proceedings against me altogether to be; at the same time I begged leave to remark that, if he was sitting there in the Capacity of Judge of the Supreme Court, I had to remind him that that Court had been adjourned, and that until it was again convened and the Members associated with him were Sitting, I could not consider where I then was a Court at all; Mr. Bent replied that he was not Sitting as Judge of the Supreme Court; I requested Mr. Bent to inform me in what Capacity he was Sitting; to which he made no reply, but told me that unless the Man (meaning the person alluded to in the Warrant) was given up, he would Commit me to Prison; to which I replied he might use his Pleasure and send me to Prison if he pleased; he then Answered in a very Violent and passionate Manner, that he would and keep me there as long as he was Judge of the Supreme Court, and turning to Mr. Gore said that he, Mr. Gore, was to consider me in his Custody. I then told him that I meant to give in Bail, to which he replied, he would not take Bail as it was for a Contempt. Upon leaving the Judge's Apartments, I requested Mr. Gore to allow me to walk to the House of a Friend, pledging My Honor at same time that I would be at his Disposal whenever he pleased; having seen my friends and informed them that Mr. Bent had refused my Bail, I returned to Mr. Gore, who informed me that he had not received any Warrant of Committal, and as I pledged My Honor to be forthcoming whenever he wanted me, he told me I might dispose of myself Until he called for me. On the following Day (Friday, the 28th of June) Mr. Gore again came to the Store and took me into Custody and brought me before Mr. Bent; after having waited about half an hour at his Chambers, Mr. Bent made his Appearance; he again repeated in a brief Manner the Grounds on which he had issued his Writ; he Cited several Cases on which I had Offended, and said he had sent for me to know what I had to say; I told Mr. Bent that I had already stated to him that I did not mean to answer any interrogatories touching the allegations contained in His Writ, as I considered his proceedings towards me altogether illegal and improper; to which he Answered in a hasty and passionate manner that I, as a Magistrate, Committed many illegal Acts; I told him I was not
aware of any; he said "You have issued Warrants to Compel persons in the interior of the Country to come to Sydney to sign Vouchers"; I told him his information was incorrect and denied having ever signed any such Warrant; he replied that he had higher Authority than mine, he had my Superior Officer's; I told him I had once issued a Summons for a person to Attend, who had omitted to sign Vouchers at the time of receiving payment; to which he replied "that was not right"; he then dwelt a good deal on the impropriety of My Conduct and his forbearance, Citing the Conduct of Lord Chief Justice Willes, who had imprisoned two British Admirals and several Post Captains for a similar Offence, and who were afterwards obliged to make a public Apology in the paper, thereby endeavouring to induce me (as I conceived) to make him an Apology; I told Mr. Bent that if he supposed I had come there for the purpose of making any Concessions for the injuries I had received from him, he was much mistaken; I reminded Mr. Bent of the Question I had put to him the preceding day, as to whether he was sitting there as Judge of the Supreme Court or as a Magistrate; to which he replied, "as Judge of the Supreme Court." I said that he had told me the day before that he was not sitting as Judge of the Supreme Court; he replied that he had no right to answer any such Questions; I then reminded him that as the Court was adjourned that I could not consider him sitting as Judge thereof, until it was again Convened and the Members thereof sitting; that I as a Magistrate was One of the Members and his Associate Judge; he replied he knew nothing of me, neither as a Magistrate or Judge; I told him I could not help expressing my surprise at such a Declaration as he had recognized me as a Magistrate by having Sworn me in as a Member of the Supreme Court, and that I had taken my Seat with him as the Judge thereof; he replied "Your Commission is in this Office and it is an illegal one." I told him I could not say whether it was a legal One or not; that I understood it had been made out by his Brother and that I had been Sworn in by him; that I never had Questioned the legality of his Acts, having entertained too great a regard for him; he then told me that unless I removed the Obstructions given to his Warrant by delivering up the Man, he would Commit me to Prison; I told him he might use his Pleasure and again reminded him that I had Offered Bail to which he replied, "I will not Accept of Bail"; he then signed the Warrant of Committal and handed it to Wm. Gore, whereupon Mr. Gore imprisoned me in Sydney Jail; I then addressed a Letter to His Excellency the Governor on the Subject of my Imprisonment and His Excel-
1816.
31 Aug.

Examination of William Broughton by magistrates.

lency having been also Apprized that I was refused to be admitted to Bail, a Warrant of Discharge was made out, and I was thereupon liberated.

Sworn before Us this 29th day of June, 1816.

G. Molle, Lieut.-Governor, N. S. Wales.

[Exhibit marked No. 9.]

MR. JUSTICE BENT TO PROVOST-MARSHAL GORE.

Mr. Justice Bent is astonished that Mr. Gore should allow William Broughton, Esquire, brought before him by Virtue of a Writ of Attachment to depart without an Order made, and that when Mr. Gore well knew that a Commitment was making out; the Writ itself not being returned, Mr. Justice Bent will be under the necessity of issuing a Writ of attachment against Mr. Gore if such Conduct is not satisfactorily explained and Amended.

Jeffery Hart Bent, Judge.

[Exhibit marked No. 10.]

PROVOST-MARSHAL GORE TO MR. JUSTICE BENT.

Provost-Marshal's Office, Sydney, the 28th June, 1816.

Mr. Provost-Marshal Acquaints Mr. Justice Bent, that pursuant to his Writ of Attachment to him directed, he had the Body of William Broughton of Sydney, Esqre., before him the said Justice at his Chambers in Sydney aforesaid, and that he had then there the aforesaid Writ, if called on to return it; and further that pursuant to the Verbal Order of Mr. Justice Bent, Mr. Provost Marshal does consider the Body of William Broughton, Esqre., to be still in his Custody.

W. M. Gore, P.-M.

[Exhibit marked No. 11.]

MR. JUSTICE BENT TO PROVOST-MARSHAL GORE.

Mr. Justice Bent has received the Provost Marshal’s Note and has to inform him that his Verbal Order was to detain William Broughton, Esquire, till the Commitment was made out by the Clerk, and he ought not to have been allowed to depart. If the Provost Marshal has him still in his Custody, He will bring him before Mr. Justice Bent at three O’Clock this day.

Jeffery Hart Bent, Judge.

Friday, 28th June, 1816.

[Paper marked No. 12.]

THE DEPOSITION OF THOMAS COLBROOK.

Thomas Colbrook, Constable, examined, Deposeth as follows:— About the hour of ten O’Clock in the forenoon of Thursday last, when on duty at Mr. Justice Bent’s, I received directions from
George Davey, the Butler, to go to Mr. Broughton's and bring John Harvey to Mrs. Bent, which instructions Davey stated were given to him by Mr. Bent. I accordingly proceeded towards Mr. Broughton's, but meeting with Mr. Broughton in George Street I stated to him my business; he asked me had I a Warrant or a Letter; I replied not; Mr. Broughton then said that he could not think of letting the man go nor would not until further Orders; I returned and informed Mr. Bent of what Mr. Broughton had said; Mr. Bent desired me to wait till a Warrant was made out; in a few Minutes afterwards a Warrant was made out and handed to me by Mr. Bent with directions to go fetch Harvey pursuant to it; I went to Mr. Broughton's House and having apprized Harvey that I had a Warrant to bring him before Mr. Bent, he said I had no Occasion for one, that he would have come without it and then Accompanied me to Mr. Bent's. Mr. Bent had some Conversation with him, which I did not hear, and Mr. Bent then desired him to go into the Kitchen and Cook the Dinner. Harvey asked Mr. Bent whether he should go and fetch his things, Mr. Bent said No, that he should send for them; between the hours of five and six that Evening, Mr. Bent gave me a Warrant and desired me to take Harvey with me to Mr. Broughton's to get his things and bring him back to Mrs. Bent. On going to Mr. Broughton's, I was required to go up Stairs; Mr. Broughton demanded to see the Warrant; I shewed it him; he sent for Harvey; he asked Harvey was he willing to remain in his Service or did he wish to go back to Mrs. Bent; Harvey said he would sooner remain in Mr. Broughton's service; Mr. Broughton said "I will protect you then, and no Judge's Warrant shall take you out of my House, for I have got the Governor's permission to Keep You." Mr. Broughton then said to me you may give my Compliments to Mr. Bent, and no Judge's Warrant shall take him Off my premises, for I have got the Governor's permission to Keep him; I went back to Mr. Bent and told him what Occurred; he then told me to go to Mr. Redman, the Chief Constable, and tell him to Execute the Warrant with me; Mr. Redman Accompanied me to Mr. Broughton's, and upon again applying for Harvey, Mr. Broughton said he should not go.

Thomas Colbrook.

Sworn before me, this 29th day of June, 1816.

D. Wentworth, J.P.

[Exhibit marked No. 13.]

The Deposition of John Harvey.

John Harvey examined, Deposeth that he was a Servant in the employ of the late Mr. Bent, and shortly after the Decease of that Gentleman was called into Mrs. Bent, when at Breakfast
with Mr. Justice Bent, whereupon he was informed by her that she did not intend to keep a Cook, and would allow him to go on his own hands during the time she was in the Country, adding that she would apply for a Ticket of Leave for Examinant, but that she did not like to be under a Compliment to the Governor; that he left Mrs. Bent's Service that day, and followed the Baking business for about three Months when not finding it to his advantage to continue in that line he applied for a Situation as Cook to Mr. Broughton; that Mr. Broughton refused to hire him unless he obtained a Character from Mrs. Bent; that he Accordingly Applied to Mrs. Bent on the same day on that head, and she stated that she was then indisposed, but that if Mrs. Broughton called on her she would give Mrs. Broughton a Character of Examinant; that he then again called on Mr. Broughton and stated what Mrs. Bent had said, whereupon he hired Examinant; that in about three Months after he had been in Mr. Broughton's Service, a Constable named Patrick Field called on him and stated that Mrs. Bent had sent to know when Mrs. Broughton could spare him (Examinant); to which Examinant replied that he thought it very extraordinary Mrs. Bent sending for him as she had discharged him, and that he could not think of going Until he saw Mr. Broughton; that on the same Evening he was informed by a fellow Servant that an Officer whom he believed to be the Officer that went to Mrs. Bent's desired him to tell Examinant to go to his rooms at twelve O'Clock the next day; that about Seven O'Clock the following morning, the Servant of Lieutenant Hemsworth of the 46th Regt. (the Officer Alluded to) called on Examinant and stated that his Master wanted to see him directly; that in about Quarter of an hour afterwards he waited on Lieutenant Hemsworth, who thereupon informed him that Mrs. Bent wanted to engage him again or wanted him back again (he is not certain which), but at the same time added that she did not want him in particular, nor to disturb him from his Situation; that if she got a person who could Cut grass, that that would do; to which Examinant replied that he would mention the matter to Mr. Broughton, which he Accordingly on the same day did; that Examinant heard nothing further of the business Until last Wednesday (the 26th of June) when he was taken from the House of Mr. Broughton under a Warrant issued by Mr. Justice Bent before whom he was thereupon brought, and after receiving from him a Short reprimand for not immediately Complying with the Warrant, he was Order into the Kitchen to Cook Dinner; that after Dinner Mr. Justice Bent came into the Kitchen and desired him to go with the Constable to Mr. Broughton's for his things; that he thereupon Accompanied the
Constable, who informed him that he had a Warrant for the
purpose; that upon Arriving at Mr. Broughton's the Constable
and him were Ordered Up Stairs, whereupon Mr. Broughton
asked Examinant if he had any desire to return to Mrs. Bent, to
which he replied "by no means"; that Mr. Broughton then
Observed to the Constable that no Warrant, which Mr. Justice
Bent sent there, should take Examinant out of the House, and
added that if Mrs. Bent had either Written or sent to say that
it was her wish to have him back, he would have let Examinant
gone; that he heard the whole of what passed on that Occasion,
and did not hear Mr. Broughton allude to the Warrant of any
Judge except that of Mr. Justice Bent; further saith that he has
not on any Occasion expressed a Wish to leave Mr. Broughton's
Service, neither does he wish it.

Sworn before Us, this 1st day of July, 1816.
G. MOLLE, Lieut.-Governor, N. S. Wales.

[Exhibit marked No. 14.]

THE DEPOSITION OF LIEUTENANT CARNE.

