in Equity, as if the Proclamations and Orders aforesaid had never been given made and published.

It is hereby further also Ordered and Declared by the Authority aforesaid that, from and after this 23rd day of November Instant, it shall not be lawful for any Person or Persons whomsoever to issue, or cause or procure to be issued, or to negotiate or to cause or procure to be negotiated, or assist in Negotiating or passing, or to receive in Payment any Promissory Note for the Payment of any Sum or Sums of Money, which does not in some part of the said Note, in direct and Certain Words, express and declare that the Amount thereof is to be paid in Sterling Money or Value.

And it is hereby further also Ordered and Declared by the Authority aforesaid that any Person or Persons whosoever issuing, or causing or procuring to be issued, any Promissory Note for the Payment of any Sum or Sums of Money to or for any Amount of less or other than Sterling Value, so to be expressed and declared in some part of the said Note, from and after this said 23rd Day of November Instant, shall, upon Conviction thereof before any Two of His Majesty’s Justices of the Peace, forfeit and Pay to any Person giving Information of the same, treble the Nominal Sum Secured or made payable by such Note so unlawfully issued, Negotiated, or received in Payment, together with all Costs incurred in recovering the same, to be assessed by the said Justice before whom this Conviction shall be had; The said sum so forfeited, together with the Costs in Default of Payment thereof to the said Justices or one of them, within three Days after Notice of such Conviction, to be recovered by Distress and sale of the Offender's Goods and Chattels, or the Offender to be imprisoned in some one of His Majesty's Gaols in this Territory until the same be paid.

Given under my Hand at Government House, Parramatta, this twenty third Day of November in the Year of our Lord 1816.

LACHLAN MACQUARIE.

By Command of His Excellency,

J. T. CAMPBELL, Secretary.

God save the King!

True Copy:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 2.]

THE CHARTER OF THE BANK OF NEW SOUTH WALES.

GEORGE THE THIRD, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, To all, to whom these Presents shall come, Greeting. WHEREAS His Majesty’s Subjects, trading to and residing in the Colony of New South Wales and its Dependencies, lie under great difficulties for
1817.
29 March.
The charter of
the Bank of
New South
Wales.

want of a due Supply of Money and an improved, certain and
increased Circulating Medium within the same; AND WHEREAS
it is expedient that those difficulties should be removed, and the
same will be removed in a great degree by the Establishment of a
Colonial Bank upon a Funded Joint Stock Capital, and under
certain Laws, Liberties, Provisions, and Regulations in that
respect, Now KNOW Ye that I, Lachlan Macquarie, Esquire,
Captain General and Commander in Chief in and over His said
Majesty's Territory of New South Wales and its Dependencies
aforesaid, by Virtue of, and as far as the Powers and Authorities
so vested in me extend, in consideration of the Premises and of
the Memorial and Petition of John Thomas Campbell, D'Arcy
Wentworth, Alexander Riley, Thomas Wylde, John Harris, Wil-
liam Redfern, and Robert Jenkins, Esquires, for and on the behalf
of themselves and other the Subscribers for the raising of a Fund
for establishing a Bank in Sydney in the said Territory, to be
called or denominated "The Bank of New South Wales," praying
me as such Governor, as aforesaid, to Give, Grant, Ordain, and
Permit to and on behalf of themselves and other the Subscribers
to and Proprietors in the said Bank Stock certain rights, Im-
munities, and Privileges, so as to indemnify and secure them,
and other the said Subscribers to the said Bank, their Heirs,
Successors, and Assigns against all risque or liability beyond the
Amount of the Shares, so respectively taken by each, of and in
the said Capital Stock of the said Bank, Have thought fit to
give, grant, ordain, and permit, and, by these Presents, Do for
Myself and Successors, Will, give, Grant, Ordain and Permit
that the said John Thomas Campbell, D'Arcy Wentworth, Alex-
ander Riley, Thomas Wylde, John Harris, William Redfern and
Robert Jenkins, Esquires, and all other the Subscribers, Contrib-
utors to, and Proprietors in and of the Fund, hereby and in
that respect authorized to be raised, and for the purposes hereby
and herein now declared, limited and set forth, shall and may,
and the said John Thomas Campbell, D'Arcy Wentworth, Alex-
ander Riley, Thomas Wylde, John Harris, William Redfern, and
Robert Jenkins, and other the Subscribers and Proprietors as
aforesaid, Are hereby Authorized and permitted to raise Con-
stitute and Establish at Sydney in this Territory A Bank to be
denominated "The Bank of New South Wales" for the General
and customary uses and purposes of deposit, Loan, and Dis-
count, charging and claiming in respect thereof no higher Rate
than Ten per Cent. per Annum, on a Fund and Capital Stock
of Twenty Thousand Pounds Sterling to be Collected, Raised,
and Funded, in and by Two Hundred Shares or Subscriptions
of One Hundred Pounds each, in respect of the said Capital.
MACQUARIE TO BATHURST.

Stock, Certificates whereof under the Signatures of three or more of the Directors to be appointed as hereinafter mentioned, shall be duly made and granted, and become and be transferable by indorsement or otherwise, Provided the same be registered in the Bank Books to be kept for that purpose. And I do further Will, Ordain, Grant, Appoint, and declare, by and according to the Authority aforesaid, that the Subscribers to and the Proprietors of the said Shares in the said Stock or Capital of the said Bank, their Executors, Administrators, and Assigns, shall be and they are hereby henceforth, for and until the Term of Seven Years next after the date of these presents, be fully compleat and ended, Created, Constituted, Erected into, and are a Body Corporate and Joint Stock Company by the Name and Title of "The President and Company of the Bank of New South Wales," with transferable Stock, and with Succession and a common Seal, and with all such Powers, Rights, Capacities, Immunities, and privileges, as are usually granted and given and in any respect belong or are incident thereto. And I do further Will, Ordain, direct, and declare that the said Bank shall be managed and conducted by Seven of the Proprietors thereof, to be called Directors (One of the same Directors being Nominated and appointed President of the Board of Directors and Chairman of all Meetings of the said Proprietors), to be Elected and Appointed once in every Year by Ballot at a General Meeting of the said Proprietors, to be Convened for that purpose, or as is herein after in that respect ordered and Set forth. And the said Seven Directors so elected and appointed, or a Board of any four of them (The President or a Director as his Deputy to be so by him appointed being one), shall and may, and are hereby authorized and empowered, after being duly and respectively sworn before the Judge Advocate or other Magistrate of the Territory to a faithful discharge of the Trust reposed in them to manage, represent, Conduct, and regulate the said Body-Corporate and Joint-Stock Company of the said Bank, to make Calls and enforce Payment of the Subscriptions thereto in such Sums and proportions in respect of the Shares respectively taken in the Stock of the said Bank, to issue Notes for and on the behalf and on the Account of the said Bank, payable on Demand or otherwise, to Order, make and declare from time to time such Dividend or Dividends and the rate or rates thereof upon the actual Profits of the said Bank during the Periods for which such Dividend or Dividends shall be made, to Nominate and appoint such Officers, Clerks, or Servants to and of the said Bank, and to make such Bye-Laws, Rules, and Regulations for the Management and carrying on of the Business concerns and affairs of the said Bank and for the
Conduct, Guidance and Control of the Officers and Clerks thereof, as may appear to and be determined by them in the said respect or any or either of them expedient and necessary. Provided that such rules, Bye-Laws, and regulations be not repugnant and Contrary to these Presents or the Principles on which the said Bank is Constituted, and be approved and Confirmed by the General Proprietors at the next General Meeting. And Provided Also that each of the said Seven Directors, so appointed on the part of and by the said Proprietors, reside during the said Office in the Town of Sydney, or within Two Miles of the same, and be and are absolutely and Unconditionally Free. And I do further Will, Ordain, direct, and declare that Two of the said Seven Directors, so first appointed by the Proprietors of the said Bank, shall go out of Office at the expiration of One Year from their said appointment by Lot, and two other of the remaining Five, so first appointed Directors, at the expiration of the Second Year in the like Manner, but afterwards Annually by rotation of Seniority; and that the said Directors so going out by Lot or rotation shall be re-eligible to be re-elected by the said Proprietors, and if duly elected or such other Proprietors, as shall then be duly elected and appointed, shall become and be the Junior Directors of the said Bank; And that the said Proprietors of the said Bank shall be at liberty, and are hereby Authorized, to remove the said President or any other of the Seven Directors by a Plurality of Votes, every Proprietor of One Share in the said Capital Stock for the first Six Months from the date of the Presents, and afterwards every Proprietor of One Share for Three Months previously at the least, except the same be acquired by inheritance or Bequest, being entitled to give on this and every other Question, resolution and Proceeding at or before any Public Meeting of the Proprietors in respect of One Share, one Vote, Two Shares, two Votes, Four Shares, three Votes, Seven Shares, four Votes, and Ten Shares or more Five Votes, for any Misconduct or any other Justifiable cause in the Discretion of the said Proprietors at any time during the Period of his or their Appointment, and to call a Public Meeting of the Proprietors in that respect or upon and in respect of any other cause Circumstance or account, that to them or any Ten of them shall seem meet and expedient so to do upon Ten days Notice thereof in the Sydney Gazette or other Newspaper Published at Sydney. And That in the Event of the Death, removal, or resignation of the said President or any one of the other Directors, A general Meeting of the Proprietors shall be Convened and take place within Twenty one days after such Death, removal or resignation, Notice thereof to be advertized once at least in the
said Sydney Gazette or other Newspaper published at Sydney, and a Successor be then and there elected and appointed, in Manner as aforesaid, to Act as a Director for such Period of the Year as shall at the time of such removal, resignation or Death remain unexpired. And I do further Will, Ordain, direct, and Appoint that the Books and Accounts of the said Bank shall be balanced twice in every Year on the Thirtieth day of June and the thirty first day of December of and in every year, and a statement or report of the Balance so taken and attested by a Majority of the said Directors shall be submitted to the Proprietors at a General Meeting to be convened by Public Notice in the Newspaper within twenty one days after each of the above respective Periods, and that a Copy of the said statement or report, Attested also by the Directors, shall be transmitted within three days after every such General Half Yearly Meeting to Me, the said Governor or My Successor. And that the Proprietors of the said Bank, so constituted as aforesaid, shall not, as a Company and Body Corporate, directly or indirectly Trade, or Suffer any Person in Trust for the said Bank to trade with any of the Effects of the said Company and Body Corporate in the buying or selling of any Merchandize or Goods, except in dealing in Bills of Exchange and buying and selling Bullion or Plate; And that the said Proprietors of the said Bank shall not as a Company and Body Corporate have Power to Purchase or Hold Lands, Tenements, or Hereditaments for the benefit of themselves or their Successors within the Territory or its Dependencies, except so far as the due management of the business of the Bank may require to be taken into and be in the actual Occupation and Use of the said Bank and Company, and to Sell and dispose of Lands, Tenements, and Hereditaments under Mortgages and Forfeitures in respect of Loans and Advances of Money made by the said Proprietors upon Pledge and Security of the same.

In Witness Whereof I have set My Hand and Caused the Great Seal of the Colony to be affixed to these Presents at Sydney, this Twelfth day of February, One Thousand, Eight Hundred and Seventeen.

LACHLAN MACQUARIE.

True Copy:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 3.]

BANK OF NEW SOUTH WALES.

The following Rules and Regulations for the Conduct and Management of the Bank of New South Wales (when Incorporated by Charter from His Excellency the Governor), framed
by a Committee appointed for that purpose, were submitted to a General Meeting of the Subscribers on Friday, the 7th of February, 1817, and Unanimously approved and adopted subject to His Excellency's approbation:

1. That a Bank shall be established at Sydney in New South Wales, on the Day of , to be denominated the Bank of New South Wales, under a Charter to be granted by His Excellency the Governor of the Territory, and thereby shall be incorporated and become a Joint Stock Company for the Term of Seven Years, or such other Term as His Excellency may think fit.

2. That the Bank shall be established on a Capital Stock of £20,000 Sterling, to be divided into 200 Shares of £100 each.

3. That a Power under the Charter shall be solicited and so obtained to any and such amount at any time during the said Term, as His Excellency The Governor may be pleased to sanction and permit.

4. That it shall be lawful for the Proprietors of the said Bank, at any time during the said Term, to surrender the present Charter of Incorporation to His Excellency the Governor, and to accept from him a New Charter instead thereof.

5. That the Bank shall be established for the general and Customary Purposes of Discount, Loan, and Deposit.

6. That the Bank shall be managed by Seven Directors to be appointed separately by Ballot at a General Meeting by the Individual Proprietors of the Bank, and that the said Directors, previously to entering upon their charge, shall be sworn before the Honorable The Judge Advocate of the Territory to a faithful discharge of the Trust reposed in them.

7. That no person shall be eligible as a Director of the said Bank on the part of the Proprietors or Subscribers, who shall not be himself a Proprietor of, or a Subscriber to the Capital Stock of the said Bank, and who shall not reside in the Town of Sydney, or within 2 Miles of the same, and who shall not be absolutely and unconditionally free.

8. That the Directors to be appointed by the Proprietors shall be elected by Ballot at a General Meeting to be held on Friday, the 7th day of February next.

9. That two of the Directors appointed by the Proprietors shall go out annually, and after the Second Year shall go out by rotation.

10. That, at the expiration of the first Year, two of the Seven Directors shall go out by lot, and two of the remaining 5 at the expiration of the Second Year in the same manner, but afterwards annually by rotation of Seniority.
11. That the Directors, so going out by lot or rotation, shall be eligible to be re-elected, and shall then be considered as the Junior Directors.

12. That one of the 7 Directors shall also be appointed by the Proprietors President of the Board of Directors and Chairman of all Meetings of the Proprietors, subject in all respects to the same Regulations as the other Directors, but he may be re-elected President by the other Proprietors so long as he may continue in the Direction.

13. That the Proprietors shall be at liberty to remove the said President or any other of their Directors by Plurality of Votes, for any Misconduct or other justifiable cause at any time during the Period of his or their appointment.

14. That in the event of the Death, removal, or resignation of the President, or any one of the other Directors, a Meeting of the Proprietors shall be called and take place within 21 days after such Death, Removal or resignation, and the said Call shall be advertised at least once in the Sydney Gazette or other Newspaper published or to be Published at Sydney, for the purpose of electing a Successor who shall be appointed to Act for the unexpired period for which his Predecessor was to have served.

15. That the Subscribers to the Bank shall be entitled to Votes in all their Meetings according to the Shares they hold, agreeably to the following Scale, Namely—

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16. That, after the first Six months, no Person shall be allowed to Vote at any General Meeting of Proprietors, who shall not have possessed and duly registered the Share or Shares on account of which he may Claim the Right to Vote for a Period of 3 Months at the least, except the same be acquired by Inheritance or Bequest.

17. That at the first Meeting of the Proprietors the list of Subscribers shall be produced by the Secretary to determine the Right of Voting, and at all subsequent Meetings a Similar list shall be produced by the Directors.

18. That Certificates shall be granted under the Signature of three or more Directors, of whom the President shall be one, for the Shares in the Bank, and such Shares shall be transferable by indorsement provided the Transfer be Notified and Registered in the Bank Books.
19. That the Directors shall be competent to make such Bye-Laws or Rules for the Management of the Business of the Bank and for the Conduct of their Officers, as may appear to them necessary, provided that such Rules or Bye-Laws be not repugnant to the principles on which the Bank is constituted, and subject to the approbation of the next General Meeting.

20. That three Directors at least, together with the President, shall be necessary to form a Board of Directors, and in case of an equal Division of Votes of the Directors present, the President shall have a casting Vote in addition to his Vote as a Director.

21. That in the event of the absence of the President arising from Sickness or other cause, he shall be allowed to nominate any one of the Directors to preside for him during such absence, and the Acting President shall be competent to exercise all the functions and Rights appertaining to the Situation of President.

22. That the Directors shall establish a Rotation among themselves, by which three of them shall officiate Alternately for one week, for the Dispatch of the Public Business and the General Superintendence of the Bank, and the signature of such Three Directors shall be considered necessary to all accounts, Deeds, Obligations and other Papers of the Bank requiring Attestation.

23. That the President and Directors shall appoint a Secretary and a Cashier and such other Officers as shall be found necessary, but the annual expense of the establishment shall not in the first instance exceed the sum of £600, except with the sanction of the Proprietors to be obtained at a General Meeting.

24. That the Office of Secretary and Cashier shall be held by the same Person, who, previously to receiving charge of it, shall give security for the faithful and due discharge of his Duty.

25. That the Offices of Head Accountant, Clerk of Discount, and Principal Book-keeper to the Bank shall be held by the same Person, subject to the control of the Directors.

26. That the Books of the Bank shall be balanced every Six months, Vizt, on the 30th Day of June, and 31st day of December of each year; and a Statement of the Balance, attested by the Majority of the Directors, shall at each period be submitted to the Proprietors in a General Half Yearly Meeting, to be convened within 21 days after each of the above respective periods, and that a Copy of the said Statement or Report, attested by the Directors, shall be transmitted in three days after the said General Meeting to His Excellency The Governor.

27. That the first Dividend shall be made on the 1st day of Feb., 1818, and after that date a Dividend shall be made every Six months, Viz., on the first day of February, and the first day of August in each and every Year.
28. That the Rate of the Dividend shall be determined by the Directors upon the ground of the Actual Profits of the Bank during the period for which such Dividend shall be made.

29. That all unclaimed Dividends shall be held in Deposit, payable on Demand, and the Directors shall not be at liberty to appropriate such Dividends to the payment of Demands on the Bank.

30. That the Notes to be issued by the Bank shall be of the following Denominations or Values, and in such proportion as the President and Directors shall from time to time deem expedient. Vizt. 2s. 6d., 5s., 10s., £1 0s. 0d., and £5 0s. 0d., and that no Notes shall be issued of less Value than 2s. 6d., or of more than £5 0s. 0d. Sterling.

31. That all Notes of the Bank shall be signed by Two of the Directors of the week, as well as by the Cashier, and Counter-signed by the Principal Book-Keeper as being entered in the Books of the Bank.

32. That the following General Rules shall be observed by the Directors themselves in the Conduct of the Bank, as nearly as Circumstances will permit.

33. That they shall not discount Bills of Exchange, Notes of Hand, or other Negotiable Securities, having a longer term than three Months to run and that Bills of Exchange, Notes of Hand, or other Negotiable Securities, having only Two months to run, shall have a preference to those of longer date, where they may be in other respects deemed equally good. The Discount or Interest to be in all cases deducted in the first instance.

34. That they shall not make Loans or Mortgages of Landed Property for a longer period than Twelve months.

35. That the amount to be advanced in Loan, either on Land or on Land and Houses, shall not in the whole exceed the Proportion of one-fifth of the Actual Bank Capital.

36. That advances shall be made on Deposits of Bullion or Plate for terms not exceeding Nine months, and that a Note of Hand shall be given for the sum to be advanced, in addition to the Security by the Deposit of the said Bullion or Plate, and that no advance on Bullion or Plate shall be made to an Amount exceeding one half of their estimated value.

37. That the Directors may receive Deposits of Bullion or Plate or such Articles of Value, as will not require much room and may be easily Kept in a place of Security, such Deposits to be restored on Demand to the Proprietor or Proprietors.

38. That they shall not charge Interest or Discount Bills at a Rate of interest higher than Ten per Cent. per Annum.
39. That they shall not make any Advances on Loan to any
Individual or Company for a greater Amount at any time than
£500 Sterling.

40. That they shall not Grant any Loans on the Deposit of
Bank Stock Certificates.

41. That no Interest shall be paid on Deposits, unless by
special Agreement at the time of such Deposits being made, and
that the Person depositing money shall engage not to call for the
same or any part of it without giving them three full months
notice thereof. And the Directors are not to allow more than
8 pr. Cent. to be paid on any Deposits whatever.

42. That the Directors shall not contract Debts on account of
the Bank or the Company of the Proprietors by Bond, Bill, Note,
or otherwise, unless by the special authority of a Public Meeting
of the Proprietors convened for that purpose.

43. That the Directors shall receive Deposits of Cash, and keep
running Accounts with Merchants and other Individuals, but they
shall not at any time suffer the said Accounts to be overdrawn.

44. That Persons possessing Store Receipts or Government
Bills on the Treasury may receive the Notes of the Bank in
exchange for them without any charge or reduction, the said
Store Receipts and Bills on the Treasury being deemed to all
 intents and purposes Cash, or they may Deposit such Receipts or
Bills as Cash, and keep a running Account thereon, subject to the
same restriction as in the preceding Regulation.

45. That the Cashier or any other Officer of the Bank shall
not pass Drafts to the Debit of Individuals, or pay the same,
otherwise than on the authority of the Directors for the day,
and should any Draft be paid without such authority, the Cashier
shall be dismissed forthwith, and his Salary made answerable for
any Loss which may be incurred thereby.

46. That the Officers of the Bank shall not Carry on Trade,
nor Act as Agents or Brokers, or engage in any seperate Busi­
ness whatever, but shall confine themselves strictly to their Duty
as Officers of the Bank.

47. That the Bank shall be absolutely and altogether precluded
from Trading, but this restriction shall not be considered as
preventing the Directors from receiving Bullion or Plate in
deposit for Loans, as specified in Article 36, or debar them from
making Sale of such Bullion or Plate, when not redeemed by
the due Payment of the Loans made thereon.

48. That should the Conduct of a Director, or any transaction
of the Bank, or other circumstance appear to any Number of
the Proprietors to render a General Meeting necessary or ex­
pedient, they shall be at liberty (provided the Number be not less
than Ten) to summon a General Meeting by the Secretary on giving 10 Days Notice in the *Sydney Gazette* or other Newspaper in Sydney.

49. That should it be hereafter deemed advisable to increase the Capital Stock of the Bank, the Proprietors shall be allowed to subscribe for said Additional Stock in proportion to the Interest they respectively hold in the Bank at that Time, or to Transfer such right by Sale, Gift, or otherwise, to any other Person; but if they do not avail themselves of such Privilege, then a Public Subscription shall be opened for that Purpose, or in the event of Shares being disposeable at a rate above Par, then and in such Case the said Shares shall be sold to the highest Bidder or Bidders, and the Profits made on such Sale added to the General Profits of the Bank.

50. That in order to provide for the filling up Shares, which may remain unoccupied, Applications in Writing will be received by the Secretary of the Bank, and submitted to the Committee of the Week, and the Parties applying shall be admitted to subscribe in the order in which their applications may be preferred.

Sydney, 29th Jany., 1817.

JNO. WYLDE, J.A., N.S.W.,  
Chairman.

G. MOLLE, Lt.-Governor.

J. T. CAMPBELL.

ALEXR. RILEY.

THOS. WYLDE.

GEORGE HOWE.

EDWD. EAGAR.

Frederick Garling.

Richard Jones.

J. HARRIS.

James Birnie.

J. R. O’Connor.

S. LORD.

JNO. GILL.

At a General Meeting of the Subscribers to the Bank of New South Wales held pursuant to Public requisition on Friday the 7th Instant, John Thomas Campbell, Esquire, being requested to take the chair, the foregoing Fifty Rules and Regulations (prepared by the Committee of Fifteen,* which had been appointed for that purpose) were submitted and read, and being then moved one by one were unanimously carried.

The Subscribers then elected Seven Directors in Conformity with the said Rules and Regulations, and the following Gentlemen, having been ballotted for, by lot were chosen, Vizt:—


The Meeting then Unanimously Elected John Thomas Campbell, Esquire, President of the Board of Directors, and Adjourned.

Sydney, Friday, 7th February, 1817.

* Note 57.
1817.
29 March.

Memorial of the president and directors of the Bank of New South Wales.

[Enclosure No. 4.]

THE MEMORIAL of John Thomas Campbell, D'Arcy Wentworth, Alexander Riley, Thomas Wylde, John Harris, William Redfern, and Robert Jenkins, Esquires, for and on the behalf of themselves and other the Subscribers for Raising a Fund for establishing a Bank in Sydney in the said Territory, to be called or denominated "The Bank of New South Wales."

To His Excellency Lachlan Macquarie, Esquire, Captain General, Governor and Commander in Chief in and over His Majesty's Territory of New South Wales and its Dependencies, etc., etc.

Sheweth,

That in Pursuance of Certain Public Resolutions, entered into at a Meeting held on the Twenty second day of November last by Command of Your Excellency to take into consideration the state of the Circulating Medium within the Colony, and what would be the best Means of improving the same, and which have since been submitted to the review of Your Excellency in that respect,

That Your Memorialists have proceeded upon the reasons and considerations stated in the said Resolutions (and to which Your Memorialists would more particularly refer) to establish a Bank at Sydney in New South Wales for the purposes of Discount, Loan, and Deposit, and have provided and agreed upon such laws, Rules, and Regulations, as to Your Memorialists seem best adapted for the General Conduct and Management of the Bank and a due Concern for the Public Interest involved therein.

Your Memorialists deem it incumbent on them to call Your Excellency's attention to the increased Rate of Interest, proposed therein in favour of the Bank, and to advert to the state of the legal Interest of Money within this Territory, established at Eight per Cent., as compared with that of Twelve per Cent. prevailing at Bengal, China and other places with which this Colony must chiefly have Commercial Intercourse and Trade, and to which the Merchants and Traders, and therefore the Public of this Territory, must in some respect become chargeable in all Mercantile Transactions and Investments. And Your Memorialists have respectfully to suggest that the present rate of Interest at Eight per Cent. has been continued for so long a period as from the Year One Thousand, Eight hundred and four, when the same was settled by Proclamation* up to the present time, when the Value of Money must be acknowledged to have increased in a very considerable degree, when no private Loans can be obtained but at very considerable advance of Interest, and when Money can be used to even much greater advantage in Commercial purposes and Adventures.

* Note 58.
Your Memorialists therefore trust that in consideration of a due comparison between the Rates of Interest in Neighbouring Countries and this Colony, of the greatly increased Value of Money within the same, of the Public Advantages the Establishment of the Bank will afford, and the necessity of encouraging Persons to become subscribers to the same, the Rate of Interest at Ten per Cent. as suggested will be considered and approved of by Your Excellency as a fair proper and reasonable charge upon Loans made of the Bank Capital, thus removed from all other use whatever, and necessarily retained in Fund for the Public Security.

Memorialists beg leave therefore to present the said Laws, Rules, and Regulations to Your Excellency for consideration and approval, and humbly to Petition Your Excellency to grant on behalf of themselves and other the Subscribers to the Bank, by a Charter under the Colonial Seal, all the Rights, Immunities, Privileges, and Title of a Corporation, and of a Joint Stock Company, upon such restrictions and for such Term as to Your Excellency may seem meet, so as to Indemnify and secure Your Memorialists and other the Subscribers to the said Bank against all Risk or Liability beyond the amount of the Shares, respectively taken by each, of the Capital Stock of the said Bank, and to bestow such powers, capacities and privileges, as in Your Excellency's discretion may best advance those public and private Interests, which Your Memorialists have in desire to promote by that beneficial Establishment, Your Excellency is now humbly Solicited to support Sanction and approve.

And Your Memorialists will ever have the same in due Memory,

JNO. THOS. CAMPBELL, President.
D. WENTWORTH
ALEXR. RILEY
THOS. WYLDE
J. HARRIS
WM. REDFERN
R. JENKINS

Directors.

Sydney, 12th Feby., 1817.

The Original of the foregoing Memorial, with an Attested Copy of the annexed Rules and Regulations, were presented to His Excellency the Governor on Saturday the 15th February, 1817, by the President accompanied by all the Directors of the intended Bank of New South Wales, and the same were most graciously received, and a Charter promised in Terms of said Memorial.

True Copies:—JNO. THOS. CAMPBELL, Secy.
Despatches acknowledged.

Inability to make large economies.

Proposed retrenchments in the commissariat.

Proposal to discontinue victualling free settlers and their servants.

1817.
31 March.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 3 of 1817," per H.M. brig Kangaroo; acknowledged by Earl Bathurst, 24th August, 1818.)

Government House, Sydney, New South Wales,

My Lord,

31st March, 1817.

1. I now do myself the Honor to acknowledge the Receipt of Your Lordship's two separate Dispatches under dates the 4th of December, 1815, and 24th of July, 1816, with their respective Enclosures and accompanying Documents on the subject of the present Expences of the Colony and the Reduction thereof as far as may be practicable, pointing out the Necessity of my accurately Investigating on the Spot every Branch both of the Civil and Military Expenditure of the Colony with a View to its immediate Reduction, and directing me to transmit to Your Lordship as early as possible the Result of that Investigation.

2. In compliance with Your Lordship's Commands, I have minutely and Accurately Examined and Investigated every Branch of Civil and Military Expenditure of this Colony, and after giving this Important Subject the Most Serious and Mature Consideration and Viewing it in all its Bearings, I am greatly Concerned to report to Your Lordship that I am as Yet unable to point out, or to make any Considerable Retrenchment in the present Expences of the Colony, Consistently with its interior Prosperity and Safety, with the two Exceptions of discontinuing altogether the Victualling Settlers and their Servants at the Expence of the Crown and the reducing a part of the Commissariat Establishment, which last is in my opinion Unnecessarily expensive, on which Subject I intend addressing a Separate Dispatch to Your Lordship by this Conveyance.

3. It was always My Intention to have Submitted to Your Lordship, at the Expiration of the present Year, the Expediency (with a View to Economy) of discontinuing altogether the Victualling of Free Settlers and their families and Servants coming out from England to reside in this Country and of only allowing such, as were permitted to come, Grants of Land and Convict Servants off the Stores, in proportion to the Capital they should bring out to be employed in the Cultivation and Stocking of their Farms. I am now decidedly of opinion that there is no necessity whatever in the present improved State of the Colony for extending any further Indulgences to persons of this latter Description, and therefore take the Liberty to recommend and respectfully submit to Your Lordship's Consideration that all Free Settlers and other persons, who shall be permitted to Come out to reside in this Colony after the 31st of December next, should be distinctly given to Understand, before they leave
England, that they are not to receive, Expect or demand, on their Arrival in this Colony, any thing more from Government than Lands and Convict Servants off the Stores in proportion to their Means of Cultivating the one, and Maintaining the other; for as all Sorts of Provisions are now sufficiently Abundant in the Colony and Can be purchased at Very Moderate Prices, there Can be no Difficulty in their procuring at all times any Quantity of Provisions they may require for themselves, their families and Servants.

4. As however it would be, in my humble opinion, very bad Policy on the Part of Government, Not to Hold out every reasonable Encouragement to Persons, who have been Convicts, to Settle in the Colony permanently on their becoming Free, either by servitude or Absolute Pardon, and also to persons of the same Description who become Free in the Colony by Conditional Pardons, I respectfully recommend and Submit to Your Lordship's humane Consideration that All persons, that have Come out as Convicts and may be deemed deserving of Grants of Land from the Crown in Terms of the King's Instructions to me on this Head, should themselves and Families, with one Male Convict Servant to each such Settler, be Victualled at the Expence of Government for Six Months, at the Expiration of Which Period they will be able to Maintain themselves in Case they are Sober and Industrious people. Victualling them for three Months only would answer no good purpose, as their Crops in the Ground Could not possibly be reaped in that time to subsist them, so that at the Expiration of the three Months they would be under the Necessity of Quitting their Farms and returning again to Common Labor. Whereas by Victualling them for Six Months, they will have Sufficient time to reap and gather in part of their Crops, such as Maize, Potatoes, Peas &c. &c. I am however at the same time of opinion that it will be unnecessary even to Victual Emancipated Convict-Settlers for any Length of time, or to continue doing so at all, after the Expiration of three Years from the present time; for there is every Reason to Conclude from present Appearances and the rapidly Improving State of the Colony that All Sorts of Provisions and the real Necessaries of Life will be as moderate and low in this Country, before the Expiration of three Years from this date, as in any Country in the World. The Quantity of Stock that will be reared and the Quantity of Land that will be under Cultivation, by the time herein mentioned, must be Immense, and Consequently the Reduction in the present prices of both Provisions and Labor must be very great. When this well-founded Expectation is Once realized (which I am well persuaded it will, even sooner than the
time I have mentioned) there can be no necessity whatever for Victualling any Description of Settlers in this Colony, and this of itself will go a great Length in the Reduction of the present Expenses of it, for, in fact the Victualling of so many persons forms the great and principal Article of Expence of this Colony to the Mother Country. I would therefore most respectfully but strongly recommend that no person whatever should be permitted in future to come out to reside in this Colony, who has not a sufficient Capital to Maintain himself in it. What are generally denominated 

Gentlemen Settlers, or Settlers of the first Class, Come out here Miserably poor, depend principally on the Indulgences granted them by Government, and very Seldom attend to Cultivating their Lands or Increasing the Internal Resources of the Colony, giving up the whole of their time to the Rearing of Cattle or Shop-keeping; and now, after Seven Years Experience, I am perfectly Satisfied in My own Mind that the best and Most Useful Description of Settlers are the Emancipated Convicts, to the Exertions and Industry of whom are to be attributed the present improved State of the internal Resources of the Colony.

5. In reference to the Suggestions, Contained in the Letter* from the Secretary to the Treasury Addressed to the Under Secretary of State for the Colonies under date the 5th of January 1816 in 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, and referring to a Letter* written by Deputy Commissary General Allan here to the Commissary in Chief on this Subject, and in Obedience to Your Lordship's Commands, as Contained in Your Lordship's Letter of date 24th July last, directing Me to furnish Your Lordship with a detailed explanation of my Sentiments on this Subject and the Reasons upon which they are founded, I do myself the Honor to report to Your Lordship that the System now in force, in regard to fixing the price of such Grain and Animal Food as were required for the Use of Government, has prevailed exactly as it is now ever since the original Establishment of this Colony in 1788; and that it has been found by All preceding Governors to answer best, both in regard to the Interests of the Crown, and that of Individuals hitherto; and as far as my own Experience and Judgment can serve to guide me, I am thoroughly Convinced that it would not be for the Interests of the Crown, nor for that of the Colonists in general, to Change the Old System for any New one at present; as soon as the Colony is further advanced in Agriculture, and Stock more generally diffused among the Middling and

* Note 59.
lower Classes of Settlers, I am of Opinion the Mode of Supplying the King's Stores by Tender might be resorted to with great Advantage to Government, and without Injury to the Colonist, and I am further of opinion that it would be adviseable to resort to this Mode of Supplying All the Wants of Government in About two years hence at farthest, as by that time, the Increase of both Stock and Grain must be great and very generally diffused; Whereas, if this New Mode was to be now adopted, I am certain that the greater part of the Grain grown in the Colony, and Also the principal part of the Stock Reared in it, would be immediately purchased up by about half a dozen of Monied Men, who would thus Monopolize the greater part of the Grain and Stock in the Colony, and Compel Government to purchase it at any exorbitant prices they might think proper to demand for the same; Whilst the poor and industrious lower Class of Settlers would entirely be excluded from furnishing the Stores with the produce of their Farms, whilst these few Rich Monopolizers would purchase from them on such Terms as their Avarice Might induce them to prescribe. This is not an idle or unsupported Theory, as I found my Conclusion on Occurrences and Facts which have taken place in the Colony three Years since, when there was an Artificial Scarcity Created and Industriously Circulated by a few Avaricious and Wealthy Settlers on the plea of the unproductiveness of the then past Harvest. On this Artificial Scarcity taking place, I called on the Grain Growers to give in Tenders for Supplying the King's Stores, on which occasion Government was Compelled to pay as high as fifteen Shillings per Bushel for the greater part of the Wheat purchased that Season for the Use of the King's Stores, altho' it was afterwards discovered that there was more than a Sufficient Supply of Wheat within the Colony at that Moment for Maintaining the whole population. The great Graziers would in the Same Manner raise the Price of Meat required for the Use of Government, were it not for the powerful Check I have always hitherto had upon them in being Able to resort to the Government Herds for supplying the Stores for a few Months at least with fresh Meat at the Moment of any such Combination being attempted. It certainly would be desirable in every point of View to Assimilate as nearly as possible the Mode of Conducting the Public Departments in this Colony with those at Home and in His Majesty's other Foreign Dominions, but this Can only be done here by slow Degrees and progressively for some few Years to Come, this Colony being Composed of such discordant Materials, under peculiar Circumstances, and differing widely, almost in every respect, from every other Colony belonging to the British Empire,
and consequently governed by particular Usages and Customs Connected with its Original Establishment and Nature of its peculiar Population. I cannot Conclude my observations on this Subject without adverting slightly to Deputy Commiss’y General Allan’s Letter to the Commissary in Chief, wherein he recommends that the King’s Stores should be supplied by Tenders. This Officer could not be supposed to be a Competent or Impartial Judge of the Expediency of such a Measure, for he had not been above 14 or 15 Months in the Colony when he wrote the Letter alluded to, and in that time he had purchased Cattle on his own private Account to a great amount, in Conjunction with another Civil Officer, and between them would be Able to Supply the King’s Stores, by Tender, for a Considerable time, had that Mode been resorted to; and I have good Reason to believe Mr. Allan was much more Influenced by Views of private Gain, than by any Benefit to be derived by the Public in suggesting that the King’s Stores should be supplied by Tenders. I possess neither Lands nor Cattle in this Colony and am therefore not likely to be Influenced by any Views but those which I Conceive to be the most advantageous for the Interests of the Crown and the general Prosperity of the Colony and its Inhabitants. Under these Circumstances I should Strongly recommend that the present System for Supplying the Stores by regulating, according to Circumstances, the prices of Grain and animal food should be continued ’till the 31st of December, 1818, after which period I am of opinion the System may be Safely and advantageously Changed to that of Supplying All the Wants of Government by Tender.

6. It has ever been my most ardent and Sincere Wish to make every possible and practicable Reduction and Retrenchment in the Expences of this Colony; and I assure Your Lordship that it is a Subject of most sincere Regret to me that I have not been able to Succeed in this Wish in proportion to my own Original Expectations and the Actual Necessity for such Reduction, a Variety of Expences having been Unavoidably Incurred within the last Four Years which I had not then Contemplated. In these Unexpected Expences I must Include the lavish Disbursements of Lieut. Governor Davey in Van Diemen’s Land, by making extravagant Disbursements and Unnecessary Purchases on Account of Government, Contrary to my most positive orders and Instructions. A very great Expence has also been Incurred by this Government in defraying the Amount of Victualling and passage of the Numerous Detachments of Troops belonging to Regiments in India, which (owing to the Weak State of the 46th Regt.) were sent hither from England as Guards in the
Several Convict Ships, and for which Detachments I had of Course to provide Passages to India, some times at a very high Rate. The Strength of the 46th Regiment having been however lately Increased supersedes the Necessity of sending any more Detachments belonging to Regiments in India, as Guards for Convicts sent to this Colony, Consequently this Expence now Ceases. Another very great additional Article of Expence, in the Accounts of this Colony, is the Constant supplies and Repairs required by the Government Brigs, Kangaroo and Emu, sent out some time since for the Service of the Colony, but which have been lately at my Suggestion ordered Home; they proved of very little Use and have been an intolerable Expence, first and last, and I am therefore sincerely glad that they have both been recalled. The last additional Unexpected Expence, I shall now mention, is that of Victualling the Free Wives and Children of Convicts, sent out here at the Expence of Government. The Indulgence is most humane and highly advantageous in view to the Improvement of the Morals of the Husbands, who thus have their Wives and Children sent out to them, but the Expence of Supporting those Women and Children is very Considerable; for, tho' they promise in England to Maintain themselves after their Arrival here, not one in ten of them is able to do it, even with the Assistance of the Labor of their Husbands, Who are always assigned to their Wives off the Store. I would therefore respectfully recommend that no Free Women should be permitted to come out to this Country in future who Cannot produce Unquestionable Proof that they Can Maintain themselves in it without occasioning any Expence to Government.

7. In pursuance of the Commands Contained in Your Lordship's Letter under date 4th December, 1815, I have very Maturely Considered the Various Suggestions made by Your Lordship in regard to the several extra Allowances of Rations, Servants, Fuel, Lodgings, and Clothing given to different Descriptions of Civil Officers in this Colony, which tho' to each of those separately appear Small, and of no great Value, amount in the Aggregate to a very large Sum annually; And I entirely Concur in opinion with Your Lordship that it would be highly advantageous to the Interests of the Crown, and not at all Injurious to the Individuals themselves, to Abolish the Whole of those Extra Allowances and Commute them to Money, Allowing to each Officer, who is deprived of them, an adequate addition to his present Salary, and giving to those Subordinate Officers, such as Overseers, Constables, Watchmen and Under-Clerks, who only receive Rations and Slop Clothing, an adequate annual Salary in lieu of such Allowances, whatever time it may be deemed Expedient to
1817.
1 April.

Necessity for victualling stockmen and shepherds.

Allowances of government servants.

Proposed cash payments to subordinate officials.

Return of persons holding civil and military appointments.

Annual value of rations and slop clothing.

deprieve them of them. The only Description of Crown Servants, to whom it would still be Necessary to give Rations, are the Government Stock-Men and Shepherds, who in Herding the Flocks and Herds in the Forest are at too great a distance from any Market to purchase the Necessary Provisions for their Subsistence; but this Exception would be of No great Consequence; the Practice hitherto, which has prevailed in the Colony ever since its original Establishment, of Allowing every Overseer and various other Descriptions of Subordinate Officers, who receive no Salaries, each a Male Convict Servant, Clothed and Victualled at the Expence of the Crown, is attended with Many bad Consequences, and certainly ought to be Abolished as soon as practicable. These Male Convict Servants are Hired out by their Masters, who on an average receive twenty five pounds for their Labor per Ann'm. It is difficult to find out those Men at any time they are required to appear, as they roam about the Country at large in search of Employment, and not Unfrequently Commit Robberies which are not easily discovered from their having no fixed places of Residence. This of itself is a very great Evil, and highly Injurious to the Prosperity and Police of the Colony. I would therefore strongly recommend that I may be authorized to abolish this Practice entirely as soon as the Increase of the Colonial Funds will admit of a pecuniary Compensation being made to all Subordinate Officers who have Convict Servants allowed them. Each of these Convict Servants Costs the Crown for his provisions and Clothing about twenty five Pounds per Annnum and I would propose that this Sum should be paid to each Subordinate Officer entitled to a Convict Servant.

8. Herewith I do myself the Honor to transmit to Your Lordship the Nominal Return of Persons, Holding Civil and Military Appointments in this Territory at the present time, made out agreeably to the Form I received Enclosed in Your Lordship's Dispatch under date 4th December, 1815, and in which are Included All Civil Officers, Superior and Subordinate, who receive Salaries and extra Allowances, specifying each Description of the latter. The Allowances of Rations, Fuel, Lodging Money (where Government Quarters are not found them) and Forage for Horses are issued here to the Several Officers, according to their respective Ranks, on the same Scale and in the Same Proportions as at Home to the Officers of the Corresponding Ranks. The Value of a Full Ration has always been reckoned here equal to Fifteen pounds per Ann'm; and the Slop Clothing Issued Annually to Convicts, and other persons entitled thereto, equal to Ten pounds p'r Ann'm. And on this Scale, I would recommend the Consolidation of these two particular Allowances to be made at whatever
time they are withdrawn altogether. The other Extra Allowances of House Rent, Fuel and Forage Money, may be paid for in Money, agreeably to the Practice at Home; and I should be extremely happy to see the Whole of these Extra Allowances Abolished and Commuted to Money. Those Civil Officers who are already provided with Good Government Quarters would of Course retain them, and not be entitled to any Addition to their Salary on that Account; but, for the other Extra Allowances, they ought to receive a fair and reasonable pecuniary Compensation, the Provisions particularly being of very great Assistance to those Civil Officers who have large families to support.

9. I cannot more properly Close this Dispatch upon Retrenchments and Reduction of Public Expenditure, than by reporting to Your Lordship that I have Commenced the present Year by a Reduction of Upwards of Six thousand pounds Sterling per Ann’m in the Expences of the Colony, Commencing on and after the 25 of January last, which I hope will Serve as Proof to Your Lordship of my sincere and anxious Wish to bring the Expences of the Colony within more reasonable Limits than they are at present. This Reduction Arises in the price of the Article of Animal Food, supplied for the Use of His Majesty’s Stores, which I have reduced from Seven pence to Six pence per pound, and which, Considering the Immense Increase of Horned Cattle in the Colony, is in my Judgment, a very fair and liberal price, and tho’ this Reduction occasioned some little Discontent and Mur­muring at first, the People in general are now perfectly well reconciled to the Measure as a necessary One of Economy; there are at present very Nearly Four thousand full Rations Issued daily in the different parts of this Territory, Consequently an equal Number of pounds of fresh Meat, the Amount of which at one penny per pound is Upwards of Six thousand pounds Sterling. By the latter End of the Year 1818 I hope I shall be able to reduce the price of Animal food to Five pence per pound, as the Cattle in the Colony must be very greatly Increased by that time; and I trust the Number of Persons Necessarily Victualled at the Expence of the Crown will also be Considerably diminished; so that I conclude the Reduction in the Public Expenditure, in reducing the Price of fresh Meat to Five pence, will at least equal the Savings of the present Year, Namely, Six thousand pounds. In the Article of Wheat, I do not think it will be practicable to make any reduction in the price of it yet for a Couple of Years, but by that time I am hopeful some Reduction may Also be made in that Article.

I have, &c.,

L. MACQUARIE.
[Enclosure.]

List of Names, etc., of Persons holding Civil and Military Appointments in the Territory of New South Wales and its Dependencies on the 31st of March, 1817.

<table>
<thead>
<tr>
<th>Names</th>
<th>Appointments or Nature of Office</th>
<th>By whom Appointed</th>
<th>Yearly Salary</th>
<th>Whether Paid at Home or by the Colony</th>
<th>Extra allowances received in the Colony</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lachlan Macquarie, Esqre.</td>
<td>Governor</td>
<td>The Crown</td>
<td>£2000 0 0</td>
<td>At Home</td>
<td>Quarters</td>
<td>Commander of the Forces</td>
</tr>
<tr>
<td>George Molle, Esqre.</td>
<td>Lieut’t Governor</td>
<td>Do.</td>
<td>400 0 0</td>
<td>At Home and by Colony</td>
<td>Forage</td>
<td>Lt. Col. Com’g 46th</td>
</tr>
<tr>
<td>John Wylde, Esqre.</td>
<td>Judge Advocate</td>
<td>Do.</td>
<td>1200 0 0</td>
<td>At Home</td>
<td>Rations</td>
<td>Himself only</td>
</tr>
<tr>
<td>Barron Field, Esqre.</td>
<td>Judge of Supreme Court</td>
<td>Do.</td>
<td>800 0 0</td>
<td>Do.</td>
<td>Fuel</td>
<td>Victualled</td>
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<tr>
<td>Frederick Garling, Esqre.</td>
<td>Solicitor</td>
<td>Do.</td>
<td>300 0 0</td>
<td>Do.</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>John Thomas Campbell, Esqre.</td>
<td>Secretary to Government</td>
<td>Governor Macquarie</td>
<td>365 0 0</td>
<td>At Home and by Colony</td>
<td>Quarters</td>
<td></td>
</tr>
<tr>
<td>Revd. Samuel Marsden</td>
<td>Principal Chaplain</td>
<td>The Crown</td>
<td>350 0 0</td>
<td>At Home</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; William Cowper</td>
<td>Assistant Chaplain</td>
<td>Do.</td>
<td>260 0 0</td>
<td>Do.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; Robert Cartwright</td>
<td>Do. Do.</td>
<td>Do.</td>
<td>240 0 0</td>
<td>Do.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; Henry Fulton</td>
<td>Do. Do.</td>
<td>Do.</td>
<td>182 10 0</td>
<td>Do.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; John Youl</td>
<td>Do. Do.</td>
<td>Do.</td>
<td>182 10 0</td>
<td>Do.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>D’Arcy Wentworth, Esqre. Do.</td>
<td>Principal Surgeon</td>
<td>Governor Macquarie</td>
<td>365 0 0</td>
<td>Do.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>James Mileham, Esqre.</td>
<td>Superintendent of Police</td>
<td>Governor Macquarie</td>
<td>200 0 0</td>
<td>By the Colony</td>
<td>Rations</td>
<td></td>
</tr>
<tr>
<td>William Redfern, Esqre.</td>
<td>1st. Assist. Surgeon</td>
<td>The Crown</td>
<td>182 10 0</td>
<td>At Home</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major West, Esqre.</td>
<td>Assist. Surgeon</td>
<td>Do.</td>
<td>136 17 6</td>
<td>Do.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. William Evans</td>
<td>Do. Do.</td>
<td>Do.</td>
<td>91 5 0</td>
<td>Do.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>William Gore, Esqre.</td>
<td>Provost Marshal</td>
<td>The Crown</td>
<td>91 5 0</td>
<td>Do.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thomas Wyde, Esqre.</td>
<td>Clerk of the Peace</td>
<td>Governor Macquarie</td>
<td>No Salary</td>
<td>By the Colony</td>
<td></td>
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<tr>
<td>J. W. Lewin, Esqre.</td>
<td>Coroner</td>
<td>Do.</td>
<td>80 0 0</td>
<td>By the Colony</td>
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<tr>
<td>Mr. Thomas Hobby</td>
<td>Assist. Do.</td>
<td>Do.</td>
<td>40 0 0</td>
<td>Do.</td>
<td></td>
<td>Not Victualled</td>
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</table>

HISTORICAL RECORDS OF AUSTRALIA.
**List of Names, etc., of Persons holding Civil and Military Appointments, &c.—continued.**

<table>
<thead>
<tr>
<th>Names</th>
<th>Appointments or Nature of Office</th>
<th>By whom Appointed</th>
<th>Yearly Salary</th>
<th>Whether Paid at Home or by the Colony</th>
<th>Extra allowances received in the Colony</th>
<th>Remarks</th>
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<tr>
<td>John Piper, Esqre.</td>
<td>Naval Officer</td>
<td>The Crown</td>
<td>£ s. d.</td>
<td>Receives 5 pr. Cent. on Duties Collected</td>
<td>Lodging, for Horses, for Rations for self of Family, Fuel, No. of Govt. Servants</td>
<td>Himself only Victuall'd</td>
</tr>
<tr>
<td>Mr. Alfred Thrupp</td>
<td>Assist. Do. Do.</td>
<td>Governor Macquarie</td>
<td>Do.</td>
<td>No Salary</td>
<td>None</td>
<td>Do. and Family Victuall'd</td>
</tr>
<tr>
<td>Mr. George Dowling</td>
<td>Wharfinger</td>
<td>Do.</td>
<td></td>
<td>No Salary but receives £ 5 pr. Cent. on Goods landed</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Mr. James Stewart</td>
<td>Ass't Do. Do.</td>
<td>Do.</td>
<td></td>
<td>24 pr. Cent. on Goods</td>
<td></td>
<td>One</td>
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<tr>
<td>Mr. William Cosar</td>
<td>Master Boat Builder</td>
<td>Do.</td>
<td>91 5 0</td>
<td>At Home</td>
<td>Quarters</td>
<td></td>
</tr>
<tr>
<td>Mr. Stephen Milton</td>
<td>Boatswain and Harbour Master.</td>
<td>Do.</td>
<td>50 0 0</td>
<td>By the Colony</td>
<td></td>
<td></td>
</tr>
<tr>
<td>John Oxley, Esqre.</td>
<td>Surveyor Gen'l of Lands.</td>
<td>The Crown</td>
<td>273 15 0</td>
<td>At Home</td>
<td></td>
<td>None</td>
</tr>
<tr>
<td>James Meehan, Esqre.</td>
<td>Dy. Surveyor Gen'l of Do.</td>
<td>Governor Macquarie</td>
<td>136 17 6</td>
<td>Do.</td>
<td></td>
<td>Himself only Victuall'd</td>
</tr>
<tr>
<td></td>
<td>Collector of Quit Rents etc.</td>
<td>Do.</td>
<td>91 5 0</td>
<td>By the Colony</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Mich'l Robinson</td>
<td>1st Clerk Sec'y's Office</td>
<td>Do.</td>
<td>60 0 0</td>
<td>Do.</td>
<td>None</td>
<td>Himsel and Family Victuall'd</td>
</tr>
<tr>
<td>Joseph Cowgill</td>
<td>Ass't Do. Do.</td>
<td>Do.</td>
<td>25 0 0</td>
<td>Do.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peter Pomer</td>
<td>Clerk to Judge Advocate.</td>
<td>Do.</td>
<td>30 0 0</td>
<td>Do.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Joseph Sumpter</td>
<td>Clerk to Judge of Sup. Court.</td>
<td>Do.</td>
<td>30 0 0</td>
<td>Do.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Joshua Jno. Moore</td>
<td>Clerk to Judge Advocate.</td>
<td>The Crown</td>
<td>80 0 0</td>
<td>At Home</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. John Gurner</td>
<td>Clerk to Judge of Sup. Court.</td>
<td>Do.</td>
<td>80 0 0</td>
<td>By the Colony</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Rowland Hassall</td>
<td>Superdt of Govt. Macquarie Stock.</td>
<td>Governor Macquarie</td>
<td>100 0 0</td>
<td>At Home</td>
<td>Quarters</td>
<td>None</td>
</tr>
<tr>
<td>William Chalker</td>
<td>Overseer Do. Do.</td>
<td>Do.</td>
<td>50 0 0</td>
<td>By the Colony</td>
<td></td>
<td>One</td>
</tr>
<tr>
<td>Thomas Arkell</td>
<td>Do. Sup'dt of Police</td>
<td>Do.</td>
<td>50 0 0</td>
<td>Do.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr. Robert Jones</td>
<td>Ass't Sup'dt of Police</td>
<td>Do.</td>
<td>60 0 0</td>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[1817. 1 April, Return relating to Persons holding civil and military appointments.]
### List of Names, etc., of Persons holding Civil and Military Appointments, &c.—continued.

<table>
<thead>
<tr>
<th>Names</th>
<th>Appointments or Nature of Office</th>
<th>By whom Appointed</th>
<th>Yearly Salary</th>
<th>Whether Paid at Home or by the Colony</th>
<th>Extra allowances received in the Colony</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. George Chartres</td>
<td>Clerk to Supt. of Police.</td>
<td>Governor Macquarie</td>
<td>£ 30 0 0</td>
<td>By the Colony</td>
<td>None ... None ... Ration None One</td>
<td>Himsel ... Family Vic'd.</td>
</tr>
<tr>
<td>Mr. William Hutchinson</td>
<td>Princl Supt'd of Convicts.</td>
<td>Do.</td>
<td>75 0 0</td>
<td>At Home ...</td>
<td>None ... None ... One</td>
<td></td>
</tr>
<tr>
<td>Mr. John Rodman</td>
<td>Chief Constable</td>
<td>Do.</td>
<td>60 0 0</td>
<td>By the Colony</td>
<td>None ... None ... None</td>
<td></td>
</tr>
<tr>
<td>William Thorne</td>
<td>Asst to Do.</td>
<td>Do.</td>
<td>10 0 0</td>
<td>Do.</td>
<td>None ... One</td>
<td></td>
</tr>
<tr>
<td>Mr. John Jaques</td>
<td>Jailor</td>
<td>Do.</td>
<td>60 0 0</td>
<td>Do.</td>
<td>None ... None ... One</td>
<td></td>
</tr>
<tr>
<td>Jonathan Green</td>
<td>Asst to Do.</td>
<td>Do.</td>
<td>30 0 0</td>
<td>Do.</td>
<td>None ... None ... None</td>
<td></td>
</tr>
<tr>
<td>Mr. George Howe</td>
<td>Government Printer.</td>
<td>Do.</td>
<td>60 0 0</td>
<td>At Home ...</td>
<td>None ... None ... None</td>
<td></td>
</tr>
<tr>
<td>Mr. Richard Fitzgerald</td>
<td>Superin't, Windsor ...</td>
<td>Do.</td>
<td>50 0 0</td>
<td>Do.</td>
<td>None ... None ... One</td>
<td></td>
</tr>
<tr>
<td>Mr. Richard Rouse</td>
<td>Do. Parramatta</td>
<td>Do.</td>
<td>50 0 0</td>
<td>Do.</td>
<td>None ... None ... One</td>
<td></td>
</tr>
<tr>
<td>Mr. Samuel Bradley</td>
<td>Do. Sydney</td>
<td>Do.</td>
<td>50 0 0</td>
<td>Do.</td>
<td>None ... None ... One</td>
<td></td>
</tr>
<tr>
<td>Mr. Francis Oakes</td>
<td>Do. Parramatta</td>
<td>Do.</td>
<td>50 0 0</td>
<td>Do.</td>
<td>None ... None ... One</td>
<td></td>
</tr>
<tr>
<td>Mr. John Howe</td>
<td>Chief Constable Windsor.</td>
<td>Do.</td>
<td>40 0 0</td>
<td>By the Colony</td>
<td>None ... None ... One</td>
<td></td>
</tr>
<tr>
<td>Mr. George Suttor</td>
<td>Sup't Lunatic Asylum.</td>
<td>Do.</td>
<td>50 0 0</td>
<td>Do.</td>
<td>Quarters</td>
<td></td>
</tr>
<tr>
<td>Mr. Rich'd Lewis</td>
<td>Sup't at Bathurst</td>
<td>Do.</td>
<td>50 0 0</td>
<td>Do.</td>
<td>None ... None ... One</td>
<td></td>
</tr>
<tr>
<td>Mr. John Austin</td>
<td>Church Clock Keeper.</td>
<td>Do.</td>
<td>10 0 0</td>
<td>Do.</td>
<td>None ... None ... One</td>
<td></td>
</tr>
<tr>
<td>Richard Wade</td>
<td>Do. Steeple Keeper.</td>
<td>Do.</td>
<td>10 0 0</td>
<td>Do.</td>
<td>None ... None ... One</td>
<td></td>
</tr>
<tr>
<td>Mr. William Hill</td>
<td>Sup't of Slaughter House.</td>
<td>Do.</td>
<td>50 0 0</td>
<td>Do.</td>
<td>None ... None ... One</td>
<td></td>
</tr>
<tr>
<td>Mr. Abraham Hutchinson</td>
<td>Do. of Govt. Mills.</td>
<td>Do.</td>
<td>30 0 0</td>
<td>Do.</td>
<td>Quarters</td>
<td></td>
</tr>
<tr>
<td>Captain John Gill</td>
<td>Acting Engineer, etc.</td>
<td>Do.</td>
<td>182 10 0</td>
<td>Do.</td>
<td>Fuel None</td>
<td></td>
</tr>
<tr>
<td>Ensign Charles McIntosh</td>
<td>Barrack Master</td>
<td>The Crown</td>
<td>100 0 0</td>
<td>Do.</td>
<td>None ... One</td>
<td></td>
</tr>
<tr>
<td>Captain James Wallis</td>
<td>Commiss' at Newcastle.</td>
<td>Governor Macquarie</td>
<td>186 17 6</td>
<td>Do.</td>
<td>None ... One</td>
<td></td>
</tr>
<tr>
<td>Mr. F. H. Greenway</td>
<td>Actg Civil Architect.</td>
<td>Do.</td>
<td>54 16 0</td>
<td>Do.</td>
<td>None ... One</td>
<td></td>
</tr>
</tbody>
</table>

[Enclosure]—continued.
List of Names, etc., of Persons holding Civil and Military Appointments, &c.—continued.

<table>
<thead>
<tr>
<th>Names</th>
<th>Appointments or Nature of Office</th>
<th>By whom Appointed</th>
<th>Yearly Salary</th>
<th>Whether Paid at Home or by the Colony</th>
<th>Extra allowances received in the Colony</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>William Sorell, Esqre.</td>
<td>Lieut. Governor</td>
<td>The Crown</td>
<td>£ 800 0 0</td>
<td>Quarters None</td>
<td>Rations Fuel None</td>
<td>Himself only Victualled.</td>
</tr>
<tr>
<td>Edwd. Abbott, Esqre.</td>
<td>Dr. Judge Advocate</td>
<td>Do.</td>
<td>600 0 0</td>
<td>Do.</td>
<td>None</td>
<td>&quot;</td>
</tr>
<tr>
<td>Martin Tims, Esqre.</td>
<td>Procurator Marshal</td>
<td>Do.</td>
<td>91 5 0</td>
<td>Do.</td>
<td>None</td>
<td>&quot;</td>
</tr>
<tr>
<td>John Drummond, Esqre.</td>
<td>Naval Office</td>
<td>Do.</td>
<td>receives 5 p. Cent on duties Collected.</td>
<td>Do.</td>
<td>None</td>
<td>&quot;</td>
</tr>
<tr>
<td>George William Evans, Esqre.</td>
<td>Deputy Surveyor</td>
<td>Governor Macquarie</td>
<td>138 17 6</td>
<td>At Home</td>
<td>&quot;</td>
<td>&quot;</td>
</tr>
<tr>
<td>Edward Luttrell, Esqre.</td>
<td>Act. Surgeon</td>
<td>Do.</td>
<td>128 10 0</td>
<td>Do.</td>
<td>&quot;</td>
<td>&quot;</td>
</tr>
<tr>
<td>Mr. Henry St. John Youngr</td>
<td>Asst. Surgeon</td>
<td>The Crown</td>
<td>138 17 6</td>
<td>Do.</td>
<td>&quot;</td>
<td>&quot;</td>
</tr>
<tr>
<td>Revd. Robt. Knopwood</td>
<td>Asst. Chaplain</td>
<td>Do.</td>
<td>260 0 0</td>
<td>Do.</td>
<td>&quot;</td>
<td>&quot;</td>
</tr>
<tr>
<td>Capt. Nairne, 45th Regt.</td>
<td>Inspector of Works</td>
<td>Governor Macquarie</td>
<td>91 5 0</td>
<td>By the Colony</td>
<td>&quot;</td>
<td>&quot;</td>
</tr>
<tr>
<td>Mr. John Wade</td>
<td>Chief Constable</td>
<td>Do.</td>
<td>50 0 0</td>
<td>Do.</td>
<td>None</td>
<td>One  Family Do.</td>
</tr>
<tr>
<td>Mr. George Salter</td>
<td>Sup't Government Stock</td>
<td>Do.</td>
<td>50 0 0</td>
<td>Do.</td>
<td>&quot;</td>
<td>&quot;</td>
</tr>
<tr>
<td>3 Superintendents at £60</td>
<td>Do.</td>
<td>150 0 0</td>
<td>Do.</td>
<td></td>
<td>&quot;</td>
<td>One each.</td>
</tr>
</tbody>
</table>

At Port Dalrymple, Van Diemen's Land.

<table>
<thead>
<tr>
<th>Names</th>
<th>Appointments or Nature of Office</th>
<th>By whom Appointed</th>
<th>Yearly Salary</th>
<th>Whether Paid at Home or by the Colony</th>
<th>Extra allowances received in the Colony</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major Jas. Stewart</td>
<td>Commandant</td>
<td>Governor Macquarie</td>
<td>182 10 0</td>
<td>At Home</td>
<td>Quarters None</td>
<td>Himsel only Victualled.</td>
</tr>
<tr>
<td>Jacob Mountgarrett, Esqre.</td>
<td>Surgeon</td>
<td>The Crown</td>
<td>182 10 0</td>
<td>Do.</td>
<td>&quot;</td>
<td>&quot;</td>
</tr>
<tr>
<td>Mr. John Smith</td>
<td>Ass't Surgeon</td>
<td>Do.</td>
<td>136 10 0</td>
<td>Do.</td>
<td>&quot;</td>
<td>&quot;</td>
</tr>
<tr>
<td>Mr. David Rose</td>
<td>Sup't Government Stock</td>
<td>Do.</td>
<td>91 5 0</td>
<td>Do.</td>
<td>None</td>
<td>One  Family Do.</td>
</tr>
<tr>
<td>Mr. W. E. Leith</td>
<td>Inspector of Works</td>
<td>Governor Macquarie</td>
<td>75 0 0</td>
<td>By the Colony</td>
<td>&quot;</td>
<td>One  Family Do.</td>
</tr>
<tr>
<td>Mr. Thomas Massey</td>
<td>Chief Constable</td>
<td>Do.</td>
<td>50 0 0</td>
<td>Do.</td>
<td>&quot;</td>
<td>One  Family Do.</td>
</tr>
<tr>
<td>3 Superintendents at £50</td>
<td>Do.</td>
<td>150 0 0</td>
<td>Do.</td>
<td></td>
<td>&quot;</td>
<td>One  Family Do.</td>
</tr>
</tbody>
</table>

L. Macquarie, Govt. in Chief of N. S. Wales.
GOVERNOR MACQUARIE TO EARL BATHURST.

Government House, Sydney, N. S. Wales,

My Lord, 1st April, 1817.

1. In pursuance of the intention I had the honor of expressing in my Dispatch of yesterday's date to your Lordship of making a separate communication on the subject of the present unnecessary expensive Establishment of the Commissariat Department of this Colony, I take the liberty to submit to your Lordship's consideration my opinion that a very considerable reduction may be made in this particular Department without any injury to the Public Service, and that the Duties thereof will be executed more accurately, and carried on with more regularity and fidelity, than they are at present, in the event of your Lordship's approving of my Plan and being pleased to recommend the same to The Lords Commissioners of His Majesty's Treasury for adoption.

2. It having been deemed necessary by His Majesty's Government to new model the Commissariat Department of the Colony in the Year 1813, with the view to assimilate the same to the practice, established in His Majesty's other Foreign Dominions, Mr. David Allan, as Deputy Commissary General, Mr. P. G. Hogan, and Messrs. Wm. Brodie and Edmd. Hobson, as Staff Commissariat Clerks, arrived here on the 11th of June, 1813, the former Officer being placed at the Head of the Department, and furnished with Instructions from the Lords Commissioners of His Majesty's Treasury and the Commissary in Chief for new modelling the Commissariat Department, which was done accordingly soon after the arrival here of Deputy Commissary General Allan; Mr. John Palmer, the former Commissary of New South Wales on the old System,* having been appointed Assistant Commissary General, and Mr. William Broughton, who had acted as Principal Commissary of N. S. Wales for the last three Years and a Half, having been appointed a Deputy Assistant Commissary General on the New Establishment.

3. At the time this alteration took place, I certainly considered the new establishment as unnecessarily large and expensive; and now, after near four years experience, I am confirm in the same opinion, and that it would be an unnecessary waste of the Public Money to retain any longer so very expensive an Establishment.

