[Enclosure No. 6]—continued.

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, &c.—continued.

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputcy Commissary General</td>
<td>162</td>
<td>12</td>
<td>190</td>
<td>79</td>
<td>365</td>
</tr>
<tr>
<td>Assistant Commissary General</td>
<td>94</td>
<td>2</td>
<td>96</td>
<td>17</td>
<td>132</td>
</tr>
<tr>
<td>County General</td>
<td>73</td>
<td>1</td>
<td>94</td>
<td>12</td>
<td>150</td>
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<tr>
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<td>20</td>
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<td>17</td>
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<td>142</td>
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<td>328</td>
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<td>24</td>
<td>1</td>
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<td></td>
<td>91</td>
<td>0</td>
<td>91</td>
<td>0</td>
<td>182</td>
</tr>
<tr>
<td></td>
<td>152</td>
<td>0</td>
<td>152</td>
<td>0</td>
<td>304</td>
</tr>
<tr>
<td></td>
<td>1949</td>
<td>0</td>
<td>1949</td>
<td>0</td>
<td>3898</td>
</tr>
<tr>
<td>Total</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>600</td>
</tr>
</tbody>
</table>

General return of inhabitants 12 Dec. 1817.
A General Statement of the Land in Cultivation, etc. The quantities of Stock, etc., as accounted for at the General Muster in New South Wales, taken by His Excellency Governor Macquarie and Deputy Commissary General Allan, commencing the 6th October and finally closing the 25th November, 1817, inclusive, with an exact Account of the same at Van Dieman's Land.

<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 and Orchard</th>
<th>Cleared Ground</th>
<th>Total Held</th>
<th>Horses</th>
<th>Horned Cattle</th>
<th>Sheep</th>
<th>Hogs</th>
<th>Bushels of Wheat</th>
<th>Maize</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Crown</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>140</td>
<td>2,797</td>
<td>1,150</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>At Sydney</td>
<td>725</td>
<td>819</td>
<td>20</td>
<td>16</td>
<td>15</td>
<td>67</td>
<td>205</td>
<td>8,320</td>
<td>72,649</td>
<td>864</td>
<td>8,910</td>
<td>6,611</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>, Parramatta</td>
<td>1,856</td>
<td>4,433</td>
<td>86</td>
<td>6</td>
<td>41</td>
<td>81</td>
<td>240</td>
<td>9,240</td>
<td>78,542</td>
<td>665</td>
<td>9,138</td>
<td>31,791</td>
<td>...</td>
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<td>...</td>
</tr>
<tr>
<td>, Windsor</td>
<td>8,862</td>
<td>5,610</td>
<td>428</td>
<td>91</td>
<td>22</td>
<td>117</td>
<td>245</td>
<td>17,068</td>
<td>46,222</td>
<td>733</td>
<td>5,265</td>
<td>13,865</td>
<td>...</td>
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<tr>
<td>, Liverpool</td>
<td>2,980</td>
<td>817</td>
<td>75</td>
<td>32</td>
<td>25</td>
<td>66</td>
<td>156</td>
<td>8,280</td>
<td>32,028</td>
<td>432</td>
<td>7,291</td>
<td>12,067</td>
<td>...</td>
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<td>...</td>
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<tr>
<td>, Newcastle</td>
<td>24</td>
<td>35</td>
<td>18</td>
<td>3</td>
<td>4</td>
<td>8</td>
<td>92</td>
<td>92</td>
<td>8</td>
<td>230</td>
<td>600</td>
<td>...</td>
<td>...</td>
<td>130</td>
<td>35</td>
</tr>
<tr>
<td>Van Dieman's Land</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hobart Town</td>
<td>2,774</td>
<td>...</td>
<td>141</td>
<td>...</td>
<td>101</td>
<td>202</td>
<td>3,218</td>
<td>3,218</td>
<td>170</td>
<td>8,791</td>
<td>78,101</td>
<td>1,552</td>
<td>...</td>
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<td>...</td>
</tr>
<tr>
<td>Port Dalrymple</td>
<td>1,242</td>
<td>...</td>
<td>79</td>
<td>...</td>
<td>87</td>
<td>22</td>
<td>1,852</td>
<td>1,852</td>
<td>51</td>
<td>2,325</td>
<td>26,135</td>
<td>646</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Total</td>
<td>18,462</td>
<td>11,714</td>
<td>876</td>
<td>156</td>
<td>294</td>
<td>569</td>
<td>173</td>
<td>47,564</td>
<td>224,003</td>
<td>3,072</td>
<td>44,753</td>
<td>170,020</td>
<td>17,882</td>
<td>2,406</td>
<td>1,500</td>
</tr>
</tbody>
</table>
13 Dec.

(Despatch marked "No. 41 of 1817," per ship Harriet; acknowledged by Earl Bathurst, 24th August, 1818.)

My Lord,

1. In My General Dispatch of yesterday's date, I omitted to inform your Lordship that the Three Transports, Namely, the Matilda, Lloyds and Dick, which brought the 48th Regiment here, carried off all that part of the 46th Regiment which was Quartered at Sydney and its immediate Vicinity, there not being accommodation in those three Transports for more Officers, Men, Women and Children, than the Members of those Descriptions the 46th Regiment consisted of at Sydney and its Vicinity; so that independent of all other Considerations, the remaining Divisions of the 46th Regiment, stationed at the Subordinate Settlements, could not have been Embarked on the Three Transports adverted to, if even they had been at Head Quarters.

2. But the very small force of the 48th Regiment being at the present time totally inadequate to the Military Duties of the Territory, I deemed it indispensably necessary to retain the Divisions of the 46th Regiment, stationed at the Subordinate Settlements, until such time as the 48th Regiment should be sufficiently reinforced to relieve the Detachments stationed on Van Diemen's Land and at Newcastle, the Number of Troops now at those Places amounting to about 260 Men, which are as few as ever ought to be at those Settlements.

3. I hope to be able to relieve the 46th Detachments at the Subordinate Settlements in the Course of Six Months hence; as by that time, I have reason to believe the 48th Regt. will be sufficiently reinforced by Detachments from Home to admit of my doing so, without too much lessening the Numbers required for the Duties at Head Quarters.

4. The Departure of the 46th Regiment from hence for India was considerably delayed beyond what was necessary, by Colonel Molle's demanding a General Court Martial on Principal Surgeon Wentworth, and the consequent assembling of the Court. Colonel Molle, however with the 1st Division, sailed in the Matilda on the 24th of September, and the last Division of the Regiment sailed in the Dick on the 5th of October for Madras.

I have, &c.,

L. MACQUARIE.
Governor Macquarie to Earl Bathurst.

(Despatch marked "No. 42 of 1817," per ship Harriet; acknowledged by Earl Bathurst, 19th August, 1818.)

Government House, Sydney, New South Wales, 13th December, 1817.

With Reference to My Dispatch No. 28 of the present Year, a Duplicate of which accompanies this, I have now the Honor to transmit herewith for Your Lordship's More full and perfect Information on the Subject of Mr. Oxley's late Tour of Discovery.

1st. Mr. Oxley's Journal of the Expedition* in two Books or Volumes;

2nd. A Chart of the Tour Comprized in three Sheets of large Paper;

3d. An Enumeration of such remarkable Plants as were discovered in the Interior of Australia‡ during the Expedition; and

4th. A Table Containing the Range of the Thermometer in the Interior from the 9th of April to the 30th of August, 1817.

It would not be doing Mr. Oxley that Justice I feel owing to him, were I merely to transmit Your Lordship the foregoing Documents, which he has placed in My Hands, without Conveying at the same time to Your Lordship My own Opinion of the Service performed and the Mode of its Execution.

When it is Considered how Many and Various the Obstructions and Difficulties, which presented themselves to the Execution of the Duty Confided to Mr. Oxley, whether originating in the Nature of the Country itself over which he traversed, or arising from accidental Circumstances during his Progress, I cannot withhold from him the Praise justly due to the Zealous, Indefatigable and Intelligent Exertions, by which he was finally enabled to Close so arduous a Tour without the Loss of any One of his Party or even any Material Accident Occurring to him or them. It is unnecessary for Me to dwell on each particular Privation and Difficulty with which Mr. Oxley had incessantly to Contend, as all those will present themselves in their due Order in the Journal now transmitted. I trust this Journal will also impress Your Lordship, as it has done Me, with much Satisfaction in Contemplating the Talent and Ability for Such an Undertaking, which Mr. Oxley has displayed in it, due Consideration being had to the Circumstances in which it was Composed.

These Exertions will I have no doubt Meet Your Lordship's Commendation, and I beg leave to add that I Conceive Mr. Oxley is very Justly Entitled to a liberal pecuniary Acknowledgment

* Note 154. † Note 85. ‡ Note 84.
for the Services he has thus rendered his Country; with this Feeling, I take the Liberty to propose to Your Lordship to Authorize Me to present him with £200 from the Colonial Funds, or Such other Sum as Your Lordship may deem more adequate to his Meritorious Services. In the same Light, I beg also to Call to Your Lordship's liberal Consideration the Industrious, Indefatigable Exertions of Mr. Evans, the Deputy Surveyor in Van Diemen's Land, who accompanied Mr. Oxley, Next in Rank and Authority to himself. Mr. Evans's Exertions appear in Mr. Oxley's Journal to be very liberally appreciated, and when his Meritorious Conduct on this Occasion is Combined with the Consideration of his former Exertions in first penetrating into the Country to the Westward of the great Range of the Blue Mountains, which had, previous to his successful Attempt, been deemed Altogether Impracticable, I hope Your Lordship will Consider him well entitled to a Compliment equal at least to one Half of that Your Lordship may be pleased to assign to Mr. Oxley.

I have, &c.  

L. MACQUARIE.

Governor Macquarie to Earl Bathurst. 

(A private despatch per ship Harriet.)

My Lord,  

My Lord, 

Government House, Sydney, N. S. Wales,  

Government House, Sydney, N. S. Wales,  

My Lord,  

My Lord,  

13th Decr., 1817.  

13th Decr., 1817.  

As it is probable my stay in this Country will now be very short, I embrace the present opportunity of respectfully submitting to your Lordship that, from the inadequateness of my Salary as Governor for the support of my Rank and the necessary Expences of my Establishment and Table in the present greatly increased State of the Population and Society of this Colony, I have not been able to save any part of either my Civil or Military Income; And although, in consideration of my long and faithful Services, I may reasonably expect that they will be so far favorably considered by His Majesty's Ministers on my return to England, as to induce them to extend the same indulgence to me, in a proportionate degree, as has been done to all my Predecessors, by granting me a Pension as a reward for my Services, Yet, I cannot expect that such Pension should be extended to my Family after my Death.

With a view therefore of enabling Me to make a suitable Provision for my Wife and Child (having a Son born to me in this Colony) after my Death, I take the liberty of now Soliciting that your Lordship will have the goodness to move His Royal
Highness The Prince Regent to be graciously pleased to favor me with a Grant of about Fifteen Thousand Acres of Land in some eligible part of the Colony. In part of this Quantity of Land, I respectfully beg leave to solicit that the unappropriated Government Farm of Toongabbie may be granted to me. It is now, and has been for some years past, lying waste and unoccupied; the fertility and the Strength of the Soil having been entirely exhausted, when cultivated several years since on account of the Crown.

I wish to have it on account of the beauty of the Situation and contiguity to the seat of Government, it being only 17 miles west of Sydney.

I do myself the honor of transmitting herewith, for your Lordship's notice and information, a Plan of the Toongabbie Farm, together with a Description thereof, to enable your Lordship to give orders to have a Grant of it made out at the proper Office at Home, in the event of His Royal Highness The Prince Regent being graciously pleased to accede to my present request.

I beg to add that I have no wish to receive either Government Men on the Store, nor any Cattle from the Government Herds, along with the Lands now Solicited.

I have, &c,

L. MACQUARIE.

[Enclosure No. 1.]

[A copy of the plan of Toongabbie farm will be found in the volume of charts and plans.]

[Enclosure No. 2.]

DESCRIPTION OF THE TOONGABBIE FARM.*

MAJOR-GENERAL LACHLAN MACQUARIE, Governor of New South Wales, a Grant of Two Thousand four Hundred Acres of Land in the District of Toongabbie.

Bounded on the North Side, by the Farms of Pye, Rogers, Bess, Chestland, Pye, Martin, Mosely and Joyce; On the West Side, by the Toongabbie Creek, the Farms of Hume, Baker, and Grimes's Hartwell Farm, and thence by Wentworth's Land to Constitution Bridge; on the South Side, by the small-Creek leading from that Bridge and the Toongabbie Creek to the Parramatta River; On the East Side, by the Parramatta River and the Turnpike road leading from Parramatta to Windsor: to be known by the name of "Dunvieramille."

JAMES MEEHAN, Depy. Surv'r-Genl.
Sydney, N. S. Wales, 1st Decr., 1817.

* Note 155.
MACQUARIE TO BATHURST.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship Neptune; acknowledged by Governor Macquarie to Earl Bathurst, 16th May, 1818.)

Sir, Downing Street, 15th Decr., 1817.

I am directed by Lord Bathurst to transmit to you here-with the Assignment of One Hundred and Seventy Male Convicts, Shipped on board the Neptune for the Settlement of New South Wales.

I am, &c.,

HENRY GOULBURN.

[Enclosure.]

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

GOVERNOR MACQUARIE TO EARL BATHURST.
(Despatch marked "No. 43 of 1817," per ship Harriet; acknowledged by Earl Bathurst, 24th August, 1818.)

My Lord, Government House, Sydney, 15th December, 1817.

The late Circuitous Tour thro' the Interior has in its Botanical Department been productive of an Accession of upwards of Five Hundred Plants totally different from those hither-to Collected or known in this Country. One Hundred and Fifty of them were found bearing Seed, which Circumstance now Enables me to transmit Your Lordship some of the Seeds of Each of them. I also Send Your Lordship Dried Specimens of all the Plants, amounting to upwards of 500. Four of these Specimens were Considered so rich and beautiful by the persons, who Collected them, that I have on their Suggestion been Induced to get Drawings made of them by the Masterly Hand of Mr. Lewin, the Gentleman whom Your Lordship mentioned in a late Dispatch as a person who might be Useful in the Voyage of Discovery under Lieut. King.

These Drawings being taken whilst the Plants retained some Share of their Natural Beauty, and immediately under the Eye and Direction of the Botanists who collected them, their Colours and Peculiarities have been well preserved, and will Convey a much more perfect Idea of the Plants themselves than Could be possibly Obtained from the bare Inspection of the dried Specimens, especially after so long a voyage as that they are about to Undergo; these Drawings* I do myself the Honor to transmit to Your Lordship, as likewise One of a Native Chief at Bathurst, whom having Myself seen on My Visit to the Western Country I can vouch for its being an excellent Likeness.

The Tourists having also Met with a New Description of Doves and Cockatoost nearly at the Termination of the River Lachlan, as beautiful in Appearance as rare, I do myself the Honor to send Your Lordship a Drawing of them also.

* Note 156. † Note 157.
Mr. Lewin, to whose Pencil I am Indebted on this Occasion, has begged Leave to decline the Duty Your Lordship had proposed to Honor him with in the Voyage of Discovery with Mr. King, having a family at Sydney which he Could not provide Sufficiently for during his Absence, his and their principal Support arising from his Employment as an Artist, in which Capacity, Especially as it applied to the Description of Animals and Vegetables, he is here Considered to possess most uncommon Merit.

Whilst on the Subject, if Your Lordship should be disposed to Consider as favorably of Mr. Lewin’s Talents in the Line of an Artist, as I have long been, I would beg leave to Suggest that possibly those Talents might be most Usefully employed here in the Service of Government Exclusively.

A Drawing of a Mound, being the Burial Place of a Native Chief, taken on the Spot by Mr. Evans, also accompanies this, which with the others will I trust reach Your Lordship in Safety, being Entrusted to the Personal Care of Captain Gill.

The Box containing the Seeds has one Packet in it Made up for the Emperor of Austria in Conformity with the Instructions received from Your Lordship; and also for Monsieur Goüm, Superintendent of the King’s Garden at Paris, which is particularly addressed to the Care of Sir Joseph Banks.

In the Department of Mineralogy, little of Importance was effected during Mr. Oxley’s Tour. Specimens of the few Minerals and Fossils, which seem worthy of any Attention, are now made up for Your Lordship, Altho’ even they will, I fear, be held in little Estimation. A Specimen of Lime Stone of excellent Quality, found on the Bank of “the Macquarie River” is Included.

Until I shall hear from Your Lordship, I shall Continue to employ Mr. Lewin, as occasion may Offer, in making Drawings of Such rare Productions as the New Accessions in the Western Country may afford, which I hope will be agreeable to Your Lordship’s Wishes.

I have, &c,
L. MACQUARIE.

[Enclosure.]

List of Seeds.

The Right Honorable Earl Bathurst.

Of the Class Diandria
Jassminum Occidentales.

" The Class Triandria
Six Papers.

" The Class Tetrandria
Six Papers.

* Note 158.  † Note 156.  ‡ Note 159.
LIST OF SEEDS—continued.

Of The Class Icosandria Five Papers.

" The Class Didynania Ten Papers.

" The Class Diadelphion Eight Papers.

" The Class Polydalphia Two Papers.

Of The Class Syngenesia Thirty one Papers.

" The Class Monoeia Twelve Papers.

" The Class Dioecia Two Papers.

" The Class Polygamia Twelve Papers.

Twelve papers of Seed from Otaheite.
There is also packed in the Case thirteen Amarylis Bulbs, and
twelve Bulbs of the Paneraticum Macquaria,
And nineteen papers of Seed, 3 of which I was unable to
ascertain the Genus.
Compared. Correct with the Original.

J. T. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 44 of 1817," per ship Harriet; acknowledged by Earl Bathurst, 24th August, 1818.)

Government House, Sydney, New South Wales,
My Lord, 15th December, 1817.

Mr. Oxley, under whose Direction the late Tour thro' the Interior was Effected, having Solicited me for Permission to Publish his Journal* of the Expedition, I have seen no Reason to with-hold from him that Permission, provided Your Lordship should first be put in Possession of the original, and that no Objection should arise with Your Lordship on the Propriety of it.

Mr. Oxley, with a view to rendering his Publication more Interesting by giving it the Embellishments arising from the Subjects I have forwarded to Your Lordship by this Opportunity from the Pencils of Mr. Lewin and Mr. Evans, has now further Solicited that I would Intercede with Your Lordship to grant Permission to his Publisher, Mr. Murray of Albemarle Street, to have Access to those Drawings in order to the making Copper-Plate Engravings from them.

I do myself the Honor to transmit Your Lordship a Copy of Mr. Oxley's Letter on this Subject, and to request Your Lordship to be pleased to grant his Publisher such Indulgence in regard to those Drawings as the Case may seem to Your Lordship to Merit.

I have, &c,

L. MACQUARIE.

[Enclosure.]

SURVEYOR-GENERAL OXLEY TO GOVERNOR MACQUARIE.

Sir, Sydney, 15th Decr., 1817.

Your Excellency having been pleased to permit me to publish the Journal of the late Expedition into the Interior, I

* Note 160.
1817
15 Dec.

Request of
John Oxley for
permission to
publish his
journal.

1817.
15 Dec.

Request of
John Oxley for
permission to
publish his
journal.

respectfully beg leave to request, that you will have the Goodness
to intercede with Earl Bathurst to grant permission to Mr. John
Murray, Bookseller, Albermarle Street, London, The Publisher,
to have access to the Drawings of Birds, Plants, and Native's
Tomb, transmitted by Your Excellency to His Lordship for the
purpose of having the same engraved for the Work.

I have, &c.,

J. Oxley, Surveyor-General.

True Copy:—J. T. Campbell, Secy.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

(A private despatch per ship Harriet.)

Government House, Sydney, N. S. Wales,

My dear Sir, 15th Dec., 1817.

I now do myself the honor to acknowledge the receipt of
your very kind obliging Letter of date 16th April last, which only
came to hand on the 30th of September, since which time no
opportunity has occurred of answering it till now. Before I pro-
cceed to do so, I request, Sir, you will accept my most sincere
and grateful thanks for the friendly interest you take in my
welfare, and in rescuing my Public Character from obloquy and
the malicious attempts made to injure it in the Public Opinion
by an unprincipled low Cabal, formed here some time since,
headed by and under the auspices of Mr. Justice Bent, Mr. Solic-
tor Moore, and the Revd. Benjamin Vale, who obtained by the
basest and most wicked Means a number of unprincipled Persons
of the very worst and lowest characters in the Colony to affix
their Names to a libellous Petition to the House of Commons,
which was sent Home in Charge of the Revd. Mr. Vale in June,
1816, and of which I sent Home a Copy* to Lord Bathurst,
making such Comments thereon, as I Considered to be necessary
to Clear my Character from the foul aspersions it contained.
The whole of the grievances, complained of in that Petition,
being either utterly false, or such as were well known to exist by
His Majesty's Ministers and over which I had no controul, I did
not consider it necessary to enter, in my Letter to Earl Bathurst,
into any detailed explanation of the Charges made against me
in the Petition in question, fully expecting that I should be
favored with an Official Copy of it and of the Names of the
several Persons, who had Subscribed it, as soon as it should be
presented to Lord Bathurst, or laid before the House of Com-
mons, so as to enable me to prosecute here the Libellers of my
Character and Fame, and thereby Clear both from the foul
aspersions thrown on them therein. But as I am excluded from
this advantage, I shall as briefly as I can in compliance with

* Note 161.
your kind desire animadvert on those parts of the Petition, which
more immediately require explanation as affecting me Personally.

I know of no Inquest, in which any Member of my Family has ever been in any way concerned, excepting in that unfortunate occurrence, which took place in George Street in the Town of Sydney on the 6th of Octr., 1814, on the occasion of Mrs. Macquarie taking an Airing in the forenoon of that Day, in her Curricle driven at the time by our Coachman, Joseph Big; the circumstances of which are as follow:—The Curricle was going at a moderate rate. The Servant, who followed it, happened to be riding a young Horse. A number of Children were at Play on one side of the Street. They were perfectly free from all apparent danger, and the Coachman, considering himself past them, turned his Head to the Right to call to the Groom behind to take away a Wood Cart, which was standing in the Street in such a Manner before the Curricle, as to obstruct its passing, the Carter having deserted his Horses, and was at the time in the House of the Man, whose unfortunate Child fell a victim to the accident, which he in a manner occasioned. Mrs. Macquarie, feeling some uneasiness at the idea of the young horse being required to pass the Curricle and come in Contact with the Cart, looked back to see how he passed, when one of the Children, named Charles Thomas, having (as was reported by an Eye witness of the accident) blinded himself by throwing Sand over his Head (a common amusement of the Children here), left his Companions and ran under the Near Side Horse. Mrs. Macquarie's attention was now excited by observing the Horse endeavouring to avoid something, which was under him, and exclaimed, "There is a Boy under the Horse!" The Coachman said, "It is impossible!" At that instant, the Near Wheel passed over the poor Boy's Body. Mrs. Macquarie instantly leaped out of the Curricle, raised the Child from the Ground, and carried him in her own Arms immediately Home to his Mother's House. She sent for Doctor Redfern to come to the Child's assistance, as quick as possible. On coming, he attempted to bleed it, but he soon saw that all hope of preserving the Boy's life was over. The Doctor then advised Mrs. Macquarie to return Home, which she did in a state of anxiety and distraction of mind not to be described. In about half an Hour afterwards, Doctor Redfern called at the Government House to inform us that the Boy was Dead.

I immediately sent to the Coroner, and directed him to hold an Inquest, and never saw him until he brought me the Result of it, namely "Accidental Death."

Neither on this nor on any other occasion, have I ever known, who the Persons summoned to attend Inquests are, until I see

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Particulars relating to the accident.

Mrs. Macquarie considers that the poor unfortunate Child, herein alluded to, certainly ran inadvertently under the Horse himself, as she, as well as the Coachman, but the instant before saw all the Children perfectly free of the Curricle, and her and his attention were directed to the Rear of the Carriage at the moment he got under the Horse, which prevented them from seeing him run into that perilous situation. My Coachman is a remarkable good Driver, And whatever could be done to avoid such an accident, I am Confident he did do. He has now served me for Ten years, and was Coachman for several Years in London to Mr. Rolleston of the Foreign Office. I have never known him to shew any disposition to Cruelty to his Fellow Creatures. On this unfortunate occasion, he said "He would rather have broken his own Neck than have been the Cause of the Death of the poor Boy," Although it was an accident, he could neither foresee nor prevent, and I really believe he said exactly what he felt. The Parents of this unfortunate Child acted from the first moment to the present time with every possible degree of Reason and propriety. They have been very far from insinuating the inhuman Suggestions, which have been the occasion of my troubling you at such length on this subject. I take the liberty of transmitting herewith for your further information an attested Copy of the Coroner's Inquest held on the Boy, Charles Thomas.