THOMAS CARNE, Gentleman, Lieutenant in His Majesty's 46th
Regiment of Foot, examined, Depoeth that he was Sitting in
the Parlour in Company with Mr. Broughton at the time Col­
brook, the Constable, and John Harvey Came there on Wednesday
Evening last; that the Constable produced a Warrant from Mr.
Justice Bent Authorizing him to take the Clothes of John
Harvey from the House of Mr. Broughton and to return Harvey
to Mr. Bent; that Mr. Broughton, Understanding from Harvey
that it was not his Wish to return to Mrs. Bent, said to the Con­
stable give my compliments to Mr. Bent, as I consider his
Warrant on this occasion illegal, I will not obey it, but will
give the Man Protection in my House as long as he Chuses to
stay in it; that he heard the whole of the Conversation which
passed on that Occasion, and that Mr. Broughton did not speak
of any Warrant, but the one alluded to; that Mr. Broughton
repeatedly observed to the Constable that had Mrs. Bent written
a line to Mrs. Broughton, saying that she was in want of the
Servant, that he should have gone, was he the best servant he
ever had.

Questioned by the Lieutenant Governor as President.—Did
You on the Occasion stated hear Mr. Broughton say to the Con­
stable that he would not suffer Harvey to be taken out of His
House on any Judge's Warrant? Answer.—I did not.

2nd Question.—Could Mr. Broughton have said so without
your hearing it? Answer.—He could not.
3rd Question.—Did Mr. Broughton assign any reason for refusing to comply with the Warrant? Answer.—Yes! that he had the Governor's Authority for retaining Harvey in his Service and repeatedly directed the Constable to tell Mr. Bent so, and I myself repeatedly told the Constable not to mistake the message but to deliver it correctly to Mr. Bent.

Sworn before us same time,
G. Molle, Lieut.-Govr., N. S. Wales, July 1st, 1816.

[Exhibit marked No. 15.]

The Deposition of John Redman.

John Redman, Chief Constable, examined, Deposeth, that between the hours of Eight and Nine O'Clock on last Wednesday night he was called upon by Thomas Colbrook, Constable, who thereupon handed him a Warrant from Mr. Justice Bent directing him to take into Custody John Harvey, then a Servant in the Employ of Mr. Broughton, and to bring him before the said Mr. Justice Bent; that he immediately proceeded to the residence of Mr. Broughton, where on Arriving he rang the Bell and Mr. Broughton answered from the Veranda; that upon informing Mr. Broughton that he had Mr. Bent's Warrant for the Apprehension of John Harvey, Mr. Broughton replied that he would not then Open his Doors or his Gates for any Warrant on such an Occasion, or words to that Effect; And Mr. Broughton then added, that if Mrs. Bent had sent any proper person with a Message to request the services of that Man, that he Mr. Broughton would have given him up however great his Services, or words to that effect; and Mr. Broughton then further said, that if Mrs. Bent would send the following Morning by any Proper Person he would send the Man back to her; further saith that he afterwards waited on Mr. Bent the same Night, and repeated to him what Mr. Broughton had said, Whereupon he replied that he had nothing to do with Mr. Broughton and Mrs. Bent; that he issued his Warrant upon a Complaint and that he expected it executed.

Question from the President.—Did you on the Occasion stated hear Mr. Broughton say to the Constable that "he would not suffer Harvey to be taken out of his House on any Judge's Warrant"? Answer.—I did not.

2nd Question.—Could Mr. Broughton have said so without Your hearing it? Answer.—He Could not.

Sworn before Us, same time,
G. Molle, Lieut.-Govr., N. S. Wales, July 1st, 1816.
THE EXAMINATION OF PROVOST-MARSHAL GORE.

Mr. Gore, Provost Marshal, questioned by the Lieutenant Governor, President of the Meeting.

"Do you recollect on Thursday last, whilst Mr. Broughton was in your Custody at the Chambers of Mr. Justice Bent, Mr. Broughton having asked Mr. Bent if he was Sitting there in his Capacity of Judge of the Supreme Court, at same time reminding Mr. Bent that that Court had been adjourned and that until it was convened again and the Members Associated with him were sitting that he Mr. Broughton did not Consider it a Court at all."

Answer.—Yes! I recollect Mr. Broughton having addressed Mr. Bent to the above Effect and I have an indistinct recollection that Mr. Bent replied that he had not issued the Warrant against him as Judge.

Question.—"Do you recollect on the following day when Mr. Broughton was again brought before Mr. Bent, his Asking him in what Capacity he Mr. Bent was then Sitting, whether as Judge of the Supreme Court or as a Magistrate, and what was the reply."

Answer.—Mr. Bent distinctly told him that he was Sitting as Judge, and Mr. Broughton then reminded him that he Mr. Bent had the day before said he was not sitting as Judge; to which Mr. Bent thereupon replied that he was not bound to answer any Questions.

Question.—"Do You recollect whether Mr. Broughton made any observations to Mr. Bent as to his being a Magistrate and a Member of the Supreme Court, and what was his Answer."

Answer.—I do, and that Mr. Bent replied that he did not consider Mr. Broughton a Judge of the Supreme Court, nor was he clear that he was a Magistrate at all his Commission being directed "To my Justice," instead of it being directed to him as "One of the King's Justices," whereupon Mr. Broughton said that his present Commission was approved of and he believed had been made out by his (Mr. Bent's) Brother, the legality of whose Acts he never doubted.

Question.—"Do you recollect on the first day Mr. Broughton offering Bail."

Answer.—I do, and Mr. Bent replying that he would take no Bail; it was for a Contempt and he would keep him in Jail as long as he was Supreme Judge.

Sworn before Us, same time,
G. Molle, Lieut.-Govr., N. S. Wales, July 1st, 1816.
Exhibit marked No. 17.

The Examination of Mr. J. R. O'Connor.

Questions by the Lieutenant Governor as President of the Meeting to John Richard O'Connor, Gentleman.

Question. — "Do You recollect on Friday last, whilst Mr. Broughton was at the Chambers of Mr. Justice Bent, Mr. Broughton asking him in what Capacity he Mr. Bent was then Sitting, whether as Judge of the Supreme Court, or as a Magistrate, and what was the Answer was?"

Answer. — I do, and Mr. Bent in an irritable manner replied that he sat there as Judge.

Question. — "Do You recollect that Mr. Broughton remarked that that Court had been adjourned, and until it was convened again and the Members associated with Mr. Bent were sitting, he, Mr. Broughton, could not consider that a Court, adding that he Mr. Broughton was a Magistrate and as a Member of it, one of Mr. Bent's associate Judges, and what was Mr. Bent's reply?"

Answer. — I recollect Mr. Broughton having addressed Mr. Bent to that Effect, and Mr. Bent in reply said he did not acknowledge him as a Judge, and doubted his being a regularly appointed Magistrate.

Question. — "Do You recollect that when Mr. Bent replied that he was Sitting there as Judge that Mr. Broughton remarked that he Mr. Bent had the day before said that he did not sit as Judge, and what Mr. Bent's reply was?"

Answer. — I do, and Mr. Bent replied that he was not bound to Answer any Questions.

Question. — "Do you recollect Mr. Broughton had the day before Offered him Bail, and what was Mr. Bent's reply?"

Answer. — I do, and Mr. Bent replied that Bail was never taken in such cases.

Sworn before Us, same time,
G. Molle, Lieut.-Govr., N. S. Wales, July 1st, 1816.

Exhibit marked No. 18.

The Deposition of Mr. George Johnston, Junior.

George Johnston, Junior, Gentleman, examined, Deposeth as follows: — On Friday last (June 28th, 1816) Mr. Gore, the Provost Marshal, came down to the King's Store about two O'Clock, where Mr. Broughton then was; Mr. Gore informed him that he had received a Letter from Mr. Justice Bent wherein he Ordered him to bring Mr. Broughton before him at his Chambers at three O'Clock; Mr. Gore then read the same to Mr. Broughton, who thereupon declared his willingness to attend him, and they
forthwith proceeded to Mr. Justice Bent's Chambers in Company with Mr. O'Connor and Myself; we remained some time in the Room before Mr. Bent made his Appearance; he at length Came in and taking his Seat addressed himself to Mr. Gore, and expressed himself highly displeased with his Conduct in allowing Mr. Broughton to depart from his Chambers, and to be at large the preceding day without his Knowledge, and further stating that he had acted highly irregular and improper in doing so; that he had likewise taken the advice of certain persons as to the legality of his proceedings; that he had Consulted thereon Mr. Wentworth, Mr. Crossley and Mr. Chartres. Mr. Bent said that his legal Knowledge was the best in the Colony, far superior to that of any of the before named persons or them all put together, and in saying so, he thought he did not say much for himself either, adding that if his proceedings were illegal the responsibility would fall upon him, not upon Mr. Gore; and concluded by threatening to get him removed from his Situation; to this Mr. Gore replied that he possessed a right in common with all His Majesty's Subjects to Obtain the best advice he could, but more particularly so in doubtful cases, a right he should not fail to avail himself of whenever he required it; That as to Mr. Broughton being at large, Mr. Bent had not delivered to him the Warrant to Commit him to Prison, and that he considered he had Acted in every respect According to Mr. Bent's directions. Mr. Broughton having at the same time pledged his Word and Honor to be forthcoming whenever he might want him, which Mr. Broughton declared he had done. Upon this Mr. Bent (who Appeared very Warm) interrupted Mr. Broughton, and told him he should make such observations as he thought Proper to Mr. Gore, and again repeated that he had behaved highly irregular. Mr. Bent now addressing himself to Mr. Broughton told him he had Ordered him to be brought before him to endeavour to bring him to Reason; that if he still persisted in the line of Conduct which he had pursued the day before, he should be obliged to commit him to Prison; he stated that in the present instance he had even Acted with delicacy towards him; to which Mr. Broughton answered that he had certainly acted with a great deal of delicacy towards him in sending a Constable to his House at ten O'clock at Night, without any preliminary steps whatever, to take away his Servant; but prior to his making any other observations he wished most strongly to impress Mr. Bent's mind that he did not come there with a View of making any Concessions or Apology whatever for his Conduct, particularly after the injuries he had received at his hands; that he still denied the legality of his proceedings in Issuing a Warrant, as Judge of
1816.
31 Aug.
Deposition of George Johnston, junior.

The Supreme Court, of which he himself was a Member and likewise a Magistrate, to the Provost Marshal to take him into Custody and bring him before him, Mr. Bent, for a Contempt Offered to him when that Court was not sitting; he would however say that had Mrs. Bent expressed to him a Wish to have had the Man in question back again, or had Mr. Bent in the first instance written to him to that Effect, and which was no more than One Gentleman might have expected from another, he would have given him up immediately; but on the Contrary Mr. Bent, he Considers, had behaved towards him with the greatest indelicacy; Nay Mr. Hemsworth, an Officer of the 46th Regiment, had ordered his Son to send the Man to his Barracks as he wanted him; now what right this Gentleman had to interfere with his Servant or any part of his family he was entirely at a loss to conjecture. Mr. Bent replied that the Man was still Mrs. Bent's servant, and that he was only allowed to be on his own hands on Condition of returning to Mrs. Bent's service whenever she might require him. Mr. Broughton replied that Mrs. Bent was well aware of the Circumstance of his having hired the Man; that previous to his doing so, he had sent the Man himself to Mrs. Bent for a Character; she told him to make her Compliments to Mr. Broughton and say that being indisposed she could not write, but if Mrs. Broughton would favor her with a call in the Course of the Week, She would give her any information she might require on that Subject; that moreover she had told the Man when he left her that She would have Applied to The Governor for a Ticket of Leave for Him, but did not wish to lay herself Under a Compliment; from all these Circumstances (Mr. Broughton Continued) it must Clearly Appear that the Man had not Quit Mrs. Bent’s Service on the Conditions Stated by Mr. Bent, but was perfectly at liberty to hire himself without any restraint whatever. Mr. Broughton again repeated that he did not make this explanation with a View of Offering any Concession for the way in which he had acted, and again denied the legality of Mr. Bent’s proceedings; here Mr. Bent again became very Warm and told Mr. Broughton that he did not consider him as a Magistrate; that his Commission was made out improperly; to this Mr. Broughton Answered that it had been made out by his (Mr. Bent’s) Brother and that he never doubted the legality or Correctness of his proceedings; Mr. Bent replied that Mr. Broughton, in his Capacity of Magistrate, had been guilty of many illegal Acts, and that in detaining this Man he had broken through the Colonial regulations; Mr. Bent said he (Mr. Broughton) had also issued illegal Warrants to bring down People from the Country to the Commissariat Office to Sign
Vouchers; this Mr. Broughton positively Denied; Mr. Bent said he had it from high Authority; he had it from his (Mr. Broughton's) Superior Officer; that for the Contempt with which he had treated his (Mr. Bent's) Warrants, Two Rear Admirals Johnston, and twelve Post Captains had been obliged to make an Apology in the Public Gazette to Lord Chief Justice Willes, Although they were Supported by the Admiralty. Mr. Bent then read from a paper five distinct Charges, the first he said rendered Mr. Broughton liable to have an information filed against him in the Criminal Court for a Misdemeanor, the following three I don't recollect, and the last was that Mrs. Bent might have her Action at Law against him for Damages for Depriving her of her Servant; Mr. Broughton Answered that he might use his pleasure, but must again deny the legality of his proceedings, and also declared that he should make no Concessions whatever; Mr. Bent then said that he should Commit him to Prison and desired the Provost Marshal to return his Writ, which being done he delivered to him a Warrant to Commit Mr. Broughton to Prison. Examinant saith that to the best of his recollection and belief the foregoing Statement was the purport of the Conversation which took place between Mr. Bent and Mr. Broughton.