* Note 60.
particularly as the Duties do not appear to me to be at all better or more regularly conducted than they formerly were by Mr. Broughton at one fourth of the expense, and I may safely add with much more fidelity and honesty than they are at the present time. Indeed, I cannot perceive any improvement that has been made in this Department by the adoption of the new system with the exception of a few official Forms, which, however necessary they may be deemed to be, certainly occasion a vast accumulation of Business and writing. As this increased and expensive Establishment took place by the orders of His Majesty's Government at home, I should never have presumed to make any comment on it, had the Officer placed at the Head of it conducted himself agreeably to the Instructions he was furnished with and with that Zeal and integrity which he was bound to observe. But I am concerned to be compelled to report to your Lordship that this is far from being the case, and that Mr. Allan in a variety of instances has acted in direct contradiction to, and disobedience of, the Printed Instructions he was furnished with for his guidance. At an early period after his arrival here, he thought proper to enter into large Farming speculations, purchased great Herds of Cattle and Flocks of Sheep in partnership with an Officer in the Civil Service, and, if I am rightly informed, entered also into considerable private and Clandestine commercial Speculations in partnership with a Mr. Blaxcell, a Merchant of Sydney; of this last speculation however I have no direct proof, but it consists with my own knowledge that he brought with him from Rio de Janeiro on his way out to this Colony a large Cargo of Spirits for Sale here. Mr. Allan's example in these instances had a most prejudicial effect on the Officers of the Commissariat Department, who accompanied him to this Country. Mr. Brodie, one of the Clerks he brought out, began Trade immediately, and was some time after tried for and convicted of Robbing the King's Store at a Criminal Court, and of course dismissed and disgraced in consequence of his Crime. Mr. Hogan, the Deputy Assistant Commissary General, soon after his arrival here was sent down to take charge of the Commissariat Department at the Derwent, where he soon began Trading and entered largely into Farming speculations and Purchasing of Cattle; the consequence of which was that he embezzled the Public Monies entrusted to him, and is now a Defaulter to the Crown to the amount of nearly Two Thousand Pounds Sterling; and which I fear the Government will have to pay, his property not being equal to the liquidation of the Debts he owes to Individuals for payment of various
supplies furnished by them for the use of Government, for which he granted them Store Receipts, drawing on the Deputy Commissary General for the amount, and applying the money to his own Private Speculations. As soon as these circumstances came to my knowledge, and learning at the same time that Mr. Hogan had become a confirmed Drunkard, I determined on sending down Mr. Wm. Broughton, Acting Assist't Commissary General, to relieve and supersede him, Mr. Broughton being the only Officer of Rank in the Department that I could place confidence in on so important an occasion. He accordingly went to the Derwent in September last to take charge of the Commissariat Department there, with orders to settle and adjust Mr. Hogan's Public Accounts as well as circumstances would admit of. I directed Mr. Hogan to be sent up to Head Quarters, as soon as he could settle and manage his disorganized accounts, in order to have his conduct investigated here before a General Court Martial, which will be assembled for his Trial as soon as he arrives at Sydney. The remaining Officer, Mr. Hobson, who came out with Mr. Allan, is a very low Drunken Fellow, and tho' I have not a doubt of his delinquency also, yet he has as yet, from his own cunning combined with Mr. Allan's inactivity and carelessness as Head of the Department, escaped being convicted of any open act of fraud or embezzlement. The apparent apathy and indifference of Mr. Allan, in Maintaining any Discipline in his Department, and in watching their conduct, has compelled me in a variety of instances to interfere in enforcing such orders and regulations, as I deemed essentially necessary to frame and issue for the due execution of the Duties of that Office, and to save the Crown from eventual heavy losses by Mr. Allan's remissness and improper conduct. This interference on my part has of course given great offence, and none more than the Government Orders* I found it absolutely necessary to issue in order to undeceive the Public with respect to the Notes Mr. Allan issued on his own Private account, but which the People have in general considered the Government pledged to pay. Mr. Allan having issued those Notes to a very great amount, and far beyond any Capital he ever possessed, there was an immediate run made upon him for payment on my Explanatory order being Published, which obliged him to make a Sale of his Property and to make a compromise with such of his Creditors as he could not then satisfy. I admonished Mr. Allan long before this event took place, cautioned him against trading and Farming speculations, seeing that he

* Note 61.
was so deeply involved in both, but he disregarded my advice and continued to go on as before, which has ended in his ruin and Bankruptcy, tho' he still persists in openly declaring that he has more than sufficient Funds to pay and liquidate all his Debts, and, in order to try to convince me that this was actually the case, he gave me a Statement of his Affairs in June, 1816, a copy of which I now do myself the honor to transmit herewith for your Lordship's perusal and information; but it is necessary that I should apprise your Lordship that in this statement Mr. Allan has estimated his property at double its real value at least. Under all these circumstances, I feel persuaded your Lordship will concur with me in opinion that Mr. Allan is a very unfit and a very improper person to be continued any longer at the Head of the Commissariat Department of this Colony. I therefore take the liberty to recommend that he may be removed as soon as possible by either sending him to some other station, or placed on the Half pay in consideration of his having a large Family to maintain.

4. Herewith I do myself the honor to transmit, for your Lordship's information, a Return of the Names, Salaries, and extra allowances of the Superior and Subordinate Officers of the Commissariat Department of this Colony, as they stand at present; and by which your Lordship will observe what a very expensive Department it is under its present Establishment. That it can easily admit of a considerable reduction, there cannot exist a doubt. There is no necessity for any higher Commissariat Officer to be stationed in this Colony than an Assistant Commissary General, who ought to be at the Head of the Department. An Officer of this Rank with two Deputy Assistant Commissary Generals and a fair proportion of Superior and Subordinate Clerks and Storekeepers are all that can be required for several years to come to execute all the Duties and Details of the Commissariat Department in this Colony; and herewith I take the liberty to transmit to your Lordship a Schedule of the number and description of the Superior and Subordinate Officers, I conceive will be required for the Commissariat of New South Wales, being persuaded that the numbers therein specified will be found quite sufficient, especially if an honourable, honest and respectable Officer is placed at the head in Charge of the Department. And I do not know in His Majesty's Service a fitter or more eligible Person for this situation than Acting Assistant Commissary General William Broughton, who has always conducted
1817.
1 April.

Proposed appointment of Broughton as head of department.

Suggested retirement of John Palmer.

Proposed confirmation of Johnston as commissariat clerk.

herself with strict honor, integrity and zeal in the execution of his Public Duties, ever since the first establishment of the Colony in January, 1788, to the present time, a period now of upwards of Twenty Nine Years. I therefore take the liberty to solicit that your Lordship will be kindly pleased to recommend Acting Assist. Commissary Genl. Broughton to the Lords Commissioners of His Majesty’s Treasury to be in the first instance confirmed in that Rank, and afterwards placed at the Head of the Commissariat Department in this Colony, in which situation I think I may safely pledge myself he will give every satisfaction. I also beg leave to recommend that Mr. Ass’t Com’y General Palmer should be placed on the Half pay, as he is of no sort of use whatever here nor never can be. He constantly resides at Parramatta, but does no duty there, and has had very little success in recovering Payment of the Debts due to the Crown from Individuals in this Country, for the recovery of which he was principally sent out last to this Colony as Ass’t Com’y General.

5. Mr. George Johnston, who was some time since nominated by me to be a Staff Commissariat Clerk here in the room of Mr. Brodie discharged from that office, having been informed that there is a great probability of his not being confirmed at Home owing to some underhand, unfair means used by Depy. Commissary General Allan to his prejudice in order to get his own Son, Mr. Andrew Allan, appointed and confirmed in the room of Mr. Brodie, has requested me to state his case to your Lordship, which I cannot better do than by taking the liberty of transmitting herewith, for your Lordship’s perusal and kind consideration, the Memorial addressed to me on this occasion by Mr. Johnston, which I beg leave to recommend most strongly to your Lordship’s favorable notice, soliciting that your Lordship will be pleased to recommend Mr. Johnston to The Lords Commissioners of His Majesty’s Treasury for confirmation as Commissariat Staff Clerk in New South Wales, for which he is eminently well qualified, being an Honest, honorable, active, vigilant and zealous young Man, entirely devoted to his Duty, which he executes highly to my satisfaction and entire approbation. It would therefore be a very great act of injustice, if this useful Officer were removed to make room for a very inexperienced conceited Boy, who is totally unfit for such a situation.

I have, &c,

L. MACQUARIE.
[Enclosure No. 1.]

An Account of the Private Debts due by Mr. Allan and the Property He has to cover the same, 12th June, 1816.

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Promissory Notes and Private Bills presented but unpaid</td>
<td>4,817</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Promissory Notes and Private Bills Outstanding</td>
<td>6,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Debts due A. Riley, Esqre., and others</td>
<td>3,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Balance in Mr. Allan's favor</td>
<td>4,558</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

N.B.—In the above Balance, neither the Value of Mr. A.'s Farm nor of the Crops now in the Ground are included, which will at least Amount to £1,500 more.

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>By 600 Head of Cattle say £10 each</td>
<td>6,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2,000 Sheep say 30s. each</td>
<td>3,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>70 Pigs say 50s. each</td>
<td>175</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Debts due chiefly in Bills</td>
<td>4,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2 Carriages and 1 Gig with double Carriage Harness and Single Ditto</td>
<td>600</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2 Carriage and 2 Saddle Horses, £42 10s.</td>
<td>170</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>4 other Horses and Mares, £32 10s.</td>
<td>130</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Wines, Spirits, etc., etc.</td>
<td>250</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Household Furniture, including Bed and Table Linen, etc.</td>
<td>1,500</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Plate, China, Glass, etc.</td>
<td>600</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Advance on Salaries due next 24th</td>
<td>500</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Cash on Hand</td>
<td>500</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Cash in Bankers' Hands, London</td>
<td>400</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Pay and Allowances due next Month</td>
<td>250</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Property on Board the Frederick</td>
<td>500</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

£18,475 0 0

Amount of Property including the Farm £19,975
Do. of Debts 13,817

Balance in Mr. A.'s favor £6,158

A True Copy:—L. Macquarie.
[Enclosure No. 2.]

**RETURN of the Commissariat Department of New South Wales under the orders of Deputy Commissary General Allan on the 25th March, 1817.**

<table>
<thead>
<tr>
<th>Names</th>
<th>Rank</th>
<th>Daily Pay</th>
<th>Lodging Money per day</th>
<th>House Rent</th>
<th>House Allowance per day</th>
<th>How Employed</th>
</tr>
</thead>
<tbody>
<tr>
<td>David Allan</td>
<td>Deputy Commissary General</td>
<td>33/-</td>
<td>£200 p. an</td>
<td>10/-</td>
<td></td>
<td>In Charge at Parramatta.</td>
</tr>
<tr>
<td>John Palmer</td>
<td>Assistant Commissary General</td>
<td>19/3</td>
<td>3/-</td>
<td></td>
<td>7/6</td>
<td>Do at Hobart Town.</td>
</tr>
<tr>
<td>Wm. Broughton</td>
<td>Acting Ass't Com. General</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>On leave of absence.</td>
</tr>
<tr>
<td>P. G. Hogan</td>
<td>Deputy Ass't Com. General</td>
<td>14/6</td>
<td>2/-</td>
<td></td>
<td>2/6</td>
<td>In Charge at Port Dalrymple.</td>
</tr>
<tr>
<td>Edmond Hobson</td>
<td>Clerk Commissariat Staff</td>
<td>7/6</td>
<td>1/-</td>
<td></td>
<td></td>
<td>Various Duties at Head Quarters.</td>
</tr>
<tr>
<td>Andrew Allan</td>
<td>Do.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>In Charge at Windsor.</td>
</tr>
<tr>
<td>Richard Fitzgerald</td>
<td>Do.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Do of His Majesty’s Magazines at Sydney.</td>
</tr>
<tr>
<td>D. H. Allan</td>
<td>Neither pay or allowance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>In charge of the Victualling Store, Sydney.</td>
</tr>
<tr>
<td>James Scott</td>
<td>Store Keeper</td>
<td>3/-</td>
<td></td>
<td></td>
<td></td>
<td>Do. Do. Parramatta.</td>
</tr>
<tr>
<td>Sam'l Larkin</td>
<td>Do.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Do. Do. Liverpool.</td>
</tr>
<tr>
<td>W. Rayner</td>
<td>Do.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Superman the making up of all Accts., examining do. and keeping Cash accts. etc</td>
</tr>
<tr>
<td>T. W. Middleton</td>
<td>Principle Assistant Clerk</td>
<td>7/6</td>
<td>1/-</td>
<td></td>
<td></td>
<td>Making up Virtu'al Accts. for Head Quarters, and Mustering the Our Stations</td>
</tr>
<tr>
<td>John Flood</td>
<td>Extra Clerk</td>
<td>4/-</td>
<td>6d</td>
<td></td>
<td></td>
<td>Do. Dry Store Accts., writing Letters for Transmission to England, and O. Stations</td>
</tr>
<tr>
<td>John Richards</td>
<td>Do.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Return of the Commissariat Department of New South Wales, &c.—continued.

<table>
<thead>
<tr>
<th>Names</th>
<th>Rank</th>
<th>Daily Pay</th>
<th>Lodging Money per Day</th>
<th>House Rent</th>
<th>House Allowance per day</th>
<th>How Employed</th>
</tr>
</thead>
<tbody>
<tr>
<td>James Hanking</td>
<td>Extra Clerk</td>
<td>4/-</td>
<td>6d.</td>
<td></td>
<td></td>
<td>Checking off the issue of Rations, Keeping an account of Provisions, etc.</td>
</tr>
<tr>
<td>Geo. Smith</td>
<td>Do</td>
<td>3/-</td>
<td></td>
<td></td>
<td></td>
<td>Wholly in making up Muster Books for His Excellency The Governor.</td>
</tr>
<tr>
<td>G. W. Browne</td>
<td>Do</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Making Copies of Accts. Current, Estimates, Lists of Bills, Quarterly Returns, etc. for His Excellency The Governor.</td>
</tr>
<tr>
<td>Charles Sommers</td>
<td>Do</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Copying Govern't and Gen'l Orders for Transmission to the Com-in-Chief, etc.</td>
</tr>
<tr>
<td>Charles Eaton</td>
<td>Do</td>
<td>2/6</td>
<td></td>
<td></td>
<td></td>
<td>Do. dry Store Accounts, Property Tax Statements, Letters, etc.</td>
</tr>
<tr>
<td>Newcomn Edgeworth</td>
<td>Do</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Do. documents and enclosures for Letters, Schedules of Estimates, etc.</td>
</tr>
<tr>
<td>Chris. L. Bridges</td>
<td>Do</td>
<td>2/-</td>
<td></td>
<td></td>
<td></td>
<td>In assisting Mr. Palmer in collecting Debts due to the Crown.</td>
</tr>
<tr>
<td>John Obbe</td>
<td>Do</td>
<td>1/-</td>
<td></td>
<td></td>
<td></td>
<td>Do in assisting Mr. Fitzgerald at Windsor.</td>
</tr>
<tr>
<td>Barnabas Price</td>
<td>Do</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Do. Mr. Tucker at Newcastle.</td>
</tr>
<tr>
<td>J. Vaux</td>
<td>Do</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>In binding Books for the several Stores, Ruling Books etc.</td>
</tr>
<tr>
<td>Chas. Clark</td>
<td>Do</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thos. Parsons</td>
<td>Office Keeper and Messenger</td>
<td>2/-</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theo's Jennings</td>
<td>Assistant in the Stores</td>
<td>1/-</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. Hewin</td>
<td>Cooper</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. Colquhon</td>
<td>Extra Clerk</td>
<td>2/-</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>John Clark</td>
<td>Do</td>
<td>1/-</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Myles Turner</td>
<td>Do</td>
<td>2/-</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>James Spencer</td>
<td>Do</td>
<td>1/-</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. Lanahan</td>
<td>Do</td>
<td>1/-</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Sydney, New South Wales, 25th March, 1817.

D. ALLAN, D.C.-Gen'l.
SCHEDULE of the proposed Establishment of the Commissariat Department for the Territory of New South Wales, Vizt.

At Sydney.—1 Assistant Commissary General, 2 Staff Commissariat Clerks, 6 Subordinate Clerks, 2 Storekeepers.

At Parramatta.—1 Deputy Assist. Commissary General, 1 Staff Commissariat Clerk, 2 Subordinate Clerks, 1 Storekeeper.

At Windsor.—1 Staff Commissariat Clerk in charge, 1 Subordinate Clerk, 1 Storekeeper.

At Liverpool.—1 Storekeeper in charge, 1 Subordinate Clerk.

At Bathurst, in New discovered Country.—1 Storekeeper in charge, 1 Subordinate Clerk.

At the Derwent.—1 Deputy Assistant Commissary General, 1 Staff Commissariat Clerk, 2 Subordinate Clerks, 1 Storekeeper.

At Port Dalrymple.—1 Staff Commissariat Clerk in charge, 2 Subordinate Clerks, 1 Storekeeper.

At Newcastle.—1 Storekeeper in charge, 1 Subordinate Clerk.

Recapitulation.—1 Assistant Commissary General, 2 Deputy Assistant Commissary Generals, 6 Staff Commissariat Clerks, 16 Subordinate Clerks, 9 Storekeepers.

Government House, Sydney, N. S. Wales,
31st March, 1817.

THE MEMORIAL OF GEORGE JOHNSTON, JUNR.

To His Excellency Major General Macquarie, Governor in Chief and Commander of the Forces in New South Wales, etc., etc.

Most Respectfully Sheweth,

That Your Memorialist was on the 30th April, 1814, appointed by Your Excellency, at the recommendation of Deputy Commissary General Allan, to a Staff Clerkship in the Commissariat Department of this Colony, until Such time as the Pleasure of The Lords Commissioners of His Majesty's Treasury and The Commissary in Chief should be known thereon.

That on the arrival of the Atlas Transport from England on the 22nd July last, The Deputy Commissary General here received a letter from J. C. Herries, Esqr., The Commissary in Chief, acquainting Him that, in Answer to his letter No. 88 of date
30th April, 1814, wherein he notified my appointment, "that He should not feel justified in recommending the Same to the Lords Commissioners of His Majesty's Treasury for confirmation, as They were desirous of availing Themselves of any Vacancy, which might occur, in favor of the Very many Candidates, who have Strong claims upon Their Lordships for long and Valuable Services Performed in Various Quarters." This Your Excellency's Memorialist considers perfectly just, but at the Same time begs leave most respectfully to State that Mr. Andrew Allan was confirmed about the Very Same time in a Staff Clerkship in the Department, who had scarcely ever done a Day's duty, by which he became Senior to Your Excellency's Memorialist on the Commissariat Staff, who has been actively employed for near Three Years in charge of His Majesty's Magazines at Head Quarters, during which period his Conduct, in discharge of the trust and confidence reposed in Him, has met with Your Excellency's entire approbation and that of his Superior Officers.

From all these circumstances, Memorialist trusts Your Excellency will be pleased to take the hardship of his Case into consideration, and recommend him to The Lords Commissioners of His Majesty's Treasury, and The Commissary in Chief for a confirmation of his appointment as a Staff Commissariat Clerk, which Memorialist as in duty bound will ever most gratefully acknowledge.

GEO. JOHNSTON, JUNR.

Sydney, New South Wales, 12th March, 1817.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 5 of 1817," per H.M. brig Kangaroo; acknowledged by Earl Bathurst, 3rd July, 1818.)

My Lord,

Government House, Sydney, N. S. Wales,

1st April, 1817.

The System,* hitherto in force ever since the Original Establishment of the Colony, of Victualling the Sick received into the General Hospital for Medical Cure has always been considered very defective and prejudicial to the Patients. It has frequently attracted my Own Notice on occasions of my visiting the Hospital, and has also been often reported to me by the Principal Surgeon as greatly requiring a reform and the adoption of a New System; the Consideration of any increase of expence to
Government in this particular Department has always been my only objection to the introduction of a New System and adopting the same mode here, as is observed in all His Majesty's other Colonies of dieting the Sick.

Under a full Conviction of the Propriety and necessity of adopting a different System from the One now in practice for dieting the Sick in the General Hospital here, and the present reasonable and low State of Provisions being now greatly in favor of such a Change, I some time since directed the Principal Surgeon to draw out a Memorial on the subject, accompanied by such Statements, as he might deem necessary, in explanation of the proposed Plan for the future dieting the Patients admitted into the General Hospital and for the general management of the same.

Mr. Wentworth, the Principal Surgeon, has accordingly laid before Me a Memorial on this important subject accompanied by certain Documents in support and in explanation of the New proposed System, making it clearly appear that the difference of expence, if any, will be very trifling.

Herewith I do myself the honor to transmit Your Lordship the Memorial and Documents alluded to, together with a Letter from the Principal Surgeon in explanation of the Estimate and statement for victualling the Patients in the General Hospital agreeably to the New proposed System, which I take the liberty of strongly recommending to Your Lordship's most favorable Consideration with the expression of my Sanguine hope that Your Lordship will authorize Me to direct the New proposed System to be immediately adopted and carried into effect on the Plan proposed by the Principal Surgeon.

I have, &c.,
L. Macquarie.

[Enclosure No. 1.]

The Memorial of D'Arcy Wentworth, Principal Surgeon of His Majesty's Settlements in New South Wales, etc., etc.

To His Excellency Lachlan Macquarie, Esquire, etc., etc.

Most respectfully Stateth,

That owing to a concatenation of perhaps unavoidable circumstances, especially in the early stage of the Colony, such as want of grain, fresh animal food, and other Articles of diet, the
Sick, who have been from time to time received into His Majesty's General Hospital, have from the earliest infancy of the Settlement been supplied with but little exception with the same ration, and kind and quantity of Slops, in common with the other Persons Victualled and Clothed from His Majesty's Magazine.

That, although the absurdity, injudiciousness and detriment of this practice must have been sufficiently glaring, since the same dietetic regimen is highly improper for Patients of different ages and constitutions labouring under diseases as opposite in their Nature as in the Medical and dietitual treatment conducive to their cure, yet the practice has hitherto subsisted. It must be at the same time acknowledged that the Surgeon has been at all times invested with a discretionary power of making such additions of Articles of comfort to the rations, as he might judge proper, but he possessed no power whatever of with-holding or exchanging any part of the ration served out from the Public Stores; hence, when the Articles, of which the ration consisted, were improper for the patients' use, they were owing to the dilapidation of the old Hospital inclosure generally converted by exchange into Spirits or other pernicious substitute.

That the greater number of Patients, who are received into this Hospital, are Prisoners with habits ill calculated for bestowing attention to that cleanliness of Body and Apparel so necessary to health; and besides it frequently happens that they have but One Shirt, and indeed but a single Article of each sort with which they are clothed and these perhaps but too generally in a tattered filthy condition, so that due cleanliness, if they possessed the inclination, under these circumstances is impossible.

That, as the Patients are now received into the New Hospital, where improper communication of every kind can be most effectually cut off; that, as there is generally abundance of grain together with the other Articles necessary for constituting a regular system of diet for the Sick, and as clothing can also be procured, Memorialist begs leave most respectfully to submit to your Excellency's consideration the propriety, or rather the necessity, of making an entire change in the mode of Victualling and Clothing the Patients in His Majesty's Hospital; and Memorialist further most respectfully begs that your Excellency will be pleased to place the Hospital under his charge on the same footing with the Hospitals in the other Departments of His Majesty's Service, or as nearly so as existing circumstances will allow.
That, in order to render the system as complete and regular as possible, Memorialist begs leave to propose that, instead of the usual manner of receiving the grain from the Store ungrounded once a week and the fresh animal food twice or thrice a week, that the articles be supplied by contract; that contracts be made with butchers, bakers, and gardeners for the daily supply of fresh animal food, bread, vegetables, etc., etc., and that the tea, sugar and other articles be supplied from his Majesty's stores or be purchased at the best markets.

That although the alteration thus proposed must necessarily be attended with some additional expense, yet Memorialist is of opinion that the increase of expense, owing to the saving there will be in the articles of fresh meat and bread, will not be nearly so great as at first view it might appear to be. But admitting that it were, Memorialist is confident that your Excellency will not hesitate in adopting the proposed plan, when it be considered that the expense can bear no proportion to the quantum of comfort, which it will confer on the sick, and to the means which it will afford of contributing to the alleviation of their sufferings and to the cure of their diseases.

That Memorialist would further most respectfully suggest that in order to secure the degree of cleanliness, so imperiously necessary to the comfort and so conducive to the recovery of the sick, that each patient, male or female, on his or her reception into the hospital, be supplied with an entire change of clothing, the old ones being deposited in the hospital stores and returned to the patient on his or her quitting the hospital.

That, as there is much difficulty and inconvenience experienced in conducting the minor duties of the hospital, connected with the due care of the sick, arising from the want of proper persons to fill the situation of clerk, overseer, and matron, these situations being at present filled by persons without any salary or emolument, Memorialist also begs leave to submit these circumstances to your excellency's consideration and begs to suggest the expediency of attaching certain salaries to these offices, in order to induce persons of character and abilities to become candidates for these situations.

Memorialist begs most respectfully to submit the various items of this memorial to your excellency's humane consideration, conscious that from the anxious parental solicitude your excellency has on all occasions evinced for the public and private welfare and comfort of every person under your government, that
nothing will be wanting on the part of your Excellency to place
the Hospital under Memorialist’s charge on such footing, as
shall ensure the comfort and alleviate the sufferings of the Victims
disease.

And Memorialist will ever hold the same in due remembrance,

D. WENTWORTH, P’l Surgeon.

[Enclosure No. 2.]

MR. D’ARCY WENTWORTH TO GOVERNOR MACQUARIE.

Sir,

Sydney, New South Wales, 28th March, 1817.

In order to corroborate the Assertion made in my Memo-
rial that “the increase of expence owing to the saving there will
be in the Articles of fresh Meat and Bread will not be near so
great as at first view it might appear to be,” I beg to submit the
Enclosed Statement of the Expences of the present system of
Victualling the Patients in His Majesty’s Hospital under my
charge, and also an Estimate of the Expence of that I had the
Honor of proposing for your Excellency’s consideration.

Although there are not 100 patients at present in the Hospital,
I beg to observe that I have assumed that number for the sake
of round numbers, in order to facilitate the calculation.

From this Statement, which I believe is correct in every respect,
your Excellency will at once perceive that 36,500 lbs. fresh Meat,
the present ration, served from the Stores to the Patients at the
rate of one pound per Man per Day at 6d. per lb., Amount to
£912 10s. 0d., whilst on the proposed plan the same number of
Patients, that is 25 on full diet, 50 on half diet, and 25 on Spoon
Diet, will require but 18,250 lbs. of fresh Meat for the same
period, which will effect a saving in this Item of £456 5s. 0d.
Your Excellency will as readily perceive that the present ration of
grain, for the same number and period, Amounts to 1,067½
Bushels of Wheat at 10s. per Bushel, making £533 18s. 6d., and
on the contrary on the proposed plan the ration of Bread, number
and period the same, only Amounts to £399 4s. 1½d., which effects
a saving in the Article of Bread of £134 14s. 1½d.; so that the
savings in the Articles of fresh Meat and Bread leave a surplus
of £594 19s. 1½d. to be appropriated to the purchase of the other
articles enumerated in the enclosed Statement, Viz. 570½ lbs. of
Tea at 5s., £142 10s. 0d.; the additional quantity of Sugar, 2,600
lbs. @ 6d., £65 0s. 0d.; 570 lbs. Salt at 1½d., £3 11s. 3d.; Vegeta-
tables, £182 10s. 0d.; and 9,125 Pints of Milk at 3d., £114 1s. 3d.,
which sums being added together Amount to £507 12s. 6d., and
deducted from the above surplus, £590 19s. 1½d., leave a clear
1817.
1 April.

Balance in favor of the plan proposed of £83 6s. 7½d. This balance your Excellency will permit me to observe would have been considerably larger, had I added the amount of the Tea and Sugar with which I have occasionally supplied the Patients, and to which I alluded in my Memorial under the Articles of Comfort.

It will not escape your Excellency's observation that I have omitted the mention of Wine, Spices, and other extra articles of necessity and Comfort. I have done so because the occasional supply of these Articles will be equally required on whatever plan the Victualling of the Patients may be conducted.

Your Excellency will also perceive that I have omitted the mention of Hospital Dresses in silence. This I was induced to do, because I consider the expense so trifling as scarcely to merit attention. For the prisoners, who comprize the greater number of the Patients received into the Hospital, must necessarily be Clothed, whether in the Hospital or not; and therefore, in point of economy, I am disposed to think the saving in the Wear and tear of the Cloths, which they would have on at their reception and which in the event of a change of clothing will be deposited in the Hospital Stores till their discharge, as equal to the injury done to the Hospital Dresses with which they would be supplied.

The necessity of attaching Salaries to those minor Situations, of which I have made mention in my Memorial, is so self-evident, and the expense would be so inconsiderable that I shall forbear troubling your Excellency with any further observation on this head.

From the explanation into which I have thus entered, I trust it will manifestly appear to your Excellency that any additional expense attendant on the proposed plan will be very moderate indeed. And therefore from the knowledge of that integrity, by which I am convinced every Act of your Government is influenced, of the philanthropy and benevolence so unceasingly manifested by your Excellency towards all ranks of Society in the Colony, for me to say more with the view of recommending the immediate adoption of these salutary alterations in the mode of Victualling and Clothing the Patients, and of placing the Hospital, which I have the honor of Superintending, on that footing with those in the other Departments of His Majesty's Service, would not only be superfluous but highly presumptuous.

I have, &c.,

D. Wentworth, P'l Surgeon.
Estimate of the Expence of Victualling the Patients in His Majesty's General Hospital, Sydney, New South Wales, shewing the difference between the present System and that now proposed.

**Present System.**

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>To 36,500 lbs. of fresh Meat, being One lb. per Man per day for 100 Men for One Year at 6d. per lb.</td>
<td>912</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>„ 1,067½ Bushels of Wheat, being at the rate of 11½ lbs. per Man per Week for 100 Men for One Year, calculating the Bushel of Wheat at 56 lbs. to the Bushel @ 10s. per Bushel</td>
<td>533</td>
<td>18</td>
<td>6</td>
</tr>
<tr>
<td>„ 1,950 lbs. Sugar, being 6 oz. per Man per Week for 100 Men for One Year at 6d. per lb.</td>
<td>48</td>
<td>15</td>
<td>0</td>
</tr>
</tbody>
</table>

**Proposed Plan.**

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>To 9,125 lbs. fresh Meat, being 1 lb. per Man per day for 25 Men on full rations for One Year @ 6d. per lb.</td>
<td>228</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>„ 9,125 lbs. Do., being ¼ lb. per Man per day for 50 Men on half ration for One Year @ 6d. per lb.</td>
<td>228</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>„ 27,375 lbs. Bread, being 1 lb. per Man per Day for 75 Men on full and half ration for One Year @ 3d. per lb.</td>
<td>342</td>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td>„ 4,562½ lbs. Bread, being ¼ lb. per Man per day for 25 Men on Spoon diet for One Year @ 3d. per lb.</td>
<td>57</td>
<td>0</td>
<td>7½</td>
</tr>
<tr>
<td>„ 570½ lbs. Tea, being ¼ Oz. per Man per day for 100 Men for One Year @ 5s. per lb.</td>
<td>142</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>„ 4,550 lbs. Sugar, being 2 Oz. per Man per day for 100 Men for One Year @ 6d. per lb.</td>
<td>113</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>„ 570 lbs. Salt, being ¼ Oz. per Man per day for 100 Men at 1½d. per lb.</td>
<td>3</td>
<td>11</td>
<td>3</td>
</tr>
<tr>
<td>„ Vegetables</td>
<td>182</td>
<td>10</td>
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<td>„ 9,125 Pts. Milk being ¼ Pt. per Man per day for 100 Men @ 3d. per pt.</td>
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Balance in favor of proposed plan ... 83 6 7½

£1,495 3 6

Comparative estimates of victual for patients in hospital.

1817.

MACQUARIE TO BATHURST.
1817.
1 April.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 6 of 1817," per H.M. brig Kangaroo; acknowledged by Earl Bathurst, 21st July, 1818.)

Government House, Sydney, N. S. Wales,

My Lord,

1st April, 1817.

Herewith I take the Liberty of transmitting for Your Lordship’s Perusal and favorable Consideration, a Memorial addressed to me by a very ingenious Man, Named Robert Williams, Rope Maker in Sydney, on the subject of Manufacturing the New Zealand Flax or Hemp into Cordage and Sail Cloth for exportation to England and the other British Dominions from this Colony.

From my knowledge of the Character of Robert Williams and observation of the several Specimens of this Manufacture he has frequently produced at Sydney, I entertain not the least doubt of the statement made by him in his Memorial being perfectly correct, and that he is competent, if he had the required assistance, to fulfil all the promises held out by him in his Memorial. But to enable him to do so, and to carry this Branch of Manufacture on with a certain prospect of success, it would be necessary to afford him sufficient Protection from the eventual Hostility of the Natives of New Zealand by the Establishment of a British Settlement there with a small Detachment of Troops. How far Your Lordship would deem this good Policy, it is not for me to say; but I do not at present see that it would be attended with any bad Consequences except in regard to the expence of Maintaining such a Settlement; tho’ I am inclined to think, if this Manufacture proved successful, the advantages to be derived from it to the Mother Country would more than Counterbalance any expence the Establishment of a small British Settlement in New Zealand would cost the Crown. I therefore take the liberty of submitting this Measure to Your Lordship’s most favorable Consideration.

I do Myself the honor to send Your Lordship, by this same Conveyance, a Box addressed to Your Lordship containing several Specimens of the New Zealand Flax or Hemp, prepared and manufactured in Sydney by Robert Williams and alluded to in his Memorial, from viewing and examining which Your Lordship will be able to form a tolerable good judgment of his Art, and of the Utility he attaches to this Branch of Manufacture.

I have, &c.,

L. MACQUARIE.
To His Excellency Governor Macquarie, &c., &c., &c.
Most respectfully sets forth,

That Memorialist having presented to Your Excellency Specimens of his Manufactory from the Hemp, the growth of New Zealand, such as never before has been produced by any other person, tho' numerous have been the Attempts since the Establishment of this Colony, and immense Labour and large Sums have been expended by Government and enterprising Merchants to no Effect; Its singular Method of Manufacture having disappointed the Efforts of all former Artists and Mechanics And this valuable Plant rested in Oblivion, tho' its Productions were high in demand and an Object of Importance to the British Government. Memorialist humbly trusts your Excellency is well informed of his Experience and Ability in manufacturing the Hemp of New Zealand, And his having visited that Island for the express purpose of ascertaining the growth Extent and Method of collecting it, and the Information, acquired on that Excursion and several Years experimental Practice in manufacturing, has enabled Memorialist to lay the following Statement before Your Excellency, And humbly trusts you will consider it an Object worthy the Notice of the British Government.

The Production of this Plant has been an Object of Attention since the first knowledge of New Zealand, And from its Silky Appearance has borne the Name of Flax; but experienced Judges will find it Hemp of an excellent Quality, adapted for Cordage and Canvas, which the sample sent herewith will testify. Mechanics in England have given their Opinion that this Hemp could not be manufactured and was of no Value. Memorialist feels no Surprise at such a Report, having experienced difficulties innumerable in introducing his System of manufacturing this Hemp, but he trusts the Production will prove its Value and vie with English Manufacture. And Memorialist states further his Capability to perform every process of manufacturing with more speed than it is performed on such Manufacture in England.

Memorialist further states that the Process of watering, braking, and cleaning, is so different to the Process on Hemp and Flax in Europe, persons well informed in that business will be surprised to hear that this Hemp may be cut from the Plant in the Morning and manufactured into Cordage the same day, And that the Average Labour of ten Men and five Boys will produce One ton of Hemp per day in equal Preparation to Hemp imported from Russia.
Memorialist begs leave to observe that the Hemp grows spontaneously in great abundance, that he travelled thro' tracts abounding with Hemp several Miles in Circumference, the Hemp covering the Surface from two to Six feet in height; there are several qualities of Hemp according to the Situation of the Land. Among the Rocks in View from the Sea, it grows from Six to ten feet high; this is the most productive and best adapted for making Cables.

From One Stool or Root, I cut 84 Blades which produced Ten pounds of Nett Hemp (nine feet long when cleaned); this production did not cover a circumference of Land more than three feet Diameter; this will give an Idea to what extent this Hemp may be collected from natural Production, exclusive of Propagation, by transplanting which may be carried to any Extent by the following moderate Simple means and Expence.

The Plant is very hardy, grows in large Stools, I have divided thirty distinct Roots from one Stool, and one of those Sections or Roots have laid exposed for several days in hot Sun and Wind, and have been then planted, And 18 Months afterwards that Plant produced nine, which I transplanted, and in Eight Months those nine Plants produced Eight pounds of Nett Hemp And the following Year trebled that Quantity. I have endeavoured to distinguish the proper Season of cutting the Hemp, but find little difference in that respect, and am of opinion it may be gathered every Month in the Year and the Hemp of equal Quality, if cut in Succession.

From this Statement it will appear, upon a moderate Calculation, in a few Years every Yard of Land in New Zealand will produce Six pounds of Hemp annually, And this may be performed by Natives, if instructed and encouraged, which may be accomplished by very moderate Means.

The Plant requires no Cultivation except to extend and propagate it, a piece of Land planted, the Plants three feet from each other, would be united in one Mass in three Years, and thrive equally and well and need no further attention.

Should His Majesty's Government think it wise to promote and encourage the growth and receive the Hemp in British Markets, these Islands would in a few Years render a general Supply for manufacturing and naval purposes, exclusive of New Zealand. The Plants may be extended to most of the Islands in these Seas; the Plants may be stowed in Bulk in small Vessels, and a Voyage of several Weeks would not injure them; the Plant produces Seed in great Abundance, but very different to the Plant of a very tender Nature, and requires great Care and Attention to bring it to perfection, and no dependance to be placed on it on a
large Scale. On the other hand the Plant is certain and may be had to any Extent.

Memorialist has cautiously calculated the Expence and labour required to perfect this Undertaking, as well as the distant Situation from Europe, and feels confident the natural Production and great Abundance of the Plant and the simple means required to prepare it for the British Market must prove advantageous to the trade and manufacture of Britain and likewise prove an Article of Commerce from the Colony.

Memorialist has calculated the undertaking almost independent of the Natives; but, by proper Application, few Europeans will be required in preparing the Hemp for manufacture if independent of the Natives, Small Establishments must be formed for Protection, if dependant on the Natives, Nature supplies the Plant and every other Means to provide the Hemp for a British Market.

The Natives are a hardy people, destitute of any of the Comforts of life except a Scanty Allowance of Food and Clothing; they are naturally ingenious and want little Inducement to Industry except the Example with their Interest in View.

Memorialist's System of cleaning the Hemp are by means of machinery principally constructed of Wood, and worked by Water; All which Means are generally found by Nature on the Spot; the Machinery is simple and five Carpenters and one Blacksmith would erect Machinery in 3 Months that would employ a thousand of the Natives, and with one Months Instruction to them they would be able to furnish immense Quantities of Hemp to such Vessels as may be appointed to call for it. In this Case, the Natives would gladly receive this Information from the persons appointed and likewise dispose of their Hemp on very moderate Terms in Exchange for Articles of British Production; And Custom would soon improve their barbarous habits of Life.

Memorialist humbly submits to Your Excellency's Consideration his Exertions to introduce the New Zealand Hemp were at a time when that Article was greatly in demand in the Mother Country, the Original Supplies being nearly cut off by the Effects of War, and Encouragement held out to most of the British Dominions.

Exclusive of such Encouragements, he had a hope of introducing the Hemp to the use of this Colony which has been in great distress for Cordage; But divided parties have attempted the Object without applying the proper means, and not in possession of the proper Method. Under which Circumstances the Object rests until more favorable Arrangements to be conducted under one Principle and interest, Otherwise nothing of Importance can be effected.
Memorialist most respectfully prays Your Excellency's Patronage and Support in transmitting the Specimens of this Manufacture to His Majesty's Ministers, with such Testimonies and Recommendation as Your Excellency may think his Exertions have merited.

And Memorialist will ever pray,

ROBERT WILLIAMS.

Sydney, New South Wales, 1st April, 1817.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 7 of 1817," per H.M. brig Kangaroo; acknowledged by under secretary Goulburn, 24th August, 1818.)

Government House, Sydney, N.S. Wales,

My Lord,

I have the honor to acknowledge the receipt of Your Lordship's Letter under date the 20th of May, 1816, enclosing Copy of a Letter dated 1st February, 1816, addressed to Your Lordship by Mr. Samuel Blaxland, together with Copy of the Answer to that Gentleman's Letter written by the Under Secretary of State, under date 20th May last, and calling upon me to state to Your Lordship my reasons for striking the Name of Mr. John Blaxland, Settler in this Colony (and Brother to Mr. Samuel Blaxland), from off the List of those Persons who were allowed to furnish Meat for the use of the Government Stores, as well as to explain to Your Lordship other complaints made in the Memorial, presented to Your Lordship by Mr. Samuel Blaxland in behalf of his Brother, Mr. John Blaxland.

I cannot help expressing my astonishment that any Person, who wishes to be considered as entitled to the appellation of a Gentleman, should assert so barefaced a falsehood in a Public address to Your Lordship, as Mr. John Blaxland has done in stating that his Name had been struck off the List of those Persons who were allowed to furnish Meat for the Government Stores, as such an assertion is utterly void of truth, and of course a wilful and premeditated falsehood, no such Occurrence having ever taken place in respect to him or any other Settler since my assuming the Government of this Colony; and to convince Your Lordship further of the little Credit to be placed in this Gentleman's Statements, I herewith have the honor to transmit, for Your Lordship's perusal and information, an Attested Copy of a statement furnished me lately by the Deputy Commissary General of the Quantity of Fresh Meat supplied by Messrs. John and Gregory Blaxlands for his Majesty's Stores, since the return of Mr. John Blaxland to this Country in 1813, which is a much larger quantity than they are entitled to supply.
in proportion to the Stock they possessed; it being a rule laid down by Me that all Graziers should be permitted to supply the King's Stores with Animal Food in proportion to the Stock of Cattle they rear and actually possess.

In respect to Mr. John Blaxland's Complaint relative to the Land he states in his Memorial to have cleared at so great an expence, and of which he was afterwards deprived by this Government, his statement is most unfair and unjust; for, instead of clearing Sixty Acres, he has only cut down the Timber on about Thirty Acres, a small Proportion of which he has Cleared and enclosed as a Paddock for his Cattle at a very trifling expence. But so far is it from the Truth, that he was deprived of the Paddock in question, that he actually uses it to this very day, the Lands on which it was erected being Government Ground and as yet unappropriated. In Obedience to Your Lordship's Commands, I some time since Offered Mr. John Blaxland to indemnify him, on the part of Government, for the expence he had incurred in clearing and enclosing the Paddock in question, on the same being fairly Valued by a Competent Committee whenever he chose to Name his Arbitrator and fix a day for the Committee to assemble at the place he cleared, but I have not yet received any Answer from him to this Proposal, being, I believe, now somewhat ashamed of his gross Misrepresentation Home on this Subject.

I have, &c.,
L. MACQUARIE.

[Enclosure.]

ACCOUNT of Fresh Meat Supplied His Majesty's Stores in New South Wales in Charge of Deputy Commissary General Allan by Messrs. J. and G. Blaxland from the 24th of June, 1813, to the 1st January, 1817.

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<th>By whom Supplied</th>
<th>Quantity</th>
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Total Quantity ... 73,375 lbs.

And which Quantity, Vizt. 73,375 lbs. at 7d. (the Store Price) amounts to £9140 2s. 6d. Stg.

D. Allan, D.C.-Gen’l.

Sydney, New So. Wales, 25th Feby., 1817.

True Copy:—L. Macquarie.

**GOVERNOR MACQUARIE TO EARL BATHURST.**

(Despatch marked "No. 8 of 1817," per H.M. brig Kangaroo; acknowledged by Earl Bathurst, 4th July, 1818.)

Government House, Sydney, New South Wales,

My Lord,

I have the Honor to acknowledge the Receipt of Your Lordship’s Letter under date the 1st of April, 1816, Enclosing Copy of Correspondence with the Commissioners of the Transport Board respecting my Treatment here of Mr. Joseph Arnold, late Surgeon and Superintendent of the Northampton Convict Ship, who it Appears Complained that I refused not only to Victual him during his Stay in this Colony but also to provide him with a Passage back to England.
It is very true that I refused him the latter, as I Certainly did not Consider Myself Justified in putting Government to the Expence of paying for Mr. Arnold's Passage Home without being Instructed to that Effect by Your Lordship; but it is not true that I refused to victual him during his Stay here, that Gentleman never having made any direct application to Me to that Effect, otherwise it should have been granted him.

I am truly grieved to find that I have fallen under Your Lordship's Censure in not Complying with the Recommendation of the Commissioners of the Transport Board in behalf of Doctor Arnold; but I shall take Care in All future Similar Instances to attend to the Directions of that Board, now that my doing so is Sanctioned by Your Lordship.

Mr. Arnold having been particularly pertinacious and Lofty in his Demands for Lodging and Passage Money, and having here no precedent for my Guidance, as to the Scale or Rate of such Allowances, I certainly thought Myself perfectly Justified in not Complying with his Demands; but, on his leaving the Colony for England, I gave him such a Certificate as would, I supposed, have enabled him to receive at Home all such Allowances as he might be Considered there to be entitled to. I pursued the same System with Regard to all the other Surgeons and Superintendents of Convict Ships, who arrived here in Succession after Mr. Arnold, until I was Honored with Your Lordship's Dispatch on this Subject, herein already adverted to, and None of those Gentlemen ever Complained of the Rule I had thus laid down for my own Guidance as being any way Injurious to them.

Ever since the Receipt of Your Lordship's Instructions on this Head, I have not only Victualled all the Surgeons and Superintendents of Convict Ships which have Arrived here, but have also paid to each of them the Sum of Ninety five Pounds Sterling to defray the Expence of their Passage to England, taking for my Guide herein the Regulations of the East India Company for Passage Money for Officers of Corresponding Ranks, Embarked on their own Ships to and from India to England, of which I hope Your Lordship will Approve. I have, &c.,

L. MACQUARIE.
1817.
1 April.

Claims for compensation made by Samuel Bate.

Confinement of Bate in close arrest by Murray.

Treatment of Bate after his suspension from office.

Bate, late Deputy Judge Advocate at the Derwent, to Earl Bathurst, and also Copy of a Letter from the same Gentleman addressed to His Lordship, Claiming remuneration from Government for the losses and privations he states himself to have sustained while holding that Appointment, and requiring me to report to you, for the information of Earl Bathurst, on the Points stated by Mr. Bate in his Memorial.

I have accordingly to report to you for Earl Bathurst's information that what Mr. Bate has stated in his Memorial is generally Correct, at least as far as is consistent with my knowledge, but he draws conclusions and inferences which are not true; for I am not aware that he sustained any privations or injurious treatment, at least not since my taking Charge of this Government, with the exception of his being kept in close arrest for some little time by Captain Murray, the then Commandant of Hobart-town in the latter end of the Year 1811, for some insolent and disrespectful Conduct; but, on my visiting that Settlement in the Month of November in the same Year and finding Mr. Bate still in close Arrest, I released him from it immediately and admonished Captain Murray for resorting to so harsh and severe a Measure. Captain Murray however endeavoured to justify the step he had taken from the very Mutinous and insolent Conduct of Mr. Bate, which on investigating I found had been improper and ungentlemanlike.

As to the Suspension of Mr. Bate from the exercise of his Functions as Deputy Judge Advocate at the Derwent, that arose from his own violence of Passion and ignorance of his Duty, it being impossible to employ him with any Advantage to the Public Service; but I never heard that he suffered any Privations on Account of his Suspension, as Himself and Family were still continued on the Store, had Government Servants allowed them, and with the exception of a very short interruption (owing to the Commandant's refusing to sign the usual Certificates for him) continued all along to receive his Salary as Deputy Judge Advocate; Added to all which, I gave him on his Soliciting the same a Grant of One Hundred Acres of Land at the Derwent on which he never made the smallest improvement, but sold it previous to his going Home, contrary to the express Condition of his Grant.

The Complaint he makes respecting his Town Allotment at Hobart-town is equally frivolous and unjust, as will more fully appear from the statement of Mr. Deputy Surveyor Evans, which I herewith transmit to you for Earl Bathurst's further information on this Subject.

After seriously considering all that has been set forth by Mr. Bate in his Memorial, I am clearly of Opinion that his claim for
remuneration from Government is both unjust and unfounded, and consequently that he ought not to receive any.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

MEMORANDUM BY DEPUTY-SURVEYOR EVANS.

Sydney, 1st March, 1817.

I have the Honor to represent to Your Excellency that the House and Premises, which Mr. Bate, in his Memorial to the Right Honorable Earl Bathurst, bearing date the 16th July, 1816, states to have purchased with a view of a Permanent Settlement at Hobart-town, is now in the actual Occupation of Mr. Humphrey, the Agent of that Gentleman, who holds it in charge from Mr. Bate to be restored to him on his return to Van Diemen's Land. I am not aware that a Lease of the Ground was ever promised to the Original Occupier, and Mr. Bate, I have no doubt, was aware of that Circumstance when he made the Purchase; and it remains to be determined whether he has any claim on Government for a Lease after having Sold and transferred to Thos. Wm. Stocker, previous to his departure for England, the Grant of Land given to him by Your Excellency in the Year, 1812.

Mr. Bate may have made some improvements on the House in question, but the whole of the land, which he has fenced does not exceed Two Acres, the scite of the House and Garden included.

G. W. EVANS, Dy.-Surveyor, V.D.L.

True Copy:—L. MACQUARIE.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

(Despatch marked "No. 10 of 1817," per H.M. brig Kangaroo; acknowledged by Earl Bathurst, 24th August, 1818.)

Government House, Sydney, N.S.W.,

Sir, 1st April, 1817.

I have the honor to acknowledge the receipt of your Letter under date the 24th of May 1816, enclosing Copy of a Letter to your address from Mr. Charles Shea, claiming some Lands* he states to have been granted at Sydney to his Father Captain John Shea of the Royal Marines, and calling upon me to furnish you with such information respecting this claim as I might be able to procure here.

Having made every inquiry into the circumstances stated in Mr. Charles Shea's Letter to you of date 23d May, 1816, I do not find that there are any Grounds for his claim, which appears to be altogether unfounded and chimerical, no Grant or Lease having ever been given to his late Father of the Lands alluded

1817.
1 April.

* Note 35.
to in his Letter; consequently the Son has not even the shadow of a Claim to them. I have been at particular pains to investigate this claim by collecting every information on it I could obtain from the Oldest Inhabitants now alive in this Country, and their information all Confirm what I have already stated as to the Non-existence of Mr. Charles Shea's claim; but, for the further information of Earl Bathurst on this subject, I here-with transmit you a Copy of a report made to me upon it by Mr. Meehan, the Deputy Surveyor General of Lands.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

REPORT ON CLAIMS* OF MR. CHARLES SHEA.

Sydney, 22nd Feb'y., 1817.

MEMORANDUMS in Answer to Sundry Memorials for the Information of Governor Macquarie.

In reply to Mr. Charles Shea's Letter to Mr. Goulburn, stating that his Father, Captain John Shea of the Royal Marines, had in the Year 1787 or 1788 received a Grant of 500 Acres of Land, which it is stated he in a short time cleared, Sowed Wheat, etc., and further that his Father had received a Second Grant of the same Amount, and that part of the Land the present Church Yard of Sydney now stands on was his Father's.

I think I may with Confidence say the whole of such assertions are false, as no Officer of any rank in the Colony had, at the time alluded to, received a greater Portion than One hundred Acres of Land and that but once. Neither would Governor Phillip assign any Leases within the limits of the Town of Sydney; but such of the Officers, as required it, had Portions of Land given them on Lease for Fourteen Years without the Town, so that such Lease on its expiration might revert to the Crown and be again at the disposal of Government.

I have been upwards of Seventeen Years in the Colony, and have been since well acquainted with every Location of Land that either had been, or has been since, made, and must have had information from some of the Officers since resident in the Colony, if Captain Shea had such Lands given him as has been stated, as they have been here at the time of his Death. The present Church Yard is within the Town, and on that Ground is not likely to have been located; if so it never came to my knowledge, but am very certain there is no register or record remaining in the Colony, either in the Surveyor's Books, or Secretary's, without which no title can have any Validity.†

JAMES MEEHAN, Depy. Surv'r-General.

True Copy:—L. MACQUARIE.

* Note 35. † Note 63.
GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

Government House, Sydney, N. S. Wales,

1st April, 1817.

I do myself the honor to acknowledge the receipt of your Letter under date the 25th of May, 1816, with Copy of a Letter addressed by Mr. Robert Wilson of London to Earl Bathurst, enclosing a Memorial from William Paterson of Hobart Town in Van Diemen’s Land addressed to His Lordship, and also Copy of the Answer written by you to Mr. Robert Wilson, and calling on me to report to you for His Lordship’s information respecting some Ground which William Paterson states he has been dispossessed of at Hobart Town.

I have accordingly the honor to report to you, that having made minute enquiry into the Complaint of William Paterson in respect to the Piece of Ground he states he has been deprived of at Hobart-Town, that his complaint is frivolous and unfounded, having received a full Compensation and equivalent for the small Portion of his Garden Ground taken to make a New Street through, and which became an indispensibly necessary measure for laying out the Town in a regular and Commodious Order. The Ground and House occupied by William Paterson belonged to the Crown, and tho’ he had occupied the same for some Years he never had obtained any regular or legal right to these premises either by Grant or Lease, so that he might without any real injustice have been deprived of the whole.

For Earl Bathurst’s further information, I herewith enclose you Copy of a report made to me on this subject by Mr. Meehan, the Deputy Surveyor General, who laid down the New Plan of Hobart-Town by My Orders; from which report you will observe that William Paterson’s Complaint is both frivolous and groundless. This Man, I understand, was originally dismissed from his Office by the late Colonel Collins for neglect of Duty and other Misconduct; he has always been considered a very factious, discontented Man, and has given from first to last a great deal of trouble to every Lieutenant Governor and Commandant, since the Original establishment of the Settlement of Hobart-Town. Complaints coming from such Characters ought therefore to be totally disregarded, and treated with the Contempt they deserve.

I have, &c.,

L. MACQUARIE.
1817.
1 April.

Surveyor Meehan's report on Paterson's claims.

[Enclosure.]

DEPUTY-SURVEYOR MEEHAN TO GOVERNOR MACQUARIE.

Sir,

Sydney, 22nd Feb'y., 1817.

On Perusing that part of Wm. Paterson's Memorial to Earl Bathurst of the 12th September, 1815, and the subjoined Copy of a Memorial to Lieutenant-Governor Davey of the 29th Septem'r, 1814, respecting a Portion of his Town Land being taken from him. In reply I beg to inform Your Excellency that when I was marking the Streets in Hobart-town in 1813, which had been Planned by me under Your Excellency's directions in 1811, there had been a portion of the Land then attached to an Old Government House used and resided in by Paterson severed from it by Collins Street passing thro' it, so that what was before considered the rear of the House then became the Front. I allowed Paterson to inclose the Old Street way, so that he had still an ample allotment remaining; the Ground alluded to was then waste and having fully satisfied myself that he had no claim of right to either the House or Land, but by Occupancy (having been built at the expense of the Crown), I assigned the Portion so cut off to Mr. Evans in compliance with Your Excellency's Order to let him have a Town Allotment. Lieutenant Governor Davey was fully acquainted with the circumstances as I had invariably consulted him on all Locations of Land, etc. in the Town; all the Streets had been marked by me and Opened within the period of His Government, so that He could have given a sufficient Answer to Paterson on the spot. The House was scarcely Tenable; I told Paterson that unless he would undertake building another House I would likewise dispose of that remaining to him, but did not do so.

JAMES MEEHAN, Depy. Surv'r-Genl.

True Copy:—L. MACQUARIE.

3 April.

Reluctance in making further reports re J. H. Bent.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 12 of 1817," per H.M. brig Kangaroo; acknowledged by Earl Bathurst. 24th August, 1818.)

Government House, Sydney, New South Wales,

My Lord,

3d April, 1817.

After the prompt and Effectual Measures by which Your Lordship has been pleased to relieve me and the Colony from a Continuance of the Wanton and Unprovoked Insults and Arbitrary Conduct of Mr. Jeffery Hart Bent, by recalling him from the Situation of Judge of our Supreme Court, it is not without Serious Reluctance I again address Your Lordship on the Subject. I shall endeavour, however, to make this Communication as Concise as the Circumstances will possibly admit.
In trespassing on Your Lordship's Valuable and Important time on so Unpleasant a Subject, I will beg leave to premise that My Motive is rather to Guard against the false and Malevolent Representations, which I have every reason to believe Mr. Bent intends to make in regard to Me and My Government on his Return to England, than to Continue a Series of Charges against him, which his Recal renders Unnecessary.

In order therefore to Meet his Assertions so far as they may apply to the Subjects of our occasional Correspondence, I do myself the Honor to transmit Your Lordship a Copy of a Series of Letters and Documents Connected therewith, which have taken place either with, or in regard to Mr. Bent from the 16th of October last up to the present time, preceded by a Copy of one from the late Judge Advocate Bent respecting the Monies paid him for the Judge Advocate's House.

These Letters are Chiefly Confined to the Five following Subjects:

1st. Mr. Bent's retaining possession of the Letters Patent, whereby the present Courts of Judicature are Constituted and established, and also of three Sets of the Statutes.

2nd. Mrs. Bent and his Occupation of the Judge Advocate's House after the Arrival of Mr. Judge Advocate Wylde.

3d. Mr. Bent's Threat and Attempt to Attach the Person of one of the Members Associated with him in the Supreme Court for Not Attending on him to open the Court, after Mr. Bent was acquainted with his Recal and Disqualification, and after the Members of the Court had been discharged from that Duty by my Authority, and his Threat and Attempt to imprison the Provost Marshal and other Officers under the same Circumstances.

4th. On the Subject of removing the Remains of the late Mr. Judge Advocate Bent from a Vault in the Burial Ground to the Inside of the Church.

5th. Complaining of Detainers being lodged against him and Mrs. Bent.

The Correspondence which took place on the first of those Subjects, Namely the Letters Patent and three Sets of the Statutes, will give Your Lordship a full View of the Shifts and Artifices Mr. Bent had recourse to in order to afford a Pretext for keeping them in his possession. And that, in regard to the Statutes, after exhausting every Argument in his power, Conveyed in Language the most Insulting and Unbecoming, to make it appear that the Statutes were personal Property and had been presented to him and his late Brother as "Usual Gifts to persons appointed to Judicial Offices," He thought proper to deliver over
Correspondence re occupation of judge-advocate's official residence; and re J. H. Bent's threat to attach Alex. Riley and officers of supreme court.

1817.
3 April.

In referring to the Letters, which passed on the 2d Subject, namely the occupation of the Judge Advocate’s House by Mr. Bent and the Widow of the late Judge Advocate, Your Lordship will observe in What Manner, and with What Degree of Delicacy, I acted to shelter Mrs. Bent from any Inconvenience she might be exposed to for want of a Residence, even after More than a Month had elapsed since the Arrival of Mr. Judge Advocate Wylde; and when Mr. Bent, in one of his Letters, Mentions the Sums expended by his late Brother “Out of his private Means” on the Judge Advocate’s House, I Cannot better refute the Assertion than by referring to the Copy of a Letter from the late Judge Advocate Bent (the first in the Accompanying Series), Wherein, after acknowledging the Receipt of Money and Spirits to a Considerable Amount and making his Sincere Acknowledgments for my Treatment of him, he declares himself fully Compensated for All Expences of his House “past, present and to Come.”

The 3rd Subject, which points to Mr. Bent’s Threat against the Members of the Supreme Court and other Officers, will require very little Observation from me after Your Lordship has perused the Correspondence on this Head; it will there appear in what Manner Mr. Bent assumed to himself the Right of opening the Supreme Court after his Recal was announced to him, of Calling upon the Associated Member to attend him, of pretending to Adjourn the Court from one day to another, and finally threatening to Arrest the Member for not Attending him after I had publicly relieved him from that Duty, and also of threatening to send the provost Marshal to Prison for not putting his Illegal Mandate into Force. These were Acts of so Atrocious a Nature, so alarming in their Consequences and Effects, so subversive of all Law and order, and Apparently so Calculated to introduce the most Arbitrary Outrages on the Liberty of the Subject, that I felt it my Indispensable Duty no longer to delay adopting a very Strong Measure in regard to Mr. Bent; and altho’ it may seem, at first view, rather harsh, must unquestionably be Justified by the extraordinary Circumstances which produced it. The Measure, I Alluded to, was that of Issuing a Government and General Order,* under date the 11th day of December, 1816, Publicly Notifying Mr. Bent’s Removal and Recal from his Official Situation, and declaring his Disqualification and Incapacity to act from henceforth as Judge of the Supreme Court, or a Magistrate of this Colony. If this was a severe Measure, My Lord, it

* Note 64.
was brought by Mr. Bent on himself by a Perseverance in that Line of Conduct, which has rendered him Obnoxious to the Community here, and had Excited an Universal Indignation against him and his Proceedings; And when I resorted to it of Necessity, I did it with extreme Reluctance, as the only Means of preserving the Peace and Tranquility of the Colony and protecting and securing the Liberties of its Subjects.

In regard to removing the Remains of his late Brother into the Church, it had been refused on a former Application from Mrs. Bent as an Indulgence I could not grant, Considering it altogether Improper. Mr. Bent's Letter to me on this Subject was so grossly Insolent and Offensive that Nothing but the Respect I owed to my Sovereign's Commission would have allowed Me to pass it over with Silence and Contempt.

Mr. Bent, in addition to his other gross and Insulting Expressions, and Alluding to My Refusal to permit his Brother's Remains to be deposited in the Church, accuses me with having broken a Promise, which he falsely states I had made to grant that Indulgence, and declares that he shall Inscribe that Fact on his Brother's Tomb-Stone,* that "When those, who knew him, shall read the Inscription, the Sigh they will breathe over departed Worth may bear a silent Malediction upon What he shall be Authorized to Call and ever shall Consider My despicable Conduct."

On the 5th and last Subject, in regard to the Detainers lodged against him and Mrs. Bent, Your Lordship will be fully possessed of all the Circumstances in the Correspondence that refers to it. All, that Mr. Bent had to say, went to avow and Insist that neither He or his Sister in Law were compelled to pay or would pay their just Debts before their Departure from the Colony; that they were Not Amenable to the Colonial Laws, and set them as well as the Port Regulations at Defiance.

These are the few Remarks left me to make on the five Subjects, which form the Accompanying Correspondence. What will be Gathered from the Letters themselves will Serve to Mark the general Tenor of Mr. Bent's Conduct and Aims towards Me and My Government.

In one Letter,† particularly, Mr. Bent declares, in Speaking of himself and me, that "Our local Rank places but a Shadow of Distinction between Us," and, with a View of drawing a Malignant Contrast of his own, he adds that his "Irritability of Temper has never led him into Acts either of Illegality or Oppression."

The Concluding Passages of a Letter† from Mr. Bent, dated 10th December, tax My Government with being "a Military

* Note 65. † Note 66.

Correspondence re removal of judge-advocate Bent's remains; and re detainers lodged against Mrs. Ellis and J. H. Bent.
Despotism” and that “it would be impossible to give Effect to the Courts of Justice under it, but by a Servile Submission to my Views and Wishes.”

I have selected the foregoing Extracts, My Lord, in order to shew the Temper, Disposition and Manners of Mr. Bent, as Characterizing the Man, with whom I have had to Struggle and Contend for upwards of three Years past. From his further personal Insults here, I have little to apprehend, as it is Expected he will Embark by one of the Convict Transports now in the Harbor, and proceed homeward, Via India, if he Cannot get Employment* under the Government of Bengal which it is said he Means to Solicit.

By the present Occasion, I now also send Your Lordship a long Series of Letters† from and to Mrs. Bent, on the particulars of which I shall dwell but Slightly, her Letters being All written in the true Spirit of her Brother in Law, and indeed Chiefly in his Hand-Writing and principally on subjects embraced in his own Correspondence.

My Letters to Mrs. Bent will shew that I allowed her to Con­tinue in the Judge Advocate’s House from the Date of Mr. Judge Advocate Wylde’s Arrival on the 5th of October up to the 23rd of December, and that I even Offered to Hire Lodgings for her in order to Induce her to leave the House, she was in, for the occupation of the New Judge Advocate, who, with his Family, was anxious to get possession and to make some Necessary Re­pairs and Alterations previous to his going into it.

I have also purchased from her Various Articles not immediately belonging to the Absolute Fixtures of the House, at their original Cost, for which I have her Receipt to the Amount of £235 15s. Od., and paid for other Articles nearly £25 more in order to save her the Expence and Loss she would have sustained, had they been taken down and Sold at Auction. By such Acts as these I have Incurred that Lady’s high Displeasure as expressed throughout her Letters, which are only worthy of being alluded to at all, to Mark the more fully the Malice of her Amanuensis Brother in Law.

I hope, My Lord, that this will be the last time I shall ever find a Necessity for Calling Your Lordship’s Attention to a Subject, which, while it refers to the Character, Conduct and Disposi­tion of Mr. J. H. Bent, must always appear despicable and disagreeable.

I have, &c.,

L. MACQUARIE.

* Note 67. † Note 68.
CORRESPONDENCE RELATING TO THE CUSTODY OF THE LETTERS PATENT FOR COURTS OF JUSTICE AND OF COPIES OF THE STATUTES.

[1] Judge Advocate Wylde to Governor Macquarie.

Sir, Sydney, 10th October, 1816.

Previously to leaving England upon my present Appointment, I made an application to the Secretary of State for a complete Set of the Statutes at large for the use of the Governor's Court in this Colony, and received an Intimation in Answer, that the same had already been furnished by the Government through the Medium of my predecessor Mr. Bent, the late Judge Advocate, and that on arrival I was to refer myself to Your Excellency in that respect. I beg leave therefore to submit the subject to Your Consideration.

I have, &c.,

Jno. Wylde, Judge-Adv.

[2] Secretary Campbell to Mr. Justice Bent.

Sir, Secretary's Office, Sydney, 12th October, 1816.

I have the honor to transmit for your Perusal herewith an Attested Copy of a Letter addressed under date the 10th Inst. by Mr. Judge Advocate Wylde to the Governor, by whose Authority I now address you.

The Judge Advocate's letter being on the Subject of the Set of Statutes at large, which was sent out by Government to this Colony during the period that the late Mr. Judge Advocate Bent presided in the Judicial Department here, and it appearing from thence that the Secretary of State considered those Statutes as still the Property of the Crown, as the Governor had also done, which He had expressed in a former Communication to you on that subject. His Excellency is again induced to request, that you will give the necessary directions for their being delivered to Mr. Judge Advocate Wylde for the Benefit of that Court for which they appear to have been originally intended.