In regard to the Punishments* inflicted on Persons Trespassing in the Government Domain at Sydney, I have to inform you that the Grounds so denominated have been enclosed with a Stone Wall at a considerable expence to the Crown, it being my wish to bring them into a state of improvement by Planting, and otherwise ornamenting them; and with the view of securing these improvements from being injured or destroyed, Public Government Orders had been at various times issued forbidding Trespasses on the Government Domain, and Hand Bills were even Stuck up on different Parts of the Wall, which enclosed it, to that effect, in order that no Person might be able to plead ignorance of the prohibition in question, the Government Orders alluded to holding out a threat that any Person, detected in breaking down or Scaling the Wall or Trespassing in the Domain, would be severely Punished. Notwithstanding this Prohibition, the Wall had been repeatedly broken down orScaled by idle and vicious Persons passing into the Domain, although a Road had

* Note 162.
been constructed within the Wall entirely surrounding the Grounds for the recreation and Amusement of the Public, with free access thereto by two separate Gateways. But these regular Public Entrances did not suit the Persons going thither for vicious and disorderly purposes, namely secreting stolen Goods, which have been found there frequently, and for which many parts of it are well Calculated, being wild, rocky Shrubbery, which had remained undisturbed by the Hand of Civilized Man. This Shrubbery was also much frequented by lewd, disorderly Men and Women for most indecent improper purposes. I had long wished to put a stop to these disgraceful Meetings and indecent assignations, as well as to save the Shrubbery and young Plantations of Forest Trees, which had been planted in the Grounds. I caused accordingly several Persons at various times to be apprehended and carried before the Superintendent of Police for breaking down the Wall and committing Trespasses in the Domain; but as they were always dismissed with only a slight reprimand from the Police Magistrate, they continued their former Practices. And it was only after the Wall had been repeatedly broken down and much injury done to the Shrubbery and young Planting, that I resolved on Punishing for example sake a few, who might be Caught in the very act, by ordering myself a slight summary Punishment. I accordingly ordered two of the Town Constables to watch the Wall inside of the Domain, and they soon apprehended three Men, named John Hersall, Daniel Reid and William Blake, after they had broken into the Domain over the Wall. They were immediately carried to Jail, and, as soon as I had satisfied myself from the report of the Constables of their having been actually Caught in the act of breaking into the Government Domain in open defiance of repeated Government Orders, I directed them to be Punished in a summary Manner by receiving Twenty five Lashes each with the view of deterring others from similar practices. These Men were free when they were thus Punished; two of them had been Convicts, and the third had come out free; but all three were depraved low vicious Characters, and Consequently proper objects to be made examples of. They were only confined for one Night in the Gaol and then discharged. I considered I was fully warranted in my Magisterial Capacity in ordering this slight summary Punishment to be inflicted for a breach of the Government Orders and Regulations and Trespass on the Government enclosed Grounds. It certainly had the desired effect, and put a complete stop to those Trespasses and breaking down the Government Wall, as well as to the gross indecencies herein alluded to.
Persons, extremely tenacious of the administration of the British Laws (which certainly cannot be held in too great veneration), may Cavil at my Acting as a Magistrate in a Case, in which I may be represented as Personally interested; but this I do not by any means consider a fair objection to my exercising my Magisterial Authority in the present Case. The Grounds in question are the property of the Crown, and I have no private interest in them whatever. I therefore acted in this instance, as in all others in which I can possibly have any concern in this Territory, as the Agent of the Crown and the Guardian of its Property, as well as the Corrector of Public abuses and Nuisances. The Depositions of the two Constables, who apprehended the three Men that were Punished by my own direct authority, I have now in my Possession, but do not think it necessary to trouble you with them.

In respect to all the other Grievances, stated in the Petition sent Home by a low Rabble from this Country to the House of Commons, I am unable to furnish you with any other explanation than to assure you that, in as far as these Complaints and accusations* relate to me Personally, they are utterly false and unfounded, namely, Selling of Pardons, Prohibiting Banns of Marriage, Pulling down Houses, Seizing upon Lands, influencing Courts of Justice, etc. etc. etc. This Catalogue of Crimes forms such a Compound of villainy and falsehood that I deem them totally unworthy of regard or notice, and Consequently Consign them to the Contempt they merit.

I shall therefore only add that it would afford me very great pleasure to have every part of my conduct, during my administration of the affairs of this Colony, strictly investigated, the result of which I feel perfectly assured would prove highly honorable and creditable to both my Public and Private Character.

Trusting you will kindly excuse the length of this address,

I have, &c.,

L. MACQUARIE.

P.S.—I did myself the pleasure of replying to your Private Letter, dated the 14th of February of this year by Lieut. King by way of India on 24th Septr. last, and have to assure you that every possible facility has been afforded by me to this Officer in fitting him out on his destined Voyage, On which I hope he will proceed in 7 or 8 days more at farthest.

I have lately been honored with your Private Letter of 22d April last by W. F. Weston, Free Settler, to whom I shall be happy to pay every attention in my power on account of your recommendation of him.

Sydney, 15 Decr., 1817.

L.M.

* Note 163.
INQUEST ON THE BODY OF CHARLES THOMAS, AN INFANT.

Verdict "Accidental Death."

An Inquisition, taken at Sydney, New South Wales in the County of Cumberland Aforesaid, the 6th day of October, in the fifty fourth Year of the Reign of George the third Before me, John William Lewin (Gent.), Coroner of our Lord the King for the County aforesaid, upon the View of the Body of Charles Thomas, Infant, then and there lying dead, upon the Oaths of the twelve good and Lawful Men of Sydney aforesaid in the said County, in the Margin named,* Who, being Sworn and Charged to Enquire on the part of our Lord the King When, Where, how, and after What Manner, the said Charles Thomas Came to his Death, Do say upon their Oath that the Child Charles Thomas's Death was occasioned by its Accidentally running under the Carriage in endeavouring to get out of the Way, Unperceived by the Driver.

W. BENNETT, Foreman. JOSEPH HUNT. L. BUTLER.
HENRY LANE. WILLM. DEAN. WM. BEARD.
JOSEPH INCH. WILLM. MCGINNIS. I. KNIGHT.
CHARLES DOWDLE. GEO. WOODFOOD. CHRISTOPHER LANDER.

MARY BROWN Sworn, Saith that about half past twelve o'Clock at Noon this day the 6th Inst. that the deceased Child was at play in the Road with One of her Children, and a Carriage was Coming along, and the Coachman, Joseph Biggs, Called out to the Children to get out of the Way; at the Same time pulled his Horses up, and, supposing the Children were Clear, drove on again; but that the deceased Child in Some Way Seemed to Stagger, and the Carriage Wheel went over him; that She picked the Child up; it was bruised on the Head, which this Deponent Attributes to its Fall on the Gravel. Being asked whether this Deponent believed, After the Coachman had pulled up his Horses and Drove on again, that he saw the Danger the Child was in, Answers, "I do not suppose he did."

MARY BROWN, her mark x.

ROSE MOORE Sworn, Saith that about Noon this day She was in George Street passing along, and heard a Carriage Coming, and heard some person Call out to some Children, that was in the Road, to get out of the Way; the Coachman immediately pulled up his Horses, and the deceased Child, in the Stead of Running the right way, run immediately under the Wheel, which went over him on his driving on again. Being asked if She thought the Coachman knew the Child's Danger, says, "No She is Certain he did not, as it was on the opposite Side which the Coachman Sat. so that he Could not See it."

ROSE GREEN, her mark x.

THOMAS SIMMS Sworn, Saith that about twelve o'Clock at Noon this day, as he was standing at his own Gate in George Street, he saw a Carriage Coming down the Street on a Moderate Trot; he

* Mr. Wm. Bennett, Foreman; Mr. Henry Lane; Mr. Joseph Inch; Mr. Charles Dowdle; Mr. Joseph Hunt; Mr. William Deane; Mr. Willm. McGinnis; Mr. George Woodfood; Mr. Laurence Butler; Mr. Willm. Beard; Mr. Isaac Knight; Mr. Chris't Lander.
saw two Government Waggons in the Road unloading; he saw a
parcel of Children at play; the Coachman Seemed to pull up his
Horses, and that the deceased Child was the Lowermost of the
Whole, and was endeavouring to Cross the Street; he did not see
the Child fall, nor Can say Whether it was knocked down by the
Carriage Wheel or not. Nor did hear how, Until it was picked up.
Deponent, being asked how far he was from the Carriage at the
time, Saith about Seventy or Eighty Yards.  THOMAS SIMS.

J. W. LEWIN, Coroner.

JOSEPH BIGGS Coachman Sworn, Saith that about half after
Twelve O'Clock at Noon this day he was passing down George
Street with his Carriage, and saw a Number of Children at play
in the Road at the left of the Carriage, and that he bore away
about two and half Yards from the Children, pulling up his Horses
at the Same time; Supposed he was Clear of them, as he observed
them to be behind his Horses, as far as he Could See from his
Situation, and that he heard no more Until he heard his Mistress
say there was a Child under the Wheel; he Immediately pulled up
the Horses to a full Stop.  JOSEPH BIGG.

J. W. LEWIN, Coroner.

JOHN WILLIAM LEWIN, Coroner of our Lord the King for the County
of Cumberland in the Territory of New South Wales, maketh Oath
and Saith that he has carefully compared and examined with the
original return of the Inquisition, taken by him on the 6th Octr. in
the 54th year of the Reign of George the Third, the within pur­
porting to be a Copy thereof, And that the same is a true and correct
Copy thereof in every respect.  JN. WM. LEWIN, Coroner.

Sworn before me this 15th day of December, 1817. as also to a
Duplicate hereof.

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

1817.
15 Dec.

Assignment of convicts per ship Lady Castlereagh

16 Dec.

Under Secretary Goulburn to Governor Macquarie.

(Despatch per ship Lady Castlereagh; acknowledged by Governor
Macquarie to Earl Bathurst, 16th May, 1818.)

Sir,

Downing Street, 16th Decemr., 1817.

I am directed by Lord Bathurst to transmit to you here­
with the Assignment of Three Hundred Male Convicts, shipped
on board the Lady Castlereagh for the Colony of New South
Wales.

I am, &c.,

HENRY GOULBURN.

[Enclosure.]

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

Government Macquarie to Earl Bathurst.

(Despatch marked "No. 45 of 1817," per ship Harriet; acknow­
ledged by Earl Bathurst, 24th August, 1818.)

Government House, Sydney, New South Wales,

My Lord,

16th December, 1817.

A Requisition from the Principal Surgeon on this Estab­
ishment for various Medicines and Necessaries for the Use of
MACQUARIE TO BATHURST.

these Settlements, &c., &c., &c., which should More properly have been Included in my General Dispatch No. 40 by this opportunity, not having been sent in time for that purpose, I am now Obliged to trouble Your Lordship with the present Letter on the Subject, accompanied with a Copy of Mr. Principal Surgeon Wentworth’s Letter and the Demand made by him, and I have to Solicit Your Lordship to give early Orders for its Completion.

I avail myself of this Occasion to report to your Lordship that for the last two Years this Government has received none of the former Usual Supplies of Slops for the Use of the Convicts, which Circumstance has been productive, not only of great additional Expence to this Government, but also of very great Inconvenience, it being almost impossible to procure at any Expence Several of the Articles Constituting Slops.

I also beg to Notice that I have Experienced much Inconvenience in Consequence of regular Supplies of Stationary, well and Appropriately Selected, not being sent out hither. The great Variety of papers, which I have to transmit to Your Lordship’s Office on so many Occasions, independent of all other Sources of Expenditure, will I trust induce Your Lordship to Order a large Supply to be sent out in future, Suitable to the Various Purposes required in My Office and that of My Secretary. The very indifferent paper, on which I have been Obliged to address Your Lordship, and which is the best I could Obtain from Mr. Depy. Commissary General Allan, leads me to request that Your Lordship will Order Supplies of these requisite Articles to be sent direct, either to my own Address, or that of the Secretary of My Government.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

PRINCIPAL SURGEON WENTWORTH TO GOVERNOR MACQUARIE.

Sir,

Sydney, 13th December, 1817.

I have the honor to enclose Your Excellency herewith a list of Medicines and Necessaries wanted for the use of His Majesty’s Settlements in New South Wales, which I respectfully request Your Excellency will be pleased to transmit to His Majesty’s Secretary of State for the Colonies by the earliest Opportunity.

I have, &c.,

D. WENTWORTH, P’ll Surgeon.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 2.]

[A copy of the requisition is not available.]
EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 102, per ship Isabella; acknowledged by Governor Macquarie, 24th March, 1819.)

Sir,

Downing Street, 17th Decemr., 1817.

His Excellency The Lord Lieutenant of Ireland having expressed a wish to Lord Sidmouth that a Man, named John Cahill, who was transported to New South Wales on board the Guildford Convict Ship, should be permitted to return from thence, His Lordship has requested that the Prisoner in question should be allowed to return to Ireland by the first Opportunity. I have therefore to desire that You will take the necessary Steps for complying with the desire of Lord Sidmouth in favor of John Cahill.

I have, &c.,

BATHURST.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

(A private despatch per ship Harriet.)

Government House, Sydney, N. S. Wales, 18th Decr., 1817.

My dear Sir,

This Letter will be delivered to you by Captain John Gill of the 46th Regt., who is the Bearer of my Dispatches per Ship Harriet, and whom I take the liberty of introducing to your acquaintance and strongly recommending to your kind notice and attention.

Captain Gill is an Officer of great Merit and a Gentleman of high Principles of honor, strict integrity, and unquestionable veracity. He has long been in my entire Confidence from a Conviction of his unblemished worth and good qualities. He is well able to give you every useful and important information respecting this Colony from a residence of nearly four years in it, and his intimate knowledge of the characters and principles of those Persons in the upper Circles of the Society here. I therefore beg leave to refer you entirely, for every description of information, to Captain Gill, which you may wish to be put in possession of in respect to the present state of the colony.

As I am so soon to return to England, it would afford me sincere pleasure to execute any Commissions for you here, that you may be pleased to favor me with, in regard to any of the rare Productions of this Country whether Animals, Birds, Seeds, Plants, &c., &c., which I should feel much gratification in carrying Home to you myself.

I remain with sincere esteem and regard, &c.,

L. MACQUARIE.
Governor Macquarie to Earl Bathurst.

(Despatch marked "No. 46 of 1817," per ship Harriet; acknowledged by Earl Bathurst, 12th April, 1819.)

Government House, Sydney, New South Wales,

My Lord,

20th December, 1817.

After having Closed All My Dispatches by this Opportunity for Your Lordship, and immediately on the Eve of the Ship's Departure, My Secretary received from Mr. Judge Advocate Wylde a Note, a Copy of which accompanies this, and with it the Depositions on which the three Soldiers had been Embarked as Prisoners on the Ship Harriet for Trial in England on Charges of Wilful Murder. Until these were sent to Me in this Manner, I had every Reason to suppose that they were Included in the Very large Package I had received some days Ago from the Judge Advocate. I shall now Entrust this Letter, with the Documents accompanying it, to the particular Charge of Captain Gill, in order to his transmitting it by Post to Your Lordship in the Event of the Ship putting into Portsmouth or any other Port distant from London.

By this Opportunity, Cornelius Crawley, One of the persons whose Depositions are herewith, and who had been in like Manner Neglected to be Embarked in the first Instance with the other Witnesses, is now Sent on board the Harriet for a Passage, and will be under the Direction of Captain Gill in the same Manner as the others Mentioned in My Instructions of the 18th Instant, a Copy* of which I have directed that Gentleman to forward to Your Lordship.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

[A copy of the letter from judge-advocate Wylde to secretary Campbell is not available.]

[Enclosure No. 2.]


New South Wales To wit.

William Nelson of the Ship Chapman, Duly sworn, Deposeth—There was an Alarm given on board the Ship that the Convicts were rising on the Night of the 17th of April. The people upon Deck said that the Prisoners were forcing open the Fore Scuttle. The Soldiers Fired. I do not know by what orders. Captain Drake was walking upon the larboard side the Quarter Deck. He called out, avast Firing; the Soldiers still continued to Fire, notwithstanding all he could do to prevent it; the following Day in consequence of information given by Collins, Lt. Bustead of the 69th Regiment, who

* Note 164.
commanded the Soldiers on board, insisted that Captain Drake should put me in Irons; I was put in Handcuffs accordingly. I was put first upon the Poop; then I was confined below under the half Deck. I was then put in the Jolly Boat, on the Larboard Side the Ship; Crawley and Lucy were also put there, and Jackson, a Prisoner; on the night of the 23rd or 24th of April, there was a second Alarm given that the Prisoners were rising; the Firing commenced again by the Soldiers without orders. I heard no orders given; if Captain Drake had given orders to Fire, I must have heard him. He did all he could to prevent it. On the Night of the 24th of May, Jordan, a Soldier of the 46th Regiment, who was on the Poop, called out to us in the Boat to keep down our Heads, or he would Fire on us; immediately after which, he Fired and wounded me in the Leg. Clements, another Soldier also on the Poop, fired next, and I believe his Shot Struck Jackson; Hogan, another Soldier, fired from the Poop. I do not know who was wounded by him, But I think it was Crawley. Hooper, another Soldier, fired into the Boat, and I Believe he wounded Lucy; there were eleven Shots fired in all. Almost immediately after this, Hogan came to the Boat Side with a Pistol he had borrowed from the Sergeant. He asked "who is the Damned Rascal, that has told Lies of me." Jackson said it was Lucy, on which Hogan Snapped his Pistol at Lucy's Head several times before it went off; at length he discharged its contents into Lucy's Head, and blew his brains out. Captain Drake called out "what firing is that again"; we, in the Boat said, "Lucy is killed"; soon after, Mr. Baxter and Henry Jennings came and threw Lucy's Body overboard. It was in a Dreadful State, and would have been a Shocking Spectacle in the Day Light. If it had remained in the Boat until Morning, the weather was so hot, it would have putrified.

Sworn before me this 1st Day of October, 1817:—

WILLIAM NELSON.

THE DEPOSITION OF HENRY JENNINGS.

BEFORE me D'Arcy Wentworth, Esquire, one of His Majesty's Justices of the Peace for this Territory.

HENRY JENNINGS, Seaman of the Ship Chapman, duly Sworn deposeth, on the Night of the 17th of April last, I was steering the Ship at the Wheel; the Commander Captain Drake was walking on the larboard side of the Quarter Deck. An alarm was given that the Prisoners were assembled under the Fore Scuttle, and the Soldiers, who were stationed upon the Fore Castle, Fired on the Prisoners. I am quite certain that they had no orders to Fire from Captain Drake, because, If he had given any such, I must have heard him. I frequently heard him call out, avast firing, and he used every exertion to prevent the firing on the Night of the 23d or 24th of April; a second Alarm was given that the Convicts had reached the Deck; some firing again took place, I do not know by whose orders. Crawley, one of the Ship's Company, was on Deck; on the 12th April, I heard him tell the Captain's Brother (Mr. Drake) that he had seen one of the Prisoners go down the Chain Cable Scuttle. Mr. Drake asked him, why did he not stop him;
said he had no Arms; he could have armed himself had he chosen, for he was on Deck before I was, and I was armed, and there were Arms for him had he chosen to take them. On the Night of the 24th of May, I was on the quarter Deck when I heard a Musket discharged from the poop. Instantly all hands were in Alarm. Captain Drake, who was in Bed, came running on the Deck in his Shirt, and called out "What is the Matter," "Avast firing"; some persons answer'd, "it is the prisoners in the Boat who are rising"; at this time, the following persons were confined in Irons in the Boat, viz. Crawley, Nelson, Lucy, and Jackson, a prisoner; several shots were fired from the poop; before the Captain could stop them a man named John Hogan, a Soldier of the 46th Regiment, borrowed a Pistol from the Serjeant of that Regiment, and went to the Lardboard side of the Cuddy where the Boat with the Prisoners was suspended; he spoke to Lucy; he fired the Pistol at Lucy and Shot him thro' the Head. It was immediately asked "What firing is that again." Hogan did not answer, but went to the Starboard Side of the Ship and began talking to the Sentry. I heard him tell the Sentry, "I have done Lucy's Job"; the Sentry said, "I would have done the same, had I been in your place." I said to Hogan "What did you shoot him with, the Musquet or the Pistol." He made answer, "the Pistol." I asked him "where did you get it." He said "it was one I borrowed from the Serjeant." Mr. Baxter and myself threw him overboard. He was such a Shocking Spectacle and the weather was so hot (as we were not far from the Line), that if he had remained till Morning in the Boat, he would have been offensive.

HENRY JENNINGS.

Sworn before me this First Day of October, 1817:—

D. WENTWORTH, J.P.

[3] THE DEPOSITION OF CORNELIUS CRAWLEY.

BEFORE Me D'Arcy Wentworth, Esq., a Magistrate, Principal Superinten-
dant of Police, &c., &c.

CORNELIUS CRAWLEY being duly Sworn, deposeth, I am a Seaman of the Chapman; a short time before the first Firing took place, in consequence of information which was given against me, I was confined a Prisoner in Irons on the Poop. Next Day I was taken below, and a short time afterwards I was placed in the Jolly Boat on the Lardboard Side of the Ship; on the Night of the 24th of May, I was confined in the Jolly Boat, together with Nelson and Lucy (Sailors) and Jackson, a Prisoner. We were fired upon by the Soldiers on the poop; we were all four wounded; Hogan came to the Boat side, and said "Who was the Rascal that told Lies of me." Jackson said, "it was Lucy." Hogan put a Pistol he held in his Hand to Lucy's Head and blew his brains out. The Pistol recoiled from his Hand and fell overboard. Mr. Baxter and Henry Jennings came soon after and threw Lucy's Body overboard; it was a dreadful Spectacle; the next Morning Jackson was taken out of the Jolly Boat, and removed to the Lauuch where he died of the wounds he had received as aforesaid.

The Mark of x

CORNELIUS CRAWLEY.

Sworn before me this First Day of October, 1817:—

D. WENTWORTH, J.P.

BEFORE me D'Arcy Wentworth, one of His Majesty's Justices of the Peace for this Territory, &c., &c.

NEW SOUTH WALES TO WIT.

WILLIAM JONES, Apprentice on board the Ship Chapman, Duly Sworn, Deposeth, When the Alarm was first given that the convicts were going to rise upon the Ship, the Soldiers fired upon them. I am certain Captain Drake did not order them to fire for, if he had, I must have heard him. He did everything in his power to prevent the continuance of the Firing; he called out several times "avast firing"; the same circumstances occurred on the occasion of the second Firing, and Captain Drake did everything in his power to prevent and stop the same; on the Night, when Lucy was killed, I was walking the Quarter Deck, I saw Jordan fire into the Jolly Boat, where Lucy, Nelson, Crawley and Jackson were confined; the Captain, who was in Bed when this occurred, Ran out upon Deck in his Shirt, and did all he could to stop the Firing; I saw Hogan, with a Pistol in his Hand, go to the side of the Jolly Boat; he said something, and then fired the Pistol at Lucy's Head and blew his brains out. Hogan then walked away and mixed amongst the other Soldiers. The weather was very hot, and the smell of Lucy's Dead body "was quite poisonous" so that it was obliged to be Thrown overboard.

The Mark of

WILLIAM JONES.

Sworn before me this 1st Day of October, 1817:—

D. WENTWORTH, J.P.


BEFORE me D'Arcy Wentworth, Esquire, one of His Majesty's Justices of the Peace for this Territory, &c.

NEW SOUTH WALES TO WIT.

ALEXANDER JOHNSON, Seaman of the Ship Chapman, duly sworn Deposeth, On the Night of the 24th May, Lucy, Nelson, Crawley (Seamen) and Jackson, a Prisoner, were confined in the Jolly Boat on the Larboard Side the Ship's Quarter; the Soldiers on the Poop Fired. The Men in the Jolly Boat called out they were wounded. Soon after this, I saw Hogan, a Soldier of the 46th Regt., pass me with a Pistol in his Hand. He went to the Jolly Boat's side. "Which is Lucy," he said; some conversation passed amongst them; he fired at Lucy's Head and blew his brains out; the weather was Hot, and the body was thrown overboard as I supposed to prevent putrefaction.

The Mark of

ALEXANDER JOHNSON.

Sworn before me this 1st Day of October, 1817:—

D. WENTWORTH, J.P.


JOHN VAN DANT, a Seaman of the Ship Chapman, duly sworn Deposeth, on the Night of the 24th May, I saw Hogan talking to the People who were confined in Irons in the Jolly Boat. I was within a yard and a half of him. He fired a Pistol into the Jolly Boat.
It rebounded from his Hand and struck my Cap; soon after I found Lucy was killed. I have no doubt Hogan killed him, when he discharged the Pistol as aforesaid.

The Mark of
x
JOHN VAN DANT.

Sworn before me this 1st October, 1817:—
D. WENTWORTH, J.P.

[7] THE DEPOSITION OF GEORGE SPEED.