GEO. JOHNSTON, JUNR.

Sworn before Us, this 2nd day of July, 1816.

G. MOLLE, &c., &c.

[Paper marked No. 19.]

GOVERNOR MACQUARIE TO SECRETARY CAMPBELL.

Sir, Government House, Sydney, 5th July, 1816.

His Honor Lieutenant Governor Molle and Mr. Judge Advocate Garling having waited on me Yesterday and delivered me the Proceedings and Resolutions of the late Meeting of the Sydney Magistrates together with the several Documents and Depositions referred to in the said Proceedings; all which having been perused and fully approved of by Me, I now transmit to you the said Proceedings and Documents to remain in your Office for the purpose of being submitted to the District Magistrates of the Colony for their perusal and Signatures, in the Event of their Concurring in the Resolutions passed by the Sydney Magistrates. With this view, I request you will forthwith write Circular Letters to the several District Magistrates apprising them that the Resolutions and Documents, alluded to, lye at your Office for their Perusal and Signatures (in Case they feel so disposed) the first time they happen to be at Sydney on any other Business.

I am, &c.,

L. MACQUARIE.
1816.
31 Aug.

CIRCULAR LETTER TO ALL THE MAGISTRATES IN THE INTERIOR OF NEW SOUTH WALES.

Gent'n, Secretary's Office, Sydney, 5th July, 1816.

I have it in Command to inform You that the Proceedings of a Meeting of the Magistrates of Sydney, which took place on the 29th Ulto., and was thence Continued by Adjournments until Yesterday, have been Submitted to His Excellency the Governor for his information on a Subject of emergency and Importance, and those Magistrates having therein expressed a Wish that His Excellency would adopt some mode of submitting those proceedings accompanied by the several documents on which they were founded to Your Consideration, being from Circumstances expressed therein debarred the advantage of Your Consultation, I have the honor to inform You that those proceedings and documents are now at my Office for your individual perusal at such time as you may Please to inspect them, and for Your Signature of Approval in Case those Proceedings should Coincide with Your Own Sentiments.

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

[Paper marked No. 21.]

REVEREND SAMUEL MARSDEN TO SECRETARY CAMPBELL.

Sir, Sydney, 10th July, 1816.

Having carefully perused the Proceedings of the Bench of Magistrates, and the various Documents submitted to my inspection, agreeably to the wish of the Magistrates Communicated to me through the Medium of Your Official Letter, Under Date of the 5th Instant, I have to request you would inform the Magistrates that I conceive it would be incorrect in me to give any Opinion upon these Proceedings, not being present when the Depositions were taken upon which they were grounded.

I have, &c.,
SAMUEL MARSDEN, J.P.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

(A private despatch per ship Atlas.)

31st August, 1816.

[A copy of this despatch is not available.]
UNDER SECRETARY GOUlBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Harriet; acknowledged by Governor Macquarie to Earl Bathurst, 16th May, 1817.)

Sir,

Downing Street, 12th September, 1816.

This Letter will be delivered to you by Mr. Emmett,* who is stated to have proceeded to New South Wales as a Free Settler in 1807, but afterwards returned to this Country and was detained as an Evidence in Colonel Johnston's Court Martial.

I am directed to acquaint you that Lord Bathurst has granted permission to Mr. Emmett to return to the Colony, and from the favorable Character which has been given of him and the means of Settlement and Cultivation, which he is understood to possess, I am to desire that he may receive as favorable an Allotment of Land, as may be consistent with the Regulations established on this point, together with the usual Indulgences granted to Settlers of his Class.

I have, &c.,

HENRY GOUlBURN.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 76, per ship Sir William Bensley; acknowledged by Governor Macquarie, 4th April, 1817.)

Sir,

Downing Street, 14th September, 1816.

I herewith transmit to you the Copy of a letter, which has been addressed to me by Lord Sidmouth, recommending that James Knowles, who was convicted of Felony at a Special Sessions held at Lancaster in May, 1812, and conveyed to New South Wales in the Ship Fortune, should receive a Free Pardon if his Conduct since he has been in the Colony has been such as to entitle him to that Indulgence; and I am to desire that, provided you have had no reason to disapprove of his Behaviour during that period, you will extend to him the Indulgence specified in the enclosed Letter.

I have, &c.,

BATHURST.

[Enclosure.]

LORD SIDMOUTH TO EARL BATHURST.

My Lord,

Whitehall, 30th August, 1816.

Application having been made to me in favour of James Knowles, who was convicted of Felony at a Special Sessions held at Lancaster in May, 1812, and who was conveyed to New South Wales in the Ship Fortune, I am to request that Your Lordship will communicate to the Governor of that Colony that under the Circumstances, which have been reported to me on

* Note 41.
behalf of James Knowles, I feel disposed to recommend that the Prisoner should receive a Free Pardon; but in making this Communication, 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 the Conduct of the Prisoner, during the time he has been in the Colony, has been such as to entitle him to the indulgence of being allowed to return to this Country.

I have,

SIDMOUTH.

20 Sept.

Sir,
Downing Street, 20th September, 1816.

I beg leave to introduce to your favourable Notice and Protection Lieutenant Colonel Sorell, who is the Bearer of this Letter, and has been appointed to the Situation of Lieutenant Governor of Van Diemen's Land; and I am directed by Lord Bathurst to request that you will afford him every assistance and support in enabling him to execute the Duties of his Office.

I have, &c.,
HENRY GOULBURN.

1 Oct.

Earl Bathurst to Governor Macquarie.

(The Despatch No. 77, per ship Sir William Bensley; acknowledged by Governor Macquarie, 4th April, 1817.)

Sir,
Downing Street, 1st October, 1816.

The Emperor of Austria having expressed a desire to be supplied with the Seeds of the Choicest Plants, which are the Produce of New South Wales, I have received the Commands of His Royal Highness The Prince Regent to desire that you will give directions for collecting them and transmitting them to me with as little Delay as the Circumstances will admit.

I am also to call your particular Attention to the necessity of the Seeds being well cleaned and purified from Insects previous to their being packed, and to their being protected as far as possible from The Effect of damp. In order to prevent Confusion, it will also be necessary to affix to each parcel the Name of the Plant of which it may contain the Seed.

I have, &c.,
BATHURST.

* Note 42.
GOULBURN TO MACQUARIE.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship Sir William Bensley; acknowledged by Governor Macquarie to Earl Bathurst, 4th April, 1817.)

Sir,

Downing Street, 3rd October, 1816.

I am directed by Lord Bathurst to enclose to you an Assignment of Two Hundred Male Convicts shipped on board the Sir William Bensley for the Colony under your Government.

I am, &c.,
HENRY GOULBURN.

[Enclosure.]

[A copy of the assignment of convicts is not available.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship Fame; acknowledged by Governor Macquarie to Earl Bathurst, 4th April, 1817.)

Sir,

Downing Street, 3rd October, 1816.

I am directed by Lord Bathurst to enclose to you an Assignment of Two Hundred Male Convicts shipped on board the Fame for the Colony under your Government.

I am, &c.,
HENRY GOULBURN.

[Enclosure.]

[A copy of the assignment of convicts is not available.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(A private despatch per ship Harriet.)

Sir,

Downing Street, 16th October, 1816.

I am directed by Lord Bathurst to introduce to your Commendation of Henry Thrupp, who will also deliver to you an Official Letter from his Lordship instructing you to allot to him a Grant of Land with the usual Indulgences.

I have, &c.,
HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.*

Sir,

Downing Street, 21st October, 1816.

Lord Bathurst having given permission to the bearer, Mr. John Atkinson, to proceed as a Settler to New South Wales, I am directed by his Lordship to desire that you will make him a Grant of Land in proportion to the means which he may possess of bringing the same into Cultivation, and extend to him the other Advantages usually granted to Settlers of his Class.

I am, &c.,
HENRY GOULBURN.

* Note 22.
190

HISTORICAL RECORDS OF AUSTRALIA.

1816.
23 Oct.

Recommendation of James Williamson for a land grant.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Shipley; acknowledged by Governor Macquarie to Earl Bathurst, 16th May, 1817.)

Sir,
Downing Street, 23d October, 1816.

Mr. James Williamson, who is the bearer of this Letter, being about to return to New South Wales, has made application to Lord Bathurst to have a Grant of Land allotted to him in that Colony, and I am directed therefore by his Lordship to desire that you will make to Mr. Williamson a Grant in proportion to the means which he may possess of bringing it into Cultivation, and to extend to him the Indulgences usually granted to Settlers of his Class.

I am, &c.

HENRY GOULBURN.

4 Nov.

Recommendation of John Smith as a settler.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Shipley; acknowledged by Governor Macquarie to Earl Bathurst, 16th May, 1817.)

Sir,
Downing Street, 4th November, 1816.

I am directed by Lord Bathurst to acquaint you that he has given permission to the Bearer, Mr. John Smith, to proceed as a Settler to New South Wales, and I am to desire that you will make to him a Grant of Land in proportion to the means of bringing it into Cultivation, which he may be found to possess on his arrival, and extend to him the other Indulgences usually granted to Settlers of his Class.

I am, &c.

HENRY GOULBURN.

5 Nov.

Recommendation of Amos as a settler.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Morley; acknowledged by Governor Macquarie to Earl Bathurst, 16th May, 1817.)

Sir,
Downing Street, 5 November, 1816.

Lord Bathurst having given permission to Mr. Amos to proceed as a Settler to New South Wales, I am directed by his Lordship to desire that you will make to him a Grant of Land in proportion to the means of Cultivation, which he may possess on his arrival in the Colony, and extend to him the Indulgences usually granted to Settlers of his Class.

I am, &c.

HENRY GOULBURN.

9 Nov.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

9th November, 1816.

[A copy of this private letter is not available.]
Sir,

Downing Street, 20th November, 1816.

I herewith enclose to you, by direction of Earl Bathurst, an Assignment of Three Hundred Male Convicts which were shipped on board The General Hewitt, but which was accidentally omitted to be forwarded to New South Wales at the time that Vessel sailed.

I am, &c,

HENRY GOULBURN.

[Enclosure.

[A copy of the assignment of convicts is not available.]

SIR,

Downing Street, 22d November, 1816.

It having been represented to Lord Bathurst by Dr. Quarrier, Surgeon of His Majesty’s Ship Leander, that William Chamberlayne was forcibly taken away from Port Jackson about four Years back in the Frederick, South Sea Whaler, but that he is now desirous of returning to his Friends in New South Wales, I am directed by his Lordship to enclose for your Information Copies of Two Papers relating to the circumstances of the Case, and I am to desire, as he will proceed in one of the Convict Ships now under Orders for the Colony under your Command, that you will afford him all the Assistance and Protection in your power on his arrival at Port Jackson.

I am, &c,

HENRY GOULBURN.

[Enclosure No. 1.]

AFFIDAVIT OF DR. QUARRIER.

This Deponent, Dr. Daniel Quarrier, voluntarily maketh oath that William Chamberlain was a Prisoner on board the Sans Souci, French Privateer, at the time of her capture by His Majesty’s Ships Andromache and Briton, and that he fully believes the Statement of the boy William Chamberlain to be correct, as it was corroborated at the time by all the Crew of the Frederick who were on board the Privateer; and he further deposes that all the Statements in his Letter* of the tenth Instant, addressed to the Right Hon’ble Earl Bathurst were correct and true, as far as his knowledge and belief.

D. QUARRIER.

Sworn before me at Portsmouth, 15 November, 1816.

SAM’L SPICER.

* Note 43.
1816.
22 Nov.

Examination of William Chamberlain.

Questions put to William Chamberlain on board His Majesty's Ship Leander at Portsmouth, the 15th day of November, 1816.

Where were you born?  A. At Port Jackson in N.S.W.

Is your father alive?  A. He was, when I came away.