It having been Officially announced to the Governor in a Dispatch* from the Secretary of State that a Gentleman has been appointed to succeed you, as Judge of the Supreme Court, His Excellency considers this sufficient ground for his requesting that you will place in my hands, for delivery to him as soon as convenient, the Old Set of the Statutes, which was handed over to the late Mr. Judge Advocate Bent by His Predecessor as the property of the Crown, and that you will also place in my hands and of letters for the same purpose the Letters Patent by which the present

*Note 69.
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Courts of Justice are Constituted, His Excellency considering Himself Officially the only proper depository for a Document of such high importance to the Colony at Large.

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


Sir, Sydney, 12th October, 1816.

I have the Honor to acknowledge the receipt of your Letter of this day's date, together with a Copy of a Letter enclosed from Mr. Judge Advocate Wylde to His Excellency the Governor relative to a set of the Statutes at large for the Use of His Court.

I must premise that the Copy of the Statutes at large, alluded to in the first part of your Letter, were not sent out during the time the late Mr. Judge Advocate Bent presided in the Judicial Department, but upon his application, while in England, either came out or were brought out by him in the Year 1809 in the same Ship he arrived in. My late Brother considered them as the usual Gift to Persons appointed to Judicial Offices, and looked upon and marked them as His Private Property, and the more so as no Provision was ever made by Government for their continuation. On my Appointment I also received a Set of the Statutes at Large, which I brought out with my other Books, and for which I actually Paid export Duty at the Custom House. In a conversation with Mr. Judge Advocate Wylde on this Subject upon his stating that he was without a Copy of the Statutes, I assured him that, let the Matter be how it would, on no account would I deprive him or the Colony of what were so essentially necessary; and I trust every One will do my late Brother and myself the justice to believe that we would not for a moment retain, as a Gift, what the Donors considered as the property of Government, and after that they had stated that a Misconstruction had been put upon their intentions.

The former Communications from His Excellency the Governor on this point turned upon an Answer, stated to have been given by the Under Secretary of State to an Application by Mr. Garling for Copy of the Statutes, vizt. that they had been already sent out by Mr. Bent for the use of the Colony. Such an Application on the part of a simple Attorney shewed considerable assurance; for, though they might be sent for the use of the Colony, they could not be considered as Books in a circulating Library to be lent to every body in it; and the whole resting upon the assertion of Mr. Garling, I did not give it the Slightest Credit. I should wish to be favoured with the particulars of the Communication made from Home to His Excellency the Governor on this matter,
if it could be done with propriety; and in the mean time I shall take care that the Copy of the Statutes, used by my late Brother, be delivered to Mr. Judge Advocate Wylde for the use of the Court, for which it is stated they were originally intended.

With regard to the Old Set of the Statutes, they (together with other Old Books of no utility), formerly belonging to the Court of Civil Jurisdiction, are in my Custody; for them as well as for all the other Records of the Supreme Court, I am responsible, and it will be my Duty to deliver them over to the Gentleman, appointed to succeed me, upon his arrival, should I be then remaining in the Colony, or, in case of my departure previous thereto, to make the necessary arrangements for that Duty being Correctly performed. No one can doubt my being sufficiently trust worthy for the above purpose; the request, which extends only to the Old Copy of the Statutes, I must therefore consider as a little premature, even though I should not look upon it as made for the purpose of mortification.

His Majesty's Letters Patent, by which the present Courts of Civil Judicature are constituted, having been originally confided to Me, remained in my hands after they were promulgated for the purpose of taking correct copies of the same. A Certified Copy was furnished by Me to His Excellency Governor Macquarie for the Use of Van Diemen's Land, and I have sent to Mr. Judge Advocate Wylde for his perusal the Copy I had reserved for myself. The Charter itself, as it principally concerned the Courts, subsequently remained with Me for the purpose of reference, in case any doubt (which might reasonably be supposed would happen on the first formation of the Courts) should render it necessary to ascertain the words of the Original; I have said thus much in order to account for the Charter's remaining with me. I readily concede, that the Governor and His Successor are the proper Depositories for documents of such high importance to the Colony, and will transmit accordingly the Charter to you, for which you will have the goodness to furnish me with a receipt.

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

[4] Secretary Campbell to Mr. Justice Bent.

Sir,
Secretary's Office, 12th October, 1816.

I have been honored with your letter of this date, in reply to the communication I made you also of the present date, and shall take an early opportunity of laying it before His Excellency The Governor.
In the mean time I do not feel warranted in saying more in reply than that I shall be ready to give you an Acknowledgment or Receipt for the Letters Patent so soon as received, agreeably to the desire expressed by you. I have, &c.,

JNO. THOS. CAMPBELL, Secretary.

[5] Secretary Campbell to Mr. Justice Bent.

Sir,

Secretary’s Office, Sydney, 16th October, 1816.

Having already acknowledged being honored with your letter of the 12th Inst., I shall now proceed to inform you that I have submitted it to the Governor, and have it in Command to make the following reply.

In regard to the correction you have been pleased to make as to the period of time at which the New Set of the Statutes were sent to this Country, it does not appear at all Material to the question whether they were, as you state, sent out with your brother or afterwards, as the Governor had stated, the reason of their being sent out at all being the same in either case. The question to be determined is whether His Majesty’s Ministers destined those Statutes to the Public Service of the Colony or not; and on this Point His Excellency remains decidedly of opinion that they were meant for the Public Service, and that they still continue the property of the Crown. Neither has His Excellency been favoured with any one Document from you to induce His entertaining a different one; whilst, on the Contrary, he is supported in it by the circumstance of the late Mr. Judge Advocate Bent having at one time expressed a desire to put the Old Set into the Government Library in consequence of His Court having obtained the benefit of the New and more extensive one. The Governor cannot but be convinced by the letter of Mr. Judge Advocate Wylde (a Copy of which I had the honor to transmit you on the 12th Inst.) that the Secretary of State considered those Statutes the property of the Crown, else why should His Lordship have referred Mr. Wylde on that subject to Him? Mr. Wylde’s application for a Set of the Statutes for the use of the Court He was then appointed to preside over, and not for his own personal Emolument, also shews that He was not aware of such Gifts being usually made to persons appointed to Judicial Offices, otherwise it is fair to presume He would not have suffered his claim to lay dormant, especially as it appears he was alive to the necessity of making the application in behalf of his Court, previous to His being informed that it was already supplied.

Thus far, His Excellency deems it right to put you in possession of the Grounds on which He has formed His opinion in
regard to the property of those Statutes; but as you held it as a point of fact that they belong to the Estate of your late Brother, He declines any further discussion on that Subject, or to make a Demand for that other New Set which you mentioned in Your letter of the 12th that you brought out at the time of your Arrival here as Judge of the Supreme Court, because all the arguments and facts in regard to the one Set apply equally to the other, and His Excellency cannot expect a different result in the latter Case from that in the former. Considering therefore that those two New Sets are not to be available to the Public for the present, or until a reference is made on the Subject to the Secretary of State, The Governor cannot however admit that you have any right to retain the Old Set which belonged to the Judge Advocate’s Office at the time of your brother succeeding to Mr. Judge Advocate Atkins, and which was then handed over to him as the property of the Crown; for he has not heard of any claim on Your part either as Judge of the Supreme Court, or as Executor of the late Mr. Judge Advocate Bent, being set up to warrant their detention. The Property of this Old Set not being questioned, The Governor entertains the hope that, notwithstanding Your avowed intention of keeping it until the arrival of your Successor, and then handing it to him, that you will see the Propriety of Yielding that point, and putting the Set belonging to the Judge Advocate’s Court into the hands of the Judge Advocate, since you decline sending it according to His Excellency’s desire to the Government Library.

In regard to the intention you expressed of leaving one of the New Sets, which you hold under the denomination of private property, with the Judge Advocate, The Governor has nothing to do, as that must be of course altogether a matter of private arrangement; neither does He feel at all interested or concerned in the degree of Credit you may be disposed to attach to Mr. Garling’s or any other Gentleman’s assertions, altho’ His Excellency without making any invidious Comparison, must say that he considers Mr. Garling’s word and honor equally entitled to credit and respect as that of any Person, who may be disposed to impeach them in Communications where that Gentleman is necessarily deprived of the opportunity of asserting his honor and rebutting the imputation so irrelevantly thrown out against him. The necessity of this observation leads the Governor to regret that in Communications purely Official, and on his part untinctured with acrimony or the most Remote degree of inclination in any way to hurt your feelings, His motives should be so much misunderstood as to be assigned to a desire for producing Mortification to You. It is not for His Excellency to recriminate,

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3 April.
but He must in justice to Himself disavow being Actuated by any such illiberal and unworthy principles of Annoyance; He feels indeed warranted in entertaining very Different sentiments from those Persons, whom He has to transact Business occasionally with in his Official capacity; but difference of opinion need not excite a Spirit of hostility, and He cannot but lament that an irritability of temper has but two often manifested itself in the endeavours made by You to assign His public Measures to private pique and resentment, whilst a more temperate line of conduct would have much better become Your Years, Your liberal profession, and relative local rank, when in correspondence with the Governor of New South Wales.

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

[6] Mr. Justice Bent to Secretary Campbell.

Sir,

Sydney, 18th October, 1816.

I have the Honour to acknowledge the receipt of your Communication of the 16th instant, and have now to state that if His Excellency the Governor has been furnished with no documents by me on the point in question, neither have I been favoured with any from him, nor with anything which could alter my Opinion as to the light in which my late Brother considered the Copy of the Statutes in Question; though I admit he may have Misconstrued the intentions of His Majesty's Government, I should have thought that my statement "that, if the Statutes were considered by the Donors as the Property of the Crown," I did not wish for a moment to retain them, and that I should forward them to Mr. Wylde would have been quite sufficient as to that part of the subject; I have no where said in my Letter that I should transmit them to Mr. Wylde under the Denomination of Private Property, but expressed an intention to transmit them simply.

The Statement of Mr. Judge Advocate Wylde is perfectly satisfactory to Me as to the Idea entertained by the Under Secretary of State, and I should have acted accordingly had not Mr. Wylde informed me that he had written to the Governor on the point; and supposing some Communication would have been made from home directly to His Excellency, I conceived it more in form to await His addressing me; I consider every thing that passed between Mr. Judge Advocate Wylde and myself on this subject as more of a private arrangement than I do the Correspondence between you and myself; the Fact of Mr. Wylde's being not aware of the usual Gifts to Persons filling
Judicial Offices proves nothing, but this I am certain he will admit that such a favour it would by no means be improper to bestow.

Taking the best view of Mr. Garling’s statement, I could consider the Answer of the Under Secretary of State to him as but a Civil mode of evading a request, which he was not entitled to make, and my opinion of him cannot be altered by undeserved praise by whomsoever lavished.

With regard to the Old Set of the Statutes, it is singular that the ground upon which the requisition was made should be entirely changed, and that now be required for the use of the Judge Advocate, which before was required for the purpose of being delivered to the Gentleman who should be appointed to succeed Me, when he arrived. I consider myself the proper Person for such a purpose and I hinted that I felt hurt (as I had reason to be) if such were the only object of the requisition. But I do not wish to ascribe motives which His Excellency the Governor disavows. I must observe that I have always understood the Statutes in Question were the Property of the late Court of Civil Jurisdiction, and from that Court they reverted to the Supreme Court; But they are at His Excellency’s disposal either for my Successor or for any other Person, whenever He shall think fit to send for them.

I regret that I have now before me but too many convincing proofs under Governor Macquarie’s hand, that, in respect to Acrimony of Language, I have been more sinned against than sinning; I heartily agree that difference of Opinion need not excite a Spirit of Hostility, and if His Excellency Governor Macquarie had felt the force of his own Observation, He would never have authorized the latter Paragraph of your Communication, a Paragraph which might be returned with double force upon himself, and which it would have been more becoming to have omitted. Our local rank places but a shade of distinction between us; and I have to learn what decorum of language ought to be adopted by me in Correspondence with any Governor of New South Wales, which I am not (even as a Private Individual) entitled to have observed towards me in return; And I will further add, that whatever may be my irritability of temper, it has never led me into Acts either of illegality orOppression.

I have now to request you to state My sense of the inconvenience arising from a Correspondence carried on through the Medium of a third Person, and which is so different from former Practice.

I have, &c,

Jeffery Hart Bent,
Judge of the Supreme Court.

1817.
3 April.
[7] Copy of Original Receipt from Secretary Campbell.

Secretary’s Office, Sydney, 19th October, 1816.

Received from Mr. Justice Bent, by the hands of Mr. Roberts, A Case containing a Parchment said to be the Letters Patent establishing the present Courts of Justice in the Territory of New South Wales, which I shall deliver to His Excellency Governor Macquarie.

JNO. THOS. CAMPBELL, Secretary.

[8] Copy of Secretary Campbell’s Second Receipt.

Secretary’s Office, 19th October, 1816.

Received from Mr. Justice Bent, by the hands of Mr. Roberts, a case containing 8 Sheets of Parchment being the Letters Patent constituting the present Courts of Justice in the Territory of New South Wales which I shall deliver to His Excellency Governor Macquarie.

JNO. THOS. CAMPBELL, Secretary.

[9] Mr. Justice Bent to Secretary Campbell.

Sydney, 19th October, 1816.

Mr. JUSTICE BENT begs to observe to Mr. Secretary Campbell, that it might as well have been objected when He first produced the Letters Patent on his arrival in the Colony, that it was said to be His Majesty’s Letters Patent.

The Letters Patent prove themselves, being under the Great Seal, and the proper form of a receipt would be to mention the date of the Letters Patent received, which would have been quite sufficient without mentioning the Contents. The receipt Mr. Secretary Campbell has sent is not correct in its statement of the Contents; For the Letters Patent sent by me only Constitute the present Courts of Civil Judicature, not at all touching the Criminal Court which subsists by Virtue of former Letters Patent which, as to that, are still unrevoked.

It would certainly have been as well if Mr. Justice Bent had sent a Note stating that he had sent H.M.’s Letters Patent by His Clerk Mr. Roberts; the omission was caused by its being so near the time when the Secretary’s Office closes, and was by no means designed. And Mr. Justice Bent conceived the Character and Station of the Messenger, who is the first Officer of the Supreme Court, would render any Omission of that kind of less moment.

Mr. Justice Bent has the Honour to Subscribe himself Mr. Secretary Campbell’s Most Obed’t Serv’t,

JEFFERY HART BENT, J.
[10] Secretary Campbell to Mr. Justice Bent.

Sir,

Secretary's Office, 7 o'clock, 19th Octr., 1816.

I have to acknowledge the receipt of your communication this Evening, informing me of what, with all deference to you, I cannot accede to, Namely that the expression "said" to be His Majesty's Letters Patent might as well have been objected when they were first produced by you on your arrival in this Colony as by me, on a superficial view of the case and parchment to-day. In the one case (supposing that you allude to the time they were read publickly at Government House) they were read from beginning to end, and the Seal examined. In the other no such formalities were observed or deemed at all necessary, and therefore the degrees of Conviction in the two Cases are widely different, and in my opinion fully justify the qualified Terms of the Receipt, altho' I relinquished them on finding that you disliked them.

As to the information that my receipt was incorrect in its statement, in as much as the Letters Patent sent by You "only constitute the present Courts of Civil Judicature not at all touching the Criminal Court," &c, I am sorry that you should consider it necessary to dwell on a topic so unimportant, especially when the Receipt had direct reference together with all the Circumstances to the Application made to you on the 12th Instant, in your reply to which of the same date you did not make any objection altho' the term used, whether Correct or incorrect, was the same.

I am by no means insensible to what is due to the rank and Character of a Gentleman, in which light I could not but consider Mr. Roberts, and I hope that he has not had reason to complain of want of Gentlemanly attention to him on the two occasions of his being the bearer of Messages from you this Evening. On the first occasion before I gave him the receipt which you objected to, I asked him in express terms if he brought any form of receipt from you, as I was fully disposed to conclude that none improper for me to sign would be sent by you, and I was perfectly disposed to give it my signature without starting any Cavils, but I learned from him that he did not.

On his second call I made no difficulty in drawing the Receipt in the form you now hold it, which on putting the question to Mr. Roberts he considered satisfactory; and Sir notwithstanding Your Objections and the little time for consideration which I possessed when I wrote that receipt, I consider it full as good as any that could be dictated to me by all that Spirit of Arrogance which suggested the puerile Cavil in regard to the Term given by me to the Letters Patent.

I have, &c,

JNO. THOS. CAMPBELL, Secretary.

Sir,

Sydney, 19th October, 1816.

When I received the Letters Patent from the Gentleman in the Secretary of State's Office through whom it was transmitted to me, though it came directed to me and Sealed up and never was Opened till my Arrival in the Colony, I gave a receipt for it in general terms, not questioning that it was what it was represented. And I confess I felt alarm at the doubt expressed by the Words said to be, A Receipt exact as to the Instrument delivered being necessary to me as a Voucher; I admit that you made the Alteration with all readiness.

I mentioned Mr. Roberts in order that you might not think it any slight that I had not sent a Note on the Subject, and not with the remotest idea of hinting that he had experienced any but the politest Conduct. My Notice of the expression in the receipt as to the Courts entirely sprang from the doubt as to the Letters Patent, by no means from a wish to start puerile Cavils or from thinking the Receipt unsatisfactory, but to shew that I did overlook slight objections.

You will allow me to say that the Proof of the Letters Patent being the Great Seal, that could be examined in a moment; I never thought of sending a Receipt ready drawn from hurry at the time, and expecting no other than a general Acknowledgment of receiving the Letters Patent alluded to in our Correspondence.

My Note was written hastily; yet I am not aware that there was in it, or at any time in My expressions, any wish to dictate or any Spirit of Arrogance in the Observation respecting the Courts, And I regret that in so simple a transaction any thing should have occurred to create discussion or excite Warmth, And

I have, &c.,

JEFFERY HART BENT, Judge Sup. Ct.

[12] Secretary Campbell to Mr. Justice Bent.

Sir,

Sunday Morning, 9 o'Clock, 20th October, 1816.

Having retired for the night when your letter of last night was left at my house, I did not receive it until now.

Without wishing to prolong a Discussion in which probably difference of opinion may still subsist, I hasten to say that if I am right in considering the latter part of Your Letter written in a Spirit of concession, as I am willing to suppose it, I am happy to meet you on that ground, and to say that I am sorry for having used the Terms to which you allude.

I have, &c.,

JNO. THOS. CAMPBELL, Secretary.
[13] Secretary Campbell to Judge-Advocate Wylde.

Sir,

Secretary's Office, 21st October, 1816.

I have the honor to inform you that in consequence of your having stated in your letters of the 12th and 18th Instant (the latter received on the 19th Inst.) that you would forward the New Set of the Statutes at large to Mr. Wylde, His Excellency the Governor has communicated that circumstance to Mr. Judge Advocate Wylde, and instructed him to Apply to You for them.

In regard to the Old Set of the Statutes, which you state in your Letter of the 18th Inst. to be at the disposal of the Governor, whenever He shall think fit to send for them, I am instructed to request that you will please to fix the time of the present day or any ensuing one at which it will be suitable to Your Convenience to deliver it, at which time the Principal Clerk in my Office will wait upon You to receive it.

I have, &c.

JNO. THOS. CAMPBELL, Secretary.

[14] Secretary Campbell to Mr. Justice Bent.

Sir,

Secretary's Office, 21st October, 1816.

I have the honor to inform you that in consequence of Your letter to His Excellency the Governor, under date the 10th Inst. relative to a Set of the Statutes at large, which the Secretary of State had informed you was furnished through the medium of the late Mr. Judge Advocate Bent for the use of the Governor's Court in this Colony, His Excellency on the 12th Inst. renewed his Application to Mr. Justice Bent, who, as the representative of his late Brother, retained the possession of two Sets of the Statutes belonging to the Court wherein the Judge Advocate presides, and the result of this Application is that Mr. Justice Bent has said he will deliver the Old Set to His Excellency the Governor's order, and the other or New Set to You for the use of the Governor's Court. This being effected, You will please to apply to Mr. Justice Bent for the fulfilment of his Promise, and to Communicate the result for His Excellency's information.

I have, &c.,

JNO. THOS. CAMPBELL, Secretary.

[15] Mr. Justice Bent to Secretary Campbell.

Sir,

Sydney, 22nd October, 1816.

I have the honour to acknowledge the receipt of your Letter of the 21st instant, and am sorry I was prevented from an earlier reply.
I shall be ready to deliver the Old Set of the Statutes to-morrow Morning at Eleven O'Clock, if that hour is convenient to you, on the other side is a short Note of the Particulars of the Set.

I have, &c.,

JEFFERY HART BENT, Judge, &c.

[Sub-enclosure.]

List of statutes for delivery.

PICKERING's Statutes, 35 Vols. Oct'vo. bound, containing the Statutes at large from Magna Charter to the 26th Geo. III inclusive.

Two Vols. bound of Remington's Edit. 4th, containing Statutes at large from 26th Geo. 3rd to 34th Geo. 3rd, both inclusive.

12 Parts in Boards, 4th Edit. containing the Statutes at large from 35 to 46th Geo. III inclusive; wanting the 37th year of the King.

J. H. BENT, J.

[16] Secretary Campbell to Mr. Justice Bent.

Sir,

Secretary's Office, 23rd October, 1816.

I have the honor to acknowledge the receipt of your Letter informing me that at Eleven O'Clock this Morning you will be ready to deliver the Old set of the Statutes, and favouring me at the same time with its description, agreeably to which I have made out the accompanying Receipt.

Mr. Robinson, the Principal Clerk in my Office, will be the bearer of this and has my instructions to take charge of the Books.

I have, &c.,

JNO. THOS. CAMPBELL, Secretary.

[17] Receipt from Secretary Campbell for Copies of Statutes.

PICKERING's Statutes, 35 Vols. Oct'o bound, containing the Statutes at large from Magna Charter to the 26th Geo. 3rd inclusive.

Two Vols. bound of Remington's Edit. 4th, containing Statutes at large from 26th Geo. 3rd to 34th Geo. 3rd, both inclusive.

12 Parts in Boards, 4th Edition, containing the Statutes at large from 35th to 46th Geo. 3rd inclusive, wanting the 37th Year of the King.

Received from the Honorable Mr. Justice Bent, the Old Set of the Statutes at large (formerly belonging to the Judge Advocate's Court) being irregular in the Editions and imperfect in the Series, agreeably to the above Description, which I shall deliver to His Excellency Governor Macquarie.

Secretary's Office, Sydney, 23rd October, 1816.

JNO. THOS. CAMPBELL, Secretary.
MACQUARIE TO BATHURST.

[Enclosure No. 2.]

CORRESPONDENCE RELATING TO THE RESIDENCE OF THE JUDGE-ADVOCATE.


My Dear Sir, Tuesday, 30th June, 1812.

I have this instant received your Two Orders on the Commissary, and on Mr. Wentworth, for 200 Gallons of Rum and £550 Sterling in full Payment of My disbursements, "past, present, and to come," on Account of the Judge Advocate's Residence, for which I beg Your Excellency will accept my most sincere acknowledgments. I have, &c.

ELLIS BENT.

True Copy:—JNO. THOS. CAMPBELL, Secy.

Note by Governor Macquarie.—This Letter is attached here as the best comment on Mr. Justice Bent's assertion in his Letter of the 31st October, 1816, wherein he speaks of the Sums expended on the Judge Advocate's House by His Late Brother "out of his Private Means."


Sir, Sydney, 31st October, 1816.

I have to address Your Excellency on the part of Mrs. Ellis Bent, who has understood that the House she occupies has been offered to Mr. Judge Advocate Wylde, at any time He may require it, and that Mr. Judge Advocate Wylde considers her in some measure as occupying it by his allowance. I will content myself with recalling to Your Excellency's recollection the Conversation, which passed between us on this subject, and Your Excellency's expressions with regard to myself, and with stating that Mrs. Bent has only from peculiar Circumstances delayed her departure from this Colony.

Out of the Three Vessels now in the Harbour, The Master of One could not allow sufficient time, not even 7 days delay beyond his day (which was the 3rd Novr.) for Mrs. Bent's preparations. The Master of the Elizabeth, after Mrs. Bent had been on board, stated as an Obstacle that Berths for the Children could not be erected, so that I was obliged to forego for her any thought of that Vessel; And, though He has subsequently offered with Government assistance, which Mr. Wylde undertook to get, to fit up the requisite Accommodation (if possible to be done), I am now under the Necessity of declining to proceed in that Ship. And the Master of the Third (The Mariner) says there is not sufficient time to fit up Berths, before he shall be obliged to sail

* Note 70.
also; and I am not certain where she is ultimately bound, nor whether He will have a Surgeon on board which, if he goes to Batavia, would be indispensible.

I admit without any hesitation that Mr. Wylde, from his arrival, has uniformly said Mrs. Bent might take her own time as to her quitting the House; And I have not replied in any other than in general terms till to-day, when I thought it right to state that Mrs. Bent considered herself as Occupying the House by Your Excellency’s Permission and as matter of favour from you alone, when Your Excellency’s right so to Act was questioned, and the fact stated that the House had been offered already. Mrs. Bent would wish to know to whom she is to consider herself obliged for the Privilege, to which however, from the Sums expended on it by my late Brother out of his Private Means, She did think herself particularly entitled as long as She could with propriety require it. Your Excellency can not but suppose that Mrs. Bent is anxious to lose no Opportunity, that could offer, of leaving the Colony, and that it is by no means her wish to prolong her stay for the purpose of Creating difficulties or inconvenience to any one or any farther than necessity actually obliges her.

I have, &c,

JEFFERY HART BENT,
Judge of the Supreme Court, N. S. Wales.

[8] Governor Macquarie to Mr. Justice Bent.

Government House, Sydney,
Sir,
1st November, 1816, Friday Morning.

I had the honor of receiving your Letter of Yesterday’s date early this Morning. I perfectly well recollect the substance of the conversation, I had with you, relative to the Judge Advocate’s House, and I certainly never meant to incommode Mrs. Bent or yourself by requiring either of you to quit it as long as there was only an Acting Judge Advocate in the Colony; but circumstances are now greatly changed by Mr. Judge Advocate Wylde’s arrival with a permanent Appointment as such from England, and who has consequently an undoubted right to demand getting possession of the House expressly built and intended for the residence of the Judge Advocate of the Territory. Under these circumstances, however painful it may be to my feelings to disturb or incommode Mrs. Bent or yourself, I shall not be able to resist the undoubted claim of Mr. Judge Adv. Wylde to give him possession of his House on his making a formal and official application to me for it, which I know he has hitherto forborne doing entirely from motives of delicacy to Mrs. Bent and yourself, as well as in compliance with my wishes communicated to him on...
this head on his arrival in the Colony. In case however Mrs. Bent and yourself should be able and feel inclined to avail yourselves still of the favourable opportunity of returning to England in any one of the three Ships now here, ultimately bound for that Country by way of India, I shall be happy as a matter of accommodation to Mrs. Bent and you to give on the part of government any reasonable assistance, that may be required by any of the three Commanders, to fit up the intended accommodation for you in the least possible time, so as to enable you to avail yourselves of so favourable an opportunity. I have, &c.,

L. MACQUARIE.

Mr. Justice Bent to Governor Macquarie.

Sir, Sydney, 1st Novem’r, 1816.

I have the Honour of acknowledging the receipt of Your Excellency’s Letter of this day’s date, and I have now to state, in regard to the Vessels in the Harbour, that the Willerby sails on Sunday next. The Master of the Elizabeth appeared to me and to Mrs. Bent to wish that we should decline his offer, even while He made it, and Mrs. Bent and myself would not on any terms sail in that Ship. With the Master of the Mariner, I have not had much Communication, but most certainly I do think that there are Workmen sufficient in Sydney to fit up any accommodation that we should require, without troubling Your Excellency for any assistance; but if she sails on Sunday Week as proposed, it has now become impossible to embark in that Ship; in regard to the House, I am glad the matter is made clear. But Your Excellency will recollect that Mr. Wylde brought the Official Intelligence of his own appointment, and Mrs. Bent’s occupation of the House since his arrival has not yet exceeded the limits, which might reasonably be expected would be allowed for any one’s removal merely. Your Excellency has never provided me with any accommodation, as a Judge of the Supreme Court since My arrival, and I should think I am as much entitled to accommodation at the expense of the Crown as the Judge Advocate or as My Successor would be, when He arrives. Of course Mrs. Bent will receive an Official Communication of the time, when the Widow and Children of the late Judge Advocate will be required to turn out. I have, &c.,

JEFFERY HART BENT,
Judge of the Supreme Court.

Governor Macquarie to Mr. Justice Bent.

Sir, Government House, Sydney, 7th November, 1816.

I have the honor to acknowledge the receipt of your Letter of date 1st Instant, and in reply to the only part of it, which
Refusal of quarters or lodging money for J. H. Bent.

requires any observation or answer from me. I now beg leave to enclose for your information an Extract of a Dispatch, received some little time ago by me from His Majesty's Principal Secretary of State for the colonies, by which you will observe that you are not considered by His Lordship entitled to receive any Lodging Money or Government Quarters here, as Judge of the Supreme Court.

I have, &c.,
L. MACQUARIE.

[Sub-enclosure.]

Extract of a Dispatch from Earl Bathurst, Secretary of State for the Colonies, addressed to Governor Macquarie under date, Downing Street, 4th December, 1815.

"I have equally to express my approbation of your decision with respect to Mr. Bent's claim for Lodging Money. No expectation was ever held out to him of such an allowance, nor do I see any reason why it should be granted."

"BATHURST."

True Extract:—L. MACQUARIE.


Sir, Sunday, 7th Novem'r, 1816.

I have the Honour to acknowledge the receipt of your Letter of this day's date, and am certainly surprized at the Extract which has been forwarded. For I am not aware that I ever at any time made any application to you or claim for Lodging Money, and in consequence I am ignorant when that Decision took place, which is the subject of Approbation. On My arrival I made an Application for a residence; upon objections being stated, I declined even the Lodgings offered to be taken for me at Mr. Lord's, and subsequently referred the Point of an Official Residence to His Majesty's Government, with whose determination I have not yet been made acquainted.

To me at least it appears, That the Extract does not bear out the Conclusion, "That the Judge of the Supreme Court is not entitled to a residence at the expence of the Crown"; for I can never think it possible that His Majesty's Government would allow a Governor to provide residences at the expence of the Crown for his Dependants, for Persons filling Offices of his own Creation, and for every other Person holding even inferior situations in the Colony, and at the same time suffer the Judge of the Supreme Court to be alone destitute of such Accommodation.

I have, &c.,
JEFFERY HART BENT, Judge.
MACQUARIE TO BATHURST.


Government House, Sydney,

18th November, 1816, Monday Morning.

Madam,

The Judge Advocate having Communicated to me the Letters that have passed between yourself and him, as to the period of Your continued possession of the Judge Advocate's House, of which I have already apprized your Brother in law, Mr. Justice Bent, that he has, by his appointment, an indisputable right of immediately requiring the Possession, I am desirous in the first instance to be informed by yourself within what period, of course devoted to the purpose of removal and without any unreasonable delay, you can arrange to vacate and give up the House, and as I am still not without the desire of saving yourself and children from any inconvenience I could relieve you from the enduranc of.

I shall not be unwilling upon request to undertake upon the part of the Government, though perfectly uninstructed upon the point, to take or be accountable for any suitable House or Lodgings for You Yourself and Family, until such time as an opportunity may again Offer for you to proceed to England.

If there be any Claims with respect to extra Fixtures in or about the House, that can be Satisfactorily approved upon proper Survey, as chargeable to Government, I shall very readily take also them into Consideration.

I am, &c.,

L. MACQUARIE.

P.S.—I request to be favoured with your answer to this Letter as soon as you can make it convenient, enclosing your letter to Mr. Secretary Campbell, who will forward it to me at Parramatta, to which place I propose going this afternoon.—L.M.


Sir,

Sydney, 20th November, 1816.

From the Tenor of your Conversation some time ago with Mr. Justice Bent, as detailed to me, I had supposed that it was your intention that I should occupy the House till my departure. I think that had that intention been otherwise, I should have been made earlier acquainted with what passed between yourself and Mr. Wylde upon this point at his arrival.

It is well known that Mr. Justice Bent has been in the Occupation of the House equally with myself; so that it is not only the Widow of the late Judge Advocate, but the Judge of the Supreme Court also, who is required to remove so precipitately.

To me it seems very extraordinary that Mr. Wylde should now insist upon what he gave no direct intimation of before, and that after expressions which, if there is any meaning in Words, could
only be construed as giving me as much time as I could wish. And now it would appear, because I have thought, as I always shall think, that the Master of the Elizabeth was of an indecisive mind and raised frivolous objections to prevent my departure in His Ship, that Mr. Wylde seeks to urge you to hasten my removal.

But I should think that if it was not your wish that I should be disturbed, Mr. Wylde would hardly, after placing himself under Pecuniary obligations, insist upon what was contrary to your inclinations. The expenses of Lodgings for myself and family, for the time I should probably need them, upon the largest calculation, would not exceed fifty Pounds, so that the responsibility attending such a provision is not of a very heavy nature, and I do not feel myself yet driven to the necessity of requesting any bounty of that description. It is not from such a necessity that I have been anxious to remain in the House, but in Order to save the Annoyance disadvantage and risk of a removal of Furniture, which is my intention so shortly to dispose of. That is my principal Motive, and I think after the expense and vexation sustained in building and Completing the House, I should not be exposed to any further trouble on its account, and more particularly when the same care has been ever taken of it as if it had been my Own.

If it had not been my full intention to leave the Colony by the very first Opportunity, I would not have said a word upon the subject nor have hoped, as I now do, to have the indulgence shewn in similar cases; but as it is, I trust I shall not have this cause to think that I have been treated by you ungraciously and by Mr. Wylde with a want of generous feeling.

I am, &c,

ELIZA BENT.

[9] Secretary Campbell to Mrs. Bent.

Madam,

Secretary's Office, 23rd November, 1816.

Having transmitted your Letter to the Governor, which came under cover to me on the 20th Inst., I have it now in command to convey to you His Excellency's further Sentiments, and in performing this duty I hope to avoid any expression which might be supposed either to originate with myself or to convey what might be deemed hurtful to Your Private feelings.

His Excellency regrets that your Letter has been couched in terms so unsatisfactory, as to leave him altogether at a loss to know what your intentions really are in regard to your giving up the Judge Advocate's house, which is now occupied by you; it being altogether silent in regard to the precise time at which
MACQUARIE TO BATHURST.

you purpose to evacuate it, which His Excellency had in his Letter to you requested you to state explicitly.

The Governor is therefore now under the painful Necessity of thus Communicating to you, that, in consideration of the present situation and claims of Mr. Judge Advocate Wylde as affecting the discharge of His Official Functions, his Private convenience, The Instructions of His Majesty’s Secretary of State, and the total failure of all attempts on his part and that of His Excellency himself to effect an Arrangement on this Subject for your mutual Convenience, He cannot permit you to Occupy the Judge Advocate’s house for any longer time than may be absolutely necessary for the removal or disposal of your furniture; And with this view His Excellency directs that you shall relinquish the Occupation of the Judge Advocate’s house, on or before Monday the 23rd day of the ensuing Month of December, and in Order that this extension of time for your occupation of that house may be considered a final and definitive Measure, His Excellency will expect that on or before Wednesday next the 27th Inst. you will transmit to Him thro’ the Medium of My Office a Written assurance that you will on the 23rd of December (if not earlier) deliver up the house of the Judge Advocate.

In Order that you may be apprized of the Consequences which will be attendant on any Non-Compliance on your part with the foregoing terms, I am to inform you that in such case the Governor will consider it His Duty without further Notice or delay to adopt such Measures as may be necessary to put the Judge Advocate, on the part of the Crown, into a more immediate possession of the house than has been proposed; but which He still earnestly hopes your good Sense and discretion will save him the necessity for resorting to, and yourself and family from the unpleasant Situation to which such a Circumstance must subject you.

The Governor is utterly at a loss to know what you mean or allude to in that part of your Letter wherein you mention Mr. Judge Advocate Wylde’s being under Pecuniary Obligations to Him, and desires to undeceive you therein by the assurance that such is not the fact, and if such report has reached you, His Excellency considers it His Duty to that Gentleman thus to declare that it is totally unfounded. I have, &c,

JNO. THOS. CAMPBELL, Secretary.


Sir, Sydney, 27th November, 1816.

Your Sentiments have been conveyed to me in a Letter from Mr. Campbell, and, in reply to the want of explicitness in my
1817.
3 April.

Mrs. Bent's allegations of want of candour.

Letter, I may say that the discussion has principally arisen from want of Candour and explicitness on your part; in a Letter to Mr. Justice Bent, you stated that Mr. Judge Advocate Wylde had forborne, at your request, to insist upon the Occupation of the House; but you never thought proper, either to apprise me, or to state for how long a time you had requested such forbearance nor what limits you had fixed for my Occupation of the House.

I should have thought it easy to discover that my wish was to remain till near my departure from the Colony, and I had some hopes that I had said sufficient to prevent my removal being pressed, and to induce your acquiescence.

Had you informed me what arrangement you had made with Mr. Wylde on his arrival, or then apprized me what was the longest period that I could be allowed to retain possession of the House, I should have made my arrangements accordingly; as it is, I have been led to form very different ideas upon the Subject, and kept in total ignorance of your sentiments as to the time of my stay till Mr. Wylde applies to you to farther his views, which I think are ungenerous. No arrangements have been offered to my acceptance by Mr. Wylde; nor any, that those who had a proper consideration for themselves, could for a moment attend to; and the failure of the attempts you have mentioned might have been easily anticipated.

It will be recollected that I have never had even a formal Notice to quit, and I may say such Notice to remove at a particular time was all that was necessary to have been given on your part, would have required no correspondence on mine; and on my Non compliance with it, it would have remained for you to take the necessary legal steps which Mr. Wylde, I dare say, would not be backward in urging.

After having thought proper Personally to address me on this subject, I scarcely expected that you would carry on the Correspondence through the Medium of another Person; had the Discussion began with an Official Communication by that Channel, I should not have had any feeling about it; But I do consider that your change of Mode shews a want of that politeness I should have expected from any Gentleman, and which I was particularly entitled to have met with from Governor Macquarie.

I think that I had always a right at least to a reasonable Notice to remove, in which light I view your late Communication. It is the first Notice I have received from a proper Authority; Written assurances or acknowledgments of the kind mentioned by you are utterly unusual. If I do not deliver up the House after proper Notice and at the proper time, I know that I must sustain the legal consequences; But I think that it would hav
been no improper exercise of your patience, if you had waited till
my Non-compliance had been manifested, before you had autho-
risèd the use of threats to extort unheard of declarations.

I do feel the utmost indignation at the threats you have thought
proper to dictate, which cannot be justified as the formal language
of an Official Notice, and which you ought to feel shame for
having caused to be addressed to the Widow of the late Judge
Advocate. With regard to that part of my Letter which you are
at a loss to Comprehend, I alluded to the fact of Mr. Wyilde's
application to you for an Advance to him of a part of his Salary
before it became due; and the steps taken by you in consequence
I considered as placing him under a Pecuniary Obligation; such
a circumstance I believe not to be mere report, and I do not think
that you will declare that it is totally unfounded.

I am, &c.,
ELIZA BENT.


His Excellency The Governor is Pleased to permit Mrs. Bent's
Occupation of the Judge Advocate's House until Twelve of the
Clock at Noon of the 23rd day of December next; when, if the
House be not already Vacated, and the Key delivered up to His
Excellency, an Officer of the Crown will take possession of the
same without further Notice or delay.

Given under My Hand, at Government House, Parramatta,
this 28th day of November, 1816.

L. MACQUARIE.

By Command of His Excellency The Governor,
JNO. THOS. CAMPBELL, Secy.


Sir,

Sydney, 14th December, 1816.

The fixtures, which perhaps Your Excellency might be
inclined to purchase on the part of Government, are the Venet-
tian Blinds, The Green Doors, Fire Irons and Grates, &c. in the
House and Kitchen, The Bells throughout the House, and orna-
mental Brass Work, together with a few Shelves and Pegs.

I do not know whether the Morticed Door Locks should be
included, but that is of no great consequence on either side. I
beg to tender them at the Prime Cost Price, adding the expence
of fixing, the Articles being as good as when first put up; a less
Sum I cannot in justice to myself ask, and should Your Excel-
lency not be disposed to take them on those terms, I must dispose
of them by Auction.

I am, &c.,
ELIZA BENT.
[13] Secretary Campbell to Mrs. Bent.

Madam,

Secretary’s Office, 16th December, 1816.

Your letter addressed to His Excellency the Governor enclosed in an envelope to me on Saturday, I have delivered.

Previous to His Excellency’s determining on the Purchase of the Articles enumerated in your letter, he requests to be furnished with the Account of their Cost; His Excellency considers that the Door locks belong to the House; if you will furnish the Account now requested in the Course of the present Morning (His Excellency being in Town), you will receive a final Communication in the course of the day.

I have, &c.,

JNO. THOS. CAMPBELL, Secretary.

[14] Mrs. Bent to Secretary Campbell.

Sir,

Sydney, 17th Decr., 1816.

I enclose a List of the Fixtures mentioned in My Letter to the Governor with the Prices they cost, an early Communication of His Excellency’s determination will Oblige.

I am, Sir, &c.,

ELIZA BENT.

[Sub-enclosure.]

£  s.  d.
Mr. Birnie for 3 Grates and fire Irons in the House as per Bill ................................. 47 5 0
L. Butler for Outside Venetian Blinds as per Bill .......... 60 0 0
Do. for 6 Green Doors as per Bill ........................ 28 10 0
Storer for Kitchen Range, Oven Door, Stew Holes, as per Bill, exclusive of Backs for grate deducted being destroyed .................................................. 53 0 0
Bells and Hanging ornamental Brass Work .................. 30 0 0
Dressers in Store Room and Pantry with Cupboards and Shelves removable, valued together at about ....... 10 0 0
Corn Binn .......................................................... 1 6 0
Ladder from Coach House to the Loft ........................ 1 2 0
Bell ropes and Handles to Dining Room .................... 1 1 0
Dresser ............................................................ 2 17 0
Jack roasting in the Kitchen Apparatus .................... 14 0 0

£249 1 0

17th Decr., 1816.

[15] Secretary Campbell to Mrs. Bent.

Madam,

Secretary’s Office, 18th December, 1816.

I transmitted your letter and list of fixtures, received yesterday, to His Excellency the Governor at Parramatta, and have received His answer this Morning; His Excellency will take the fixtures on Account of Government at the Valuation you
have put on them provided they should prove on examination entire and uninjured; to ascertain this fact, a survey of them must take place, which will be directed for such time as you may please to fix.

I am, &c.,
JNO. THOS. CAMPBELL, Secretary.

[16] Mrs. Bent to Secretary Campbell.

Sir, Sydney, 18th Decr., 1816.

The Survey of the Fixtures can take place at any time most convenient in the course of the Morning; to-morrow being the day of Sale would be perhaps not so eligible for the purpose.
I am, &c.,
ELIZA BENT.

[17] Secretary Campbell to Mrs. Bent.

Madam, Secretary's Office, 18th December, 1816.

In Answer to your Communication of this date that a Survey of the Fixtures might take place today, I beg to observe that I only received that letter at the instant I was setting out on a Public Duty, and therefore could not reply sooner than at the present time to it.

The Survey can only take place when you are ready to deliver over the charge of the House and Offices wherein they are placed, and on Your Notification of that time I shall, under His Excel­lency the Governor's Authority, give directions for its being made.
I am, &c.,
JNO. THOS. CAMPBELL, Secretary.

[18] Mrs. Bent to Secretary Campbell.

Sir, Sydney, 18th Decr., 1816.

I had understood that it was His Excellency's pleasure to take the Fixtures at the Cost prices provided their state and Condition was approved of on a Survey.
I am desirous that the Survey and approval should take place immediately, because, though I may have no doubt as to approval, the result of the Survey is uncertain. And if it is Postponed till I am about to quit the House, I shall not only have lost the opportunity of Public Sale in case of a difference arising, But I shall be out of Possession of my Property and not have the means of removing them if I should choose to do so.
I should think the difficulty might be obviated by an immediate Survey taking place to ascertain whether they are in such a state that His Excellency can take them, and when I quit the House another Survey, if it is thought proper, can take place to ascertain that they are in no more condition than at the former.
I am not aware that any Form requires the Survey to take place at the last Moment, and I should hope it will not be thought unreasonable to urge the Survey taking place today or tomorrow.

I am, &c.,

ELIZA BENT.

[19] Secretary Campbell to Mrs. Bent.

Madam,

Secretary's Office, 19th December, 1816.

Your Letter of Yesterday's date reached me only to-day; You have understood the intention of His Excellency the Governor in regard to His taking the fixtures correctly, as I had the honor of conveying it in my letter of the 17th inst.; but that survey could scarcely be expected to take place whilst the House is crowded as at present with Auction people.

When the risk and the injury, to which Articles of furniture are Subject on such Occasions, shall be over, and you will please to furnish me with a Specific enumeration of the Articles which are considered by you as composing the Fixtures, I shall order a proper person to survey and report upon them with all promptitude. Altho' I am not aware that it was in contemplation to protract the examination taking place "until the last moment," as I am satisfied I have given you no reason to suppose so, yet I am satisfied that until the Auction is over, it is but reasonable that the Survey should not take place, and I hope you will on reflection be also of this opinion.

I am, &c.,

JNO. THOS. CAMPBELL, Secretary.

[20] Mrs. Bent to Secretary Campbell.

Sir,

Sydney, 20th Decr., 1816.

The Sale will perhaps be over today but certainly early tomorrow, when I hope the Survey can take place.

I can only add, to the particulars I have already given, that the Grates, Fire Irons, and Fenders in the Drawing room and Dining room and two rooms up stairs are included in the first Article; that the Kitchen range includes the Stoves and the Oven Iron Work, the Grate, Fire Irons and Cranes; in the Bill furnished for them, everything was charged by Weight in separate Items, and the Back which is wanting to the Grate is deducted from the Bill. The Bells and expence of hanging, The Brass Door Plates, The Shutter and Window ornaments, and the Brass Pegs through the House are included in one Charge.

I cannot add to the Specification of the other Articles; in the List I forgot to mention The Cedar Blinds in Two rooms, The
Dressers in the Larder, The Stone Sink and the Grate and Fender in the Pantry, which I have reserved for Government, and for which I have made no charge.

E. Bent.

[21] Secretary Campbell to Mrs. Bent.

Madam,

Secretary's Office, 20th December, 1816.

At any hour that you will please to fix, after the Sale shall be at an end tomorrow, I will appoint a person to examine the fixtures; and I have only to add the request that you will favor me in the mean time with the Accounts of the respective Persons from whom the Articles had been purchased originally, as a Guide for the person who shall be directed to examine them.

I am, &c.,

Jno. Thos. Campbell, Secretary.

[22] Mrs. Bent to Secretary Campbell.

Sir,

Monday, 23d Decr., 1816.

The Sale being over, the Survey can take place at any time this Morning; I cannot give any further particulars, but the Persons who supplied the various Articles, and whose Names are given in the first List can give every information; and if any doubt should occur as to the Price I am willing to shew the original Bill at any time; But they are too much intermixed with other Accounts to send at this moment; A sudden indisposition will prevent my delivering up the Key of the House this day, But to-morrow I will send it to any Person authorized by the Governor to receive it.

I am, &c.,

Eliza Bent.

[23] Secretary Campbell to Mrs. Bent.

Monday, 23rd Decr., 1816,

Madam,

Secretary’s Office, 20 Minutes past 2 oClock.

Various duties have prevented my acknowledging your Letter of this Morning immediately on receipt of it.

It is not possible to order Surveys in the Manner you have required in the series of your Letters for Days past; but if you will in the course of this day fix any specific hour between 10 in the Morning and 3 in the Afternoon of tomorrow for the surrender of the House, &c., I shall myself be in readiness at that time to receive the Keys and shall in the mean time order proper Persons to be in Attendance to examine the Fixtures.

I am, &c.,

Jno. Thos. Campbell, Secretary.
1817. 3 April.

Survey of fixtures and surrender of house.


Sir,

I certainly have all along supposed that I should be informed before I quitted the House whether the Fixtures upon Survey met with approbation.

You informed me in your first Letter that a Survey would take place at any time I might appoint. I have Named several periods none of which were approved, and no other time has been fixed by you. At Two tomorrow I shall be ready to deliver the Keys, and I hope you will inform me in the mean time whether the Fixtures are approved of, as I cannot leave the Fixtures in the House unless I positively know whether they will be taken by His Excellency.

With the Survey itself I have no Concern, as my Determination is made in case of a disapproval.

I am, &c.

ELIZA BENT.

[25] Secretary Campbell to Mrs. Bent.

Madam, Secretary's Office, 23rd December, 1816, 5 o'Clock.

I lose not a minute to acknowledge the receipt of Your Letter of this date.

At the hour of Two tomorrow, I shall be ready to receive the Keys and Charge of the house from you, as proposed in your Letter now under Answer; If previous to that time the Persons appointed to examine the fixtures be admitted to View and report on them it is well; if not, you will please to exercise your discretion.

I am, &c.,

JNO. THOS. CAMPBELL, Secretary.

[26] Secretary Campbell to Mrs. Bent.

Madam, Secretary's Office, Tuesday Morning, 8 o'Clock, 24th December, 1816.

Two competent persons (a Joiner and a Smith) have received instructions to be in readiness to survey and report on the state of the fixtures in your late residence on the part of Government at 11 this forenoon. I apprize you of this in Order that you may give such directions as the occasion may require to enable the persons appointed to make their report correctly.

I am, &c.,

JNO. THOS. CAMPBELL, Secretary.

[27] Secretary Campbell to Mrs. Bent.

Madam, Secretary's Office, 24th December, 1816.

I transmit herewith an Attested Copy of the Report made by the Government Superintendent of Carpenters and Smiths on the State of the Fixtures in your late Residence, which being in
MACQUARIE TO BATHURST.

Conformity with what His Excellency the Governor was led to expect, I am authorized to say that His Excellency considers the purchase of them Complete and consequently that the Payment will be made you conformably to the Terms acceded to with respect to them.

I am, &c.,

JNO. THOS. CAMPBELL, Secretary.

[28] Mrs. Bent to Governor Macquarie.

Sir,

Sydney, 28th Jany., 1817.

As I am shortly to leave the Colony, I have to request that Your Excellency will give directions for the Payment of the Fixtures taken by Government. At the same time, I beg to remind Your Excellency that you had promised a Pardon to George Davey, when my late Husband was about to leave this Country in the Year 1815 by the Baring. He has lived Servant in my family since he first came out, and I hope that the Circumstances, which prevented our departure at the former period, will not be considered as having deprived him of the Pardon he was then led to expect, it being my intention if granted to take him to England.

I venture also to recommend Thomas Brown, who has lived with us ever since his arrival in the Colony as a person well deserving a Ticket of Leave. He is an ailing Man and not fit for hard labour.

I have, &c.,

ELIZA BENT.

[29] Governor Macquarie to Mrs. Bent.

Madam,

Government House, Sydney, 30th January, 1817.

I have to acknowledge the receipt of your Letter of date 28th Instant.

The moment I receive the accounts of the Articles purchased by Mr. Judge Advocate Wylde at the sale of Your Furniture (and for which I have called) I shall send you a Draft on the Police Fund for their Amount, together with that of the Fixtures purchased by Government from you for the use of the Judge Advocate.

Agreeably to my promise I shall grant your Servant George Davey a free Pardon on his Personally presenting me with the usual Petition praying for the same, and stating therein his Sentence and the Name of the Ship he came out in, the said Petition being Countersigned by you. I shall also grant your servant Thos. Brown a Ticket of Leave, in compliance with your request, on his presenting me a similar Petition, countersigned by You.

I have, &c.,

L. MACQUARIE.


I have the pleasure of enclosing you herewith a Draft on the Police Fund for the Sum of £249 1s. 0d. Sterling being the Amount of the Fixtures, &c., Purchased by Government at Your late Sale for the use of the Judge Advocate; and request you will be so good as to send me a Receipt for the Amount thus paid.

I have, &c.,
L. MACQUARIE.

[31] Mrs. Bent to Governor Macquarie.

Sir, Sydney, 1st Febry., 1817.

The Articles, taken by Your Excellency from Me by private Contract, Amount according to my List to £235 15s. 0d., for which Sum I shall be Obliged by an Order instead of the one enclosed in Your Excellency's Letter.

As I look to the Auctioneer for the Proceeds of the Sale, and am ignorant of the Amount of the Purchases made by the different Individuals, I must leave the articles purchased by Mr. Wylde at Public Auction to be settled with the Auctioneer according to the usual course of business.

I hold the Order sent in readiness to return as Your Excellency shall direct, and Am, Sir, &c.,
ELIZA BENT.

[32] Secretary Campbell to Mrs. Bent.

Secretary's Office, Monday Morning, 3rd February, 1817.

Madam,

I have this Morning delivered your letter, which came in an Envelope to my Address on Saturday night for His Excellency the Governor.

His Excellency having transmitted You an Order for the Amount, as well of the Articles purchased by the Honble. the Judge Advocate from your Agent Mr. Bevan, as of those which He took by private Contract according to your own Estimate, He had hoped that you would not have considered it necessary to Address Him further on that Subject than by acknowledging the receipt of the Payment in full.

In Order to the payment being made in such way as to avoid further Cavil or Correspondence, I have to request that you will return the Order for the Payment, which His Excellency sent you, and that you will furnish the Account which you state as Amounting to £235 15s. 0d., Altho' your former Account or List, which now lies before me, makes the Amount £228 15s. 0d. only.
The Amount of the Articles purchased from Mr. Bevan will be easily settled for with that Gentleman.

I am, &c.,

JNO. THOS. CAMPBELL, Secretary.

[38] Mrs. Bent to Secretary Campbell.

Sir,

Sydney, 5th February, 1817.

On reference to my Letter to His Excellency the Governor, you will find I simply requested the Payment of the Articles agreed to be taken from me on the part of Government.

I did not suppose, nor do I believe that any other Person was aware, that Mr. Wylde was purchasing any thing on account of Government, for had it been the intention of His Excellency to Purchase in that mode I should scarcely have thought that the Office of Bidder at Public Auction would have been given to the Honble. The Premier Judge.*

Not knowing the Amount of the Purchases so made, it could not in reason be expected that I should receive an Order for any Sum without knowing of what it was intended to be the Payment. I asked no more than that everything might be settled in the Common and regular course of business; The only mode by which Cavil or unnecessary Correspondence can be avoided; and I am at a loss to know upon what you found the Charge of cavilling you have taken the liberty to make.

I annex a list, by which you will perceive that the difference you have noticed arises from several Articles omitted in my first list, but which I reserved for Government as I stated in my Letter to you of 20th December last.

I consider the Articles fully worth the Additional £7, they most certainly cost considerably more. I return the Order for £249 1s. 0d., And

I am, &c.,

ELIZA BENT.

[Sub-enclosure.]

<table>
<thead>
<tr>
<th>List, &amp;c.</th>
<th>£</th>
<th>s.</th>
<th>d.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grates &amp; Fire Irons in parlours &amp; Bedrooms</td>
<td>47</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Venetian Blinds outside</td>
<td>60</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Green Doors</td>
<td>28</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Kitchen Range, Oven door and Stoves</td>
<td>53</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Bells &amp;c. throughout the House</td>
<td>30</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Dressers with Cupboards &amp; Shelves in Pantry &amp; Store room</td>
<td>10</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Two Pair of Cedar half Blinds in small Bedroom and room below. Grate and Fender in Butler's Pantry, Dressers in Larder &amp; Stone Sink</td>
<td>7</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

£228 15 0

£235 15 0

* Note 71.
[34] Secretary Campbell to Mrs. Bent.

Madam, Secretary’s Office, 6th February, 1817.

I take the liberty of sending you herewith His Excellency the Governor’s Order on the Treasurer of the Police Fund for the Sum of Two hundred and thirty five pounds fifteen Shillings Sterling, being the Amount of your last furnished Account for sundry Articles of Fixtures in the House of the Honorable the Judge Advocate; hoping that no new matter will be started to prevent this remittance from terminating the Correspondence, which I assure you Madam I have no wish to prolong, I have only to add that in this much desired event, you are requested to furnish me with a receipt for the Amount. “I take the liberty” of Subscribing myself,

Madam, &c,
JNO. THOS. CAMPBELL, Secretary.

[35] Mrs. Bent to Secretary Campbell.

Sir, Sydney, 8th February, 1817.

I have to acknowledge the receipt of your Letter, 6th Feby., enclosing an Order for £235 15s. for which I return a receipt.

I rejoice extremely at the termination of a correspondence, which on every subject you yourself have been the cause of prolonging, and in the Conclusion of which you have displayed a pettishness which would hardly be excusable in one of my own Sex.

I am, &c.,
ELIZA BENT.

[36] Receipt from Mrs. Bent.

6th Feby., 1817.

RECEIVED of His Excellency Governor Macquarie An Order on the Treasurer of the Police Fund for Two Hundred and thirty-five Pounds 15s. Sterling, being on Account of Fixtures &c. purchased from me and of which Order I have received Payment.

ELIZA BENT.

[Enclosure No. 3.]

CORRESPONDENCE RELATING TO THE SUPREME COURT.

[1] Mr. Justice Bent to Governor Macquarie.

Sir, Sydney, 10th Decem’r, 1816.

An Advertizement in the *Sydney Gazette* has struck my view, purporting to be an Order by which Wm. Broughton and Alexr. Riley, Esqrs. are discharged from their Duty as Members of the Supreme Court.

* Note 72.
Upon referring to the Letters Patent for the establishment of the Courts, you will find that Your Excellency’s Power is limited solely to the Nominating two Magistrates as Members from time to time; No Power of discharging them from that Duty is there given you, the only mode, by which they can be relieved from the Duty thrown upon them, being the Appointment of New Members in their Stead. A discharge of the Members without the Appointment of others would be a virtual dissolution of the Court; And were any Governor entrusted with such Authority, it would be in His pleasure to Postpone or prevent the trial of any Actions, which might be disagreeable to him, and materially to injure Persons obnoxious to him by the expences consequent thereupon.

But even supposing Your Excellency to have the Power of discharge now assumed, it would require to be exercised at least with the same forms as the Power of Nomination; for I cannot consider an Advertisement in a Gazette, without some more formal Order being produced, as any Authority whatever. I have now to state that I caused Mr. Riley, the only Member residing in this part of the Territory, to be summoned to attend as a Member of the Supreme Court on Saturday last. Mr. Riley was also summoned to attend at a Supreme Court to be held yesterday; from a want of attendance of Members I have adjourned the Court till Friday next. Your Excellency’s ex post facto Advertisement of discharge I conceive to be meant to relieve Mr. Riley from the Consequences, which might ensue from his Misdeamesnor in not taking upon him the Duty of a Member of the Supreme Court, when required so to do. But looking upon such Advertisement of discharge as a mere Nullity, I shall proceed to enforce the attendance of the Members, who are without reasonable excuse, in such mode as may seem to me best. An Advertisement was sent by my direction to the Sydney Gazette on Saturday last giving Notice of the assembling of the Supreme Court yesterday. Such Advertisement has been refused insertion by Your Excellency’s authority.* Upon what pretence (for reason there can be none) I am at a loss to know. I shall send a similar advertisement next Week, and, if insertion in the Gazette should be continued to be refused by Your Excellency, I shall take the only mode left and give Publicity to such Notice, as I shall deem necessary, by causing Hand Bills to be Posted about the Town, and by sending others into the Country and to Van Diemen’s Land.

The Odium attending the Cessation of the Meeting of the Supreme Court, I know it has been endeavoured to throw upon me, and I rejoice that an opportunity has been afforded me of incontestably proving that such Cessation first arose, and has

* Note 73.
312 HISTORICAL RECORDS OF AUSTRALIA.

1817.  
3 April.  

Reasons for suspension of supreme court.

been continued, from the undue means used to force improper Persons as Practisers in the Courts of Justice here Contrary to Law and the feelings of the Judges. The inconvenience to be sustained by the Colony now will plainly appear to have been of very little consideration with Your Excellency; for, the favorite Scheme having proved abortive, and not to be effected by the former measures, means are to be resorted to in order to prevent the Meetings of the Supreme Court, in the hope that some future Judge will be easily persuaded to sanction the irregular mode of practice, which has been lately adopted and is likely to continue.

Should your Excellency persist in the right of discharge and refuse to Nominate other Members, I shall leave to Your Excellency the responsibility attending such an extraordinary attempt at an avoidance of His Majesty's Charter, satisfied with the full confirmation of my Opinion that, while such extravagant Notions of authority and such measures of arbitrary tendency characterise the Administration of this Colony, it would be impossible to give effect to the present establishment of the Courts of Justice except by an utter dereliction of every sound principle of English Law, an adoption of Maxims suited only to a Military Despotism, and a Servile submission to the views and wishes of Your Excellency.

I am, &c.,

JEFFERY HART BENT,
Judge of the Supreme Court.

[2] Secretary Campbell to Mr. Justice Bent.

Sir,

By Command of The Governor, I transmit you the Accompanying Attested Copy of His Excellency's Government and General Order of this Date, whereby you will perceive that you are prohibited from exercising the Functions of the Supreme Court for Reasons therein Assigned.

I have, &c.,

JNO. THOS. CAMPBELL, Secretary.

Mem.—This Letter and the Government and General Order Accompanying it were returned unopened.

[Sub-enclosure.]  

Government and General Orders.

Government House, Sydney, Wednesday, 11th Decr., 1816.  
Civil Department.

His Royal Highness The Prince Regent having deemed it necessary to recal Jeffery Hart Bent, Esqre., as Judge of the Supreme Court of Civil Judicature in this Territory, and His Majesty's
Government having been pleased to communicate the same to His Excellency the Governor and to the said Jeffery Hart Bent, Esqre., in a Public Despatch,* dated the 12th April, 1816, as "considering the removal of the said Jeffery Hart Bent, Esquire, from the Colony as necessary to mark the sense and Disapprobation, which they entertain of the Measure which, so indiscreetly for the Colony and himself, the said Jeffery Hart Bent, Esquire, thought it necessary to adopt," and which for so long a period has occasioned "all the serious Evils of a total suspension of Justice to the manifest Injury of the best Interests and Public Credit of this Colony." And it having been made known to His Excellency that, notwithstanding "the high displeasure so expressed by His Royal Highness in that respect, and the said positive recall by his Majesty’s Government on Account of Conduct, which in their Opinion could Admit of no Justification," that the said Jeffery Hart Bent, Esquire, has presumed, as from and under the Authority of the Supreme Court, to issue certain Process directing the Provost Marshal of this Territory to summon Alexander Riley, Esquire, to attend at his Chambers as a Member of the said Supreme Court; And Further that the said Jeffery Hart Bent, Esquire, since and after a Public Notification that the Members of the said Supreme Court were discharged from all further duty in that respect, has also presumed, as from and under the like Authority of the said Court, to issue other Process directing the Coroner of this Territory to attach and have the body of William Gore, Esquire, the Provost Marshal of this Territory before the Supreme Court.

His Excellency the Governor, in Consideration of the Circumstances of the Authorities with which he is invested, and of the positive directions of His Majesty’s Government in that respect, can no longer feel himself justified in forbearing to Notify and put in force the Commands of His Royal Highness and of His Majesty’s Government with regard to the removal of the said Jeffery Hart Bent, Esquire, as Judge of the Supreme Court in and a Magistrate of this Territory. And His Excellency the Governor does accordingly Declare, Order, and make known that the said Jeffery Hart Bent, Esquire, is positively and absolutely removed from the said appointment, and has no Authority or Jurisdiction whatever in this Territory or its Dependencies with regard to or by Virtue of the same.

And His Excellency the Governor does hereby forbid and restrain the said Jeffery Hart Bent, Esquire, at his peril to assume or Exercise any Authority or Jurisdiction whatever as the Judge of the Supreme Court or as a Magistrate of this Territory.

* Note 74.
And it is hereby further Ordered and Declared by the Authority aforesaid that all Officers, Civil and Military, and all other Persons residing within this Territory, are absolved, freed, and Indemnified as to and from all regard, responsibility, and obedience to the Orders, Process, or Authority of the said Jeffery Hart Bent, Esquire, as the Judge of the Supreme Court or as a Magistrate in this Territory. And Further they are hereby strictly forbidden and restrained at their Peril from Acting under, proceeding, or enforcing the same in that respect.

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

By Command of His Excellency,

JNO. THOS. CAMPBELL, Secretary.


Sir,

Sydney, 25th December, 1816.

Without any Communication to me, except the incidental mention of My Recall in a Letter upon another Subject, Your Excellency has thought proper, by Placards and public Advertisement, to state that my Office of Judge of the Supreme Court has entirely ceased. From the Letter of His Majesty's Principal Secretary of State to myself, I cannot draw such Conclusion, and I can no more Consider my Commission to be determined, or my Official Functions to have ceased, than Your Excellency would consider your own Power as abrogated by a Notification of your own recall, or by the absolute revocation of your own Commission by another under the Great Seal. And as Your Excellency would beyond all doubt consider your own Commission as subsisting till the Arrival of your Successor, or your own determination of it by withdrawing from the Colony, so I consider my authority as not being determined till the arrival of a New Judge, or my exercise of that liberty, which has been given me of returning whenever it may suit my convenience.

To put any other Construction upon the Letter of my Lord Bathurst to me would be to suppose that His Majesty's Government had fallen into the same error which has been blamed in myself.

Unless therefore positive directions have been given from Home as to my immediate removal and as to the measures you have pursued, I must consider myself as still exercising the Office of Judge of the Supreme Court; And if Your Excellency has received such directions, I must deprecate that species of forbearance, for which so much Credit is taken, but which consists only of keeping me in utter ignorance of directions respecting myself, and springs from no good motive or kind inclination.

I have then to request that Your Excellency will no longer delay to do what you have said is your Duty; but that I may be

1817.
3 April.

General orders prohibiting J. H. Bent exercising functions as judge of supreme court.

J. H. Bent's claim to full powers until his departure or the arrival of a successor.
made fully acquainted with the Order given through his Majesty's Secretary of State respecting myself, My Salary, and my Office, and the Public Censure to be passed on my Conduct. Upon all which points, I have no information either from yourself or directly from Home.

To me it seems most singular that, upon my causing the Members of the Supreme Court to be Summoned, Your Excellency in order to prevent the Meeting of the Court should have recourse in the first instance to an Order of discharge* (no Authority for which is given by the Charter) rather than to the simple statement of the Orders from Home (if any have been received) for my immediate removal, or even the Notification of your opinion of the Construction proper to be put upon my Notice of Recall; upon these points also, I was not favoured with the slightest Communication.