GEORGE SPEED, Seaman of the Ship Chapman, duly Sworn Deposeoth, Soon after the Firing took place by the Soldiers on the Convicts, I was walking the Deck in company with some of My Shipmates, when Jordan, a Soldier of the 46th Regiment (one of the Guard on board the Ship), told us, he was the Man who shot Kelly. He said he shot him from the fore Part of the Barricade on the Lарboard side.

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

[8] THE DEPOSITION OF JOHN WAYMOUTH.

JOHN WAYMOUTH, Seaman of the Ship Chapman, duly sworn Deposeoth, I was walking the Deck with my Shipmates, when I heard Jordan say, that he was the Man who shot Kelly.

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

[9] THE DEPOSITION OF ALEXANDER JOHNSON.

ALEXANDER JOHNSON, again Examined, saith, I saw Jordan (on the occasion of the second Firing), a Soldier of the 46th Regiment, fire upon the men who were in Irons on the poop. The Shot Struck Kelly and killed him dead.

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

John Van Dant confirms the Death of Kelly as aforesaid in consequence of Jordan firing at him.

[10] THE DEPOSITION OF MICHAEL ARNOLD.
the first Alarm was given of the Convicts rising, I ran to the Capstan where the Cutlasses were, and Armed myself. I saw Crawley by the Chain Cable Scuttle unarmed. I asked him what he was doing there; he said he saw Two Men go down the Scuttle. I asked why he did not stop them, he said he was unarmed; he could have armed himself, had he chosen as well as myself and the rest of the Ship’s Company. In consequence of this, I was advised by Johnson, another of the Seamen, to report the same to the Captain, I did so, and Crawley was made a Prisoner; as this circumstance, added to Collins’ information, made the Ship’s Company believe that Crawley was in the Conspiracy with the Prisoners; on the 14th April, I heard Donahoo, a Prisoner, say to other Prisoners in the Prison Room, “I will fight till I die”; on the 17th of April, I heard it called out in the Ship that the Prisoners were rising. I was in the utmost apprehension for my Life. I stood still, and I heard a Rush amongst the Prisoners towards the after part of the Ship which made her shake. I ran aft immediately. The firing commenced almost immediately both fore and aft. If the Captain had given any orders to fire, I am quite certain I must have heard him. I am therefore positive he gave no orders to fire. I heard one of the Guard say, “my ammunition is all out.” I heard a reply from the Prison Room, “Now is the time; their ammunition is all out, we will shew them no quarters.” I heard the Captain call out as loud as he could “For God’s sake, Men, cease firing,” but his orders were not obeyed for they still persisted in firing; after some time and considerable exertion on part of the Captain, the firing was stop’d. I heard Hooper, a Soldier of the 46th Regiment, one of the Guard call out “Damn my Eyes, as they will not allow us to fire, let us lay down our Arms and let them take the Ship”; on the 21st May, Cox, a Soldier, told me that Crawley had determined to take the Lives of myself, Johnson, Bagley and some of the Soldiers. I saw every exertion made to prevent the firing, and its continuance, by Captain Drake, Mr. Drake, the Captain’s Brother, and Mr. Milbanke, the Chief Officer. I never heard it reported that Mr. Baxter had killed Kelly.

MICHAEL ARNOLD.

Sworn before me this 3rd October, 1817:—

D. WENTWORTH, J.P.


THOMAS WELLS, Cook on board the Ship Chapman, being duly sworn, Deposeth, on the 17th of April, I was standing on the Fore Scuttle, when the alarm was given that the Prisoners were rising. I felt the fore Scuttle lifted up under my feet. I went immediately over to the larboard side of the Fore Castle and asked who was Sentry. Clements, a Soldier of the 46th Regt., replied he was. At this moment I heard the Prisoners rush Aft; the Guard and the Ship’s Company came all upon Deck; the firing immediately took place. Captain Drake gave no orders to fire, for if he had I must have heard him; on the Contrary he called out as loud as he could, “For God’s sake cease firing. I order you to cease firing.” I drew a Cutlass and I saw Murray, one of the Ship’s Company Shot by the Soldiers; I directly ran down and beg’d the Serjeant to interfere, for the Soldiers were Shooting our own people; he Said, he would not. His wife said “My Husband’s the Man to pay them Home”; finding I could not prevail upon the Serjeant to interfere. I went
upon Deck. All the Ship's Company, as well as myself, were sus- picious of Crawley, as we consider'd him to be in the Conspiracy with the Prisoners. I have often seen him in a very suspicious situation relative to the Prisoners. I am positive the Captain did all in his power on every occasion to prevent the unfortunate events which took place.

The Mark of x

THOMAS WELLS.

Sworn before me this 3rd Day of October:—

D. WENTWORTH, J.P.

GOVERNOR MACQUARIE to UNDER SECRETARY GOULBURN.

(Despatch per ship Harriet.)

Government House, Sydney, N. S. Wales,

My dear Sir,

The Ship Harriet (which conveys Home my Public Dis- patches) not having sailed this day, as was intended, gives me an opportunity of informing you that His Majesty's Cutter Mermaid, commanded by Lieutenant P. P. King of the Royal Navy, sailed from hence early this morning on her destined Voyage of Discovery, and for the purpose of Surveying the Western Coast of Australia, intending to proceed along the said Coast to the Northward and Eastward, as far as the North West Monsoon can carry him, and then return to Port Jackson by the Western Coast on the Setting in of the South East Monsoon. The Mermaid Cutter has been fitted out here in the Completest Manner possible. She is almost a new Vessel, well found in Stores of every description, Provisioned and Watered for Eight Months, and is very well Manned in respect to Officers and Crew for the Service she is intended for. Lieut. King expects to be absent from Port Jackson between Eight and Nine Months, and I trust in that time will be able to make very important additions to the Geographical knowledge already acquired of the Coasts of the Continent of Australia,* which I hope will be the Name given to this Country in future, instead of the very erroneous and misapplied name, hitherto given it, of "New Holland," which properly speaking only applies to a part of this immense Con- tinent. Mr. Cunningham, the King's Botanist lately sent out to this Country, has proceeded in the Mermaid with Lieut. King. Mr. Lewin, the Painter of Natural History, declined going on this Expedition on account of his having a Family to provide for.

I have, &c.,

L. MACQUARIE.

P.S.—The Friendship, Female Convict Ship, which I understand sailed from England in June last, has not yet arrived here.

Sydney, 21 Decr., '17.

* Note 84.
1817.
22 Dec.

Recommendation of J. Norton and family as settlers.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship Tottenham; acknowledged by Governor Macquarie to Earl Bathurst, 24th March, 1819.)

Sir,
Downing Street, 22d Decr., 1817.

I am directed by Earl Bathurst to acquaint you that his Lordship has granted permission to Mr. J. Norton to proceed with his Family,* as Settlers, to New South Wales, and I have to desire that they may receive Grants of Land proportioned in extent to the means, which they may possess of bringing it into cultivation, with the encouragement usually given to Settlers of their class.

I have, &c.,
HENRY GOULBURN.

31 Dec.

Assignment of convicts per ship Tottenham.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship Tottenham; acknowledged by Governor Macquarie, 24th March, 1819.)

Sir,
Downing Street, 31st Decr., 1817.

I am directed by Lord Bathurst to transmit to you herewith the Assignment of Two Hundred Male Convicts, shipped on board the Tottenham for the Colony of New South Wales.

I am, &c,
HENRY GOULBURN.

[Enclosure.]

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

1818.
1 Jan.

Permission for Fullon and Reddington to proceed to colony.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship Tottenham; acknowledged by Governor Macquarie to Earl Bathurst, 24th March, 1819.)

Sir,
Downing Street, 1st Jany., 1818.

I am directed by Lord Bathurst to acquaint you that he has granted permission to Mr. William Fullon and Mr. Michael Reddington to proceed to New South Wales for the purpose of disposing of the property of the late John Reddington, and I have to desire that they may receive from you such countenance and protection as they may appear to merit.

I have, &c.,
HENRY GOULBURN.

3 Jan.

Arrival and departure of ship Larkins.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.
(A private despatch per ship Larkins.)

Government House, Sydney, N. S. Wales,

My dear Sir,
3d Jany., 1818.

The Ship Larkins, which arrived here about Six weeks ago with Male Convicts from England, and which sails to-morrow for Bengal, gives me an opportunity of writing a few lines to

* Lieut. Norton, R.N., Mr. N. Norton, and three daughters.
you, and enclosing you a Duplicate of my last Private Letter per Ship Harriet, which sailed from hence direct for England on the 22d Ultimo, and Conveyed my Public Dispatches for Earl Bathurst and yourself in charge of Captain John Gill of the 46th Regiment.

It was my intention to have availed Myself of the opportunity by the Larkins of transmitting Home by her the Duplicates of my last Dispatches; but, being so voluminous, the time, which has elapsed between the sailing of the Harriet and the departure of the Larkins, has not been sufficient to prepare and complete them for Transmission by the latter Ship. They must therefore remain to be sent by the next good opportunity.

No occurrence worthy of notice has taken place here since the date of my last Dispatches Pr. Ship Harriet. We have had no arrivals since from England, and the Friendship Convict Ship has not yet made her appearance.

The Mermaid Cutter, Commanded by Lieutenant King, which had sailed (as mentioned in the accompanying Letter) on Sunday, the 21st of December, had been forced back into Port again on the Evening of that same day, but sailed finally on her Voyage on the following Morning the 22d of last Month.

I have, &c.,
L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.
(Despatch marked "No. 1 of 1818," per schooner Jeune Ferdinand.)

My Lord,

Government House, Sydney, New South Wales,

Since the Date of my General Dispatch, the 12th December last (No. 40 of 1817), forwarded with others on the 22nd of that month by the Ship Harriet, I have been Honored with Your Lordship's several Letters, Dates as per margin,* by the two Convict Transports, Ocean and Friendship, and by the private Merchant Ship, David Shaw, which latter arrived on the 9th Ult.; and I shall pay all due and respectful Attention to them.

By the Friendship Mr. Cordeaux and Mr. Walker, Deputy Assistant Commissaries General arrived, to Join the Commissariat Department, and by the David Shaw, Messrs. Thos. Scott, Robert Roberts, and Charles Foster, Free Settlers, Came as Passengers.

The Transport Ocean arrived on the 10th of January, Commanded by Mr. Samuel Remmington with 180 Male Convicts from England, under the Care of Mr. George Fairfowl as Surgeon Superintendent, All in Good Health, and highly Satisfied

1818.
3 March.

**Arrival of ship Friendship.**

**Prostitution of female convicts on ship Friendship.**

System of transportation of female convicts.

with that Gentleman's Care and Attention during the passage. Captn. Remmington's Conduct appears also to have been perfectly Correct.

The Transport Friendship, Commanded by Mr. Andw. Armet, also from England, with 97 Females under the Care and Superintendence of Mr. Surgeon P. Cosgrove, arrived on the 15th January, After a tedious Passage which produced Scurvy and Very Considerable Debility and Sickness among the Convicts and Crew.

On the Arrival of the Friendship, I received a Letter from Surgeon Cosgrove, a Copy of Which Your Lordship will receive herewith; from Whence it Appears that a Very Indecent and licentious Intercourse took place between the Ship's Officers and Crew (with the Exception only of Captn. Armet and Surgeon Cosgrove) and the Women Convicts; Whereby much Contention arose between the Captain and Surgeon on one Hand, and the Officers and Crew on the Other. From every Information I have been enabled to Collect, as Well as from the foregoing Letter, both the Captain and Surgeon did every thing according to the best of their Judgment to repress and prevent the highly reprehensible Conduct Alluded to, but with little other Effect than to produce a Constant Jarring between themselves and the persons Who had formed these improper Connections. Mutual Charges and Re- criminations having been made to Me, I Caused the Whole to be Investigated before a Bench of Magistrates, and now do Myself the Honor to transmit Your Lordship a Copy of the Depositions taken, and of the Report made to me thereon by the Magistrates.

I am here Mortified to be Obliged to Observe that, according to the Existing Regulations for the Transportation of Females to this Country, these unfortunate Creatures (several of Whom are Young and when Embarked it is to be hoped Not altogether abandoned) are but too frequently Exposed to such Scenes of Debauchery during the Passage, as to leave but little Hope of their being Speedily reclaimed after their arrival here.

If Some System Could be adopted to guard against and prevent the Shameful Prostitution of these unfortunate Creatures, Who Cannot be Considered during Such a Voyage as Free Agents, it is but Charitable and reasonable to hope that, After their Arrival, frequent Reforms Would take place. At present, the Instances of Amendment are much less frequent among the Women than the Men Convicts, and I Cannot but Attribute this Melancholy Fact to the glaring and gross Practices to Which they are Exposed, I have much Reason to Apprehend, on the Passage hither as is Exemplified by the Depositions respecting the Friendship.
Your Lordship will perhaps Conceive from the foregoing Observation that I have been aware of these Abuses having frequently existed heretofore, and of Course that I should have reported them before the present time. In Explanation, I have only to Observe that the present is the first Occasion Where the Facts have been brought to Public View at all; Whilst there is Reason to Apprehend that on Similar Occasions the Officers Were as generally Guilty as the Crews, and that a good Understanding was thereby preserved between all Parties, and of Course no Complaints Were Made.

Indeed the Reports, generally Made to Me on the Musters of Female Convicts on Arrival here, have been favorable, and on this particular Subject No Complaints, until the present, have been preferred. It is true I have incidentally learned that Such Mal-Practices did Exist among the Men and Women in Some of the Female Transports, but I have not felt Myself Warranted in Making any direct Report of such Circumstances, until the present time, as No Complaints Were Made to Me thereon.

Your Lordship's benevolent Feelings Will probably suggest the best Measures to be pursued hereafter on this Subject, and, as far as lies within My power, I shall be Most Anxious and happy to give them the desired Effect in Order to save these poor unprotected Creatures from being involved in a Profligacy during the passage, Which perhaps the Natural Inclinations of many of them Might be Averse to, but which, I have no doubt, when once forced Upon them, Will tend Strongly to render them Abandoned during their future Lives.

I have the Honor to Inform Your Lordship that Lieutenant King, R.N., sailed in the Mermaid on the 22d of December last, in pursuance of the Voyage of Discovery round the Coasts of this Country; and it is my Intention early in the next Month to dispatch Mr. Oxley, the Surveyor General, accompanied by Mr. Evans, his Deputy, With a Suitable Party, on a further Tour into the Western Country, for the purpose of tracing "the Macquarie River" to its Embouchure, Which it is Supposed will be found on the North East Coast of Australia.

In order to render this Expedition as effectual as possible, it will be furnished with Six Months Provisions and a proportionably large Supply of All Necessaries for such an Undertaking.

The present Harvest, both here and in Van Diemen's Land, I am happy to Inform Your Lordship, is Very Abundant, and the Inhabitants perfectly peaceable and progressively Improving in Industry and Consequent Prosperity.

This Dispatch, together with the Duplicates of All those forwarded to Your Lordship by the direct Opportunity of the Ship
Harriet in December last. I have Entrusted to the Care of Mr. Fairfowl, late Surgeon Superintendent of the Ocean, Convict Transport, Who proceeds from hence for the Mauritius, and will sail tomorrow with a View of returning by the Earliest Opportunity from thence to England.

Having found Surgeon Fairfowl at once an Intelligent and kind humane Man, I have been induced to Commit these Dispatches to his Care, and I beg Leave to recommend him to Your Lordship’s Most favorable Consideration, and to Solicit that he may be permitted to return again to this Country, in Case he Wishes to do so.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

SURGEON COSGREAVE TO GOVERNOR MACQUARIE.

Convict Transport, Friendship, Port Jackson, 14th January, 1818.

Sir,

I beg leave to report the arrival of this Ship, with Female Convicts and passengers for the Colony, after a tedious passage from Deptford of nearly Seven Months, and enclose a list of the Deaths and Births.

The State of Health during the Voyage has been such as might be expected from the appearance of Typhus Fever, shortly after Embarkation, Subsequently Dysentery, and at present Sea Scurvy to a serious Degree; the latter disease has been in a great Measure aggravated by a privation of Vegetable food, save a few days at St. Helena, where the Master of the Ship was under the Necessity of putting in in consequence of the Insubordinate State of his Crew.

By my Instructions, I am apprized of an Enquiry into the State of Prostitution in which the Female Convicts might have lived with the Officers and Seamen whilst on Board, and the measures taken by the Master and myself to prevent the Same.

It is with regret I have to Communicate to your Excellency the total failure of my Orders in this matter, and that Prostitution and its Consequence has been Carried on to a most Shameful extent.

In making my Report of the probable Cause of such disgraceful transactions, it is with pain I feel obliged to attribute it to individuals, by Stating that the Officers of the Ship are the Persons who both showed the Example, and encouraged a Continuance of it!

Shortly after Joining the Ship, I rec’d my Instructions, which I instantly Communicated to the Chief Mate, a Gentleman belonging to the Royal Navy, lately Married, and from whom I had every reason to expect a Cordial Co-operation in the discharge
of my Duty; the rest of the Officers are Young Men Strongly recommended to the Master; the Passengers are Mr. Giles, belonging to a religious Society and his family, and two Gentlemen of the Commissariat Staff; with such Company, I entertained every hope of Complying with my orders, at least to succeed so far as to preserve the bounds of decency.

My first Care was directed to an arrangement for the Comfort of the unfortunate Convicts, and I accordingly issued rules and regulations for their Government; I allowed indiscriminately the free use of the Quarter Deck and advised them to Conduct themselves in an orderly and decent manner, as it was probable that the Character they might acquire whilst on Board, would tend in a manner to alleviate or augment their Sufferings at New South Wales.

After our arrival at Portsmouth, a Convict was found in the Hammock of one of the Men, for which I Kept her on the after Part of the quarter Deck as a mark of disgrace, and applied to the Navy Board for advice how I should act with the Sailor, when they ordered him to be discharged; this Circumstance afforded me an Opportunity of Convincing every person on board that I was determined (if possible) to obey my orders; I accordingly made known to them, and read both my Instructions and the Board’s Letter.

The Master of the Ship also apprized his Crew of the Consequence that was likely to result from their meddling with the Convicts, being Considered as the Cargo, and called to their recollection the articles which they Signed “to obey all lawful commands or forfeit their Wages.” Shortly after, we proceeded on our Voyage and continued without any particular Occurrence till the 29th of July last, when a Spirit of great insubordination and Mutiny seemed to Exist, originating from the restraint of Prostitution; by this outrage I lost all Controul over the Convicts in a moral point of View, and I found it useless to Contend in a matter where all the Officers and Crew were implicated. I was therefore under the Necessity of relinquishing the Punishment by Marks of Disgrace on such Occasions.

The Women Constantly lived in the Men’s births, and the officers took off the Hatches at Night to let up others for themselves and for Such as wanted them; the Men even claimed as a right the effects of their respective deceased prostitutes, till at length they became Callous to all Shame; threats were held in Contempt and remonstrances treated with levity; at this Period my Situation can be better conceived than described; but when it is considered the wretched profligates I had to deal with, astonishment (at every act of theirs) will cease. They no longer
looked upon me in any other light, than destined to watch them in their Infamy, and to cheat them of the allowances of Government; they became regardless to personal Cleanliness, and even left the calls of Nature in the Prison, under the foolish impression that it was annoying me, because I Superintended the Cleaning of it.

In this state I continued until our arrival at St. Helena, where I expected some Example would be made of Such as were the cause of our Confusion. I therefore represented it to the Admiral, who was pleased to Say that he would send two Post Captains to enquire into the bad Conduct of the Crew.

On this Subject, I beg leave to refer your Excellency to the report of the Master of the Ship; at the same time I take the liberty to Maintain that from whatever Circumstance, that transpired at this Investigation, the Effrontery of the aggressors was Considerably encreased, and every act of profligacy appeared to have received the Sanction of Law, Ocular demonstration being Considered indispensibly necessary for Conviction; and even then it was held that there was no power Vested in the Authority of New South Wales to Punish the Offenders.

Under Such Circumstances I trust Your Excellency will make the necessary allowance for my inability in Complying with the intentions of the Right Honorable the Secretary of State in preventing Prostitution.

I have, &c,

PETER COSGREAVE, Surgeon and Superintendent.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 2.]

DEPOSITIONS RESPECTING THE SHIP FRIENDSHIP.

The Bench then proceeded to the Investigation of certain Charges, exhibited in consequence of the Report made by Captain Armett and Surgeon Cosgreave to His Excellency the Governor.

ANDREW ARMETT, Commander of the Ship Friendship, duly Sworn, Deposeth; In Consequence of the Orders I received from His Majesty's Government, I gave Instructions to my Officers and Crew to have no intercourse whatever with the Convicts on Board the Ship; on the 29th July, it was reported to me that a female Convict was in the Galley of the Ship. I confined her accordingly. I afterwards received information that all the Officers and Ship's Company had also intercourse with the Women, and I have reason to believe the Information was true. I admonished the Officers and cautioned them as to such proceedings; but they denied them; some time afterwards at Night I saw the second Mate, Mr. Spencely, talking to a Woman in the after Hatch; about the 16th of November, I found a Woman sitting by the side of Mr. Hill, the 4th Mate; I found also that three more Women were hid in the Officers' Birth. I had them apprehended and Confined for Disobedience of my orders. I had also repeated information that the same System was still continued, and I believe the Officer of the Watch was the Person, who occasionally removed the Hatchway Grating, which secured the Women's
Apartment, by which means the intercourse was still continued. I was advised to keep the Key thereof, which had been previously kept by Mr. Hicks, my Chief Officer. In consequence of these reports, I reported the same to His Excellency the Governor at Deptford; Mr. Hicks was accustomed to Muster the Women and lock them down, but I discontinued this Practice in the Downs, because I did not consider they could then escape. I begged the Officers not to adopt the System of Prostitution in my sight. I said "do not let me see it, it is directly contrary to my orders." I never saw anything indecent myself, but my Orders as to the intercourse with the Women were I believe Violated by every Man in the Ship. I never saw Mr. Hicks or Mr. Spencely in the Galley with the Women. Mr. and Mrs. Giles had an apartment opposite Mr. Hicks' Cabin, as also had Mr. Walker; there was an investigation of alleged irregularities, which had been committed in the Ship, at St. Helena before two Captains in the Navy; but the result of that Investigation was not made known to me; none of the Convicts but the Woman, who had Charge of Mr. Cooper's family, the Hospital Nurse and another Woman once on a late occasion had access to the Cabin. It was about 5 o'Clock in the afternoon that I saw the Woman before mentioned in Mr. Hill's Birth; the communication with the Births of the Junior Officers is different to that leading to Mr. Hicks, and if there was any Prostitution it was done in the most private and Secret way possible as I never saw any thing of it myself.

Sworn before us, same Day,—

D'arcy Wentworth, J.P.
S. Lord, J.P.
R. Brooks, J.P.

Peter Cosgrove, Esquire, Surgeon in His Majesty's Navy and Superintendent Surgeon of the Ship Friendship, duly Sworn, Deposeth; I have generally understood that the System of Prostitution was universal in the Ship, and I have reason to believe it to be true. I first heard of it at Portsmouth, when I wrote to the Navy Board. The Letter now produced is the Answer I received. I then found it necessary to Issue orders for the prevention of the Crime, and I also read my orders from the Navy Board and the Letter before produced; about the Month of July, a female Convict, named Williams, was brought to me, having been found in the Galley. I confined her accordingly. I never saw any improper act between the Women and the Men. I used my utmost exertion, both by my own example and by my remonstrances, but in Vain; and I have seen the Hatches unlocked, which had been reported to have been locked; several Women were found in the Junior Officers' Births, and had been punished accordingly by keeping them on the Quarter Deck, until the Officers promised that they would not repeat the offence. I have received every assistance from Captain Armett, who has exerted himself by every means in his power to repress this System, both by his example and otherwise, but without effect; the Access to the Junior Officers' Birth is different to that leading to Mr. Hicks. George Brown had a severe attack of a Pulmonary affection, which was materially aggravated by his continued intercourse with a female named Sarah Randall.

Sworn before me same Day,—

D. Wentworth, J.P.
S. Lord, J.P.
R. Brooks, J.P.
1818. 3 March.

Depositions re prostitution of female convicts and issue of rations on ship Friendship.

ANN BARFOOT. duly Sworn, Deposeth; I came over in the Ship Friendship. I have heard Dr. Cosgrove give orders more than once that the Men should not have intercourse with the Women. I saw Mr. Hicks four times himself open the Hatches and let Women up. I have not seen any other Officer of the Ship do so; a general intercourse took place between the Men and the Women on the passage; between eleven and one in the Night, Mr. Hicks removed the Hatches; there were Lights in the Women's Apartment and Mr. Hicks came there to put the Lights out. I have seen Mr. Hicks let the Women down in the Morning, who had been let up the Night preceeding. Mr. Hicks had this communication before and since we were at St. Helena.