What is his name?  A. James Chamberlain.

Does he reside at Port Jackson?  A. Yes, Sir.

What is his trade?  A. A Bricklayer.

How came you to leave him?  A. I was taken away by a boy belonging to the Frederick, South Sea Man.

Who was the Captain of the Frederick, and did he know of your being on board?  A. I forget his name, but he knew I was on board. He made me very ill, until we were taken by the Privateer.

Did your Father or Mother know of your going away?  A. No, Sir.

How long did you remain on board the Privateer before she was captured by the Andromache?  A. Nine days.

How old are you?  A. About thirteen.

How long is it since you left Port Jackson?  A. I believe it is rather more than four years.

Would you wish to return to your Father, if we can obtain a Passage for you?  A. Yes, Sir.

WILLIAM CHAMBERLAIN.


UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Morley; acknowledged by Governor Macquarie to Earl Bathurst, 16th May, 1817.)

Sir,

Downing Street, 2nd December, 1816.

I am directed by Earl Bathurst to transmit to you the Assignment of One hundred and Seventy five Male Convicts Shipped on Board "The Morley" for the Colony under your Government.

I am, &c.,

HENRY GOULBURN.

[Enclosure.]  
[A copy of the assignment of convicts is not available.]

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 78, per ship Morley; acknowledged by Governor Macquarie, 15th May, 1817.)

Sir,

Downing Street, 4th December, 1816.

With reference to that part of your Dispatch No. 7, dated 24 June, 1815, stating that the Colonial Brig Emu was so much decayed as to be unfit for the Service of the Colony, and also
transmitting the Report of a Committee of Survey held on that Vessel, I now enclose to you the Copy of a letter, which has been addressed to my Under Secretary by the Secretary of the Transport Board, containing a Copy of the Report above referred to and also Copies of a letter from Sir Jahleel Brenton and another Report made by his Direction at The Cape of Good Hope for the same purpose.

As there appears to be a very material difference between the Report made at The Cape of Good Hope and that at New South Wales, I have to desire that you will cause immediate Inquiry to be made into the circumstances of the Case, and that you will transmit to me with as little Delay as possible a full Detail of the particulars respecting it.

I have, &c.,

BATHURST.

[Enclosure No. 1.]

SECRETARY MACLEAY TO UNDER SECRETARY GOULBURN.

Sir,

Transport Office, 13th Novr., 1816.

I have the Board’s commands to transmit herewith for the Information of The Earl Bathurst, a Copy of a Letter from Sir Jahleel Brenton, Bart. and K.C.B., Resident Commissioner at the Cape of Good Hope, dated the 31st of August last, together with Copies of two Reports of Survey held upon His Majesty’s Colonial Brig the “Emu,” referred to in the said Letter; and I am commanded to request your Attention to the difference between the Report of the state of the Emu, made at the Cape of Good Hope, and the one transmitted from New South Wales, which now appears to be totally unfounded, so that there was no cause for sending this Vessel home as unsound.

I have, &c.,

ALEX. MCLEAY, Secy.

[Enclosure No. 2.]

SIR JAHLEEL BRENTON TO THE PRINCIPAL OFFICERS OF H.M. NAVY.

Gentlemen, Cape of Good Hope, 31st August, 1816.

I beg leave to enclose for your information the Copies of Two Reports of Survey held upon His Majesty’s Armed Brig, The Emu; the report made at Port Jackson appears to be so very unfounded that I feel it my Duty to lay it before you that you may be enabled to take such Measures upon the Occasion, as you may think proper.

It is remarkable that the examination of the Foreman afloat of this Yard and the Carpenters of this Squadron were particularly directed towards the places, which had been inspected by the Surveyors of Port Jackson.

I have, &c.,

JAHLEEL BRENTON.
[Enclosure No. 3.]

[This was a copy of the survey of H.M. brig Emu, taken at Port Jackson on the 21st of April, 1815; see page 586, volume VIII.]

[Enclosure No. 4.]

REPORT TO SIR JAHLEEL BRENTON, RESIDENT COMMISSIONER AT SIMON'S TOWN.

Sir,

Simon's Town Yard, 27th August, 1816.

Agreeably to your directions, We have been on board H.M. Armed Brig Emu, and have strictly examined her defects and find them as follows, Vizt. On boring her Timbers below the Upper Decks, We find them very Sound; have taken out fifteen feet of Plank on each above the Wales and find her Timber very good, with the exception of Two in that spare part of the Stroke on each side next the Waterways of Upper Deck, and four Standard Bolts of Lower Deck require Shifting. Timbers of Head and Head Nails require to be New; Topsides, Waterways, and Flat of Main Deck and Timber Heads require Caulking, And We are of Opinion that the Brig is perfectly Sound and Seaworthy.

We have, &c.,

JAMES GRIGGS, Foreman.

JAMES HUGHES, Carpenter, H.M. Ship Revolutionairia.

THOMAS NICHOLS, Carpenter, H.M. Ship Spey.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 79, per ship Morley; acknowledged by Governor Macquarie, 16th May, 1817.)

Sir,

Downing Street, 5 December, 1816.

Having submitted to the Consideration of The Lords Commissioners of His Majesty's Treasury that part of your Dispatch No. 11 of the 7th October, 1814, which relates to the Discontinuance of the Issue of Fuel and Rations to the Families of the Officers employed in the Commissariat in New South Wales, I herewith enclose to you the Copy of a Communication which has been received from the Treasury on the Subject, and I am therefore to desire that you will in future discontinue the Issue of Allowances in question.

I have, &c.,

BATHURST.

SECRETARY LUSHINGTON TO UNDER SECRETARY GOULBURN.

Sir,

Treasury Chambers, 22d May, 1816.

The Lords Commissioners of His Majesty's Treasury having had under their consideration your Letter of the 24th of July, 1815, and the Extract from Governor Macquarie's Dispatch enclosed, wherein the Governor recommends that the Allowance
of the Commissariat in New South Wales may be reduced, in
order that they may be made equal to those granted to the Civil
Departments in that Colony.

I am commanded by their Lordships to acquaint you, for the
Information of the Earl Bathurst, that it is not the intention
of this Board that the Commissariat Officers should draw rations
for their Families. In regard to the rate of pay, it appears that
the Commissariat Officers at New South Wales receive precisely
the same Pay as Officers of their Rank at every other Station
(except the West Indies) where a large Pay is issued, and their
Lordships are of Opinion that this rate of Pay is not larger than
is necessary and proper with reference to the nature of their
duties and the responsibility of their Situation. Whether the
Salaries of the Civil Servants of the Colony are, or are not,
adequate to the nature and importance of their Duties my Lords
must submit to the consideration of the Earl Bathurst, having
only to observe that the Issue of Rations from the Public Stores
to Civil Servants appears to them to be very objectionable and
should not be resorted to except in cases of extreme necessity.

I am, &c,

S. R. Lushington.

---

Under Secretary Goulburn to Governor Macquarie.

(Despatch per ship Shipley; acknowledged by Governor Macquarie
to Earl Bathurst, 16th May, 1817.)

Sir,

Downing Street, 12th December, 1816.

I herewith transmit to you by the direction of Earl Bathurst the Assignment of One Hundred and Twenty five Male Convicts shipped on board The Shipley for the Colony of New South Wales.

I am, &c,

Henry Goulburn.

[Enclosure.]

[A copy of the assignment of convicts is not available.]

---

War Office to Governor Macquarie.

(Despatch per ship Almorah; acknowledged by Governor Macquarie,
20th September, 1817.)

18th December, 1816.

[A copy of this despatch is not available.]

---

Under Secretary Goulburn to Governor Macquarie.

(Despatch per ship Almorah; acknowledged by Governor Macquarie
to Earl Bathurst, 12th December, 1817.)

Sir,

Downing Street, 20th Decr., 1816.

I am directed by Earl Bathurst to acquaint you that his
Lordship has granted permission to Mr. George William Barnard
to proceed as a Settler to New South Wales, and I have to desire
that he may receive a Grant of Land, proportioned to his means of cultivation and the encouragement usually given to Settlers of his Class.

I have, &c.,
HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Canada; acknowledged by Governor Macquarie to Earl Bathurst. 12th December, 1817.)

Sir, Downing Street, 21st Decr., 1816.

I am directed by Earl Bathurst to acquaint you that His Lordship has granted permission to Messrs. Johnson and Henderson to proceed as Settlers to New South Wales, and I have to desire that they may receive Grants of Land proportioned to their means and the encouragement usually given to Settlers of their Class.

I am, &c.,
HENRY GOULBURN.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch marked “Separate,” per corvette L’Uranie; acknowledged by Governor Macquarie, 28th February, 1820.)

Sir, Downing Street, 17th Jany., 1817.

A Communication having been made to His Majesty’s Government by His Excellency the Marquis D’Ormond, announcing it to be the intention of His Majesty The King of France to dispatch Monsr. de Freycinet upon a Voyage of Circumnavigation in Command of the Urania, Corvette, and requesting the assistance of the British Authorities in Colonies, which may be visited in the prosecution thereof, I have to request that you will be pleased, in the event of M. de Freycinet touching at New South Wales, to afford him every facility in your power both in regard to the repairs, which the Urania may stand in need of, and of the supplies, which may be required to enable him to proceed in execution of the Service upon which he is employed.

I have, &c.,
BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 80, per ship Almorah; acknowledged by Governor Macquarie, 12th December, 1817.)

Sir, Downing Street, 24th Jany., 1817.

I herewith transmit to you the accompanying Pardon, which His Royal Highness The Prince Regent has been graciously pleased to grant to George Carter, who was convicted of receiving Stolen Goods at the last Summer Assizes at York and sentenced
BATHURST TO MACQUARIE.

(Despatch No. 81, per ship Almorah; acknowledged by Governor Macquarie, 12th December, 1817.)

Sir,

Downing Street, 24th Jany., 1817.

Having referred to the consideration of His Royal Highness The Commander in Chief your letter of the 28th Jany. last, relative to the very improper conduct of Major Murray in disposing of Government property and applying the Money to his own use, and also for leaving the Colony without calling in the promissory Notes issued by him, I have now to acquaint you that, as Major Murray has retired from His Majesty's Service, His Royal Highness has no controul over him.

I have, &c.,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 82, per ship Almorah; acknowledged by Governor Macquarie, 4th December, 1817.)

Sir,

Downing Street, 24th Jany., 1817.

I herewith transmit to you an Extract from a Representation, which has been made to me with respect to the present state of the Colony under your Government.

You will, I am confident, be most anxious to afford me the most explicit information as to all the circumstances therein stated; but there are two points, affecting as they do to a great degree your character and conduct in the Administration of the Colony, to which I am more particularly anxious to call your attention. The first is that which relates to the state of Prostitution, in which it is stated that the Female Convicts during their voyage to the Colony are permitted to live with the Officers and Seamen of the Ships, in which they are embarked. As such a practice is in direct contradiction to all the information, which has hitherto reached His Majesty's Government, and as it is utterly destructive of every principle upon which such persons have been transported, it is most necessary that it should be accurately, and early investigated. I have therefore to desire that you would immediately examine, as to this point, in the most
formal and explicit manner all the Passengers, who may have recently come to the Colony in Female Convict Ships, and transmit for my information the result of such examination.

The state of the Gaol and the Sentence inflicted on the four Men, who were tried at the January Sessions of 1816, equally require explanation; and with this view I am to desire that in your report, as to the other circumstances referred to, you state to me the Sentences of the first Prisoner referred to in the enclosed Paper, the Crime of which he was found Guilty, and the length of time during which he had been in confinement. I am also to desire a Specification of the Offence, which appeared to the acting Judge Advocate to authorize the Sentence passed on Michael Hoare and his associates.

I have, &c,

BATHURST.

[Enclosure.]

EXTRACT OF A LETTER FROM

dated New South Wales, 13th March, 1816.