But to come to another subject, Your Excellency well knows that I gave up the Chambers, allotted to me as Judge of the Supreme Court, to the Use of the then Acting Judge Advocate, and in lieu of them received the Chambers, formerly belonging to the Judge Advocate; and this arrangement took place as a matter of convenience to the Parties concerned. Had I retained my own Chambers, I cannot even yet think it possible that they would have been taken possession of under any circumstances, and more particularly when my Successor is not yet arrived, without some Notice of such intention; And there can be no reason, when the Judge Advocate is occupying the Chambers I gave up, that a different mode of Acting should be adopted in regard to those I hold in lieu. Yet I found, on going to Chambers yesterday, that, by virtue of some Warrant from Your Excellency to take Possession of the House and Offices occupied by Mrs. Ellis Bent, the Provost Marshal had taken possession of the Chambers occupied by me together with my Books and Papers, and that all access was prevented to myself, or Clerk, or Office keeper, by means of Constables; and it was stated that the Orders were to turn my Books and Papers into the Street. But not the least curious part of the transaction is that, after Your Excellency's Secretary had written to Mrs. Bent to say, He would attend to receive the Keys of the House She occupied at 2 O'Clock on the 24th, after admittance had been that very morning asked for the Persons appointed to survey the Fixtures at 11 O'Clock, The Provost Marshal should, by virtue of a Warrant transmitted by Your Secretary, take possession soon after 10 O'Clock. So that Mr. Wylde now occupies the Chambers, belonging to the Judge of the Supreme Court as having been Occupied by the Acting Judge Advocate, and those occupied by

* Note 72.
myself are taken possession of, I conclude for His use, under
the shallow pretence, which Your Excellency is well aware is
c contrary to the fact, that they were in the Occupation of Mrs. E.
Bent; and this takes place without Notice or requisition of any
kind to me to remove even my Own Property. If it is Your
Excellency's desire to seize upon and dispossess me of the Papers
and Records belonging to the Supreme Court, why not openly
avow it? Why seize upon my Chambers and my Property with­
out Notice to remove, or why indeed were Orders issued to take
possession of a House, which Mrs. E. Bent had professed her
readiness to give up, had for some days left, and when Your
Excellency's Secretary had written that he would attend to receive
the formal Surrender. Your Excellency must suppose that my
Books and Papers are not removeable at once, and that it cannot
be very agreeable to examine or assort them under the inspection
of a Provost Marshal and Constables, to which I have been sub­
jected. I should think that Your Excellency upon reflection will
perceive that such treatment ought not to have been adopted,
even if I were considered merely as a private Gentleman, and
without relation to the office with which I arrived in this Colony,
which I contend I am still entitled to exercise till the arrival of
my successor, and the Court attached to which (if any there are)
I am entitled to enjoy during my stay, when I neither profess nor
intend to make this Place my settled abode.

Your Excellency not long ago stated that difference of Opinion
on points of Public Duty need not produce a spirit of private
Hostility; that you disavowed all designed mortification; and that
I had illiberally ascribed your Actions to private pique and
resentment. I will now ask could any measures be more strongly
tinctured with Personal Animosity, or more openly display a
designed System of petty Mortification, than the late Orders
relative to myself, to my Chambers, the removal of the Constables
usually attending, or the Stoppage of a Solitary Ration. As to
the other uncourteous circumstances, I will confine myself to
remarking that, if upon Your Excellency's being relieved by a
Successor, you would consider orders for the deprivation of the
use of a Government House and Horses, for the Removal of the
accustomed Guards and Orderlies, and for the Cessation of
Customary marks of respect during your stay in the Colony,
as wanting in common propriety, You will stand self Condemned
for adopting a similar Conduct towards me. Finally I should
wish to know in what light Your Excellency means to consider
me during my stay in the Colony; whether Your Excellency
means to extend that Courtesy towards me, which you would no
doubt expect to meet from Your Successor, or whether discourtesy
is to be carried so far as to affect not only the Style and Form of Address used to me, but also the Occupation of the Usual Pew in the Church.

Waiting information hereon,

I have, &c.,

JEFFERY HART BENT,
Judge of the Supreme Court.

[Enclosure No. 4.]

MR. JUSTICE BENT TO GOVERNOR MACQUARIE.

Sir,
Sydney, 15th Feb., 1817.

I regret that I am obliged to remind Your Excellency of your Proposed promise that the remains of my Brother, the late Judge Advocate, might be removed into the Church (where there is a Vault already formed), in case Mrs. Bent should still object to Garden Island.*

The reasons for her not approving the latter place continue in full force, and are in my mind very strong and convincing; And I now call upon Your Excellency, by every thing which can be supposed to have influence with a Man of Honour or feeling, to allow the removal.

Unless, therefore, Your Excellency means to carry enmity beyond the Grave or to Punish the surviving relatives through their feelings naturally alive to attention to his remains, There can be no objection in reason to such removal taking place; And most certainly if in this respect Your Word is forfeited, I shall have every right to doubt there being any sincerity in the intentions expressed with regard to a Monument on Garden Island.

If Your Excellency notwithstanding shall persist in the refusal given through Mr. Cowper, I will cause the request and denial to be inscribed on the present Tomb, that when those who knew My Brother shall chance to read the inscription, the sigh they will breathe over departed Worth may bear a silent malediction upon what I shall be authorized to call and ever shall consider your despicable Conduct.

I have, &c.,

JEFFERY HART BENT,
Judge of the Supreme Court, N.S.W.

[Enclosure No. 5.]

CORRESPONDENCE RELATING TO DETAINERS LODGED AGAINST MRS. BENT AND MR. JUSTICE BENT.


Sir,
Sydney, 14th March, 1817.

I have to address Your Excellency on the subject of some Detainers laid most unjustly and cruelly against myself and on account of a claim against my late Husband, in which detainers against J. H. Ellis Bent. Mr. Justice Bent is joined with me.

* Note 65
Your Excellency is no doubt aware that I am not personally liable as Executrix beyond the amount of the effects which may have come into my hands; and knows also that I am sole Executrix to my Husband, and have in that Capacity received what was due to him on account of Salary, &c., from Your Excellency; so that I am the only Person responsible for any claim against my late Husband's effects and not Mr. Justice Bent, who has had no concern therewith except as my Agent; and this I trust is sufficient to shew the injustice of any Detainer against him.

The first detainer for £22 is in the Name of a Man, Named Ryan, who had been employed by my late Husband in some Buildings upon his farm; the transaction is as far back as 1812; the Farm itself was sold in 1813; no claim was made upon my Husband since that time, not even when He was about to leave the Colony for England in the Baring in 1815, nor since his Death. The Man or his Wife drew his Money from time to time and in advance generally; and it is worthy of remark, that though the Governor's Court was sitting, where a Decision could be had in a week's time upon his claim, He takes no step to bring his case forward, but lodges a detainer, because that can be done without making Oath of the Amount of the Debt.

The other Detainer is by Mr. Brooks for a large Sum said to be due in a Bill of Exchange; I enclose a Copy of a Letter written to him on his Application to me, which will explain the transaction, and of which I request Your Excellency's Perusal; it will be perceived that Mr. Brooks is not even the Holder of the Bill on which He pretends to rest his claim; that there are two of the set known to be in existence and in the Hands of Persons residing in Calcutta and London; who may in all possibility, if any thing is due will, sue me in the Bills themselves; so that it is attempted most unjustly to keep me in the Colony to answer claims to which I am not personally liable, and as Executrix even, am not liable beyond the sufficiency of the effects. Mr. Brooks well knows that He has not the slightest ground on which an Action at Law could be for a Moment supported, and takes this unjust advantage of the iniquitous System of Detainers, by which any Person may detain another in the Colony for even a pretended Debt, as no Affidavit is required but merely the Payment of Five Shillings to the Judge Advocate's Clerk, a system of which I have heard my late Husband express his sense of its illegality and the injustice of its longer continuance.

The whole of this System rests as I have been informed on one of the Port Regulations,* which expresses "Debts, Recognizances, Bail Bonds, &ca."; I submit it to Your Excellency, whether any doubtful Claims of this Kind can be intended to be included by

* Note 75.
those Words; and whether it is just or right that I should be compelled to enter into Security, when no Affidavit of a Debt has been made. And I am further advised that a Writ of the Exeat is the only legal cause by which a Party can be detained, in which case Oath of the Debt is always required.

I may also say that, by my detention in the Colony, I am prevented from administering to the Property at Home, out of which all Claims can alone be satisfied. Waiting Your Excellency’s reply,

I have, &c.,

E. Bent.

[2] Secretary Campbell to Mrs. Bent.

Madam,

Secretary’s Office, 15th March, 1817.

I have received His Excellency the Governor’s instructions to acknowledge the receipt of your Letter of yesterday’s date to him, accompanied by the Copy of a Letter therein referred to.

His Excellency having given every Consideration in His power to the circumstances stated by you in regard to Detainers being Lodged against you, as Executrix of the late Mr. Judge Advocate Bent and also against Mr. J. H. Bent, as Executor to the same person, and finding upon your own representation (which is all the Ground His Excellency has to reason upon) that the Validity of the Detainers wholly depends upon and involves itself in Questions and Merits of a legal Nature and Construction only, His Excellency therefore does not think that He would be warranted in any Summary and unusual interference on the Occasion, more especially previous to the matter being brought before the regular legal Jurisdiction, which has for so many Years (from the foundation of the Colony itself) obtained and been resorted to on all Occasions similar to that of which you complain. That Jurisdiction, however incompetent it may be deemed by you, was Acted upon for the whole of the time the late Mr. Judge Advocate Bent presided in the Law Courts of the Colony, and is unquestionably fully competent to give you the fullest redress, in the event of the Detainers which have been lodged against you and Mr. J. H. Bent proving to be “unjustly and Cruelly laid,” or to be unsupported by the general principles of Law and the Established usages of this Colony. I have, &c.,

Jno. Thos. Campbell, Secretary.


Sir,

Sydney, 15th March, 1817.

I have received Your Excellency’s communication through Your Secretary; I beg leave to mention that Your Excellency interfered in the case of Captn. Johnstone of the Guildford, in
which an Order was sent to the Act’g Judge Advocate to dismiss the detainer; I ask only that the regulation be amended by directing the Debt stated may be sworn to. Captain Raine of the Surry having however entered into a Bond not to take any Free Person out of the Colony without Your consent and approbation, I hope for the Signification of Your objections to my Departure if any. No Process from any Court of Law has issued against me, nor am I liable to any.

I require therefore allowance to depart as a Free Subject, being advised that I am entitled to leave this Colony unless I am Arrested by due Process of Law. I have, &c,

E. Bent.

[4] Secretary Campbell to Mrs. Bent.

Madam, Secretary’s Office, 15th March, 1817.

The Laws of the Colony and the Port Regulations, which Constitute a part of them, are and must be the same to you as to every other Member of the Community; to them, Madam, His Excellency the Governor desires to refer you in reply to Your Letter of the present date.

I have, &c,

Jno. Thos. Campbell, Secretary.


Sir, Sydney, 15th March, 1817.

Understanding that the Captain of the Surrey has entered into a Bond under the Penalty of £500 not to take any Free Person out of the Colony without the Consent and approbation first had and obtained of the Governor of N. S. Wales, And having been recalled by His Majesty’s Government by a Letter a Copy of which is in Your Excellency’s Possession, and wherein liberty is given to me to return whenever it may suit my Convenience (and my Successor being arrived), (without admitting the necessity of the consent required by the Bond, in order to prevent any Scruples that may be started on this point by the Captain), I have now to ask whether Your Excellency has any and what Objections to my departure in that Ship; No Writs or Process from any Court have been taken out against me, nor am I liable to any.

I have therefore to require that I shall be allowed to depart, unless I am arrested by Process according to due Course of Law. I have, &c,

J. H. Bent,
late Judge of the Supreme Court.

Sir,  
Government House, Sydney, 15th March, 1817.

Having received from Mrs. Bent and Jeffery Hart Bent, Esqre., late Judge of the Supreme Court, certain communications as to Detainers being lodged against them in your Office, I have to enquire whether you have taken the same into consideration, and whether the Certificate required by Persons wishing to obtain Permission to leave the Colony, under the 13th Article of the Port Regulations, has been refused at your hands on any application made, and a due examination taken of the Cause of the Detainers laid; and I have further to request that you will advise me generally of all the Circumstances and your opinion thereon.

I have, &c.,

L. MACQUARIE.


Judge-Advocate’s Office, Sydney,  
15th March, 1817.

I beg leave to acknowledge the receipt of your Letter of this Day’s date, desiring me to inform Your Excellency generally of the circumstances relative to any Detainers lodged in my Office against Mrs. Bent, or J. H. Bent, Esqre., late Judge of the Supreme Court, and My Opinion thereon.

As to the Circumstances I beg leave to Copy the Written Instructions upon which the Detainers were lodged and entered as dated with the Clerk (as usual) in my Office.

(Copy.)

Dear Sir,

I request you will enter a Detainer in the Book kept for that purpose at the Judge Advocate’s Office against the Departure of Jeffery Hart Bent, Esqre., and Mrs. Eliza Bent as the personal representatives of the late Ellis Bent, Esqre., deceased, until the Sum of £22 13s. 6d. due to Michael Ryan, Carpenter of Richmond upon the balance of Accounts be paid, or the usual Security given.

I am, &c.,

Sydney, 25th Feby., 1817.  
FREDERICK GARLING.


(Copy.)

Mr. J. J. Moore,

Please to enter a Detainer in the Book kept for that purpose at the Judge Advocate’s Office against the departure of Jeffery Hart Bent, Esquire, and Mrs. Eliza Bent as the
No applications lodged for permission to leave the colony.

Former practice adopted when detainers were lodged.

Port regulations re detainers.

J. H. Bent informed when detainer was lodged.
Detainer being lodged immediately upon its receipt, who was pleased to return it open by the Messenger with some strange and uncivil remark upon the outside of it.

I have, &c.,

Jno. Wylde, Judge-Advocate, N.S.W.

[8] Secretary Campbell to Mr. Justice Bent.

Sir,

His Excellency the Governor desires me to refer you to the Port Regulations and the general Laws of the Colony for an Answer to your Letter of this date on the Subject of Your Departure from hence.

Those Laws and Regulations will not bend to any Private consideration.

I have, &c.,

Jno. Thos. Campbell, Secretary.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked “No. 13 of 1817.” per H.M. brig Kangaroo; acknowledged by Earl Bathurst, 29th August, 1818.)

My Lord,

Sydney, New South Wales, 3d April, 1817.

I do myself the honor to transmit herewith for your Lordship’s perusal and information the Copy of a short Correspondence, which took place in December last between me and the present Judge Advocate Wylde, and his father, Mr. Solicitor Wylde, together with a Copy of a Government and General Order issued by me on the 1st of January last, Announcing the Appointment of Mr. Wylde Senior (ad interim) to the Situations of Clerk of the Peace and Solicitor for the Crown.

These Appointments are made of Course Subject to your Lordship’s future Approval, and have not in the Mean Time Any Salary attached to them, Mr. Wylde having Very liberally offered his Services free of Salary, until the result of my present reference to Your Lordship should be known.

In a former Despatch dated the 18th October, 1811, addressed to Lord Liverpool, wherein I first had the honor of submitting to His Majesty’s Government the expediency of Granting a New Code of Civil and Criminal Law for this Colony, I also enumerated the List of Officers, which I considered would be necessary for the Carrying into effect the proposed Arrangement; and among others I particularly enumerated that of Clerk of the Peace as being almost a Sine qua non in the Constitution of the Criminal Court, adding on the suggestion of the late Mr. Bent that the same Person, who held that situation, might also Act as King’s Proctor, Registrar of the Civil Courts, &c. And on the same Authority I proposed that a Salary of £500 P’r Annum should be attached to those Offices.
By the Constitution of the Courts, which has since taken place under the late Patent, possibly some of the above Situations have merged in others of a different Name or Denomination, and would of Course be now unsuitable to bestow. But the situation of Clerk of the Peace, which is Attached to the Criminal Department, remaining still to be supplied, and being One of much Importance and of almost Absolute necessity for the reasons pointed out as well by Myself in the Dispatch alluded to, as by the late Judge Advocate Bent in his Letter quoted by the present Judge Advocate in the Accompanying Correspondence, and being borne out by Mr. Judge Advocate Wylde's assurance that such an Appointment had been referred from Your Lordship's Department to my decision. I have had no hesitation in making the provisional Appointment of Mr. Wylde Senior to it, and for the reasons so well assigned by the Judge Advocate. I have also given the further Appointment of Solicitor for the Crown under the same Conditions to Mr. Wylde Senr. If the Creating of these Appointments should meet Your Lordship's Approbation, which I trust the Necessity for them, as ably stated by the late and present Judge Advocate, will fully Secure, I hope Your Lordship will please to Confirm My Nomination of Thomas Wylde Esqr., and that Your Lordship will please to assign such liberal Salary and Allowances as will render them Objects of due Consideration with the Gentleman now in the Discharge of the respective Duties of them, and Compensate for the Importance of the Services to be rendered by him.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

JUDGE-ADVOCATE WYLDE TO GOVERNOR MACQUARIE.

Judge-Advocate's Office, N. S. Wales,

Sir,

26th December, 1816.

Previously to my leaving England on my present Appointment, having observed in the public Dispatch* of my predecessor, the late Ellis Bent, Esqre., dated the 19th October, 1811, a recommendation among other Subjects connected with the proposed New System of Judicature then referred to His Majesty's Principal Secretary of State for the Colonies, "that a professional person should be sent out as Clerk of the Peace, whose Duty it would be to draw up all Indictments and informations, to manage the formal parts of all prosecutions, to make up and have the Custody and Charge of all the Orders and records of the Courts": I beg to inform Your Excellency that I took the opportunity of addressing a Communication to the Secretary of State submitting the request, that if such an Appointment were Approved of by His Majesty's Government that it might be given

* Note 76.
MACQUARIE TO BATHURST. 325

1917.
3 April.

Recommendation required from Macquarie.

Necessity for the appointment.

Duties of the judge-advocate in criminal procedure.

Effect of such duties on independence of judgment of judge-advocate.

to My Father, Mr. Thos. Wylde, about to accompany Me to the Colony with leave to Act as a Solicitor in our Supreme Court of Judicature.

In a personal Communication, which afterwards took place at the Colonial Office, I was informed that it was deemed proper that such a Measure should in the first instance originate with Your Excellency, and that if the same were so far Approved and deemed expedient, as to be referred home by Your Excellency, the recommendation would of course meet with due consideration with His Majesty’s Government.

I beg leave therefore to submit to Your Excellency the Grounds upon which I have been induced to form the opinion that such an appointment would be proper beneficial and expedient.

I have already been long enough in the execution of My Office to agree in Opinion with my Predecessor, that the Duty of the Judge Advocate in this Colony is both laborious and Complicated, particularly as President of the Court of Criminal Judicature.

“For it is his Duty,” as observed in the Dispatch already referred to “to examine the Depositions taken (perhaps by himself as a Magistrate) upon the Committal of Offenders, to prepare the Information upon which they are to be tried, to cause the necessary Witnesses to be summoned, to exhibit those Informations to the Court, to conduct and take Minutes of the Trial, to take down the Evidence, to make such observations thereon to the other Members of the Court as he may deem expedient, to pronounce the Judgment of the Court, to make up the record of the Conviction or acquittal of the Prisoners and to take Charge of all the records of the Court.

“Thus the Judge Advocate is at once the Committing Magistrate, Public Prosecutor, and Judge, and he is called upon to decide upon the legality of the Information drawn up and Exhibited by himself; while from being so intimately concerned in the Preliminary steps of every Prosecution it is hardly possible for the Judge Advocate to free his mind from some degree of Bias against the Innocence of the Prisoners, and it need hardly be added that his opinion must necessarily have great weight with the other Members of the Court.”

It is this last Consideration and not any weight of Duty that urges me to bring this Subject before Your Excellency; as whatever may be the real Influence of such previous Duties and Interference on the part of the Judge Advocate, and even if in truth none whatever prevails, the Confidence of the Public cannot I fear be brought to the conviction that the Judge Advocate under these circumstances proceeds to Judgment with that perfect Independence of opinion and feeling which should characterize
Effect of such duties on independence of judgment of judge-advocate.

Advantages of altered procedure in court.

Proposed appointment of clerk of peace; and of solicitor for the crown.

John Wylde's motives in suggesting the change.

and can never safely be withdrawn from such highly penal and conscientious functions. An undue influence cannot but be suspected as naturally arising from former circumstances and Duties, which certainly, even in themselves, seem inconsistent with the Character, Office, and Independence of the Judge, in matters of legal Import and Judgment, and much more in Trials of Criminal Judicature.

It is also to be remarked in many Instances of Public Indictments and even of some brought forward Expressly on the behalf of the Crown, it may be found necessary that enquiries should be made after, and Examinations taken upon additional Evidence, or upon that already adduced; which, if the Judge Advocate could possibly find leisure to make, would still more affect or be thought to affect his Judgment upon the Trial, and Impress upon him that Bias which upon the best principles should ever on the trial be not against but in favor of the Offender.

It is also to be further observed that it might be expedient in some Cases, especially where the Crown immediately prosecutes, that the Public proceedings upon the Trial in the Court should be conducted more formally and at large than could possibly be done by the Judge Advocate, who in every case could only pursue the usual Mode of proceeding by the Examination of the Witnesses, and thus bringing the facts of the Case to the Knowledge of the Court; the effect of which might be in some cases more advantageously impressed by a previous opening statement and reply, made too by one who might be even esteemed less interested than the Judge Advocate in the Issue of the Decision.

With these views and for the purposes already stated, I take the liberty of requesting Your Excellency's consideration whether it would not be Expedient and beneficial that some professional Person should be appointed Clerk of the Peace, in and for this Territory and its Dependencies.

Connected with the above recommendation is another, which I also at the same time submitted to His Majesty's Government, and which upon further reflection and experience, though short, now personally obtained, I also feel desirous of at least making known to Your Excellency, and that is that the same Person, who may act as the Clerk of the Peace, may also be appointed Solicitor for the Crown in this Colony.

It will not, I trust, be suspected that I have any Desire to withdraw myself from the honorable, however highly responsible, Situation of Principal Law adviser of the Crown in the Colony; indeed I cannot but feel persuaded that my general Conduct, during the time I have been in Office, will immediately dispel such an Idea from your Excellency's Mind; the duty will ever be
rendered the Government readily and with my best ability; but I cannot but think that it would prove of great advantage, public facility and expediency, that the Governor should have promptly and constantly at command the assistance of professional advice and direction in matters of general business and enquiry, or not perhaps of sufficient importance to be referred to the Judge Advocate, although of doubtful expediency or management; but more especially does it appear to me expedient that such an Appointment should take place, and the person appointed called on to act in cases where proper enquiries, which professional Knowledge and habits can best prefer and supply, are necessary perhaps to substantiate the claims of the Crown, where official correspondence and communication may be requisite, and thus most favorably conducted perhaps for the Interests of the Crown, whose legal Proceedings on behalf of the Crown are afterwards determined upon, and are to be conducted to and at the Trial in the Courts of Civil Judicature; and where, if in the Governor's Court, the Judge Advocate will have to preside as Judge, and should, if possible, and thus would be left free from all bias, prejudice, and previous determination.

Upon these grounds, I beg leave to submit to Your Excellency's Consideration that it would be beneficial and expedient, that the professional person, who may act as Clerk of the Peace may also be appointed Solicitor for the Crown in the Territory and its Dependencies. I have, &c.

JNO. WYLDE, Judge-Adv., N.S.W.

True Copy:—JNO. THOS. CAMPBELL.

[Enclosure No. 2.]

MR. THOMAS WYLDE TO GOVERNOR MACQUARIE.

Sir, Sydney, 27th December, 1816.

It having been Communicated to Me by My Son, the Judge Advocate, that he has recommended to Your Excellency the Appointment of some Professional Person as Clerk of the Peace and Solicitor for the Crown in the Colony, I beg leave to tender you my Services on the Occasion, and to suggest that, if Your Excellency should be pleased to approve of such a measure and to be desirous at least of trying what might be the results of adopting it, I will very readily undertake the Office and Duties without Salary, till Your Excellency and the Government shall be satisfied of the propriety and expediency of the same, and establish the Appointment in such Manner as shall be deemed fit and proper.

I have, &c.

THOS. WYLDE, Sol'r.

True Copy:—JNO. THOS. CAMPBELL, Secy.
SECRETARY CAMPBELL TO MR. THOMAS WYLDE.

Sir,

Secretary's Office, 31st December, 1816.

I have the honor to communicate to You His Excellency the Governor's reply to your letter, dated the 27th Inst., tendering your services in the situations of Clerk of the Peace and Solicitor for the Crown.

His Excellency, deeming the situations of Clerk of the Peace and Solicitor for the Crown almost indispensably necessary in the present advanced state of the Colony, and being well assured of Your Competency from legal knowledge and long professional experience to fill those Departments with Credit to Yourself and benefit to the Public, is happy to avail Himself of your liberal proposal to perform the Duties of those Departments gratuitously, until such time as the pleasure of His Majesty's Ministers shall be known thereon.

Under the present Circumstances, His Excellency cannot take the responsibility on Himself of attaching a Salary to the Appointments, but He will avail Himself of the earliest opportunity to recommend to His Majesty's Ministers to Confirm you in the respective Situations of Clerk of the Peace and Solicitor for the Crown with a Suitable Salary annexed to them.

I have, &c.,

JNO. THOS. CAMPBELL, Secretary.

True Copy:—JNO. THOS. CAMPBELL.

SECRETARY CAMPBELL TO JUDGE-ADVOCATE WYLDE.

Sir,

Secretary's Office, 31st December, 1816.

I have it in Command from His Excellency the Governor to acknowledge the receipt of Your Letter, dated the 26th Instant, on the importance and expediency of creating the Situations of Clerk of the Peace and Solicitor for the Crown in this Territory, and recommending Thomas Wylde, Esqre., as a suitably qualified professional Gentleman for those Departments.

His Excellency fully coinciding in the expediency of, if not absolute necessity for, such appointments in the present improved and advanced state of the Colony, and at the same time happy in availing Himself of Your Recommendation, has Communicated to Mr. Wylde under the present date, that He will accept his Services (which had been liberally tendered on the 27th Inst.) in those Departments, And His Excellency will make an Early Communication hereon to His Majesty's Ministers, at once recommending the full Establishment of those Situations and the
Confirmation of Mr. Wylde in them, with a Suitable Salary, He having tendered his services ad interim without Salary.

I have, &c.,

JNO. THOS. CAMPBELL, Secretary.

True Copy:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 5.]

GOVERNMENT AND GENERAL ORDERS.

Government House, Parramatta, Wednesday, 1st January, 1817.

Civil Department.

The Governor deeming it essentially necessary for the more effectual Conduct of the Proceedings in the Court of Criminal Judicature in this Colony, the more ready Attainment of professional Assistance to the Government, and the better Management of the Public Interests, that a duly qualified Person should be appointed without further Delay to the Situations of Clerk of the Peace and Solicitor for the Crown, has been pleased to accept the liberal Offer of Thomas Wylde, Esqre., to discharge the Duties of those Offices without Salary, until and unless His Royal Highness the Prince Regent and His Majesty's Government shall think fit to confirm them with a suitable Salary. The Expediency of which Measure His Excellency means to submit and recommend to their consideration.

His Excellency therefore hereby constitutes and appoints the said Thos. Wylde Esqre. (a Solicitor of the Law Courts in England, and authorized by the Government to act as such in the Supreme Court in this Colony) Clerk of the Peace and Solicitor for the Crown in and for the Territory and its Dependencies; and orders and directs, that, from and after the present date, the said Thomas Wylde, Esqre., shall be regarded, acknowledged, and obeyed as Clerk of the Peace and Solicitor for the Crown in all Matters and Things belonging or appertaining to those Offices.

By Command of His Excellency,

JNO. THOS. CAMPBELL, Secretary.

True Copy:—JNO. THOS. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked “No. 14 of 1817,” per H.M. brig Kangaroo; acknowledged by Earl Bathurst, 12th May, 1818.)

Government House, Sydney, New South Wales,

My Lord,

3rd April, 1817.

Having been already under the necessity, in My Dispatch of the 8th of March, 1816, to represent to Your Lordship the disrespectful, insulting, and insubordinate Conduct of Mr. Solicitor Moore in regard to the Seizure of the American Ship
Preparation of a memorial to the House of Commons by W. H. Moore.

Traveller, And having also Mentioned the Measures I had adopted therein, I now beg to lay before Your Lordship another part of Mr. Moore's Conduct still more reprehensible than the former.

This Gentleman, who has endeavoured to tread in the Steps of his Preceptor and Patron, Mr. J. H. Bent, in rendering indiscriminate opposition to all the Measures of my Government, as far as a Weak head and a bad heart could impel Him, some time since lent himself so far to a Mischievous and Mean faction as to become the Chief Mover and promoter of a Memorial,* Addressed to the House of Commons, ostensibly for the purpose of Obtaining a free Navigation and Trade and relief from Certain imaginary grievances, but in reality to Convey Charges of the Most false and Malicious Nature against me. This Memorial was sent from hence for England in June last in Charge of the Revd. Mr. Vale, which I was aware of at the time; but, not being so fully informed of its object as I have become since, I did not feel it Necessary to Make Your Lordship any Communication at that time in regard to it. Since that time Owing to a Copy of the Memorial having been privately taken by a Person who had frequent and unsuspected access to it, it has Come to light that the Signatures of Several persons had been put to the Memorial without their having had any knowledge whatever of the Circumstance; and some of these People, whose sentiments and principles would have revolted against so base an Act, finding that their Names have been affixed to it and justly dreading my displeasure, have Come forward and disclaimed on Oath their ever having Signed or Authorized any one else to sign for them the Paper in Question, and at the same time reprobated the false and Malevolent Assertions Contained in it. As soon as it was discovered that I meant to withhold Grants of Land and other Indulgences from any Persons then about to receive such, whom I should find had been concerned in the business of the Memorial, some Persons, getting alarmed, immediately set about exculpating themselves; And it is an extraordinary fact that Mr. Solicitor Moore had the Audacity to address a letter to me in behalf of his Brother (to whom I had promised a Grant of Land, but had Cancelled it on finding his Name was affixed to the Memorial) declaring that He had himself put his brother's Name to the Memorial without his privity or Consent, at a time his Brother was in the Country and unacquainted with its Contents; A Copy of his letter and that which I directed my Secretary to Write in Answer to Mr. Moore accompany this.

By such Means, My Lord, has this Worthless and Unprincipled reptile, under the pupillage of Mr. Bent, shewn himself a ready Agent to undermine me and blast, if possible, My honor and

* Note 77.
Public Character. I shall only further trouble Your Lordship on
the Subject by transmitting (out of several which have been
made) the Copies of Two Depositions and Letters transmitted
to Me by Mr. Samuel Terry, a wealthy Trader here, and Mr.
Gustavus Lowe, formerly An Officer in His Majesty's Service,
who Came out here Some Years Ago as a Convict, both of whom
disclaim in the strongest Manner ever having either Signed or
Sanctioned any other Person to Sign for them the Memorial
alluded to.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

MR. W. H. MOORE TO GOVERNOR MACQUARIE.
George Street, Sydney,
Your Excellency, 18th September, 1816.

I have to apologize for troubling you with a Letter at a

time, when your indisposition may render it improper, but I am
anxious to make an explanation to Your Excellency that may
prevent my Brother suffering unjustly on my Account, and I
fear that any delay in my doing so would be equally injurious to
him. I am informed that the Grant of Land, intended to have
been made to him, is withheld on Account of Misconduct in his
Name appearing to a Petition to the House of Commons for the
redress of certain grievances, which I considered the Settlers in
this Colony had just reason to complain of. Now I have no
hesitation in declaring to Your Excellency that I took upon my­
self to attach his Name to such Petition, that he never saw it, and
that every thing relating to it was transacted during his Absence
from Sydney, when he was up the Country.

I also beg leave to state to Your Excellency that the land was
actually Measured and in his Possession, several Weeks before
he heard he was to be deprived of it, and that he has Conse­
quently been put to a very considerable expence in providing
himself not only with Tools of all kinds but with Materials for
erecting a House, which will become an entire loss to him, unless
Your Excellency is Pleased to rescind your late Orders for Can­
celling such Grant.

I am, &c.,

W. H. MOORE.

True Copy:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 2.]

SECRETARY CAMPBELL TO MR. W. H. MOORE.
Secretary’s Office, Sydney,
Sir, 20th September, 1816.

I have it in Command to acknowledge the receipt of your
Letter of the 18th Instant, addressed to the Governor, and to
Convey to you His Observations thereon.
His Excellency is not altogether unacquainted with the clandestine and surreptitious means resorted to for the obtaining or affixing signatures to the paper you designated a "Petition for the redress of certain grievances," which in the course of your very short residence in this Country you discovered to exist in it, and of which in your opinion "The settlers had just reason to complain." Neither is His Excellency to be at this time informed, who were the principal agent in that business, nor of the degree of success with which the solicitations for signatures was attended even among the lowest and most base of the community. These things are already unfolded, and, in the present stage of the business, the men and the measure are alike held too contemptible to require a more minute investigation. The malicious misrepresentations with which the petition is fraught, combined with the consideration of contemptible imbecility of the faction from which it originated, screens some of its most active members for the present from the pillory and loss of ears, tho' at no very distant day the offended laws may make the necessary examples. In silence, these measures have been observed during their progress, and the present animadversions would not have been drawn forth, but for the circumstance of your having had the temerity to avow (in the letter now under answer) that you had yourself affixed the name of a person to that petition, who had never seen it and who had never given you any authority so to make use of his name. This avowal of an act of forgery, calculated to impose upon the august assembly of the British Senate, and unaccompanied as it is with any sentiment of contrition, could not fail of producing the most lively sentiments of indignation at the unprincipled conduct which gave birth to it.

In regard to the object you have had in view in making this avowal, namely the inducing the Governor to rescind an order made by him for cancelling a grant originally intended for your brother, His Excellency desires to observe that the highly criminal act, which you now stand self convicted of, renders your testimony on this or any other occasion totally inadmissible by those laws with which you should have been better acquainted, the nature of your profession considered. Under all the circumstances of the petition, you will of course not be surprised to find that no further reliance will be placed in your exculpation of your brother than to induce His Excellency to institute an enquiry into the real state of the case, and when that shall be done to adopt such measures as may be conducive to justice.

Whilst His Excellency cannot but regret that a person, nominated as you had been so lately to the lucrative and respectable
situation of a Law Solicitor under this Government, should have so far lost sight of what was due to that Character as to Commit himself in the Manner you have done; yet, the fact being so, it is His Excellency’s desire that you do not address him any further on this or any other subject, A Correspondence of any nature with you being unsuitable and inadmissible.

I am, &c.,

J. T. CAMPBELL, Secy.

True Copy:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 3.]

MR. SAMUEL TERRY TO GOVERNOR MACQUARIE.

Sydney, 12th October, 1816.

May it Please Your Excellency,

With the greatest respect and submission I beg leave to solicit Your Excellency’s attention to the following plain statement of facts, relative to an Offence the Commission of which no Person whatever in this Colony could be more averse to than myself.

On the 10th of this instant Month, Mr. Gustavus Lowe (who has the Superintendance and management of my Agricultural Concerns) informed me that Mr. James Meehan, Deputy Surveyor of Lands, stated to him that he, Mr. Meehan, had it in Command from Your Excellency not to measure the 300 Acres of Land Your Excellency was some time since Pleased to Grant to me, as Your Excellency had Cancelled that Grant in consequence of my having been lately Guilty of Seditious Practices by Signing or procuring others to Sign a Seditious Paper, which had been lodged at Mr. Solicitor’s Moore’s for that purpose.

Some time since Mr. Moore was my Solicitor; I called at his house one day on business; He produced to me a Paper purporting to be a Memorial to the House of Commons, desired me to read it, and requested me to sign it; I read as far as the two first Paragraphs, laid it down, and said to Mr. Moore, “Mr. Moore this is a very improper Paper, I will never sign such a One, And I am satisfied if His Excellency the Governor was to know this paper lay at your house, He would send His Dragoon both for you and it.”

I solemnly assure Your Excellency that I never signed nor approved of the Letter alluded to; that I never desired or solicited another Person whatever to sign it; that I never was at any Meeting concerning it; and that on the Contrary I actually prevented One Person and advised others against signing it.

I beg leave to assure Your Excellency that I am induced to lay this statement before you not from any Motives of interest, for the gain or loss of a few hundred Acres of Land can be of very
little difference to me, but entirely with a view of removing from Your Excellency's mind the impression of my having been concerned in Seditious Practices.

I have been going on 20 Years in this Colony; I have a Young family and extensive Agricultural and Mercantile Concerns therein; Sedition, until now, was never laid to my Charge; as far as in me lay, I have obeyed and supported the Government; I have received favor from Your Excellency, for which I am truly thankful; and I do assure Your Excellency that I am not so inimical to my Own and my Family's interest, nor so insensible of Your Excellency's goodness to me, as to enter into or Countenance or abet any Seditious Practices against Your Excellency's Government. And with the greatest deference I should submit to Your Excellency that it would be but Justice to myself and family to have me brought into the presence of Your Excellency there to have an Opportunity of Confuting the Calumniators of My Character, which will confer a greater Obligation than those I am already Under to Your Excellency, And I have the Honor to affix myself, With the highest respect, &c.,

SAML. TERRY.

True Copy:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 4.]

AFFIDAVIT OF MR. SAMUEL TERRY.

Cumberland to Wit.

SAMUEL TERRY of Sydney, Merchant, Voluntarily Came before Me, One of His Majesty's Justices of the Peace for the said County, and Maketh Oath and Saith, that the Matters and things stated and set forth in the foregoing Letter are true and Correct in substance and Matter of fact to the best of this Deponent's knowledge and belief, And further saith that he never has by Act or Deed Committed any offence that might be considered as Militating against the Government of this Colony.

SAM'L TERRY.

Sworn before Me, this 12th day of October in the Year of Our Lord One thousand, Eight hundred and Sixteen.

D. WENTWORTH, J.P.

[Enclosure No. 5.]

MR. GUSTAVUS LOW TO GOVERNOR MACQUARIE.

Sir, 12th October, 1816.

Impressed with Sentiments of the most profound respect, I beg permission to lay the enclosed Affidavit before Your Excellency on a Subject that I feel deeply affects My interests in this Colony.
In doing this, I cannot convey to Your Excellency my feelings, when the Accusation of Sedition was Convey’d to me on Thursday last by an Officer under Your Excellency’s Government, a Crime so foreign to the Principles I inculcated from my earliest Youth. Ruinous as the deprivation of my Land must be to Me after expending so much Money and Labour thereon, that loss would not be so severely felt by me as the impression of ingratitude which must (unless removed) remain upon Your Excellency’s mind, in my being concern’d in any Matter derogatory to Your Excellency’s Government.

Having stated thus much, the only and the greatest favor, I have to beg, is to be brought before Your Excellency, as well as his accusers—the Individuals from whence the information has been derived, and then Your Excellency will have an Opportunity of Judging upon whose cheek the blush of shame will appear; this appeal I make to the humanity so Manifest in Your Excellency’s Character, in granting which Your Excellency will remove the unhappiness that will otherwise remain upon the Mind of, Yours Excellency’s, &c.,

GUSTAVUS LOW.

[Enclosure No. 6.]

AFFIDAVIT OF GUSTAVUS LOW.

Cumberland to Wit.

GUSTAVUS ADOLPHUS LOW Came before Me, One of His Majesty’s Justices of the Peace for the said County, who maketh oath and saith, that on or about Thursday the Tenth day of October instant, as this Deponent was riding from the South Creek, he met Mr. James Meehan, the Deputy Surveyor of this Colony, who inform’d this Deponent that he had received Orders from His Excellency the Governor not to measure this Deponent’s Farm upon the South Creek, the same being Cancelled together with all other indulgences heretofore granted; that upon this Deponent’s interrogating the said Mr. Meehan as to the Cause of such Orders having been given, This Deponent received for Answer, “That it was for being lately Guilty of Seditious Practices by having signed a paper which had been lodged at Mr. Solicitor Moore’s for Signature.” Now this Deponent saith that he never did, at any time or place, himself or by Power to others, Sign, Seal or deliver his Name, Initials or any other Mark, directly or indirectly, to any such Paper or Papers, address, or application; and that, if this deponent’s Name has appear’d, the same has been done without his privity, knowledge or Consent; And this Deponent further saith that He never has, during his residence in this Colony, affixed his Name, Signature, initials or Mark
to any Paper or Document Subversive to the Government or good
Order of the Colony, Nor did he ever see or hear the Contents
of any such Paper or Papers read, and further this Deponent
saith not.

GUSTAVUS LOW.

Sworn before Me the 12th day of October, in the Year of
Our Lord, One Thousand, Eight Hundred and Sixteen.
D. WENTWORTH, J.P.

True Copy:—JNO. THOS. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.
(Despatch marked "No. 15 of 1817," per H.M. brig Kangaroo;
acknowledged by Earl Bathurst, 24th August, 1818.)

Government House, Sydney, N. S. Wales,

My Lord,

In obedience to your Lordship's commands, conveyed to
me in your Lordship's Dispatch No. 40 of date 2nd March, 1815,
I have now the honor of transmitting herewith, for your Lordship's
notice and information, two large Bound Books containing
the Names of all the Male and Female Convicts, who were
alive in the Colony of New South Wales at the time of my
assuming the Government thereof on the 1st of January, 1810,
and including all those who have arrived in the Colony from that
period up to the 31st of December, 1816, both inclusive; the whole
being Alphabetically arranged in regular order and made out
agreeably to the Form enclosed in your Lordship's Dispatch
herein alluded to; the large Book, No. 1, containing the names
of the Male, and the smaller Book, No. 2, that of the Female
Convicts, the two Books being packed up in one Dispatch Box
by themselves and forwarded by the Government Brig Kangaroo
along with my other Dispatches.

Similar Books to those now sent will be transmitted annually
to your Lordship, made up to the 31st of December of each year,
agreeably to the Instructions I have received on this head. But
from a cursory view of the two Books now transmitted, your
Lordship will be able to appreciate the time and trouble it
necessarily takes to arrange and make up those Books in the
prescribed manner; and I must therefore hope for your Lordship's
dispensing with their being sent in Duplicate, it having
taken up the whole time of one good Clerk for the last Twelve
Months to arrange and complete those two Books now forwarded.
They must however prove very useful and convenient Documents
in the Secretary of State's Office for occasional References from
the relations and friends of such unfortunate persons as are from
time to time transported to this Colony.

I have, &c.,

L. MACQUARIE.
MACQUARIE TO BATHURST.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 16 of 1817," per H.M. brig Kangaroo; acknowledged by Earl Bathurst, 3rd July, 1818.)

Government House, Sydney, N. S. Wales,

3rd April, 1817.

My Lord,

Mr. Judge Advocate Wylde having made application to me soon after his arrival here to have his Office supplied with Stationary from the Government Stores, I signified to him that, the Office of the late Judge Advocate not having been supplied with Stationary at the expence of the Crown, I could not with propriety comply with his request on this head without first obtaining your Lordship's sanction for so doing. He has accordingly made an Official application in writing to me on this subject, and I now do myself the honor of forwarding herewith Mr. Wylde's letter for your Lordship's favourable consideration.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

JUDGE-ADVOCATE WYLDE TO GOVERNOR MACQUARIE.

Sir, Judge-Advocate's Office, 26th March, 1817.

I beg leave to request of your Excellency to take into Consideration whether I might not reasonably solict of His Majesty's Government, through your Excellency, to Authorize an Issue of Stationary from the Commissariat for the Use of my Office, not as Judge of the Governor's Court (in which respect the Public may be thought to reimburse the expense in the customary Fees) but in respect of the general public Business that falls to me in Correspondence as Judge Advocate, principal acting Magistrate, and on occasion your Excellency's Law assistant and general Adviser. I need not suggest to your Excellency how much of paper Communication and Matter has in fact transpired bet'n the Judge Adv. and yourself, since his Arrival in October, upon various public Subjects of Proclamation, Policy, and general Circumstance, and how certain it is that such from time to time must continue from the nature of the Colony and our relative Concerns with its public Affairs. I have had, and must have, much also of Communication with the Magistrates of the Districts upon matters connected with the Police, Offences, Commitments, Cases of Bail, and the general Conduct and Proceedings of the Criminal Jurisdiction in the Territory.

I have also to communicate, on this and other subjects, with Van Dieman's Land. I may indeed say that there can be no subject of any Importance connected with the civil criminal or general Jurisdiction of the Colony, in which, if I am rightly to

1817. 3 April.
conclude from the past, I shall not find it necessary to use Stationery. I must confess that I did not make any enquiry or suggestion at the time my present Appointment was bestowed upon me, because I certainly never entertained a Doubt, but that necessary Stationery was allowed; in consequence I only brought out with me a Supply for private Use, which was soon exhausted, and I have since provided a Supply from the Ship Surrey at £30 expense, which will shortly also be (of course, in general business) consumed. Under these Circumstances, without longer intruding upon your Excellency on such a Subject, I submit the Consideration entirely to Your Excellency's Pleasure and Decision.

I have, &c.,

JNO. WYLDE, Judge-Adv., N.S.W.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 17 of 1817," per H.M. brig Kangaroo; acknowledged by Earl Bathurst, 24th July, 1818.)

Government House, Sydney, N. S. Wales,

My Lord,

1. I have the honor to acknowledge the receipt of Your Lordship's Dispatch, No. 67 of date 18th of April, 1816, Conveying to Me the intelligence of the decision of His Majesty's Government respecting the immediate removal of Lieutenant Governor Davey and the Appointment of Colonel Sorell to succeed him, as Lieutenant Governor of Van Diemen's Land. This Communication, I confess, affords me sincere satisfaction, in as much as it promises much benefit to the Settlements on Van Diemen's Land, and relieves them from a Ruler under whom they were never likely to prosper, or to arrive at a state of either Opulence or respectability; and I must embrace the opportunity now afforded me of returning my best and most respectful acknowledgments to Your Lordship for so readily and promptly attending to My Suggestion for the Removal of Lieutenant Governor Davey. He has given me a great deal of trouble and vexation, from first to last, by his total neglect of his own Duty, and disregard, and even Contempt, of all My Orders and Instructions. But the worst part of his Conduct is his lavish, extravagant and shameful profusion of the Public Property and Colonial Revenue, entrusted unavoidably to his Management and Control. I may safely assert he has lavishly expended in different ways some Thousands of Pounds belonging to the Public, that no other Man except himself would have dared to expend without Authority; and I may also add that it would have saved a great deal of Money to the Crown, had Government given a Pension of Two or Three
Hundred per Annum to Colonel Davey, instead of sending him out as Lieutenant Governor of the Settlements on Van Diemen’s Land.

2. Soon after the receipt of Your Lordship’s Dispatch, already adverted to, I forwarded the Letter, which accompanied it, to Colonel Davey, Notifying to him his removal and leaving him the Option of either continuing at the Derwent, till the Arrival of his Successor, or resigning his Command and coming up to Port Jackson. He however availed himself of the former Alternative, and signified to Me his determination to remain at Hobart Town till he should be regularly relieved by his Successor, Colonel Sorell.

3. I also acquainted Colonel Davey that Your Lordship had authorized me to give him a liberal Grant of Land for the benefit of his Family, and in Consideration of his loss of Property by the Capture of the Government Brig, Emu,* in the year 1813, and offered him a Grant of Two Thousand Acres, in addition to 3,000 Acres† which I had formerly given him, but which I omitted to report at the time to Your Lordship; and concluding you were of course unacquainted with the Circumstance of his having received this former Grant, I considered a Grant of 5,000 Acres of Land in the whole, not only a most liberal One, but also more than adequate to Compensate for any losses Colonel Davey might have sustained in Property by the Capture of the Brig Emu. Colonel Davey has however declined accepting of the additional Two Thousand Acres I offered him, as he conceives Your Lordship’s intention was to give him at least Five Thousand Acres, exclusive of the first Grant of Three Thousand Acres I gave him at first, and therefore intends making a reference to Your Lordship on the Subject; so that matters must rest as they are, until I am honored with Your Lordship’s farther instructions on this subject. I have yet to learn whether Colonel Davey intends returning to England or settling in this Country, tho’ I sincerely hope he will do the former.

4. Colonel Sorell arrived here from England on the 10th, and sailed for Van Diemen’s Land on the 27th of last Month.

5. I have been honored with Your Lordship’s Letter of date 20th July, 1816, directing me to Pay Colonel Davey One Hundred Pounds from the Colonial Funds, which I have done accordingly, and shall draw as directed for the Amount on the Under Secretary of State for the Colonies. I have also forwarded the Earl of Harrowby’s Letter to Colonel Davey, which came enclosed in Your Lordship’s Letter to My Address under date the 22nd of July, 1816.

I have, &c.,

L. MACQUARIE.
GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 18 of 1817." per H.M. brig Kangaroo; acknowledged by Earl Bathurst, 29th September, 1818.)

Government House, Sydney, New South Wales,

My Lord,

1. My last General Dispatch to Your Lordship's Address was dated the 8th of June, 1816, and was transmitted to England per The Brig Alexander, which Sailed hence on the 16th of the same Month.

2. Since the Departure of the Alexander I have had the Honor to receive Your Lordship's and the Under Secretary of State's several Letters and Dispatches as specified in the Margin,* together with their respective Enclosures and accompaniments, to all which the most respectful and pointed Attention will be paid by Me in fulfilling and Carrying into Effect the several Orders and Instructions Conveyed to Me in them.

3. I have much Pleasure in reporting to Your Lordship that this Colony is at present in a state of perfect Peace and Tranquility, and also that it Continues in a progressive State of Improvement, which however has been this last Season and Harvest considerably Checked by no less than three successive Inundations of the Rivers Hawkesbury and Nepean and South Creek, by which the Country has been much distressed within the last Nine Months; the last took place in the Month of February of the present Year, Overflowing the Country along the Banks of the Hawkesbury to a great Extent, and sweeping away Farm Houses, Offices, Grain of every kind in Stacks, and on the foot, Horned Cattle, Sheep, Pigs, Poultry, and various other Property to a very great Amount; so much so that many Settlers, formerly Opulent, have been Completely ruined, and I have been laid under the Necessity of extending to these unfortunate distressed People such Relief from Government in respect to Provisions, as their Necessities required to prevent them and their families from Starving. Fortunately for the Country in general these last Inundations only Affect the low Grounds along the Banks of the Rivers and Creeks, whilst the Crops on the higher Grounds and Forest Lands have remained in perfect Security; and I am, notwithstanding, happy to have it in my power to Assure Your Lordship that there is still remaining in the Colony more than a Sufficiency of Grain for the Consumption of all the Inhabitants, in Consequence of the last Harvest having proved a most abundant one over every Cultivated part of the Country.

* 27 July, 17 Aug'st, 24 Sept'r, 6th, 10, 11th, 12th, 24th, 25th & 29th Nov'r, 2, 3, 4, 10th, 11 & 21st Dec'r, 1815. 16 Jan'y, 24 Feb'y, 2 & 22d March, 1, 6, 18, 25, & 26 April, 11, 20, 21, 23d, 24, 23 May, 23d June, 9, 20, 22d & 24 July, 5, 16, & 31 Aug't, 14, 20 Sept'r, and 1st and 3d October, 1816.
It was principally with a View of guarding against the fatal Effects of the Inundations of the Hawkesbury and Nepean Rivers and South Creek, that I adopted, at a very early period of My Administration of this Colony, the Plan of Settling the High Grounds and Forest Lands in the Interior, and the Result has fully Answered my Most Sanguine Expectations. The Colony being now always secure from Famine and even Scarcity, and every succeeding Year must still more ensure our Security against these fatal and distressing Occurrences.

The Lands on the Banks of the Hawkesbury are so very productive, and Cultivated with such very little Trouble, that it is not at all Surprising the old Settlers, who have lived long on those Farms, should be so partial to and so unwilling to leave them. But it is impossible not to feel extremely displeased and Indignant at their Infatuated Obstinacy in persisting to Continue to reside with their Families, Flocks, Herds and Grain on those Spots Subject to the Floods, and from whence they have so often had their Property swept away. Whilst, if they were to remove to and reside on those high Grounds in the Townships Marked out long since for their Occupancy, they themselves, their Cattle and Grain (at least as soon as the latter could be gathered in) would be perfectly secure from all Floods; and what makes their Obstinacy and Indolence in this respect still more Inexcusable is, that None of them would have to Carry their Crops above two Miles at the furthest, and in general not more than one Mile to their respective Places of Residence in the Townships. I have Used every Means in my Power to induce and persuade these infatuated Hawkesbury and Nepean Settlers to Quit the Banks of those Rivers, and Erect their Dwellings, Stock and Corn Yards in those Townships; but they are deaf to All my Remonstrances, and I fear they never will be prevailed on to remove from their favourite Spots and miserable Cottages on the Banks of those Rivers. As a last Effort, however, I Considered the recent awful Visitation of the Floods in February a fit Season for once more admonishing them, whilst Smarting under their late Losses and Calamities, by pointing out to them the folly of their Conduct in not removing to the Townships so as not in future to be Exposed to similar distressing Visitations of their Lives and Properties. Whether this last Admonition will have the wished for Effect, I know not, but I shall at least have the Consolation to reflect that I have done My Utmost to save these deluded people from Ruin and Poverty.

I herewith take the Liberty of Enclosing for Your Lordship's Perusal and Information a Printed Copy of the Government
and General Order Issued on the Occasion of the last Flood. It is with Sincere Pleasure I have to add for Your Lordship's Information that only three persons lost their lives in the last three Calamitous Inundations, but the Quantity of Grain and Number of Cattle destroyed was very great.

Natives.

4. In my Dispatch P'r the Brig Alexander of date 8th June last, I had the Honor of Informing Your Lordship of the Measures, which I had deemed it adviseable to pursue in respect to Quelling and Subduing the hostile Spirit of Violence and Rapine, which the black Natives or Aborigines of this Country had for a Considerable time past Manifested against the White Inhabitants; and I have now much pleasure in reporting to Your Lordship that the Measures I had then and have Subsequently adopted have been attended with the desired Effect, and that all Hostility on both Sides has long since Ceased; the black Natives living now peaceably and quietly in every part of the Colony, Unmolested by the White Inhabitants. The Measure of disarming the Natives had an immediate good Effect upon them, and the Proclamations Issued Subsequently under dates, 20th of July, and 1st of November, 1816, the first outlawing some of the Most Violent and Atrocious Natives, and the Second holding out Indemnity to such as delivered themselves within a prescribed Period, made them at length fully Sensible of the Folly of their Conduct, and soon afterwards induced the Principal Chiefs to Come in at the Heads of their respective Tribes* to sue for Peace and to deliver up their Arms in All due Form in Terms of the Proclamation of the 4th of May, 1816, a Copy of which accompanied My Dispatch under date 8th June last.

I now do myself the Honor to transmit for Your Lordship's further Information My Proclamation under dates 20th July and 1st November, 1816, relative to the Hostile Natives; a numerous friendly Meeting of whom took place at Parramatta on the 28th of December last, when I gave them a plentiful Treat of Meat and Drink; on which occasion 179 Men, Women and Children were assembled, being a greater Number than had been seen together at any one time for Several Years past; they All appeared happy and perfectly Satisfied at the Meeting, and some of them of their own free Will and Accord gave up their Children for the Native Institution, which I had established at Parramatta some time before; and this Institution, from the progress the Children have already made, gives great Hope that it will ultimately pave the way for the Civilization of a large Portion of the Aborigines of the Country.

* Note 10.
5. 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 8th of June last, viz.:—

1st. The Ship Atlas, Commanded by Captain Walter Meriton, Arrived on the 22d of July, 1816, with 187 Male Convicts from England, guarded by a Detachment of the 89th Regt. under the Command of Ensign Kenny of the same Corps, Mr. Patrick Hill being Surgeon and Superintendent of the said Ship. Only one Convict died on the passage, the remainder, as well as the Troops, arrived in good health; Mr. William Howe, Free Settler, and his family, and also two Missionaries Came out Passengers in the Atlas.

2nd. On the 5th of October, the Ship Elizabeth, Commanded by Capt. William Ostler, Arrived from England with 153 Male Convicts, Guarded by a Detachment of the 46th Regt. under the Command of Capt. Humfries of the same Corps, Mr. — Vickery being the Surgeon and Superintendent of the said Ship. Only two Convicts died on the passage, the rest, as well as the Troops, arrived in good Health.

John Wylde, Esqr., the newly appointed Judge Advocate with his family, his Father, Thomas Wylde, Esqr., Solicitor, and Mr. Joshua John Moore, Clerk to the Judge Advocate, Came out as passengers on board The Elizabeth.

3rd. On the 11th of October, the Ship Mariner, Commanded by Capt. John Herbert, arrived from England with 145 Male Convicts, Guarded by a Detachment of the 46th Regt. under the Command of Lieut. Higgins of the same Corps, Mr. John Haslam being the Surgeon and Superintendent of the said ship; the Whole of the Convicts, as well as the Troops, arrived in good Health, None having died on the Passage.

Mr. Richard Tress, Free Settler, with his Family, and Mrs. Broughton (the Mother of Commissary Broughton) Came out as Passengers on board the Mariner.

4th. On the 20th of December, the Ship Surry, Commanded by Capt. Thomas Raine, arrived from Ireland with 150 Male Convicts, Guarded by a Detachment of the 46th Regiment under the Command of Lieut. Reveley of the same Corps, Mr. John F. Bayley being the Surgeon and Superintendent of the said Ship; the whole of the Convicts, as well as the Troops, arrived in perfect good Health, None having died on the passage.

Mr. Henry Kitchen, Free Settler, Mr. Allan Cunningham, King's Botanist, and two Missionaries came out as passengers in the Surry.

5th. On the 24th of February, the Ship Lord Melville, Commanded by Captn. Wetherell, arrived from England, having 100
Female Convicts on board, Mr. Daniel MacNamara being Surgeon and Superintendant of the said Ship; the Whole of the female Convicts arrived in good Health, one only having died on the passage, 11 Free Women, Wives of Convicts, and 44 Children having arrived in this Ship.

Barron Field, Esqr., the newly appointed Judge of the Supreme Court, and his family, and also his Clerk, Mr. John Gurner, came out as passengers in this Ship.

6th. On the 8th of March the Ship Fame, commanded by Captn. Henry Dale, arrived from England, having 198 Male Convicts on board, guarded by a Detachment of the 46th Regt. under the Command of Ensign Orange of the same Corps, Mr. John Mortimer being Surgeon and Superintendant of the said Ship; two Convicts only died on the Passage, and the rest, as well as the Troops, arrived in good Health.

Mr. Laycock (late Captain in the 102d Regt.) Free Settler, and his Family, and Mrs. Kitchen, Wife of Mr. Kitchen, Free Settler, Came out as Passengers in this Ship.

7th. On the 10th of March, the Ship Sir William Bensley, Commanded by Captn. Lewis E. Williams, arrived from England, having 200 Male Convicts on board, Guarded by a Detachment of the 46th Regt. under Command of Ensign Ross of the same Corps, Mr. William Evans being Surgeon and Superintendant of the said Ship. One Convict only died on the Voyage, the rest as well as the Troops all arriving in perfect Health.

Lieut. Governor Sorell, with his Family, and also Mr. Fidkin, Free Settler, Came out as Passengers in this Ship.

6. It must be a Source of peculiar Satisfaction to Your Lordship to reflect how Many Lives of Convicts have been saved within the last four Years by the Introduction of the New System of sending properly Qualified Naval Surgeons in Charge of the Convicts coming hither; as the Contrast between the State of Health they now Arrive in, and that they formerly Used to Arrive in Eight or ten Years ago, must be very Striking indeed on a Comparison; and therefore I Consider the Difference of Expence as Nothing in Comparison of the great Advantages obtained by the Adoption of that System.

7. Exclusive of the Free Settlers whom I have already Mentioned as having Arrived from England lately in this Colony Messrs. Fryett and Gray have also Arrived here in private Ships at their own Expence.

Mr. Bourdillon, a free Settler, Coming out in the Atlas, and recommended to Me by Your Lordship, Died on the passage and Captn. Meriton took Charge of his Effects.
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8. I have reported in the foregoing part of this Dispatch the Arrival of Mr. Judge Advocate Wylde,* and Mr. Justice Field,† the former on the 5th of October, and the latter on the 24th of February last, and I took particular Care that their Arrival should be marked with every Demonstration of Respect due to their high Official Situations, as the two first Judicial Officers of the Country. From what I have already seen of both those Gentlemen, I have every Reason to hope and believe they will, in their respective Situations, prove a great Blessing and Acquisition to this Colony. They appear to be Men of superior Talents and Conciliating Manners.

Mr. Wylde, ever since his Arrival, has been assiduously and Indefatigably Employed in the Exercise of his Important and Various Judicial Duties as Judge Advocate, and has afforded Universal Satisfaction to the Public by his Zealous Attention to the Interests of the Community, and his Prompt Just and liberal Decisions. I must also add that he has Evinced every possible Desire to support this Government and to Assist Me with his Advice and Counsel.

Mr. Justice Field has not been enabled to Commence his Judicial Proceedings Yet in the Supreme Court; but he purposes doing so on the first of next Month, on which day he is to open the Supreme Court for the Dispatch of Business, and he is busily engaged at present in framing the necessary Rules of Practice and Regulations for Conducting the Proceedings of that Court.

On Mr. Wylde’s Arrival here, Mrs. Bent, the Widow of the late Judge Advocate, and her Brother-in-Law, Mr. Jeffery Hart Bent, the late Judge of the Supreme Court, were living in the Judge Advocate’s House, and continued to do so for nearly three Months afterwards, but were at length removed from it on the 22d of December last after, however, much opposition on their part. This Occupancy laid me under the Necessity of hiring a House in the mean time for Mr. Judge Advocate Wylde; but this Expence will now Cease, as he is to get into his own House in the Course of a few days hence, it being very nearly ready for his Reception. On Viewing the House, Mr. Wylde expressed a strong Desire to have Alterations and Additions made to it, and I Could not hesitate to Comply with his wishes on this point, where his own personal Comfort and Accommodation and that of his Family were so deeply Involved, Convinced that the Expence Incurred by such Additions and Alterations would not fail to be approved of by Your Lordship. They have however taken more time than was expected, but are at length Completed to Mr. Wylde’s entire Satisfaction.

* Note 78. † Note 79.
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Residence for justice Field.

There being no House belonging to Government at Sydney suitable for the Residence of Mr. Justice Field, I hired one immediately for him on his arrival, for which I have engaged to pay on the part of Government £125 Sterlg. Annual Rent. The House is small but very neat, and was the best that could be got to hire, and Mr. Field is perfectly satisfied with it as a temporary Residence. He has however given me to understand that on his acceptance of the Office of Judge of the Supreme Court of this Colony, one of his stipulations with His Majesty's Government, was that he should have a suitable House found him by Government for his Residence, and although I am not yet instructed by Your Lordship on this head, I cannot for a moment allow myself to doubt the accuracy of Mr. Field's statement upon it.

Concluding therefore that Your Lordship will approve thereof, I have signified to Mr. Justice Field that I should take for granted that Your Lordship intended, but accidentally omitted, instructing me with respect to supplying him with quarters at the expense of the Crown; and that I should, consequently, immediately set about causing a suitable House and Offices to be erected for him in the town of Sydney, to be built by contract and the expense paid from the Colonial Funds, of which I take it for granted Your Lordship will approve. I would prefer employing the Government gangs of Artificers and Labourers in building the House and Offices for Mr. Field, to having the work done by contract; but they are at present so busily employed at other public buildings of the first importance that I cannot with justice to the public interests withdraw them from such useful purposes.

Both Mr. Judge Advocate Wylde and Mr. Justice Field stated to me, on their respective arrivals, that they were promised, besides houses for their residence, full rations for themselves and families, together with a certain number of Government servants on the store. I apprised them of the order I had some time since received from home for abolishing those extra allowances to civil officers, but as it would appear Your Lordship had either forgotten, or meant to dispense with that order, at the time of making such promises to them, I would take the responsibility on myself of giving them those allowances on their own representations until such time as I should receive Your Lordship's final instructions on the subject; and requested at the same time that they would themselves also make a reference upon it to Your Lordship by the present conveyance.

9. I have done myself the honor of addressing a separate dispatch* to Your Lordship by this same opportunity on the

* Note 80.
Subject of the Recal and Removal of Mr. Jeffery Hart Bent from the Office of Judge of the Supreme Court, which he has filled so Unworthily and with so little Benefit to the Public Interests; and having Given Your Lordship in that Dispatch a Circumstantial Detail of the Insolence and highly Indecent Conduct of that Officer towards Me, ever since he received the Official Notification of his Recal, I shall not trespass longer here on Your Lordship's Valuable Time than in Merely Expressing My Sincere Hope that neither this nor any other Colony belonging to His Majesty may ever have such a Curse entailed on it as to have Mr. Jeffery Hart Bent, or any Person of Similar Temper, Principles and Conduct, appointed to any Official Situation in it.

10. It was with Sincere Pleasure I hailed the Arrival here of Colonel Sorell, as Lieut. Governor of Van Diemen's Land; that Gentleman, as I have already reported in a former part of this Dispatch, arrived on board the Sir William Bensley Transport on the 10th of last Month, and Landed at Sydney under the Honors due to his Rank on the following Day. From what little Knowledge I have had the opportunity of acquiring of the Character, Manners and Abilities of Colonel Sorell, during his Short Stay here, I entertain the Hope that he is Well Qualified to execute the Duties of his Office, as Lieut. Governor of Van Diemen's Land, with Advantage to the Public Service, and Honor and Credit to himself, as he appears a Man of good Understanding Energy and Firmness; with these Qualities, Combined with Honor and Integrity (which I have no Doubt Colonel Sorell possesses) he will be a very great Acquisition to that devoted Island, the Settlements on which are in a Most Wretched State of Disorganization, Anarchy and Confusion, owing to the Mismanagement, Negligence and Profligacy of their late Ruler, whose bad Example and total Disregard to all Orders and Instructions have reduced those Settlements to a State of Ruin, Wretchedness and Corruption that will require all the Talents and Energy of Lieut. Governor Sorell for a Considerable time to recover them from, or to place in any state of Comfort and Respectability.

I Endeavoured to Impress, as Strongly as I could, on the Mind of Lieut. Governor Sorell, the Errors and Vices of his Predecessor, and the Consequent Necessity of his Setting out and Commenc ing on a direct opposite System, which he has promised to do; and it being highly necessary that he should proceed with as little Delay as possible to his Government, I engaged a passage for him on the private Ship Cochin, then under Dispatch for the Derwent, and he sailed from hence for Hobart Town on the 27th of last Month, having been previously furnished by Me
with full and ample Instructions for his Guidance as Lieutenant Governor of the Settlements on Van Diemen's Land.