Sworn before us same Day.—

D. WENTWORTH, J.P.
S. LORD, J.P.
R. BROOKS, J.P.

JOHN PATERSON, a Seaman of the Ship Friendship, duly Sworn, Deposeth; I have heard Dr. Cosgrove twice give orders that no intercourse should exist between the Men and Women. I know that those Orders were Violated because, as I saw the Officers all take Women, I also took One myself. I have seen Mr. Hill, the 4th Officer, take the Hatches off; Mr. Hicks was on deck at the time; the greatest part of the Officers and Men had Women. The Captain and the Doctor had not either of them Women; the Women were let up and down in the Course of the Night, and as far as I know totally without the knowledge or concurrence of the Captain or the Doctor; there was nothing whatever took place in the Ship which could Violate Decency.

Sworn before us same Day,—

D. WENTWORTH, J.P.
S. LORD, J.P.
R. BROOKS, J.P.

Bench adjourned until Saturday next.

The Court re-Assembled this day Saturday the 31st day of January.

JOHN WATSON, re-Examined on Oath, saith, I issued the Provision on board the Friendship from the 27th July, 1817, to her arrival in this Port. I did so by a regular Victualling Scheme given to me by Mr. Hicks, the Chief Officer. I served out the Rations accurately, as far as they would allow; the only exceptions were as related to George Brown, whose Beef and Pork was ordered to be stopt on the 18th December; Mr. Culverwell's entire Provisions were also stopt on the 27th September, including Bread, Pease, Meat, in short every individual Article; No reason was given for it; I did so by Mr. Hicks' Order; they were withheld until the 8th October; on the 22 November, they were again stopt, and the issue of them again renewed on the 26th January, 1818, by Mr. Hicks' orders, who said he was ordered to do so by Captain Armett. James Kaveragh's Provisions were also stopt on the 20th September, and never after renewed, as he was taken on board a Man of War at St. Helena on the 19th or 20th of October; there were no other Provisions stopt during the whole voyage; the Grog was stopt on the 9th September, the Crew refusing to drink three Water Grog; they have since received none excepting on Saturday Nights. I have frequently heard the Crew complain of not having sufficient food, in consequence of which Captain Armet ordered me to issue
12 pounds of Beef extra per week to each Mess of five Persons; the Crew afterwards complained of not having sufficient Bread; they were then allowed nine Pounds of Bread Extra to each Mess of five Persons, in the room of the same quantity of Flour, which was stopt, the Flour being all expended on the 3rd October. These alterations gave no satisfaction; the people still complained of want of Grog, as they could not have had sufficient time to have eaten their Dinners, if they had been compelled to drink their Grog in the fore Cabin, where I was ordered to mix it for them. I had the Issuing of the Provisions also to the Prisoners; the issue of the Lean Beef commenced on the 6th Septemb., and continued up to our arrival here. The Provisions, issued to the Prisoners and free Passengers, were of a better sort than those issued to the Ship's Crew, that which was issued to the Prisoners etc. being Government Property.

Sworn before us this 31st day of January, 1818,—

D. WENTWORTH, J.P.
S. LORD, J.P.
R. BROOKS, J.P.

WILLIAM HICKS, Chief Officer of the Ship Friendship, duly Sworn, Deposeth; I received orders from Captain Armett to stop the Issue of Provisions to George Brown and Robert Culverwell, as also to James Caveragh, at the Periods stated in the preceding Deposition. Culverwell's provisions was stopt for refusing to work before the Mast; they were stopt immediately on his being turned before the Mast. I have reason to believe that he had been guilty of some improper conduct, for which he was turned before the Mast; he was charged by Captain Armett with embezzlement; the Charge was not Investigated, nor did I ever myself know him to be guilty of it; the second time his Provisions were stopt was in consequence of some Altercation he had had with Captain Armett. Brown's Provisions were stopt by order of Captain Armett, who told me to stop that Damned Rascal's provisions; Brown was on Deck at the time picking Oakum; he never refused to do work to me; he did his Duty as a Seaman as long as he was able. Caveragh's provisions were stopt for refusing to Work. I have known several complaints amongst the Ship's Company as to the quality of the Beef; it being very old Beef, it Shrank very much on being boiled; when the Complaints were made, I took the Beef to Captn. Armett; the first Complaint was not rectified, but the Second was by each receiving half a piece Extra; they seemed perfectly satisfied; when the Mistake, which had occurred in the Issue of Provisions to the Free Passengers, was discovered, Captain Armett said it should be referred to the Commissariat here; to the best of my Knowledge the provisions in other respects were regularly served.

Sworn before us same Day,—

D. WENTWORTH, J.P.
S. LORD, J.P.
R. BROOKS, J.P.

Mr. Hicks, being re-examined, states, I have always seen Charles Kearns Capable of doing his Duty except on two occasions, when he was intuochated. I know nothing of his having Embezzled any part of the Ship's Stores, but I have known him to be careless in keeping his accounts regularly.

W. HICKS.
1818.  
3 March.  

James Drake, a Seaman of the Friendship, being duly Sworn, Deposeth, we regularly received our Provisions in the Mess, to which I belonged; as far as I know, there was always sufficient for me, but the rest of the Ship's Company complained that they had not enough. I have seen the Women frequently Eat with the Men in their Births between Decks at the Men's Dinner Time. Women have eaten in the Mess, to which I belonged; the Women used to bring their own Provisions with them; they have frequently Eaten the provisions belonging to the Sailors. I never signed any Paper to the Governor or gave my consent to my Knowledge; If I did, It was unknown to me.  

J. Drake.  

Sworn before us same Day,—

D. Wentworth, J.P.  
S. Lord, J.P.  
R. Brooks, J.P.  

The Bench resumed its Sittings on the 2nd Day of February.  

Thomas Walker, Esquire, Deputy Assistant Commissary General, duly Sworn, Deposeth; I knew that an intercourse took place between the Men and Women on Board the Ship Friendship by having seen the Women between Decks; But I have no doubt that every exertion was made by the Captain and the Surgeon to prevent the same. I believe Mr. Hicks, the Chief Officer, to be a perfect Gentleman, and he has done his duty on the passage, as far as I can judge, with the utmost zeal and assiduity; lights having been frequently seen in the Women's apartment at unseasonable hours, Mr. Hicks went down, as was his Duty and as he was ordered, to extinguish the same. It is very probable that on such occasions the Women may have passed out of their apartment to other parts of the Ship. I have heard Captain Armett at his Table say that, If the Men and Women got together, he could not help it; he had given his positive orders to prevent it, and he could do no more; he could not be awake at all times; there is a way into the Prison thro' the Hospital, but I would not myself have gone thro' that way, as fevers had prevailed in the Hospital.  

Thos. Walker.  

Sworn before us this 2nd Day of February, 1818,—

D. Wentworth, J.P.  
S. Lord, J.P.  
R. Brooks, J.P.  

William Cordeaux, Esquire, Deputy Assistant Commissary General, being duly Sworn, saith; the Women were not generally mustered down at Night at any time after my Embarkation, until our arrival at St. Helena; the Captain said he did not care about the thing (meaning Prostitution), unless it was done under his own Eye; the Captain and the Surgeon were most anxious to prevent it; some of the Women were punished for having been found between Decks with the Sailors; until the Women were regularly Mustered down, after we left St. Helena, not more than two thirds of them were passed down into their apartment. I have frequently myself at a late hour seen Candles burning in the Women's Apartment, on which occasions I have understood Mr. Hicks went down to Extinguish them. On those occasions, the Women might have probably gone on Deck. As far as I knew or could Judge. Mr. Hicks always Conducted himself with the utmost propriety, as an Officer and a Gentleman; there was no public Violation of decency and decorum in the Ship. Captain Armett did not conduct himself
MACQUARIE TO BATHURST. 759

3 March.

towards Mr. Hicks in a becoming manner in his general deportment to him as the Chief Officer of his Ship and as a Gentleman at Table.

W. CORDEAUX.

Sworn before us, this 2d day of February, 1818.—

D. WENTWORTH, J.P.  R. BROOKS, J.P.
S. LORD, J.P.

True Copies:—D. WENTWORTH, J.P.  True Copy:—I.M.

[Enclosure No. 3.]

REPORT BY THE BENCH OF MAGISTRATES.

To his Excellency Lachlan Macquarie, Esquire, &c, &c. issue of rations
May it Please your Excellency, o* 0*
We the undersigned, Composing the Bench of Magistrates assembled by Order of your Excellency for the purpose of investigating certain charges exhibited against Mr. Andrew Armet, Commander of the Ship Friendship, and Peter Cosgreave, Esquire, Surgeon Superintendent of the said Ship, do beg leave, in Obedience to your Excellency's Commands, To have the honor to transmit to your Excellency the following Report of Our Proceedings.

The Depositions taken in this Case having been duly Considered, we are of Opinion that the Circumstances, on which the Charges Exhibited by the Seamen of the Ship Friendship against their Commander are founded, having Occurred on the High Seas, are not within the Limits of our Jurisdiction.

It further appears that the Rations, allowed by His Majesty's Government to the Free Passengers being considerably less than those allowed to the Convicts, were barely Sufficient for their Support, and a very small portion thereof, having been by Mistake with-held for a Short time, that Mistake has been since rectified by the repayment of the Same.

It has been most fully proved to us that a Criminal Intercourse existed, from the Very Commencement of Voyage to its close, between Some of the Officers, the Ship's Company in general and the Female Convicts, In defiance of the Orders of His Majesty's Government strictly prohibiting the Same, which were repeatedly publicly read, and of every exertion of Captain Armet and Surgeon Superintendent Cosgreave to prevent its existence and Continuance, who appear during the whole of the Voyage to have acted with all possible attention to the orders of His Majesty's Government in every particular.

We have the honor to transmit herewith the Depositions taken in this Case for your Excellency's farther Information.

D. WENTWORTH, J.P.  RICHDL. BROOKS, J.P.
S. LORD, J.P.

Court Room, Sydney, 26th February, 1818.

True Copy:—J. T. CAMPBELL, Secy.
My Dear Sir,

Downing Street, 4th March, 1818.

Mr. Symonds, at whose recommendation Mr. Youl was originally appointed to a Clerical Situation in New South Wales, has from time to time forwarded to Lord Bathurst the letters which he has received from that Gentleman, and his Lordship has not failed to be struck with the clear accounts which he has given of the Colony as far as regards the state of the public Morals; He has latterly expressed a wish to succeed Mr. Knopwood at the Derwent, and, as Lord Bathurst is impressed with a favorable Opinion of him and is convinced from his correspondence that he fully enters into and appreciates your views in the Colony, he has directed me to recommend his wish to your Notice, and to express to you the Pleasure which his Lordship will derive, if, on a vacancy occurring at the Derwent, you shall find yourself at liberty to place Mr. Youl at that Station.

I have, &c.,

HENRY GOULBURN.

[A despatch from England, dated 7th March, 1818, was acknowledged by Governor Macquarie on 24th March, 1819. A copy of it is not available.]

Sir,

Downing Street, 24th March, 1818.

The House of Commons having voted the Sum of £12,605 0s. 0d. to defray the Expenses of the Civil Establishment of New South Wales, I transmit to you herewith a Copy of the Estimate upon which the grant is founded.

I am, &c.,

HENRY GOULBURN.

[Enclosure.]

[Civil estimates for the year 1818.

[The estimate for 1818 is exactly similar to that for 1817 (the allowance to Mr. Arndell being entered as £50), with the exception of the two following items, Vizt:—

Allowance to Gov. Bligh £200, omitted.
Allowance on account of Fees for Receipt and Audit £8340 vice £350.]
BATHURST TO MACQUARIE.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship Isabella; acknowledged by Governor Macquarie to Earl Bathurst, 24th March, 1819.)

Sir, Downing Street, 2nd April, 1818.

I am directed by Lord Bathurst to transmit to you herewith the Assignment of Two Hundred and Thirty Male Convicts, shipped on board the Isabella for the Colony of New South Wales.

I have, &c.,

HENRY GOULBURN.

[Enclosure.]

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

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UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship Glory; acknowledged by Governor Macquarie to Earl Bathurst, 24th March, 1819.)

Sir, Downing Street, 7th May, 1818.

I am directed by Lord Bathurst to acquaint you that he has given permission to the Bearer William Leviston, late Sergeant in the 100th Regt. of Foot, to return with his Wife and Two Children as Free Settlers to the Colony of New South Wales.

I am, &c.,

HENRY GOULBURN.

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EARL BATHURST TO GOVERNOR MACQUARIE.
(Despatch marked No. 1, per ship Glory; acknowledged by Governor Macquarie, 1st March, 1819.)

Sir, Downing Street, 12th May, 1818.

I have had the Honor of receiving your dispatch No. 14 relative to the Conduct of Mr. Moore, one of the Solicitors of the Colony, in affixing to a Petition, some time since presented to the House of Commons, the Signatures of several Persons without their Knowledge or Authority.

I should only have had to state my Concurrence in the opinion, which you express of such unworthy Conduct in any Man, and especially in one holding an Official Situation in the Colony, had it not been for the Information conveyed in the Letters of Mr. Law and Mr. Terry, enclosed in your Dispatch, which, while they afford the strongest Proof of Mr. Moore's misconduct, develop a proceeding on your part which calls equally for my most serious animadversion.

It appears that you have had no hesitation in considering the Signature of a Petition to The House of Commons as an act of Sedition and as deserving such Punishment as it was in your power to apply; and that you have, in two Cases, stated, made it

* Note 165.
the ground for withholding Indulgencies to Individuals, which it was previously your Intention to bestow. It is my duty to apprise you that in thus attempting to interfere with the right, which all His Majesty's Subjects possess of addressing their petitions upon every subject to The House of Commons, by making the exercise of that right prejudicial to Their Interests, you have been guilty of a most serious Offence.

In signifying to you therefore His Royal Highness The Prince Regent's Entire Disapprobation of your Conduct in having so acted with respect to some of the petitioners, to whom your Dispatch refers, I have only to caution you most strongly against any proceeding in future, which can have a tendency to check the Right of Petitioning either House of Parliament, as such Conduct on your part cannot fail to call forth from His Royal Highness the strongest Marks of Displeasure. I have, &c.,

BATHURST.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 2 of 1818," per ship David Shaw.)

Government House, Sydney, N. S. Wales,

My Lord,

14th May, 1818.

1. The Character of Acting Assistant Commissary General William Broughton having been wantonly and most unjustly aspersed, Some time since, by Mr. Edward Lord a Merchant and Settler at the Derwent in Van Diemen's Land, I deem it an act of Justice to that Officer to put Your Lordship in possession of the following Statement of facts, with a view of removing from Your Lordship's Mind any and every unfavorable impression, that may have been made thereon, to the prejudice of Mr. Broughton in consequence of the Zealous and insidious endeavours used by Mr. Edward Lord to Calumniate his Character.

2. The disgraceful and Corrupt Practices, carried on by Deputy Assistant Commissary General Hogan at the Derwent, whilst at the Head of the Commissariat Department at that Station, and the profuse and most extravagant Expenses incurred by him on the Public Account, countenanced and connived at by Colonel Davey, the then Lieutenant Governor of Van Diemen's Land, induced me in August, 1816, to order Acting Assistant Commissary General Broughton to proceed immediately to the Derwent for the purpose of superseding Deputy Assistant Com'y General Hogan and taking charge of the Commissariat Department at that Station with strict Orders and the most positive Instructions to reform all Existing abuses in the Department, Mr. Broughton being at that time the only Officer belonging to the Commissariat Staff in this Colony, in whom I could safely repose.
any trust and confidence on so important an Occasion, as he had during his long Course of Service, under my own immediate Observation, given repeated Proofs of his honesty, strict honor, and Integrity.

3. Immediately on the Arrival of Mr. Broughton at the Derwent and the removal of Mr. Hogan from office, he commenced rectifying the great Abuses and Frauds, that had so long been practiced in the Commissariat Department at that Station, by reducing the Public Expenditure in every way he could devise, and by establishing a fair, regular and impartial System of receiving necessary Supplies of Wheat And Animal Food into His Majesty's Stores from the Settlers indiscriminately, in proportion to the Grain and Cattle they raised or reared respectively without favor or Affection, the General Practice, hitherto observed at that Station, being to give a preference to a few large Stock-holders and Traders for Supplying the King's Stores with Grain and Animal Food to the entire exclusion of the poorer Class of Settlers, and thus establishing a complete Monopoly of the Stores in a few rich and favored Individuals.

4. This being the unjust and illiberal System practised at the Derwent on Mr. Broughton's arrival there, he found it necessary to adopt immediately a more just and equal one; and on his doing so, all those, who had formerly monopolized the Stores, became his decided and avowed Enemies, at the head of whom was Mr. Edward Lord, who soon afterwards exhibited very serious Charges against Mr. Broughton, a Copy of which I have herewith the honor to transmit to Your Lordship. Broughton.

On these Charges being transmitted to me, although I considered them both Malicious and Groundless, I ordered a Court of Enquiry of the few Military Officers, then stationed at Hobart Town, to be assembled there to investigate them, and to report to me their Opinion, whether there appeared to them sufficient Grounds for bringing those Charges before a General Court Martial, and the result was that the Court of Inquiry were of Opinion that there were Grounds for having those Charges investigated by a General Court Martial.

On reading the Proceedings of the Court of Inquiry, I could not perceive that they were warranted, from the Evidence adduced, to pass any such Opinion, and Mr. Wylde, the Judge Advocate of the Territory, entirely concurred with me in this Opinion. I could not therefore help suspecting that the Members, who were all the most intimate Friends of Mr. Lord, were greatly influenced in their decision by their partiality for that Gentleman, and by his very plausible and insinuating manners; but as Mr. Broughton himself very strongly urged and solicited that a
General Court Martial should be assembled to investigate the Charges exhibited against him by Mr. Lord, in order to afford him a fair and impartial Trial to rebutt them, I yielded to his request, and sent Subpoenas to Mr. Lord as Prosecutor and to all the necessary Witnesses residing at the Derwent to repair forthwith to Sydney, where alone a General Court Martial could possibly be assembled, and for this purpose I had Mr. Broughton removed and replaced by Acting Depy. Assistant Commissary General Archer.

5. Although the Subpoenas were sent by the Judge Advocate of the Territory and regularly served upon Mr. Lord and the other necessary Evidences at the Derwent, he and most of the others positively refused to come to Sydney to give Evidence at the proposed Court Martial; and as I found, on consulting the Judge Advocate, that the Attendance of Mr. Lord and the other Evidences could not legally be enforced, I was under the necessity of abandoning my intention of ordering a General Court Martial to be assembled for the Trial of Mr. Broughton, much to his own disappointment and regret, as he felt justly confident of being able to establish satisfactorily his own Innocence and the Malice of his Prosecutor.

6. Under these Circumstances, there only remained for me to refer the peculiar Case of Mr. Broughton to the consideration of the Judge Advocate of the Territory, and to be generally guided by his Opinion as to the line of Conduct I should now adopt in respect to Mr. Broughton. I accordingly called for and received Mr. Judge Advocate Wylde’s written Opinion on Mr. Broughton’s Case, a Copy of which I now do myself the honor to transmit to your Lordship herewith, as also a Copy of the Government and General Order Issued a few Days afterwards, under the firm Conviction that the Charges exhibited by Mr. Edward Lord against Mr. Broughton were frivolous, vexatious, and groundless. In addition to those Documents, I do myself the honor to transmit herewith, for Your Lordship’s further Notice and information, Copy of a Letter addressed to me by Acting Assistant Commissary General Broughton containing, what I verily believe to be, a true candid and impartial Narrative of the several Events relating to and Circumstances connected with the Charges exhibited against him by Mr. Edward Lord; than whom, there cannot be found a more vindictive and implacable Character nor a more malicious one.

7. As my Conduct throughout this business has been solely dictated by Principles of strict Justice to relieve a much injured man and a most valuable Public Officer from unmerited Obloquy, I indulge a hope it will be honored with Your Lordship’s entire
MACQUARIE TO BATHURST.

The following Charges were preferred by Edward Lord, Esqre., against Acting Assistant Commissary General William Broughton.

Viz. 1st. For un-Officerlike Conduct in trading expressly contrary to the Orders of the Sovereign and a Breach of the Articles of War.

2nd. For un-officerlike Conduct in retailing Wines from His Majesty's Magazine.

3rd. For buying a Pipe of his own Wine in the Name of another Person for the use of the General Hospital, without publishing tenders.

4th. For Malversation in Office, and permitting it in the Store-Keeper.

True Copy:—L. MACQUARIE.

[Enclosure No. 2.]

JUDGE-ADVOCATE WYLDE TO GOVERNOR MACQUARIE.

Sir, Judge-Advocate's Office, 24th March, 1818.

In pursuance of your Excellency's Directions, having taken into Consideration the Merits of the Proceedings as reported by
the Court of Inquiry on Certain Charges preferred by Mr. Edward Lord against Mr. Broughton, the Acting Assistant Com’y General in Van Diemen’s Land, I beg leave to suggest that there does not appear to me any such Proof of any one of the Charges as to criminate that Officer in his official Character or to render him undeserving of that Confidence in the Service he seems for so long a period to be considered worthy of. The Charge of Malversation in Office I must confess appears to me altogether disproved, as to any Ground of Criminal Accusation, in every Specific Item; and with respect to the third Charge, as whatever in fact took place did so with the perfect Concurrence and approbation of the local Representative Authority of the Government, it would seem wholly unnecessary to refer to the Subject matter in respect at least of any Criminal Charge to be preferred by the Government, founded on that transaction, which however in truth seems also to have been productive, after all, of no Injury whatever to the Public Service and Interest.

The first and second Charges are founded, upon the Evidence, in matter of too insignificant tenor and Circumstance, as explained by Mr. Broughton, to render it necessary in my Judgment to claim any ulterior Consideration.

I consider it however incumbent upon me to observe the very irregular and improper mode of Interrogation, which was so generally allowed on the occasion; as the very form of the Queries used put the fact to be deposed to in direct leading terms to the Examinant, and thus tends unduly to warp the Answers to the immediate purpose of the Question.

As the Court Martial in Contemplation will not, upon the Considerations suggested by Your Excellency, take place, you may perhaps think fit to transmit the Proceedings Home, but at all events will not, I should presume and hope, deem it unfit in the mean time to take advantage of those Services Mr. Broughton seems so well qualified to render the Department, of which it seems acknowledged he has so long proved himself an useful and faithful officer.

I have, &c,

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

True Copy:—L. MACQUARIE.

[Enclosure No. 3.]

GOVERNMENT AND GENERAL ORDERS.

Head Quarters, Sydney, Saturday, 28th March, 1818.

Certain Objections having been some time since urged by Mr. Edward Lord, a Merchant at Hobart Town in Van Dieman’s Land, against the manner in which the Commissariat Department at that Settlement was conducted, and he having preferred Charges against Acting Assistant Com’y General Broughton,
the Officer at the Head of the Department there, His Excellency deemed it equally due to the Public Service and the Character of the Officer accused to cause an Investigation by a Court of Inquiry to take place at Hobart Town, and having afterwards, as well from the Circumstances which arose out of that Court's Inquiry as at the pressing instance of Mr. Broughton himself, signified and directed that the Parties should respectively have the opportunity afforded them of appealing to a General Court Martial, which His Excellency was about to convene for that purpose, He has lately received a Communication from the Lieutenant Governor of Van Diemen's Land, signifying that the Party, who had originally preferred the Charges, and several of the Witnesses, had expressed a reluctance to proceed to Head Quarters to substantiate the alleged Charges before a General Court Martial, whereby the Object, both as it regarded the Public Service and the Private Character of the Officer accused, is frustrated, this being the only Situation, according to the present Distribution of the Military Force, where a General Court Martial could be possibly assembled in this Territory.

His Excellency feeling that under such Circumstances it would be doing Injustice to the Character of an Officer, whose long meritorious, and faithful Services in this Territory for the last 30 Years give the fullest assurance of those Charges, now forborne to be acted upon, having been at least frivolous and springing from feelings of a private and personal Nature, Orders and directs that Acting Assistant Commissary General Broughton do hold himself in readiness to resume the Duties of his official Rank, in such Situation as his superior officer in the Commissariat Department, at Head Quarters, shall assign him.

And His Excellency cannot forbear the Expression of his entire Satisfaction with the Honorable Conduct of Mr. Broughton in the Arduous Execution of his Duty in the several Situations, in which he has been placed at different times during His Excellency's Administration of this Government, and more especially for his faithful, zealous, and impartial discharge of the important Duties, recently entrusted to him at the Settlement of the Derwent in Van Diemen's Land, in rectifying and reforming the various Abuses which had been practised for some Years past in the Commissariat Department at that Station, and in so greatly improving the same, for which The Governor begs Acting Assistant Commissary General Broughton to accept his best thanks.

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

True Copy:—L.MACQUARIE.
1818.
14 May.

Reasons for making statement re Lord's charges.

Acting Assistant Commissary-General Broughton to Governor Macquarie.

Sir,
Sydney, New South Wales, 1st April, 1818.

I had the honor of receiving a Copy of Your Excellency's Government and General Orders of date 28th March, relative to certain charges exhibited against me by Mr. Edward Lord, a Merchant residing at Hobart Town.