The Convicts in the actual employ of Government have no Habitation found them, there are no Government Buildings for their accommodation, and they have to pay Two, Three, and Four Shillings a Week for their lodging each man, that is without fire or any other comfort than mere Shelter! Suppose there is only Two Hundred Prisoners in that state, and that the average each man pays for his lodging is three Shillings a Week, it amounts to the Sum of Fifteen Hundred and Sixty Pound a year. A large sum to be collected from the earnings of such prisoners as may be Industrious after they have done their Government task; But there are few of that Character, the greater part is paid by the Public, and the daily robberies that are committed may in a great measure be accounted for by the number of Men and Women Convicts that are at large, the Men have not only to find the means of paying for their lodging and fire &c., but are tempted by the Women, who are similarly situated, to commit excesses which are not only attended with expence, but have the dreadful effect of familiarising their minds to every kind of wickedness. No place is so well calculated to reform the minds of the abandoned as this is under suitable Regulations. Nothing has so good an effect upon them, or is more likely to produce a reform in their immoral and Vicious habits, or to make them good Servants and hereafter useful Members of Society, as the Prospect of obtaining their Emancipation after they have spent a certain number of years in Industry and Morality, which facts should first be stated by a Clergyman and also by their Employer. It may be said this is the present practice;

* Note 44.
to which I reply that Interest is more powerful than Good behaviour, many Convicts very shortly after their arrival here get their Emancipations, and it has lately become customary for Emancipations to be obtained by Persons doing or getting done a certain quantity of work for Government; as for Instance, William Bradbury came a Convict into this Colony about four years ago, he has never done a day's Work for Government, and he has obtained his Emancipation by hiring a Man to Work his (Bradbury's) Horse and Cart three Months on a New Road that was making by Government; This He told Me! Others have mentioned to me similar Instances. It is very discouraging to those who have been many more years in the Colony and whose Conduct has been equally good, but who have not either the Interest or means of obtaining their Emancipations in that manner. It makes them careless, they feel no Interest in what they are doing, and driven to a State of Despondency they continue to pursue the same wicked path to which they have been so long Accustomed. There is an Order by which every Male Convict is obliged to leave his Master's premises to attend the Constable of the District every Sunday to be mustered. This takes them away from their home, gives them an opportunity of making new acquaintances, and of forming plans for committing robberies; induces them under pretence of going to Muster to absent themselves the whole Day, and they frequently return home late at Night in a state of Intoxication. This Order I am convinced the Governor persuades himself is productive of great public benefit; indeed he told me so; but like many others I have repeatedly felt its ill effects. Would it not be more likely to effect a reformation in the Minds and Morals of the Men and to prevent Numbers of robberies, If the Masters, I mean those of respectability who were not within the limits of a church, were to be allowed to assemble his Servants and to have Prayers read to them every Sunday. If it did not succeed I know of no Evil that could arise from it.

The Women, bad as they are, are really to be pitied; the principal place for their reception is at Parramatta; there such as are not sent to Service go to the Factory to work, and after they have done what is required of them by Government, with the exception of such as are punished by Fine, are let loose upon the Inhabitants to find a lodging where they can, there not being any Public Building to lodge them in; then it is that they pick up those Men whom I have before alluded to as procuring lodgings where and how they can; robberies are the result, the Inhabitants are continually upon the alarm, and every vicious propensity is gratified by these disgraceful means.
It is customary when the Female Convicts embark for this Country that every Sailor be allowed to live with a Woman during the Passage, and many are suffered or contrive to remain on Board whilst the Ship remains in Harbour after the Prisoners are landed; were that to be prevented, instead of living in a state of Debauchery, they would on their Passage have time to reflect on their past Conduct, and it is to be hoped many by that means might be reformed.

Last Week in Company with the Revd. Samuel Marsden who is the Principal Magistrate at Parramatta, I visited the Jail, and horrid to relate I saw a Prisoner who had nearly lost the use of his Limbs and Faculties by confinement on Bread and Water in the Jail. In a Cell I saw a Prisoner perfectly mad, chained to the Wall, and in two other Cells, I saw four other Men two in each Cell; their Names and Sentences are in the enclosed List, which also contains against Michael Hoare, James Gilchrist, Edward Doyle and John White (the four Men) a Copy of the most dreadful Sentence I hope ever heard of. I understand it has been ascertained that Human Nature cannot exist without endangering the faculties the half of twelve Months upon Bread and Water, but here is the additional Sentence of two years imprisonment in the Gaol should they by any miracle survive the first twelve Months confinement in a Solitary Cell upon Bread and Water; and after that transportation to New Castle for Life?


EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 83, per ship Almorah; acknowledged by Governor Macquarie, 12th December, 1817.)

Sir,

Downing Street, 24th Jan., 1817.

His Royal Highness The Commander in Chief has transmitted to me an extract from your letter of the 21st March last, relative to the wish of Captain Brabyn and four Men of the Veteran Company at New South Wales to become Settlers in that Colony; and I have to desire that you will give the necessary directions for complying with their request, and extend to them the indulgencies usually granted to Settlers of their class.

I have, &c.,

BATHURST.
EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 84, per ship Almorah; acknowledged by Governor Macquarie, 12th December, 1817.)

Sir,

Downing Street, 24th Jany., 1817.

The Agent for New South Wales has represented to me that two Bills have been drawn upon him one for the Sum of £75 9s. 9d., being for the pay of Mr. Edward Luttrell from the 25th August to the 24th Decr. 1815, and the other for the Sum of £82 2s. 6d. being for the pay of Mr. J. Mileham from the 25th of June to the 24th Decr. 1815, both as first Assistant Surgeons during the same period at 10s. per diem. As I presume some mistake has occurred with respect to these bills, I have directed the Agent to pay them under the assurance that the Amount overdrawn shall be deducted from a future Bill. I have therefore to desire that you will give the necessary directions accordingly.

I have, &c.

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 85, per ship Almorah; acknowledged by Governor Macquarie, 12th December, 1817.)

Sir,

Downing Street, 30th January, 1817.

I have the honor to acknowledge the receipt of your Dispatches of 1816 to No. 9 inclusive, which have been duly laid before His Royal Highness The Prince Regent. I regret that you should have experienced any inconvenience or difficulty from not receiving more regularly the commands of His Majesty’s Government upon the points submitted for their consideration; you cannot but be aware how much the Length and uncertainty of a Voyage to New South Wales must at all times interfere with a very regular communication, but in the instances of which you complain a consideration of the dates, at which your Dispatches were received in this Country, which I have stated in the Margin,* will sufficiently explain the reason why at the date of your last Dispatch of March, 1816, you had not received the expected reply.

It is a Source of great Gratification to the Prince Regent to learn the continued Advancement and Improvement of the Colony notwithstanding the unfavorable circumstances of adverse Seasons and excessive Drought. The Importation of Corn from Bengal is a Measure, which under ordinary circumstances is liable to Objection as interfering most materially with the Agriculture of the Colony, and though I cannot but approve the

* Despatches of January, 1814, received 2d October, 1814; October, 1814, rec’d June, 1815; June, 1815, rec’d December, 1815.
Motives that induced you to resort to an Importation, I much regret that you did not confine it to Corn* grown in Van Dieman’s Land, where the abundance of the Harvest offered a resource against the Evils, of which you were apprehensive, without any of the prejudicial consequences attending an Importation from Bengal. It is indeed on other grounds most important that an encouragement of this nature should, whenever it is practicable, be given to Van Dieman’s Land. The fertility of the Soil and the Regularity of the Seasons appear to insure in that Island a never failing Harvest, and nothing can retard the progress of its Agriculture but a want of demand for its produce.

It has been most satisfactory to me to learn† that the recent arrangements, made for the Medical Attendance on the Convicts during their passage, have been attended with such beneficial Effects, and that there is no more cause for lamenting the prevalence of that Sickness and subsequent Mortality which took place on board the Ships of the Year preceding. As Instructions for the accommodation of the Naval Surgeons during their Stay in the Colony were duly transmitted to you on the 1st of April last, you can be under no uncertainty in future as to the measures which you are authorized to adopt in similar Cases.

I entirely concur with you in opinion† as to the advantage of giving encouragement to the Convicts of the Francis and Eliza, who conducted themselves with so much propriety on the Capture of that Ship by an American Privateer, and have directed a communication to be made to the Secretary of State for the Home Department as to the propriety of granting them a Conditional Pardon.

The Settlers, who have recently arrived in the Colony, must I fear have experienced considerable Inconvenience from the neglect of taking with them the usual Letter of Introduction with which it was my intention to have furnished them. With respect to Mr. Parker,† I have since directed Mr. Parker to make a special communication to you under the Impression that he might have been induced to reform his Conduct and to live in a manner better suited to his rank in Society and the respectable Family of which he is a Member. I much regret to learn that there is at present so little prospect of his Amendment. You will be the better judge how far his mode of Life has resulted from the distressed Situation, in which he has accidentally been placed, and will not withdraw from him your protection without giving him a fair opportunity of redeeming his Character. At the same time, if his Conduct should continue to be distinguished only by profligacy and drunkenness, you will not consider yourself bound in consequence of my previous Recommendation to extend

* Note 45. † Note 46.
to him more Favour or Indulgence than he is from his Situation entitled to. With respect to Samuel Leigh,* a Methodist Preacher, I have no difficulty in authorizing you to permit his Residence in the Colony, so long as he shall continue to conduct himself with propriety and Decorum in the exercise of his Ministry; but as I am in common with yourself aware of the ill consequences, which might result from the Admission of less quiet and inoffensive Sectaries into Society like that of New South Wales, I shall not fail to exercise great Caution in sanctioning their Embarkation for the Colony.

I have to approve the following appointments specified in your Dispatch No. 7*:-

Mr. West to be Assistant Surgeon;
Mr. Luttrell to be Ditto Do. at the Derwent.

I have also to approve the payment, which you have made to Mr. Evans of £100, in consideration of his Fatigue and Extra Expences on his Journey into the Interior, and the Allowance, which you have made to Mr. Drummond, of his Salary as Naval Officer at the Derwent from the Date of his arrival at Sydney.

The Importance of extending the Knowledge, which has been acquired of the Country on the other side of the Blue Mountains, is more strongly enforced by the limited Discoveries, which have up to the present period been made. The Country appears to possess Resources increasing in proportion to its distance from the Mountains, and it would be most desirable that no opportunity should be omitted of ascertaining with more accuracy than could be expected from the first discoverer its Geography, population and capabilities of Improvement. You will not impute to me any intention of disparaging Mr. Evans’s Exertions, when I express my doubts as to his possessing the Talents required to explore the Country with Advantage, and when I recommend that some person should be selected for that purpose, who unites to Mr. Evans’s Perseverance and courage, some knowledge of those sciences which an Intelligent Traveller ought to possess. As it appears to me most probable that the necessary qualities may be found united in some of the Officers of the Regiment stationed in the Colony, I would wish particularly to direct your enquiries to this point. I am not indeed without hopes that I may be able to point out some Officer specifically of the Regiment now ordered out, as able and willing on his arrival to conduct an Expedition into the Interior; but, as from the circumstances of the 48th Regiment being in Ireland and taking its departure from that Country, my expectations may be disappointed; I would not have you omit any opportunity, which may offer, of making such a Selection from those now quartered...
1817.
30 Jan.

Approval of Macquarie's discretion re land grants.

Refusal of pension for Mountgarrett.

Tentative approval for appointments of Bowman and Bromley.

in the Colony. The Instructions, forwarded to you in my dispatch of the 9th April last, will sufficiently explain the leading Object of enquiry, and it is not too much to expect that the Intelligence of the person employed should supply whatever may be deficient in that Memorandum. When my Dispatches of the 4th Decr., 1815, reach you, you will observe that you had only anticipated the directions* which I had there conveyed to you.

I have entirely to approve the discretion,* which you have exercised, in not giving to Mr. Lang, to whom I had given the Letter of Recommendation, the grant which I had suggested in my Letter, and in not complying with the request of Mr. Inglis's Memorial. At this distance from the Colony, it is impossible to ascertain what are the just claims of Individuals, or what is the Extent of Land they already possess, and I have therefore been particularly careful in all cases to leave an opportunity of rectifying in the Colony any error into which I may have been led by interested or erroneous Representations. The Principle,* which you have laid down, of not making new grants of Lands, or of confirming those previously made by Colonel Paterson, except in the Cases of Persons actually resident in the Colony, who are disposed to cultivate, is one in which I cordially concur, and I shall not fail to attend to the Statements contained in Paragraph No. 24 of your Dispatch No. 7 whenever claims of that Nature may be submitted to my decision.

In my adverting to Surgeon Mountgarrett's Memorial, I cannot avoid expressing my Dissent from the principle* upon which you have been led to recommend that Officer for a pension on his retirement. If his Conduct had been free from blame, I might have considered his Misfortunes and length of Service as giving him a title to charitable consideration; but, after your Statement that his Conduct is of so doubtful a Character as under any circumstances to render his removal from Office desirable, I cannot consent to recommend him for a remuneration which is in all cases to be confined to those who have acted in the performance of their Duty with propriety.

In the event of your still deeming it necessary to displace Mr. Mountgarrett and Mr. Smith, I have no objection to the appointment of Doctors Bowman and Bromley, if provision should have been made for those Gentlemen who have proceeded from this Country with recommendations for Medical Appointments.