I had some time since Announced to Lieut. Governor Davey that he was to be removed and to be succeeded Immediately by Colonel Sorell, whom he might then Expect to Arrive very shortly at Hobart Town, and therefore directing him to receive his Successor at the Shortest Notice, leaving it optional with himself either to remain at the Derwent until his Successor Arrived or to Come up to Sydney. He however preferred the former Alternative, but answered My Notification to him of his Removal by Informing Me that he should be ready to receive his Successor, whenever he arrived, at Hobart Town. Having already Written a Short Dispatch* to Your Lordship of Yesterday's date, on the Subject of the Removal of Lieut. Governor Davey, I shall not here trespass longer on your Lordship's Time on this Subject.

11. The last Intelligence from Van Diemen's Land stated that the late Harvest at both the Settlements of the Derwent and Port Dalrymple had turned out most Abundant; but I am Sorry to Inform Your Lordship that the Runaway Convicts, or as they are Called the Bush Rangers, Continue Still Committing Depredations and Robberies on the defenceless Settlers at both those Settlements, owing Entirely to a Want of Energy in the Executive Authority in Van Diemen's Land; and as I have no Doubt the Measure will be attended with the desire and wished for Effect, I have deemed it adviseable to Authorize Lieut. Governor Sorell, immediately on his assuming the Government of those Settlements, to Issue a Proclamation holding out Indemnity to those deluded Men for their past Crimes (excepting however such of them as may have Committed the Crime of Murder) on Condition of their Coming in and delivering themselves up to him at Hobart Town within One Month after the promulgation of the said Proclamation; and I entertain great Hopes that this Measure of Lenity will have a good Effect on the Minds of the Banditti, and preclude the Necessity of resorting to more Coercive Measures for their Extermination.

12. I am sorry to be Compelled to report to Your Lordship that the Wild Cattle belonging to the Crown are very greatly reduced in Numbers, and that I do not believe there is above one fourth now remaining of the Wild Herds I saw myself in the Cow Pastures on my first Visit to that part of the Colony in the Year 1810; this great reduction has Arisen from two Causes, the first of which is the very long and Continued Droughts with which the Colony was visited for the four years preceding 1816, which proved most fatal to the Flocks and Herds throughout

* Note 80.
the Colony, and from which Immense Numbers of the Wild Cattle perished; the Second Cause of their now reduced State is to be Ascribed to the Constant Depredations upon them by all those Settlers and their Servants, Inhabiting the Banks of the River Nepean for at least a Distance of thirty Miles along the Banks of that River, immediately opposite the Cow Pastures, which they have been for several Years past in the Constant Practice of Crossing over to kill the Wild Cattle and Steal the Calves, which they immediately Incorporate with their own Herds, and thereby escape Detection. The Lands lying along the Eastern Banks of the Nepean were not settled or Granted away till My Arrival in the Colony, and it is only since those Lands were Settled in the Year 1811 that those Depredations have been Committed. Repeated orders have been Issued with a View of preventing these disgraceful practices, and Constables and Military Parties have been frequently sent to the Cow Pastures for the protection of the Wild Cattle and to Apprehend the Delinquents, some few of whom have at different times been Caught in the Act of destroying the Wild Cattle, and have been punished for the same; but they nevertheless continue to Kill and destroy these Cattle and to Incorporate them with their own Herds. Unfortunately, owing to an Immense Tract of Land having been Many Years Since granted by the Crown to Mr. John McArthur and Mr. Walter Davidson in the Cow Pastures, both of whom have large Flocks and Herds on their own Lands there, a great Facility is thus Afforded to their Servants in particular, and to all those Settlers residing in the Vicinity of the Cow Pastures, to Cross over thither at their Pleasure, both Night and Day, under the pretence of going only on Business to the Farms of Messrs. McArthur and Davidson.

These Depredations have of late increased to so alarming and heinous a Degree that after due Consultation with Mr. Judge Advocate Wylde, I issued a Proclamation on this very important Subject, under date the first of January last, declaring the Stealing or destroying of the Wild Cattle to be Felony, a printed Copy of which Proclamation I do myself the Honor of transmitting herewith for Your Lordship's Perusal and Information. Even since the Promulgation of this last Proclamation, several persons have been taken up in the Cow Pastures on Suspicion of Stealing and killing the Wild Cattle, and are now Confined in Jail at Sydney in order to be tried by the first Criminal Court.

I have for some time past had some Constables and two Military Detachments Stationed in different parts of the Cow Pastures for the Protection of the Wild Cattle; but in so very extensive a Tract of Country, it is utterly impossible to protect

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Losses by depredations of neighbouring settlers.

Difficulty in detecting robberies.

Stealing or destroying wild cattle proclaimed a felony.

Military guards and constables stationed at the Cowpastures.
such Numerous Herds at all the points to which they range in Quest of Food and Water. I have also Caused some Herds of the Govt. tame Cattle to be stationed for some time past in the Cow Pastures, with the View of their Mixing with the Wild Herds, and thereby Incorporating as many of the latter as possible with the former. The Success hitherto, however, in this Expectation has not been great, only between fifty and Sixty Head of the Wild Cattle having as Yet Joined the tame Herds. It certainly would be most desirable, if it were practicable, to drive the Whole of the remaining Wild Cattle across the Blue Mountains to graze on the New discovered Country to the Westward of them; but unfortunately No Pass or Opening has hitherto been discovered to lead thither from the Cow Pastures, tho' several attempts have lately been Made for that purpose. I Indulge a Hope, however, that after a few Capital Examples have been Made of those Persons who may be Convicted of Stealing and destroying the Wild Cattle, this Practice will be Abandoned. In the Meantime Your Lordship may rest assured that no Effort or Precaution shall be wanting on my part for protecting and Increasing the Wild Cattle belonging to the Crown.

13. Herewith I do myself the Honor to transmit for Your Lordship's Notice and Information an Outline Map of the Settled parts of the Colony, which will serve to give Your Lordship a Knowledge of the quantity of the yet disposeable Land, as well as of that already Granted to Individuals up to the present time, as specified in the Memorandum written on the face of the Map itself by the Surveyor General.

Your Lordship will thence observe that there is not now remaining any very great Quantity of Crown Lands on this Side of the Blue Mountains, or East Side of the River Nepean, Unappropriated, and that future Settlers must Consequently go either across the Blue Mountains to the New discovered Country or to the Southward as far as Illawarra to receive their Lands. I shall therefore be very Cautious how I promise any further Grants of Land to any other Individuals than those Coming out from England with orders for Land, until I am honored with Your Lordship's further Instructions on this Important Head.

14. Having referred Your Lordship's Dispatch, of date 3d December, 1815, to the Surveyor-General as best Competent to afford me the necessary Information on the Points Contained in that Dispatch, relative to the large Allotments of Land reserved for the Use of the Crown and Marked E. in the old Charts of the Colony, and also respecting the reservations of Certain portions of ground directed to be Made by His Majesty's Instructions for Townships, Fortifications, &c., &c., I now do myself the Honor
to transmit herewith for Your Lordship's Information and Notice the Explanation afforded me in a Letter addressed to me by Mr. Oxley, the Surveyor General of Lands, Where he states the Reasons for reserving those large Allotments for the Use of the Crown, and also that for deviating from the King's Instructions in not making the latter small Reservations; and I entirely Coincide in opinion with the Surveyor General that it would be very bad and dangerous Policy, under the peculiar Circumstances of this Colony, to reserve such a Vast Number of small Portions of Intermediate Land between every two great Grants, and I have therefore to Express my Hope that such Deviations from His Majesty's Instructions will be Sanctioned by Your Lordship not only for the past, but also for the time to come.

15. On the Subject of Your Lordship's Dispatch of date 4th Dec., 1815, relative to the Abolition of the Office of a Deputy Surveyor General, I have held many conversations with Mr. Oxley, the Surveyor General; and having Addressed a Letter to him on this particular Subject, he has answered it very fully, and I think very satisfactorily, demonstrating the necessity there still remains of allowing him a Deputy. I therefore do myself the Honor of transmitting for Your Lordship's Perusal and Information the Letter Mr. Oxley has Addressed to Me on this Subject, and concurring entirely, as I do in opinion with Mr. Oxley, as to the Expediency and Necessity of a Deputy being allowed him, I now respectfully solicit Your Lordship's Confirmation of Mr. James Meehan, as Deputy Surveyor General. I took occasion formerly of Expressing to Your Lordship My Sense of the Merits of Mr. Meehan, than whom there is not a more useful Officer serving under this Government, being particularly well Qualified for the Office of Deputy Surveyor General from his perfect Knowledge in that particular Line, his local and extensive knowledge of every part of this Territory, and his intimate acquaintance with the History and Cause of every Grant or Lease ever made in the Colony since its first Establishment. His Honor and Integrity are unimpeachable, and the loss of such an Useful and Meritorious Officer would be seriously felt by the Colony at large. I Consequently Entertain an Earnest Hope that on taking into Your Lordship's liberal and indulgent Consideration the Circumstances I have now Stated, and Mr. Meehan's having Acted as Deputy Surveyor for upwards of twelve Years, You will be pleased to Confirm him as Deputy Surveyor General, with the immediate Right of Succession to the principal Situation in the Event of its becoming Vacant by Whatever Cause.

16. My former Dispatches on that Subject would long since have Informed Your Lordship that the Reports, which had reached
You, as stated in Your Lordship's general Dispatch under date 4th of December, 1815, of my having prolonged the General Hospital Contract beyond the 31st of December 1814, were Erroneous and Unfounded, All the Ports of this Territory having been declared open and Free to General Importation of Spirits and other Merchandize from and after the 1st of January, 1815. I was much Concerned that I was unable to remove the existing Restrictions sooner, but which it was impossible to do in Common Justice to the Contractors on account of the Losses they had sustained from my having so far deviated from the Contract as to sanction large quantities of Spirits to be Imported and Landed here, both from England and India, to prevent the Importing Merchant from Sustaining Serious Loss by not being allowed to land them.

17. As I have already addressed a Separate Dispatch* to Your Lordship on the Expences of the Colony, and the Retrenchments I have already made and proposed hereafter making in them, I shall only here Express My Sincere Regret that they should still be so great; but I hope every succeeding Year will now reduce them, and that when all the Necessary Public Buildings are once Completed the Expences of the Colony will not be more than about one Half of what they are at present. The Constant Wet Weather We have had here for Nearly the whole of this last Year has Greatly retarded and thrown back the Completion of the Public Buildings in progress at the date of my last Dispatch to Your Lordship by the Emu; the Military Barracks, however, and also a House for the resident Chaplain at Sydney, are now very nearly Completed; a Light House and Tower† at the South Head on the Southern Side of the Entrance into the Harbor of Port Jackson, in which Sydney is Situated (a Building which was much required and essentially Necessary in the now Increasing Commerce of the Colony) is about half finished; and the foundation of a large Barrack for Government Convict Artificers and Laborers in Sydney was laid some few days ago. In carrying on these Public Buildings, I feel Myself greatly Indebted to Captn. John Gill of the 46th Regt., who has acted as Engineer and Artillery Officer, and also as Inspector of Government Public Works, ever since the Arrival of that Corps in this Colony, highly to my satisfaction, and with great Honor and Credit to himself; for, from his Activity, Vigilance, and honest honorable Zeal, he has saved some thousand pounds to Government in detecting Frauds and Embezzlements on the public Property and Materials in his Department. From these Considerations, I was Induced to raise Captn. Gill's Salary from 7s. 6d. to 10s. per day, which I can assure Your Lordship is far Inadequate to his

* Note 80.  † Note 81.
Merits and the Various Active and troublesome Duties he has to perform, and which therefore I have earnestly to Solicit Your Lordship's Confirmation of, Such an Office being indispensably Necessary, as long as there are any Public Works or Buildings Carried on at the Expanse of Government; there always was an Officer, denominated Acting Engineer and Artillery Officer, employed here ever since the original Establishment of the Colony. I Continued the same Officer, but added to it that of Inspector of Govt. Public Works. From the want of a Scientific person to plan and Superintend the Construction of all Governm't Public Buildings, most of them have hitherto been very badly planned,* and still worse executed. A Man named Francis Howard Greenway, who came out here a Convict in the Year 1814, and who was originally an Architect of some Eminence in England, having been strongly recommended to me by the late Governor Phillip, I have availed Myself of his Skill and Scientific Knowledge as a Civil Architect, and accordingly some time since employed him to Act in that Capacity, and as an Assistant to the Inspector of Public Works, for which he receives 3s. per diem from the Colonial Funds. This Man is extremely Useful, and has already rendered very essential Service to Government in his Capacity of Civil Architect. I therefore respectfully Solicit Your Lordship's Confirmation of this new Office and of the small Salary annexed to it, assuring Your Lordship that I would not have made it, if I did not consider it, as well as Captn. Gill's Appointment, essentially Necessary for the Benefit of the Public Service.

18. In regard to the Public Buildings still required at Sydney and in the other parts of the Colony, I shall avail myself of the discretionary power Your Lordship has been kindly pleased to grant Me of Erecting such of them as Can Conveniently be paid for from the Colonial Revenue. A Church at Sydney, another at Windsor, and a third at Liverpool (both these last Towns becoming very populous) are very much wanted, and these I shall Contract for Immediately, paying the Expence of Erecting them out of the Colonial Funds. As soon as those three Churches are built and paid for, I intend to have a new Factory and Barrack erected at Parramatta for the female Convicts, and such a Building is particularly Necessary for keeping those depraved Females at Work within Walls, so as in some degree to be a Check upon their Immoralities and disorderly Vicious Habits.

In Consequence of the Annual Increase of the Population and Consequent annual Increase of Sick Patients for Medical Cure, the Apartments in the New General Hospital, now allotted for the Assembling of the Courts of Civil and Criminal Judicature, will probably in the Course of a Couple of Years more be

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Proposals for erection of court-house.

required for the purposes they were originally designed, the one Complete Half of the Apartments, or Right Wing of the General Hospital being now Allotted for the Use of the Courts; and therefore I Conceive it will be absolutely Necessary to think now very soon of having a New Civil Court House Erected; but, as this Building Must be done on a large and grand Scale, the Funds of the Colony will not be sufficient to defray the Expence of it 'till after the Churches at Sydney, Windsor and Liverpool, and the Factory and Barrack for the female Convicts at Parramatta, have been first Erected and paid for. All this I hope will be done in About two Years and a Half from this date, or perhaps less, and then I am of opinion the Court House might safely enough be Commenced upon, and the Expence of it defrayed from the Colonial Funds, providing Your Lordship is pleased to approve thereof; and I now respectfully Solicit to be Honored with Your Lordship's Instructions on these several points at as early a period as possible.

19. I shall not fail to Avail Myself of Your Lordship's Permission given Me for Erecting of Glebe Houses for Clergymen and School Houses in the different parts of the Colony, where the increase of population requires such Buildings. In pursuance of this Authority, I have already had a very Neat Commodious House Erected at Liverpool for the resident Chaplain there, and a very Elegant large Glebe House and Offices are now Erecting at Parramatta for the Accommodation of the Principal Chaplain, who has always resided at that Station since My taking Charge of the Government. A very good Glebe House was some time since Completed for the Accommodation of the resident Chaplain at Castlereagh, and Consequently there is only one Glebe House now Wanting in all the Colony, namely at Windsor, for the Accommodation of the resident Chaplain there, which shall be commenced as soon as the Church at that Station has been Erected.

20. I beg Leave to Submit to the Consideration of Your Lordship to have at least two other respectable Chaplains sent out as soon as possible for the Service of the Colony; and if a third could be sent, it would be all the better for the Improvement of the Religion and Morals of the Inhabitants of this Country. At Sydney, an additional Chaplain is absolutely Necessary on account of the very rapid Increase of Population here. Another Chaplain is required for Liverpool, which is becoming a very populous Town, and a third is much required to relieve the Revd. Mr. Knopwood, Chaplain at the Derwent, who is quite Superannuated and of late become quite infirm from Dissipation and loose improper Conduct. I therefore Express a Hope that some
respectable Clergyman may be found, that is a proper and discreet person, to Come out to the Derwent for the purpose of relieving Mr. Knopwood who certainly does more Harm than Good at that Settlement. The Revd. Mr. Youl, who by his Commission Stands Appointed as Chaplain to Port Dalrymple, is only waiting here 'till a House is Erected at George Town for his residence, and in the Mean time does Duty as Chaplain at the Town of Liverpool.

21. The Scarcity of Medical Men in this Colony is very severely felt throughout the Interior populous Districts, and I therefore deem it My Indispensable Duty to submit to Your Lordship's humane Consideration the Expediency and Necessity of sending out at least two Assistant Surgeons to the Colony, with as little Delay as possible, on the regular Medical Establishment of the Colony, One of them being required for the Duties of the General Hospital at Sydney, and the other at Liverpool. It is not to be expected that any respectable Surgeon will leave his Practice at Home without some Adequate Inducement and Hope of improving his Condition in Life; they should therefore be offered at least 7s. 6d. per diem Pay, Free Quarters, Fuel and Rations, and also a Grant of Land with the usual Indulgences; on such terms I should imagine respectable Medical Men might be found willing to come out to this Colony. I have written by this same opportunity to Mr. Allan Maclean, a most respectable Surgeon in the Isle of Mull, in Argyleshire, an old Acquaintance and Friend of Mine, to Invite him to Come out to this Colony as an Assistant Surgeon, and to Apply to Your Lordship for such an Appointment. He has very good Practice and extensive Employment as Surgeon in the Isle of Mull, and is highly respected there, being a very able Clever Man in his Profession; so that I have great doubts whether he will be Inclined to leave so Comfortable a Situation; but as he has lately Married and is likely to have a large Family, I think it probable he may, on that Account, be Induced to Come out to this Country on being Assured of a permanent Appointment in the Medical Establishment of this Colony. I take the Liberty of Enclosing Mr. Maclean a Note of Introduction and Recommendation to Your Lordship, and, in the Event of his Applying for one of those two Medical Situations I have herein Recommended, I have to Solicit the favor of Your Lordship to appoint him to one of them, and also to order a Passage for himself and his Family at the Ex pense of Government on board one of the Convict Transport Ships. I should not have presumed to have recommended Mr. Maclean, were I not assured that he will prove to be a great acquisition to the Colony.
22. In a former Dispatch,* I stated to Your Lordship that a properly Qualified Person was very much wanted as Superintendent of the Government Factory at Parramatta; and I now beg leave to renew My request on this head, and to recommend that a Sober, Steady, Married Man may be sent out with as little Delay as possible to fill this Situation. He ought to Understand all the Branches of the Weaving Business, cleaning and preparing of Wool and Flax, and to be able to keep Accounts. Such a Man would be a great Acquisition, even if he were to get a liberal Salary.

23. I also made application in the same Dispatch for a Mineralogist to be sent out to reside in the Colony, such a person being very much required and highly Necessary. I therefore beg to repeat my Request that a Gentleman of this Description may be sent out here as soon as possible with a Suitable Salary.

24. I beg leave to acknowledge the Receipt of Captn. Flinders' Chart of Australia,† and the Journal of his Voyage, which I have received in Duplicate, and have now to return Your Lordship my best Thanks for sending this very Interesting Work for the use of the Colony.

25. In pursuance of Your Lordship's Commands, as Contained in Your Lordship's Dispatch on this particular Subject under date the 18th of April, 1816, directing me to fit out an Expedition from hence for prosecuting the discoveries recently made to the Westward of the Blue Mountains, I have now the Honor of reporting to Your Lordship that I have fitted out an Expedition‡ for this purpose under the Direction and Guidance of John Oxley, Esqr., Surveyor General of Lands, who in a very handsome Manner Volunteered and Offered his Services to proceed in Command of it; and for which Service I Considered him well Qualified from his general and Scientific Knowledge and liberal Education. With Mr. Oxley I have Joined Mr. Evans, the Original Discoverer, as Second in Command of the Expedition, Conceiving it an Act of Justice due to him to send him in that Capacity in Consideration of his Meritorious Exertions in making the first Discoveries, as well as on account of the Assistance he will be able to render to Mr. Oxley. With these two Gentlemen I have also Joined Mr. Allan Cunningham, One of the King's Botanists, who arrived in this Colony some few Months ago from Rio de Janeiro, to prosecute his Botanical Researches, and to Collect rare Botanical Plants for His Majesty's Gardens at Kew.

This Gentleman was particularly solicitous to go on the Expedition, and I very gladly Acquiesced in his Request. Besides those three Gentlemen, there are ten other Persons of Inferior

* Note 83. † Note 84. ‡ Note 85.
Ranks and in Various Subordinate Characters employed and sent on the Expedition, the whole being supplied with good Clothing, Bedding, and Arms, and furnished with Five Months’ Provisions, which are to be Carried on thirteen Strong Pack-Horses well broke in for that purpose, lest there may not be Water Carriage found all the Way to the Western Coast, which however there is every Reason to believe there will; the point, fixed on for the Expedition to take its final Departure from, is the Right Bank of the River Lachlan about one Hundred Miles South West of Bathurst, and which River Mr. Evans discovered in 1815; on this River I have had a Depot Erected, guarded by a small Detachment of Troops, and to this place the whole of the Five Months’ Provisions have been already Safely Conveyed for the Use of the Expedition. I have also had two small Boats Constructed on the River Lachlan for transporting the Provisions, in the Event of its being found navigable to the Coast. William Cox, Esqr., Chief Magistrate at Windsor, and from whose Able, active and zealous Exertions I have derived great Assistance in fitting out the present Expedition, went at my Request in December last to the River Lachlan to Examine it* as far as he could proceed by Land along its Banks, and on his Return he gave Me a most satisfactory and pleasing Account of the River itself, and of the fine, rich, open Country along its Banks. From Mr. Cox’s account of this River, as far as he explored it, there is every Reason to hope it will be found in most parts Navigable for small Boats; and if so, it will facilitate the Progress and Success of the Expedition Wonderfully. Mr. Cox went over again lately at my Desire to Bathurst to get all the Provisions, Stores, and Horses for the Expedition forwarded to the Depot on the Lachlan; and having received a Letter from him a few days ago, reporting to me that every thing required for the Use of the Expedition had Arrived Safe there, and that the two Boats were ready built and Launched, I lost no time in furnishing Mr. Oxley with the Necessary Instructions for his Guidance, with orders to proceed forthwith to Execute the important Service therein directed. Mr. Oxley accordingly set out this Morning from Sydney on this Expedition, Mr. Evans and the other persons employed on it having proceeded for Bathurst with their Baggage-Carts some few days before. My Instructions to Mr. Oxley were Chiefly Grounded on the Memoranda of Instructions Your Lordship was pleased to transmit in Your Dispatch of date 18th of April, 1816, and I have only now to Express my sincere and fervent Hope that this Expedition may be Crowned with the so much wished for Success, and that Mr. Oxley may be able to trace the River Lachlan to the South West Coast of Australia. It is also to be sincerely

* Note 86.
1817.  
4 April.

Necessity for an increase to the military forces.

wished that the Macquarie River, which passes thro’ Bathurst, may be found to unite with the Lachlan at some distant point from the Sea, and which there is good Reason to hope it does.

26. Considering how very much this Colony has lately been Extended in Consequence of the recent Discoveries to the Westward of the Blue Mountains, and to the Southward as far as Shoal Haven,* I trust Your Lordship will see the Necessity and Expediency of directing our Military Force to be Increased to two Regiments, each of Six Hundred, Rank and File, One Regiment in the present extended State of the Colony being perfectly Inadequate to its Defence or Protection in the Event of any Internal Insurrection or Commotion, or a Recurrence of Hostilities on the part of the Native Blacks; at this time there is a small Detachment of Troops stationed at the Depot on the Banks of the River Lachlan, not less than 240 Miles from Sydney in nearly a due West Direction, which Party might very easily be Cut off from my being Unable to establish a regular Chain of intermediate Military Posts for the Support and Protection of the more distant Detachments.

I have therefore Earnestly to Solicit Your Lordship’s early Consideration of this Important Subject, and of the Expediency of Increasing the Military Forces of this Colony with as little Delay as possible.

27. In Compliance with Your Lordship’s Commands as Conveyed to me in Your Lordship’s Dispatch under date the 1st of October, 1816, I shall not fail, as opportunities occur at the proper Seasons, to have the Seeds of the Choicest Plants of New South Wales Collected, and forwarded to Your Lordship for his Imperial Majesty the Emperor of Austria; and I hope by the Return of the Expedition from the Western Coast, I shall be able to Obtain a Most Valuable Collection of Seeds of new and rare Plants for His Imperial Majesty.

28. I request Your Lordship will be pleased to Accept My Most Cordial and respectful Thanks for your great Kindness and Condescension in Acquiescing in the Request† I took the Liberty of making some time since to Your Lordship in behalf of my Secretary, Mr. John Thomas Campbell, and in Granting the Solicited Addition to his Salary in so handsome and liberal a Manner, and in Terms so very highly Gratifying and flattering to his Feelings, for which Your Lordship may rest assured Mr. Campbell feels the most lively Gratitude. As the present prosperous State of the Colonial Funds easily Admitted of it, I availed Myself of Your Lordship’s Permission to pay Mr. Campbell the Annual Addition to his Salary out of it. Your Lordship will I fear think me unreasonable in so soon again Making

* Note 87.  † Note 88.
any farther Solicitation in behalf of my Friend, Mr. Campbell; but as I once before Submitted the same Subject to Your Lordship on Occasion of My Soliciting an Increase of Salary for him, I fondly hope Your Lordship will kindly Excuse the Liberty I now take of Earnestly Soliciting that Your Lordship will be pleased to permit and Sanction Mr. Campbell’s Assuming the Designation of “Government and Colonial Secretary,” as being more respectable, more permanent, and More Congenial to his Feelings; and as this Change of “Secretary to Government” or “Colonial Secretary” will not be attended with any additional Expence to the Crown, I Indulge a Sanguine Hope Your Lordship will be kindly pleased to Acquiesce in my present Request in behalf of my Friend Mr. Campbell.

29. In Consequence of Your Lordship’s having Authorized me so to do, I now send Home His Majesty’s Armed Brig, Kangaroo, Commanded by Lieut. Charles Jeffreys, of the Royal Navy, which Vessel is now under Dispatch for England, and will Sail for That Country in three or four days hence. I am rejoiced to be Able to relieve the Colony of the Expence of this Vessel, which has rendered it very little Service since her Arrival in it, owing to the Inactivity and Negligence of her Commander, who is a Vain, Conceited, Ignorant, Young Man, and totally Unfitted for such a Command. The Kangaroo is a very fine Brig, but of much too large a Size, and on too high and Expensive an Establishment for the Service of this Colony. I therefore hope that no such Vessels will ever be sent here again. Pursuant to Your Lordship’s Commands, I have Granted Passages on the Kangaroo to England, at the Expence of the Crown, to such well-behaved Free Women as Originally Came out as Convicts, and became Free by Servitude, Including one or two others Who received Pardons in Consequence of their Good Behaviour.

I have also on the same Principle granted Passages on the Kangaroo to some Free Men, formerly Convicts, who became Free by Servitude, Including two or three Old Men who received Pardons on account of good Conduct, and who Expressed a Strong Desire to return now to their Native Country. Four Officers of the 46th Regt. and some discharged Soldiers of the same Corps, with a few Women and Children, proceed also to England in the Kangaroo; and herewith Your Lordship will receive a Nominal Return of all those Persons, whether Civil or Military, to whom I have granted Passages to England in the Kangaroo.

30. 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 proposed appointment of Campbell as colonial secretary.
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 December, 1815, to the 24th of December, 1816, both Inclusive.

2d. List of Bills drawn by Deputy Comm'y General Allan on the Lords of the Treasury and Colonial Agent from do. to do.


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

5th. Reports of the Naval Officer, Containing the Arrival and Departures of Ships and Vessels from the 1st of January to the 31st of December, 1816, 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 January to the 31st of December, 1816, Inclusive.

7. Statement and Return of the Result of the Annual Muster for the Year 1816, not however Including that of Van Diemen's Land, which Lieut. Governor Davey has neglected to forward to Head Quarters, Notwithstanding the Orders he had received.

8. Return and Report of Prisoners tried by the Criminal Court at Sydney from the 1st of March to the 31st of December, 1816, Inclusive.

9. Returns of Marriages, Births and Deaths in the Colony from the 1st of January to the 31st of December, 1816, both Inclusive.

31. This Dispatch will be delivered to Your Lordship by Lieu­tenant A. G. Parker of the 46th Regt., an Officer well Qualified to Afford Your Lordship any additional Information Your Lordship May wish to Acquire relative to this Colony; and whom I therefore take the Liberty of Strongly recommending to Your Lordship's Favor and Protection. I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

GOVERNMENT AND GENERAL ORDERS.

Government House, Sydney, Wednesday, 5th March, 1817.

Civil Department.

The Governor's official Communications from the Interior within the last few Days have excited in His Excellency's Mind the most sincere Concern and Regret for the recent Calamities, in which the unfortunate Settlers on the Banks of the Nêpean and
Hawkesbury have been once more involved by the late dreadful Inundations of those Rivers.

Whilst it does not fall within the Reach of human Foresight or Precaution to be able to guard effectually against the baneful Recurrence of such awful Visitations, or to avoid being more or less involved therein, yet when the too fatal Experience of Years has shewn the Sufferers the inevitable Consequence of their wilful and wayward Habit of placing their Residences and Stock Yards within the Reach of the Floods (as if putting at Defiance that impetuous Element, which it is not for Man to contend with); and whilst it must still be had in Remembrance that many of the deplorable Losses, which have been sustained within the last few Years at least, might have been in great Measure averted, had the Settlers paid due Consideration to their own Interests and to the frequent Admonitions they had received by removing their Residences from within the Flood Marks to the Townships assigned for them on the High Lands it must be confessed that the Compassion excited by their Misfortunes is mingled with Sentiments of Astonishment and Surprize that any People could be found so totally insensible to their true Interests, as the Settlers have in this Instance proved themselves.

His Excellency, however, still cherishes the Hope that the Calamities, which have befallen the Settlers, will produce at least the good Effect of Stimulating them to the highly expedient and indispensible Measure of proceeding to establish their Future Residences in the Townships allotted for the Preservation of themselves, their Families, and their Property, and that they will, one and all, adopt the firm Resolution of forthwith erecting their Habitations on the High Lands, cheered with the animating Hope and fair Prospect of retrieving at no very distant Day their late Losses, and securing themselves from their further Recurrence. Those, who, notwithstanding, shall perversely neglect the present Admonition and Exhortation to their own Benefit, must be considered wilfully and obstinately blind to their true Interests, and undeserving any future Indulgencies; whilst, on the contrary, those, who shall meet this severe Dispensation of Providence with manly Fortitude and unbroken Spirit, may rest assured that their Exertions and Industry will not only merit but obtain the favorable Consideration and Protection of this Government.

These Orders are to be read during the Time of Divine Service at each of the Churches and Chapels throughout the Colony, on the three next ensuing Sundays.

By Command of His Excellency, LACHLAN MACQUARIE.

JOHN THOMAS CAMPBELL, Secretary.
1817.
4 April.

Proclamation of outlawry against ten natives.

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

WHEREAS the sanguinary Disposition of certain Banditti or Tribes of the Black Natives, which had been for some Time manifested by their frequently committing the most wanton and barbarous Murders on several of His Majesty's Subjects residing in the remote Settlements, rendered it expedient and necessary to send Military Parties in pursuit of them with a view by inflicting summary Punishments on some, to deter others from a Repetition of such atrocious and cruel Outrages:—And although this Measure was long delayed, and at length reluctantly resorted to, the numerous Atrocities committed rendered it indispensable, whereby several of the most sanguinary and guilty of them met with and suffered the punishment due to their flagrant Eonormities.

And whereas, by Proclamation under Date the 4th of May last, the Governor, after expressing his Regret at the Necessity which the recent Circumstances had placed him under of proceeding to such Extremities against those hostile Natives, and anxious, if possible, to avoid the Recurrence of such Atrocities, did earnestly invite and exhort the said Native hostile Tribes to render Submission, and to return again to those peaceable and unoffending Habits and Manners which had been formerly their best Safeguard from Injury by securing to them all the Protection of the most favoured of His Majesty's Subjects.

And whereas, since the Issuing of the said Proclamation (with which it is well known the said Natives soon became fully acquainted), it has appeared that there are still amongst these People some Individuals far more determinedly hostile and mischievous than the rest, who, by taking the lead, have lately instigated their deluded Followers to commit several further atrocious Acts of Barbarity on the unoffending and unprotected Settlers and their Families;

And whereas, the Ten Natives whose Names are hereunder mentioned are well known to be the principal and most violent Instigators of the late Murders, Namely,


Now it is hereby publicly proclaimed and declared that the said Ten Natives abovementioned, and each and every of them,

* Note 89.
are deemed and considered to be in a State of Outlawry, and open
and avowed Enemies to the Peace and good Order of Society,
and therefore unworthy to receive any longer the Protection of
that Government, which they have so flagrantly revolted against
and abused. And all and every of His Majesty’s Subjects,
whether Free Men, Prisoners of the Crown, or Friendly Natives,
are hereby authorised and enjoined to seize upon and secure the
said Ten outlawed Natives, or any of them, wheresoever they may
be found, and to bring them before and deliver them up to the
nearest Magistrate to be dealt with according to Justice. And in
Case the said proscribed Ten hostile Natives cannot be appre­
hended and secured for that Purpose, then such of His Majesty’s
Subjects, hereinbefore described, are and shall be at Liberty by
such Means as may be within their Power to kill and utterly
destroy them as Outlaws and Murderers as aforesaid; and with
this View, and to encourage His Majesty’s said Subjects, whether
white Men or Friendly Natives, to seize upon, secure, or destroy
the said Outlaws, a Reward of Ten Pounds Sterling for each of
the Ten proscribed Natives will be paid by Government to any
Person or Persons who shall under such Circumstances bring in
their Persons, or produce satisfactory Proof of their having
killed or destroyed them within the Period of three Months from
the Date hereof.

Provided always that nothing in this Proclamation contained
is to be construed to extend to allow of Government Servants, of
any Description, to depart from their Duty or Services without
the special Permission of those Persons to whom they may be
assigned.

In Furtherance of the Object of this Proclamation and of the
Measures to be adopted pursuant thereto, the several District
Magistrates are hereby enjoined forthwith to assemble the Settlers
and other Persons dwelling within their respective District at
some convenient centrical Situation, and to point out to them the
Necessity of forming themselves into Associations along the
Rivers Hawkesbury and Nepean, so as to be prepared to afford
each other mutual Relief and Assistance on Occasions of any
Attack or Incursions of the hostile Natives; and in Cases of any
Outrages being attempted against them, their Families, or Pro­
perty, they are to consider themselves authorised to repel such
Attacks or Incursions by Force of Arms; at the same Time they
are not wantonly or unprovokedly to commence any Aggressions,
but only to guard against and resist the Depredations or Attacks
of the hostile Natives with a View to their own immediate De­
fence and Protection.
And the Settlers are further hereby strictly enjoined and commanded, on no Pretence whatever, to receive, harbour, or conceal any of the said outlawed Banditti, or afford them any Countenance or Assistance whatever; nor are they to furnish Aid or Provisions to any of the Friendly Natives who may frequent their Farms, but upon the express Condition of their engaging and promising to use their best Endeavours to secure and bring in the said Ten Outlaws, and deliver them up to the nearest Magistrate, or lodge them in Prison:—And those friendly Natives are to be given to understand, that if they faithfully and earnestly exert themselves in apprehending and bringing in the said Outlaws, every reasonable Indulgence and Encouragement will be afforded them by Government; whilst, on the contrary, until this object is attained, no Peace or Amnesty with the Natives at large in this Territory will be made or conceded.

It being impossible to station Military Detachments as a Protection for every Farm in the disturbed or exposed Districts, the Governor is desirous of apprising the Settlers in this public Manner thereof, in Order that they may the more speedily and effectually adopt the best Means in their Power for their future Security. But with a View to overawe the hostile Natives generally in those Parts of the Colony where they have committed the most flagrant and violent Acts of Cruelty and Outrage, three separate Military Detachments will be forthwith stationed at convenient Distances on the Rivers Nepean, Grose and Hawkesbury, to be ready to assist and afford Protection to the Settlers whenever Occasion may require it, when called upon by the nearest Magistrate for that Purpose; each Detachment to be provided with an European and also a native Guide, which the District Magistrates are enjoined to furnish them with, carefully selecting them from the most intelligent and trustworthy Persons within their several Districts.

The Military Parties, stationed at Parramatta, Liverpool, and Bringelly, will receive similar Instructions to those to be given to the three Military Detachments before mentioned.

And the several Magistrates throughout the Territory are hereby directed to give every possible Publicity and Effect to this Proclamation.

Given under my Hand, at Government House, Sydney, this Twentieth Day of July, One thousand eight hundred and sixteen.

LACHLAN MACQUARIE.

By Command of His Excellency,

JOHN THOMAS CAMPBELL, Secretary.

God save the King!
MACQUARIE TO BATHURST.

[Enclosure No. 3.]

PROCLAMATION.

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

1. Whereas since the issuing of the Proclamation, bearing Date the 20th of July last, which it was deemed expedient to make in Consequence of the Murders and Depredations committed by certain of the Hostile Native Tribes in the Interior of these Settlements, several of those Natives have been either killed or taken Prisoners under the Authority of that Proclamation; and it being now hoped that the Punishments inflicted and Examples made have effected the desired Object of deterring them from any further Prosecution of such Acts of Violence and Depredation on the Persons and Property of the Settlers and their Families; and that the adoption of conciliatory Measures will produce in the said Native Tribes an Inclination and Resolution to avoid for the future a Repetition of those Barbarities and outrages; It is hereby publicly proclaimed, that such Part of the said Proclamation of the 20th of July last, as proscribed certain guilty Natives therein named, is hereby revoked and annulled; and that from and after the Eighth Day of the present Month of November, all hostile Operations, Military or other, against the said Native Tribes will cease and determine.

2. And whereas the following Ten Natives are those so proscribed in the said Proclamation of the 20th of July last; viz.:—

1. Murrah; 6. Bunduck;
2. Myles; 7. Kongate;
3. Wallah, alias Warren; 8. Woottan;
5. Narrang Jack; 10. Yallaman;

It is hereby proclaimed and made known, that such of the said Ten Natives as have not been killed or apprehended under the Authority of the said Proclamation, and who shall surrender and give themselves up to a Magistrate, on or before the 28th Day of the next Month of December, will be forgiven and pardoned for their past Offences, and taken under the Protection of the British Government in this Colony, in common with those peaceable and unoffending Natives who have so long enjoyed and are still under its Favour and Encouragement; but if the said proscribed Natives do not avail themselves of the Benefit of this Proclamation, by surrendering within the said limited Time, or shall henceforth commit any Act or Acts of Murder, Violence, or Depredation on the Persons or Property of the Settlers, then, and in such Case, Measures, more strong and effective than those
1817.
4 April.

A meeting of natives to be held at Parramatta.

hereby revoked, will be resorted to; and the most summary and condign Punishment inflicted on those who shall hereafter disturb the public peace.

3. And whereas in the Proclamation of the 4th of May last, a General Friendly Meeting of the Natives was proposed to be held at the Market Place in Parramatta, on Saturday the 28th Day of December next ensuing, at Ten o’Clock in the Forenoon; in pursuance of such Proclamation, the said proposed General Friendly Meeting of the Natives is hereby invited at the Time and Place therein mentioned, at which Meeting His Excellency the Governor will confer and advise with them on the Plan of Life they may be inclined to adopt for their own Comfort and Happiness, and they are assured of being treated, on that Occasion, with plentiful Refreshments of Meat and Drink.

4. The Magistrates, and other Peace Officers throughout the Settlements, are hereby enjoined to give every possible Publicity to this Proclamation in their several Districts, and exert themselves to make it perfectly understood by the Natives to which it refers.

Given under my Hand, at Government House, Sydney, this first Day of November, 1816.

LACHLAN MACQUARIE.

By Command of His Excellency,

JOHN THOMAS CAMPBELL, Secretary.

God save the King!

[Enclosure No. 4.]

PROCLAMATION.

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

WHEREAS certain Stock and Horned Cattle, the Property of the Crown, have long since been collected, placed, and suffered to graze and be at large within and upon certain Crown Lands, Pastures and Grounds, partly known and called by the Name of the Cow Pastures, and situated to the westward and southward of the River Nepean;

And whereas, in pursuance of continued Directions from His Majesty’s Principal Secretary of State for the Colonies to ensure the entire Preservation and secure the speedy Increase of the same, various Public Government and General Orders have from time to Time been issued and proclaimed to effect the same, and to prevent all Trespasses in and upon the aforesaid Government Lands and Pastures;

And whereas notwithstanding all such Orders, Colonial Regulations and Prohibitions, it is well known that many Settlers and
other Persons residing in the Territory, and particularly on the Banks of the River Nepean, have been accustomed on Pretence of hunting the Kangaroo, or looking for stray Cattle, to commit Trespass upon the said Government Lands and Pastures, and then and there to drive away and steal the Government Cattle, to incorporate the same with private Herds, or to slaughter the said Cattle in order to sell or make Use of the Carcases thereof;

And whereas, upon a recent Trial before the Court of Criminal Jurisdiction in and for this Territory, when Sentence of Death was duly pronounced upon Three men on the clearest Evidence capitally convicted of the said Offence (towards whom under all the Circumstances His Excellency the Governor has since thought fit to extend His Majesty's most Gracious Mercy, and to commute the said Sentence to Transportation within this Colony for the respective Terms of their natural Lives) it appeared that very many persons had incautiously or ignorantly become implicated in the serious and fatal Consequences of having committed the said Offence, whereby great private Distress and Disgrace might be occasioned and arise to the Peace and Character of many Families hitherto respectable within this Colony.

His Excellency the Governor taking the Premises into Consideration, and anxious under the Circumstances to exercise every Forbearance to those committed to his Protection as well as Government, and at the same Time to conform to and fulfil the Commands of His Majesty's Ministers with Regard to the said Cattle, is hereby pleased by and in Virtue of the Authority committed to him, to proclaim and grant Pardon, indemnify, and let free all and every Person and Persons, and the same are hereby proclaimed to be pardoned indemnified and let free as to any, all, and every Offence, or Offences, heretofore committed, done, acknowledged, charged, or assented to, with Respect to driving away, stealing, or slaughtering the said Stock or Cattle, the Property of the Crown as aforesaid, or of any Wrongs or Trespasses heretofore done, committed, suffered, or charged in Respect thereof, or in any wise appertaining thereto.

And in order hereafter effectually to preserve the said Crown Stock and Cattle, and to prevent all Manner of Trespasses whatever in and upon the said Crown Lands and Pastures, it is hereby ordered and directed by the Authority aforesaid, that no Person or Persons whatever (excepting the Civil and Military Officers of the Government, and the Families of Mr. M'Arthur and Mr. Davidson holding Sheep Farms within the said Cow-Pastures,
themselves, their Shepherds, or Servants) shall with Dogs or otherwise, under Pretext of hunting the Kangaroo, or looking for stray Cattle, or on any other Cause, Business, or Pretence whatsoever, cross the River Nepean, or pass over, or travel into or within the Lands and Country westward or southward of the River Nepean, unless a Pass, Licence, or Certificate, under the Hand of His Excellency the Governor, or his Secretary, shall have been obtained with Respect to and to permit the same. And if any Person or Persons shall be found, without such Pass, Licence or Certificate as aforesaid, trespassing within or upon the said Crown Lands or Pastures, the Constables, stationed there to protect the Crown Cattle, are hereby authorised and commanded without further Cause or Authority to apprehend and lodge such Person or Persons in the then nearest Gaol, there to be dealt with according to Law.

And it is hereby further declared, ordered, and directed by the Authority aforesaid that if any Horned Cattle, Sheep, Goats, Horses, or any other Stock whatsoever, of or belonging to any Person or Persons (excepting as aforesaid the said Mr. M'Arthur and Mr. Davidson) shall be found grazing or passing, or shall be driven through, or on any Account or in any Way be within or upon the said Cow-Pastures, or any other Crown Lands and Pastures situated to the westward and southward of the River Nepean, the same shall be and are liable to Seizure, and to become and be, absolutely and without Redemption, forfeited to the Crown; unless a Pass, Licence or Certificate of Permission, under the Hand of His Excellency the Governor, or his Secretary, shall have been obtained and be producible in that Respect.

And it is hereby further declared by the Authority aforesaid, that all and every Person and Persons who shall hereafter, or as soon as this Proclamation shall have been promulgated and made known within this Territory, feloniously drive away, or in any other Manner feloniously steal one or more Sheep, Bull, Cow, Ox, Steer, Bullock, Heifer, Calf, Lamb, or other Cattle, of or belonging to the Crown as aforesaid, and collected, grazing and being within the Crown Lands and Pastures as aforesaid, or shall wilfully kill one or more of the same with a felonious Intent to steal the Whole or a Part of the Carcase or Carcases of any one or more of the said Cattle that shall be so killed, or shall assist or aid any Person or Persons to commit such Offence or Offences, or in killing or stealing the same with the Intent aforesaid, and who being thereof convicted shall be adjudged according to the Statute, in that case made and provided, guilty of Felony, without Benefit of Clergy, shall in no wise or upon any
Account receive Pardon or Mitigation of the Sentence in respect thereof, but suffer Death according to Law.

Given under my Hand, at Government House, Parramatta, this First Day of January, One Thousand Eight Hundred and Seventeen.

LACHLAN MACQUARIE.

By Command of His Excellency,

J. T. CAMPBELL, Secretary.

God save the King!

[Enclosure No. 5.]

[A copy of the map of the settlements will be found in the volume of charts and plans.]

[Enclosure No. 6.]

SURVEYOR-GENERAL OXLEY TO GOVERNOR MACQUARIE.

Sir, Sydney, 10th March, 1817.

I beg to acknowledge the receipt of Mr. Secretary Campbell’s Letter of the 5th Inst., inclosing the Copy of a Despatch from the Right Honble. Earl Bathurst addressed to your Excellency, under date 3d Decr., 1815.

I am directed by Mr. Campbell’s Letter to inform Your Excellency of the Grounds on which that part of His Majesty’s Instructions, wherein a reservation of 500 acres between each 1,000 adjacent grants, has been dispensed with by former Governors.

I am respectfully of Opinion, that the reason for deviating from that Part of His Majesty’s Instructions above alluded to originated in the above absolute necessity that existed to concentrate the Settlers and not spread them over a wide and unconnected tract of Country, which would have prevented them from rendering to each other that assistance their Agricultural Labors required; at the time those detached Settlers would have been liable to have been cut off, in Detail, by the Hostile Natives, of which many Instances (although every precaution was used) occur in the earlier stages of the Colony.

I have also respectfully to observe that had local circumstances admitted this regulation to have been carried into full effect, at least ½ of the Colony would have been unsettled and unappropriated instead of that connected and continuous Population settled on Grounds adjoining to each other which at this moment presents itself over every Part of the Granted Country; Numerous Families, that are now Industrious Land holders, must...
have been deprived of the Means of Settling, and would of necessity become the Tenants of the Larger Land holders instead of holding Ground in their own Right; owing to the increase of Horned Cattle and Sheep, many Grants have been given exceeding 1,000 acres, and to have divided such Grants by reserving 500 acres would have been perplexing to the proprietor without benefitting the Crown, as such spaces must ultimately have been granted.

I respectfully beg to observe that I consider the Terms* Township and District as Synonimous, although the latter has been commonly applied in all descriptions of Land granted here. In every considerable District, Lands have always been reserved for the use of a Clergyman and Schoolmaster, whilst the Common Land in each District, reserved at the Disposal of the Crown, has hitherto been considered adequate for the Scites of such Towns and Villages, as the local circumstances of the Situation seemed to require, at the same time that any other eligible situation independent of the Common Lands has always been reserved for such Purposes as might be deemed advantageous for the Crown and Beneficial to the Colony.

I am further directed to report to your Excellency such information, as I may possess, respecting the reserved Lands marked E. in the Charts.

Those Lands were reserved for the sole use of the Crown by the Late Governor King for the purpose of Depasturing the Government Flocks and Herds, being marked in the Charts to shew the real situation, as well as to prevent private Individuals applying for the Lands thus reserved. The Description of those Lands have been recorded† and sent home to His Majesty's Principal Secretary of State. It having been found necessary to remove the Govt. Stock from the Land, Marked No. 4, Your Excellency was induced from the Great want of Land to direct that it might be measured to such Persons, as had been deemed by Your Excellency Eligible to become Settlers; Castle Hill District, marked No. 2, has also been permitted to be appropriated, but the small Quantity of useful Land in that district did not render it an Object for the Crown to reserve it, the Proportion of Good Land not exceeding $\frac{1}{10}$ of the Whole.

In respect to the Sale or Lease of the abovementioned reserved Lands, I am respectfully of Opinion there are not Funds in the Colony Sufficient to purchase them, even were Individuals so inclined, which I conceive would not be the case; considering that it has hitherto been the Practice of Government to Grant Lands to all Persons desirous of Settling in Proportion to the

* Note 91. † Note 92.
Capital proposed to be expended in the Cultivation and Improve-
ment of them, to sell those lands would be to absorb all the
funds necessary for such Purposes. On this Subject, it may also
be remarked that seldom any but small allotments are ever
brought to sale, it being well known that the Larger Grants
would not bring a Price in any manner proportioned to the real
Value, in consequence of the small Capital that can be afforded
to be vested in such Speculations. Should the Grounds be
leased, the Rents to be expected would be too trifling to be
Worthy the attention of Government; at the same time that no
permanent improvement of the Lands could be calculated on, it
not being very probable that the Leaseholder would be at any
great expence to improve Lands held on such a Tenure, Knowing
that they would revert to the Crown with such improvements on
the expiration of the Lease.

I have, &c,

J. OXLEY, Surveyor-Gen’l.

[Enclosure No. 7.]

SURVEYOR-GENERAL OXLEY TO GOVERNOR MACQUARIE.

Sir, Sydney, 8th March, 1817.

I have the honour to acknowledge the receipt of Mr. Secre-
tary Campbell’s Letter of the 4th Inst., inclosing an Extract of a
Dispatch from H.M.P. Secretary of State for the Colonies,
dated 4th Decr., 1815, addressed to Your Excellency and direct-
ing me to report thereon.

I had been induced to hope that the representations contained
in my Letter to Your Excellency, dated 20th Sepr., 1814,* added
to Your Excellency’s recommendation, would have been deemed
a sufficient Ground for the continuance of a Deputy in this
Department, and it is with sincere regret, that I learn from Mr.
Campbell’s Letter, the reasons therein contained have not been
considered sufficient to authorise the continuance of such an
Office.

The Principal reasons, which appear to me to have influenced
the Right Honble. the Secretary of State to come to this Decision,
are that no probable increase in the Number of Grants was likely
to take place in consequence of the restrictions imposed upon
persons proceeding to this Country as Settlers, and also that
Nautical Surveys, not being required of me, my undivided atten-
tion could be given to the more immediate duties of my Office.

I most respectfully beg leave to represent to Your Excellency,
that the Free Settlers from England have ever formed a very
small proportion of the Persons receiving Grants of Land from
this Government, The Numbers settled during the last Year are

* Note 93.
Three hundred and Fifty Two, of whom only Fifteen come strictly under the Denomination of Settlers from England. The Remainder are persons become free by servitude or Pardon, and Young Men born in the Colony, who, from their age and the circumstances of their Parents, are enabled to maintain Families of their own.

The Increase of Population in the Colony within these last few Years has been such, as to add very considerably to the Two last descriptions of Persons, who are considered as entitled to become settlers. That this increase will be progressive in both Classes, I respectfully submit appears to me to be unavoidable, and I believe the Fact is not unknown to Your Excellency, that not one in Ten of the Persons, freed by Servitude or pardoned, now quit the Colony that used formerly to do so, and there are very few Instances of Youth Born in the Colony quitting a Country, to all intents and Purposes, their only Home.

It has been the Humane Policy of Your Excellency's Government to settle all the Persons above described, who could in any way be considered entitled to such a favour, and the Beneficial effects of such a System must I believe be evident to all, who view the improved and improving state of the Country.

I will shortly observe, with regard to the relief afforded by not requiring Marine Surveys from me, that it is well known to Your Excellency that I have never had leisure to perform any; and although since May last Mr. Meehan and myself have been unremittingly Occupied in the Execution of Your Excellency's Instructions, I am very sorry to say a considerable number of Grants still remain in Arrear.

Since I last addressed Your Excellency on this Subject, the Colony has been extended to the Southward, upwards of 30 Miles, whilst the increased Number of Farms and Settlements require a constant attention to the Formation and Direction of Roads and Townships, which in the earlier stages of the Colony were not required or indeed considered necessary.

I trust your Excellency will believe that I have not presumed to exaggerate the increased and Multiplying duties of my Situation, confident as I am that the Facts I have stated must in a great degree have come under your Excellency's own Observation; and under this conviction, I have no hesitation in stating that without the assistance of a Deputy, hitherto afforded, most zealous efforts of a Single Individual must fall far short in the performance of the Duties required of him, and which Duties I again most respectfully observe are, and must from the Nature and Situation of the Colony, Annually increasing.
Confiding in the Known Liberality of His Majesty's Government to afford me that assistance I feel I stand so much in need of, I trust that the unexaggerated and candid statement, now submitted, will be the means of obtaining Your Excellency's recommendation and Support to my respectful request that a permanent assistant may be allowed, feeling confident that such a representation from Your Excellency will meet with that Liberal consideration from The Right Honble. Earl Bathurst the real merits and necessity of the request may deserve.

I beg Your Excellency will be pleased to accept my Grateful Thanks for your recommendation of an Increase to the Fees, receivable on Grants, and which your Excellency has informed me has received the Sanction of His Royal Highness the Prince Regent.

I have, &c.,

J. Oxley, Surveyor-General.

[Enclosure No. 8.]

List of Names of Officers and other Free Persons, who are to go Return of passengers on Home as Passengers on Board H.M. Colonial Brig Kangaroo do England, Vizt.

<table>
<thead>
<tr>
<th>No.</th>
<th>Names</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>Lieutenant Charles Dawe Do.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Lieutenant G. A. Parker Do.</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Mr. Thomas Hassall</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Ensign Chas. J. Bullivant, 46th Regt.</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Mr. J. Speed</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Thomas Alford</td>
<td>Those Ten Persons are to be Victualled during the Voyage to England at the Expence of the Crown, the last Nine, now Free, having Come out Originally as Convicts.</td>
</tr>
<tr>
<td>8.</td>
<td>John O'Hearne</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Edmond Flood</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>James Nangle</td>
<td></td>
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<tr>
<td>11.</td>
<td>Benjamin Jacobs</td>
<td></td>
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<tr>
<td>12.</td>
<td>Thomas Holden</td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>John Bliss</td>
<td></td>
</tr>
<tr>
<td>14.</td>
<td>Andrew Kane</td>
<td></td>
</tr>
<tr>
<td>15.</td>
<td>James Byrne, Private 46th Regt.</td>
<td></td>
</tr>
<tr>
<td>16.</td>
<td>Charles Glass</td>
<td></td>
</tr>
<tr>
<td>17.</td>
<td>Thomas Bate</td>
<td></td>
</tr>
<tr>
<td>18.</td>
<td>Joseph Farley</td>
<td></td>
</tr>
<tr>
<td>19.</td>
<td>Alexr. McKenzie</td>
<td></td>
</tr>
<tr>
<td>20.</td>
<td>John Matthewson</td>
<td></td>
</tr>
<tr>
<td>21.</td>
<td>John Middleton</td>
<td></td>
</tr>
<tr>
<td>22.</td>
<td>James Evans</td>
<td></td>
</tr>
<tr>
<td>23.</td>
<td>Thomas McNabb</td>
<td></td>
</tr>
<tr>
<td>24.</td>
<td>William Downie</td>
<td></td>
</tr>
<tr>
<td>25.</td>
<td>Robert Thorn</td>
<td></td>
</tr>
<tr>
<td>26.</td>
<td>John Frazier</td>
<td></td>
</tr>
<tr>
<td>27.</td>
<td>James Farmer</td>
<td></td>
</tr>
<tr>
<td>28.</td>
<td>Joseph Craddock</td>
<td></td>
</tr>
<tr>
<td>29.</td>
<td>James McMullen, R.V.C.</td>
<td>Discharged Soldiers and Invalids, with their Wives and Children, to be Victualled at the expence of the Crown.</td>
</tr>
</tbody>
</table>
List of Names of Officers and other Free Persons, &c.—contd.

<table>
<thead>
<tr>
<th>No.</th>
<th>Names</th>
<th>Remarks</th>
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</thead>
<tbody>
<tr>
<td>30</td>
<td>Mary Coglan</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>Mary Downie</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>Elizabeth Craddock</td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>Patk. Coglan, a Child</td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>Jane Scott</td>
<td>Free Women formerly Convicts to be Victualled at the expense of the Crown.</td>
</tr>
<tr>
<td>35</td>
<td>Hannah Pleasant Jones</td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>Sarah Hills</td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>Anne Coleman</td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>Sarah Tillett</td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>Anne Taylor</td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>Sarah Atherley</td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>Jane Ewen</td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>Annastatia Lynch</td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>Catherine Collins</td>
<td></td>
</tr>
</tbody>
</table>

L. Macquarie.

Government House, Sydney, N. S. Wales, 4th April, 1817.

[Enclosure No. 9.]

The Accounts Current of the Expences of the Colony from 25th December, 1815, to the 24th of December, 1816, inclusive.

[Enclosure No. 10.]

List of Bills drawn by Deputy Commissary General Allan on the Lords of the Treasury and Colonial Agent from 25th December, 1815, to the 24th of December, 1816, inclusive.

[Enclosure No. 11.]

Statement and Return of Provisions in His Majesty's Magazines on the 24th December, 1816.

[Enclosure No. 12.]

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

[Copies of these enclosures will be found in a volume in series II.]

[Enclosure No. 13.]

Reports of the Naval Officer for the Year 1816.

[A copy of this enclosure is not available.]

[Enclosure No. 14.]

The Accounts of the Colonial Police Fund from the 1st of January to the 31st of December, 1816, Inclusive.

[A copy of this enclosure will be found in a volume in series II.]
A General Statement of the Inhabitants of New South Wales as per General Muster taken by His Excellency Governor Macquarie and Deputy Commissary General Allan from the 23rd Day of September to the 29th Day of October, 1816, 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>Lt. Col. (and Lieut. Governor)</td>
</tr>
<tr>
<td>Secretary to the Governor.</td>
<td>Major.</td>
</tr>
<tr>
<td>Solicitors.</td>
<td>Lieutenants.</td>
</tr>
<tr>
<td>Chaplains.</td>
<td>Paymaster.</td>
</tr>
<tr>
<td>Principal Surgeons.</td>
<td>Adjutant.</td>
</tr>
<tr>
<td>Assistant Surgeons.</td>
<td>Quartermaster.</td>
</tr>
<tr>
<td>Surveyor General of Lands.</td>
<td>Surgeon.</td>
</tr>
<tr>
<td>Naval Officer.</td>
<td>Drummers and Fiers.</td>
</tr>
<tr>
<td>Boat Builder.</td>
<td>Privates.</td>
</tr>
<tr>
<td>Clerks and Superintendents.</td>
<td>Women.</td>
</tr>
<tr>
<td>Women</td>
<td>£.</td>
</tr>
<tr>
<td>Children</td>
<td>£.</td>
</tr>
<tr>
<td>Total of Civil Dept. victualled.</td>
<td>Total of Military Dept. victualled.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sydney</th>
<th>Parramatta</th>
<th>Windsor</th>
<th>Liverpool</th>
<th>Newcastle</th>
<th>Colonial Vessels</th>
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<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
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<td>21</td>
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<td>4</td>
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<tr>
<td>80</td>
<td>42</td>
<td>32</td>
<td>11</td>
<td>8</td>
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<td>19</td>
<td>39</td>
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<td>158</td>
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<td>9</td>
<td>39</td>
<td>2</td>
</tr>
<tr>
<td>158</td>
<td>669</td>
<td>149</td>
<td>42</td>
<td>50</td>
<td>1,065</td>
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</tbody>
</table>

4 April.

General return of inhabitants.
[Enclosure No. 15]—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></td>
<td>Deputy Commissary General.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Assistant Commissary General.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Deputy Ass't Commissy. General.</td>
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</tr>
<tr>
<td></td>
<td>Clerk.</td>
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<tr>
<td></td>
<td>Total of Commiss. Staff</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>victualled.</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>Men.</td>
<td>202</td>
<td>71</td>
<td>106</td>
<td>379</td>
</tr>
<tr>
<td></td>
<td>Women</td>
<td>578</td>
<td>67</td>
<td>79</td>
<td>898</td>
</tr>
<tr>
<td></td>
<td>Children</td>
<td>1,439</td>
<td>158</td>
<td>295</td>
<td>156</td>
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<tr>
<td></td>
<td></td>
<td>1,850</td>
<td>1,850</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sydney</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parramatta</td>
<td></td>
<td>1</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>71</td>
<td>317</td>
<td>167</td>
<td>89</td>
<td>674</td>
</tr>
<tr>
<td></td>
<td></td>
<td>444</td>
<td>217</td>
<td>225</td>
<td>72</td>
</tr>
</tbody>
</table>
|        |                               | 969                    | 534                   | 1,790   |                       | 6,695
| Parramatta |                             | 102                    | 102                   | 40      | 65                    |
|        |                               | 467                    | 467                   |         |                       |
|        |                               | 566                    | 1,526                  | 569     |                       |
|        |                               | 930                    | 3,025                  |         |                       |
|        |                               | 3,581                  |                       |         |                       |
|        |                               | 2,749                  |                       |         |                       |
|        |                               |                       |                       |         |                       |
|        |                               | 1,334                  |                       |         |                       |
| Liverpool |                             | 127                    | 66                    | 64      | 233                   |
|        |                               | 433                    | 433                   |         |                       |
|        |                               | 130                    | 130                   |         |                       |
|        |                               | 178                    | 178                   |         |                       |
|        |                               | 393                    | 393                   |         |                       |
|        |                               | 993                    | 993                   |         |                       |
|        |                               | 3,581                  |                       |         |                       |
| Newcastle |                             | 34                     | 23                    | 40      | 97                   |
|        |                               | 246                    | 42                    | 12      | 299                   |
|        |                               | 294                    | 49                    | 23      | 239                   |
|        |                               | 368                    | 13                    | 15      | 17                    |
|        |                               | 413                    |                       |         |                       |
| Colonial Vessels |                     | 1                      | 5                     | 5      | 11                   |
|        |                               | 28                     | 42                    | 12      | 299                   |
|        |                               | 246                    | 42                    | 12      | 299                   |
|        |                               | 294                    | 49                    | 23      | 239                   |
|        |                               | 368                    | 13                    | 15      | 17                    |
|        |                               | 413                    |                       |         |                       |
| Total  |                               | 363                    | 186                   | 291     | 940                  |
|        |                               | 1,532                  | 222                   | 170     | 1,985                |
|        |                               | 2,695                  | 514                   | 711     | 232                   |
|        |                               | 3,589                  | 3,589                 |         |                       |
|        |                               | 4,089                  | 4,089                 |         |                       |
|        |                               | 5,495                  | 5,495                 |         |                       |
|        |                               | 2,592                  | 2,592                 |         |                       |
|        |                               | 3,208                  | 3,208                 |         |                       |
|        |                               | 11,136                 | 11,136                |         |                       |
|        |                               | 15,175                 |                       |         |                       |

L. MACQUARIE, GOVR. in Chief of N.S. Wales.
[Enclosure No. 15]—continued.

A General Statement of the Land in Cultivation, etc.; The Quantities of Stock, etc., as accounted for at the General Muster in His Majesty's Colony of New South Wales by His Excellency Governor Macquarie and Deputy Commissary General Allan from the 23rd of September to the 29th October, 1816, inclusive.

<table>
<thead>
<tr>
<th>Acres in—</th>
<th>Wheat</th>
<th>Maize</th>
<th>Barley</th>
<th>Oats</th>
<th>Peas and Beans</th>
<th>Potatoes</th>
<th>Garden</th>
<th>Cleared Ground</th>
<th>Total Held</th>
<th>Horses</th>
<th>Horned Cattle</th>
<th>Sheep</th>
<th>Hogs</th>
<th>Wheat</th>
<th>Maize</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Crown</td>
<td>1,709</td>
<td>900</td>
<td>50</td>
<td>84</td>
<td>12</td>
<td>85</td>
<td>250</td>
<td>5,933</td>
<td>64,615</td>
<td>626</td>
<td>6,363</td>
<td>1,904</td>
<td>2,646</td>
<td>4,063</td>
<td>9,546</td>
</tr>
<tr>
<td>At Sydney</td>
<td>1,605</td>
<td>950</td>
<td>122</td>
<td>97</td>
<td>22</td>
<td>76</td>
<td>370</td>
<td>18,245</td>
<td>50,245</td>
<td>685</td>
<td>4,449</td>
<td>14,214</td>
<td>3,778</td>
<td>53,587</td>
<td></td>
</tr>
<tr>
<td>&quot; Parramatta</td>
<td>7,527</td>
<td>4,428</td>
<td>544</td>
<td>550</td>
<td>22</td>
<td>76</td>
<td>370</td>
<td>18,245</td>
<td>50,245</td>
<td>685</td>
<td>4,449</td>
<td>14,214</td>
<td>3,778</td>
<td>53,587</td>
<td></td>
</tr>
<tr>
<td>&quot; Windsor</td>
<td>2,164</td>
<td>1,277</td>
<td>122</td>
<td>58</td>
<td>7</td>
<td>114</td>
<td>222</td>
<td>4,238</td>
<td>43,882</td>
<td>341</td>
<td>5,880</td>
<td>11,058</td>
<td>2,377</td>
<td>1,590</td>
<td>10,147</td>
</tr>
<tr>
<td>&quot; Liverpool</td>
<td>23</td>
<td>35</td>
<td>18½</td>
<td>3</td>
<td>3</td>
<td>93</td>
<td>240</td>
<td>1,102</td>
<td>38,685</td>
<td>221,657</td>
<td>2,451</td>
<td>25,116</td>
<td>55,097</td>
<td>16,574</td>
<td>11,372</td>
</tr>
<tr>
<td>&quot; Newcastle</td>
<td>836½</td>
<td>787</td>
<td>68</td>
<td>380½</td>
<td>1,102</td>
<td>38,685</td>
<td>221,657</td>
<td>2,451</td>
<td>25,116</td>
<td>55,097</td>
<td>16,574</td>
<td>11,372</td>
<td>87,070</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

L. Macquarie, Govt. in Chief of N. S. Wales.
[Enclosure No. 16.]

[A copy of the report on criminal trials will be found in a volume in series IV.]