Although I feel great satisfaction at the Sentiments you have expressed of my Public Conduct, as I do also from the opinion entertained by the Honorable Judge Advocate, expressed in his Letter of the 24th of the same month, a Copy of which Your Excellency was pleased to furnish me with, I have notwithstanding judged it expedient and proper to enter into a detail of the principal circumstances, which led to those charges, and most respectfully solicit that Your Excellency will be pleased to forward the same to His Majesty's Ministers, with a view to do away with any unfavorable impressions which may have resulted therefrom. I have been induced to have recourse to this mode of justification, in consequence of my adversary having deprived me of the means of establishing my innocence by withdrawing himself altogether, and which has rendered nugatory the measure Your Excellency adopted to afford me Justice by a General Court Martial, which you had ordered.

It is unnecessary to remind Your Excellency that it was in consequence of the repeated Complaints of the very irregular and highly discreditable manner in which the Duties of the Commissariat were conducted at Hobart Town, that you were induced to select me as an Officer fully competent to reform the same, and for which I was sent to that Station.

The arduous and very painful duty I had to perform, that of doing away with abuses, which had long existed, and in which individual interest was as strongly connected, brought upon me many enemies the chief of whom was Mr. Lord.

My long residence in the Colony has given me a competent knowledge of its interest, and, as far as it has been connected with the Duties of my Office, I have made it my study, in doing which I have sacrificed my Private feelings to the Public good.

The grossly partial manner, in which Grain and Meat had been received into the Stores, was the Subject of great dissatisfaction and loudly complained of on my arrival. This, with the absorbing views of a few avaricious individuals, was the principal cause of the distress of the industrious class of Settlers, and tended greatly to retard the prosperity of the Settlement. I could not view these circumstances with indifference; the reforming of
which was the chief object, which occupied my attention, by adopting a fair and impartial System in receiving Grain and Meat into the Public Stores, it being the only Market the Settler had for his produce. The Carrying of this measure into effect, with the opposition I gave to my adversary’s schemes, gave rise to the charges he prefered against me, and shortly after I found in him a most implacable enemy.

About ten days prior to his prefering the charges, he made a proposition to Lieutenant Governor Davy, in which he tendered the loan of Three Thousand Pounds for the purpose (as he expressed) of relieving the distressed state of the Police Fund; but under the special Provision, that he was to be allowed the exclusive priviledge of supplying the Stores with Grain and Meat, until that amount was raised, although at this time Mr. Lord was indebted to the Fund Seven Hundred and Sixty Eight Pounds for Duties due on Spirits. Lieutenant Governor Davy sent for, and consulted with me on the subject, when I represented the great injury the Settlers would sustain, if this measure were carried into execution. My representation had the desired effect, the scheme was abandoned, and in ten days after written Charges were prefered against me by Mr. Lord.

The charges prefered against me were for being concerned in Trade and Malversation in Office. I shall, as briefly as the circumstances will admit, state the grounds on which those charges were founded.

In building the House I now occupy, I was under the necessity of furnishing my Workmen with Clothing. In making purchases, I was at times under the necessity of purchasing more than I required, and I was also obliged to buy Articles I did not want for the purpose of procuring such as were essential for my Works. It was the remnants of these articles, which I took with me to Van Diemen’s Land, and of which Mr. Lord so loudly complains. It must however appear astonishing to every unprejudiced person when it is understood that Mr. Lord offered his Services in disposing of the Articles for me. If he considered there was any thing Criminal in the business he surely had little regard for his Character when he offered to participate therein, and afterwards turned Public accuser. For prudential reasons I declined accepting the proffered service, signifying at the same time my desire of disposing of them at once for the purpose of making a remittance to Mrs. Broughton. To obviate any difficulty on the score of remittance, Mr. Lord, with the appearance of generosity, tendered me the loan of Three Hundred Pounds, which I was to repay at my convenience. I declined the offer having understood from himself that his Debts exceeded Fifty Thousand Pounds, Stg.
1818.
14 May.

Lodging of
Broughton at
Lord’s house.

Particulars re
sale of wine by
Broughton.

Liquidation of
loan made by
Lord.

I lodged at Mr. Lord’s House about fourteen days at his pressing invitation, and no person could express a more friendly regard for another. During this short period, our conversation frequently turned upon points connected with my Public Duty; but his arguments were so at variance with my principles, and the rule I had laid down for my conduct, that I began to suspect the professions he had made me were not the genuine effusions of friendship, and determined on quitting my quarters. On informing him of my resolutions he appeared somewhat surprised, keeping up the appearance of a sincere friendship and offering me a Room in his House with a Seat at his Table free of expense, while I might remain at Hobart town. I declined the acceptance of this offer also, and soon discovered the dawning of that rancour, which he afterwards carried to the utmost height.

Much has been said of my having sold a Pipe of Wine of my own to Government in the name of another person. The Pipe of Wine so spoken of was purchased by me at Sydney expressly for Lieutenant Governor Davey. But when the vessel arrived, on board of which it was, he for some pecuniary reasons declined taking it. Soon after I received an order from him to purchase a quantity of Wine for the use of the Hospital, when I tendered the Pipe at the same price precisely that he was to have paid for it, and received his order for the purchase. The fairness of the charge is attested by the Judge Advocate and one of the principal Merchants. There was nothing fraudulent or collusive in the transaction, and the only reason I had for employing an Agent in the business was “that I could not appear in the character of buyer and seller at the same time.” How widely different the following transaction will appear.

Prior to my arrival at Hobart town, an Officer in high Public trust borrowed from Mr. Lord Four Hundred Pounds, for which the Store keeper, who had charge of receiving Grain, engaged to deliver into the Public Stores Eight Hundred Bushels of Wheat to liquidate the same. Vouchers for which were already made out, and signed or upon the point of being so; but an occurrence took place, which so alarmed the Store keeper that he stepped forward and confessed he had not delivered a single grain of Wheat into the Stores on account of Mr. Lord. This fraud would have been carried into effect, but for a discovery I made before I took charge; and although I do not mean to attach any dishonesty in this transaction to Mr. Lord, being persuaded the Store keeper misled him, Yet surely it was a duty incumbent in him to have ascertained whether or not the Wheat had been delivered, before he allowed his name to be made use of.

Mr. Lord has dwelt much on the circumstance of my having disposed of small quantities of Wine to individuals. When I
bought my Wines, I had not the remotest idea of disposing of them in this way. On embarking for the Derwent, I laid in a Pipe of Madeira and a Chest of Port Wine with Thirty five Gallons of Hollands, intending to Mess with the Officers of the 46th Regt. on Detachment at that Station; but on my Arrival I found them Messing separately. I was under the necessity of lodging and boarding with a private family. I had no occasion for my Wines and Spirits. I could not afford to give them away, and of course disposed of them to the best advantage.

He has stated in one of the Charges that, after Your Excellency had reduced the price of Meat to Six pence per pound, I paid two persons at the rate of seven pence. I admit that such an occurrence did take place, but it was under such circumstances that I felt myself bound in honor and strict justice to do. Both of these persons had sent in Tenders to supply the Stores, which were accepted, and their Meat ought to have been received long before the reduction took place; but, at the period of my Publishing general Notice of the acceptance of Tenders for Meat and the time it would be received, I had by accident mislaid theirs. It was in consequence of this, I pledged myself to receive their Meat at seven pence per pound. I derived no advantage whatever from the transaction, consequently the charge of Malversation is unfounded.

In a Letter of complaint, which accompanied the Charges, He states that prior to my arrival at Hobart Town I got possession of a quantity of Cattle at Port Dalrymple. But although Mr. Lord was particularly acquainted with their number, as also the manner I became possessed of them, he very artfully suppresses the main points with a view of misleading the judgement and to impress upon the mind that I was making a trade of the business. The quantity of Cattle, he alludes to, were Six Bullocks I received from Mr. Archer, in lieu of the like Number of Cows he had from Government at Head quarters for the payment of which I was his Bondsman. These Six Bullocks were driven across the Country with Mr. Lord's consent along with a Herd of his own, and which he afterwards pressed me to exchange for as much Mutton as they might be adjudged to weigh. The Mutton I received and delivered it into the Stores in the same manner as any other Stock holder would have done.

Having stated to Your Excellency the particular circumstances, which led to the charges which Mr. Lord prefered against me, with every possible degree of candour, as also Mr. Lord's conduct towards me without the most trivial aggravation, and which I should have proved in Evidence had a Court Martial taken place, I now respectfully hope it will appear to His Majesty's Ministers
as it has done to Your Excellency, that I am a much injured and persecuted Man, and do away with any unfavorable impressions those Charges may have produced.

I have, Your Excellency, been nearly Thirty Years in the Commissariat of this Colony, have filled from the lowest to the highest Stations in it, and never before had a Charge preferred against me of a Public nature; in support of which I could produce the testimonials of highly respectable officers under whose command I have been.

The very flattering and honorable Testimony, Your Excellency has borne to my Public Character in Your Government and General Orders, is peculiarly gratifying to my feelings, and I shall hope, and the more so because that hope is founded on conscientious innocence, that my character will be rescued from the infamy endeavoured to be cast upon it by my cruel and Malicious adversary.

I have, &c.,

W. BROUGHTON, Ag. A. C.-Gen'l.

I do hereby certify the foregoing Statement to be fairly and truly Narrated.

L. MACQUARIE.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Glory; acknowledged by Governor Macquarie to Earl Bathurst, 24th March, 1819.)

Sir,

Downing Street, 15th May, 1818.

I am directed by Lord Bathurst to enclose you herewith the Assignment of One Hundred and Seventy Convicts, shipped on board the Glory for the Colony of New South Wales.

I am, &c.,

HENRY GOULBURN.

[Enclosure.]

A copy of the assignment of convicts is not available.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 3 for 1818," per ship David Shaw.)

Government House, Sydney, New South Wales,

My Lord,

15th May, 1818.

I have the honor to communicate to Your Lordship that, with a view at once to the lightening the burthen of this Colony on the Mother Country, and to the restraining the present immoderate Consumption of Spirituous Liquors, I have by Proclamation increased the Duty on Spirits from 7s. to 10s. pr. Gallon, and also established a new Duty of 6d. per lb. on Tobacco to be imported into this Colony, from and after the 1st day of April last.
In regard to the expediency of laying an additional Duty of 3s. per Gallon on Spirits, I beg to remark that a Considerable Revenue will be Obtained, and in the event of the establishment of Distilleries in this Country, which is an Object of the greatest consideration with Our farmers and earnestly looked for at Your Lordship's hands, it will enable this Government to render it a protecting Measure to the Colonial Distillery, which in its infancy will unquestionably require to be exempted from some portion of the Duty laid on the imported Spirits from Bengal, Rio de Janeiro and other foreign Ports, whilst at the same time the Revenue will be kept up to what it has been heretofore.

The very trifling duty of Sixpence per lb. on Tobacco, with which I have commenced the taxing of that foreign Luxury, is by no Means equal to what it would very well bear; but as a first Duty, I have thought it most advisable to make it so small as not to produce any Sensible effect on the Minds of the Consumers. At no very distant day, it may be encreased to a level with the Duty in England itself; and the Revenue, thence resulting, will form a very Considerable addition to Our internal Resources. Another object from this Duty will be also promoted for the Benefit of the Colony, which is that it will probably Stimulate Our Own people to Cultivate the Tobacco Plant, which at present grows here most luxuriantly and only requires the hand of care and attention to render it fully equal to our internal Consumption at least.

There are some other articles of frequent and large import into this Colony, which would bear, without being Oppressive to the Consumers, a Duty that would also encrease Our Resources in a very great degree, and Consequently go in Aid of the necessary expences of the Government, And to the relief of the Weighty drafts made at present on the Mother Country.

The articles, to which I now more particularly allude, are Tea, Sugar and Rice, tho' generally All the Articles of Manufacture or Produce, Imported from foreign Countries for Consumption here, would also bear a proportionable encreased rate of Duty. In the Instance of the Articles enumerated, I would propose that Duties (in addition to the present trifling ad valorem of 5 per Cent. on original Cost) should be laid according to the following Rates, Vizt.

- On Green Tea, 5 pence per lb.
- On Black Tea, 3 pence per lb.
- Sugar, 2s. 4d. per Cwt.
- Do., Candy, 3s. 4d. Do. Do.
- Rice, per bag of 150 lbs. 1s. 9d.

These Duties I now beg leave to propose for your Lordship's Consideration.
But, whilst on the Subject of laying and levying Duties in this Colony, I have to Observe that a Serious and Weighty difficulty has been Stated by our present Judge of the Supreme Court in regard to the legality thereof, which, until Obviated by some Measure from home, will necessarily tend to render the raising a Revenue in this Country by the present Mode at once precarious and dangerous; a Letter from Mr. Justice Field addressed to me on this Subject, being in my mind very full and Clear, Altho' I cannot altogether accede to the expediency or even propriety of our Law Courts acting thereon at this time, I do myself the honor to transmit Your Lordship a Copy of it, and request that the Measure May Obtain at an early day that degree of Consideration which its importance seems to demand.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

MR. JUSTICE FIELD TO GOVERNOR MACQUARIE.

Sir,

Sydney, 23rd Feby., 1818.

Your Excellency having commanded Mr. Wylde to institute several Suits in the Court, in which I have the honor to preside, the defences to which will probably involve the legality of the imposition of duties in this Colony without an Act of Parliament, I have taken that question into my Most serious consideration; and as I cannot cherish the least doubt that we must (and as I understand that we soon shall) have an Act of Parliament for the purpose of legalizing those duties, which Your Excellency has thought it expedient to impose, May I be forgiven, if an anxiety to prevent the public discussion of a question, in which I might perhaps be forced to give an Official Opinion against the present legality of such duties, induces me to request Your Excellency to instruct the Solicitor for the Crown to forbear to proceed in the suits in question for the present.

I have privately communicated to Mr. Wylde this my Opinion, founded as it is upon one of the first principles of the British Constitution, which declares that "no subject of England can be constrained to pay any aids or taxes, but such as are imposed by his own consent, or that of his representatives in parliament."* And also upon a recognition of this principle by the legal advisers of the Crown in the year 1772, when the Attorney and Solicitor General, Sir Philip Yorke (afterwards Lord Chancellor Hardwicke) and Sir Clement Wearge gave it as their Opinion that no tax could be imposed upon the Colonies but by their several legislative assemblies, or (if they had none) by an Act of Parliament; and Your Excellency will recollect that the great contest

of the Americans (during the War) was that the Colonies could be taxed only by their legislative assemblies, and that all the Crown then contended for and enforced was that the British legislature (not the King alone) could also tax them. But here it is the King alone (through the Medium of Your Excellency) that imposes duties, which by the British Constitution and law cannot be. The Opinion of the above great law advisers of the Crown was adopted and acted upon by no less a Chief Justice than the Earl of Mansfield in 1774,* and has been since incorporated into the text of a Work of no lighter authority than Dr. Adam Smith's Wealth of Nations, to the 446th page of 2nd Volume of which I take the liberty of referring Your Excellency.

I am informed that the payment of these duties has never yet been attempted to be legally enforced in the Colony, and that Your Excellency is so satisfied that there ought to be an Act of Parliament for them that you have hitherto only reported defaulter's home; and not felt yourself justified in arresting their flight from the Colony. I have not the least doubt that the only reason, why Your Excellency has not yet been Armed with such an Act of Parliament, is that His Majesty's Government are not sufficiently aware of the great amount of the duties or of the rising importance of the Colony.

I think it right to add that my Opinion goes only to the Case of King's duties or taxes, to the imposition of which only it is held that the people, either in parliament or legislative assembly, must assent. As for port duties or Market or turnpike tolls, the King alone can impose them in consideration of His making the port, Market or road, and therefore Your Excellency, as His Majesty's Representative, has equal Authority with Him in those Cases. And indeed the power of appointing Markets and ports is expressly given in Your Excellency's Commission, which that of imposing duties is not; only the power of "disposing of such public Monies as shall be raised," it does not say how; and therefore it must be presumed the Commission Meant by lawful Authority, which the Authority of the King alone is not, for duties and taxes, other than port Market or turnpike tolls.

I hope I have been fortunate enough to convey to Your Excellency the respect and loyalty from which this Communication emanates, And that you will be pleased to approve of the Course I have taken in the very difficult and responsible Situation, in which the want of a proper Act of Parliament has placed me.

I have, &c,

BARRON FIELD.

True Copy:—J. T. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 4 of 1818," per ship David Shaw; acknowledged by Earl Bathurst, — December, 1818.)

Government House, Sydney, New South Wales,

My Lord, 15th May, 1818.

I do myself the Honor to report to your Lordship that Mr. Marsden, the Senior Chaplain on this Establishment, lately Applied to Me for Permission to proceed to England by the present Opportunity of the Ship David Shaw; and I have Considered it my Duty to refuse that Permission on the Grounds of the present Very Inadequate State of the Church Establishment owing to Accidental and Other Causes.

I have taken Considerable Pains to Convince Mr. Marsden that the Refusal of My Sanction, under the Existing Circumstances of the Weak State of our Church Establishment, Arose out of my Feeling of the Strong and imperious Necessity for him, not only as the Senior Chaplain, but also in the possession of good Health, to remain in the performance of his Clerical Duties, Until I should have at least this present Opportunity of Again representing to Your Lordship the great Inconvenience and Injury, Sustained by our widely Extended and greatly Increased Population from the Want of Some additional Steady respectable Chaplains to Instruct them in their religious Duties; and I had hoped that by Making this Explanation, I should have Obtained his Acquiescence in the Reasonableness of my Refusal.

But altho' Mr. Marsden has repeatedly Visited his Native Country, since his first Arrival here, and only returned from a long Absence from this Country, Since My own Arrival in it, Yet has he Continued with a pertinacious Urgency to repeat his Request to Obtain Leave, pressing Arguments in favor of his Wish, which are in My Opinion the Strongest which Could be produced Against it, and I have even pointed out to him that the Reasons assigned by him are Sufficient, and much More than Sufficient, to determine Me not to grant his Request at this time.

I do myself the Honor to transmit, for Your Lordship's fuller Information on this Subject, a Copy of the Correspondence between Mr. Marsden and Myself on this Occasion.

The Frequent and long persevered in Efforts of Mr. Marsden to Embarrass my Government and to Impede My Measures in every Way, Which an Under-Hand, disingenuous, Caballing Disposition Could devise, fully Convince Me that his Object, in Wishing to go to England at this time, is very different from what he has avowed in his Letters, and that under the Seemly Garb of Sanctity and Zeal for Religion, his real Motives and Designs are to Co-operate in A System of Malicious Attack on the Measures, or More properly on the Misrepresented Measures
of My Government, devised and planned by Himself and Mr. Jeffrey Bent, Whose Character and Designs are Not Yet Sufficiently before Your Lordship, altho’ I have been Obliged to Communicate My Mind freely to Your Lordship respecting him on former Occasions. That Such is the purport of Mr. Marsden I am Well Assured, and on this Score also I have had the less Inclination to Accede to a Wish, which even on its Avowed Grounds was improper and Unreasonable.

The Addition of Six Chaplains to our present Church Establishment, as Mentioned in Mr. Marsden’s first Letter herewith, I am fully of Opinion would be highly Serviceable in promoting the Interests of Religion and the Welfare of the Colony; and I therefore Most respectfully Solicit your Lordship to Accede to this present Application for that Number of Clergymen. I have also to request that an equal Number of Well Qualified respectable men be sent hither as Public School Masters, begging Leave at the same time to Suggest the Propriety of all persons, sent hither for the purpose of disseminating the Principles of Education, being of the Established Church, Untainted with Methodism or Other Sectarian Opinions. I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

REVEREND SAMUEL MARSDEN TO GOVERNOR MACQUARIE.

Sir, Parramatta, 17th April, 1818.

I have for a long time past had a strong desire to return to England for a short Period, and, as the David Shaw is about to proceed direct to Europe, I have to request that Your Excellency would allow Me Fifteen Months Absence from the Colony to enable Me to avail Myself of so favorable an Opportunity as the present. Many important Considerations, both of a public and private Nature, Urge Me to solicit this Indulgence from Your Excellency. Your Excellency is aware how destitute Many of these Settlements are of Religious and Moral Instruction, and also how very distant the Prospect is of any Clergymen coming out to administer to the Edification of the Inhabitants.

At Port Dalrymple there has been no Clergyman stationed there, since the Settlement was established more than thirteen Years ago.

At the Derwent, the Revd. Mr. Knopwood, from Age and Infirmity, is unable to perform the Duties of his Sacred Office. At the Settlement of Newcastle, there is no Clergyman, tho’ there are about Seven hundred Souls; and the greatest part of these Men and Women are of the Most abandoned Character and sunk into habitual Idleness, Ignorance, and Vice. The Revd. Mr. Cowper is not equal to the discharge of the Numerous Duties.
of his Office from his very Infirm State of Health and the great Population of Sydney, amounting to about Five thousand Souls; The Visiting the Sick, and the Surplice Duties, independent of having to preach three times a Week, are quite sufficient for One Clergyman, provided his Health was good. The Revd. Mr. Cartwright is also often Unwell, and, if he was not, he could not perform the Necessary Clerical Duties at Windsor, and in the other Districts upon the Banks of the Hawkesbury. There are also several other Districts of great extent where the Inhabitants have little or no religious Instruction; nor is it possible for the present Small Number of Clergymen to relieve their Wants in this Respect. The Free Inhabitants in these Districts, who have Families, seriously feel the want of Instruction for themselves and Children; and, if they cannot get that Instruction from the Regular Clergy of the Establishment, they will seek it out of the Established Church, and these Settlements will at no distant period be filled with Dissenters of all Denominations. I know some have already stated their Wants, and applied to their Friends in England for Teachers, who no doubt will see the Importance of Attending to their Applications.

During the Administration of this Government under the late Governor King, I was the only Clergyman in these Settlements for about Seven Years. At that time, both Myself and the Governor made repeated Applications for some Clergymen to be sent out, but none were then found willing to come to this Colony. For the last few Years, I have applied for Chaplains, and Your Excellency has done the same, but without Success. From what took place formerly, And since Your Excellency has had the Supreme Command, I think it may fairly be inferred that little hope remains of any Clergymen Coming to these Settlements, unless there is some Person in England upon the Spot, who will take a lively Interest in promoting this important Subject, and by looking out for Proper Persons for these Situations. Sober and Serious Clergymen, before they can be induced to take such a Step as to leave their Native Country and Friends, will make many Inquiries, and must have some Person upon whose Information they can depend to satisfy their Inquiries, before they will venture upon so serious an Undertaking.

During the Administration of Governor King, in consequence of no Clergymen coming out, he gave Me leave to Return to England for some Assistant Chaplains. On my Arrival, I made a personal Application to His Majesty’s Ministers for the Number then wanted, which was immediately granted, and I was directed to look out for Proper Persons for the Situations; I used My utmost Exertions, but could not get all that were Wanted.
Very Name of the place was offensive to Many, and others were deterred by the Distance; I fear the same Causes still produce the same Effects, and that, if any were even inclined to come, the Return of the Revd. Mr. Vale would operate powerfully against such an Inclination.

I have no doubt but I should obtain some Clerical Assistance, could I once reach England, and lay the great Want of Clergymen before His Grace the Archbishop of Canterbury. The Population is rapidly increasing both in these Settlements and in those on the Southern Island, not only from the Natural Increase of the Children, but from the large Annual Importation of Prisoners and Free People from England and Ireland; so that the Necessity for more Clergymen becomes more urgent every Day.

My Colleagues, being impressed with Similar Feeling to My Own in this Respect, are anxious that I should proceed to Europe by the present Opportunity, should Your Excellency Condescend to Grant the Leave I crave, and have offered to do my Duty in My Absence as far as Circumstances will admit. From the above Statement, Your Excellency will readily admit, I am sure, that these Settlements are in the Utmost want of Six Clergymen at least, One at Hobart Town, One at Port Dalrymple, One at Newcastle, One at Sydney, One at the Banks of the Hawkesbury, and One in the District of Airds, and those Bounding on the upper Banks of the Nepean.

I beg further to state to Your Excellency that, in Addition to the great Want of Clergymen, Men of good Moral Character and some Education are required for Schoolmasters in the Different Districts, as such Characters are not to be Met with in the Colony. It must be admitted that it is a Consideration of the utmost importance that Men of Sound Principles be appointed to Superintend the Instruction of Youth in these Settlements, and more especially when it is considered from what Degenerate Parents the Children in general Spring.

I beg further to Mention that My private Affairs require My presence in England for a short time. I have been more than twenty five Years upon this Service, and only Visited My Native Country once, and that about Nine Years ago; since that time some of My Nearest Relations are dead, and those who Survive ardently wish My Return. I trust the above public and private Considerations will Appear to Your Excellency's Opinion My present Application, and to induce Your Excellency to comply with My request.

I have, &c.,
Samuel Marsden.
[Enclosure No. 2.]