I observe with satisfaction that the Public Works in progress at the date of your dispatch† were likely to be so soon completed. I am however sorry to find that there are yet others, which you considered it necessary to undertake without a previous authority

* Note 48. † Note 49.
from this Country. Admitting that the altered Situation of the Colony requires an improved Residence for the Governor, I can see no reason why the plan of the Building proposed should not have been first submitted to His Majesty's Government, accompanied by an Estimate of the Expence, and approved by them before the Work was commenced. In acting otherwise you have incurred a heavy responsibility, and should the plans when transmitted (as I desire they may be by the first opportunity) not meet with the Sanction of the Treasury, it will be impossible for me to authorize the Expence incurred. With a view therefore to your own protection, it will be expedient if the work be not begun, or in no great Advance, to defer it till the proper Authority is given for its commencement, or if in a State of Progress, which will not admit of its being suspended, to take especial care that the building be not in point of Extent, or convenience, or expence, such as to risk its Sanction by the Treasury on the Ground of its being disproportioned to the wants of the Colony.

With respect to the other points not particularly adverted to in this dispatch, I have not failed to make the necessary Communication to the several Departments, to which their decision belongs, and I shall, as replies are received, communicate them for your Instruction and Guidance.

I have, &c,
Bathurst.

Under Secretary Goulburn to Governor Macquarie.
(Despatch per ship Almorah; acknowledged by Governor Macquarie to Earl Bathurst, 12th December, 1817.)

Sir,
Downing Street, 30th January, 1817.

I am directed by Earl Bathurst to acquaint you that his Lordship has granted permission to Peter Downie to proceed as a Settler to New South Wales, and I am to desire that he may receive a Grant of Land proportioned to his means of Cultivation, and the encouragement usually given to Settlers of his Class.

I am, &c,
Henry Goulburn.

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

Sir,
Downing Street, 30th January, 1817.

I am directed by Earl Bathurst to acquaint you that he has granted permission to Francis Able to proceed as a Settler to New South Wales, and I am to desire that he may receive a Grant of Land proportioned to his means of cultivation and the Encouragement usually given to Settlers of his Class.

I am, &c,
Henry Goulburn.
1817.
31 Jan.

Recommendation of Charles Reid as a settler.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Dick; acknowledged by Governor Macquarie to Earl Bathurst, 12th December, 1817.)

Sir,
Downing Street, 31st January, 1817.

I am directed by Earl Bathurst to acquaint you that he has given permission to Mr. Charles Reid to proceed as a Settler to New South Wales, and I am to desire that he may receive a Grant of Land proportioned to his means of Cultivation and the Encouragement usually given to Settlers of his Class.

I am, &c.,
HENRY GOULBURN.

4 Feb.

Acknowledgment of despatch.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch marked “Private and Confidential,” per ship Dick; acknowledged by Governor Macquarie, 24th September, 1817.)

4th February, 1817.

[A copy of this despatch is not available.]

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 86, per ship Dick; acknowledged by Governor Macquarie, 24th November, 1817.)

6 Feb.

Illegality of court martial on Benjamin Vale.

Sir,
Downing Street, 6th February, 1817.

I have received your dispatch No. 4 of 1816,* announcing to me the Seizure of an American Ship by Mr. Vale, the Colonial Chaplain, and the measures which you thought it necessary to adopt with respect to that Gentleman.

It was not without considerable Surprize that I learned your determination of bringing him to a Court Martial upon the charges, which you ultimately preferred against him. Admitting that it was a matter of doubt whether Mr. Vale’s Appointment might not be considered so far a Military Commission of Chaplain to His Majesty’s Forces, as to bring him within the Provisions of the Mutiny Act, yet had you proceeded with that consideration which would have beffited the occasion and referred, as it behoved you, to the Act under which you claim the Authority so to try him, you would have seen that Military Chaplains can only be brought to Trial for the Offences specified in the 4th and 5th Articles of the first Section of the Articles of War, and that those Offences are either Absence from Duty, Drunkenness, or scandalous and vicious behaviour, derogatory from the Sacred Character with which a Chaplain is invested. That Mr. Vale was guilty of any such offence cannot be pretended; it is not even imputed in the Charges that there was any vice or turpitude,

* Note 50.
reflecting on his moral Character, in the act which he had com-
mittet, and the decision of the Court still further negatives any
such Supposition. The whole of your proceedings against him
were consequently illegal, and it is therefore utterly out of my
power to give them any sanction or approbation; and although I
feel that Mr. Vale's Conduct was in many points of view ex-
tremely reprehensible, and should willingly have interposed with
a view to its Correction, yet I have now only to lament that you
should, in a moment of irritation, have been betrayed into an
act which, at the same time that it exposes you personally to
considerable risk, cannot fail to diminish your Influence among
the more respectable part of the Community, who justly look upon
the Law as the only true foundation of authority.

I have, &c.,
BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.
(Despatch No. 87, per ship Dick; acknowledged by Governor
Macquarie, 10th December, 1817.)

Sir,
Downing Street, 8th February, 1817.

Circumstances consequent upon the restoration of Peace
have rendered it most important to explore, with as little delay
as possible, that part of the Coast of New Holland which was not
surveyed or examined by the late Captain Flinders,* and it being
further on other accounts most desirable that that Continent
should if possible be circumnavigated by some person competent
to Complete the Task, which Captain Flinders so ably began; I
have received the Commands of His Royal Highness The Prince
Regent to direct your immediate Attention to that subject.
Upon consultation with the Lords Commissioners of the Admi-
rality, it has appeared most adviseable that the Expedition should
be altogether Colonial, both with a view to expence and to the
easier execution of the Service itself, and Lieutenant King,† by
whom this dispatch will be delivered to you, is the Officer to
whom it has been thought expedient to entrust the Command
and Conduct of the Expedition.

I have therefore to signify to you The Commands of The
Prince Regent that you place at the disposal of Lieutenant King
either of the Colonial Vessels, which he may consider best suited
to his purpose, or (if it has not already been dispatched to its
Destination) the Vessel, which you were instructed to prepare
for the King of The Sandwich Islands. Should however any
other Vessel in the Harbour appear to Lieutenant King better
calculated for the Service, you will not fail, if it be at the
disposal of the Colonial Government, to assign it to him, or if the

* Note 51. † Note 52.
Property of an Individual and to be hired at a moderate Rate, to enter into an Agreement for that purpose. It is on many accounts of paramount Importance that the Expedition should proceed without delay, and you will therefore aid Lieutenant King in accelerating its Departure.

You will of course see the Importance of selecting with much care the Individuals, who are to serve under Lieutenant King, and I am sure you will give him the Benefit of your intimate Knowledge of the dispositions of the several persons in the Colony, in order that he may avoid the Embarrassment and Difficulty which would result from embarking with a disorderly or insubordinate Crew. If any of the Marines settled in the Colony could be induced to accompany him, it appears desirable that their Services should be secured; but at all events, as it is desirable that he should in addition to the Seamen under his Command have some few Military, an endeavour should be made, in the event of the Marines declining to accompany him, to obtain the voluntary Offer of Service on the part of some well conducted Men of the Regiment now stationed in the Colony.

I forbear to enter into any other particulars with respect to the mode in which the Vessel should be fitted or the provision necessary to be made for the Expedition; you will on these and on all other points conform, as much as is in your power, to the Wishes of Lieutenant King, and withhold no Information or assistance which can enable him to execute the Instructions which he has received for his Guidance.

I am, &c,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 88, per ship Dick; acknowledged by Governor Macquarie, 12th December, 1817.)

Sir,

Downing Street, 14th February, 1817.

A person named Ralph Clarke, who has served for some time as a Non-commissioned Officer in the Royal Marines, being about to proceed by One of the Vessels now under dispatch for New South Wales, in order that he may accompany Lieutenant King in the Expedition, which he is about to undertake, and having expressed a wish to become a Settler in the Colony, I am to desire that if, upon his Return from that Service, he can furnish you with satisfactory proof that Lieutenant King has been satisfied with his Conduct and exertions, that You will allot to him a Grant of Land with the Indulgences usually granted to Settlers of his Class.

I have, &c,

BATHURST.
MACQUARIE TO BATHURST.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Lord Eldon; acknowledged by Governor Macquarie to Earl Bathurst, 12th December, 1817.)

Sir,

Downing Street, 14th February, 1817.

I am directed by Lord Bathurst to acquaint you that he has given permission to the Bearer, Nicholas Williams, to proceed to New South Wales as a Free Settler, and I am to desire that you will make to him a Grant of Land in proportion to the means which he may possess on his arrival in the Colony of bringing it into Cultivation, and extend to him the Indulgences usually granted to Settlers of his Class.

I am, &c.,

HENRY GOULBURN.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked “No. 1 of 1817,” per H.M. brig Kangaroo; acknowledged by Earl Bathurst, 24th August, 1818.)

Government House, Sydney, New South Wales,

My Lord,

22nd March, 1817.

Availing Myself of Your Lordship’s observations on the subject of the distillation of Spirits, as expressed in a passage of Your Lordship’s Dispatch No. 58 dated 4th December, 1815, and hoping by some additional information, which I have sought and obtained on that subject, to be able to point out its expediency still more forcibly than heretofore, I am led to hope that I shall be enabled to convince Your Lordship of its being a measure fraught with incalculable advantages to the Struggling Colony in its present unfurnished state, in regard to productions wherewith to barter or pay for its imports.

In the first place, My Lord, a wholesome Spirit from Barley and other Grain would be obtained in substitution for the ardent and deleterious Spirit with which our Market is supplied from India, the regularity of the Supply, so to be obtained from our
Financial benefits to the colony.

Probable increased market for grain.

Advantages of alternation in crops.

1817.  
22 March.

own produce, affording the reasonable hope that the consumption will be more moderate than what is known to be the case on occasions of fresh Arrivals, which never fail to excite a temporary dissipation, productive of many evils.

2ndly. All the money, which now goes out of this Country in payment for the imported Spirits of India (for as I have already observed we have no produce to give in Exchange) would be retained in it or rendered available in paying for the Imports of Manufactures and produce from the Mother Country. The Distillery would in fact be a means of increasing the Imports from thence, whereby the real comforts of this people would be much promoted, and our Money would find its way to England instead of to India. The Quantity Annually imported may be averaged at 70,000 Gallons, and the price paid, being at the lowest average 7s. 6d. per Gallon, of course the Amount £26,500 would be thus saved from being remitted to India for a base destructive Spirit.

3rdly. The additional quantity of Grain, which the Farmers would be induced to cultivate in consequence of the Establishment of a Distillery, would be regulated in a great degree by the demand from the Distillery; and the experience of two or three Years would bring the Cultivators to a Knowledge of what additional Market would be thereby afforded for the Sale of their Grain, which being thus regulated, the general quantity would be soon equalized with the Consumption.

4thly. By the demand thus created a very large encrease to the quantity of Grain now grown would be the necessary consequence; and as it is deemed essential to good farming that a variety of Crops should be taken, instead of a constant repitition of the same Grain from the same Soil, The Growth of Barley, which is now very little Cultivated (in consequence of there being neither Distilleries nor Breweries to consume it) would become an object of much attention, and the encrease in the Quantity of Land taken into Cultivation would be at least equal to the extent, necessary for the production of the Barley so to be consumed. In speaking of Barley, it being the best fitted for Distillation, I do not mean to preclude Oats, Rye, and Bere, each of which answers the same purpose very well.

5thly. The change of Crops could not fail to make the Husbandman Cultivate even more than the absolute consumption of Wheat alone would pay him sufficiently for, in order that he might have his ground in good heart and readiness for the production of Barley or the other descriptions of Grain suited to Distillation. An emulation would even be excited among the growers of those Grains, which would be taken off their hands.
at the Distillery only according to their relative or absolute Quantity, at least with a much greater regard to those particulars, than is now paid or can well be expected to take place in the reception of Wheat at the Government Public Stores. Those in the latter situation, who are appointed to receive it, having no immediate personal Interest at stake. Thus from the necessity imposed by the Distillery in regard to the quality of the Grain to be used there, an improved system of Husbandry would take place and the Quality of the Wheat itself would be improved by the General progress of Cultivation, whereby Government would be eventually benefitted in its purchases by the obtaining a superior quality of Grain.

Such my Lord are the general grounds on which I found the expediency of the System of Distillation. I shall now point out what will probably be among the consequences of it premising however that the influx of Convict Labourers has been latterly, and is likely to continue, on a scale fully proportioned to the encrease of Demand for their Services (if not exceeding it); it is not much to be apprehended that any encrease of Wages will take place to discourage the Cultivator, on the contrary I am decidedly of opinion that the price of Labor will fall below its present rate, which is considerably lower than what I found on my arrival here.