[Enclosure No. 17.]

RETURNS of Marriages, Births, and Deaths in the Colony from the 1st of January to the 31st of December, 1816, both Inclusive.

[A copy of this return is not available.]

GOVERNOR MACQUARIE TO EARL BATHURST.

(A private despatch per H.M. brig Kangaroo.)

Government House, Sydney, New South Wales,

My Lord,

4th April, 1817.

I have the Honor to acknowledge the Receipt of your Lordship's Letter, under a Private Form, of date 21st May, 1816, recommending Mr. Cole, formerly a Private Soldier in the 102nd Regt. and now living in Sydney, to my good Offices; and in obedience to your Lordship's Desire, I have made particular enquiry into the Character and Circumstances of Mr. Cole, whom I have frequently seen and conversed with since being honored with Your Lordship's Letter respecting him.

It affords me much pleasure to have it in my power to acquaint your Lordship, for the Information of Mr. Cole's respectable Family and Friends, that he now conducts himself with great Propriety and Decency and that he has almost entirely abandoned his propensity to drinking, which generally led him into Low, Bad Company here.

As there was no Situation under Government vacant that would suit Mr. Cole, I could do nothing better for him in the mean time than settling him on a Farm near Sydney to assist him in maintaining himself and Family. I have accordingly given Mr. Cole a Grant of Two Hundred Acres of Land with the usual Indulgencies annexed to that Quantity.

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(A private despatch per H.M. brig Kangaroo.)

Government House, Sydney, N. S. Wales,

5th April, 1817.

Sensibly alive to the delicacy of the ground on which I am now venturing to tread, I feel quite embarrassed in the selection of language suitably cautious and sufficiently expressive
of the delicacy to be observed, whilst I have, at the same time, to convey the hope that my motives will be attributed to none other than views and considerations purely of a Public Nature.

In opening the Subject to your Lordship, it may not be unnecessary to premise that, in the construction of our Civil Courts under the last Patent, the Prior Rank is given to "The Governor's Court," altho' the Court, which follows next in order after it, Called "the Supreme Court," has a paramount Jurisdiction to it, and to render the Point of Precedency* between the two Courts the more difficult to comprehend, the Gentleman who is at the Head of the Supreme Court is stiled Judge, whilst he, who presides over the Governor's Court, is only entitled Judge Advocate.

These Distinctions, altho' of little or no real importance, have tended to beget a feeling of Jealousy on the part of the Judge Advocate, whose seniority of appointment and Department and superiority of Salary alike confirm him in the opinion, that his superiority of Rank is equally Manifest. But still the Public opinion being in favor of the Pre-eminence of Rank attaching to Him, whose superior Title of Judge seems to bespeak that fact, there is thence an uneasiness excited, which it would be highly desirable to have altogether removed in order to preserve the fullest harmony between the Gentlemen at the Heads of the two Courts.

The grounds of the Public opinion are so very reasonable, that it is not to be wondered at that those, who do not immediately know that the Precedency is given, by the terms of the Patent, to "the Governor's Court," and thence by inference to the Judge of that Court, should ascribe the superiority to Him whom they know presides over the Court of superior Jurisdiction. Whilst on the other hand the earnestness with which the late Judge Advocate Bent (when proposing to go to England on account of his health) recommended his Brother to succeed him, and the anxiety of Mr. Justice Bent to be preferred to the situation of Judge Advocate, cannot fail to confirm the opinion derived from the Patent, that the Judge Advocate is the Superior Officer.

The experience I have had of Mr. Judge Advocate Wylde, altho' by no means sufficient to enable me to speak decisively in regard to his Temper, Disposition, and Professional Qualifications, is still sufficient to warrant my bearing testimony to the upright, manly, and dignified conduct, which, under peculiar and very trying circumstances, he has uniformly manifested in his Judicial and other Publications, since his arrival here, and were I not to assure your Lordship that I have ample reason to be, not only satisfied, but highly pleased, with his Public conduct

* Note 94.
and Private Character, I should be doing him injustice, and would not sufficiently acquit myself to your Lordship in rendering these acknowledgments, which I feel due to your Lordship for having selected a Gentleman who gives such good earnest of rendering hereafter a perfect and entire satisfaction in the High Department of Judge Advocate.

In paying this well merited Tribute, I have purposely digressed from the principal object of the present address, in order to adduce an additional argument from Character and conduct in favor of what I shall now submit most respectfully to your Lordship's consideration.

It not being unusual to confer the Honor of Knighthood on Gentlemen destined to fill the Higher Departments of the Law on Foreign Stations, I beg, with all due deference, to submit to your Lordship, that were this distinguished mark of Royal condescension and favor conferred on Mr. Judge Advocate Wylde, it would contribute most effectually to exalt and give superior Dignity to the Judicial Department over which he is placed, and could not fail to produce in him the most lively sense of gratitude.

I have now, My Lord, only to repeat the earnest hope that, in acceding to or refusing this my request, that you will rest perfectly assured that I have made it with much diffidence, and solely with a view to the Promoting the Public Service.

I have, &c.,

L. MACQUARIE.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.*

Sir, Downing Street, 7th April, 1817.

I am directed by Lord Bathurst to acquaint you that he has given permission to the Bearer, William Hayes, to return to the Settlement of New South Wales with his Family and to remain as a Settler in the Colony.

I am, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.*

Sir, Downing Street, 8th April, 1817.

I am directed by Lord Bathurst to acquaint you that he has granted permission to Mr. C. Amet, late Professor of the French Language at the Royal Military College, to proceed as a Settler to New South Wales, and I am to desire that he may

* Note 22.
receive a Grant of Land proportioned to his means of Cultivation, and from his Recommendations Lord Bathurst is induced to request that you will extend to him any Indulgence and Protection in your power. I am, &c.,

HENRY GOULBURN.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.
(Despatch per H.M. brig Kangaroo.)

Government House, Sydney, N. S. Wales,

Dear Sir,

8th Apl., 1817.

I have the honor to acknowledge the receipt of your very obliging and most acceptable Private Letter of date 25th July, 1816, per the Hands of Mr. Justice Field, by whom I had the pleasure of receiving it, that Gentleman having arrived here from England on board the Ship Lord Melville on the 24th of February. I feel very much obliged to you for making me acquainted with Mr. Field’s Character. He appears to be every thing that you say of him, and I am very much prejudiced in his favor already from his mild, modest and conciliating manners, and I am persuaded he will prove a great acquisition and blessing to this Colony both in his Public Judicial Character and Private one. I shall not fail to pay every respect and attention both to Mr. Field and Mr. Wylde, and shall make a point of conciliating them and cultivating the best possible understanding with both of them. From every thing I have yet seen and known of both those Gentlemen, I am persuaded they are peculiarly well qualified to fill their respective offices with credit to themselves and advantage to the Public.

I have the honor to be with most respectful esteem and regard,

Dear Sir, &c.,

L. MACQUARIE.

P.S.—I had the pleasure of writing to you on the 9th of Novr. last Via India, in reply to your Private Letter of Date 18th May, 1816, by Mr. Judge Advocate Wylde.—L.M.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship Almorah.)

Sir,

Downing Street, 9th April, 1817.

I am directed by Lord Bathurst to acquaint you that he has given permission to the Bearer, William Muckle, to proceed to the Colony of New South Wales, the said William Muckle being Nephew to Mr. John Dickson, who has applied to Lord Bathurst in his favor that he may assist him in his Business in the Colony. I am, &c.,

HENRY GOULBURN.
1817.
10 April.
Permission for R. Turnbull to proceed to the colony.

1817.
16 April.
Interpretation of sentences passed by Scotch courts.

1817.
21 April.

HISTORICAL RECORDS OF AUSTRALIA.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Almorah; acknowledged by Governor Macquarie to Earl Bathurst, 12th December, 1817.)

Sir,

Downing Street, 10th April, 1817.

I am directed by Lord Bathurst to acquaint you that he has given permission to the Bearer, Robert Turnbull, to proceed to the Colony of New South Wales. I am, &c,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(A private despatch per ship Lord Eldon; acknowledged by Governor Macquarie, 15th December, 1817.)

16th April, 1817.

[A copy of this despatch is not available.]

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 89, per ship Lord Eldon; acknowledged by Governor Macquarie, 12th December, 1817.)

Sir,

Downing Street, 21st April, 1817.

Having directed a Copy of your Dispatch No. 6, of the 13th March, 1816, relative to the doubts, which had arisen respecting the period of the Sentences of the Prisoners who had been sent to New South Wales under Convictions from the Scotch Courts, to be transmitted to The Home Department; I herewith enclose for your Information the Copy of a letter, which has been received in reply from Mr. Beckett, dated 11th February last; I also enclose the Indents of The "Francis and Eliza" as requested in your Dispatch above alluded to.

I have, &c.,

BATHURST.

[Enclosure No. 1.]

UNDER SECRETARY BECKETT TO UNDER SECRETARY GOULBURN.

Sir,

Whitehall, 11th Feb'y., 1817.

Having laid before Lord Sidmouth your Letter of the 23rd Decem'r, with the Copy of one received from Governor Macquarie respecting the Terms in which some of the Sentences of Transportation are expressed for Prisoners, who have been Convicted in Scotland, I am directed to acquaint you for the Information of Lord Bathurst, with a view to a Communication being made to the Governor of New South Wales, that in all those Cases, where the following Words have been notified against the Names of any of the Prisoners tried in Scotland, vizt. "For Life: " "The Contractor to have his or her Services for . . . . Years," it implies that the Prisoner is bound to Serve the Contractor and his Assigns for the term of Years therein expressed; at the Expiration of which Term such Prisoners are no longer
liable to Servitude, but it does not relieve them further. The Sentence of Transportation from the United Kingdom (for whatever Terms that may be) still remaining in full force.

The Indents for the Ship Gen'l Hewitt applied for by the Governor of New South Wales are transmitted to you in my Letter of 16th October last; those for the Ship "Francis and Eliza" which conveyed Convicts from Ireland having been lately received, I herewith transmit the same in order to their being forwarded to New South Wales.

I am, &c,

J. BECKETT.

[Enclosure No. 2.]

[A copy of the indents is not available.]

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 90, per ship Almorah; acknowledged by Governor Macquarie, 12th December, 1817.)

Sir, Downing Street, 22d April, 1817.

As some doubts appear to have arisen in the Minds of many in the Colony under your Government with regard to the Legality of compelling the Convicts, that are transported to New South Wales, to Hard Labour during the period of their Sentence, I herewith transmit to you the Copy of a Letter, which has been received from the Home Department containing the Opinion of the Law Officers of the Crown upon this Subject.

I have, &c,

BATHURST.

[Enclosure.]

UNDER SECRETARY BECKETT TO UNDER SECRETARY GOULBURN.

Sir, Whitehall, 25th March, 1817.

I am directed by Lord Sidmout to acknowledge the receipt of your Letter of the 10th of January last, relative to persons transported to New South Wales being compelled to labour after their arrival at that Colony, and His Lordship having referred the Same for the Consideration of the Law Officers of the Crown, I am now to acquaint you, for the information of Lord Bathurst, that they have made the following Report:—

"The Sentence of Transportation being founded on Statutes, the mode of carrying it into effect and of treating the Offender must depend upon their specific provisions. The only Statute inflicting the Punishment of Transportation, which expressly gives a Power to adjudge that the Convict shall be kept to hard labour when transported, is the 22d Charles the 2d, Cap. 5; but this Statute relates only to the particular Offence therein described, and therefore does not affect the general Question.

"From the time of passing the 4th Geo. I, Cap. 11, down to the present time, all the Statutes on the Subject have enacted that
the offender to be Transformed shall be transferred to the Person, who shall contract to Transport Him, and that the Person so contracting or his Assigns shall have a Property* in the Service of such Offender during the Term for which He is sentenced to Transportation. When the Captain of the Vessel or other person having made the Contract to Transport, and having arrived at the Place of destination assigns the Offender to the Governor, or such Person, as the Governor nominates, who is willing to take him, Such Assignee of the Contractor acquires a Property in the Service of the Offender, he becomes his Master, and the Convict is bound to perform such Labour as the Master to whom he is assigned shall order; for tho' the Sentence of the Court is only that he shall be Transformed, yet the Transfer of his Person by Assignment giving the Assignee a Property in the Service of such Offender, he is bound to perform hard Labour by Virtue of this enactment, if required by his Master. The person to whom he is assigned is not bound to employ the Convict in Labour unless he shall think fit, for having the property in his Service he may exercise such Right of Property with more or less indulgence as he pleases.

"It is clear, therefore, that the Convict does not become a Freeman when transported; but on the contrary is subjected to a State of Servitude during the term of Transportation. Herein consists the distinction between such Convicts, as are permitted to transport themselves* (an indulgence sometimes granted), and Such as are Transformed under a Contract, the first becoming a free man except as to the not being permitted to return during the term of Transportation, the other being placed in a State of a complete Servitude during Such Term at the Will of his Master, the exercise of Such Will being always to be regulated by the Rules of Humanity in protecting the Convict from Cruelty or Bodily harm. We report therefore that the Convict is not a free man upon his arrival at the Place of Transportation, but is bound to perform Such Labour as the Person to whom he is assigned shall allot to him.

"The positive Provisions of the Statutes Subject to a State of Servitude every convict, on whom the Sentence of Transportation has been pronounced. The Court, who adjudged the Offender to be Transformed, cannot make it a part of the Sentence that he should be kept to hard Labour; it would be an erroneous judgment.

"Such Sentence would also be against the Policy on which the present Laws of Transportation are founded. By the recital of the 4 Geo. I, Cap. 11, which Statute introduced the manner of carrying Transportation into effect by the means of a Contract, and of a Transfer of Property in the Service of the Offender, it appears that one object was to provide Servants in
His Majesty's Colonies in America, who by their Labour and Industry might be the means of improving them; and, tho' by Subsequent Statutes, His Majesty may order Convicts to be Transported to other Countries, yet the manner of carrying this into effect, and the state of the Convict consequent thereupon, has been always preserved. The Law could not well be altered in this respect without defeating the object of Supplying the Settlers in those Colonies with Labourers and Servants; for if they were to be Sentenced to hard Labour, or all assigned to the Governor alone, they must be kept to hard Labour by the Officer of the Public, and none would be employed in the Service of Private Masters.

"Those, who have questioned the right to compel the Convicts to perform hard Labour, cannot have considered the Enactments of the Statutes, but must have formed their opinion merely on the View of the Words of the Sentence alone."

I have, &c,

J. BECKETT.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 91, per ship Almorah; acknowledged by Governor Macquarie, 24th November, 1817.)

Sir,

Downing Street, 22d April, 1817.

A Letter* has been addressed to me by Mr. Moore, one of the Complaints Solicitors of New South Wales, stating the Grievances under which he conceived himself to Labour in consequence of your having deprived him of his Situation as Solicitor to the Colony, and also in not having received a Grant of Land equal in extent to what he had considered himself entitled.

As Mr. Moore appears to have acted in seizing the American Brig, Traveller, merely in the Capacity of Agent for and by the Direction of Mr. Vale, I am to desire that you will take the necessary Steps for reinstating him in the Situation from which he has been displaced. With respect to the Complaint of The Inadequacy of The Grant of Land, which you had assigned to him, I have only to refer you to the answer which I have directed My Under Secretary to return to him in a letter, of which the enclosed is a Copy.

I have, &c.,

BATHURST.

[Enclosure.]

UNDER SECRETARY GOULBURN TO MR. W. H. MOORE.

Sir,

Downing Street, 22d April, 1817.

I am directed by Lord Bathurst to acknowledge the receipt of your letter of the 13th March, 1816, stating various grievances under which you consider yourself to labour, and requesting that you may be reinstated in the Situation from which you had been
displaced by Governor Macquarie in consequence of seizing an
American Ship on account of Mr. Vale; I am directed to acquaint
you that, as his Lordship considers you merely to have acted in
the Capacity of an Agent for and by direction of Mr. Vale,
his Lordship has directed the Governor to reinstate you as one of
the Solicitors of the Colony, trusting that your future Conduct
will prove you to have been worthy of this Indulgence, and that
you will not again become the willing Instrument of Acts done in
opposition to the Governor of the Colony.

With respect to your Statement as to the Inadequacy of the
Grant of Land assigned to you, I am directed further to acquaint
you that it appears to Lord Bathurst to be more than is propor­
tioned to the Rank which you hold in the Colony, or to any
reasonable Expectation which you could have formed on your
Departure from this Country. 

I am, &c,
HENRY GOULBURN.

EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per ship Almorah; acknowledged by
Governor Macquarie, 12th December, 1817.)

Sir, Downing Street, 22nd April, 1817.

I herewith transmit to you a New Seal,* which in conse­
quence of certain alterations in the Royal Arms has been pre­
pared for the Colony under Your Government, accompanied by
the Warrant of His Royal Highness The Prince Regent for
using the same; and I am to desire that you will return to this
Department the Seal which has been hitherto used in the Said
Colony.

I have, &c,
BATHURST.

[Enclosure.]

WARRANT FOR USING THE SEAL OF THE TERRITORY.

In the Name and on the Behalf of His Majesty.

George, P.R.

To our Trusty and well beloved Lachlan Macquarie, Esquire,
our Captain General and Governor in Chief in and over our
Territory of New South Wales and its Dependencies, or to the
Lieut. Governor or Commander in Chief of the said Territory for
the time being, Greeting. With this, you will receive a New Seal
prepared by our Order for the use of the said Territory of New
South Wales, in consequence of certain Alterations which have
been made in Our Royal Arms, and Our Will and Pleasure is,
and We do hereby authorize and direct that the said Seal be
used in Sealing all Public Instruments, which shall hereafter be
made and passed in our Name and for our Service in the place

* Note 97.
GOULBURN TO MACQUARIE. 387

of the Seal now in use in the said Territory. Given at our Court
at Carlton House, this tenth Day of February, 1817, in the
Fifty Seventh Year of our Reign.
By the Command of His Royal Highness the Prince Regent,
in the Name and on the Behalf of His Majesty.

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BATHURST.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship Matilda; acknowledged by Governor Macquarie
15th December, 1817.)

Sir,
Downing Street, 22d April, 1817.

Lord Bathurst having given permission to Mr. William
Francis Weston to proceed as a Free Settler to the Colony of
New South Wales, I am directed by his Lordship to desire that you
make to him a Grant of Land in proportion to the means
he may possess of bringing it into Cultivation, and extend to him
the Indulgences usually granted to Settlers of his Class.

I am, &c.,
HENRY GOULBURN.

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EARL BATHURST TO GOVERNOR MACQUARIE.
(Despatch No. 92, per ship Lord Eldon; acknowledged by Governor
Macquarie, 12th December, 1817.)

Sir,
Downing Street, 24th April, 1817.

I herewith transmit for your Information the Copy of a
document which has been forwarded to me by the direction of Lord
Sidmouth, enclosing the 'Certificate of the Sentence of a person
named John Swayne, who was tried and convicted of Stealing
under a Commission held for the City of Dublin in the Year 1799.

I have, &c.,
BATHURST.

[Enclosures.]

[Copies of the letter and certificate are not available.]

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UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship Almorah; acknowledged by Governor Macquarie
to Earl Bathurst, 12th December, 1817.)

Sir,
Downing Street, 24th April, 1817.

I herewith transmit to you by the direction of Lord
Bathurst an Assignment of One Hundred and Eighty Male Convicts
shipped on board The Almorah for the Colony of New
South Wales.

I am, &c.,
HENRY GOULBURN.

[Enclosure.]

[A copy of the assignment of convicts is not available.]
Assignment of convicts on the ship Lord Eldon.

24 April.

Assignment of convicts on the ship Lord Eldon.

25 April.

Report to be made on the claims of J. B. Hugo.

1817.

24 April.

Under Secretary Goulburn to Governor Macquarie.

(Despatch per ship Lord Eldon; acknowledged by Governor Macquarie to Earl Bathurst, 12th December, 1817.)

Sir,

Downing Street, 24th April, 1817.

I herewith transmit to you by direction of Lord Bathurst an Assignment of Two Hundred and Twenty Male Convicts which have been embarked on board the Lord Eldon for the Colony of New South Wales.

I am, &c.,

Henry Goulburn.

[Enclosure.]

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

Earl Bathurst to Governor Macquarie.

(Despatch No. 93.)*

Sir,

Downing Street, 25th April, 1817.

I have the honor to transmit to you an Affidavit and some accompanying Papers, which have been delivered to me by a Person of the Name of Burke Hugo, who states himself to have suffered loss from the Misconduct of certain Officers of your Government.

Although the Individual in question is certainly subject to occasional fits of Derangement, yet I see no reason to doubt his having been in New South Wales, and having possessed the Vessel and Cargo, to the recovery of which his Claim is directed, and I am sure you will not consider his infirmity as entitling him, if his Claim is well founded, to less consideration than he would otherwise have received. I am therefore to desire that you would make immediate enquiry into the circumstances of the Case, and report to me fully both as to the causes which led to the Seizure of the Active, the legal proceedings under which the Vessel was condemned, and as to the manner in which the produce of the Vessel and Cargo was disposed of, in order that measures may be taken for reimbursing to the Individual the Sums, which may be due to him, or for communicating to him the grounds, upon which they are justly detained.

I have, &c.,

Bathurst.

[Enclosure No. 1.]

Mr. Jonathan Burke Hugo to Under Secretary Goulburn.

11 Grafton Street, Fitz Roy Square,

11th January, 1817.

Sir,

I yesterday with great reluctance waited at Lord Sidmouth’s Office with the following Note, and had an interview with Mr. Beckett, who promised to enter into the Subject of my property, unjustly detained from me by the Government at South Wales; after the refinements on Cruelty exercised towards

* Note 98.
me (unparallel'd in the Annals of brutality), it is adding insult to injury to trifle with me in this Manner, for, exclusive of my detained property, Considering my Undoubted and Yet Undecided Constitutional Rights, I would feel myself perfectly justified in Calling on Government for a Moderate Subsistence, and they may rest assured that they must either Confine me or allow it.

I have, &c.,
JONATHAN BURKE HUGO.

[Enclosure No. 2.]
MR. JONATHAN BURKE HUGO TO LORD SIDMOUTH.

My Lord, 11 Grafton St., F.R. Sqre., 10th Jany., 1817.

It is with great reluctance that I again wait on your Lordship on the subject of my unjustly detained property, the bare Interest of which for my Subsistence is all I solicit.

I have already in a private letter, and I now Officially declare to your Lordship that, if the Members of Government possessed the real feelings of Gentlemen, they would not subject a Man, whom they know to be their King, De Jure, altho' He is an Irishman, to this humiliating Necessity.

I have, &c.,
JONATHAN BURKE HUGO.

As a Scholar and a Gentleman, I pray you Vide Isaiah 33d chap., 16th verse, and 37th Psalm, 3d verse.

[Enclosure No. 3.]
AFFIDAVIT OF JONATHAN BURKE HUGO.

MIDDLESEX to Wit.—I, Jonathan Burke Hugo of 11 Grafton Street, Fitz Roy Square, do Voluntarily make oath and say that I sailed from Calcutta in September, 1811, in the Brig Active, burthen One hundred Tons, of which I was owner, bound for Sydney, South Wales, With a Valuable Cargo, which stood me in Eight thousand pounds or thereabouts; exclusive of which, I had on board a chest of Plate, which stood me in Three hundred pounds, a Gold watch, which stood me in Fifty pounds, together with books and wearing apparel to a very Considerable amount; of All Which, except some books and wearing apparel, I was deprived by the Government at South Wales as related in the accompanying printed Narrative, and have never received any Account; and I further make oath and say that, if allowed by the Government at South Wales to manage my own affairs, I could to the best of my Knowledge and belief realise Four thousand pounds at the least after payment of all my just debts.

JONATHAN BURKE HUGO.

Sworn before me at the Public Office, Bow Street, this 11th March, 1817. F. E. SKETCHLEY.
MR. JONATHAN BURKE HUGO TO UNDER SECRETARY GOULBURN.

Sir, 11 Grafton Street, Fitz Roy Square, 19th March, 1817.

I have already in your Official Capacity, and I, now as a Private Gentleman, Submit to your Consideration what I hope you will find to be a fair statement of the Prophecies.

With the Constitutional Laws of the Realm and God’s special promises in my favour, hard is my fate, Sir, to be on the brink of Starvation in London Streets. I deem it the more particularly so, as I know that, till forced by excess of Cruelty, I never harboured a thought inimical to the family on the Throne.

As a Scholar and a Gentleman, I again beg leave to pray you Vide 37th Psalm, 3d verse, and 33d Isaiah, 16th verse.

The peculiar and distressing nature of my Case will I hope Apologize for my thus addressing you.

I have, &c,

JONATHAN BURKE HUGO
(by birth) Prince of Scotland.
(and by the Constitutional Laws) of Great Britain and Ireland, Rex de Jure.

MR. JONATHAN BURKE HUGO TO UNDER SECRETARY GOULBURN.

Sir, 106 Tottenham Court Road, 24th July, 1817.

I have the Honor to hand you Copy of letter addressed by me to Mr. Jno. Palmer, who is generally understood to be the Regent’s Agent at Calcutta. I have, &c,

JONATHAN BURKE HUGO.

MR. JONATHAN BURKE HUGO TO MR. JOHN PALMER.

Sir, H.C. Ship Europe at Sangar, 1st Jan., 1815.

Altho’ in a very infirm state of health, in consequence of the Cruelties exercised towards me and the infernal doses administered to me at South Wales, and my subsequent long confinement of 2½ years in the General Insane Hospital, Calcutta, in the hope of intimidating me, where I was fed on provisions such as No honest Man in England would attempt to feed his dog with, I am now placed, under the paupery plea of my being a pauper, a Charter Party Passenger on board this Ship by those time serving Satellites of that Unfeeling Illustrious Usurper The Prince of Wales, The Earl of Moira, General Sir George Nugent Bart., and Mr. Udney, president of the Marine board, whose mother has dry nursed the would be Princess of Orange; but their infamous conduct shall not have the desired effect, and I
trust in God they will all have cause to repent, for as a Lawyer I have long known that When the Heirdom p. Stirpes takes place, that the Heirdom p. Capita must give Way, and every intelligent Man, who knows me, must be aware that, altho' the Son of an Irish Snuff and Tobacco Seller, I am the lineal Descendant of Earl Bothwell and Mary Stuart, Queen of Scotland, the Great Grand daughter of Henry the 7th of England, in the line of his daughter Margaret, the Wife of James the 4th of Scotland, Consequently the rightful Heir to the Crown of England; "but Henry Plantagenet I deem the root of my family in this Country."

I am, &c.

Jonathan Burke Hugo.

Prince of Scotland, and, of Great Britain and Ireland, Rex de Jure Divina.

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

Sir, Downing Street, 28th April, 1817.

Mr. Thomas Walker, who is the Bearer of this Letter, being about to proceed to New South Wales to fill the Situation of Deputy Assistant Commissary General, I beg leave to recommend him to your favorable Notice and Protection.

I am, &c.,

Henry Goulburn.

Earl Bathurst to Governor Macquarie.
(Despatch No. 94, per ship Lord Eldon; acknowledged by Governor Macquarie, 12th December, 1817.)

Sir, Downing Street, 29th April, 1817.

Having submitted to the Consideration of the Lords Commissioners of the Treasury your Recommendation* of an Allowance to the Widow of the Late Ellis Bent, Esqre., I herewith enclose the Copy of a letter, which has been received in reply, stating that under the very special Circumstances of the Case Their Lordships have consented to allow Mrs. Bent the Sum of Two Hundred Pounds per annum to commence from the Death of her Husband and to be continued only during her Widowhood.

I have, &c.,

Bathurst.

[Enclosure.]

Secretary Lushington to Under Secretary Goulburn.

Sir, Treasury Chambers, 22nd April, 1817.

I am Commanded by My Lords Commissioners of His Majesty's Treasury to acquaint you for the Information of the Earl Bathurst that, under the very Special Circumstances stated in your Letter of the 23rd of Jany. last, my Lords request you

* Note 99.
1817.
29 April.

Recommendation of John Wingfield as a settler.

7 May.

Permission for John Penman to become a settler.

13 May.

Proposals for retrenchments.

will insert, in the Estimates to be submitted to Parliament for the Civil Establishment of New South Wales for the Current Year, an Allowance of Two Hundred Pounds per Annum to Mrs. Bent to commence from the Death of Her Husband and to be continued only during her Widowhood. I am, &c.,

S. R. LUSHINGTON,

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.*

Sir,

Downing Street, 7th May, 1817.

I am directed by Lord Bathurst to acquaint you that he has given permission to the Bearer, Mr. John Wingfield, to proceed as a Free Settler to the Colony of New South Wales, and I am to desire that you will make him a Grant of Land in proportion to his means of bringing the same 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 “Private and Confidential,” per ship Sir William Bensley.)

Government House, Sydney, N. S. Wales,

My Lord, 13th May, 1817.

Strongly impressed with the justice and expediency of making all practicable Retrenchments in the Public Expenditure of this Colony, and anxious to give the fullest effect to your Lordship’s Instructions on that head, I now beg leave to lay before your Lordship some observations which a sense of Public Duty has led me to make, being assured that their adoption will lessen in a very considerable degree the expence of this Colony to the Mother Country and tend to promote its own internal tranquility and Prosperity.

With these views of the subject I shall Commence with the Office of the Lieutenant Governor of the Colony.

This Situation, which has a Salary of £400 Per Annum annexed to it, has no precise or fixed Duties whatever attached to it, and of course it appears to be one of those inefficient and altogether useless Departments which could be well dispensed with. When I call it useless, I give it a gentler appellation than

* Note 22.
I consider it to deserve; for now, after an experience of Seven years, I am obliged to remark that the Rank and Title of Lieut. Governor seem more favorable to the Cherishing Principles of Opposition to the Measures of the Government and Governor than to the promoting the Public Service; a jealousy of the power of a Superior, rankling still in the Breast of Him who sees that Superior only between himself and the Possession of the Power so envied.

Such Motive of Action, however unworthy, appears to be one of those weaknesses of Human Nature, which it is easier to observe and lament than to correct; And this Jealousy of Power, when excited, will not fail to gather round him, who possesses it, all the dissatisfied and Disaffected in the inferior Classes, who will be glad to associate themselves under a Leader of the Nominally high rank of Lieutenant Governor.

By such means an opposition is formed, which is formidable in proportion to the Talents or Disposition of him who takes the lead in it.

On these Grounds, My Lord, I do not hesitate to recommend that, when Colonel Molle the present Lieut. Governor shall be ordered hence with the 46th Regiment, that the office of Lieutenant Governor be totally abolished, this Measure being fully practicable under the terms of the Colonial Patents,* which provide for the Succession to the Office of Governor, in the event of his Death or absence, in the Person of the next senior Military Officer in the Colony, who is thereby required to exercise the Authority of the Governor until a Successor shall be Specially appointed from Home.

The next Measure of Retrenchment, to which I have to advert, is one of a more general nature than the foregoing but not less practicable, and in its consequences not less important or desirable.

Since the first establishment of the Colony to the present time, it has been the continual practice of the Governors to make liberal Grants of Land, with proportionably large indulgencies in Government Men on the Stores and Cattle on long Credits, to the Civil Officers on their arrival, according to their respective Ranks. This Practice in the early stages of the Colony might have been necessary in order to enable those Officers to support themselves and their Families in a decent and comfortable way, which their Salaries alone would have scarcely done at a time when Grain and Animal Food were both very scarce and very dear; but this necessity no longer exists, as every Description of Provisions is now abundantly supplied in the several Public Markets of the Colony on very moderate and reasonable terms.

* Note 100.
I therefore conceive that the custom of granting Lands and other indulgencies to Civil Officers may henceforward be altogether discontinued, as unnecessary and saddling the weighty expense of victualling not only those Officers themselves but also their Wives and Families, however numerous, on the Government, together with the Government Men assigned to them.

Another reason, even stronger than the foregoing, for discontinuing the Practice of making Grants, etc., to the Civil Officers, arises out of the circumstance that the Attention of those Officers, which should be devoted exclusively to their Official Duties, becomes hereby divided between their own Private Farming Concerns and their Official Duties to the great and manifest injury of the Public Service; and these Gentlemen, in their characters of Landed Proprietors with extensive Herds and Flocks, form a strong Party in the Colony to the Prejudice of the Crown, instead of being its best Supporters, Counteracting, as far as in them lies, every effort made by the Executive Government in abridging the Colonial Establishments, or in reducing the Prices, and consequently the expense of Animal Food or Grain, their Private Interest being to keep up the Prices of those Articles, which they are thus enabled to send to Market.

I may here observe that on all occasions the persons, who give the greatest opposition to Measures of Retrenchment, are the Civil Officers who possess Lands and Stock, and who by reason of their Official rank are listened to in their harangues with more attention than would be paid to them were they not Officers of the Government and supposed to have a superior knowledge of the expediency or inexpediency of the proposed Measure.

In this characterising the Civil Officers in their Capacity of Settlers, I do not mean to say that all the Civil Officers act this unprincipled and ungrateful part by Government, there being some of them too liberal and disinterested to enter into any such Measures of opposition or annoyance; but the exceptions are few and not sufficient to form a ground of objection to the Principle I have been recommending.

The Grants of Land, which have been made to the Officers in the Commissariat Department, I consider as particularly impolitic and objectionable, being alike injurious to the Crown and to the regular Settlers in general, an irresistible bias to their own Individual Interests as Graziers and Farmers ever leading them to monopolize, as far as in their power, the Supply of the Government Stores immediately under their own direction to their own Private Emolument and to that of their Partners and favorites.

Various Orders and Regulations have been framed by me from time to time to prevent such fraudulent Practices in the
Commissariat Department; but it appears impossible to frame Regulations which will not be in some degree eluded and defeated by Persons so interested as those Officers, when they once become Graziers and Farmers.

The Saving which would accrue to Government, from the adoption of this Principle in regard to the Civil Officers, although it could not be acted upon immediately, as the present officers are already in possession of those advantages, but were it ordered that no Civil Officers should in future receive any such favors, it would be eventually the means of saving a very weighty expense to Government and would render the Officers themselves much more faithful and effective in their several official Departments.

If your Lordship agrees in the Policy of the Measure, I beg to state that it would be very desirable that the Civil Officers, who shall hereafter come out, should be apprized officially that they will not receive any such Indulgencies.

On occasions of Officers retiring from the Service with the view to become Settlers, if their Conduct has been Correct, I conceive that Lands and Indulgencies might in such cases be extended to them on a liberal scale, in aid or altogether in lieu of Pensions, when their Services might give a Claim to the consideration of Government; and I beg leave to recommend this measure to your Lordship's Consideration.

Trusting that your Lordship will see the expediency of adopting these suggestions either wholly or partially; I hope their importance will excuse my having conveyed my sentiments thereon at such length.

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 19 of 1817," per ship Sir William Bensley; acknowledged by Earl Bathurst, 24th August, 1818.)

Government House, Sydney, New South Wales,
My Lord,

1. I have the Honor to acknowledge the Receipt of Your Lordship's Dispatch No. 78, dated 4th December last, together with its several Enclosures on the Subject of the Surveys held here and at the Cape of Good Hope on His Majesty's Colonial Brig Emu, Commanded by Lieut't Forster of the Royal Navy.

2. In obedience to Your Lordship's Commands, I have Caused an Enquiry to be made into the Circumstances relative to the Difference, there appears in the Papers alluded to, between the Report of the Committee of Survey held here and that at the Cape of Good Hope on the State of the Brig Emu, by again assembling the Gentlemen, who Composed the Committee of
Survey (with the Exception of One Member, Captn. John Wilkinson now in England), for the purpose of revising their former Report and stating the Grounds, on which they had formed their opinion, laying before them also the Several Papers received from Your Lordship on this Subject.

3. The Committee (with the foregoing Exception of one absent Member) assembled accordingly at Sydney, and after having Maturely Considered their former Report and Compared the same with that made at the Cape of Good Hope, they delivered Me in the accompanying revised Report, confirming their former one; and to the Accuracy of which Report they have Voluntarily made Oath before the Judge Advocate.

4. The Gentlemen, who Composed this Committee, having all been formerly either Ship Carpenters or Commanders of Ships, and being All Persons of most respectable Characters, they could have no Motive in making a false Report of the State and Condition they found the Emu in; the Survey on this Vessel was held by my orders on the Representation of the Expediency thereof by Lieut’t Forster, her Commander, who Certainly had no wish either to have her Condemned or to leave the Colony; this Officer himself brought me some small parts picked out from her Timbers, which were in a Completely decayed rotten State, and which were Consequently replaced or repaired here. Every part of the Vessel was Examined by the Committee in the presence of Lieut’t Forster and the Carpenter of the Emu, and they both Entirely Concurred in the opinion given by the Committee of Survey held on her here.

5. Under all these Circumstances, I am strongly inclined to think that the Report of the Surveyors on the State of the Emu, made at the Cape of Good Hope, is much more likely to prove Inaccurate than the one made originally here, and that, whenever an impartial Survey by Competent, respectable Persons is taken in England on the real State and Condition of the Emu, the Report made here will not be found to be an Unfounded one, as stated in Sir Jahleel Brenton’s Letter.

I have, &c,

L. MACQUARIE.

[Enclosure.]

AFFIDAVIT RELATING TO THE SURVEY OF THE BRIG EMU.

Pursuant to His Excellency Governor Macquarie’s Commands conveyed to us in a Letter received this day from John Thomas Campbell, Esqre., Secretary to His Excellency, We whose Names are hereunto subscribed assembled for the purpose of re-examining our Report of Survey on His Majesty’s Colonial Brig Emu (the other Member of this Committee Captn. John Wilkinson
being now in England) and upon due and deliberate consideration after carefully examining the said former Report do declare that we see no reason or cause whatever to alter the opinion we then gave as to the State of the said Vessel and we do further Certify that had the said Vessel remained in this Colony it is our opinion she would require constant repairs from her very decayed State. And we do further Certify that we have entered into this re-examination of our said former Report of Survey with such Care and Attention that (if required) we are ready to make Oath to the impartiality of our proceedings.

In Witness whereof we have hereunto Set our Hands at Sydney this 6th day of May, 1817.

THOS. MOORE.
RD. BROOKS.
JAMES BIRNIE.
WILLIAM COSAR.

Sworn before me this eighth day of May, 1817, at my Office in Sydney, New South Wales.

JNO. WYLDE, Judge-Adv., N.S.W.

True Copy:—JNO. THOS. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 20 of 1817." per ship Sir William Bensley; acknowledged by Earl Bathurst, 24th July, 1818.)

Government House, Sydney, New South Wales,

My Lord,

15th May, 1817.

On the Dispatch of His Majesty’s Colonial Brig Kangaroo on the 9th of last Month for England direct, I had hoped that All further Correspondence with and Communication respecting Lieut’t Jeffreys, the Commander of that Vessel, would have Ceased, and that I should not have been under the Necessity of Intruding further on Your Lordship by making any more Representations on the Subject of that Officer’s Misconduct and Disobedience of orders. I now feel much Regret at being laid Under that Necessity, from my Sense of Public Duty, by the Conduct pursued by Lieut’t Jeffreys on leaving this Port, and subsequently proceeding to Hobart Town in Van Diemen’s Land in direct Violation of the written Instructions which I had given him.

In a few Hours after the Kangaroo sailed from this on the 9th Ulto., it was reported to me that a Merchant of Sydney, Called Garnham Blaxcell,* had effected his Escape from hence on board that Vessel, and that he had been aided and assisted therein

* Note 101.
by Lieut’t Jeffreys, her Commander, with a full knowledge that Mr. Blaxcell’s Departure in that Clandestine Manner was a flagrant Breach of the 10th and 13th Articles of the Port Regulations,* which, as an Officer in His Majesty’s Service, it was his Duty to Maintain and be guided by.

Mr. Blaxcell was well known to Lieut’t Jeffreys to be under pecuniary Embarrassments to a very Considerable Extent, and it was equally known to him that his Creditors had no means of Redress for some years past owing to there not being a Court of Justice, until the present time, Competent to afford them relief; both which Circumstances prove how grossly Improper and Illegal Mr. Jeffreys’ Conduct has been in thus aiding an unprincipled Man to Elude the payment of his Just Debts.

Neither was it Unknown to him that this Government had very Considerable Claims against Mr. Blaxcell on Account of Duties on Spirits, Sandal Wood, and Pearl Shells, for which he had given his Notes of Hand or other Accustomed Securities to an Amount Exceeding £2,000, and which still remain unsatisfied owing to the same Circumstance of Want of a Competent Court to sue for it in.

These Debts to the Crown were, at the very time of Mr. Blaxcell’s Clandestine Escape, put in Train for being sued for and recovered in the Supreme Court, and the Documents respecting them are at this time in the Hands of the Crown Solicitor to be acted on in the present first Term of that Court. Mr. Blaxcell’s Escape in this Manner, just at the opening of the Supreme Court, is evidently to be attributed to the disgraceful Purpose of defrauding the Crown and his other Creditors, and these Circumstances were well known to Lieut’t Jeffreys.

Having had some Intimation of it being intended by Lieut’t Jeffreys to proceed from this to Van Diemen’s Land, instead of pursuing his direct Course to England, I introduced an Article into the Sailing Instructions, with which I furnished him, strictly prohibiting him from touching at any Port or Place in this Country or Van Diemen’s Land, unless forced thereto by Stress of Weather or other Unavoidable Circumstances. These Instructions I delivered myself to Lieut’t Jeffreys, who read them in my Presence the day before he sailed; and he then promised (of course Unsolicitedly) to pay due Obedience to them in every Respect. For Your Lordship’s more distinct Information on this Head, I do myself the Honor to transmit Your Lordship hereewith a Copy of the Instructions given to Lieut’t Jeffreys, which will also shew that he was particularly Enjoined not to take any Person away from this Colony, who was not either regularly borne on the Muster Roll of the Brig’s Company under his

* Note 102.
Command, or Included in a List of the Passengers authorized by Me to proceed to England, with which he was furnished Officially by My Secretary.

Lieut't Jeffreys having taking away Mr. Blaxcell in the Manner described and also proceeded to the Derwent in Van Diemen's Land instead of pursuing a direct Course for England, as he had been Enjoined, will Sufficiently Convince Your Lordship, with what Criminal Disrespect and Disobedience Lieut't Jeffreys has acted towards me and the Laws of the Colony in both these Instances.

The Course, which Lieut't Jeffreys should have taken in obedience to the Instructions with which he was furnished by me to proceed direct for England, would have led him by New Zealand and round Cape Horn, and, at the time of his Sailing from Port Jackson, the Wind was perfectly favorable for that course.

The Disobedience of Lieut't Jeffreys in regard to his touching at Van Diemen's Land and his having Mr. Blaxcell on board, have been confirmed to me by the Arrival a few days ago of a Vessel from Hobart Town, Whereby I received a Dispatch from the Lieut. Governor Sorell, dated the 5th Inst., in which he Informs me that the Kangaroo was then at the Derwent, having put in there a few days before on the Plea of having lost A Boat and suffered some Damage in a Gale of Wind on the Coast. When Lieut. Govr. Sorell became Informed of the orders I had given Lieut. Jeffreys, He directed him Immediately to weigh Anchor and pursue his voyage to England.

With so little Regard even to the Appearance of a decent Compliance with the Colonial Laws has Lieut. Jeffrey's Conducted himself on this occasion, that he allowed Mr. Blaxcell to appear in the Streets of Hobart Town, where he was seen by Several Persons; and his not having Apprized Lieut. Govr. Sorell that such a Person had left this on board the Kangaroo, without Authority, will fully prove that he was himself privy to and assisting in it; otherwise he would have Surrendered him as a Prisoner to Lieut. Govr. Sorell, or at least reported the Circumstance of his being on board without his Leave or Authority.

Having now, My Lord, stated these Circumstances, I most respectfully submit it as my opinion that Lieut. Jeffreys should be Called upon on his Arrival in England to answer for his disrespectful and Un-Officerlike Conduct towards Me and this Government, and that such Measures as may be best adapted to the occasion be pursued to punish him in such Manner and Degree as his Insolent and premeditated Disobedience to and Breach of my orders and Instructions may Merit.

I have, &c.,

L. MACQUARIE.
In pursuance of the Commands of The Right Honourable Earl Bathurst, His Majesty's Principal Secretary of State for the Colonies, directing that I should send home the Brig under your Command with as little delay as possible, to be disposed of on her Arrival in England in such manner as His Majesty's Government and the Commissioners of the Transport Board may deem expedient, and the Kangaroo being now completely repaired and fitted Out for Sea, with a Sufficient Supply of Provisions, Stores, Water, and fuel for the Voyage, you are hereby Ordered and directed to proceed on your Voyage to England tomorrow morning at Day-break, Wind and weather permitting, taking care however that all your Crew and Passengers are on Board, and also my Dispatches for His Majesty's Ministers, before You Weigh Anchor.

2. You are particularly enjoyned not to touch at any port in Van Diemen's Land nor at any other Port on this Coast, unless You are Compelled to do so from some unavoidable necessity or Stress of Weather. You are also enjoined not to touch at the Cape of Good Hope except from a Similar unavoidable Cause or Stress of Weather.

3. It is proper I should particularly caution you to have every Person on board the Kangaroo Mustered before you leave Port Jackson to ascertain whether they are borne on your Muster Roll or are in the List of Passengers, with which you have been furnished by myself or my Secretary, making, at the same time that you Muster your Crew and Passengers, a strict and diligent Search in every part of the Brig under your Command, lest there may be any Convicts or other unauthorized Passengers concealed On Board; and if any of either description should be found, you are to send them on shore as prisoners immediately reporting the circumstance to me.

4. On your arrival in England, you are immediately to report the same to the Commissioners of the Transport Board And receive their Orders for your future guidance, shewing them these Instructions on your arrival in London and delivering to them the Letter you will receive herewith to their address from me.

I have, &c.,

L. MACQUARIE, Govr. in Chief of N. S. Wales.
Governor Macquarie to Earl Bathurst.

(Despatch marked "No. 21 of 1817," per ship Sir William Bensley; acknowledged by Earl Bathurst, 24th August, 1818.)

New South Wales, Government House, Sydney,

My Lord, 15th May, 1817.

A long attention to and serious Consideration of the Commercial and Shipping Interests of this Colony, and an anxious desire to promote them, as well for the sake of the Colony itself as with a view to the eventually relieving the Mother Country from a portion of that burthen she now bears in consequence of the few Means hitherto possessed by this Country to lessen its weight, have convinced Me that the Imposts or Duties laid here on Articles the produce of the South Sea Islands or surrounding Seas are as Impolitic in principle as they have been proved by the experience of several Years to be Unproductive in Revenue.

The Duties to which I allude are those on Sandal Wood, Pearl Shells, Beeche-le-mer, Fish Oil, Seal and Kangaroo Skins, All of which Articles (the last excepted) being Collected at a Weighty Expence in the Out fit of the necessary Shipping and Principally with a view to re-exportation to England or China; the subjecting them when brought hither to a weighty Impost as at present renders it impossible for our Merchants to send them to England on such advantageous terms as to hold out a sufficient encouragement for them to persevere in the trade; And the Consequence has been that the Spirit of enterprize, which prompted the Merchants of Sydney a few Years ago to equip Vessels for the Trade of those Seas, has been declining and is likely to decline still further, unless some relief be extended to it.

It is to be observed that at present this Country is not so fortunate as to furnish almost any one article of its own growth or produce worthy of Export; and the Consequence has been that its efforts to obtain Exports have been turned to the procuring the Oil, Skins, Shells, etc., which the surrounding Seas and South Sea Islands produce, but these being taxed here and afterwards on importation into England the profits of the Trade are unequal to the Support of it.

On these grounds My Lord I conceive that the entire Duty, chargeable on the Articles alluded to, should be confined solely to that portion of them which may be consumed here, and that a Drawback of the Duty should be allowed on what is re-exported.

This Measure would hold out a considerable encouragement to the Trade, and would not be felt in the Amount of the Revenue; for the weight of the Duties at present Acts nearly as a prohibition to it; and I therefore beg to recommend to Your
1817. 15 May.

Lordship's Superior Judgment the expediency of authorizing a Draw Back on all the Articles enumerated in the Accompanying Schedule to be made on being re-shipped for another Market.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

The following Duties to be levied and Collected by the Naval Officer on the Articles named upon their Arrival and Landing, whether for Colonial consumption or Re-shipment:—

<table>
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<tr>
<th>Description</th>
<th>£</th>
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<tbody>
<tr>
<td>On each ton of sandal wood</td>
<td>2</td>
<td>10</td>
<td>0</td>
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<tr>
<td>On each ton of Pearl shells</td>
<td>2</td>
<td>10</td>
<td>0</td>
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<tr>
<td>On each ton of Beeche-le-mer</td>
<td>5</td>
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<tr>
<td>On each ton of Sperm Oil (252 Galls.)</td>
<td>2</td>
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<tr>
<td>On each ton of black whale or other oil</td>
<td>2</td>
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<td>On each fur seal skin</td>
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<td>On each hair Do.</td>
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<tr>
<td>On each Kangaroo Do.</td>
<td>0</td>
<td>0</td>
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True Copy:—JNO. THOS. CAMPBELL, Secy.

16 May.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.*

Sir,

Downing Street, 16th May, 1817.

I am directed by Lord Bathurst to acquaint you that he has given permission to the Bearer, Edward Shackley, to return to the Settlement of New South Wales.

I am, &c.,

HENRY GOULBURN.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 22 of 1817," per ship Sir William Bensley; acknowledged by Earl Bathurst, 24th August, 1818.)

Government House, Sydney, New South Wales,

My Lord,

16th May, 1817.

1. I had the Honor of last addressing Your Lordship on the 4th of April by His Majesty's Colonial Brig Kangaroo, which sailed from hence direct (as I had then Reason to suppose) for England on the 9th of last Month; but I have within these few days had the Mortification to learn that the Commander of that Vessel has dared to touch at the Derwent in Van Diemen's Land, in direct Disobedience of my positive Orders and Sailing Instructions to the Contrary. On this particular Subject, however, I have already addressed a Separate Dispatch† to Your Lordship. By the present Conveyance, the Ship Sir William Bensley late male Convict Transport, now proceeding to England Via Bengal, I do myself the Honor to transmit the Duplicates of my Dispatches per the Kangaroo.

* Note 22. † Note 103.
2. Since the Departure of that Vessel, I have had the Honor to receive Your Lordship’s, and the Under Secretary of State’s several Letters and Dispatches, as Specified in the Margin together with their respective Enclosures and Accompaniments, to all which I shall pay the most prompt and respectful Attention in Carrying Your Lordship’s Orders and Instructions into Effect.

3. I now do myself the Honor to report to Your Lordship the Arrival here of the following Male Convict Ships from England, subsequent to the Date of my last Dispatches per His Majesty’s Colonial Brig Kangaroo, vizt:—

First.—The Ship Morley, Commanded by Captn. R. R. Brown arrived on the 10th of April last with 175 Male Convicts from England, guarded by a Detachment of the 46th Regt. under the Command of Lieut. Purcell of the same Corps, and having Mr. Robt. Espie as Surgeon and Superintendant, Mr. J. T. Amos, Free Settler, and some few discharged Soldiers having Come passengers on board the said Ship and the whole of the Convicts arrived in good Health, None having died on the passage.

Second.—The Ship, Shipley, commanded by Captn. L. W. Moncrief, arrived on the 24th April last, with 125 Male Convicts from England, guarded by a Detachment of the 46th Regt. under the Command of Lieut. McPherson of the same Corps, and having Mr. George Clayton as Surgeon and Superintendant. Mr. James Williamson and Mr. John Smith, Free Settlers, have Come out as Passengers on board The Shipley. None of the Convicts died on the passage and the whole have arrived in good Health, including the Soldiers, Crew and Passengers.

4. Exclusive of the two foregoing Male Convict Ships, I do myself the Honor to report to Your Lordship that the private Merchant Ship Harriet, Commanded by Captain James Jones, and of which Mr. Joseph Underwood, Merchant of this place, is owner, arrived here from England on the 12th Inst., having sailed thence on the 18th of November last, touching on her Passage at Rio de Janeiro and at the Derwent in Van Diemen’s Land, and laden with a very Valuable Cargo of various Goods and Merchandize for the Use of this Colony. In this Ship, Messrs. M. J. Whitaker, H. Thrupp and — Emmett, Free Settlers, Five Missionaries for the Society Islands, and several other private persons have Come out as Passengers.

5. The short time, that has Elapsed since the Date of my last General Dispatch of the 4th Ulto., has not produced any remarkable occurrence in the Colony worthy of reporting to Your Lordship, further than that the Rains having Continued almost

* 6th April, 23d May, 12 Septbr., 23d October, 4th Novr., 5th do., 22 do., 2, 4, 5 and 12 December, 1816.
Incessant ever since the Date of my last Dispatch, the Public Roads and Bridges in the Interior of the Colony and the Streets in the Town of Sydney have generally been very much Injured. These Constant Rains for almost the Whole of the last Six Months have greatly retarded the public Works of Government, and have also prevented the Settlers generally from working up their Grounds and sowing their Wheat at the Usual time for their next Harvest.

6. By a late Arrival from the Derwent, I received Letters from Lieut. Governor Sorell, dated the 3d of this present Month, reporting his safe Arrival at Hobart Town from hence on the 8th, and having received the Government of the Settlements in Van Diemen's Land from Col. Davey on the 9th Ulto. Col. Davey still remained at the Derwent at the date of my last advices from thence, but whether it be his Intention to return to England or to settle permanently in the Colony is not yet known. It is however his Intention to Come up to Sydney soon for the purpose of prosecuting Assistant Surgeon Younge, who is now here Under an Arrest at His Instance for Disobedience of orders and disrespectful, Insolent Conduct.

Lieut. Governor Sorell reports to me that the Principal Chief or Leader of the Banditti of the Bush Rangers, who have so long Infested the Settlements in Van Diemen's Land, had surrendered himself to Him, and that he was in Sanguine Hopes, thro' the Means of this Leader, of being soon able to apprehend or Exterminate the Whole of this Banditti of Marauders.

7. I have the Pleasure to report to Your Lordship that the Expedition* under the Command of Mr. Oxley, the Surveyor General, which, in Compliance with Your Lordship's Commands, I fitted out lately for the purpose of prosecuting the Discoveries to the Westward, as far as the Ocean, arrived safe at the Depot on the Right Bank of the "River Lachlan" on the 25th of the last Month of April, and Set out finally from thence on the 28th of the same Month in good Health and Spirits, well supplied with provisions and Necessaries of every Description fully sufficient for Five Months, in which time there is no doubt they will be able to return to Bathurst after executing the Service they are sent on, and tracing the Lachlan River to the Sea, in Case it extends so far, and which there is every reason to believe it does. as it has every Appearance of being a large River, and is at present Navigable for Small Boats, two of which, built for the purpose, have proceeded with the Expedition, laden with such Provisions and Necessaries as they Could safely Carry and which will, I have no Doubt, prove of great Service. The Depot on the Lachlan River, from whence the Expedition finally took their Departure, is a Distance of 240 Miles nearly due West from

* Note 85.
Sydney, and I therefore conclude they have by this time overcome the principal Obstructions and Difficulties likely to be Encountered in Navigating the Lachlan River. It is now impossible to have any further Intercourse with this Expedition 'till its Return to Bathurst, when I shall not fail to give Your Lordship the earliest possible Information of its Result.

8. It being always Uppermost in my Mind to point out and suggest any Measure that Can possibly tend to Reduce the present Enormous Expences of this Colony to the Mother Country under the present Pressure of Public Affairs at Home, I take the Liberty of respectfully submitting for your Lordship's Consideration, that in the Event of my recent Application for Augmenting the Military Force of this Colony (a Measure indispensably Necessary in the present extended State of it and Increase of Population) being Acceded to, that the Royal Veteran Company of New South Wales, formed here in 1810 at my own Suggestion on the 102d being relieved by the 73rd Regim't, should be disbanded altogether, the Officers placed on the Half-pay, and the Non-Commissioned Officers and Soldiers Pensioned in this Country, with the Option of becoming Settlers in Case they should wish to do so; my Reasons for recommending this Measure are that this Veteran Company is now become Almost Altogether In-Effective, the Men being generally quite worn out through long Service, age, or infirmities, and consequently totally unfit to perform even the Common Garrison Duties. The Commissioned and Non-Commissioned Officers and Soldiers are all (with very few Exceptions) Married with large families of Children, all of whom, agreeably to the King's Regulations, are Victualled at the Expence to Government without its deriving any Adequate Advantage therefrom, as twenty five real Effective Soldiers, added to any Regiment which might be Stationed here, would render more Military Service to the Colony than the whole of the Royal Veteran Company, which at present Consists of One Hundred Rank and File; the Expence of Victualling the Women and Children of which is alone Equal at least to that of Victualling the Whole of the Women and Children of a Complete Regiment of the Line.

Under these Circumstances I take the Liberty of Strongly recommending that the Royal Veteran Company of New South Wales may be disbanded immediately as an Useless Expence, in the Manner I have herein already suggested; and that Your Lordship will accordingly be Pleased to Move His Royal Highness the Commander in Chief to send me orders to the foregoing Effect at whatever time the present Military Force is augmented.
1817.
16 May.

Discontinuance
of issue of
rations and fuel
to commissariat
officers.

9. In Acknowledging the Receipt of Your Lordship's Letter of date 5th of December last, with its Enclosures, on the Subject of discontinuing the Issue of Fuel and Rations to the Families of the Officers Employed in the Commissariat Department in New South Wales, I cannot help expressing My Sincere Satisfaction at so invidious a Distinction being done away, as it occasioned much Discontent and Murmuring amongst the other Civil Officers to see their Families Struck off, whilst those of the Commissariat Officers were Kept on the Stores. I accordingly directed the Issue of Rations and Fuel to the Officers of the Commissariat Department to be discontinued Immediately on Receipt of Your Lordship's Dispatch on that Subject.

10. Some time previous to the Receipt of the orders just Adverted to, frequent Applications and Representations had been Made to Me by the Chaplains of the Colony, stating the Difficulties they labored under in having been deprived of the former Indulgence of receiving Rations for their Families from the King's Store, and that they in particular felt this Privation as falling most severely on them on Account of the Smallness of their Salaries, all of them, with the Exception of Messrs. Knopwood and Youl, having large Families to maintain. The Revd. Mr. Cartwright and some of the other Chaplains have also Stated to Me that, on receiving their Appointments at Home, they had been promised Rations for themselves and Families, and also a Government Servant on the Store, adding that they would not have come out to this Country, had not such promise been made to them, and that they are Actually Unable to Maintain their Families, unless this Aid be again Extended to them or an equivalent Addition made to their Salaries; with a View therefore to prevent this Meritorious and Useful Description of Men from Suffering any Distress, I have taken on Myself the Responsibility of ordering the Families of all the Chaplains to be again Victualled from the King's Store for Eighteen Months (Nominally in their Capacities as Settlers, according to the former Rule of Victualling Settlers) or until I shall receive further Instructions from Your Lordship on this Point, trusting Your Lordship will approve of my Conduct in this Instance for the Reasons I have Assigned. Those Officers of the Commissariat Department, who have large Families to Maintain, have also Stated the Hardship they suffer by having their Families Struck off the Store, and have represented to me that the Families of the Commissariat Officers in all His Majesty's other Colonies are victualled; Not having it in my Power to Judge of the Accuracy of this Statement, I have been Induced to Yield to the earnest Entreaties of Deputy Commissary General Allan in behalf of himself,
and to other Married Officers of his Department, to sanction their Families being Continued to be Victualled for Eighteen Months longer (in their Capacities as Settlers) or until I shall receive Your Lordship's further Commands relative to this particular Department. I feel the very serious Responsibility I incur by Complying with these Solicitations from the Chaplains and Married Officers of the Commissariat Department, but I felt a Difficulty in drawing a Line between them on the present Occasion; and therefore I trust and hope Your Lordship will Excuse my Acquiescing in the Requests of both in the present Instance. But I do most sincerely hope the time is not far distant when the Issue of Rations from the Store to the Civil Officers of all Descriptions, and to their Families, shall entirely Cease and be discontinued, as it will be the Means of removing a very weighty Expence to Government, and save a vast Deal of Vexation and Trouble to the Executive Authority of this Country; when these Civil Officers are Indulged with Rations, they appear to set very little Value upon them; but at any time when they happen to be deprived of them, they make a prodigious Clamour, as if it were depriving them of their whole Means of Subsistence.

Under these Circumstances I take the Liberty of strongly recommending that the Salaries of the Inferior Clergymen in this Colony, the Inferior Medical Officers, and other Subordinate Civil Officers, should be augmented as far as may be a fair and reasonable Equivalent for Rations and Fuel, and that then all Issues of Rations from the King's Store to the Civil Officers and their Families should forever be discontinued and Abolished, Which I am Convinced will be found to be a very great Saving to the Crown. I do not think it will be at all Necessary to augment the Salaries of any of the Commissariat Officers, as they are already very liberally paid and in my opinion ought to be able to live on their Salaries and Allowances very Comfortably, without receiving any Rations either for themselves or their Families from the Store at the Expence of the Crown.

11. In Consequence of Mr. Judge Advocate Wylde's now Presiding at the Weekly Meetings of the Bench of Magistrates at Sydney, as had been heretofore the Custom with his Predecessor to do (altho' discontinued by the late Mr. Judge Advocate Bent), he Claimed the Usual Indulgence allowed to other Magistrates of having Four Government Men Clothed and Victualled from the King's Store. I have for the present acquiesced in this Request, until such time as I could make Reference to and obtain an answer from Your Lordship on this point; for, as the Judge Advocate Enjoys a handsome Salary as such, I do not Conceive he ought to have Four Government Men Allowed him in Common

1837.
16 May.
1817.
16 May.

Claim of Abbott to government servants.

Mr. Abbott, the Judge Advocate of Van Diemen's Land, has set up a Similar Claim to that of Mr. Judge Advocate Wylde, and his being exactly a Similar Case I have been induced to acquiesce also in it, 'till I am Honored with Your Lordship's final Instructions on all these Points.

Victualling of Wylde, Field, and their families.

Mr. Judge Advocate Wylde and Mr. Field, the Judge of the Supreme Court, having both assured me that they were promised Rations for themselves and Families from the King's Stores here on receiving their Appointments in England, I have taken on myself the Responsibility of putting them and their Families on the Stores, Until I receive Your Lordship's Commands respecting their particular Case, and I have therefore to Express My earnest Hope that Your Lordship will as soon as possible Instruct me fully on all these Points, and that one Rule may be Established respecting the whole of the Civil Officers serving in this Colony, without making any Distinction whatsoever, Confining the whole to their Salaries and fair Established Fees of Office.

Returns from Tasmania transmitted.

12. The following Annual Returns and Documents, which had not been received from Van Diemen's Land at the date of my last Dispatches per the Kangaroo, are now herewith transmitted for Your Lordship's Notice and Information, Viz.:—

1st. Result of Annual Gen'l Muster of the Settlements of Van Diemen's Land taken for the Year 1816.

2d. Returns of Marriages, Births and Deaths in the above mentioned Settlements from 1st July to 31st of December, 1816, Inclusive.

Return of pardons.

I have also the Honor to transmit herewith for Your Lordship's Notice and Information the Return of Absolute and Conditional Pardons granted by me from the 2d of June to the 31st of December last, Inclusive.

Transmission of copies of Sydney Gazette.

13. I did myself the Honor of forwarding per the Kangaroo for Your Lordship's Notice and Perusal the regular Series of the Sydney Gazettes from the 15th of June, 1816, to the 29th of March, 1817, both days Inclusive, but in the Hurry of Closing My Dispatches I omitted to report to Your Lordship that I had transmitted these Gazettes.

Transmission of despatch.

14. This Dispatch will be delivered to Your Lordship by Mr. William Evans, late Surgeon and Superintendant of the Sir William Bensley, Male Convict Ship, who appears to me to be a very Modest, sensible well Informed Man, and I therefore take the Liberty of recommending him to Your Lordship's Favor and Protection.

I have, &c.,

L. MACQUARIE.
MACQUARIE TO GOULBURN.

[Enclosures Nos. 1 and 2.]

[Copies of the returns relating to Tasmania will be found in a volume in series III.]

[Enclosure No. 3.]

[A copy of the return of pardons is not available.]

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.  
(Despatch marked "Private and Confidential," per ship Sir William Bensley.)

Government House, Sydney, N. S. Wales,

My dear Sir,

17th May, 1817.

I am afraid you will consider it a great presumption in me, unknown to you personally as I am, to importune you with private correspondence, for I well know how much occupied you must be with the details of your own official avocations, and consequently how unreasonable it is in any one to intrude on your time with anything of a private nature. But I trust to the general urbanity of your character for my excuse in troubling you on the present occasion on a few points closely connected with my public situation here, which I am particularly anxious to bring to your notice for the purpose of your submitting the same to Earl Bathurst at some convenient opportunity, in case you see no impropriety in so doing.

I took the liberty of writing to you, by way of India, on the 31st of August last, enclosing you a paper containing a list of certain points referred, in my several former public dispatches, for the consideration and approval of Earl Bathurst, and on which I had received no communication from his lordship. In event of that letter to you on this subject having miscarried, I now send herewith a list of points referred to his lordship, to which I have, as yet, received no answers, some of the points contained in the former list being omitted in the present one in consequence of having been decided on already by his lordship, and others substituted in the list now forwarded which were not in the former.

I wish particularly to be informed, as soon as possible, whether Lord Bathurst approved of my appointing a commandant for a limited period to superintend the settling and improving of the new discovered country to the westward of the blue mountains and annexing thereto the proposed salary of £200 p’r annum.

I am also very anxious to know whether Lord Bathurst approves of my paying the donation of £300 sterling, proposed in the 9th paragraph of my dispatch No. 7 of date 24 June, 1815, to William Cox, Esqr., from the police fund, as a reward for his important and very useful services in the new discovered country.
I have not yet paid this Money to Mr. Cox not wishing to take on myself the responsibility of so doing without previously receiving Lord Bathurst’s approval thereof.

I have in a late Dispatch recommended my Secretary, Mr. John Thomas Campbell, to Lord Bathurst to be confirmed as such under the Designation of "Government Colonial Secretary," as being more dignified and consequently more congenial to his feelings, as well as being more permanent. Mr. Campbell being a particular friend of mine and a highly honorable useful Officer, I should esteem it a very particular favor if you would have the goodness to use your good offices with Lord Bathurst to grant my request in his behalf, in respect to his being officially authorized to assume the above mentioned designation.