GOVERNOR MACQUARIE TO REVEREND SAMUEL MARSDEN.

Government House, Sydney, 20th April, 1818,

Sir,

Monday Evening.

I have to acknowledge the receipt of your letter of the 17th Inst., soliciting, for reasons therein Assigned, permission to proceed to England in the Ship David Shaw, now about to return thither.

It is with satisfaction I discover by Your Letter that, at least on the two great and important Considerations of religious Instruction and Moral Education, your sentiments coincide with my own, those particular Objects having been at all times Uppermost to My View in my general Arrangements for the Spiritual Welfare and Moral respectability of this remote Settlement.

But Notwithstanding that perhaps all has not yet been effected, which could be wished, still when Compared with the Situation you represent the Colony to have been in at the time of your return to England under leave from the late Governor King, it must be admitted that much has been done both in the advancement of Religious Instruction and in the Establishment of Schools.

At the time you refer to, it appears there was but One Clergyman in the whole Territory; Now there are no less than Six, three of whom I have Assigned to the more populous Districts, which were previously destitute of All religious instruction, except such as was occasionally derived from Itinerant and Sectarian Preachers, whose exertions, however meritorious in them, promise little benefit to the Community.

Indeed I am of Opinion with Yourself that, by Instructions so Conveyed, “these Settlements will at no distant period be filled with Dissenters of all Denominations,” a consequence much to be deprecated.

With reference to our School Establishments, Altho’ they are neither so extensive, nor in all other respects so perfect as could be wished, yet they are also much increased in Number and improved in the Description of their Teachers; and I have much pleasure in being enabled to observe that, in addition to the several public Endowments for disseminating the first principles of Common Education in the Towns of Sydney, Parramatta, Windsor, Liverpool, and Newcastle, in this part of the Territory, and at Hobart Town and Port Dalrymple in Van Diemen’s Land, there are several inferior School Establishments at Richmond, Castlereagh, Pitt Town, Wilberforce, &ca., &ca., &ca., where the
rudiments of Education are given in a tolerably fair and extensive degree. It must be also within your knowledge that for the higher Attainment of Learning We possess Various Classical Schools at Sydney, Castlereagh, &c., independent of the Native Institution for the benefit of the Aborigines, which, I am happy to inform you, is making yet a sure progress towards the Civilizing a Number of the present rising Generation. Notwithstanding, however, this increase in the Number and respectability of Our Schools, they are still inadequate to the great Work of rendering Education co-extensive with the Population, in that Measure and degree that I am anxious to render it.

Thus far, I have confined my Observations to the two leading Objects avowed by you as the principal of the "Many important Considerations of a public Nature," independent of private ones, which urge you to solicit permission to return to England. I have now to observe that, on a dispassionate review of your avowed Motives and Objects, I cannot but differ widely from You in regard to the means by which you purpose to effect the desired Objects, namely, by your own return to England.

In the first place, after having Correctly stated the inadequacy of the present Church Establishment, and strengthened Marsden's that position by observing on the ill state of health of three of the present Chaplains, Namely, Mr. Cowper at Sydney, Mr. Cartwright at Windsor, and Mr. Knopwood at Hobart Town, You solicit leave to withdraw yourself also from the Efficient Ministry, whereby the evil, Complained of, must be increased; and at such a time and under such Circumstances, I cannot but consider it an imperious Duty, and One paramount to all others, that You, the Principal Chaplain in the possession of good health, should remain firmly at your post. In order to make this still more obvious, allow me to figure to you the Situation of this Country as to religious Instruction, were the Reverend Gentlemen, whose health makes their Lives so precarious, rendered either by Death or otherwise totally unfit to execute the Duties of their respective Stations, and that such Event should take place at a time when you were absent, then would the Settlements, which you justly Observe require Six Additional Chaplains, be reduced to depend on the personal Exertions of Two only. And thus a Duty, which you consider requires the Superintendence of Twelve Clergymen, be left to that of Two, and that for a long indefinite period.

The Argument therefore, urged in favor of your going home, is in My Opinion the Very strongest that could possibly exist against it, and I am convinced that on reflection you will see it in the same point of View, Altho' it seems to have escaped your
1818.
15 May.

Consideration at the Moment of Making your Application; and
that under such Circumstances, you would be as reluctant to
urge further a Solicitation for a Leave of Absence, as in My
General Superintendence of the Spiritual and temporal Welfare
of the Colony, I should be to accede to it.

Living in the Midst of Domestic happiness and Surrounded
by a Numerous family looking to you for protection and good
Example, I cannot but Consider that your first private Views
and regards should be all so directed to their happiness that the
anxieties, you would feel during Your Absence from the Most
dear ties of Wife and Children, would much more than Counter-
balance the satisfaction you might derive from any tributes you
might be disposed to pay to the Memories of Your Deceased
Relatives; and on that score also, I confess that I feel satisfied
you will, on mature reflection, Abandon the request, which I am
obliged on public grounds not to accede to in the present incom­
petent State of Our Clerical Establishment.

I shall avail Myself of the Opportunity of the Ship David
Shaw to repeat My former Application to His Majesty's Prin­
cipal Secretary of State for the Colonies to Select and send out
some respectable Clergymen and School Masters by an early
Opportunity, and shall urge the necessity for it by all the Argu­
ments in My power. I shall at the same time transmit His
Lordship a Copy of Your Letter on this Occasion; And I cannot
entertain for an instant any apprehension that the false and
insidious reports, which you may apprehend will be Circulated in
England by the Revd. Mr. Vale in regard to this Country, will
operate so powerfully to its prejudice in opposition to fair and
Candid representation, as to prevent respectable Clergymen and
School Masters from embracing those Situations in New South
Wales, when offered by His Majesty’s Principal Secretary of
State for the Colonies.

I have, &c,

L. Macquarie.

[Enclosure No. 3.]

Reverend Samuel Marsden to Governor Macquarie.

Sir,

Parramatta, 22nd April, 1818.

I had the honor to receive Your Excellency's letter in
answer to My Application for Leave of Absence for fifteen
Months, and feel much regret that Your Excellency should decline
at present to grant my Request; I humbly conceive I have, from
my long Services of upwards of Twenty five Years, some just
Claim to this Indulgence, independent of the urgent necessity
there is in My Opinion for my return, as stated in My former
Letter to Your Excellency.
In India, the Clergy of the Establishment are allowed to return, if they wish to do so, after a Certain Term of Years upon half Pay, or upon whole, according to the Length of Service; and, in other Parts of the British Empire, similar Indulgences are allowed to the Clergy. Even Missionaries, belonging to the Establishments on Foreign Stations, are permitted to return to their Native Country after Ten Years Service with a Pension of One hundred Pounds per Annum, as Your Excellency knows from the Official Communication of His Royal Highness the Prince Regent. Your Excellency must allow that it would be extremely hard if the Clergy of these Settlements were denied the common Privileges of all other Clergy in the Public Service.

I shall think myself unfairly treated if, after suffering All the Privations and Inconveniences of this Colony from its Infancy, if I am constrained to remain in it till some of my Colleagues depart and others are unfit for Service; so as to leave the Burden of these Settlements upon Me, with their increasing Population, at a time when I am so far advanced in life.

The Revd. Mr. Cartwright has informed Me that it is his present Intention to send Mrs. Cartwright to England in the David Shaw. Such Circumstances may happen, as may render it absolutely necessary for Mr. Cartwright to follow her. In that Case, I should have less opportunity than I have at present to Visit England; as Mr. Cartwright has kindly offered to do part of my Duty in My Absence, and the Revd. Mr. Youl the other Part during his Residence in the Colony, I trust Your Excellency will take my long Services, together with the Circumstances I have stated in my former Letter and now state in this, into favorable Consideration and will still be induced to grant the Indulgence I am so anxious to obtain.

I have, &c,

SAMUEL MARSDEN.

[Enclosure No. 4.]

GOVERNOR MACQUARIE TO REVEREND SAMUEL MARSDEN.

The Governor, in acknowledging the receipt of Mr. Marsden's Refusal of letter of Yesterday's Date, sincerely regrets that he should so strongly urge his unreasonable and ill-timed request for leave of Absence to return to England at the present moment and under present Circumstances, when his Clerical Services are so indispensably necessary in the Colony.

The Governor is therefore again under the painful necessity of declining to accede to Mr. Marsden's request for Leave of Absence.

Government House, Sydney, 23rd April, 1818.
1818.
15 May.

Disappointment at refusal of application.

Proposal for resignation.

Anticipated approval of authorities in England.

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[Enclosure No. 5.]

REVEREND SAMUEL MARSDEN TO GOVERNOR MACQUARIE.

Sir, Parramatta, 27th April, 1818.

I have to acknowledge the Receipt of Your Excellency’s Letter under date of the 23rd Instant, and feel much disappointed that the Reasons, stated in My former Communications, should not have had sufficient Weight to remove Your Excellency’s Objections to My Leave of Absence. Your Excellency may be assured that I would not sacrifice the Happiness, I should enjoy in the Peaceful Society of my Family, expose Myself to the Dangers of the Sea in a Voyage round the World and at my Own expense, at a time when I am advanced in Years, and subject Myself to all the Inconveniences of being on board a Ship for so long a time, unless I was fully convinced that my reasons were amply sufficient and more than sufficient to Warrant Me in taking such a Step, under all the important Considerations, I have stated and which I have long and Maturely Weighed. I feel it an imperious Duty to return to Europe by the present opportunity if possible, and rather than be detained in the Colony under present Prospects, I wish to retire altogether from the Public Service and return Home to resign my Commission to that Authority from whence I received it, tho’ I am aware that this would be as great a Sacrifice as I could make in my Situation; yet I deem my Salary of little moment, when taken into Estimate with the Objects in View. My Request for Leave of Absence appears to Me so very just and reasonable that I can only express my Regret that Your Excellency does not accord in the same Sentiment.

I can with the fullest Confidence throw Myself upon the Justice and Clemency of the British Government in the present Case, in the Service of which I have spent the Essence of my Life during a period of more than Twenty five Years and in a Society the most abandoned, Vicious and Wicked in the known World, and often under Circumstances of the most distressing and trying Nature, particularly in the Infancy of the Colony.

Should I not be able hereafter to justify My Return to His Grace the Archbishop of Canterbury and to His Majesty’s Principal Secretary of State for the Colonies, I must in that Case suffer any Censure or other Punishment my Superiors may deem my Conduct to have merited; whatever their Judgments may be, I shall enjoy the Consolation in My Own breast of having acted according to the dictates of my Own Conscience, and under the fullest Conviction that My Return would tend much more to promote the good of His Majesty’s Service and the Temporal and Eternal Interests of the Inhabitants of these Parts of His
Majesty’s Dominions, than any loss the Colony would sustain during My Absence. After what I have now stated, I trust Your Excellency will not think me unnecessarily troublesome in once more soliciting Your Excellency to allow Me to quit the Colony under any Circumstances, either in the Public Service or out of the Service, as I am fully resolved to make any Sacrifices however great in Order that I may return to England by the present favorable Opportunity.

I have, &c.,

SAMUEL MARSDEN.

[Enclosure No. 6.]

SECRETARY CAMPBELL TO REVEREND SAMUEL MARSDEN.

Revd. Sir, Secretary’s Office, Sydney, 29th April, 1818.

I have it in Command to acknowledge receipt of your letter of the 27th Inst. to His Excellency the Governor and to Convey His reply thereon.

When His Excellency considers on the Mature Attention He had given to your first Application for Leave to Return to England by the Ship David Shaw, and the Pains He had taken to convince you of the very great inconvenience, which would necessarily result in regard to the performance of the Clerical Duties, were you to return at such a time as the present, He fully expected that the reasons, He had then assigned at very considerable length, would have convinced you of the imperious Necessity for Your remaining at your Post, and have induced you to have made a prompt Communication to Him in full acquiescence with His Excellency’s reasoning and determination on that Subject.

His Excellency now feels much distressed at your Urging a third time a Measure, so fraught with injury to His Majesty’s Service, and is Compelled again to repeat in the Most decided Manner his refusal to your returning at this time to Europe on the Grounds of Public Expediency, as stated in Your first and present Letter; and still less can He accede to Your Solicitation, when He finds that Your Motives for wishing to go home, as appears from your Second Letter, are rather of a Private and Personal Nature.

If You should be determined to Solicit Leave to resign Your Situation of Chaplain (which His Excellency hopes on a further Consideration you will not do), He will transmit it with His first Dispatches to His Majesty’s Principal Secretary of State for the Colonies, or should you prefer Soliciting a Leave of Absence from the same quarter, He will forward it in like Manner.

His Excellency has only further to remark that it does not rest with Him to accept your tender of Resignation, and
Consequently, until it shall be accepted by Government at Home, He will expect your Continuance in the Discharge of the Sacred and important Duties entrusted to you by that Government.

I have, &c.,

J. T. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 5 of 1818," per ship David Shaw; acknowledged by Earl Bathurst, 14th April, 1819.)

Government House, Sydney, N. S. Wales,

My Lord, 15th May, 1818.

1. Herewith I do myself the honor to transmit, for your Lordship's most favorable consideration, a Memorial addressed to your Lordship by D'Arcey Wentworth, Esqre., Principal Surgeon on the Medical Establishment and Superintendent of Police in this Colony, together with Copy of his Letter to my Address on the Subject of his Memorial.

2. I should be doing violence to my own feelings, as well as Wentworth great injustice to the merits and claims of Mr. Wentworth, if I did not embrace the present opportunity of bearing testimony to the indefatigable zeal, vigilance, activity, honor and integrity, uniformly manifested by him in the due execution and faithful discharge of his various important Public Duties during the period of my administration of the Government of this Colony, now upwards of eight years.

3. I have ever found Mr. Wentworth honest, honorable, just and humane in the execution of his various functions, and at all times ready and willing to promote the public Service by every means in his power. He has been extremely active, zealous and useful in his Magisterial Capacity, devoting almost the whole of his time to the Police Department, which is a most arduous and troublesome duty; but which has been very ably conducted under his Superintendence.

The Duties of Treasurer of the Colonial Police Fund are attended with much trouble and responsibility, and have been gratuitously executed by Mr. Wentworth for the last Eight years without any advantage or emolument; and I have no hesitation in saying that he has been very inadequately remunerated for his arduous duties as Superintendent of Police.

4. Under all these circumstances, I take the liberty of most respectfully recommending Mr. Wentworth to Your Lordship's favorable Protection, and earnestly solicit that your Lordship will be kindly pleased to give the most favorable and indulgent consideration to his claims by bestowing on him an annual pension commensurate with his Rank and long and faithful Services.
5. In Succession to Mr. Wentworth, as Principal Surgeon in the Medical Establishment of this Territory, I beg most respectfully to recommend Mr. Assistant Surgeon William Redfern to be appointed Principal Surgeon, as in every respect perfectly competent and well qualified for executing the Duties of that important Office, being a man of very eminent talents, an excellent Scholar, and possessing universal knowledge.

Mr. Redfern is at present only Second Assistant on the Medical Establishment, Mr. James Mileham being the First and Senior Assistant. But this Gentleman, tho' a very worthy good man, is very defective in medical knowledge; he is old and very much affected in his eye-sight, which render him incompetent for the active and important Duties of Principal Surgeon. These are my sole motives for passing over Mr. Mileham and recommending Mr. Redfern, the next Officer in Succession to him, and these reasons I trust will have their due weight with your Lordship.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

PrINCIPAL SURGEON WENTWORTH TO GOVERNOR MACQUARIE.

Sir,

Head Quarters, Sydney, 5th May, 1818.

I beg leave to submit to Your Excellency a Memorial to the Earl Bathurst, His Majesty's Principal Secretary of State for the Colonies, on which I earnestly request Your Excellency will do me the honor to bestow your kind consideration.

Your Excellency will on perusal become acquainted with the Motives, which have induced me to transmit this Memorial; my advanced period of life, my daily increasing Infirmities, and the General very precarious State of my Health were of themselves sufficient motives for the anxiety I feel to retire from Public Life; and I hope that I may fairly State that the devotion, with which I have for twenty eight years past applied myself to the performance of whatever duties were confided to me, give me some claim to expect that my Memorial will receive a favorable reception from His Majesty's Government.

From your Excellency, I have received too many Proofs of Friendship not to be well convinced that I shall again on this last, but most important occasion, experience another mark of Your Excellency's kindness. The zeal, with which I have devoted myself on all occasions to Your Excellency's Service, Since the Colony has enjoyed the advantage of Your Excellency's Government, will I hope weigh with sufficient influence in your Excellency's Mind to obtain for my Memorial that favorable recommendation, which alone I am satisfied will be sufficient to ensure

1818.
15 May.

Proposed appointment of Redfern as principal surgeon.

Reasons for superseding Mileham.

Memorial of D. Wentworth.

Reasons for retiring.

Request for Macquarie's support.
1818.
15 May.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 6 of 1818," per ship David Shaw; acknowledged by under secretary Goulburn, 9th April, 1819.)

Government House, Sydney, New South Wales, 16th May, 1818.

My Lord,

The Tower and Light House, the erection of which, as being in progress on the South Head at the Entrance of Port Jackson, I have already announced to your Lordship, being now completed with the Exception of the Lantern, which is now preparing and will be finally in readiness in less than four Months from this date, I have in anticipation of that Event caused its Bearings, Elevation, etc., etc., to be made in the most accurate way by Mr. Oxley, who is at once our Naval and Land Surveyor, in order to its Publication for the Information of all Ships and Vessels resorting in future to this Harbour; And, as the Arrivals from Great Britain are in every point of View the most Important, the Commanders of Ships from thence should of course have the earliest Information on a point meant to contribute in so important a degree to their Safety, and pointing to their destined Anchorage in Sydney Cove.

With this consideration of the Importance of Macquarie Tower and Light House, I now do myself the Honor to transmit your Lordship a correct copy of Mr. Oxley's Description of it and of the letter, with which he accompanied that Description to me under date the 29th Ulto.; as the Publicity both of the one and the other may Inspire Confidence, and give Security to Shipping on our coast, I request your Lordship to be pleased to Cause them to be published in the London Gazette.

I have, &c.,

L. MACQUARIE.

* Note 166.
MACQUARIE TO BATHURST.

[Enclosure No. 1.]

SURVEYOR-GENERAL OXLEY TO GOVERNOR MACQUARIE.

Sir, Sydney, 29th April, 1818.

In Obedience to your Excellency's Commands to ascertain the Position of Macquarie Tower and Light, with respect to the Entrance of Port Jackson Harbour, I beg leave to Submit the enclosed report, which I trust will be found sufficiently explicit to enable Shipping to enter Port Jackson at any Hour of the Night with Safety.

I have, &c.,

J. OXLEY, Surveyor-Gen'l.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 2.]

REPORT ON THE MACQUARIE TOWER AND LIGHT.

Macquarie Tower and Light is Situated on the Highest part of the Outer South Head of Port Jackson Harbour in Lat. 33° 51' 40" So. and Longitude 151° 16' 50" Est. from Greenwich. The Height of the Light from the Base is 76 Feet, and from thence to the level of the Sea 277 feet, being a total Height of 353 feet. The Inner South Head bears from the Light House, N. by W. 3/4 West, distance 1 1/2 mile. The Outer North Head bears from it, N. by East 2 Miles. The Inner South Head and Outer North Head lay N.E. 3/4 E. and S.W. 3/4 W. of each other, distant 1 1/10 Mile. The Light can be seen from S.B.E. to N.B.E. Those Lines of Bearing clearing the Coast line 3/4 a point each way, and may be discovered from a Ship's Deck on a clear Night 8 Leagues. The North End of the Sow and Pigs Reef bears from the Inner South Head S.W.B.W. 3/4 a Mile.

N.B.—The Bearings are Magnetic, and the distances computed in Nautic. Miles. The Var'n 9° East.

J. OXLEY, Surveyor-Gen'l.

Sydney, N. S. Wales, 29th April, 1818.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 7 of 1818," per ship David Shaw.)

Government House, Sydney, New South Wales,

My Lord, 16th May, 1818.

I have been Honored with Your Lordship's Circular, dated 6th November, 1817, Communicating the deeply lamented and ever to be deplored Events which on that day took place at Claremont.

Previous to My Receiving Your Lordship's Official Notification, the Afflicting Intelligence had reached this in too Unquestionable a Form to leave any Hope of its being premature; and,
in Consequence of it, All Business and Labour was Suspended for the Week, and on the Ensuing Sunday, the 5th Ulto., a Solemn Procession, Consisting of All the Civil and Military Officers and Gentlemen in the deepest Mourning, and I will add in the Most heart felt Distress, took place from the Government House to the Church of St. Phillip, where a suitable and impressive Sermon was delivered on the lamented Event by our Chaplain, the Revd. Mr. Cowper.

As soon as Your Lordship's Notification had Publicity, an Earnest Entreaty from Several Gentlemen Addressed to Myself induced me to Call a Public Meeting, in order to give the respectable Inhabitants an Opportunity of Expressing their Sentiments in Such Manner as would be most Congenial to their feelings on this Occasion of deep sorrow.

The Result of this Meeting has been that an Humble Address to His Royal Highness the Prince Regent and His Serene Highness Prince Leopold were drawn up, and voted with an Unanimity, which bespoke the Prevalence of only one Feeling, and that of the Most Sincere Sympathy and Regret.

If this first occasion of the Loyal and dutiful Inhabitants of the remote region of New South Wales Venturing to Address the Throne be not deemed presumptuous (and that it is designed in Humble Duty and Affection alone, I Can Vouch), nor too distant from the Period, in which Such Addresses May be Considered proper to Meet the Eye of their Royal and Serene Highnesses, whose Afflictions they pray to be considered Partakers in, I request Your Lordship to be pleased to present them at such time as Your Lordship may see fit.

The Momentous Occasion, so far Surpassing All Ordinary Ones, induced me personally to become the Chairman of the Meeting, which took place on the 14th Inst., and the Addresses, Which I have now the Sad and Melancholy Duty of transmitting to Your Lordship, bear My Signature Accordingly.

I have, &c.,
L. MACQUARIE.

[Enclosure No. 1.]

ADDRESS TO HIS ROYAL HIGHNESS THE PRINCE REGENT.

May it Please Your Royal Highness,

We, His Majesty's Governor, Lieutenant Governor, Judges, Civil and Military Officers, and Other British Inhabitants of New South Wales, Deeply feeling the Heavy Rod with which the Whole Civilized World in either Hemisphere has been Chastened in the premature Death of Her Royal Highness, The Princess
Charlotte Augusta, Humbly Presume to Offer the Assurances of Our Grief, under this Dispensation of the Divine Will, and Our Undiminished Attachment to Your Royal Highness and His Majesty's August Family. And We devoutly Pray to that God, by Whom Kings Reign and Princes Decree Justice, and who is Equally present at the Uttermost Parts of the Sea, that that Consolation, which We have not to bestow, but of which We Stand in Need Ourselves, that that Peace, which the World Cannot Give, the Peace of God, which passeth All Understanding, May have been poured abundantly into Your Royal Breast, so that the Invaluable Life of Your Royal Highness may be preserved and prolonged to be a Blessing to Great Britain, to the Colonies, and to the Universal World.

Signed by Desire of the Meeting,
L. Macquarie, Chairman.

[Enclosure No. 2.]

ADDRESS TO HIS SERENE HIGHNESS THE PRINCE LEOPOLD OF SAXE COBURG.

May it Please Your Serene Highness,

We, His Majesty's Governor, Lieutenant Governor, Judges, Civil and Military Officers, and other British Inhabitants of New South Wales, Beg Leave to address Your Serene Highness upon the Unspeakable Domestic Calamity and the Irreparable Public Loss, with which Your Serene Highness and the Whole Civilized World has been Afflicted in the Death of Your Most Amiable Consort, and the British Nation's Royal Hope and Pride, the Princess Charlotte Augusta, the Flower of the Brunswick Name untimely Cropt, and the Royal Fruit of a Nation's Expectancy frustrate.

We Humbly beg Permission with that Respect, Which is due to Your Serene Highness's Station and Character, and above All to Your Sorrow, now that we trust the first Shock of this Awful Visitation of Divine Providence will have been passed, to Present to Your Serene Highness the Assurances of Our deep Condolence and never Ceasing Gratitude and Veneration, Gratitude for All Your Serene Highness's Love and Protection of the August Child of the Nation, Whose Bereavement the Nation deplores, and Veneration for Your Serene Highness's Talents and Virtues, Whether belonging to Your Character by Birth, or to that by which Your Serene Highness is Connected for ever with the British Nation.

Signed by Desire of the Meeting,
L. Macquarie, Chairman.
GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 8 of 1818," per ship David Shaw.)

Government House, Sydney, New South Wales.

My Lord.

16th May, 1818.

1. I had last the Honor of Addressing Your Lordship on the 3d of March of the present Year, the Original of that Dispatch having been transmitted by the Schooner Jeune Ferdinand; A Vessel bound for the Mauritius, and the Duplicate by the Ship Friendship via Bengal.