The floods, to which the rich low Grounds on the Banks of the Hawkesbury and Nepean are so subject, and which have this present Season repeatedly swept away all the produce of the Husbandman’s toil, have for Years past induced Me to urge the Settlers in those Quarters to retire their residences and their Cultivation also to the higher Grounds beyond the reach of the Floods, and to appropriate the lower Lands to pasturage for their Herds and Flocks; But as these infatuated People have not heretofore been persuaded to do so, I conceive the local Establishment of the Distillery, such as I shall recommend, would operate more effectually than any other means to induce them to make their industry available in a more certain way than at present.

I would propose that One large Distillery should be Established by one or more Wealthy Individuals at Sydney, and that none should be sanctioned elsewhere. Here the process could be carried on cheaper than any where else in as much as the Spirit would be immediately on the Spot where the principal Demand (without the expence of carriage) would be, and all the expences of erecting the buildings, the supply of fuel and utensils, would be easier procured and cheaper than in the Interior.

Another Argument of no light Consideration is that the Revenue would be much better and easier Collected at Sydney,
Advantages of the location at Sydney.

Under the immediate Eye of Government, than it would be elsewhere; whilst by placing the Distillery at Sydney, the encouragement to the farmers settled equidistant with those of the Hawkesbury and Nepean in the New Districts of Airds, Appin, Bringelly &c. would operate in a fair manner in regard to those places, and also most powerfully on the former to seek secure places for Cultivation, so as to enable them to enter into competition with the latter in a common Market, where the purchaser would only look to the combined circumstances of Quality and price without considering what increased expense and risk the farmers on the former had to contend with.

As a new Undertaking, I am inclined to think it would be advisable to reduce the Excise or Duty to be paid on the home production to 5s. per Gallon, and to advance that on imported Spirits at 10s. In making this suggestion I do not apprehend that the Revenue would ultimately suffer, whilst the difference would certainly operate in the first instance as a very great Bounty in favour of the Colonial production, and I entertain no doubt that even under the increased Duty, Foreign Spirits would be imported, and could be afforded considerably cheaper than those produced here for a Year or two at least; so soon however as our own Spirits could be produced sufficiently cheap to exclude foreign, the Duty might be advanced on both, still keeping up the proportion on the latter, but at the same time improving the Revenue from the former up to a reasonable Amount.

Such My Lord are the reasons and Arguments I am enabled from my own observation to adduce in favour of this Measure, and I am supported in my opinions by the Sense of all the Magistrates of the Colony to whom I submitted a Series of Queries on the subject. They unanimously agree in declaring it to be a Measure most highly desireable for the encouragement of Agriculture, the Security of the Country against the risk of insufficient supplies of Grain, the improving the morals of the People, and the preserving their Health.

I omitted to state in its proper place that in the event of Your Lordship authorising this Measure, it would be incumbent on the Government to establish a Maximum Price for Grain, so far as it would regard the Consumption by Distillation. With this View of its expediency, I conceive that whenever the price of Wheat should rise beyond 12s. per bushel (the other Grains observing a due Ratio) in the Sydney Market, then Government should interpose and prevent the Distillation from proceeding.

Adverting to that part of Your Lordship’s Dispatch, wherein you desire to be informed of the Regulations in detail under which
I would propose the Establishment of a Distillery, and to Collect the Duties, and prevent the evils which without Regulation it would give rise to.

The Regulations, which should be adopted for the important purposes mentioned by Your Lordship, should be certainly as efficient as possible, but to give a precise description, of what they should actually consist in, is more than my present information will enable me to do. My Idea is, that the Revenue should be raised on a calculation arising out of the Combined circumstances of the measure or solid Contents of the Still, and the Proof or Strength of the Spirits produced, with the additional Consideration of the Number of Times it could be wrought in any Specific given period; whereby a Weekly, Monthly, or Annual Composition of the Duty might be made; and not by the Quantity said to be wrought off, as in the latter case it would be the Interest of the Distiller to Under-rate the quantity made, in order to avoid the Duty, whilst the means of detecting the fraud might be difficult to come at. I believe the Distillers in Great Britain and Ireland pay Duty according to the combined Ratio of the Capacity of the Stills and the Strength of the Spirits in the manner I propose here, and hence it becomes at their own risk and loss if they neglect to employ their time as fully as the calculation will require. It would however be discouraging and consequently impolitic to strain the Amount of Duties by the gauge of the Still to the utmost extent of its Capability, if wrought with the greatest degree of attention. Allowances should be made for the Various Accidents to which the Machinery of such an Undertaking would be liable in every place, but greater Allowances should be in justice made here than perhaps anywhere else, owing to the greater difficulty of getting repairs effected. However altho’ this is the mode which I have considered most practicable and efficient for the Collecting the Revenue, I am not prepared to say it is absolutely the best, indeed I am not aware of what other plans have been adopted for the purpose.

If the Establishment of the Distillery should obtain Your Lordship’s Sanction, I would solicit Your Lordship to transmit me those Regulations which have been found best calculated in the British and Irish Distilleries at once to secure the Revenue and to relieve the Distiller from a too frequent intrusion of the Excise Officer, who is at home found to be frequently corrupt, and thence to be a Weighty Tax himself on the Distiller.

As the Secrets of Distillation must be fully known to the Supervisors or Guagers, who are entrusted with the Collection of the Revenue arising from the Distilleries, it would be
indispensably necessary that an honest intelligent Person in this Line should be sent out on a liberal Salary, or with allowances sufficient to prevent his resorting of Necessity to fraudulent means in Combination with the Distiller to the prejudice of the Revenue. I am sorry, My Lord, I am not enabled from any knowledge of the business of Distillation to submit a regular Code for the Conduct of it in this Country; but I suppose the Regulations from home, such as I have alluded to, might be rendered here with due Regard to local circumstances, fully adequate to the protection of the Revenue and the guarding against the Evils to which such a System is particularly liable.

In addition to distilled Spirit of good Quality which would be hereby produced, I have no doubt a considerable Quantity of good Beer would also be made to the exclusion of a very destructive beverage produced from Peaches, called Cyder, and a very inferior Quality of Beer now made from Maize or Indian Corn. The Hops this Country produces being of a Quality little, if at all, inferior to those of Kent, I would expect very shortly to see Ale and Beer of sound and good quality made in sufficiency not only for the Consumption of the Colony itself, but also as an Article of Supply, which would be eagerly sought after by the Shipping frequenting this Harbour, and even at no very distant day that it would be favourably received in the Indian Market.

Such, My Lord, are the advantages which I anticipate to result in the first instance from the Establishment of a Distillery; I conceive several others of Minor consideration would also be produced, and finally I am not able to discover what mischief or inconvenience could possibly result from it, either to the Public or the Crown. The general opinion here is, on the Contrary, decidedly in favour of the Measure as opening a field for Industry and the exertion of Capital by securing an increased Demand for produce.

I have, &c,

L. MACQUARIE.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.*

Sir,

Downing Street, 26th March, 1817.

I am directed by Lord Bathurst to acquaint you that he has given permission to the Bearer, Mr. Samuel Abrams, to proceed to New South Wales as a Free Settler, and I am to desire that you will make to him a Grant of Land in proportion to the Amount of Property which he may be able to employ in the Cultivation of it.

I am, &c,

HENRY GOULBURN.

* Note 22.
UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Lord Eldon; acknowledged by Governor Macquarie to Earl Bathurst, 12th December, 1817.)

Sir, Downing Street, 28th March, 1817.

Lord Bathurst having given permission to Mr. Thomas Florance to proceed as a Settler to New South Wales, I am directed by his Lordship to desire that upon his arrival, he being the Bearer of this Letter, you will make to him a Grant of Land in proportion to the Means which he may possess of bringing it into Cultivation, and extend to him the Indulgences granted to Settlers of his Class.

I am, &c.,

HENRY GOULBURN.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked “No. 2 of 1817;” per H.M. brig Kangaroo; acknowledged by Earl Bathurst, 29th October, 1818.)

My Lord, Sydney, N. S. Wales, 29th March, 1817.

The observation and experience of the few Months, intervening betwixt my taking Charge of this Government and the first opportunity that occurred for my making an Official communication to His Majesty’s Ministers, exposed so clearly to My View the very distressed situation of this Colony by means of its not having an adequate circulating Medium of legal or real Value, that I was induced, in my Dispatch of the 12th of March, 1810, to make a representation thereon to Lord Castlereagh, then His Majesty’s Principal Secretary of State for the Colonies, and in a subsequent Dispatch of the same Year dated the 27th October, addressed to Lord Liverpool, who was then at the Head of the Colonial Department, I made a further Communication on the same subject.

In both these communications I took the liberty to suggest the Establishment of a Colonial Government Bank as what appeared to me the most easy and at the same time the most effectual remedy for the evil complained of. The plan, I hinted at, I considered would be least objectionable on the score of expence to Government and most likely to obtain the fullest degree of Confidence with the Public. It was suggested to me and strongly recommended by Lord Caledon, whom I had the honor to see in the Government of the Cape of Good Hope on my way hither, and to whom I feel much indebted for the information He was so good as to give Me on the subject of the Bank, His Lordship had some time previous Established at the Cape.

Your Lordship’s predecessors in Office did not however deem it expedient to authorize the adoption of the Measure here, and it was of course dropped by me.
The many serious difficulties and actual Distresses, sustained by the deficiency of an adequate Circulation of legal Money (altho' in some measure relieved by the introduction of 40,000 Dollars* ordered hither by Lord Liverpool in the latter end of 1812), have still continued to be subjects of much regret with me, as they have evidently tended to check in a very great Degree the industry, and to repress the progress towards wealth, of the more Active and enterprizing part of the Society.

Finding it was not in my power to strike effectually at the root of the evil by the Establishment of a Government Bank in the manner I had proposed, my next efforts were directed to the rendering the existing System of Paper Circulation as little irksome as possible to the Public. With this view I consulted with and obtained the legal opinion of the late Judge Advocate Bent, who did not at that time study to render his own Official Duties nugatory for the purpose of drawing the imputation of inefficiency if possible on my Government, as was afterwards the case.

The advice, Mr. Bent gave, perfectly coincided with my own private opinion, and on the 30th of June, 1810, I issued a strong Proclamation,† framed by Him, as my Law Adviser, strictly prohibiting under severe penalties the further issue of Notes of Hand, other than such as expressed in specific terms, payable in Sterling Money only, wherein our Mutual object was to check the destructive issue of what was termed Currency Notes, the nature of which was such that the depreciation in the relative Value, when in comparison with Sterling Money, actually became the Chief source of profit and advantage (however extraordinary such circumstances may appear) to the Issuers of those Notes.

To exemplify this Paradoxical position to Your Lordship I shall make a Case, such as occurred daily. A issues his Currency Notes for a sum expressed payable, say at 25 per Cent. Discount (which in other Words is he issues £125 of his Notes, for which he receives value in property to the Amount of £100 Sterling, and promises payment on Demand £100 Sterling), and, according to the degree of his address or Cunning, he is enabled to send abroad in a short time a large Quantity of his Notes, frequently to the Amount of several hundreds, and sometimes even to the Amount of some thousands of pounds. As soon as these Notes get into a very general circulation, enquiry begins to be made about the Validity of the Issuer, and alarm being excited the holders hasten to demand payment. A complains that his secret enemies have conspired to depreciate his Notes in order to ruin him, and professes himself totally unable on the emergency to pay agreeably to his promise. The course of redress by Law having been, as your Lordship is already aware, much obstructed and

* Note 53. † Note 54.
by various Circumstances rendered almost unattainable for some
Years past in this Colony, the Creditors retire, and determine
rather to meet the first loss, than to seek recovery of the whole
by an Appeal to the Courts of Justice; and each from one cir-
cumstance or other prefers negotiating the Notes so held by
him at an encreased Discount, amounting not unfrequently to
the various sums of 50, 75, and even 100 Per Cent.

When the depreciation has thus attained its lowest level, then A,
by his private Agent, purchases up the Notes, so depreciated,
frequently at the rate of 175 or £200 for £100 Sterling, whereby
on the Original issue, He makes, at the expence of the Public, a
profit equal to 50 or 75 P'r Cent.

Thus have I endeavoured to explain to your Lordship that the
Depreciation of Personal Credit is made the Actual source of
real profit to the same person at the expence of the public and to
the total ruin frequently of the unwary Creditors.