I must also entreat the favor of you to use your good offices with Earl Bathurst to confirm Mr. James Meehan as Deputy Surveyor General, and to have a regular Commission sent to him as such; as he is a most useful, deserving, Meritorious Man, and has rendered most essential Services to this Colony in his Capacity of Deputy Surveyor and Acting Surveyor General for the last Twelve Years. Mr. Meehan’s very extensive Local knowledge, his strict honor and probity, and his superior talents as a Land Surveyor, all render him a most valuable acquisition to this Government, and as such, I take the liberty of strongly recommending him to your Private Patronage and good offices.

The last circumstance, which I shall now trouble you with, and not the least important to myself Personally, is that relative to the wicked, libellous, and Seditious Address* of a few discontented wretches here, of the lowest and most infamous description, sent home in charge of their Emissary, The Revd. Benjamin Vale, for the purpose of being laid before the House of Commons, the said address purporting to be a statement of Grievances they are suffering under my Government. The Writer of this infamous, false, and factious Address is Mr. Solicitor Moore; but there is good reason to believe (tho' no direct proof) that he was only employed as a Tool by Mr. Justice Bent, who was the grand Mover of this vile Libel but who cautiously kept in the back ground. The Means, now well known to have been used by Mr. Solicitor Moore and two or three other unprincipled disaffected Persons here, to obtain the signatures of 30 or 40 Common low drunken fellows to this seditious Address, were most disgraceful. Many of the Persons who signed it having since acknowledged that they were quite Drunk, when taken to Mr. Moore’s House for that purpose.

I should not have troubled you on this delicate subject, only that I am particularly anxious to obtain the original address

* Note 77.
itself if possible, and if not the original, at least an attested Copy thereof. In case therefore Mr. Vale should either deliver this address to Earl Bathurst, or have sufficient interest with some Member of the House of Commons to lay it before that House, I shall esteem it a particular favor, in either case, if you will be so kind as to procure an attested Copy of it and send it me by the first good opportunity. If it were possible to procure and send me the original address, I should be still more gratified, as the being in possession of it would enable me to prosecute the original authors and Contrivers of it here for a Libel, which would deter other ill disposed Persons from resorting to such treacherous and seditious Proceedings in future, the whole of the accusations contained in this address being a Collection of premeditated falsehoods.

Trusting you will kindly excuse my thus writing to you at such length and occupying so much of your valuable time, I remain with sentiments of sincere esteem and respect,

My dear Sir, &c.,

L. MACQUARIE.

P.S.—I request you will have the goodness to inform me whether Lord Bathurst approves of the new discovered Country being called Westmoreland.—L.M.

Enclosure.

List of important Points† referred to His Majesty's Principal Secretary of State for the Colonies by Governor Macquarie in former dispatches, to which no answers have yet been received, Viz.:

1st. The Power of granting Absolute and Conditional Pardons.

2d. The Circulation and stamping of the dollars received from India Per H.M. Ship Samarang for the use of the Colony, and paying them at 6s. 3d. Stg. each.

3d. The Leases granted by Govr. King of parts of the Government domain at Sydney for the sites of Windmills for 21 years contrary to the King's Instructions.

4th. The necessity of sending out at least two additional Chaplains for Sydney and Liverpool.

5th. The necessity of sending out a sober, moral, married Man, as Superintendent of the Government Female Factory at Parramatta.

6th. A properly qualified Mineralogist much wanted.

7th. Increasing the Pay and improving the situations of the Medical Officers in New South Wales.

8th. The dismissal of Mr. John Jamieson as Superintendent of Government Stock.

* Note 104. † Note 105.
1817.
17 May.
Subjects of importance referred for consideration to England.

9th. The Pensions recommended for Messrs. Divine and Drummond for their respective services.

10. The necessity of appointing Criminal and Civil Courts of Judicature in Van Diemen's Land.

11. The Expediency of appointing a Commandant in the new discovered Country with a Salary of £200 P'r Annum for the first 3 years after sending Settlers thither.

12. The Donation of £300 Stg. recommended to be paid from the Police Fund to Wm. Cox, Esqr., for his important services in the new discovered Country.

L. Macquarie.

Sydney, N. S. Wales, 17th May, 1817.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 95, per ship Friendship; acknowledged by Governor Macquarie, 3rd March, 1818.)

Sir, Downing Street, 23d May, 1817.

I herewith transmit to you a Copy of a letter, which has been received from the Home Department, dated the 22d Instant, containing a List of Females, Wives of Convicts, and their Children, who have been permitted to proceed on board the Friendship to join their Husbands upon their arrival in New South Wales.

I have, &c.,

BATHURST.

[Enclosure.]

THE RIGHT HONOURABLE J. H. ADDINGTON TO UNDER SECRETARY GOULBURN.

Sir, Whitehall, 22nd May, 1817.

Accommodation having been provided for Twenty Females, Wives of Convicts, and their Children on board the Ship Friendship, now fitting at Deptford for the conveyance of Female Convicts to New South Wales, I am directed by Lord Sidmouth to transmit to you the accompanying List containing the Names of some of the Persons, who have been Selected as proper objects to be allowed the Indulgence to proceed to New South Wales, and I am to desire that you will lay the same before Lord Bathurst and to move His Lordship to make a Communication of the same to The Governor of New South Wales, in order that such Persons may be permitted to join their Husbands upon their arrival in that Colony.

I am, &c.,

J. H. ADDINGTON.

[Sub-enclosure.]

[A copy of this list is not available.]
EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 96, per ship Larkins; acknowledged by Governor Macquarie, 11th December, 1817.)

Sir,

Downing Street, 24th May, 1817.

With reference to the Case of Mr. Jonathan Burke Hugo, as stated in my dispatch No. 93, I have now to transmit the Copy of a letter which has been received from Lieut. Colonel Gordon dated 21st Ultimo on the subject, and I am to request that you will give the necessary directions for ascertaining whether there are any funds belonging to Mr. Hugo now remaining in the hands of the Agent at Sydney, or whether the Sum in question was remitted to The House of Messrs. Alexander at Calcutta.

I have, &c.,

BATHURST.

[Enclosure.]

LIEUTENANT-COLONEL GORDON TO UNDER SECRETARY GOLDBURN.

Old Slaughter's Coffee House, 21st April, 1817.

LIEUT.-COLONEL GORDON presents his compliments to Mr. Goulburn, has the Honor to acknowledge the receipt of his note of the 17th inst. accompanying the enclosed statement of Mr. Hugo, which he begs leave to return. And begs leave to acquaint him for his Lordship's information, that this unfortunate Gentleman, as stated in his memorial, arrived at Launceston at the time he mentions, where he was received and treated with the usual attention due to a Stranger and a Gentleman, his manners being prepossessing and appearing to be well-informed and intelligent, until the unfortunate discovery of the unhappy deranged state of his mind; when deeming it absolutely necessary for our security, as well as for his own and his property, that he should immediately return on board his Brig and proceed on his destination to Sydney, Port Jackson. The anxiety he expressed to know who Mr. Hugo was, proceeded from his declaring Mr. Hugo to be an assumed name; that he should soon learn, who he really was, and from some ambiguous hints that he dropt, for a moment, led him to believe him to have been a relative. The Chest of Madeira was no doubt intended as a present by Mr. Hugo, but which under any circumstances he never could have accepted, but more particularly in his unhappy state of mind, and with two others landed during Mr. Hugo's short stay, and sent to him, unknown or unasked for, he paid to his Agent Mr. Jones at Sydney, as did Captain Kenny for some purchases of Spirits and Trowsers for his Comp'y, together with some Madeira Tea and Sugar for himself; Lt. Ron and Dr. Smith made some purchases likewise; this he concludes to be the plunder alluded to by Mr. Hugo, on his return to his Brig, finding them landing the Articles agreed upon by him with those Gentlemen, the second or third day
after his arrival, and upon his order, previous to our discovery
of his derangement; had his other orders been complied with, he
no doubt would really have been plundered to a very great degree,
having (as I understood) given many indiscriminately away to
persons upon a long Credit, and who could never have any
possible means of payment. The Guard, on board the Brig, was
customary upon the arrival of all Vessels (and by order) to
prevent the escape of convicts, landing of Military Stores, Spirits,
&c. and which Guard for further security accompanied the Brig
to Sydney with a statement of the occurrences to Governor Mac­
quarrie. Lieut’t Lyttleton was the Officer, who attended Mr.
Hugo on board his Brig and accompanied him down the River to
the Heads, whose humanity and attention to his unhappy suf­
f erer obtained Governor Macquarie’s approbation; yet upon Lieut.
Lyttleton’s return from the Brig, he was sorry to learn from him
that he had been under the disagreeable necessity, from Mr.
Hugo’s violence, to have him tied down on his Cot, to prevent his
throwing himself overboard; he afterwards learnt that on Mr.
Hugo’s arrival at Sydney, that he had been put under Medical
treatment under charge of Dr. Redfern, who attended General
Macquarrie’s own family, but instead of recovering, was after
some time sent to Calcutta, and there confined in the Insane
Hospital. The Brig Active together with her Cargo was sold at
Sydney, without doubt, not so advantageously, as had this un­
happy Gentleman been in a state to be capable of managing his
own affairs; the proceeds were collected by Mr. Jones, an Agent
at Sydney, under the authority of Mr. Campbell, Secretary to
General Macquarrie, and were he believes remitted to the House
of Alexander at Calcutta, or firm with which Mr. Hugo was con­
nected in the adventure of the Brig; that Mr. Hugo’s claims are
very just, he cannot entertain the least doubt, regrets much his
unhappy derangement and harsh treatment that he has met with;
yet has not the least doubt of his property being perfectly secure,
al tho’ not nearly to the amount that he may have calculated upon;
at any rate however Mr. Campbell can give every possible in­
formation relative to it, which should his Lordship deem requisite,
he will immediately apply to him on the subject.

EARL BATHURST TO GOVERNOR MACQUARIE.
(Despatch No. 97, per ship Friendship; acknowledged by Governor
Macquarrie, 3rd March. 1818.)

Sir,

Downing Street, 25th May, 1817.

Having submitted for the Consideration of Lord Sidmouth
an Extract of your Dispatch,* wherein you request Authority to
grant Conditional Pardons to the Male and Female Convicts who
were sent out in the Francis and Eliza, I have now the honor

* Note 106.
to transmit to you a Copy of the Letter, which has been received in reply, stating that his Lordship does not think the circumstances of the case sufficient to justify his approbation of the Measure at present, but suggesting that when the Prisoners have served a further Term, you should be at Liberty to grant them Pardons in proportion to their respective Sentences on the Conditions which you have proposed; I have therefore to desire that you will accordingly comply with the directions contained in the above Letter.

I have, &c.,
Bathurst.

[Enclosure.]

Under Secretary Beckett to Under Secretary Goulburn.

Sir, Whitehall, 5th May, 1817.

Lord Sidmouth having taken into Consideration the Extract of the Dispatch, which you transmitted to me in Your Letter of the 29th Jany. last, which had been received from the Governor of New South Wales, wherein he requests authority to grant Conditional Pardons to the Male and Female Convicts, who were sent out in the Francis and Eliza as a reward for their Meritorious Conduct, when Captured by an American Privateer, I am directed to acquaint you for Lord Bathurst's Information that it does not appear to Lord Sidmouth that the Grounds stated by Governor Macquarie for Granting this Indulgence are sufficient to authorize his approbation of the Measure, so soon after the arrival of the Prisoners in the Colony. His Lordship has however directed me to suggest for Lord Bathurst's Information, whether it would not be advizable to signify to Governor Macquarie that, when the Prisoners in question shall have served a further Term proportioned to their respective Sentences, He might then be at liberty to Grant these Persons Pardons on the Conditions which he has proposed.

I have, &c.,
John Beckett.

Earl Bathurst to Governor Macquarie.

(Despatch No. 98, per ship Friendship; acknowledged by Governor Macquarie, 3rd March, 1818.)

Sir, Downing Street, 26th May, 1817.

I herewith transmit to you the Copy of a letter which has been received from The Home Department, dated the 22d Instant, containing the recommendation of Lord Sidmouth that George Hubbard, who was convicted in the Year 1813 of aiding the escape of French Prisoners, and transported for Life in the Ship General Hewitt, should receive a free Pardon provided he has conducted himself with propriety during his stay in New South Wales; Also stating that some doubt having arisen respecting the period of the Sentence of William Roberts, who was sent
1817.
26 May.
The sentence on William Roberts.

out in the Year 1803, it was his Lordship's opinion that it would be proper to alter the Sentence from Transportation for Life to the Term of Fourteen Years; I have therefore to desire that you will take the necessary Steps for complying with the directions contained in the enclosed Letter.

I have, &c.,

Bathurst.

[Enclosure.]

THE RIGHT HONOURABLE J. H. ADDINGTON TO UNDER SECRETARY GOULBURN.

Sir,

Application having been made on behalf of George Hubbard, who was Convicted in the Year 1813 of aiding the Escape of French Prisoners of War, for which he was sentenced to Transportation for Life, and in pursuance of such Sentence was sent to New South Wales in the Ship Gen'l Hewitt, I am directed to acquaint you for Lord Bathurst's Information that Lord Sidmouth, upon full consideration of all the Circumstances of the Case, is desirous that the Prisoner should receive a Free Pardon and be permitted to return to this Country, provided he has conducted himself with propriety during the time that he has been at New South Wales. I am therefore to desire that you will move Lord Bathurst to be pleased to communicate to the Governor of New South Wales Lord Sidmouth's Sentiments respecting the Prisoner above mentioned.

An Application having also been received from a Prisoner named William Roberts, who was sent to New South Wales in 1803, respecting the period of his Transportation, and as upon a reference to the Documents in this Office there appears a doubt (two Prisoners of the Same Name having been Convicted at the same Session, one of whom was Transported for Life and the other for 14 Years) whether the Prisoner in question was transported for 14 Years or for Life; I am directed by Lord Sidmouth to desire that you will move Lord Bathurst to direct the Governor of New South Wales to alter the Prisoner's Sentence to Fourteen Years, if it shall appear upon reference to the Indents that it is set down for Life.

I am, &c.,

J. H. Addington.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 23 of 1817." per ship Shipley; acknowledged by Earl Bathurst, 24th July, 1818.)

Government House, Sydney, New South Wales,

3 June.

My Lord,

3rd June, 1817.

In my Dispatch No. 20 of the present year, I have communicated to your Lordship the circumstances of Mr. Garnham Blaxcell, a Merchant of this place, having clandestinely effected
his Escape from hence on board His Majesty's Colonial Brig Kangaroo, Lieutenant Jeffreys Commander, with the full Knowledge and privity of that Officer, and to the great injury of Mr. Blaxcell's numerous Creditors.

I have now the honor further to inform your Lordship that having taken the opinion and advice of Mr. Judge Advocate Wylde under date the 16th Ulto., in respect to the measures which ought to be pursued here for the recovery of Mr. Blaxcell's Debt to the Crown, I received under the Same date that Gentleman's Answer, from whence it appears (as he states) that in consequence of Mr. Blaxcell's escape "no Government Execution can be obtained for the benefit of the Crown in this Country."

Under the further Advice contained in Mr. Judge Advocate Wylde's letter on this Subject, I have caused an attested copy to be prepared in Triplicate of the debt due from Mr. Blaxcell to the Crown, and now do myself the honor to transmit one of those attested copies herewith for your Lordship to take any Measures in that respect in England, whither Mr. Blaxcell is now on his passage.

Owing to the very long interval* which elapsed without there being any competent Court of Law in this Colony to sue for the recovery of the Debt in question, I had it not in my Power to cause any effectual Measures to be taken for that Purpose, until Such time as the Supreme Court under Mr. Justice Field had opened here early in April last, at which time the Solicitor for the Crown was instructed by me to proceed against Mr. Blaxcell.

The absconding of Mr. Blaxcell on the 9th of April has frustrated those efforts for the present, and placed me under the necessity of making this representation to Your Lordship, in the hope that Some Measures may be resorted to for the recovery of this Money in England.

It being understood that the chief object of Mr. Blaxcell's Voyage is to recover a Sum of money of between 5 and £6,000, said to be owing to him by the house of Messrs. Plummer and Co., Merchants of Mincing Lane, London, if any part of that money could be attached in their hands it would be the readiest, if not the only, mode of obtaining Payment of Mr. Blaxcell's Debt to this Government.

I have, &c.,

L. MACQUARIE.
1817.
3 June.

Indebtedness of Blaxcell to government.

Brig Kangaroo, and this Gentleman being indebted to this Government in the Sum of £2,385 8s. 9d. Sterling in Bonds and Promissory Notes, on account of Duties on Spirits, Sandal Wood, and Pearl Shells, I now do myself the honor to hand you here-with for your perusal and consideration the said Bonds and Promissory Notes, requesting you will be pleased to favor me with your legal Opinion in respect to the Measures, which ought to be pursued here for the Recovery of the Said Debt due to the Crown by Mr. Blaxcell, and whether any property he may have left in the Colony can be legally Seized or attached for the payment of the same.

I have, &c.,

L. Macquarie.

[Enclosure No. 2.]

JUDGE-ADVOCATE WYLDE TO GOVERNOR MACQUARIE.

Sir,

Judge-Advocate’s Office, Sydney, 16th May, 1817.

I beg leave to acknowledge Your Excellency’s Letter of this day’s date, inclosing the Securities and Vouchers relating to the Debt due to this Government from Mr. Garnham Blaxcell (Stated to have absconded from the Colony), in respect to duties chargeable to him, and requesting my opinion as to the Measures which ought to be pursued here for the recovery of the said Debt due to the Crown, And whether any property he may have left in the Colony can be legally Seized and attached for the payment of the same.

The usual proceeding for the recovery of all debts due to the King is by the Writ of Extent, of which it is Sufficient for the present purpose to observe that it issues only from His Majesty’s Court of Exchequer in England, to which Court alone therefore all Jurisdiction belonging to such a Special Writ is confined. But as Jurisdiction is given by the Charter of Justice to the Supreme Court in this Colony as to any complaint made against any person, who at the time, when the Cause of Action accrued, resided within the Territory, it is competent certainly to commence a Suit on behalf of the Crown against Mr. Blaxcell for the recovery of the Debt due, which will be preferred and have the priority of Execution to that of any other person, if commenced before Judgment given for the said other person, but would only attach, as it appears to me upon the best Judgment I am enabled to form on the immediate occasion, upon all property then unaltered in the Debtor, and upon which I am not aware that the Government can have any especial right of making any legal Seizures or attachment, but by Virtue of Customary legal Proceedings.

It will be however of little avail to commence a Suit against Mr. Blaxcell at the instance of the Crown; inasmuch as no
Jurisdiction is given to the Court to proceed to the examination of the matter and cause of complaint, unless the Defendant is personally, or by his Bail, in Court; in the present case, however, rendered impossible by the Defendant's escape from the Colony; and no Judgment or Execution can therefore be obtained for the benefit of the Crown; and the only steps open to Your Excellency under all the Circumstances, and which I am informed your Excellency has already adopted, seem to be that Instructions be given to the Solicitor for the Crown to attend and make claim on behalf of the Crown among the Creditors, who I understand are about to enter into some arrangements for the general advantage of all concerned, and generally, as far as may be allowed, to have in care the Interests of the Government in any property in the Colony that may be found to belong to Mr. Blaxcell.

It may be proper, allow me to suggest to Your Excellency, that a sufficient affidavit of the Debt due from Mr. Blaxcell to the Crown should be forwarded to His Majesty's Government, in case it should be considered expedient and competent to the Crown to take any Measures in that respect, upon which it seems unnecessary, nor with propriety perhaps belongs to me, to offer my opinion.

I have, &c.,

JNO. WYLDE, Judge-Adv., N.S.W.

[Enclosure No. 3.]

PAPERS RELATING TO DUTIES OWING BY GARNHAM BLAXCELL.

To all to whom these presents shall come, I, John Wylde, Esquire, Judge Advocate of and for the Territory of New South Wales and its dependencies, Do hereby Certify, to all to whom it may concern, That on the day of the date hereof personally came and appeared before me, John Piper and Robert Campbell, the Deponents named in the two several Affidavits hereunto annexed, marked respectively with the Letters A and B, being persons well known and worthy of good credit, and by solemn Oath, which the Deponents then took before me upon the Holy Evangelists of Almighty God, Did solemnly and sincerely declare, testify and depose to be true the several matters and things, mentioned and contained in the said two respective Affidavits; Therefore full faith and credit ought to be given thereto in Judicature and thereout. And I do further Certify and Declare, That I have carefully examined all the Exhibits mentioned in the Affidavit, marked B, with the copies thereof contained in the said Affidavit, and that such copies are literally and correctly transcribed.

IN FAITH and Testimony whereof, I have hereunto set my hand and seal, this second day of June, one thousand, eight hundred and seventeen.

JNO. WYLDE, Judge-Adv., N.S.W.
Depositions of John Piper and Robert Campbell, Jr.

New South Wales.

John Piper, of Sydney in the Territory of New South Wales, Esquire, Naval Officer for Sydney aforesaid in the said Territory, and Robert Campbell, of Sydney aforesaid, late the Assistant of Henry Glenholme, Esquire, the then Naval Officer for Sydney aforesaid in the Territory aforesaid, Severally make Oath and say: And first this Deponent, Robert Campbell, for himself saith that, on and from the thirty first day of December, one thousand, eight hundred and eleven to and on the fifteenth day of February, one thousand, eight hundred and fourteen, Garnham Blaxcell, late of Sydney aforesaid, Merchant, became indebted unto our Sovereign Lord the King for duties and for monies payable in respect thereof in the Several Sums of money following (that is to say) in the Sum of one hundred and forty two pounds, eighteen Shillings, and two pence, the sum of twenty one pounds, four shillings, and six pence, the sum of Fifty five pounds, eight shillings, and three pence, the sum of twenty four pounds, nine shillings, the sum of Seven hundred and thirty pounds, thirteen shillings and Nine pence, the sum of Fifty four pounds, nineteen shillings, and six pence, and the sum of Fifty one pounds, eighteen shillings, for duties on Spirits imported into Sydney aforesaid in the Ships or Vessels, called the Gambier, Friends, Guildford, General Graham, Wanstead, and other Vessels, which said several sums making together the sum of One thousand and eighty one pounds, Eleven shillings and two pence; and that the said Garnham Blaxcell has given and signed promisory notes or Acknowledgements for the said several Sums of money for duty on Spirits, payable to the said Henry Glenholme, Esquire, as the Naval Officer and Collector and receiver of the said duties, or to this Deponent, the said Robert Campbell as the Deputy or Assistant of the said Henry Glenholme; and this Deponent, Robert Campbell, further saith that, on the thirteenth day of December, one thousand, eight hundred and thirteen, the said Garnham Blaxcell became indebted to our said Sovereign Lord the King in the sum of one hundred and forty two pounds, eighteen Shillings and three pence, and on the thirtieth day of September in the said year, one thousand, eight hundred and thirteen, in the further sum of four hundred and twenty pounds, eighteen Shillings and nine pence, making together with the said last mentioned sum of money the sum of Five hundred and Sixty one pounds, five shillings for duties on Sandel Wood, imported into Sydney Aforesaid, which said two last mentioned sums make together the sum of five hundred and Sixty one pounds, five shillings; and the
said Garnham Blaxcell has given and signed promisory notes or
Acknowledgements for the said two several last mentioned sums
of Money for duty on Sandel Wood, payable to the said Henry
Glenholme, Esquire, as the Naval Officer and Collector and
receiver of the said duties. And this Deponent, Robert Camp-
bell, for himself further saith that, on the twenty second day of
September, in the year one thousand, eight hundred and fourteen,
the said Garnham Blaxcell became Indebted to our said Sove-
reign Lord the King in the respective Sums of two hundred and
thirty Six pounds and fifty Six pounds, one Shilling, making
together the sum of two hundred and Ninety two pounds, one
shilling, for duties payable on Pearl Shells imported into Sydney
in the ships or Vessels called the James Hay and the Daphne;
and the said Garnham Blaxcell has given and signed two certain
Acknowledgements, bearing date respectively the twenty second
day of September, one thousand, eight hundred and fourteen to
Henry Glenholme, as the Naval Officer and Collector and receiver
of the said duties for the said Monies so payable for the said
duties; and that the said three several sums of one thousand and
eighty one pounds, eleven shillings and two pence, five hundred
and Sixty one pounds, five shillings, and two hundred and Ninety
two pounds, one shilling, making together the sum of one thou-
sand, nine hundred and thirty four pounds, Seventeen shillings
and two pence, are, as this Deponent verily believes, now in
arrear and unpaid, justly due and owing from the said Garnham
Blaxcell to our said Sovereign Lord the King. And this De-
ponent, John Piper, for himself saith that on and from the
thirtieth day of June, one thousand, eight hundred and fourteen
to and on the eighth day of June, one thousand, eight hundred
and fifteen, the said Garnham Blaxcell became indebted unto our
said sovereign Lord the King in the several sums of money fol-
lowing (this is to say), in the sum of thirty four pounds, eight
shillings, the sum of twenty four pounds, three shillings and three
pence, the sum of seventy two pounds, nine shillings and nine
pence, the sum of one hundred and twelve pounds, ten shillings,
the sum of thirty seven pounds, ten shillings, and the sum of
one hundred and Sixty five pounds for duties on Spirits imported
into Sydney aforesaid in the ships or Vessels, the Hibernia and
General Brown and other Vessels, which said several sums make
together the sum of four hundred and forty six pounds, one shil-
ing; and the said Garnham Blaxcell has given and signed
promisory notes or acknowledgements for the said several sums
of money for duty on Spirits payable to this Deponent, the said
John Piper, as the Naval Officer and Collector and receiver of the
said duties. And this Deponent, John Piper, for himself further
Saith That on the twenty fourth day of August, in the year of our Lord one thousand, eight hundred and fourteen, the said Garnham Blaxcell became indebted to our said Sovereign Lord the King in the further sum of two hundred and Six pounds, ten shillings, for duties payable on Pearl Shells imported into Sydney aforesaid in a Brig or Vessel, called the Governor Macquarie; and the said Garnham Blaxcell has also signed and delivered to this Deponent, John Piper, as such Naval Officer Collector and receiver as aforesaid, an acknowledgement and promise for the payment of the said duties; and that the said before mentioned several sums of four hundred and forty six pounds, one shilling, two hundred and six pounds, ten shillings, and one thousand, Nine hundred and thirty four pounds, Seventeen shillings and two pence, making together the sum of Two thousand, five hundred and eighty seven pounds, eight shillings and two pence, due and of right payable to our said sovereign Lord the King for duties, or in respect thereof, are, as this Deponent John Piper Verily believes, now in arrear and unpaid, and Justly due and owing from the said Garnham Blaxcell to our said sovereign Lord the King for duties as aforesaid.

JOHN PIPER, Naval Officer.
R. CAMPBELL, JUNR., Late Ass. Nav. Off.

Sworn by both Deponents, John Piper and Robert Campbell, at my Office, Sydney, this second day of June, 1817, Before me, JNO. WYLDE, J.A.

B.

JOHN PIPER, of Sydney in the Territory of New South Wales, Naval Officer and Collector and Receiver of certain Monies payable there for duties, and Robert Campbell, of Sydney aforesaid, Gentleman, late Assistant to Henry Glenholme, the late Naval Officer for Sydney aforesaid, and also Collector and Receiver of certain sums of Money then payable for Duties, severally make oath and say; And first this Deponent, Robert Campbell, for himself saith that the several Paper writings, shewn and Exhibited to him this Deponent at the time of swearing this his Affidavit, and which Paper writings and Exhibits are Numbered or Marked respectively with the Figures or Marks, No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, No. 14, No. 15, No. 16 and No. 17, are promisory Notes or Acknowledgements of Garnham Blaxcell, late of Sydney aforesaid, Merchant, and were respectively made and delivered by the said Garnham Blaxcell to the said Henry Glenholme, as the Naval Officer and Collector and Receiver of certain Monies payable for duties, or to this Deponent, as the then Assistant of the said Henry Glenholme, for
some of such Duties, and which said promissory Notes and
Acknowledgements are in the Words and Figures following, or as
hereinafter is next contained; Vizt:—

No. 1.

Sydney, 31st December, 1811.
Six Months after date, I promise to pay Henry Glenholme, Esqr.,
Naval Officer, or Order; the Sum of four hundred and twenty
eight Pounds, fourteen Shillings, and nine Pence, Sterling, being
three fourths of the duty on Spirits imported on the Ships Gambier
and Friends.

G. BLAXCELL.
Paid by Messrs. Riley and Wentworth* ¾ of the within Men­
tioned Sum, Amount £285 16s. 6d., leaving due £142 18s. 3d.
Exd.—J.W.

No. 2.

Sydney, 15th April, 1812.
Eleven Months after date, I promise to pay Mr. Rob. Campbell,
Junr., Assistant Naval Officer, or Order, the Sum of twenty one
Pounds, four Shillings, and six Pence, in Stirling, being the dif­
ference of ¼ from ¾ of the duties on the Spirits imported Pr.
Ships, Guildford and General Graham.

G. BLAXCELL.
£21 4s. 6d. (Indorsed)—R. CAMPBELL, JR., ASS. Nav. Off.
Exd.—J.W.

No. 3.

Sydney, 31st March, 1813.
Twelve Months after date, I promise to pay Mr. Robert Campbell,
Ass. Nav. Off., or bearer, the sum of fifty five Pounds, eight shil­
lings, and three Pence, Sterling, being for part of my share of
duties on 4,433 Gallons of Rum for the Quarter ending this Day.

G. BLAXCELL.
£55 8s. 3d. (Indorsed)—R. CAMPBELL, JUN., ASS. Nav. Off.
Exd.—J.W.

No. 4.

Sydney, 30th June, 1813.
Twelve Months after date, I promise to pay to Mr. Robert Camp­
bell, Ass. Nav. Off'r, or bearer, the sum of twenty four Pounds
and nine Shillings, Sterling value received, in part payment of ¾
duties on 1,956 Gallons of Spirits.

G. BLAXCELL.
£24 9s. 0d. (Indorscd)—R. CAMPBELL, JUNR., ASS. Nav. Off.
Exd.—J.W.

No. 5.

Naval Office, Sydney, 30th Sept., 1813.
Twelve Months after date, I promise to pay to Henry Glen­
holme, Esqr., Naval Officer, or Order, the sum of seven hundred
and thirty Pounds, thirteen shillings, and Nine Pence, Sterling, value received in my \( \frac{1}{2} \) proportion of Spirits as Contractor for building the General Hospital.

G. BLAXCELL.

£730 13s. 9d. (Indorsed)—H. GLENHOLME, Naval Officer.

Exd.—J.W.

No. 6.

Sydney, 31st December, 1813.

Twelve Months after date, I promise to pay to Henry Glenholme, Esqr., Naval Officer, or Order, the Sum of fifty four Pounds, nineteen shillings, and six Pence, Stg., being \( \frac{1}{4} \) of \( \frac{1}{4} \) of duties on 1,466 Gallons of Spirits Pr. Earl Spencer.

G. BLAXCELL.

£54 19s. 6d. (Indorsed) For H. Glenholme—R. CAMPBELL, Ass. Nav. Off.

Exd.—J.W.

No. 7.

Sydney, 15th February, 1814.

Twelve Months after date, I promise to pay to Henry Glenholme, Esqr., Naval Officer, or Order, the sum of fifty one Pounds, and Eighteen shillings, sterling, being payment for the duties of 346 Gallons of Spirits imported pr. Ship Wanstead.

G. BLAXCELL.


Exd.—J.W.

No. 14.

Naval Office, Sydney, 30th Sept., 1813.

Twelve Months after date, I promise to pay to Henry Glenholme, Esqr., Naval Officer, or Order, the sum of one hundred and forty Pounds, six shillings and three Pence, Sterling, being \( \frac{1}{4} \) of the duties on 224\( \frac{1}{2} \) Tons of Sandel Wood.

G. BLAXCELL.

£140 6s. 3d. (Indorsed)—H. GLENHOLME, Naval Officer.

Exd.—J.W.

No. 15.

Naval Office, Sydney, 30th Sept., 1813.

Twelve Months after date, I promise to pay to Henry Glenholme, Esqr., Naval Officer, or Order, the sum of four hundred and twenty Pounds, eighteen shillings and nine Pence, sterling, being for \( \frac{1}{4} \) of the duties on 224\( \frac{1}{2} \) Tons of Sandel Wood.

G. BLAXCELL.

£420 18s. 9d. (Indorsed)—H. GLENHOLME, Naval Officer.

Exd.—J.W.
No. 16.
Sydney, New South Wales, 22d September, 1814.
The Pearl shells, procured by the Brig, James Hay, among the Eastern Islands within the limits of this Territory, amounting to Eighty Tons, having been landed and Exported from Sydney, and His Excellency the Governor having been pleased to remit the payment of Two Pounds, ten shillings, sterling, per Ton, on the said shells for the space of twelve Months from this date, “stating that, in the course of which time, Instructions may be received from His Majesty’s Ministers as to the Expediency of reducing the rate of this duty, and also the further Sum of nine shillings sterling per Ton for Wharfage on the said shells,” I hold myself responsible, and hereby promise to pay to Henry Glenholme, Esq., late Naval Officer, or to his Successor, twelve Months after the date hereof, the sum of two hundred and thirty six Pounds, sterling, being at the rate of the present duty and Wharfage, imposed on the above shells, provided His Majesty’s Ministers do not deem it expedient to reduce the duty on the same, or otherwise to pay such mitigated duty as they may think proper to order and direct.

G. BLAXCELL.

Signed Sealed and delivered (no stamps being used) In presence of

R. CAMPBELL.

In consideration of the above Bond not being enforced from this 2nd day of December, 1814, I certify that the above was done by His Excellency the Governor’s Orders.


Exd.—J.W.

No. 17.
Sydney, New South Wales, 22d Septem’r, 1814.
The Pearl Shells, procured by the Brig Daphne among the Eastern Islands within the Limits of this Territory, amounting to nineteen Tons, having been landed and Warehoused at Sydney, and His Excellency the Governor having been pleased to remit the payment of the duty of two pounds, ten shillings, per Ton, on the said shells for the space of twelve Months from this date, “Stating that in the course of which time, Instructions may be received from His Majesty’s Ministers as to the expediency of reducing the rate of this duty, And also the further Sum of nine shillings Stg. per Ton for wharfage on the said shells,” I hold myself responsible, and hereby promise to pay to Henry Glenholme, Esq., late Naval Officer, or to his Successor, twelve Months after the date hereof, the sum of Fifty six pounds, one shilling, sterling, being at the rate of the present duty and Wharfage imposed on the above shells, provided His Majesty’s
Ministers do not deem it Expedient to reduce the duty on the same, or otherwise to pay such mitigated duty as they may think proper to order and direct.

G. BLAXCELL.

Signed, Sealed and delivered (no stamps being used), In presence of

R. CAMPBELL.

In consideration of the above Bond not being enforced from this 2nd Day of December, 1814.

I certify that the above was done by His Excell’y The Governor’s Orders.


Exd.—J.W.

And this Deponent further saith that the respective signatures of G. Blaxcell to the several Exhibits, Marked No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, No. 14, No. 15, No. 16 and No. 17, are of the own proper Hand Writings of the beforenamed Garnham Blaxcell, and that he, this Deponent, was present and did see the said Garnham Blaxcell sign, seal, and, as his Act and Deed, deliver the Exhibits or Paper Writings, Marked or Numbered respectively No. 16 and No. 17.

And this Deponent, John Piper, for himself saith, that the several Paper Writings shewn and Exhibited to this Deponent at the time of swearing this, his Affidavit, And which Paper Writings and Exhibits are marked and Numbered respectively with the Words and Figures, No. 8, No. 9, No. 10, No. 11, No. 12, No. 13 and No. 18, are promisory Notes or Acknowledgements of Garnham Blaxcell, late of Sydney aforesaid, Merchant, And were respectively made And delivered by the said Garnham Blaxcell to this Deponent, John Piper, as the Naval Officer And Collector And Receiver of certain Monies payable for duties, for some of such duties, and which said promisory Notes and Acknowledgements are in the Words and Figures following, or as herein After is next contained; vizt.:

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**No. 8.**

£34 8s. 0d. Sterling. 

Naval Office, June 30th, 1814.

TWELVE Months after date, I promise to pay John Piper, Esqr., Naval Officer, the sum of thirty four Pounds, eight shillings, sterling, on Acco’t of duties in the June Quarter, being for one third of six hundred and Eighty eight Gallons of spirits landed from the Hibernia.

(Indorsed) JOHN PIPER, Nav’l Off’r.

Exd.—J.W.

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**No. 9.**

Sydney, 30th Septem’r, 1814.

TWELVE Months After date, I promise to pay to John Piper, Esq., Naval Officer, or Order, the sum of twenty four Pounds, three
shillings and three Pence, Sterling, value received, being $\frac{1}{3}$ of the duties on the spirits imported this Quarter.

£24 3s. 3d.

Exd.—J.W.

G. BLAXCELL.

No. 10.

Sydney, 30th September, 1814.

TWELVE Months After date, I promise to pay to John Piper, Esq., Naval Officer, or Order, the sum of seventy two Pounds, nine Shillings and nine Pence, sterling, value received, being $\frac{1}{3}$ of the duties on the Spirits imported this Quarter.

£72 9s. 9d.

Exd.—J.W.

G. BLAXCELL.

No. 11.

Sydney, 31st Decem’r, 1814.

TWELVE Months After date, I promise to pay to John Piper, Esq., Naval Officer, or Order, the sum of one hundred and twelve Pounds, ten shillings, sterling, being $\frac{2}{5}$ of $\frac{3}{4}$ of the duty on 1,000 Gallons of Rum imported p. General Brown.

£112 10s. 0d. (Ind’d) JOHN PIPER, Nav’l Off.

Exd.—J.W.

G. BLAXCELL.

No. 12.

Sydney, 31st Decem’r, 1814.

TWELVE Months after date, I promise to pay John Piper, Esq., Naval Officer, or Order, the sum of Thirty seven Pounds, ten shillings, sterling, being $\frac{1}{2}$ of $\frac{1}{3}$ of the duty on 1,000 Gallons of rum imported p. General Brown.

£37 10s. 0d.

Exd.—J.W.

G. BLAXCELL.

No. 13.

£165 Sterlg.

Nav’l Office, June 8th, 1815.

TWELVE Months after date, I promise to pay John Piper, Esqr., Nav’l Officer, or Order, the sum of one hundred and sixty five Pounds, Sterlg., being on Acct. of duties on eleven hundred Gallons of spirits @ three shillings p. Gallon, agreeable to the contract for erecting the General Hospital.

(Ind’d) JOHN PIPER, Nav’l Off.

Exd.—J.W.

G. BLAXCELL.

No. 18.

Sydney, New South Wales, 24th August, 1814.

The Pearl Shells, procured by the Colonial Brig Governor Macquarie Among the Eastern Islands within the limits of this Territory, amounting to about seventy Tons, been landed and warehoused at Pyrmont, and His Excellency the Governor having been
pleased to remit the payment of the duty of two Pounds, ten shillings, Sterling, per Ton, on the said shells for the space of twelve Months from this date, stating that, “in the course of which time, Instructions may be received from His Majesty's Ministers as to the Expediency of reducing the rate of this duty, And also the further sum of nine shillings sterling per Ton for Wharfage on the said Shells,” I hold myself responsible, and hereby promise to pay to John Piper, Esqr., Naval Officer, or to his Successor, twelve Months after the date hereof, the sum of two hundred and six Pounds, ten shillings, sterling, being at the rate of the present duty and Wharfage imposed on the above Shells, provided His Majesty's Ministers do not deem it expedient to reduce the duty on the same, or otherwise to pay such mitigated duty as they may think proper to order and direct.

JOHN PIPER, Nav'l Off'r.

Exd.—J.W.

And this Deponent further saith that the respective signatures of G. Blaxcell to the several Exhibits, marked or numbered respectively, No. 8, No. 9, No. 10, No. 11, No. 12, No. 13 and No. 18, are of the own proper Hand Writings of the said Garnham Blaxcell.

JOHN PIPER, Nav'l Off'r.

R. CAMPBELL, JUNR., Late Ass. Nav. Off.

Sworn by both Deponents, John Piper and Robert Campbell, at my office, Sydney, this second day of June, 1817, Before me,

JNO. WYLDE, Judge-Adv., N.S.W.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked “No. 24 of 1817,” per ship Shipley; acknowledged by Earl Bathurst, 24th August, 1818.)

Government House, Sydney, New South Wales,

My Lord,

In reference to my Dispatch, No. 20,* of the present year, addressed to your Lordship respecting the Conduct of Lieut't Jeffreys, Commander of His Majesty's Colonial Brig Kangaroo, I have now the Honor of informing your Lordship that by the arrival of a vessel from the Derwent in Van Diemen's Land on Sunday last, the 1st Instant, I received a Dispatch from Lieut't Governor Sorell containing a Statement of Lieut't Jeffreys' behaviour at that Settlement, from the period of his arrival there until the time of his departure; the particulars of which are so circumstantially detailed in Lieut't Governor Sorell's letter and the documents accompanying it, which I have now the Honor of transmitting for your Lordship's Information, that there is little left me to remark on in respect to Lieut't Jeffreys. As however the mutinous and outrageous manner, with which he has acted in

* Note 109.
Defiance of every Principle of Subordination, Discipline and Honor, is certainly of very Serious and alarming Import, I cannot refrain from Expressing the Hope that Such measures will be adopted under your Lordship's authority, on Lieut't Jeffreys' arrival in England, as may bring that Officer to condign and Exemplary punishment not only for his disobedience to my Orders to proceed Direct to England, but for his Disrespect, Contumely and Contempt to the Orders of Lieut't Governor Sorell, and his mutinous and disgraceful Conduct on his arrival and during his Stay at the Derwent, as Set forth in Lieut't Governor Sorell's charges against Lieut't Jeffreys.

These Circumstances, combined with the uniform Tenor of Lieut't Jeffreys' Conduct during his Stay in this Colony, which I have been under the necessity before of representing to your Lordship on former occasions, altogether amount to Such an accumulated Series of Charges against him as will evidently show how unworthy he is of any Rank in His Majesty's Navy.

I have, &c.,

L. MACQUARIE.

[Enclosures.]

[The enclosures to this letter numbered twenty-six; they consisted of lieutenant-governor Sorell's despatch to Governor Macquarie, dated 16th May, 1817, with its lettered enclosures, all of which referred to the conduct of lieutenant Jeffreys when at the Derwent. Copies of these papers will be found in a volume in series III.]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 25 of 1817," per ship Shipley; acknowledged by Earl Bathurst, 24th July, 1818.)

Government House, Sydney, New South Wales,

My Lord,

5th June, 1817.

Consistent with My anxious wish to avoid by all practicable means the Incurring of unnecessary Expences to this Government, I beg leave to submit to Your Lordship's consideration the very great Expence and Inconvenience of conveying Male and female Convicts from Port Jackson to Van Diemen's Land for the use of the Crown and the Settlers at those Settlements, and therefore most respectfully to suggest and recommend to Your Lordship the Expediency of ordering One Ship with about Two hundred Male Convicts, and One Ship with about One hundred female Convicts, to be sent in future every second Year direct from England to Hobart Town on the River Derwent in Van Diemen's Land for the General use of that Island, Commencing with the early part of the ensuing Year 1818, and Continuing the same System every second Year afterwards.
By adopting this Plan, the Government will be relieved from a Considerable Expence; and under the Consideration that the Settlements on Van Diemen's Land are now becoming very populous and extensive, and that many Settlers prefer receiving their Lands there to any part of this Territory, such an Arrangement, as I have now the Honor to propose to Your Lordship, will prevent a Continued Increase of Expence to the Crown now necessarily incurred by transhipping Prisoners from hence to the Derwent; and the Numbers proposed will not be more than the increasing Population of these Settlements will hereafter require.

I have, &c.,
L. Macquarie.

GOVERNOR MACQUARIE TO EARL BATHURST.
(Despatch marked "No. 26 of 1817," per ship Shipley; acknowledged by Earl Bathurst, 24th August, 1818.)

Government House, Sydney, New South Wales,

My Lord,

In my Dispatch No. 22 of the present Year, dated the 16th Ulto., I have had the Honor of Communicating to Your Lordship that I had felt Myself under the Necessity of again placing the Wives and Families of the Chaplains and Officers of the Commissariat Department on the Government Stores for Eighteen Months longer; A Measure I was Induced to take upon Myself the Responsibility of Adopting in Consequence of the Very Earnest Remonstrances and Representations Made to Me on this Subject by the Parties immediately Interested, When I Notified to them Your Lordship's Orders to discontinue their Rations in future.

Altho' I did Not find Myself Warranted to Grant them this Indulgence in their Official Capacities, Yet in Considering that I might Venture to Extend it to them as Settlers and Landholders, I felt principally Actuated by the Consideration that, Within the Period of 18 Months, Answers Might be received to the References Which the Parties themselves have signified their Intention to make to Your Lordship, as well as to the Communications I have had the Honor of Making on this Subject by the Parties immediately Interested, When I Notified to them Your Lordship's Orders to discontinue their Rations in future.

Altho' I did Not find Myself Warranted to Grant them this Indulgence in their Official Capacities, Yet in Considering that I might Venture to Extend it to them as Settlers and Landholders, I felt principally Actuated by the Consideration that, Within the Period of 18 Months, Answers Might be received to the References Which the Parties themselves have signified their Intention to make to Your Lordship, as well as to the Communications I have had the Honor of Making on this Subject by the Parties immediately Interested, When I Notified to them Your Lordship's Orders to discontinue their Rations in future.

I have now the Honor to transmit for Your Lordship's Information, Copy of the Correspondence, Which has lately taken place between Myself and the Principal Chaplain and Deputy Commissary General.

So far as this Arrangement May Apply to the Principal Chaplain, I am decidedly of Opinion that his present Salary (which
is £350 P. Ann.) and the Amount of his Surplice Fees, together with the Considerable Advantages he derives from Extensive and Valuable Grants of Land and the Numerous Flocks and Herds he possesses as a Farmer and Grazer, are More than sufficient to Maintain himself and his Family in a Very Comfortable and genteel Style Without the Aid of Rations, Fuel, or Government Servants; and More especially When it is taken into Consideration that He is provided with a Dwelling House and Offices at the Expence of the Crown. This Affords a Very Great Contrast to the Situations of the Assistant Chaplains here, Whose Salaries are Small and ought in My Opinion to be proportionally Increased, or that they should receive Rations for their Wives and Children; at the Same time I think and respectfully recommend that the Increase of their Salaries should take place in Preference.

In respect to the Officers of the Commissariat Department, they are already so Amply and liberally paid for their Services by their Salaries, Lodging and Forage Money, that I do not Consider it by any Means Necessary to victual their Wives and Children.

The Documents Alluded to in the Letter of Deputy Commissary General Allan, Addressed to Me under date the 10th of May, 1817, refer to Subjects so foreign to and Unconnected with that of Victualling the Wives and Children of the Officers of his Department at the Expense of the Crown, that I do Not Consider it at all Necessary to trouble Your Lordship with them or make any Comment thereon.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

REVEREND SAMUEL MARSDEN TO GOVERNOR MACQUARIE.

Sir, Parramatta, 12th May, 1817.

After my long Services in this Colony of Twenty four Years, I indulged a hope that I might have some fair Claim upon my Country for a small Increase to my Salary, instead of which I am suffering a Reduction in my Annual Income of not less than One hundred Pounds Per Annum by the Ration being withdrawn from my family.

I am persuaded Your Excellency will readily allow that my Salary of £350 Per Annum would not supply the Common wants of my Family, when the high Price of all Imported Articles, such as Clothing, &c., are taken into estimation, and enable me to support the Rank I hold in the Colony; I have Five Daughters and one Son to provide for, who become more expensive daily as they Grow up, And my Wife from bodily Affliction cannot render that Assistance to her family she formerly was Able to do.

Should Your Excellency not feel yourself authorized to allow my family a Ration from His Majesty's Store, I should wish to
Application from Revd. S. Marsden for rations for his family.

Macquarie's decision to victual the families of chaplains for eighteen months.

Avail myself of the opportunity of stating my case to His Majesty's Government by some one of the ships now in the Harbour. I humbly conceive that His Majesty's Ministers will admit the justice of my claim according to the common rules of the service, and will not now, when I am advanced in years and the burden of my family increased, withdraw from me that support which I have ever enjoyed since I had the honor to hold His Majesty's commission without making me some reasonable compensation in lieu of the ration.

I have, &c.,
Samuel Marsden.

[Enclosure No. 2.]

Governor Macquarie to the Reverend Samuel Marsden.

Sir,

Government House, Sydney, 27th May, 1817.

I have now to acknowledge the receipt of your letter, under date the 12th instant, which I was unable to do sooner in consequence of a heavy press of other public business engaging my whole attention for some weeks past.

Although I cannot for a moment admit that you, in particular, have any just cause to complain of Government having withdrawn the indulgence of rations heretofore allowed to your family in the present greatly improved state of the Colony and consequent reduction in prices of all the real necessaries of life, and also because your salary and surplice fees, together with the great advantages you enjoy in possessing such large tracts of land and numerous flocks and herds, ought to be more than adequate to maintain yourself and family in most comfortable and genteel manner; yet in consideration of what you have stated on this subject, and also in consideration of my own conviction that the salaries of the inferior clergymen of the Colony are very inadequate to the support of themselves and families, I shall take upon myself the responsibility of ordering your family, and those of the other clergymen in this Colony, to be victualled for a further term of eighteen months from Saturday next the 31st instant in your capacities of settlers and land holders, unless I should receive further orders from home in the intermediate time in reply to a second representation I have already made on this subject to His Majesty's Ministers; but, in the event of my receiving no orders to authorize the families of the clergymen to be continued on the stores within the period herein stated, I must, at the expiration thereof, be under the painful necessity of directing the families of all the clergymen to be struck off the victualling list; for I suppose I need not remind you, that, notwithstanding my instructions from
Home were positive on this Point, this is the Second time I have taken upon Myself the very heavy responsibility of continuing to Victual your Family for Eighteen Months. I request you will, on receipt of this Letter, send Me the Names and Ages of all your Children.

I have, &c.,

L. MACQUARIE.

True Copy:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 3.]

DEPUTY COMMISSARY-GENERAL ALLAN TO GOVERNOR MACQUARIE.

Deputy Commissary-General’s Office,

Sir,

Sydney, 10th May, 1817.

In reference to Mr. Secretary Campbell’s Letter, dated the 26th Ulto., and enclosing a Copy of a Letter* from the Right Honorable The Earl Bathurst together with an Extract of a Letter from S. R. Lushington, Esqre., relative to the issuing of Rations to the Families of the Officers of the Commissariat Department employed in New South Wales, I beg leave to state to Your Excellency the following circumstances to prove that the Officers alluded to cannot mean those of the Army Commissariat, but is meant solely to Colonial Departments.

I need not remind Your Excellency that at the period You were pleased to issue Government and General Orders about 3 Years ago, notifying the pleasure of His Majesty’s Ministers that the Families of the Civil Officers of the Colonial Establishment were no longer to be Victualled from the Stores, and altho’ that Your Excellency did at the time conceive that myself and those under me were included in this Regulation, yet from the Papers and other Documents I then laid before you I clearly and I believe to Your satisfaction proved that the same had no reference to any of the Military Departments nor to the Commissariat in particular, whose Commissions are purely Military, and none of whose pay in any manner whatever is provided either by the Parliamentary Estimate or from the Colonial Funds as the other Departments are, nor has any Colonial Allowance either directly or indirectly been made to myself or them, but that the whole of such pay and allowances is paid as every other General and Staff Officer from the Ordinaries and Extraordinaries of the Army; under such circumstances I therefore do entertain little or no doubt in my own mind that the communication from Mr. Lushington alluded entirely to a Colonial Commissariat, and the more so, when it is taken in connection therewith, that the Departments alluded to in the former Orders were entirely of this description and in no manner interfering with or altering the Allowances to the Families of the Officers in the Army, either Staff or Regimental.

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* Note 110.
In corroboration of what I have stated above I beg leave to
detail the following facts; towards the latter end of the Year
1807, I had first the Honor of being placed at the Head of a
Department, and by the Instructions I received on the occasion,
dated 27th Novr. in the same Year, and signed by the Right
Hon’ble Spencer Percival, the Right Hon’ble W. Surges Bourne
and the Right Hon’ble R. Ryder, I was instructed in a particular
manner “to be attentive that no persons do receive Provisions,
Forage, and Fuel than those that are intitled thereto by the
Established Rules and Customs of the Army”; and I did not fail,
before I assumed the Charge, fully to ascertain who were entitled
thereto by the said Customs, and I found that all such were so if
on the Staff, with their wives and families, whose Rank and
Station entitled them to Forage Money and other Army Allow­
ces; and I subsequently regulated my issues accordingly, and
up to the 12th Febry., 1812, a period of upwards of four Years,
not only my Family but that of every Staff and Regimental
Officer and including the Staff Surgeon, the Pay Master, and the
Clerk of the Works in the Ordnance Department, the Chaplain
of Brigade, The Town Major, the Town Quarter Master, &ca.
were all regularly victualled, and the Store Accounts, wherein the
issues were Charged, have all been passed by the Comptrollers of
Army Accounts and a full discharge therein given by the Lords
Commissioners of His Majesty’s Treasury.

At the period before alluded to, I was honored by a Com­
munication from the Commissary in Chief, dated 27th Jany.,
1812, notifying that the Lords Commissioners of His Majesty's
Treasury having had under their Consideration an Arrangement
for the regulation of the issue of Provisions to Women and Chil­
dren of Soldiers on Foreign Stations, and which had been
approved of by the Commander in Chief, by which Women and
Children of Soldiers alone were to be victualled; after the Receipt
of this communication, not only my own Family but that of every
other Officer ceased to receive Rations.

By a Circular Letter, dated 29th July, 1812, and which I
received whilst in London on my way to this Colony, the Instruc­
tions contained in the foregoing Letter was rescinded, and the
wives and Families of Officers were placed on the same footing as
formerly; and by a subsequent communication, which I have
received since my Arrival in this Colony, dated 25th August, 1813,
the Families of Officers are placed in every respect on the same
footing as those of the Soldiers; since which time, until the
12th July last, no alteration whatever has been directed to take
place; under the above date His Royal Highness the Prince
Regent was pleased to issue his Warrant for establishing a more
regular system in the issues of Rations of Provisions to His Majesty's Forces on Foreign Service, a copy of which, together with a copy of the Commissary in Chief's Letter, dated 20th Augt. last and enclosing the same, I did Myself the honor of inclosing to Your Excellency.

Having now I trust fully established the fact that the Wives and Children of Officers serving on foreign Stations have invariably, according to the Custom of the Army up to the 27th January, 1812, received Rations, and that since the 29th July of the same Year these Rations have been issued by Command of the Lords Commissioners of His Majesty's Treasury on the application of His Royal Highness the Commander in Chief; I shall now endeavour to prove that the Commissariat Department does form part of the Army, and as such that the Officers thereof are entitled to the same Indulgences and Allowances as are granted to every other part thereof.

By the regulation for the issue of Bat and Forage Money of May, 1809, a Commissary General's Allowances are the same as a Major General, a Depy. Commissary General those of a Depy. Adjutant or a Deputy Quarter Master General, and the Assistants and Dep'y Assistants in all the three Departments are on a like footing; and in the instance of a Ration of Forage Money being granted to Dep'y Ass't Comm'y Gen'ls more than was allowed to Dep'y Ass't Adjutants and Dep'y Ass't Quarter Master Gen'ls, this extra Ration was taken from the Commissariat as exceeding that which their corresponding Rank entitled them to.

In the regulation for granting Pensions to Officers losing an Eye, or a limb on Service, the like corresponding Rank is clearly and distinctly pointed out.

I now proceed to the increase of Pensions to the Widows of Officers in the Commissariat Department, made under a Warrant from His Royal Highness the Prince Regent and communicated to me by the Commissary in Chief under date of the 1st Decemb'r, 1815, which such an Instrument and from such Authority must most fully define the comparative Rank of the respective Officers of the Commissariat, and which in addition to His Royal Highness's Warrant, dated 12th last July, and already referred to, relative to Rations, certainly can leave no doubt but that the Commissariat are entitled to the same Indulgences as the Officers of every other Department.

I have to apologize for having thus intruded on your more valuable time, but at the same time I trust that your Excellency's goodness will pardon me, as you are well aware that it is not for myself alone but for those under me, who are equally interested.
and would likely suffer as severely as myself on the present occasion; I shall therefore only take the liberty of adding one more enclosure, by which you will perceive that the Officers of the Pay Master’s Department (who are certainly less of Military description than the Commissariat) receive Rations in the same manner as other Staff Officers; nor need I repeat to Your Excellency what You are aware of that the Commissariat, independant of their usual Duties, are in the Charge of the Military Chest, and that not only Ordinaries, but also the Extraordinaries of the Army, are now provided by them.

Under such Circumstances, I feel confident that Your Excellency will be satisfied that it never could have been the Intention of the Lords Commissioners of His Majesty’s Treasury to single Out the Officers of the Commissariat of this Colony, and to deprive them of that Indulgence which is granted, not only to their Brother Officers in every other Quarter of the Globe, but also to every other Officer that is in any way attached to the Army; and although I have Letters regularly down to the 10th Decr., 1816, from the Commissariat Depart’t in the Treasury conveying Instructions for my guidance, and none of which, from the succession of Numbers, have miscarried.

Being confident that if it is the intention of the Lords Commissioners of His Majesty’s Treasury that the Families of the Commissariat are not to be victualled, that a Regulation is forthcoming by which neither the Families of Staff nor Regimental Officers are any longer to be Victualled at the Public Expence,

I therefore humbly hope and trust that Your Excellency will have no objections to the Officers of the Commissariat Continuing to Draw Rations for their Families as heretofore, until an Answer to an Application, which I shall make forthwith to the Treasury on this subject, is obtained, or until their Lordships’ Instructions on this head reaches me through the usual Channel.

I have, &c.,

D. Allan, D.C.-Gen’l.

[Enclosure No. 4.]

SECRETARY CAMPBELL TO DEPUTY COMMISSARY-GENERAL ALLAN.

Sir,

Secretary’s Office, 28th May, 1817.

I have it in Command to inform you that His Excellency the Governor has received and read with much attention your Letter addressed to him, under date the 10th Instant, together with the several Documents whereby it was Accompanied, on the subject of the late Order conveyed to you through this Office in regard to the striking off the Wives and families of the Commissariat Officers from the Government Victualling Lists.
His Excellency is perfectly aware of the fact being, as you state, that it has hitherto been the practice to Victual the Wives and Children of the Officers of the Commissariat at the expence of the Crown; but He does not thence see any just reason or ground for not putting in force the positive Order received by Him from the highest Authority to Abolish the practice alluded to, and He cannot therefore take so heavy a responsibility on himself as to suspend the Operation of that Order, emanating as it does from His Majesty’s Ministers, who have at all times the unquestionable right to encrease or diminish according to their sense of propriety the extra Allowances of Servants of the Crown, and more especially at a time as the present when all possible retrenchments are so necessary in Order to lessen the Public expenditure. It should also be taken into Consideration that the Families of the Chaplains and Medical Officers of this Colony, whose Salaries are much inferior to those of the Officers of the Commissariat Department, have been in like Manner ordered to be struck off the Stores, and it would be highly unreasonable that so invidious a distinction should be made between them as to Keep the families of the Commissariat Officers on the Stores, whilst those of the Chaplains and Medical Officers were struck off. Neither does His Excellency see any Ground of right for continuing the Commissariat Officers’ Families on the Stores, because the families of Officers in the Army have that Indulgence, the latter Gentlemen receiving a very limited Pay, which gives them a just Claim for such Indulgence being continued to them. There being also only one Description of the Commissariat Officers in this Colony, it is equally plain that the Secretary of State or the Lords of the Treasury could not have been under any Mistake on that Score, when they sent the Order in question to His Excellency.

Under such Circumstances, His Excellency does not deem himself at liberty to accede to your representations in behalf of your self and the other Officers of the Commissariat.

His Excellency is however pleased to add that as All the Officers of the Commissariat now in the Colony are Landholders and may be considered in that light as Settlers, He will Sanction their families being placed on the Stores for the term of Eighteen Months Commencing on and from Saturday next, the 31st instant, in which time you will have an Opportunity to learn the fate of your reference on the subject to His Majesty’s Government, and unless Orders should arrive to Continue them on the Stores His Excellency will then finally carry the present Orders into effect.

I have, &c,

JNO. THOS. CAMPBELL, Secy.
1817.  
13 June.  

Recommendation of F. Dixon 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, 13th June, 1817.  
I am directed by Earl Bathurst to acquaint you that his Lordship has granted permission to Mr. F. Dixon to proceed as a Settler to New South Wales, and to request that he may receive a Grant of Land proportionate to his means of cultivation and the usual indulgences granted to Settlers of his Class.  

I am, &c.,  
HENRY GOULBURN.

24 June.  

Assignment of convicts per the ship Friendship.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.  
(Despatch per ship Friendship; acknowledged by Governor Macquarie to Earl Bathurst, 3rd March, 1818.)  

Sir, Downing Street, 24th June, 1817.  
I am directed by Lord Bathurst to transmit to you herewith the Assignment of One Hundred and One Female Convicts, embarked on board the Friendship for the Colony of New South Wales.  

I am, &c.,  
HENRY GOULBURN.  

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

25 June.  

Recommendation of Charles Foster as a settler.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.  
(Despatch per ship David Shaw; acknowledged by Governor Macquarie to Earl Bathurst, 3rd March, 1818.)  

Sir, Downing Street, 25th June, 1817.  
I am directed by Lord Bathurst to acquaint you that he has given permission to the Bearer, Mr. Charles Foster, to proceed together with his Wife, etc., 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, which he may possess of bringing the same into Cultivation, and extend to him the Indulgences usually granted Settlers of his Class.  

I am, &c.,  
HENRY GOULBURN.

8 July.  

Bills drawn to pay money to Davey.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.  
(Despatch per ship Lloyds.)  

Government House, Sydney, N. S. Wales, 8th July, 1817.  
Sir,  
In pursuance of Earl Bathurst’s Commands, as Signified to Me in His Lordship’s Letter of date 20th July last, I now do myself the honor to inform you that I have this day drawn a Set of Bills on you in favor of D’Arcy Wentworth, Esqre., for One
Hundred Pounds Sterling, in payment of the like Sum directed by His Lordship to be advanced to Lieutenant Governor Davey from the Colonial Funds of this Territory, and which has accordingly been done.

I have therefore to request you will be Pleased to give due honor to the Bills in question, when presented.

I have, &c.,

L. MACQUARIE.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship Larkins; acknowledged by Governor Macquarie to Earl Bathurst, 12th December, 1817.)

Sir,

Downing Street, 14th July, 1817.

Lord Bathurst having given permission to the Bearer, Mr. James Richard Styles, to proceed as a Settler to New South Wales, I am to desire that you will make to him a Grant of Land in proportion to his means of bringing the same into Cultivation, and extend to him the Advantages usually allowed to Settlers of his Class.

I am, &c.,

HENRY GOULBURN.

[Enclosure.]

MR. THOMAS M. MOORE TO EARL BATHURST.*

Sydney, New South Wales, 10th November, 1816.

May it please Your Lordship,

I petitioned you some time since to be allowed a grant of Land as a settler in New South Wales, which his Excellency Governor Macquarie had refused me, in consequence of his not

* Note 111.
having received any instructions from Your Lordship on that head; but on a subsequent application, I made to his Excellency, he promised me a Grant of Four hundred acres with some other indulgencies, as soon as I became of Age; that event took place some months past, and the Governor gave orders to the Deputy Surveyor General to measure that quantity of Land at any place, I should point out as an advantageous Spot. I accordingly fixed upon a piece of ground, which was measured and possession of it given to me, and I continued to occupy it for about two Months; during this time, I was at a very great expense in furnishing myself with tools of every description necessary to commence clearing and cultivating. I had also purchased a small quantity of Stock, and had employed Sawyers and other workmen to prepare the necessary materials for erecting a Farm house. After I had laid out a considerable Sum of money in this way, I was informed that the Governor had given directions to the Surveyor General to deprive me of My Land for having joined in a petition to the House of Commons, which reflected upon some of the measures the Governor has adopted here.

I hope Your Lordship will consider that my concurring in the public opinions, expressed in that petition, ought not to be the means of depriving me of the Land, which had been in my actual possession for some time; and I trust Your Lordship will recommend to the Governor to restore it to me, or to make me some allowance for the expense, I have been put to; and I beg to State to Your Lordship that the custom of the Colony has always been to deliver to Settlers possession of Land, as soon as it is measured; and from that time it is considered as his Sole property, the Deeds not being executed in some instances for several Years afterwards.

I have, &c,

THOMAS M. MOORE.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Larkins; acknowledged by Governor Macquarie to Earl Bathurst, 12th December, 1817.)

Sir, Downing Street, 19th July, 1817.

I herewith transmit to you, by direction of Earl Bathurst, the Assignment of Two Hundred and Fifty Male Convicts, shipped on board the Larkins for the Colony of New South Wales.

I am, &c,

HENRY GOULBURN.

[Enclosure.]

[A copy of the assignment of convicts is not available.]
MACQUARIE TO DUKE OF YORK.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.*

Sir,

Downing Street, 23rd July, 1817.

Lord Bathurst having granted Permission to the Bearer, Mr. James Robins, to proceed as a Free Settler to the Colony of New South Wales, I am directed by his Lordship to desire that he may receive a Grant of Land in proportion to His Means of bringing the same into Cultivation. I am, &c.,

HENRY GOULBURN.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked “No. 27 of 1817,” per ship Lloyds; acknowledged by Earl Bathurst, 24th August, 1818.)


Having had the painful Duty imposed upon Me of Making a Representation under the present Date to His Royal Highness the Duke of York, as Commander in Chief of All His Majesty’s Forces, of the Series of disrespectful, Insulting, and Insubordinate Conduct of a Number of the Officers of the 46th Regiment, Since their Arrival in this Colony, towards Me and My Government, in order to its being laid before His Royal Highness the Prince Regent, I now do Myself the Honor to transmit Your Lordship herewith a Copy of that Letter, together with Copies of the several Letters and Documents Alluded to therein, for Your Lordship’s Information. I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO THE DUKE OF YORK.

(Despatch per ship Lloyds.)

Sir, Head Quarters, Sydney, N. S. Wales, 25th July, 1817.