2. Since the Date of the above Dispatch, I have had the Honor to receive Your Lordship's and the Under Secretary of State's Letters, dated as per Margin,* and shall not fail to pay the Most prompt and respectful Attention to their several Contents and Commands.

3. The Transport Ship Guildford, Commanded by Capt'n. Magnus Johnson, with 198 Male Convicts on board from Ireland, Arrived in Sydney Cove on the 1st of April last, All in Good Health; Mr. Archibald Hume of the Royal Navy being Surgeon Superintendent of the Ship, and having a Guard of 35 Men of the 48th Regt., Commanded by Lieut. Vincent of the Same Corps, on board.

On the 5th of April, The Transport Ship Batavia, Commanded by Capt'n. W. B. Lamb, with 218 Male Convicts from England. Anchored in Sydney Cove, All in Good Health; Mr. James Billing of the Royal Navy being Surgeon Superintend't, with a Guard Consisting of Small Detachments of the 34th, 46th, and 48th Regts. under the Command of Lieut. Elgee of the former Corps.

On the 30th of April, the Transport Ships, Lady Castlereagh and Minerva, arrived in Sydney Cove; the former being Commanded by Capt'n. George Weltden, with 300 Male Convicts from England, All in Good Health, Mr. James Craigie Royal Navy being Surgeon Superintendent with a Guard of 50 Soldiers, Consisting of small Detachments belonging to the 34th, 46th, and 48th Regts. under the Command of Lieut. Brotheridge of the latter Corps, having under him Ensign Lax of the 34th Regt.; and the latter (Ship Minerva) being Commanded by Capt'n. John Bell, with 160 Male Convicts from Ireland, All in good Health, Mr. Hunter Royal Navy being Surgeon Superintendent, with a Guard of 30 Soldiers of the 48th Regt. under the Command of Capt'n. Allman of the same Corps, having Lieut't Wilson and Assistant Surgeon Fenton of the 48th Regt. under him.


* 29 Augt.; 5, 29 Sept.; 18 and 20 Oct.; 6 Novr.; 12, 15 and 16 Decr., 1817.
Anchored in Sydney Cove, All in good Health; Mr. Reid Royal Navy being Surgeon Superintendent, with a Guard of 30 Soldiers of the 48 Regt. under the Command of Lieut’l Bunney of the same Corps. This last Ship, having touched at the Cape of Good Hope, received on board there, and brought back to this Colony, Sixteen Runaway Male Convicts from Port Jackson, who had Contrived Means, thro' the Connivance of the Sailors, to Stow Away and Secrete themselves on board the Harriet, Merchant Ship of this Port, Which had Sailed direct for England from hence on the 22d of December last; this Ship was diligently Searched for Convict Runaways, before She Sailed from this Port; but it is hardly possible to find these Runaways, when the Sailors are in league with them and Connive at their Concealment on board, few Ships leaving this Port without Carrying off some Convicts of both Sexes in the same way. Every precautionary Measure is adopted to prevent this Criminal Practice in the Masters and Crews of Ships and Vessels trading to this Port; but as Yet All such precautions have proved Ineffectual, and it is remarkable that the Convicts, who have been the Shortest time in the Colony, are always those Who are the Most Anxious to Make their Escape from it.

3. By the different Transport Ships, thus reported to have arrived here lately, Mr. Walter Lawry, Missionary, and Messrs. Wm. Clarke, John Bell, Chas. Windsor, John Jefts and John Henry Martin, Free Settlers, have Come Passengers, Some of them having Wives and Children.

Both the Free People and Convicts Speak highly of the kind and humane Treatment they Experienced during the Voyage from the Commanders and Surgeon Superintendents of those last Arrived Ships. Those Men, who Came out in the Lady Castlereagh, however appear, as to their Accommodation on board, to have been More Comfortable than any I have ever Seen Arrive in this Colony, and at the same time More Secure from Danger to the Safety of the Ship and Crew, owing to the Very Judicious Manner in which the Prison on board that Ship is fitted up at the Recommendation of and According to a New Plan suggested by Capt'n Weltden; Namely, dividing the Prison for the Convicts into three distinct Separate Apartments, which Afford both More Room and More Air to the Unfortunate Prisoners Confined in them. I have Minutely Examined this New Prison on board the Lady Castlereagh suggested by Capt'n Weltden; and, as I very highly Approve of its Arrangement, I beg leave most respectfully to recommend it for General Adoption in All Convict Ships to be sent out in future to this Country.
1818.
16 May.

Impossibility of absorbing new convict labour.

4. Your Lordship will Observe that the five last Convict Ships, herein Specified, have All Arrived here within the Short Space of One Calendar Month and five days, bringing No less a Number than One Thousand and forty Six Male Convicts into the Colony in that Short time. The Consequence of so large an Importation of Male Convicts Coming at once into the Colony, and particularly so soon After last Year’s Scarcity and the Losses Sustained by the Settlers in General, is that there is no Immediate Employment for so many Hands off the Store by the Settlers, and therefore the Whole or Greater part of those Convicts, Arrived in the last 5 Ships, Must be Clothed and Victualled for Several Months to Come at the Expence of the Crown, and Until the Settlers have so far recovered their recent Losses as to be able to Employ and feed a proportion of those Convicts now left on the Hands of Government.

5. As Government Cannot possibly Employ so many Men in this part of the Territory, and as the Settlers and Public Works now Carrying on in Van Diemen’s Land require a Considerable Number of Men, I avail Myself of this Opportunity of Supplying the Wants of the Settlements on that Island by sending thither a proportion of the Male Convicts, recently Arrived, without Landing them here. For this purpose, I have deemed it expedient to Charter the Ships, Lady Castlereagh and Minerva, and to enter into a fresh Agreement with their Commanders to Convey to, and land at the Derwent, their respective Shipments of Convicts, Amounting to about 450 Men between the two Ships, at the rate of two pounds per man Freight from hence to the Derwent, the Government furnishing Provisions for the Voyage; this being the Cheapest Rate of Freight that Could be procured, and there being an absolute Necessity for sending away from hence a large Proportion of the lately arrived Convicts to Van Diemen’s Land, I trust the Measure, I have thus adopted, will meet with Your Lordship’s Entire Concurrence.

6. The Increased Strength of the 48th Regt. enabling Me now to relieve the Detachments of the 46th Regiment Stationed in Van Diemen’s Land, I have Chartered the Ship, Lady Castlereagh, and Brig, Grey Hound, to Convey the latter to Madras at the rate of Eight pounds Sterling Passage Money for each Man or Woman, the Government furnishing Provisions. I hope this Measure will also be Approved of by Your Lordship, as No Cheaper Conveyance Could be procured for Conveying those Troops to India, and it being necessary to send them on to Join their Regiments as soon as possible. The Small Detachments of the 34th and 83rd Regiments, lately Arrived here from England
and the Cape of Good Hope, will also be sent on to India at the same time in the Vessels herein Named. After which the only part of the 46th Regt., that will remain in this Territory, is the Detachment at present Stationed at Newcastle, Consisting of a Captain and About Sixty Men, which I hope to be Able to relieve and send to Join their Corps in India in about two Months hence. For the Amount of Freight of the Troops now proceeding to India and Van Diemen's Land, and the Convicts proceeding to the latter Station, I have found it Necessary to Instruct the Deputy Commissary General to Draw Bills on the Lords Commissioners of His Majesty's Treasury, which I have to express my Hopes will be duly Honored.

7. With the View to the finding Sufficient Useful Employment for any future large Importations of Male Convicts, that His Majesty's Government may deem it adviseable to send to this Colony, I respectfully Submit for Your Lordship's Consideration and Decision the Expediency, and indeed Necessity there now Appears to Me, of forming a small Establishment and Settlement in Jervis Bay, About 75 Miles to the Southward of Port Jackson, there being a very fine secure and Safe Harbour there for Shipping of any Size, with Plenty of Very fine Coal in the Cliffs and Bluffs, and extensive Tracts of good Land fit for either Agriculture or Grazing within a few Miles of the North Side of that Bay and extending from thence Northerly to Illawarra or the five Islands; at which last place (about 45 Miles South of Port Jackson and immediately on the Sea Coast) Very large Tracts of fertile and excellent Land have lately been discovered, and some Grants* have already been given there to a few Settlers possessing Numerous Flocks and Herds. If a small Establishment were once formed in Jervis Bay, there might then be a Chain of Settlements and Farms Continued from thence, 'till they Joined those already Extended from Port Jackson to Illawarra, with Land as well as Water Carriage All the way from Port Jackson to Jervis Bay, which Certainly would prove highly beneficial to the Colony and Greatly Augment its Resources, besides furnishing Useful Employment for any Number of Convicts that Could be sent out here for some few Years to Come. I therefore recommend this Measure Strongly to Your Lordship's Most Earnest Consideration and early Decision, Assuring Your Lordship that in the Event of Your Approving of My Farming a Small Establishment at Jervis Bay, I shall Observe every possible Economy in Carrying this Measure into Effect Commencing only on a very limited Scale.

8. Two tolerably good Small Harbours have lately been discovered on the Western Coast of Van Diemen's Land, one being

* Note 167.
1818. 
16 May. 

Discovery of Port Davey and Macquarie Harbour in Tasmania. 

Proposed settlement at Macquarie Harbour.

named “Port Davey” and the other “Macquarie Harbour”; an excellent Species of Wood, Called the Huon Pine, fit for All purposes, grows in Abundance in Macquarie Harbour, in Which Also is to be found Plenty of Good Coal; the Lieutenant Governor of Van Diemen’s Land has therefore lately suggested the Expediency of forming a small Settlement at “Macquarie Harbour,” for the purpose of supplying the Other Settlements in Van Diemen’s Land with Coals and Huon Pine, and as a Place of Banishment and Security for the Worst Description of Convicts; in which latter point of View I am inclined to think it would answer remarkably well indeed, as their Escape from thence would be next to Impossible. Herewith I take the Liberty of transmitting to Your Lordship, for further Information on this Subject, an Extract of a Letter Addressed to Me lately by Lieut. Governor Sorell, and I respectfully beg leave to Submit to Your Lordship's Consideration the Expediency of My being Authorized to Direct Lieut. Governor Sorell to establish a Small Settlement at Macquarie Harbour as soon as practicable. In View to this Measure being hereafter Carried into Effect, I have Already Authorized Lieut. Govr. Sorell to build a small Vessel of about 60 or 70 Tons Burthen at Hobart Town for the Use of Government, there being No Government Vessel of any sort Yet Allowed to be Attached exclusively to the Settlements of Van Diemen’s Land; and as that Island is fast Increasing in Wealth Population and Importance, it becomes the more Necessary that One Governm’t Vessel should be exclusively Allowed for the Use of those Settlements. I therefore Conclude Your Lordship will approve of my having Sanctioned one to be Immediately built at Hobart Town.

9. I am greatly grieved to say that I am as Yet Unable to make any Considerable Reduction in the Public Expenditure of this Colony, owing principally to the Vast Numbers of Convicts, which have been sent out to it within the last two Years, and the Settlers returning to Government some Hundreds of their Convict Servants, whom they Could not Afford to Maintain in Consequence of the Scarcity of Provisions and other serious Distresses occasioned by the Inundations of the Hawkesbury and Nepean Rivers in 1816 and 1817, of which Calamity the Settlers Yet feel the Severe Effects. But they are now recovering from their Distresses, and, if We Are only blessed with two more good Abundant Seasons like the last, the Settlers will once more be in a Comparative State of Affluence and Comfort. In the Mean time, however, they are Unable to take many Convicts off the Store, so that the Expence of Maintaining the latter must for
some little time longer fall principally on Government. I am therefore obliged to employ at present Strong Gangs of Convicts on the several Public Works in progress at Sydney, and in Constructing new and repairing Old Roads in the Interior of the Colony.

10. As one Certain Means of greatly reducing the present very heavy Expences of this Colony, I would strongly but respectfully recommend that no more poor Settlers should be permitted to Come out to this Colony for at least three Years to Come; these poor Settlers, that Come out as such, are in fact the Ruin of the Country, their Sole Dependence being placed on what is termed here “their Indulgences” from Government; for the Moment these Indulgences Cease, they Contrive in some underhand way to Sell their Farms and take to lawless Pursuits, keeping low Public Houses, or becoming Itinerant Merchants Hawkers and Pedlars. If therefore, instead of Allowing those poor Men, decayed Tradesmen and Merchants and idle profligate Adventurers to Come out to this Colony, as Settlers, it were Confined to respectable Monied Men, Who Could support themselves, set a good Example of Industry to the other Colonists, and be able each to take Six or Eight Male Convict Servants or Labourers off the Store, the Expences of the Colony would very greatly be reduced thereby, and the Colony itself would rapidly Increase, not only in Wealth, but in Respectability and Importance. I therefore Most Earnestly recommend to Your Lordship to Consider and Adopt this Plan, giving it a fair Trial for at least three Years from the 1st of January next, Allowing No person Whatsoever, After that date, to Come out as a Settler to this Colony, who Cannot produce a satisfactory Proof that he not only possesses, but brings out with him, a Clear Capital of at least Five Hundred Pounds to be laid out in the Colony in his Agricultural Pursuits; at the same time fully Apprizing such persons, as are thus permitted to Come out as Settlers, that they are not to Expect or receive any further Assistance or Indulgence from Government, After their Arrival here, excepting Grants of Land in proportion to their respective Capitals with as many Male Convicts off the Store as they Can Afford to Maintain. If Your Lordship should be pleased to approve of and Adopt this Suggestion, I am Certain it Cannot fail to have the desired Effect of greatly lessening the Public Expenditure, and in the same Degree of adding to the Internal Resources and Respectability of the Colony in every point of View. I find after Eight Years Preference for settlers from emancipist class.
1818.
16 May.

11. I have much Pleasure in reporting to Your Lordship that perfect Tranquility prevails at present throughout the Colony, and that it is daily Improving in every Respect, Notwithstanding the Depression occasioned by the last Floods; the Public Works, Specified in my former Dispatches both at Sydney and at the other Towns in the Interior, are getting on rapidly, and I hope to be able to Commence building a New Church at Sydney in about 6 Months hence, A Building of this Description, Being Essentially Necessary and immediately required. The Whole of the Expence of it, and the other Public Buildings now in progress, will be defrayed from the Colonial Revenue.

12. No Accounts have been received of or from Lieut. King, since he Sailed from hence on his Voyage of Discovery on the 22d of Decr. last. Mr. Oxley, the Surveyor General, as Chief of the Expedition of Discovery* to the Westward of the Blue Mountains, and for tracing the Macquarie River to its Embouchure, set out from hence this Morning to Join his Party, Consisting of 15 persons now at Bathurst, waiting him, and furnished with Six Months Provisions and every other Necessary Equipment for the Expedition; the Result of which, I hope to have it in My power to Make Your Lordship a satisfactory and pleasing Report on in About 6 Months hence.

13. The Ship, at present under Dispatch direct for England, sailing several Days sooner than was expected, I am thereby prevented from transmitting to Your Lordship by this Opportunity the Usual Annual Accounts, Returns and Statements of the Colony; but I shall not fail to forward them by the next Opportunity that Offers, either direct to England or by way of India.

14. I have entrusted this Dispatch to the Care of Lieutenant P. H. Mott of the Royal Navy, at present Chief Officer of the private Merchant Ship "David Shaw," which Ship sails from hence in a day or two direct for England; and I respectfully beg Leave to recommend Lieut. Mott to Your Lordship's Kindness, Favor and Protection.

I have, &c.,
L. MACQUARIE.

[Enclosure.]

[A copy of lieutenant-governor Sorell's letter will be found in a volume in series III.]

* Note 168.
GOVERNOR MACQUARIE TO EARL BATHURST.

Government House, Sydney, New South Wales,

My Lord,

18th May, 1818.

Early in the month of November, 1817, Mr. Jeremiah O'Flynn* arrived here by Merchant Ship Duke of Wellington, calling himself the Irish Roman Catholic Priest, and representing his Views in this Country to be those of a Popish Missionary under your Lordship's Sanction.

Altho' Mr. O'Flynn could produce no Letter or Document to support the assertion of his being authorized to come here, and my present opinion was that his Story was a fabrication, yet a feeling of Delicacy, towards a person stiling himself "Apostolical Vicar" and "Prelate," rendered me unwilling to let him Know all at once that I discredited him; to which Line of Conduct, I had a further Inducement in his assuring me that he had expected Your Lordship's Authority would have reached me before his own arrival, and that he had then no hesitation in assuring me that it would arrive by the first ship from England. On these grounds, I yielded to his Request to be permitted to remain in the Country until Such first arrival should take place, he having Solemnly pledged his Word that, until his Mission should be regularly announced to me by your Lordship, he would not exercise any of the priestly functions.

This Permission, in conformity with the Terms of which it was Solicited, I confined to the period of the first arrival from England, which was, according to his statement, to bring his Credentials. Several Ships having arrived in Succession without bringing the promised authority, I was led to the conclusion that Mr. O'Flynn's Story was false, and consequently that he was an Impostor. I also discovered that, So far from Keeping his promise of not celebrating Mass before regular authority should arrive, that he was not only busily Employed throughout the Country among the Irish Roman Catholics (with whom it abounds) in preaching and Instructing in Popery, but also in disseminating Principles of resistance to the General Orders of the Colony, and particularly to those which have for their Object the decent Religious observance of the Sabbath; and hereon I considered it necessary to endeavour to repress a conduct at once so much at variance with the Solemn Pledge he had given me, and likely to be so prejudicial to the Community; for which purpose, I conveyed Instructions to him to hold himself in readiness to embark from hence on board the Ship, which had brought him hither, and which was then (after a continuance of some months) about to return to England.

* Note 146.
1818.
18 May.

Neglect of O'Flynn to embark on ship Duke of Wellington.

Activities of O'Flynn.

Orders for O'Flynn's departure in the ship David Shaw.

Arrest and confinement in gaol.

Arrangements for O'Flynn's passage.

This Communication I expected would have met a ready compliance; but instead of that, Mr. O'Flynn retired to some skulking Place in the Country, where he could not be found, and from whence he did not return until after the Ship had Sailed. He then waited on me attempting to apologize for his late Conduct, and at the same time giving me the Strongest assurance that he would Embark by the next occasion for China or Elsewhere, and I, being reluctant to resort to Compulsory measures, again acceded to his wish and trusted to his Honor.

Some months more having elapsed, during which many Ships had Sailed from hence, and finding that he was not embracing the opportunities they offered, but on the contrary that he was actually making converts among English Protestants, by means of assuring them that he would Cure all their Bodily diseases, which his prayers could only effect by their abjuring their Heresies and becoming Papists. I found likewise that he was tampering with the Soldiers of the 48th Regt., which was represented to me by Lieut. Colonel Erskine; and on these grounds I resolved on returning him to Europe by the present opportunity of the Ship David Shaw, for which purpose I directed him by Letter to hold himself in readiness to Embark in her.

The Letter, addressed to him on that occasion by my Secretary, received an answer so little Satisfactory, or indeed, Seeming So much to imply an Intention of deceiving me again (as he betook himself to the Country instead of complying with the Terms of that Letter) that I felt there was no other means left for me to get rid of this meddling, ignorant, dangerous character than by Securing his person, if possible. With this View, I gave orders for a Strict Search being made for him, and I am now happy to say it has proved Successful; for on the 15th Instant he was Secured, and is at this time confined to the Jail, where I mean he shall remain until the Ship shall be under weigh, at which time he will be Embarked for England.

Notwithstanding that Mr. O'Flynn's manners bespeak a great deficiency in the accomplishments of a Gentleman, yet I have, out of respect for the character he assumed, ordered him a Passage and accommodations with the Ship's Officers, for which I have to pay the Sum of Fifty pounds Sterling in addition to Rations.

Mr. O'Flynn having Stated in one of his Letters that he was well Known to the Bishop of Norwich, and that his Mission was by your Lordship's Authority, I do myself the Honor to transmit herewith two original Letters addressed by him to my Secretary, the orthography and Composition of which will not be very likely to impress your Lordship with any very high Opinion of that
Sir,

The unpleasant Situation, I am placed in here with out his Excellency Sanction, will I hope be Sufficient appology for my intrusion on your precious time. Understanding that the

Rev. Jeremiah O'Flynn to Secretary Campbell.

[Enclosure No. 1.]
1818.
18 May.

O'Flynn's anticipation of letters of recommendation.

Ship Harriet Sails for England in a short time, and that no access can be had to his Excellency until after her departure. This deprives me of being able to send any satisfactory answer to Europe; my coming to this Country being publicly known both in England and Ireland, and very well known to E. Barthurst through the means of the Lord Bishop of Norrige, his Lordship's uncle, also Sir Henry Parnell having made application to his Majesty's Government for a free passage and salary for Catholic Clergymen in New South Wales, and received as answer that Government would not do anything less than sanction them in New South Wales in the same manner as they have been throughout his Majesty's Dominions. This letter I expect every day with my trunks from Cork, and which I hope will be a sufficient document, as I don't know any Prelate in the British Dominions, having any written document from Government. I was not aware of any such thing being wanted in this Colony; however as I am writing home to the Secretary of State and his uncle the Bishop of Norrige, to whom I have the honor of being personally acquainted, also the Bishops of England and Ireland, who will lose no time in laying this Mission before the Government, and I hope obtain every sanction and protection. Therefore I hope his Excellency will have no objection to my officiating until an answer is received from Europe, otherwise if it should be the wish of his Excellency that I should depart the Colony that I should get timely notice, as it is my wish to go to Goa, and from thence to China, awaiting your answer.

I have, &c.,

JEREMIAH O'FLYNN, V. AP.

[Enclosure No. 2.]

SECRETARY CAMPBELL TO REV. JEREMIAH O'FLYNN.

Revd. Sir,

Secretary's Office, 28 Novr., 1817.

I was yesterday favored with a letter bearing your signature, but without date, on the subject of your arrival in this Country in the character of a Roman Catholic Missionary, &c.

Having availed myself of the earliest opportunity to lay your letter before His Excellency the Governor, I have it in Command to inform you that His Excellency, not having received any instructions from His Majesty's Government respecting the establishment of a Roman Catholic Mission in New South Wales, cannot by any means accede to your solicitation to be allowed to celebrate the Service of the Church of Rome at this place; and as His Excellency has no reason whatever to suppose that such a Mission will be sanctioned by the British Government, I am directed to inform you that your residence in this country cannot be permitted.
You will therefore have it in your power, agreeably to the wish expressed in your letter, to embark for Goa or China by the earliest opportunity, not deferring your removal beyond the period of the Sailing of the Ship by which you arrived here.

I have, &c.,

J. T. Campbell, Secy.

[Enclosure No. 3.]

Secretary Campbell to Rev. Jeremiah O'Flynn.

Sir,

Referring to the Communication I had it in Command from His Excellency the Governor, on the 28th Novr. last, to make to you on the necessity for your leaving this Colony by the Ship, by which you had then lately arrived in it, I have it now in command to inform you that the Ship alluded to, namely, The Duke of Wellington, is to leave this on the day after to-morrow (viz. Sunday the 1st of February) and you are to embark on her accordingly, no Authority having reached his Excellency from the Right Honorable the Secretary of State, either by the Ship in which you arrived or by any of those Since arrived, for your fixing your Residence here, either as a Roman Catholic Missionary Priest, or as a Settler, altho' you represented that in the first Character you would have been licensed by Authority, which has not been realized.

I am, &c.,

J. T. Campbell, Secy.

[Enclosure No. 4.]

Secretary Campbell to Rev. Jeremiah O'Flynn.

Revd. Sir,

I have it in Command to inform you that, as there is a Ship (the David Shaw) about to Sail direct from hence for England on or about the 15th Instant, His Excellency the Governor will require and expect of you that you hold yourself in readiness to embark by that opportunity, His Excellency not having received any of those Instructions from His Majesty's Ministers respecting your residing in this country as a Roman Catholic Clergyman, which you have stated would be sent out long before this time.

In reminding you of the promise you gave His Excellency in regard to your quitting the Colony by the first opportunity direct for England, I have also to advert to the circumstance of your omitting the opportunity of the Vessel's departure, by which you had arrived, notwithstanding His Excellency's Instructions on that Head, and from hence I am instructed to inform you that your embracing the present opportunity must on your part be
guaranteed by good Security, to be immediately entered into, otherwise measures will be resorted to, whereby effect will be given to His Excellency's Instructions herein.

It is hoped your ready Compliance at this time will Supersede the Necessity for any further measure being adopted to secure your departure.

I am, &c.,
J. T. Campbell, Secy.

[Enclosure No. 5.]

REV. JEREMIAH O'FLYNN TO SECRETARY CAMPBELL.

Dear Sir,

Swan Hill, 5th May, 1818.

I take the earliest opportunity of answering your letter, commanding me to hold myself in readiness for the David Shaw, I beg leave to acquaint you that I will hold myself in readiness, but having no means, as a British Subject the Governor is to provide me with a passage, I am on my way to Windsor for a few days, and won't return to Sidney before Sunday unless required by his Excellency.