The Proclamation issued by me, on that occasion, was fol-
lowed up by certain Government Orders, which, by the advice of
Mr. Bent, I also gave out; and a degree of advantage was evi-
dently derived from the Measures in as much as some persons of
greater regard to Character then Commenced the issue of Notes;
this however did not last long, for unfortunately for the colony,
Mr. Bent (whose pecuniary embarrassments were great) became
himself interested in the system of Colonial Currency, and con-
ected himself with others, still more deeply concerned in it; and
thus the measure, which He had himself advised and even framed
the Proclamation for effecting, became by his Connivance a Dead
Letter.

Since Mr. Bent's Death, I have learned, with much regret
and astonishment, that He had latterly admitted Actions to be
brought into Court, when he presided, for the recovery of the
Amount of Notes of Hand, which had been actually drawn for
Currency instead of Sterling Value, in defiance of the Pro-
clamation alluded to, and which by the terms thereof were
rendered illegal and irrecoverable. By these Means, the Old and
base System of fraud, as exercised in the issue of Currency Notes,
returned upon the Country, and at the time of Mr. Judge Advo-
cate Wylde's Arrival it was overflowing with the Currency circu-
lation, which by Means of Mr. Bent's irregular and inconsistent
Conduct had again grown into use.

I have entered thus far into the detail of the history of the
Colonial Currency, and brought it down Nearly to the present
period, in order to shew Your Lordship by what means my efforts
have been in the first instance frustrated in endeavouring to
obtain a fair and just Medium of Circulation to meet the

1817.
20 March.
Practices adopted in the issue of promissory notes.

Temporary improvement of the currency.

Effect of Ellis Bent's participation in the issue of notes.

Irregularities permitted by Ellis Bent.

Reasons for failure of Macquarie's efforts.
exigencies of the Country in lieu of a Sterling Circulation of Gold and Silver Coin, and in the second to point at the difficulties to which I and Mr. Judge Advocate Wylde have been subjected in consequence. These I have now to bring before Your Lordship.

The innovation, which Mr. Bent had connived at in regard to Admitting Actions to be brought in the Court, over which he presided, on illegally drawn Notes, having defeated the measure aimed at in my Proclamation and subsequent Orders, it was early remarked, with equal Surprize and astonishment by the present Judge Advocate, that Actions to an immense Amount were then bringing before him for adjudication, in actual Contravention of the Proclamation and Orders alluded to. The Mass of Property thus at stake, and which must have been inevitably lost to those who held the illegally issued Notes, if the injunctions of the Proclamation were to be rigidly enforced, rendered it necessary that some expedient should be resorted to in order to relieve the Public from the loss which would have been sustained had the Suits or Actions been totally rejected. Upon serious and mature deliberation, I acceded to the suggestion of the Judge Advocate to suspend the operation of the Proclamation alluded to for a certain limited period, in order that the public Creditors should have an opportunity of recovering against the fraudulent Issuers of the Notes in question, and at the same time extended an Amnesty for the past to all concerned. This purpose was effected by a Proclamation which I issued on the 23rd of November, 1816, a Copy whereof is now transmitted for Your Lordship's information. Since which, No Notes have been issued but of Sterling Denomination and Value, and the future issue of a depreciated Value and Denomination is hereby prevented from taking place. But in effecting the destruction of the serious and weighty evil complained of, I have now to inform your Lordship that another of no inconsiderable importance has been created, producing a temporary embarrassment of no slight consideration. Having observed that the chief inducement under the Old System with the issuers of the Currency Notes arose out of the eventual depreciation of their Value, by such means as I have endeavoured to explain to Your Lordship, and these Motives being completely removed by the requiring that All Notes should in future be issued for and payable as Sterling Money only, the consequence has been that very few Notes have been issued at all whereby much inconvenience has arisen to All ranks of people, but particularly to the lower orders, who cannot obtain a sufficiency of Money of Sterling Value to enable them to effect their necessary purchases.
The temporary embarrassment thus induced could not but be anticipated, and in order to obtain the collective sense and advice of the more sensible and respectable part of the community on the means of Averting the apprehended inconvenience, I authorized the Call of a Public Meeting* for the several objects of consulting on and suggesting a Scale of prices for Labour and Wages according to the Sole Standard of a Sterling Value and Denomination, and also to devise (if practicable) some adequate means of rendering the apprehended inconvenience as little oppressive as possible. Some useful information, in regard to the mode of accommodating the prices of Labour and Wages to the Sterling Standard, was obtained from this Meeting, altho' nothing was done at it to relieve the principal difficulty.

Feeling much for the temporary embarrassment to which the Sterling Standard exposed the Middle and lower Classes, I held frequent consultations with the Judge Advocate, to whose zealous and energetic efforts I am much indebted on the occasion, and the result of these was that a Meeting† of the Magistrates, Principal Merchants, and Gentlemen of Sydney, was convened, at which my favorite Measure of a Bank was brought forward, and its expediency inforced with much ability by the Judge Advocate and a few other Gentlemen. The Measure being brought forward at a time, when its benefits stared every Man so completely in the face as the only means whereby the Public Distress could be fully averted, it was embraced by the Meeting at large, and resolutions were entered into for the purpose of establishing a Colonial Subscription Bank. Other Meetings have since taken place in order to mature the system previously agreed on, and altho' there has been much opposition to the measure especially from those who felt interested in the Old System, I have now the inexpressible Satisfaction of informing Your Lordship that by the indefatigable exertions of a few Gentlemen, truly and liberally interested for the Public Benefit (among whom I must class foremost Mr. Judge Advocate Wylde, Mr. Secretary Campbell, Thos. Wylde, Esquire, Senior, and Sir John Jamison) the plan of a Subscription Bank with a Capital of £20,000, divided into £100 Shares, has been so far advanced that at this time it is expected the Bank will be opened for the usual purposes of Loan, Discount, and Deposit, on or about the 8th day of April next, under the Management of Seven Directors, one of whom is termed the President of the Bank. When I state the capital of the Bank at £20,000, I do not mean to have it understood that that Sum has been actually subscribed, but merely to let Your Lordship know that this Sum is what has been Calculated sufficient for the desired purposes, and that Shares are open to that extent.

* Note 55. † Note 56.

1817. 29 March.
already subscribed for Amount to £7,000, with which it is hoped that a very great relief will be afforded in the present emergency by the issue of Bank Notes, and I entertain the most sanguine hopes that the further grand Desideratum of a Public Credit will be effected both at home and abroad in behalf of this place, which has heretofore languish'd from the very circumstance of the degrading and degraded Circulation of a Colonial Currency. After having expressed my approbation so fully of this Measure, I need scarcely add that I have encouraged, as far as in my power, the efforts which have been made for its final and legal Establishment, Fully impressed with the utility and beneficial consequences of the establishment of a Bank on the terms proposed; and, at the same time feeling the necessity for its obtaining a legal sanction and authority, I have had no hesitation in granting a Charter of Incorporation to the Proprietors in the Name of the President, Directors and Company of the Bank of New South Wales, granting to them the usual rights and privileges of a corporation for the Term of Seven Years, provided the same shall meet, on this reference being made to Your Lordship, the approbation of His Royal Highness The Prince Regent.

The Gentleman, who has been unanimously Elected by the Proprietors to fill the situation of President of the Bank, is Mr. Campbell, My Secretary, whom I have already expressed my good opinion of in my Dispatch No. 4 of 1815, dated 24th March, 1815, to your Lordship. Mr. C., who had been for some Years employed in various Departments of the Bank of Ireland, and had a principal part in the Establishment and conduct of the Bank at the Cape of Good Hope, is peculiarly well calculated to conduct the affairs of the Bank with the fullest advantage to the proprietors and to the satisfaction of the Public, and is likely to uphold the Credit and Respectability of the Establishment by the possession of a character of Strict Integrity, Honour, and Superior talents.

I do not my Lord at this time advise or recommend His Majesty's Government to sanction or direct this Government to become associated with the Proprietors in the capital of the Bank, as is the Case in the Bank of Bengal and in that of Mauritius; but I would certainly advise that, in the event of the Bank being conducted for a year or two with discretion and success, that this Government should either become a party in it, or that it should at least make it the Depository and Medium of all Government Monies and payments.

I do myself the honor to transmit Your Lordship herewith a Copy of the Rules and Regulations entered into by the Subscribers to the Bank, which form the Ground Work whereon I have granted the Charter, A Copy whereof also Accompanies this
dispatch. The Memorial of the Directors, bearing Date the 12th of February, is attached to the Rules and regulations and the charter is dated on the same Day. In consequence of finding much difficulty to obtain Subscribers to the Bank, unless the rate of Interest to be charged therein should be advanced from 8 to 10 per Cent., and being aware of the profits of Trade being perfectly adequate to the bearing that advance or indeed a Much greater, I have granted permission accordingly in the Charter for the Charge of 10 Per Cent. being therein made on Loans and Bills Discounted.

As throughout the previous measures and consultations on the expediency of the Bank Establishment, I have already acknowledged much obligation to Mr. Judge Advocate Wylde for his intelligent and zealous Co-operation, so have I now to add, my being much and altogether indebted to him for the form of the Charter, which I believe will be found to reflect much Credit on His legal knowledge and experience.

If this Establishment, from which I augur more real benefit to arise to this Colony than from any other Public Measure which has ever taken place in it, should be viewed in the same Light by Your Lordship, I would earnestly entreat that Your Lordship would solicit, and procure for it, a charter from His Royal Highness the Prince Regent, in terms of that which I have ventured to grant, if it should be considered (which however the Judge Advocate and Judge of the Supreme Court do not question) that I have overstepped the just bounds of My Authority therein. In soliciting a Charter from His Royal Highness the Prince Regent if it should be deemed necessary on the ground of my not being legally Competent to make it, I must solicit Your Lordship's kind extenuation of my error, as arising from the full conviction of my own judgment and the nature of my commission that I am possessed of the right, and that from my being supported in this opinion by the Legal Opinions of both Mr. Judge Advocate Wylde and Mr. Justice Field, and further that I have been led into the exercise of this Authority by the sole motive that the Establishment so formed will be productive of incalculable benefit to the Mercantile and Agricultural Interests of the Colony, and will redound to its future Credit, and form an Era in its true respectability which will hereafter be looked back to with Public Gratitude, and be eventually the means of relieving the Mother Country from a great proportion of the weighty expence which it has at present to bear, in consequence of the hitherto relatively depressed energies of this Colony. Again Soliciting Your Lordship's favorable consideration to the Bank of New South Wales, I have, &c.,

L. MACQUARIE.
By His Excellency Lachlan Macquarie, Esquire, etc., etc.
Whereas it has ever been an Object of Consideration with Government to establish in this Colony and its Dependencies, as soon as Expediency might permit, a Circulation only of Sterling legal Currency and Value.

And Whereas with this View public Proclamations and General Orders have at different times been made and published forbidding any Currency within the same at any Rate but of Sterling legal Value, and further Ordering and declaring that no Promissory Note or Notes for the Payment of any Sum or Sums of Money should be good or valid in Law for the Recovery of the Amounts therein specified, but such as were drawn for a Sum or Sums of Sterling Amount and Value.

And Whereas to prevent and restrain the Circulation of any other or Colonial Currency, and to render effectual the above Measures and Purpose, all and every Person and Persons whatever were forbidden and prohibited on any pretence to issue or cause to be issued, or to Negotiate, or to receive in Payment any Promissory Note or Notes for the Payment of any Sum or Sums of Money in Currency directly or indirectly, expressing the Rate of exchange or relative Value between the Sum or Sums payable by the same Note or Notes and Sterling Money or any Government or Public Bills or Notes whatever.

And Whereas it has been represented and made known that the said Proclamations and Orders have not been duly observed, kept, and regarded; but that the same have been unwarily, incautiously, and negligently infringed upon, disregarded, and violated, whereby great and serious Mischiefs, losses, inconveniences, and penalties may arise and be incurred.

And Whereas to put an End to the Evils and Mischiefs of a Colonial Currency from Continual Fluctuation in real Value, by unlawful combinations in that respect or otherwise, it now seems expedient to authorise and permit the Circulation of Sterling Money, or Promissory Note or Notes for the Payment of the same in Sterling Value and amount only.

It is therefore ordered and declared, upon the Authority aforesaid, that all and every Person or Persons whatsoever, who shall have in anywise infringed upon, disregarded, or Violated any Proclamation or Public Order with regard to the matter aforesaid, shall stand, and be, and are hereby indemnified, free, and acquitted with regard to the same; and shall have, possess, and enjoy all the Rights, Privileges and Claims, both at Law and