It is with a Reluctance almost Insurmountable that I feel Myself Compelled, by a paramount Sense of Duty to My Sovereign and that of Subordination and Discipline which Forty Years in the Service have taught Me to Consider Indispensable to the Well Being of Society, to lay before Your Royal Highness, for the gracious Consideration of His Royal Highness The Prince Regent, a Statement of Occurrences which have lately taken place here on the part of the Officers of the 46th Regiment, and 'tho' Nothing Could be More painful to My Feelings than the making a Representation Which Might tend to Injure the Prospects of so numerous a Body of Gentlemen as those Composing the Officers, generally, of the 46th, Yet am I left without an Alternative on this Occasion, as I trust will appear Most fully to Your Royal Highness in the Sequel.

In Order to Explain More Clearly the immediate Occasion of the Communication I have now the Honor of making to Your Royal Highness, it Appears Necessary that I should trace the

* Note 22.
Outline of the Intercourse, which I have had with the 46th Regt. since its Arrival here, and to Observe on a Line of Conduct adopted by that Corps, even previous to its Arrival in this Country, and adhered to with a Pertinacity which would have well become a More liberal Sentiment.

In Venturing to trespass on Your Royal Highness's Most Important and Valuable time at Such Length, as I feel the Subject will require, I Can only express my Sorrow for the Occasion of it, and repeat that Nothing but the Imperious Necessity Imposed upon me should have led me to make so serious an Appeal to Your Royal Highness, as Commander in Chief of All His Majesty's Forces.

On the Arrival of the 46th Regt. to relieve the 73rd in the Beginning of 1814, Colonel Molle, and all the other Officers of that Regiment, Were received and Entertained by me with every possible Attention and Hospitality; My House and Table were even More frequently open to them than they had been to My Brother Officers of the 73rd Regt., with a View to do Honor particularly to Colonel Molle, Who had been My old and Much liked Acquaintance, and with Whom I had Served in Egypt and India Many Years Ago. Receiving him thus with the Freedom and Cordiality of Ingenuous Friendship, I possessed, as I thought, his reciprocal Regard, and All My Public Measures seemed for a time to be in perfect Unison with his own public Sentiments and Views of Political Expediency.

One Measure of My Government I here beg leave to State to Your Royal Highness, and I trust it is one which will Experience Your Royal Highness's fullest Sanction and Approbation, tho' it has Met a determined Opposition from the Officers, Generally, of the 46th, and Covertly from Colonel Molle, who has latterly thrown off the Mask and Shewn the same Disposition to thwart my Views on that Subject, as his Officers had previously done; Which Circumstances I bring here under Your Royal Highness's Notice in order to Justify My Allusion to a Measure Which Might otherwise Appear extraneous to the General Object of this Address.

Viewing this Colony in the Light of a Penitentiary or Asylum on a Grand Scale for those of His Majesty's Subjects, Whose Crimes and the Clemency of the Laws had destined to its Shores in Expiation of their Offences, it has been a Uniform Measure of My Government, and one alike approved by my Head and by my Heart, to rule and Manage these Children of Misfortune, so as at once to make them feel sensibly the Weight of their Crimes in the Hardships to which they Were Exposed, and to hold out to them the distant Prospect of Relaxation from their Chains, and even of Eventual Restoration to their Original Rank in Society,
by a patient Submission during the Period of their Atonement, and Abandoning their Evil Habits, and Shewing themselves anxious to return to the Ranks of honest Industrious Members of Society. This I Conceive to be the benign Spirit of the Original Establishment of the Colony, and of His Majesty's Paternal Instructions as to the Mode of its Government; and When Your Royal Highness will reflect that Many of those Persons, over Whom His Majesty has been Graciously Pleased to place Me, once Moved in the Ranks of Gentlemen, either in the Liberal Professions or in the Honorable Paths of His Majesty's Army or Navy, I trust my thus treating them as Men not Altogether Without Hope Will Meet the Approbation of Your Royal Highness's humane and benevolent Disposition. That this Rule of Conduct has not been productive of All the Good I had fondly expected, I must at once admit and Lament. The few, I am sorry to say, the Very few reforms in that Class of Convicts Who had fallen from the respectable Rank, prevent Me from boasting of the Success My Measures have been Attended with. The Motives and the Means are not however responsible for the Failure, Which must be attributed to Causes powerfully Operating with the degraded persons themselves.

In Lamenting that Reformation has not been as General as I could have hoped, I have Still the Satisfaction to think that Some few Men of liberal Educations have made their Way back to the Estimation attached to their Original Rank in the Scale of Society; and Some of the Superior order of them have even been received occasionally at my Table. The Very few* Whom I lament to say have thus been restored to the Consideration, are Gentlemen, Who either Hold His Majesty's Commission in the Church, the Medical Department, and the Surveyor General's Department, or Colonial Appointments in the other Public Departments.

For a Time, Colonel Molle and his Officers Were in the Habit of Meeting and Associating with these Officers of my Government at my Table in Such a Manner as appeared to bespeak their having no Objection to Such Intercourse, and Col. Molle even Entertained Some of them at his own Table. I Could Not however Observe but with Regret that a different Line of Conduct was pursued by the Officers of the 46th at their own Mess in regard to those persons, None of Whom have been ever Invited there. This Difference in Conduct at my Table and at the Mess Could not fail to Excite my Surprize and Curiosity to Learn the Cause; And the Result of my Enquiries has been the Discovery that the Officers of the 46th Regt., on the particular Recommendation of their Commanding Officer, Colonel Molle, had previous to their Arrival in the Colony, bound themselves

* Note 112.
1317.
25 July.

Resolution of military officers re trade and farming.

Injustice of rule for exclusion of ex-convicts.

Criticism of conduct of officers.

Molle's participation in the exclusion of ex-convicts from the mess.

never to Admit into their Society or to Hold any Intercourse with any of those persons who had arrived here under Sentence of Transportation.

They also Entered into another Resolution, at the Same time, never to Engage in any Trading, Farming or Grazing Concerns in this Country, the Observance of which, Altho' by no Means exceeding What should be Expected from their Profession, Would at least have reflected Credit on them as Military Men. Their Adherence to this Rule has been by no Means so rigid as to that in regard to the Other.

Their Indiscriminate Rule of Exclusion, Entered into without any Knowledge of the Merits or peculiar Circumstances of the Individuals, I Could not but Consider premature, Illiberal, and I may add, Almost Unjust, towards the Very few Whose Reformation of Manners, Combined with liberal Education and honestly Acquired Independence, had rendered them rather Meriting of Pity and Regret for their former Deviations from the Paths of Virtue, than of a perpetual Brand to disgrace their future Lives.

Whilst I thus Comment on the Resolutions and Conduct, in these Particulars, of the Officers of the 46th, I beg it to be Most Clearly and distinctly Understood by Your Royal Highness that Nothing has ever been further from my Disposition than to Attempt to prescribe any Rules Whatever for the private or Civil Conduct of any Body of Gentlemen. I feel perfectly their Right and Competency to Make Such Rules in regard to the Society to be admitted to their Mess, as they pleased, and with this Consideration of the Subject, I never either Obtruded my Opinion on them, or expressed Myself in any Terms of Regret, and Still much less, of Censure, for the Adoption of the Rule. I may now Admit to Your Royal Highness that I did feel that a Courtesy was due to Me as their General, and Governor of this Territory, in regard to making my Table the Rule or Standard for the Admission of Persons into Society, and I Could not but feel Chagrined that a Courtesy So Usual and so becoming should have been Withheld by a Corps of Officers to Whom I had Shewn a particular Inclination to pay every Personal Respect and Attention within my Power.

The Officers of the 46th Regt., in Adopting a Rule of Exclusion previous to their having Acquired any local Knowledge of the Country, Could Not Impress Me with any Very high Opinion either of their Good Sense or their Liberality; but I was particularly hurt at the Consideration that Col. Molle, in whose Friendship and Candour I had so fully reposed and who Constantly Expressed himself in Terms of Admiration of the Principles I was Acting Upon, Should have privately lent himself to
a Measure, Which he was either ashamed to avow, or had not
Candour Enough to make me acquainted With. Notwithstanding,
however, that my Confidence in Colonel Molle’s Sincerity was
Shaken by the Discovery that he Was the private Adviser of a
Measure Militating with my Views of Humane Policy, Yet I
Continued (Without Making any Comment on the proceeding) to
receive him and his Officers With My Usual Attention, Until
After the Arrival of Captain Sanderson of that Corps in 1815.

This Officer having Used Most unbecoming and disrespectful
Language on a particular Occasion to the Chief Magistrate of
Police, and to the Bench of Magistrates before whom he had been
Summoned for a Misdemeanour, I found it due to those Gentle­
men’s wounded Feelings to Admonish and reprove Capn. San­
derson for the Conduct he had adopted towards them; but in
doing so, I made My Sentiments Known to him in as private and
delicate a Manner as the Occasion would Allow of. Resentment,
perhaps mingled with even Worse Motives, immediately led Capn.
Sanderson to Set about forming a Faction among his Brother
Officers, and More especially Among the Younger and more In­
experienced part of them, in Which he has Succeeded but too
Well; and by possessing a great Share of the Spirit of Faction
and Cabal has even brought over others of the Superior Officers to
his Party in Opposition to Me and all the Measures of My
Administration. This Party, Which I am Warranted in desig­
nating a political Faction, Hostile to the Interests of this Govern­
ment and of the Colony, is Composed, under its Leader, Chiefly
of Major McKenzie, Capn. Miller, and Lieutenants Grant, Hems­
worth and Smith; the latter Officer is now returned to England.
At their Mess Table, and in Hearing of their Servants, as Well as
at other Tables Where I am not present, these Gentlemen are in
the Habit of Arraigning and Endeavouring to draw Contempt
and Ridicule on all and every Measure of My Government. To
Such an Unwarrantable Length had these Gentlemen Suffered
themselves to Indulge in reviling and Scoffing at the Civil Estab­
lishments and Regulations of the Colony, that Colonel Molle,
Who had Certainly Not taken the early Measures to repress this
Spirit of Faction, Which in his Capacities of Lieutenant Gover­
nor and their Commanding Officer he ought to have done, found
it at length Necessary to Lecture Several of them (As he After­
wards told me) on the bold Licence they gave to their Tongues.
Notwithstanding My being Aware of the Mutinous Licentious­
ness of this Faction, I held it Most Suitable to My own Dignity
and Most Compatible with the Contempt in Which I held their
petty Efforts at Annoyance to let them pass over Unnoticed as
they were Unregarded.
The Spirit of Annoyance even descended so low, and became so Vulgar, that in July, 1816, Ensign Bullivant, When on Duty in Command of the Main Guard at Sydney, had the Audacity to draw with Chalk or Charcoal on the Wall of the Guard Room a full length Caricature of Myself in a Position of Ignominy, with Indecent Scurrilous Labels underneath it, and I understand that this Drawing remained for Several days Unobliterated, receiving frequent Visits from Several of the Superior Officers of the Regiment, Who Appeared to Enjoy the Insult thus Offered Me. It was at length by the Captain of the Day Made the Subject of a Report to Col’l Molle, Who gave Orders for its being Effaced and Washed from the Wall. An Enquiry being Instituted, Ensign Bullivant had the Candour to acknowledge himself the Author of it, and on being threatened with a Court Martial He sent me an Apology expressed in such full Terms of Contrition that I Willingly Abandoned my Intention in regard to him, he being Very Young and Inexperienced. I Could not however refrain from Considering the Conduct of those Senior Officers who had Viewed the Picture and appeared to be pleased and gratified with it (some of whom there is good Reason to believe had even Assisted in Writing the Labels underneath it), instead of reprobating such Marked Disrespect and Insolence to me, as Nothing Short of highly Culpable and punishable Insubordination on their own parts. Their Numbers, and the Circumstance of having No Means of Constituting a Court Martial but from among the Officers of the 46th Regiment itself, led me to forego any Prosecution Whatever.

Without any Apparent Cause, and Certainly without any Just one, a Number of the Officers who had Enrolled themselves under the Seditious Banners of Capn. Sanderson refused Invitations to Government House twice in Succession; those Gentlemen, Whose Refusals on these Occasions Were Most pointed, Were Major McKenzie, Capn. Sanderson, Capn. Miller, Lieut. Hemsworth and Lieut. Grant; Some others, Still Younger in the Service, who were under the Influence of the others, also declined, but I willingly Attribute their Conduct to Inexperience and undue Influence.

I have now Arrived at the Circumstance, which has widened the Breach between the Officers of the 46th Regt. and myself, and Which has produced a Rupture betwixt Me and Colonel Molle, Which has laid me under the distressing Necessity of making this long Representation to Your Royal Highness.

Several Months ago A Scurrilous Lampoon in Manuscript was dispersed thro’ the Town by some person then unknown reflecting in Unjust and Malicious Terms on Colonel Molle, both in his private and Military Character; and it was the Cause of Great
Disquiet and Annoyance to that Gentleman, Who Strongly Suspected Some of the Officers of the 46th, with Whom he Was not on good Terms, to be the Authors of it. This Anonymous and Scurrilous Production unfortunately took such Possession of Colonel Molle's mind, that, instead of Suffering it by Silent Contempt to become altogether harmless, He provoked Such a System of Enquiry into the Authorship, that it excited a general Curiosity about the Contents of the Lampoon and Copies were quickly Multiplied, so as to gratify every person desirous of Seeing it. Among the Other Means resorted to in order to discover the Author, a Mess Meeting was Called and a Subscription entered into, and With a View to render more effectual that Subscription, I was induced to Offer an Emancipation to any Convict Who might happen to know of, and Would discover the Author. Among other Schemes resorted to by Colonel Molle to discover the Author, He suffered himself to be so blinded to every Sense of what was due to his Officers or any other Gentlemen (being Strongly Suspicious that some of them Were the Writers), that he proposed to them, as a Matter Which Would be Satisfactory to his Feelings, that they would Submit their Writing Desks and Papers to his Examination, which proposition, implying Strong Doubt of the Words of Honor, which they had pledged to him on the Subject, strange to tell! they Submitted to; and the Examination Yielded Not the desired Success, for No Vestige of the Poem Could be traced among any of his Officers' Papers.

The Indignity of the Proposition, which Seemed Not to have been felt in the first Instance, Was Afterwards resented by his Officers, Who Seemed Much hurt at the Measure. They did however afterwards enter into a Subscription for the Discovery of the Author, but this Subscription, with the Rewards formerly Offered, produced Not the desired Object. The State of Irritation produced on Col. Molle by this Lampoon Unhappily proved a Source of another Lampoon (or Pipe, as it is termed in Colonial Phrase) on the Colonel, if possible more Severe and Scurrilous than the former, which did Not fail to Work up the Irritation and Spirit of Resentment in Colonel Molle to the highest Pitch.

Some Circumstances leading Suspicion to Settle on a Convict, lately Arrived here, Called Robt. Lathropp Murray, formerly a Captain in His Majesty's Service, I ordered at the Instance of the Colonel an Investigation of the Circumstance to take place before a Bench of Magistrates Wherein the Judge Advocate Presided. In the Course of the Investigation, Col. Molle having discovered Who the Author of the former Lampoon Was, it gave him such Joy that he declined prosecuting any further the Enquiry in regard to the Second, which was the Subject Immediately before the Bench, and left the Matter in that Stage of
1817.  
25 July.

Enquiry which could not by any means settle the authorship of the second on the person accused, further than the grounds of suspicion, which he had previously entertained, had already done. Mr. Wentworth, the principal surgeon of the colony, and police magistrate, was the person who in the course of his examination avowed that it had come to his knowledge long after the fact, that his own son, Mr. William Wentworth,* was the author of the first lampoon. It is understood that Mr. Wentworth had the less reluctance in avowing his son to be the author, as he was then on his passage to England, where he has since arrived, and of course no immediate personal ill consequence could be apprehended from it; whilst at the same time it would settle a business which had given rise to much suspicion and ill blood between Colonel Molle and his officers and some others of the most respectable characters in this country, whom he had chosen to suspect of being the author of that anonymous libel. The avowal produced so strong an effect on the mind of Colonel Molle that he immediately grasped the hand of Mr. Wentworth, and with an apparently grateful feeling expressed himself in terms of the greatest thankfulness for his having relieved him from the apprehensions he had entertained with regard to others; and, continuing to shake hands, he desired that all further proceedings of the bench should there cease, he having obtained, as he declared, the chief object in view in first instituting the enquiry. And thus an investigation, which had for its ostensible object to ascertain the author of the latter lampoon, ended with the discovery of the author of another of several months earlier date.

It being thus ascertained that the officers of the 46th regt. had been unjustly suspected of lampooning their commanding officer, an address of congratulation was immediately drawn up and presented to him by a committee of his officers, consisting of capn. sanderson, surgeon forster and lieut't grant. Had these gentlemen confined themselves in their address to the mere subject of the discovery of the authorship, it would perhaps have been very praiseworthy and honorable on their part to have made such an advance towards restoring that confidence between themselves and their commanding officer, which has been so long supplanted by dark suspicions on the one part and resentment on the other. But that address, and colonel molle's answer, which I now do myself the honor to transmit your royal highness attested copies of, having presumed in a most illiberal, unjust and malicious manner to reflect in sarcastic, tho' indirect terms, on the measures of my government, I found it necessary to enjoin the government printer neither to insert

* Note 113.
them in the *Gazette* or to strike off any Copies of them as Hand Bills. I had hoped that My Instructions to the Government Printer Would have sufficiently apprized Colonel Molle and his Officers that I Considered those Papers as Improper for Publication, and Consequently that the Address and Answer would have been either revised, and the Objectionable Passages expunged, or that the giving greater Publicity, than What the Mere Delivery of the Address and Answer Would have Effected, Would not have been Attempted. Instead however of adopting this Line of Conduct, they Immediately Caused a great Number of Copies to be Written, and Several of them were sent in this Manner into a Very General Circulation Under the fullest Conviction that the great and leading Object in Circulating those Papers Was to disturb the Peace and Quiet of the Colony by Attempting to bring Odium on Me and My Public Measures. I deemed it my Duty to address Colonel Molle on the Subject, Apprizing him of My Considering the papers in question as Insubordinate, and Consequently highly Improper on his part and that of his Officers. This Intimation of My Feeling I hoped would have produced some Concession and Acknowledgment from those Gentle­men, and I should have felt most happy in Expressing Myself Satisfied with the Simple Withdrawing of the Objectionable Passages, Which Could not possibly be Explained in any Manner so as not to Imply Censure on My Measures. The Several Letters which passed between Me and Col. Molle, and the other papers Connected therewith, I now do myself the Honor to transmit Correct Copies of for Your Royal Highness’s Information.

I beg to remark that having had some Reason to suspect that the Address had Undergone a partial Change, and that One Sentiment particularly Offensive had been Suppressed When it was found that I had determined on resenting it, I addressed a Letter to Col. Molle desiring to be Informed on the Subject of the Address and Whether, or no, it had not Undergone a partial Alteration from its first Form. The Answer I received, Which is No. 4 in the Series, Conveys the Acknowledgment of the Fact that one Passage, which I trust Your Royal Highness Will deem a Most presumptuous One, had been withdrawn by his own Desire. It was, as quoted by Col. Molle, himself, “That the Mess Table of the 46th Regiment was regarded as the Standard of Society in this Colony.”

My Motive for bringing this Passage particularly before Your Royal Highness’s Consideration is Not so Much to Comment on its own Offensiveness as to Mark the Disposition of the Party to reflect on and to treat with Supercilious Insolence every Rule of my Conduct as well in private Life, as in my public Administra­tion of this Government.

1817.
25 July.
The Several Letters, Which I feel Myself under the Necessity of Submitting to Your Royal Highness's Perusal on this, to Me, most painful occasion of Duty, will themselves form the best Narrative of those proceedings, Which have Impelled me to address Your Royal Highness at such Length in Explanation of the Charges I have the Honor to Submit to Your Royal Highness herewith for the gracious Consideration of His Royal Highness the Prince Regent; and I shall not enter further into Detail on that Subject, begging Leave however to remark that the Spirit of Opposition to All the Measures of My Government, by Which the Conduct of the Officers, Generally, of the 46th Regt. has been Marked from the Period of their Arrival in this Colony up to the present time, leads Me to View their Speedy Removal from this as Indispensably Necessary to the Well-being Good Order and peaceable Demeanor of the Community.

Having in the Early part of this Letter observed that the Rule laid down by the Officers of the 46th Regt. in regard to Not Trading, or being Concerned in Farming Speculations, had not been Adhered to with that Scrupulous regard Which the Solemn Pledge of their Honors required, I have to Inform Your Royal Highness that Major McKenzie, Captain Clarke, Lieutenant Campbell, Lieutenant Skelton, and Assistant Surgeon Bush have been all Engaged in Speculations of Herds and Flocks, Contrary to Your Royal Highness's orders on that Head.

Those Officers of the 46th, Whose Uniformly Steady and Gentlemanlike Conduct I feel most happy in bearing Testimony to, and Whom of Course I do Not by any Means Include in the Comments and Censures I have felt it my Duty now to Convey to Your Royal Highness, are Brevet Major Stewart, Captains Schaw, Gill, Wallis, and Nairne, Pay Master Campbell, Lieut't Watts (My own Aide de Camp), Lieutenants Dawe and Parker, Adjutant Madigan, and Quarter Master McDonald.

Having Alluded Also in the foregoing part of this Communication to the Conduct of Ens'n Bullivant, Who had Caricatured Me in the Main Guard Room, I do Myself the Honor to transmit, for Your Royal Highness's more full Information on that Subject, not only a Copy of the Apology which he then made me, but also of a Subsequent Letter from that unfortunate Youth with an Enclosure therein referred to, and also of an Affidavit made by him on this last Occasion, Which Serve to prove that Several of the Officers of the Regt. had Seen and Apparently Approved of the Caricature he had drawn, and also that the Labels underneath it had been written by one or more of his Brother Officers.

I have now gone thro' this unpleasant Detail of the Circumstances, which gave Rise to this Address to Your Royal Highness,
and Which a Sense of Public Duty on my part rendered Altogether Indispensable, and I trust Your Royal Highness will not Impute it to any Motive of private Resentment (Altho' I feel that I have too much Ground to Yield even to an Impression of that Nature), but do me the Justice to believe that My Sole Object on this Occasion is to restrain that dangerous Principle of Insubordination, Which has Insulted and tended to Degrade the Honor and Dignity of that Government, Most Graciously Confided to Me by My Sovereign, and at the Same time to Support and Secure that Discipline, So Essential to the Welfare of His Majesty's Service and the Maintenance of Good Order in Society. With Sentiments of the highest and Most Dutiful Respect, I have, &c.,
L. MACQUARIE.

[Enclosure No. 1.]

GOVERNOR MACQUARIE TO LIEUTENANT-GOVERNOR MOLLE.

Sir, Government House, Sydney, 23d June, 1817.

On Wednesday last the 18th instant, Mr. Howe, the Government Printer, waited on Me to ask for My Permission to Print off in Hand Bills certain papers, which he held in his hand, purporting to be Copies of a Letter addressed to you by Captain Sanderson, Surgeon Forster, and Lieutenant Grant of the 46th Regiment, in the Name of the Officers of that Corps, and of your reply thereto. After a Cursory Perusal of those Documents, I did not think it advisable, on account of the Matter they contained, to give My Sanction to their being Printed in any Form at the Government Press, and accordingly directed Mr. Howe to return them to the Person he had received them from, Concluding I should hear Nothing more of them; I did not think it necessary to have Copies of them taken, indeed I had hoped from their not being allowed to be Printed, that that Check alone would have proved sufficient to prevent their Publicity and Circulation in Manuscript; I regret however that I was disappointed in this hope, as I find they have been circulated very generally to persons at Sydney, One of whom favored Me a few days since with a Perusal of them; and as they were thus Publicly Circulated I considered Myself perfectly justified in having Copies of them taken; but upon perusing them leisurely I find that they are not exact Copies of those shewn Me by Mr. Howe on the 18th instant to the best of my recollection, and that considerable Alterations have been made in those Papers since I first saw them.

As the Papers, herein alluded to, may eventually become the subject of a Public Investigation, I now send you enclosed here-with the Copies I had taken, and I have to request you will be so
good as to Compare the Copies now sent with the Originals (which I conclude are either immediately in your possession or at least within Your reach) and inform Me whether they are correct Copies of the originals; I must also request you will inform me whether I am right in the Opinion, herein already stated, that those Copies now in Circulation are not Correct Copies of the first Letter, addressed to you by the Officers of the 46th Regiment under date the 13th instant, and of your first reply thereto under date the day following. I trust you will favor Me with your early Answer to these Questions, returning Me the Copies now herewith sent for your Perusal.

Had the Officers of the 46th Regiment confined themselves, in their late Letter or address to you, to congratulating you on the discovery of the Author of that libellous Paper which gave rise to their address, and reprobating that Production (as every honest man must do), it would be no more than their Duty to and respect for you as their Commanding Officer required them to do. But when they presume to make Strictures on a Political Measure long since adopted and acted on by this Government for the benefit and Improvement of the great Bulk of the Inhabitants of this rising Colony, Sanctioned by the House of Commons,* and approved by His Majesty's Ministers, it becomes My imperious Duty to express My strongest reprobation of such disrespectful and insubordinate Conduct, however indirectly Manifested in their Address to you; And it is but fair to apprize you that it is My intention to submit a full statement of the whole of their Conduct towards Me, since the first Arrival of the Corps in this Colony to His Royal Highness The Prince Regent, thro' His Highness the Commander in Chief and His Majesty's Ministers.

Altho' the rule of exclusion, which the Officers of the 46th Regiment have thought proper to adopt in respect to the not admitting into their Society any Person who had the misfortune of having been once a Convict, is directly contrary to My principles of Justice, Humanity and Benevolence, still I admit that they possess the full right of making such a regulation for themselves, nor should I have ever interfered with any such Private rules of Conduct. But I cannot at the same time forbear to express My surprize and Astonishment at their presuming to prescribe Laws for such other Corps, as may succeed them in this Garrison, as well as in Anticipating the most perfect Approbation of His Royal Highness The Commander in Chief of the line of Conduct they have thus Adopted.

I have, &c.,

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

* Note 114.
Sir,

Sydney, 13th June, 1817.

It is peculiarly gratifying to Us to have been this day deputed by our Brother Officers to Convey to You their Warmest and most sincere Congratulations on the result of Yesterday's investigation.

Those false Malignant and Cowardly Attacks on your reputation, which appeared some time since, however they for a while might have interrupted our general happiness, We now beg to assure you never did Alienate that esteem and respect to which you have so strong a Claim from all who know you, and especially from Us who Act under your Command.

The recent disclosure of the Authors and the Concomitant Circumstances thereof, as now evident to the Public, have exalted you so far above the invidious designs of your enemies, have fixed you so permanently in Our Affection, and (in detecting the motives of the Anonymous Productions in Question) have afforded us so proud a Triumph that We hail the Opportunity to give Publicity to those Sentiments, which so Unanimously prevail among us. Publications, of such a Nature as those alluded to, are at best the secret Weapons to which the mean and timid Filchers of good Name resort for the gratification of Personal resentment, and by which they Covertly strive to Wound integrity.

These We perceive issuing from the Pen of Men so much Our Inferiors in Rank and Situation, that We know them not but among that promiscuous Class, which (with Pride We speak it) have been ever excluded from intercourse with Us. And here, Sir, allow Us still more to approve and applaud that System of exclusion, which even prior to Our Arrival in a Colony of this Description was wisely adopted, the Benefits of which We have reaped with Advantage to Ourselves as Officers and Gentlemen, and which, altho' it may have prompted the Malignity of those whom We have Kept Aloof, has established the Name of the 46th Regiment on a most respectable Basis. And, Sir, We presume that so Salutary a rule will obtain the most perfect Approbation of His Royal Highness the Commander in Chief, and be as tenaciously adhered to by every Regiment that may in Succession Compose this Garrison.

Had respectable Men been so far forgetful of their own Characters as to have descended to so Vile and mean a Practice as that of Anonymous Scurrility, or to have perverted Talents, bestowed on them for more useful purposes, to the degrading Work of dark Assassins, then indeed the subject now under our
1817. 25 July.

Address from officers to Molle on discovery of author of lampoon.

Consideration would be more grievous; but Here it is enough to Know the Men, their Origin and History, and the Venom of their libellous Pens becomes Absorbed in the Contemplation of each Contemptible Mevius in Satire.

We have considered, Sir, that the Arrows were not aimed at you alone, they were pointed no less at those who have the happiness to serve under your Command. The darling Object of their black Conspiracies was to Create among Us Feuds and Animosities, and thence was it Artfully Contrived, insidiously Whispered in your Ear, and Industriously propagated abroad, that the Authors were of our own Body. Can we sufficiently deprecate such Systematic Perfidy? let those, who basely promoted this Satanic fable in Order to destroy that Confidence so much the envy of the ignoble, now blush and hide their ignominious heads.

Each Machination has been foiled; each unprincipled Scheme has been supremely defeated.

An inviolable Friendship, a generous Reciprocality of feeling and interest now happily supersedes the temporary Ferment of Suspicion and distrust; and the "Wicked Wiles" are hurled back on the devoted Authors, as well as on the Instigators of and Connivers at the Calumny.

It is but Justice, Sir, to you (and here We reach a very pleas­urable part of the Communication We have been directed to make) to declare that even during the Period of that Suspicion, which had a foreign Birth, your Conduct towards One and All of Us exhibited you most Uniformly the Man of benevolent feeling of Justice and of Honor; Nor can a single instance be adduced of your having on that Account given pain to any individual of the Corps.

The Record of such Qualities of Mind sheds additional Lustre on Professional Honors; and We had insufficiently performed our Duty, had we omitted to give to this grateful Circumstance that Emphasis which is so justly due.

Henceforth We are Confident no hostile inventions can disturb that Union, which it will be our Zealous purpose to Cultivate and support; and the prospect of shortly quitting this (a Quarter in no point of View Congenial to Military feelings) will We hope afford us ample Opportunities to evince that Our Hearts steadily accompany you no less in the active Duties of Our Profession than they will keep pace with you in the Social Walks of Life, and in every wish for your domestic Felicity and Prosperity.

In the Name of the Officers of the 46th Regiment, &c., &c.,

E. SANDERSON, Capt. 46th Regt.
T. FORSTER, Surgeon 46th Regt.
GEORGE GRANT, Lieut. 46th Regt.

Certified to be a Correct Copy of the Original:—G. MOLLE, etc., etc.
Gentlemen,

Owing to the forgetfulness of My Servant, your Letter of yesterday was not put into My Hands till this Morning, a Circumstance I much regret as I should otherwise have availed Myself of the opportunity of Communicating My Reply when at the Mess.

You may be well assured that the discovery of the Authors and Abettors of those infamous and Malignant Libels, which occasioned such an interruption to our Cordial and Social intercourse, has been to Me One of the happiest Moments of My Life.

I feel it a Duty incumbent on Me to declare I shall ever deeply regret having for a Single Moment entertained the Suspicions I did in regard to those, under whose Garb I should have well known the Dagger of the Midnight Assassin or the Pen of the Anonymous Libeller never was Concealed.

The heartfelt Satisfaction, I now experience on this happy occasion, is much Augmented by your affording Me such a Proof of Personal Congratulation that, during the whole period of My labouring under the Demon of Suspicion, I never Conducted Myself towards you in any manner painful to your feelings, as Gentlemen, or derogatory to my Own Character as Commanding Officer of the Regiment. This is and ever will be a joyful reflection to Me and Mine.

With regard to the Authors and Abettors of the infamous Libels in question, I can but entertain Your Sentiments and consign them to the Contempt and Oblivion they Merit.

My feelings are now those of the Warmest hope and Confidence that, surrounded by you and My Brother Officers, our Hearts and Hands will ever be united in Friendship, Esteem and Emulation, equally Cordial in the hours of Private and Social intercourse, as distinguished in that Field, which our speedy removal from this Colony may afford us an Opportunity of enjoying.

I have, &c.,

G. MOLLE.

Certified to be a Correct Copy of the Original:—G. MOLLE, etc., etc.

Sir,

Sydney, 24th June, 1817.

1st. I have the Honor to acknowledge the receipt of Your Excellency's Letter of yesterday's date, transmitting Me Copies of two Letters, which have recently passed between the Officers
of His Majesty's 46th Regiment and Myself (as their Commanding Officer) upon the Subject of the late happy discovery of the Authors of those Anonymous Publications, which so grossly reflected Upon My Conduct and Character as an Officer and a Gentleman.

2nd. In the first place, I have the Honor Most respectfully to state for Your Excellency's information (and agreeable to your desire) that the Copies of the Two Letters, transmitted by Your Excellency to Me, are Word for Word the same as those which passed between the Officers and myself, and of which Copies have been Circulated by the Officers of the Regiment among their Friends for the purpose of giving Publicity to the discovery of the Anonymous Libellers in question, as well as to remove all Suspicion from the Corps.

3d. With regard to the intention of Printing the Letters in question, I disclaim All knowledge of such a Measure having been in Agitation till it was asserted by Your Excellency; nor should I have Consented to the Attempt being made, as I am fully aware the Press in this Colony is under Your Excellency's Control, and that the Printing of any Matter must first obtain Your Excellency's Sanction and Approbation.

4th. As it would appear that Your Excellency has been informed by some Officious Tale-bearer that a former Copy of the Letter in question (previous to that now made Public) was submitted to My Perusal, I have no hesitation in Openly avowing the truth of such report; but, as that Letter contained one Paragraph (And one only) that appeared to Me irrelevant, I requested it might be expunged; it was to the following Effect (for I returned the Letter) "that the Mess Table of the 46th Regiment was regarded as the Standard of Society in this Colony." I looked upon such a Declaration as an improper Assumption of the Mess, and it accordingly was expunged at my desire.

5th. I am free to Confess, with All due Deference towards Your Excellency, that no other part of the Letter in question struck Me as disrespectful or insubordinate towards Your Excellency; nor am I aware that the Officers of the 46th Regiment have in that Letter presumed to make Strictures on any Political Measure of this Government known to them, as having been sanctioned by the Right Honorable The House of Commons and by His Majesty's Ministers, and consequently acted upon and adopted by Your Excellency as a general rule and example for the Colony.

6th. Your Excellency has been Pleased to admit that the Officers of the 46th Regiment have the full right to adopt such rules of exclusion in regard to their Society (as a Corps) as they may deem proper. The Mess of the 46th Regiment have done no
MACQUARIE TO DUKE OF YORK. 457

more, nor have they (with all due respect to Your Excellency's opinion) in My Mind assumed to themselves the right to prescribe Laws for the Society of other Corps's, that may succeed them in this Colony, nor dared to Anticipate with a tone of arrogance "the most perfect approbation of His Royal Highness The Commander in Chief" of the line of Conduct they have thus adopted. Their expressions are "and, Sir, We presume," etc., which I only construe into the hope and far from dictatorial Confidence.

7th. Your Excellency has been Pleased to acquaint Me that you think it but fair to apprize me, that it is your intention to submit a full statement of the whole of the Conduct of the Officers of the 46th Regiment towards you, since the first Arrival of the Corps in this Colony, to His Royal Highness The Prince Regent through His Royal Highness The Commander in Chief and His Majesty's Ministers."

8th. Upon this (to Me most surprizing part of Your Excellency's Letter), I have to observe that I cannot conjecture the Grounds or foundation of such a report as the above, which can occasion the framing or transmission of it by Your Excellency to the Throne, either against Myself, or the Officers of the 46th Regiment. For myself, I Challenge the fullest investigation of My Own Conduct, Public or Private, towards Your Excellency, since my having the honor of being under Your Excellency's Command; and for the Officers of the Regiment (whatever may have been their Private feelings towards Your Excellency), I can aver that they never evinced before Me the smallest disrespect towards Your Excellency in the high situation you fill in the Colony. I must here beg leave to call to Your Excellency's recollection My Conduct, as Commanding Officer, in regard to the disrespect shown to Your Excellency by Ensign Bullivant.

9th. I am therefore Most respectfully to hope that Your Excellency may have been misinformed as to those parts of the Conduct of the Officers of the 46th Regiment, which have now called forth so severe a reprobation from Your Excellency, and intended to be made the matter of Official Report to the Throne, the more especially at a Moment, when (as far as Private intelligence from England goes) the stay of the Corps in this Colony is so nearly drawing to a Conclusion.

10th. It is but a proper respect I owe to Your Excellency to acquaint you that I shall consider it My duty, and a justice I owe to Myself and the Officers I have the honor to Command, to transmit the Correspondence that has passed or may pass between us to His Royal Highness, The Prince Regent, through His Royal Highness, The Commander in Chief, and His Majesty's Ministers,
1817.
25 July.

Criminal information to be laid against D. Wentworth.

1817.
25 July.

G. MOLLE,
Lieut.-Governor, N. S. Wales, and Lieut. Col. 46th Regiment.

[Enclosure No. 5.]

GOVERNOR MACQUARIE TO COLONEL MOLLE.

Sir,
Government House, Sydney, 25th June, 1817.

I have the Honor to acknowledge the receipt of your Letter of yesterday’s date. Your explanations, in respect to the Letter addressed to you by the Officers of the 46th Regiment under date the 13th instant, being by no means satisfactory, I must still adhere to the Resolution I had formed of transmitting Home a statement of their Conduct to be Humbly submitted to the gracious Consideration of His Royal Highness, The Prince Regent, through the proper Channels; and I shall take an Opportunity, as soon as I have leisure to draw them up, of sending you, for your own and their information, Heads of the Accusations I intend to exhibit against the Officers of the 46th Regiment generally, which I consider as insubordinate or disrespectful to Myself Personally. I shall take especial care on My own Account to advance Nothing but strong facts, which both you and they must acknowledge to be such. I must at the same time declare in Justice to those particular Gentlemen that there are several Officers in the 46th Regiment, for whom I entertain a high respect and Esteem, and with whom I have no fault to find, except in as far as they may have Concurred in the Sentiments contained in their Letter to you of the 13th instant already pointed out by Me as Offensive and Irrelevant.

I can have no possible Objection to Your transmitting Home, to be laid at the foot of the Throne, Copies of all the Correspondence that has already taken place between you and Me, and indeed I think you do perfectly right to do so.
In reply to the Communication you have been Pleased to make to Me as to your intentions respecting Mr. Wentworth, the Superintendent of Police, I have no observation to make.

I have, &c.,
L. MACQUARIE.

[Enclosure No. 6.]

GOVERNOR MACQUARIE TO COLONEL MOLLE.

Sir, Government House, Sydney, 4th July, 1817.

In pursuance of the Communication, I had the honor to make to you in My Letter under date the 25th Ultimo, I now transmit you herewith, for your own information and that of the Officers concerned, a Copy of the Charges, which I intend to prefer against the Officers of the 46th Regiment and to have laid at the Foot of the Throne thro' the Medium of His Royal Highness The Commander in Chief of the Forces and His Majesty's Secretary of State for the Colonies.

I most sincerely lament that there should be a Necessity for My resorting to so Solemn and Serious a Measure, as that of exhibiting Charges of so serious a Nature against the Officers of the 46th Regiment and laying the same at the foot of the Throne, the more especially as it is probable that that Corps will be removed from this Colony in the course of a few Months. But the sacred Duty, I owe to My Sovereign and My Country, and the due support of Discipline and Subordination of the Troops serving Under My Command, together with the Duty I owe to My Own Personal Character and high Station in this distant Colony, alike imperiously Compel Me to make this Solemn Appeal to the Throne, as the only Tribunal Competent to decide finally on the Conduct of the Officers of the 46th Regiment towards Me, as the Representative of Majesty, their Governor in Chief, and Commander of the Forces in this Country.

In respect to your own Conduct as Commanding Officer of the 46th Regiment, I have no Comments to make, further than that I cannot but highly disapprove of your having received from the Officers of the 46th Regiment the Letter, they addressed to you under date the 13th of last Month, Containing Sentiments of such insubordinate Tendency and of disrespect to Me, as I conceive it was your Duty to return that Letter to them with suitable Animadversions on all those Objectionable parts that were Irrelevant to the principal Avowed object of their Address of Congratulation to you, as well as disrespectful to Me in indirectly Censuring My Public Political Measures.

I have, &c.,
L. MACQUARIE.
1817.  
25 July.  

Charges preferred by Macquarie against the officers of the 46th Regiment.  

1st Charge.—For Insubordinate and highly disrespectful Conduct in Maliciously Animadverting on and severely censoring the Public Measures of Major General Macquarie, as Governor in Chief and Commander of the Forces in New South Wales in the Administration of the Affairs of this Colony, at their Public Mess Table, and making a frequent Practice of the same, with the view apparently to prejudice him in the Public Mind and bring Odium and Contempt on his Government; Such Conduct being highly incompatible with their Duty to him, as Governor in Chief and Commander of the Forces in this distant Colony, and subversive of good Order and Military Discipline.

2d Charge.—For Conniving at and sanctioning a Most daring, insolent and disrespectful Act of insubordination, Committed by Ensign Bullivant of the 46th Regiment (as Attested by his Own subsequent Confession) in drawing or Painting on the Inner Wall of the Officers’ Room in the Main Guard House at Sydney a certain Caricature likeness of the Governor in Chief and Commander of the Forces with Opprobrious Mottoes and Scurrilous Epithets, attached thereto, with the apparent View of bringing Contempt and Ridicule on the Governor and Commander of the Forces; the said Caricature having been allowed to remain on the Wall of the said Room for several Successive days with the knowledge of the several Officers of the 46th Regiment, who successively Mounted the Main Guard after Ensign Bullivant, as well as with the knowledge of other Officers of the Corps, who visited the Officers on Duty at the Main Guard, without attempting to remove the said Caricature, until the Circumstance happened to be reported by an Officer of the Corps to Colonel Molle, who then ordered it to be Erased from the Wall; Such Conduct in the Officers of the 46th Regiment being highly disrespectful to the Governor in Chief and Commander of the Forces, and Subversive of good Order and Military Discipline.

3d Charge.—For declining to Dine with the Governor in Chief and Commander of the Forces at Government House, when invited to do so in Writing, without assigning any reason for not Accepting the said invitations; such Conduct being highly disrespectful to Him as their Governor in Chief and Commander of the Forces.

4th Charge.—For highly insubordinate and disrespectful Conduct to their Governor in Chief and Commander of the Forces in having, in a late Address or Letter, presented to their Commanding Officer Colonel Molle, presumed to Censure (tho’ in an
indirect Way) a Political Measure, long since adopted and Acted on by the Governor in Chief for the benefit and improvement of the great Bulk of the Inhabitants of this rising Colony, altho' Sanctioned by The Honorable The House of Commons and approved of by His Majesty's Ministers; Such Conduct in the Officers of the 46th Regiment tending to disturb the Tranquility of the Colony by Creating Invidious distinctions, divisions and Animosities in the Society thereof, and being also Subversive of good Order and Military Discipline.

5th Charge.—For presuming to Anticipate in their Address to Colonel Molle, herein alluded to, the perfect Approbation of His Royal Highness The Commander in Chief of the "Salutary Rule" (as they term it) they had made, even prior to their Arrival in this Colony, of excluding from their Society and intercourse that Class of Persons, Who had ever been Convicts, thus plainly, tho' indirectly, Condemning the Conduct of their Governor in Chief and Commander of the Forces for having adopted a different line of Conduct.

6th Charge.—For presuming to Anticipate in their late Address to their Commanding Officer, Colonel Molle, that the Rule of Exclusion, adopted by them with regard to Persons who have ever had the Misfortune of being Convicts, will "be as tenaciously Adhered to by every Regiment that may in Succession Compose this Garrison," thereby prescribing Laws and Rules of private Conduct for such Corps as may succeed the 46th Regiment in this Colony.

7th Charge.—For highly insubordinate Conduct in Arrogating to themselves the extraordinary Power and Right of Resolving and making it a Rule "that the Mess Table of the 46th Regiment was Regarded as the Standard of Society in this Colony," thereby treating with insolence and Contempt their Governor in Chief and Commander of the Forces, and Virtually declaring his Table and Society to be not only inferior to their Own, but also improper and discreditable, Such Conduct and the expression of such insubordinate Sentiments being Subversive of all good Order and Military Discipline.

L. MACQUARIE.
Government House, Sydney, New South Wales, 4th July, 1817.

[Enclosure No. 8.]

COLONEL MOLLE TO GOVERNOR MACQUARIE.

Sir,

Sydney, 5th July, 1817.

I have the Honor to acknowledge the Receipt of Your Excellency's Letter of yesterday's date, transmitting Certain charges intended to be preferred by Your Excellency against the Officers of the 46th Regiment generally.
I shall not presume to remark upon the Charges in Question to Your Excellency; but I deem it My Duty respectfully to transmit for Your Excellency's information a Copy of My Address to the Officers of the Corps, whom I Assembled this Morning for the purpose of Communicating to them the Charges intended to be preferred against them by Your Excellency.

I shall of course make the same Communication to the Officers, who Are Absent on Leave, the Moment they return to Head Quarters.

I have, &c.,

G. Molle,

[Enclosure No. 9.]

COLONEL MOLLE'S ADDRESS TO THE OFFICERS OF THE 46TH REGIMENT.

Sydney, New South Wales, 5th July, 1817.

At a Meeting of the Officers of the Mess of the 46th Regiment, Assembled by Order of Colonel Molle, Commanding the Regiment, the Officers Were Addressed by him as follows:—

Gentlemen,

I have already Apprized you that it has been Signified to Me by His Excellency Governor Macquarie, Commander in Chief in this Colony, that it was his intention to prefer Certain Charges against the Officers of the 46th Regiment Generally.

I have now the Honor to acquaint you that I have received a Letter and a Copy of those Charges from His Excellency; and, as no particular Officer or Officers are exempted from those Charges, I am to desire that each Officer present will from My reading take a Copy of them for the Sole and Special purpose of making a Reply to Me, their Commanding Officer, either in extenuation or refutation of All or part of those said Charges, in as far as each Officer may feel himself Personally and Individually implicated.

My Motive for thus acting, Gentlemen, is that I feel it an imperious Duty, both to You and Myself, to possess such Documents for the purpose of Humbly transmitting the same for the information and Gracious Consideration of His Royal Highness The Prince Regent through His Royal Highness The Commander in Chief. I do this principally as, from Our probable Short stay in this Colony, No Public Investigation before a proper Military Tribunal can possibly take place; And, should No explanation of or Reply to the Charges now in Question be sent Home, those Charges would of course carry with them their full Force. The hitherto Unblemished Character of the Corps.
might be blasted, and the Hopes and Prospects, Gentlemen, of rising in Our Profession might eventually be for ever ruined and undone.

G. MOLLE,
Lieut. Colonel Commanding 46th Regt. and Colonel.

[Enclosure No. 10.]

GOVERNOR MACQUARIE TO COLONEL MOLLE.

Sir,
Government House, Sydney, 6th July, 1817.

I have the Honor to acknowledge the Receipt of your Letter of yesterday's date, in Reply to Mine of the 4th Instant, and transmitting Me a Copy of Your Address to the Officers of the 46th Regiment, whom you had Assembled yesterday for the purpose of Communicating to them the Charges I intend to Exhibit against them Generally.

I have, &c.,
L. MACQUARIE.

[Enclosure No. 11.]

GOVERNOR MACQUARIE TO COLONEL MOLLE.

Sir,
Government House, Sydney, 14th July, 1817.

Having ever been Unwilling to resort to harsh Measures, except in extreme Cases where a Sense of Public Duty imperiously imposed such a necessity upon Me, and having no desire to injure even those who Manifest a Disposition to Counteract and Condemn My Public, Political Conduct and Measures (for I trust My Private Conduct and Principles are beyond the reach of even the most inveterate Malice), I should be extremely sorry, if I could possibly avoid it Consistently with the Duty I owe to My Sovereign and My Own Public Character, to adopt any Measure which might eventually injure the Promotion or future Prospects in Life of the Officers of the 46th Regiment, either Collectively or Individually.

I have therefore to Signify to you for their information that, however much I may feel Myself Aggrieved by their Conduct, and to Convince them that I am not Actuated by a spirit of Revenge or Malice, I am willing to withdraw the Charges, I lately preferred against them Generally, and to bury every thing that is past in Oblivion, On Condition that they shall forthwith recall All the Copies of their late Letter of Congratulation to You, which they have Circulated amongst their Friends and Acquaintances, expunge therefrom the Objectionable parts, which by implication reflect on and Censure indirectly My Public, Political Conduct and Measures, and then Address such Amended Letter to you, sending Me an Attested Copy thereof.

This Proposition being Just and Reasonable, as well as perfectly Compatible with their Honor as Officers and Gentlemen, I
trust it will be readily and without hesitation Complied with; and, if so, I shall require no other explanation or Apology, and shall immediately withdraw the Charges I lately forwarded Officially to You.

But in the event of the Officers of the 46th Regiment declining to Comply with this Proposition, I shall be under the painful Necessity of prosecuting My Original intention of respectfully submitting their Conduct to the Gracious Consideration and Decision of His Royal Highness The Prince Regent.

I have to request you will, as soon as practicable, Assemble the Officers of the 46th Regt. and Communicate to them the Contents of this Letter, giving them Twenty four Hours to consider the Proposition, now made to You and through you to them, and inform Me of the Result as soon afterwards as you Conveniently can.

I have, &c.,
L. MACQUARIE.

[Enclosure No. 12.]

COLONEL MOLLE TO GOVERNOR MACQUARIE.

Sir, Sydney, 15th July, 1817.

I have the Honor to acknowledge the receipt of Your Excellency's Letter of Yesterday, and, agreeable to your desire, Communicated the same to the Officers of the 46th Regiment at present with Head Quarters, and beg leave to transmit their reply to me for Your Excellency's information and favorable Consideration.

As Commanding Officer of the 46th Regiment, I feel it My Duty to declare that I entirely agree in Opinion with the Declaration and Sentiments expressed by the Officers, And Most Humbly and Respectfully have to hope that Your Excellency will be Pleased to accept of this our Sincere and Unequivocal declaration, and that every thing that is past will be buried in Oblivion.

I have, &c.,
G. MOLLE, Col. Comm'g, 46th Regt.

[Enclosure No. 13.]

OFFICERS OF THE 46TH REGIMENT TO COLONEL MOLLE.

Sir, Sydney, 15th July, 1817.

The Communication from His Excellency Major General Macquarie, Governor, Commander of the Forces, etc., etc., etc., of the 14th Inst., has in Conformity to Your desire (as expressed yesterday at a Meeting of the Officers) been Maturely Considered. Conscious of the Integrity of that Address, which has unhappily caused His Excellency's displeasure, We deeply regret that We cannot embrace the Suggestions contained in his Letter in their fullest extent, however anxious We may be to meet the wishes or satisfy the Feelings of His Excellency.
With great Deference for His Excellency's Opinion, We think the recall of Our Address or any Expunging therefrom Would be inconsistent and derogatory to Our Characters.

But Prompt to Comply with His Excellency's Proposition, as far as may be Compatible with Our Honor, We Most Respectfully Crave Permission to Make this Solemn and Unequivocal assurance, on the Words and Honor of Officers and Gentlemen, that Neither directly nor indirectly was it designed or intended in that Address to Animadvert on the Political Measures of His Excellency, nor was any Allusion therein Contemplated, nor purpose held, to Convey such Sentiments As We lament to think His Excellency has deemed Us Capable of entertaining towards His high Rank and Public Station.

We Most Unfeignedly declare that, in the whole of that Address, We were solely Actuated by Our Private Feelings of respect and Esteem towards you, as Our Commanding Officer, called forth by the Authors of a libel, the Odium of which had been Cruelly fastened on Certain Officers of the Corps.

And We Humbly presume to hope that His Excellency will be Pleased to Accept these Our Protestations, to which (if they may remove from his Mind those unfavorable Impressions) in Addition to the Satisfaction we shall then experience, it will be equally our Wish to give every possible Publicity.

We have, &c,

E. Sanderson,   Captain.  D. L. Cox,  Lieut.
T. Miller,      Captain.  G. W. Reveley, Lieut.
T. Thompson,    Captain.  J. Madigan,  Adj.
B. G. Humphrey, Captain.  C. B. Orange, Ens.
Chas. Higgins,  Lieut.  H. McDonald,  Qr. Mr.

Certified to be a true Copy:—G. Molle, etc., etc.

[Enclosure No. 14.]

CAPTAIN GILL TO COLONEL MOLLE.

Sir,

Sydney, 15th July, 1817.

Being Called on to state My reasons for not giving My Signature to a Letter to be addressed to you, and by you to His Excellency Governor Macquarie, Commander of the Forces, by the Officers of the 46th Regiment, in Reply to a Letter addressed to you of yesterday's date;

In Consequence of the high Esteem and Friendship, I entertain for His Excellency Governor Macquarie, together with the Confidential Situation I have the Honor to hold under him, I deeply lament that Certain Passages in that Address should have

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[Enclosure No. 15.]

GOVERNOR MACQUARIE TO COLONEL MOLLE.


I have the Honor to acknowledge the Receipt of your Letter of the 15th instant, transmitting to Me One of the same date, addressed to you by the Officers of the 46th Regiment, now present at Head Quarters, in reply to the Communication I made you under date the 14th instant.

I have to lament that, whilst the Officers of the 46th Regiment shew themselves extremely tenacious of every thing, which touches their Own Feelings, they appear totally regardless of Mine; and I cannot forbear expressing My surprize and extreme regret that they should have hesitated to embrace the Conciliatory Proposition, conveyed to them thro' you in My Communication above referred to, there being Nothing in that Proposition either inconsistent with or derogatory to their Honor or Feelings as Officers or Gentlemen; for I must ever remain Unalterably of Opinion that their Address to you, of date 13th Ultimo, Contained matter not only Irrelevant to the avowed Subject thereof, but of a Tenor indirectly Censuring My Conduct, and consequently that it was highly Unjustifiable in them, as a Military Body serving Under My Command, to give Publicity to such Sentiments; And I must Add that I feel greatly surprized at your Concurring in such Sentiments, and approving of their having declined to withdraw that Address and expunging from it those objectionable Parts, which I felt so justly offended at.

Nevertheless, as I still feel the same Sentiments of Reluctance, which I have already avowed, to follow up a Measure that may eventually injure the Officers of the 46th Regiment, and at the same time sensibly alive to the General Interests of His Majesty's Service, I am willing to withdraw the Charges I lately preferred against them through you, as soon as All the Officers (with the exception of Captain Gill and Lieut. Watts), belonging to the Corps now stationed at Port Jackson, shall have signed the Declaration of date 15th Instant, transmitted to Me in your Letter of the same date, which declaration I now return you for this purpose, requesting you will send it back to Me after all the Officers now Absent shall have returned to Head Quarters and Signed it.
It is however proper to apprize you and the Officers of the 46th Regiment that I must reserve to Myself the right of sending Home the whole of this Correspondence, as originally intended, in the event of the Letter of Congratulation to ycu of date 13th of last month obtaining further Publicity here or elsewhere in Print, either in Newspapers or Hand Bills.

In Concluding this Letter, I cannot forbear noticing the latter part of the 5th Paragraph of the Letter, addressed by the Officers of the 46th Regiment to you under date the 15th Inst. and transmitted to Me by you, Namely “The Odium of which had been Cruelly fastened on certain Officers of the Corps.” I could wish to have an explanation of this Passage, as I am greatly at a loss to know its Allusion, or why it is introduced in that Declaration. If it be meant to insinuate that I Personally had Cruelly fastened the Charge upon them of having been the Authors of the Malicious Libel in Question, they do Me the utmost injustice indeed; for I utterly disclaim having done or attempted to do so, tho’ I am indeed free to confess that, in Common with yourself who might be supposed to have obtained better information on that subject than I could have had, I did suppose, in Common with most other People, it had been Written, as suggested by yourself, by some Officer in the 46th Regiment, but certainly never considered the Matter of that importance to induce Me to take the Pains or Trouble of impressing such a Suspicion on your Mind, which appeared to Me to be Confirmed in the Belief that the Libel in Question was written by some Officer in your Own Corps. This must be evident from the very strong and extraordinary Step you thought proper to adopt in the early Stage of this Business by searching and examining the Escritoirs and Papers of all the Officers of the Corps, in hopes of finding this Libel in some of them; such a Suggestion could never have been made to you by any Reasonable Person and certainly never was made by Me.

The Officers in their Address of Congratulation to you having dwelt and laid much Stress on your being impressed by others with Suspicions of them, and as they may perhaps have intended to include Me in that Number, I felt it necessary to make the foregoing Observations in order to remove from their Minds any illiberal unfounded Suspicion they may yet entertain to that effect.

Requesting you will be Pleased to Communicate the Contents of the Letter to the Officers of the 46th Regiment.

I have, &c.,

L. Macquarie.
1817.
25 July.

[Enclosure No. 16.]

COLONEL MOLLE TO GOVERNOR MACQUARIE.

Sir, Sydney, 19th July, 1817.

I have the honor to acknowledge the Receipt of Your Excellency’s Letter of the 17th Inst., transmitting the Letter from the Officers of the 46th Regiment (under date the 15th inst. and addressed to Me) for the purpose of having the Signatures of those Officers, who were Absent, Affixed to it.

I now beg leave to return the Letter (under date the 15th instant) together with a Joint Letter addressed to Me by those Officers (excepting Mr. Pay Master Campbell, who is still Absent) in which they assign their reasons for declining to Sign the Letter in Question.

Your Excellency’s Letter of the 17th Instant has also been Communicated by Me to the whole of the Officers (with the exception of Captain Gill and Lieut. Watts) now present at Head Quarters, and this Reply is Jointly in their Name and My Own.

I am therefore to express in the Most Respectful Manner to Your Excellency Our deep and unfeigned regret that the Sentiments and Solemn Protestations contained in those Letters (from Myself and the Officers under date the 15th instant) have not proved satisfactory, but on the contrary would appear to be totally discredited by Your Excellency.

Under this impression, I am in the Name of the Corps Most respectfully to state to Your Excellency that it is now our Anxious wish and Request that the whole of the Charges in Question should undergo every Investigation Your Excellency may deem proper. I have, &c.,

G. MOLLE,
Lt. Col. Comm’g 46th Regt. and Colonel.

[Enclosure No. 17.]

OFFICERS OF THE 46TH REGIMENT TO COLONEL MOLLE.

Sir, Sydney, 19th July, 1817.

In Compliance with your desire that We should state in Writing our Reasons for declining to Affix Our Signatures to the explanatory Letter, written by the Officers of the 46th Regiment to His Excellency Major General Macquarie, respecting certain parts of the address sent by the Regiment to yourself, and which His Excellency seemed to think alluded to Political Measures adopted by him, We here declare that every part of that Letter meets with our warmest Concurrence, and We should not have had the slightest Objection to sign it, had We been at
Head Quarters, when the Letter in question was Written; but, as you have since our return Communicated a Letter to Us from His Excellency, in which (although His Excellency accepts the explanation offered by the Officers) yet at the same time he declares that his opinion on certain parts of the Address is still the same and will remain Unalterably fixed, so this Declaration prevents our Complying with your Request; as, in our humble opinions, We cannot See the Utility or Necessity of Our signing a Paper, when His Excellency so decidedly declares his disbelief of certain parts which His Excellency conceived Alluded to himself, which parts were most positively disavowed by the Officers of the Corps. We trust, Sir, you will deem this reason sufficiently strong to Authorize our declining to Affix Our Signatures to that Letter, which, allow Us again to Assure You Sir, Meets with our entire Sanction and Approbation.

We have, &c.,

A. Campbell, Lieut. 46th Regt.
Geo. C. Grant, Lieut. 46th Regt.
T. Purcell, Lieut. 46th Regt.
E. Cam McPherson, Lieut. 46th Regt.

Certified to be a True Copy:—G. Molle, etc., etc.

[Enclosure No. 18.]

Governor Macquarie to Colonel Molle.


I have the Honor to acknowledge the receipt of Your Letter of the 19th Inst. with its Accompanying Documents.

All My Conciliatory Propositions, made through you to the Officers of the 46th Regiment to bring them to a just and proper Sense of the Respect and Obedience they Owe to Me, as the Representative of Majesty, Governor in Chief and Commander of the Forces in this Country, having proved ineffectual, it only remains for Me to lay the Original Charges, with the whole of the Correspondence that has taken place, at the Foot of the Throne, which I shall do with the less reluctance from the pressing Requisition made by you in the Name of the Officers of the 46th Regiment in your last Letter to Me.

As the Papers, you have transmitted from the Officers of the 46th Regiment, neither Come up to the Terms of Accommodation proposed in My Letter of the 14th, or even to the more qualified Terms of My Letter of the 17th instant, I cannot consider it necessary to Retain them further, and therefore now Return them to you. I must however request to be favored with Copies...
of them, Attested by yourself, in order to complete the Series of the Correspondence that has taken place, and which I purpose sending Home.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 19.]

COLONEL MOLLE TO GOVERNOR MACQUARIE.

Sir, Sydney, 22nd July, 1817.

I have the Honor to acknowledge the Receipt of Your Excellency's Letter of the 21st instant, and herewith transmit Attested Copies of the Documents required by Your Excellency.

Upon a Mature Re-Perusal and Consideration of Your Excellency's Letter to Me of the 17th Inst., I remark that the 4th and 5th Paragraphs would appear to arise out of the latter part of the 5th Paragraph of the Letter from the Officers under date the 15th Instant.

In explanation therefore of the Expressions Alluded to by Your Excellency, I have desired that a Letter should be written by a Committee of Officers in the Name of the Corps, And Now beg leave to transmit it for Your Excellency's information.

I have also to state that, upon further Mature Consideration of Your Excellency's Letter of the 17th Instant, I feel myself Compelled to observe that (in My Humble Opinion) it was totally uncalled for on the part of Your Excellency to touch upon an occurrence (which Your Excellency well knows I sincerely and deeply regretted), the Recollection of which was Mutually Agreed upon between the Officers of the 46th Regt. and Myself (the only Persons I should presume interested in the Business) to be for ever buried in Oblivion.

As Your Excellency, however, has thought proper to revive this painful Subject, not altogether Correctly, as I neither "Searched" nor "examined" (in a Manner that Your Excellency's Letter would Convey) the "Escritoirs or writing Desks" of the Officers (for they were All most ready and Willing of themselves to Show that My Suspicions of them were ill founded); And, as Your Excellency has also been Pleased to entitle the Act in Question to have been that, which "No Reasonable Man would have Suggested" (in which I perfectly agree, as I am free to Confess My State of Mind at the Moment was almost distracted), And as the Circumstance will now meet the Observation of the August Personages, this Correspondence may be laid before (for which purpose I must say it would appear to have been introduced, or to excite painful Recollections by reviving what was forgotten), I shall feel it a Justice I owe to Myself and the Officers of the 46th Regiment to transmit a full Explanation of the Occurrence in
Question, In Order to do away the very unfavorable Impressions, which such an Unprecedented Measure would Otherwise Create in the Minds of the August Personages Alluded to.

I have, &c.,
G. Molle,
Lt. Col. Comm'g 46th Regt. and Colonel.

[Enclosure No. 20.]

OFFICERS OF THE 46TH REGIMENT TO COLONEL MOLLE.

Sir, Sydney, 22nd July, 1817.

In Conformity to your desire that We (as a Committee) should in the Name of the Corps give explanation on the expressions contained in our last Communication to You of the 15th inst. Vizt. “The Odium of which had been Cruelly fastened on certain Officers of the Corps.” We have to Observe that the Allusion was General, There having been an apprehension that it had been impressed on your Mind by evil intentioned Persons; And We know that it was industriously Circulated throughout the Colony that the libel had been written within these Walls. But We are surprized His Excellency should have drawn the inference of Personal Application.

We are disinclined to throw back our Recollections to that Gloomy Period, when Suspicion might have effected Our Ruin, And, but for that Discretion which prevailed in the Corps, would have caused a distraction that might have been fatal to many of Us.

The Officers, on whom the Odium had been fixed, were Captain Sanderson, Lieutenants Grant and Parker.

We take this Opportunity to lament at perceiving, in His Excellency’s Letter of the 17th inst., a Recurrence to a Circumstance, which, with feelings of a Sympathetic Kind towards you (when, from the Cruelty of the Attack made on your Character, you had nearly lost the Government of yourself) had been by the Wish and Consent of all Consigned to Oblivion, We allude to the Paragraph of His Excellency’s Letter relative to the “Escritoirs and Writing Desks.”

We have, &c.,

J. McKENZIE, Major 46th Regt.
E. SANDERSON, Captn. 46th Regt.
T. FORSTER, Surgeon 46th Regt.

Certified to be a True Copy:—G. Molle, etc., etc.

[Enclosure No. 21.]

ENSIGN BULLIVANT TO COLONEL MOLLE.

Sir, Barracks, 23rd July, 1817.

Whilst I acknowledge that I am the Author of a Caricature, which lately appeared and had been drawn by Me on the
Wall of a Room in the Main Guard House at Sydney, representing the Figure of His Excellency The Governor and Commander in Chief of this Territory, I solemnly and sincerely declare that I meant no insult or disrespect to nor Contempt of His Excellency, and that I only drew or Sketched the said Figure on the Wall for Amusement in a Moment of thoughtless Levity.

I also declare that I never did entertain any opinion prejudicial to the Public or Private Character of Governor Macquarie.

I Consequently have no hesitation in expressing thus Publicly My sincere Contrition and Sorrow for having been inadvertently betrayed into so unjustifiable and highly improper an Act, as the drawing or Sketching of the Caricature, herein alluded to, declaring at the same time that I am not Myself the Author of the Label written over the said Caricature, nor do I know who wrote the Label.

I have therefore to express my Humble and earnest hope that His Excellency the Governor will Accept this My Apology for the Offence, I have Committed, and which Apology I make with perfect Sincerity in the Presence of My Brother Officers, requesting that the same may be submitted and delivered to His Excellency by Col. Molle.

I have, &c.,

C. BULLIVANT.

Read by Ensign Bullivant before All the Officers of the Mess, Assembled by Me,

G. MOLLE, etc., etc. Sydney, 23d July, 1817.

[Enclosure No. 22.]

THE DEPOSITION OF ENSIGN BULLIVANT.

Charles James Bullivant of Sydney in the Territory of New South Wales, Maketh Oath and Saith, that He this Deponent did of his own Motion, Volition and purpose, without any Communication, Interference, Persuasion or influence, directly or indirectly by, with, through, from or on Account of His Excellency Governor Macquarie, Write a certain Letter, bearing date the fifteenth day of July instant, and hereunto Annexed, Marked A, purporting to be addressed "To His Excellency Governor Macquarie, etc., etc., etc." Sydney; And that He, this Deponent, did also write a certain Letter purporting to be the Copy of a certain Letter, dated the fourteenth day of July instant, and to be addressed to Captain Sanderson, 46th Regiment, and hereunto Annexed, Marked B; And this Deponent further Saith that He, this Deponent, caused the said Letters, as above Specified and Marked respectively A and B, to be transmitted and forwarded to His Excellency Governor Macquarie on the day the Letter.