Dear Sir,

Your very obt. H. Srt.,

JEREMIAH O'FLYNN.

[Enclosure No. 6.]

WARRANT FOR THE DEPORTATION OF REV. JEREMIAH O'FLYNN.

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

WHEREAS Mr. Jeremiah O'Flynn has been for some months past exercising the functions of a Popish Priest within this Territory, in violation of the Instructions given to him on that head, in breach of his own Solemn Promise, and in contravention of the Public Orders and religious Establishment of this Government, and Whereas it has become expedient that the Said Mr. Jeremiah O'Flynn should be removed from hence as soon as possible, this is therefore my Warrant and Authority to you, the Commander of the Ship David Shaw, to receive the Body of the said Mr. Jeremiah O'Flynn from the custody of the Jailer and Chief Constable of Sydney, and him safely Keep and give a passage to on board your Said Ship to England. And you are hereby strictly charged on no account whatever to permit him, the Said Jeremiah O'Flynn, to return on Shore, or to escape from on board your said Vessel until your arrival in England, as you will answer for the Same to His Majesty's Secretary of State for the Colonies.

Given under my hand at Government House, Sydney, this 19th day of May, 1818.

L. Macquarie.
MACQUARIE TO BATHURST.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 10 of 1818," per ship David Shaw.)

Government House, Sydney, New South Wales,

My Lord,

18th May, 1818.

I do myself the honor to transmit herewith a demand made by Mr. Oxley, the Surveyor General, for Sundry Instruments and Stationary, which he represents, in his letter which accompanied it, as being necessary to the Service of his Department. I also transmit a Copy of Mr. Oxley’s letter on this occasion, which fully assures me of his demand being a necessary one; I have given my Signature of approval thereto, and have only to add my request that Your Lordship will give orders for its being furnished by an early opportunity.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]


Sydney, 15th May, 1818.

J. OXLEY, Surveyor-Gen’l.

App’d:—L. MACQUARIE.

[Enclosure No. 2.]

SURVEYOR-GENERAL OXLEY TO GOVERNOR MACQUARIE.

Sir,

Sydney, 15th May, 1818.

I beg leave to enclose for your Excellency’s approval a List of Instruments, &c., necessary for the Service of this Department, being to replace Instruments damaged and worn out on Service, and also in lieu of those Supplied His Majesty’s Col’l Cutter Mermaid, employed on the Survey of the West Coast.

I have, &c.,

J. OXLEY, Surveyor-General.
1818.
18 May.

Government House, Sydney, N. S. Wales,

My Dear Sir,

18th May, 1818.

I cannot allow the present opportunity to escape me without giving you a Short private letter to condole with you most Sincerely on the calamitous and most afflicting dispensation of Divine Providence with which the British Empire, and every individual belonging to it, has been visited by the premature, unexpected, and ever to be lamented Death of the all-amiable, good and greatly beloved Princess Charlotte, the Hope and Pride of the British People!

This fatal and Heartrending intelligence reached us here on the first of April, and overwhelmed every British Bosom with the deepest sorrow and affliction, and was too strongly manifested to admit a doubt of the Sincerity of the mourners, every one considering it, not only the greatest possible National Calamity that could happen, but also an irreparable Personal loss. Tho’ Exiles and so remote from the Mother Country, the Inhabitants of this Colony are not deficient in either Loyalty or the Common Sympathies of Nature, and the most unequivocal proofs were given by them of these Sentiments on this most melancholy occasion. As I think it cannot fail of proving acceptable to you to be made acquainted with the Measures adopted here to manifest our grief and sorrow for our beloved Princess, I take the liberty of forwarding to you, herewith for your perusal and information, four Sydney Gazettes which contain the Accounts* of the Steps that were deemed necessary to be adopted here on this for ever to be lamented event; and I fondly hope we shall not be considered as having overstepped the bounds of propriety and decorum on this occasion, or to have done more nor less than our Duty on this distressing occasion.

As my public Dispatches by this conveyance fully details the present state and affairs of the Colony, I need not obtrude on you here with any repetition of them. Suffice it therefore to say every thing is quiet and tranquil in the Colony, which continues in a progressive state of improvement.

I have, &c.,

L. Macquarie.

[A despatch from England, dated 29th May, 1818, was acknowledged by Governor Macquarie on 24th March, 1819. A copy is not available.]

* Note 169.
GOVERNOR MACQUARIE TO EARL BATHURST.

My Lord,

30th May, 1818.

The very unusual circumstance of so large a number of men as 300 arriving here from England in such perfect health, as those by the Ship Lady Castlereagh, which I have already noticed in my General Dispatch No. 8* of the present year, could not fail to induce me to attribute it to some peculiar care and attention shown to them on the Passage, and in this I have much pleasure in reporting that I have not been deceived; for I have learned that the Commander, Captn. Weltden, treated them with every humane and considerate attention, and that the Surgeon Superintendent Mr. Craigie was in like manner careful of their health and comforts. But I have reason to believe that the New system of arrangement in the Ship's Prison Room, which Capt. Weltden had proposed and got carried into effect previous to his sailing, also contributed in a very great degree to this desirable object.

With this impression, I feel it my duty to make your Lordship acquainted with it, and hope thereby to secure your Lordship's adoption of it for the health and comfort of future embarkation of convicts.

Captain Weltden having mentioned to me that he had proposed an arrangement for the fitting up of his ship for the reception of the convicts on a plan which he considered an improvement of much importance, I deemed it worthy of attention and went on board to have a personal view of it. On inspection, I found it to consist chiefly in the subdividing of the prison into three parts, each separate from the other by open iron railing, whereby the current of air was not impeded in any material degree, and the persons of the convicts were better secured than by the dark and gloomy bulk heads of heavy timber, which had been heretofore in use in prison ships.

The additional expense, which will be incurred by the adoption of his plan, will, I am convinced, appear of very trifling consequence when your Lordship takes into consideration the benefits arising from it. Capt. Weltden having also suggested that some further improvements might be made for the comfort of the prisoners which occurred to him on the passage, I have recommended to him to submit his whole plan of arrangement to the commissioners of the Navy Board on his arrival in England.

* Note 170.
Having formed a very high opinion of Capt'n Weltden's good Sense and Humanity, I beg leave to recommend him to your Lordship's Kind favour and good offices.

I have, &c.,
L. Macquarie.

GOVERNOR MACQUARIE TO EARL BATHURST.
(Despatch marked "No. 12 of 1818," per ship Lady Castlereagh.)

Government House, Sydney, New South Wales,

My Lord,

30th May, 1818.

Availing myself of the Capacious accommodations of the Ship Lady Castlereagh (late Convict Transport) now about to return by way of India to England, and of the very obliging manner in which Capt'n Weltden, her Commander, offered to take charge of them, I have shipped several Cabins, Tubs and Cases of the most admired rare and choice Flowers, Shrubs and Plants of this Country, which, under the Authority* conveyed to me from your Lordship respecting those for the Emperor of Austria, I have addressed to your Lordship.

The Articles now Sent are:—

For the Queen.—2 Plant Cabins (Nos. 1 and 2) containing various Shrubs and Plants, 1 Tub of Gigantic Lillies, and 1 Tub of Norfolk Pine Plants;

For the Emperor of Austria.—2 Plant Cabins (Nos. 1 and 2) containing various Shrubs and Plants, 1 Tub of Gigantic Lillies, and 1 Tub of Norfolk Pine Plants;

For Prince Leopold.—2 Plant Cabins (Nos. 1 and 2) containing various Shrubs and Plants, 1 Tub of Gigantic Lillies, 1 Case of Rock Lillies, and 1 Tub of Norfolk Pine Plants.

The accompanying Lists will inform Your Lordship of the names and numbers of the Several Plants, Shrubs and Flowers, contained in the Packages, meant respectively for the Queen, the Emperor of Austria and Prince Leopold.

I have on this occasion ventured to address a Proportion of these curious Productions to the Queen, and request that your Lordship will have the goodness to Present my Dutiful Respects therewith to Her Majesty.

Those for Prince Leopold I have been anxious to render acceptable, having learned from Colonel Addenbrooke that His Serene Highness wished to possess some of our most rare and choice Productions in this Kind.

In order to secure the safe arrival of these Flowers, Shrubs, and Plants, I have Selected a Person named Alexander Colley, who is conversant with their mode of Treatment, to whom I have on this occasion given a Free Pardon. He having a short period

* Note 159.
of his Sentence of Transportation unexpired; but being not only intelligent as to the manner of treating Plants, but also of good conduct, I hope your Lordship will approve of the Indulgence thus extended to him. I have also provided him with a Free Passage, the better to secure his care and attention.

I have, &c,

L. MACQUARIE.

[Enclosures.]

[Copies of these descriptive lists of plants and shrubs will be found in a volume in series VI.]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 13 of 1818," per ship Neptune.)

Government House, Sydney, New South Wales,

My Lord, 6th June, 1818.

I now do myself the Honor to transmit the Duplicates of those Dispatches, I had the Honor of Addressing to Your Lordship by the Ship David Shaw, which sailed direct for England on the 20th Ulto.

Since that Period, I have also addressed two short Dispatches to your Lordship by the Ship Lady Castlereagh, which sailed on the 4th Inst.; One of them was in recommendation of the Plan of Arrangement on board that Ship for the Accommodation of the Convicts, who arrived by her; The other was informing your Lordship of my having sent a Variety of Shrubs and Plants by the Lady Castlereagh to your Lordship's Address for the Queen, the Emperor of Austria and Prince Leopold. The Duplicates I need not trouble your Lordship with as they refer to Matters, which can be of interest only by the arrival of the Ship, by which the originals have been sent.

The Duplicates by the present occasion I have given in charge of Mr. Thomas Reid, Surgeon in the Royal Navy and late Surgeon Superintendent of Convicts per the Ship Neptune, who proceeds by her for England via Batavia.

Mr. Reid, having taken singular pains in reforming the manners of the unfortunate People, he had in Charge as Surgeon Superintendent, by Inculcating Religious Principles into them, and even instructing Several of the Youths among them so far as to enable them to read the Scriptures, has shown a goodness of Heart and Disposition meriting of every commendation, and I feel that I am doing an Act, which your Lordship will approve, when I take the Liberty of recommending such a man as Mr. Reid to Your Lordship's kind Favour and Protection.

I have, &c,

L. MACQUARIE.
1818.

June.

12 June.

Recommendation of Panton as settler and for colonial appointment.

3 July.

Refusal of request for stationery for use of judge-advocate.

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HISTORICAL RECORDS OF AUSTRALIA.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

June, 1818.

[A copy of this despatch is not available.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship General Stewart.)

Sir,

Downing Street, 12th June, 1818.

This Letter will be delivered to you by Mr. Panton, who has received Lord Bathurst's permission to proceed as a Settler to New South Wales, and to whom you will therefore be pleased to make on his arrival a Grant of Land proportionate to his means of cultivating it. As Mr. Panton has been particularly recommended to Lord Bathurst by Mr. Baron Adam, his Lordship desires me to express a hope that you will find an opportunity of conferring on Mr. Panton some appointment of moderate Value, which you may consider him well qualified to hold.

I have, &c,

HENRY GOULBURN.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 2, per ship Hadlow; acknowledged by Governor Macquarie, 24th March, 1819.)

Sir,

Downing Street, 3d July, 1818.

I have the honor to acknowledge the Receipt of your Dispatch of the 3d April, 1817, transmitting an application from Mr. Wylde to have his Office supplied with Stationary from the Government Stores; but, as I am not aware of any Colony in which an Allowance for Stationary is made to any Officer holding a corresponding Situation with that of Mr. Wylde, I do not feel that I could accede to his request without giving rise to similar applications on behalf of many Public Offices in other Colonies, whose Correspondence is no less extended than that of The Judge Advocate of the Colony of New South Wales.

I have, &c.,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 3, per ship Hadlow; acknowledged by Governor Macquarie, 24th March, 1819.)

Sir,

Downing Street, 3d July, 1818.

I have the honor to acknowledge your Dispatch No. 5, dated 1st April, 1817, relative to the proposed Alterations in the Establishment of the General Hospital for Medical Cure at
BATHURST TO MACQUARIE.

Sydney, as far as regards the Diet of the Patients admitted therein, and I have to acquaint you in reply that, as it appears that the plan which you have recommended will be more conducive to the health of the Patients and is also less expensive than that already in force, I have no hesitation in giving the Adoption of it the Sanction which you have solicited.

I have, &c.,
BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 4, per ship Hadlow; acknowledged by Governor Macquarie, 24th March, 1819.)

Sir, Downing Street, 4th July, 1818.

Having transmitted for the Information of the Commissioners of the Navy your Dispatch of the 1st April, 1817, relative to the line of Conduct, which you had adopted in regard to the payment of Ninety five Pounds to the Surgeons of Convict Ships for defraying the Expenses of their Passage Home to this Country, I herewith transmit to you the Copy of a Letter, which has been received in reply, stating that provided there should not be any opportunity of Forwarding the Surgeons of the respective Vessels home by a King's Ship, it will be necessary for you to furnish them with a Certificate to that Effect, upon the production of which, upon their return Home, The Commissioners of the Navy Board will give directions that the Sum of Fifty Pounds shall be issued to them for providing their own Passage home; I am therefore to desire that in all future Cases you will adopt the recommendation of the Commissioners as suggested in the enclosed Letter.

I have, &c.,
BATHURST.

[Enclosure.]

THE NAVY OFFICE TO UNDER SECRETARY GOULBURN.

Sir, Navy Office, 22d May, 1818.

We have received your letter of the 12th instant, enclosing a copy of a letter from Governor Macquarie in justification of his conduct in not victualling Dr. Arnold, late Surgeon of the Northampton, Convict Ship, during his stay at New South Wales, and in refusing to comply with his application for a passage home, and also stating the line of conduct he has observed, since the receipt of a dispatch from Earl Bathurst, as to the Victualling of Surgeons of Convicts Ships and granting to them allowances for their passages to this country; and we request that you will inform his Lordship that we consider the sum of Ninety five pounds, which Governor Macquarie intends to pay to each of
1818.  
4 July.  
System to be adopted for return passages for surgeons of transport ships.

812 HISTORICAL RECORDS OF AUSTRALIA.

the Surgeons, as Passage Money home from that Colony, to be too great an allowance for that purpose, and that we have informed each of the Surgeons, that have lately proceeded in Convict Ships to New South Wales, that, if the Governor cannot provide them with a passage home, we will allow them on their return £50 for providing their own conveyance to England; we therefore recommend that Governor Macquarie may be instructed to grant to the Surgeons of Convict Ships, on their application to him for a passage home, a Certificate of their having so done and of his being unable to comply with their request, provided that there should be no King's Ship at the time at the Colony destined for England, in which they could be accommodated; on the production of which Certificate by the respective Surgeons, and their proving to us that they did not return to this country in a King's Ship, the sum of £50 will be paid to them by this Board for providing their own passage.  We are, &c,

R. Teppings.
J. D. Thomson.
J. Bowen.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Hadlow; acknowledged by Governor Macquarie to Earl Bathurst, 24th March, 1819.)

Sir,

Downing Street, 4th July, 1818.

I am directed by Lord Bathurst to enclose to you the Copy of a letter which has been addressed to him by Mr. Gore, Provost Marshall of New South Wales, praying for compensation for the losses which he has sustained during his residence in the Colony; I also enclose a Copy of the answer, which has been returned to his application, and I am to desire that in case Mr. Gore should not be already in possession of a Grant of Land proportioned to his means of Cultivation, that, in consideration of his long Services, you will allot to him a Grant accordingly.

I am, &c,

HENRY GOULBURN.

[Enclosure No. 1.]

PROVOST-MARSHAL GORE TO EARL BATHURST.

My Lord,  
Sydney, New South Wales, 17th December, 1817.

Impelled by urgent Necessity, I humbly Venture to submit a Brief Statement of my case to your Lordship's humane Consideration, confident should it be in your Lordship's power to afford me any adequate compensation for the Losses, I have sustained in this Colony, that your Lordship will most willingly do so.
I beg leave most respectfully to inform your Lordship that, recommended by the Earl of Harrington to My Lord Castle-reagh, then Secretary of State for the Colonies, I was appointed by His Majesty's Commission, bearing date the 1st of August, 1806, Provost Marshal of the Settlements in this Territory, and that I took upon me the Duties of the Appointment on the 6th of August, 1806; from the exercise of which I was however (under circumstances of aggravated and extreme cruelty) Suspended in January, 1808, for 2 years by the persons, who had at that time usurped this Government; but to which I was again restored by Governor Macquarie, on His Excellency assuming the Government of the Colony in January, 1810; and I was Subsequently obliged to proceed to England in the Month of May in the same year, as an Evidence on the part of the Crown against the late Lieutenant Colonel Johnston; from whence I returned in May, 1812; and after my return to this Country, I resumed the Duties of my Office, which I continued to discharge, till the then Court of Civil Jurisdiction had been suspended by Ellis Bent, Esquire, late Judge Advocate, in consequence of his having declined to give a Qualified permission to such Attorneys to practice in his Court, as were sent here under Sentence of the Law; and that from the same cause and Motives all proceedings in the Supreme Court of Civil Judicature having been in like manner Suspended by Jeffrey Hart Bent, Esquire, late Judge thereof, from the Month of July, 1814, untill May, 1817; it will appear to your Lordship that during a period of 12 years, I have held the Commission of Provost Marshal, to which a Salary almost nominal of Five shillings a day is attached; I have not for Seven years and an half of that time derived any other Emolument from my appointment than the five shillings per Diem. Permit me therefore, My Lord, to entertain the Humble Hope that in as much as my Arbitrary Suspension by the late Lieutenant Colonel Johnston, my Subsequent Voyage to England as a Witness on his Trial, and the Suspension by the late Judges of all proceedings in the Courts of Law have neither been the Act, nor the result of any misconduct on my part, and that I have been on all the foregoing occasions the unoffending and passive Victim of individuals who exercised a temporary resistance and opposition to the Measures of the existing Government of the Colony. And in as much as I had during the proceeding period of Illegal Suspension from my Office, of my absence in England as an Evidence, and the Interruption and Suspension of the Courts of Law, to contend against the innumerable difficulties that a Person is exposed to, who is a Stranger in a Country, remote from friends and Relatives, in which I had not only to sustain a becoming
1818.
4 July.

Request for compensation.

Rank, but likewise to maintain and Educate a family of Seven Infant Children, which necessarily obliged me to incur expenses and embarrassments. Allow me, My Lord, to entreat Your Lordship to take my most distressing case into your humane Consideration, and to Authorize and recommend to His Excellency the Governor in Chief, to whom I appeal for the Truth of the foregoing Statement, to Grant me such reasonable relief and remuneration from the Police fund of the Colony, as he may consider the various privations and continued heavy Losses, I have been subjected to, may entitle me to.

I have, &c.,

WM. GORE,

P.-M. to the Settlements in H.M.'s Territory of N.S. Wales.

[Enclosure No. 2.]

UNDER SECRETARY GOULBURN TO MR. WILLIAM GORE.

Sir,

Downing Street, 2d July, 1818.

I am directed by Earl Bathurst to acknowledge the receipt of your letter of the 17th December, 1817, applying for compensation for the Losses you have sustained during your residence in New South Wales; and I am to acquaint you that, although from the peculiar circumstances, which have occurred during that period, you have been excluded from the enjoyment of certain Emoluments incidental to your Situation, yet, as you have been during the whole time in the regular Receipt of the Salary attached to the Office, his Lordship cannot consider you as entitled to the pecuniary Remuneration which you solicit. In consideration however of your long Services in the Colony, Lord Bathurst has directed Governor Macquarie to make to you such a Grant of Land, as may be proportioned to your means of Cultivation, provided the Governor shall have reason to be satisfied with your Conduct, and that you shall not be already in the possession of such a Grant as your Services appear to entitle you to hold.

I have, &c.,

HENRY GOULBURN.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 5, per ship Hadlow; acknowledged by Governor Macquarie, 22nd March, 1819.)

Sir,

Downing Street, 5th July, 1818.

A Communication having been made to this Department by The Commissioners of the Victualling Board, stating that on passing the Accounts of Mr. W. L. Moncrieff, Master of the Shipley Convict Ship, it appeared that Seven Hundred and Twenty Pounds of Lemon Juice, contained in 450 Bottles and
packed in 25 Cases, were delivered to Mr. D'Arcy Wentworth, Surgeon General at New South Wales, on the 25th May, 1817, and also that Mr. Lewis Evan Williams, Master of the Sir W. Bensley, Convict Ship, had taken credit in his account for Eight Cases containing 144 Empty Lemon Juice Bottles, delivered to Mr. D'Arcy Wentworth on the 29th March, 1817; I am now to desire that you will call upon Mr. Wentworth accordingly to account for the said Lemon Juice, the Bottles, and the Cases delivered to him from the above mentioned Vessels, and also for any other Stores appertaining to the Victualling Department, which he may have received, or may in future receive from Convict Ships or other Vessels.

I have, &c.,

BATHURST.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE. (Despatch per ship Hadlow; acknowledged by Governor Macquarie to Earl Bathurst, 22nd March, 1819.)

Sir,

Downing Street, 9th July, 1818.

Various Applications having been made to this Department respecting the fate of Charles Simpson, who was convicted of Felony at the Nottingham Assizes in the Year and was transported in the Indefatigable in the Year 1812, I am directed by Lord Bathurst to desire that you will make the necessary Enquiry, and report to me respecting him, as his Name does not appear in the General Return lately arrived.

I am, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE. (Despatch per ship Hadlow; acknowledged by Governor Macquarie to Earl Bathurst, 24th March, 1819.)

Sir,

Downing Street, 10th July, 1818.

A Native of Otaheite,* who was brought to this Country in the Kangaroo by Capt. Jefferies, having a desire to return to New South Wales as he has no means of Subsistence in this Country, I am directed by Lord Bathurst to acquaint you that a Passage has been accordingly provided for him on board the Hadlow, and I am to request you will take the earliest opportunity of any Ship, that may be likely to touch at Otaheite, of forwarding this Person to his own Country.

I am, &c.,

HENRY GOULBURN.

* Marginal note.—John Topy, the bearer of this Letter.
1818.
13 July.

Ship Shipley engaged for transport of troops.

Passages to be provided for surgeons.

14 July.

Assignment of convicts per ship Shipley, and per ships Morley and General Stewart.

20 July.

Pardons to be granted to Pinkerton and Connaghton.

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Under Secretary Goulburn to Governor Macquarie.

(Despatch per ship Hadlow; acknowledged by Governor Macquarie to Earl Bathurst, 24th March, 1819.)

Sir,

Downing Street, 13th July, 1818.

As the Shipley, Convict Vessel, has been engaged to convey back to this Country the different detachments of the 84th Regiment, which have proceeded to New South Wales on board the vessels named in the margin,* I am directed by Lord Bathurst to desire (in compliance with a wish expressed by the Commissioners of the Navy to that effect) that you will provide the respective Surgeons and Superintendents of those vessels with passages home on board the Shipley, as well as any other Naval Surgeons, who may be waiting for passages to this Country, provided there is room on board the vessel.

I am, &c.,

HENRY GOULBURN.

Under Secretary Goulburn to Governor Macquarie.

(Despatch per ship Shipley; acknowledged by Governor Macquarie to Earl Bathurst, 24th March, 1819.)

Sir,

Downing Street, 14th July, 1818.

I herewith transmit to you by the direction of Earl Bathurst the assignment of one hundred and fifty male convicts, shipped on board the Shipley for the colony of New South Wales.

I am, &c.,

HENRY GOULBURN.

[Similar letters covering the assignments, which are not available, of one hundred and sixty-four male convicts on the ship Morley, and of two hundred and fifty male convicts on the ship General Stewart, bearing the same date, were transmitted by the respective ships.]

Earl Bathurst to Governor Macquarie.

(Despatch No. 6, per ship Hadlow; acknowledged by Governor Macquarie, 22nd March, 1819.)

Sir,

Downing Street, 20th July, 1818.

I have herewith the honor of transmitting to you the copy of a letter from Mr. Hobhouse to Mr. Goulburn of the 25th May last, enclosing one from the Judge Advocate General relative to the case of two prisoners, vizt. Gunner George Pinkerton of the Royal Artillery, and Private William Connaghton of the 72d Regiment, who were sent out as convicts from the Cape of Good Hope, by the authority of Lord Charles Somerset, under sentence of Court Martial held at that settlement; and I am to

desire that you will, under all the circumstances of the Case, grant a Pardon to the Prisoners in question, and that they may be provided with a Conveyance to The Cape of Good Hope, if they should be disposed to leave the Colony of New South Wales.

I have, &c.,

BATHURST.

[Enclosure No. 1.]

UNDER SECRETARY HOBHOUSE TO UNDER SECRETARY GOULBURN.

Sir,

Whitehall, 25th May, 1818.

I am directed by Lord Sidmouth to transmit to You the inclosed Copy of a Letter, which his Lordship has received from the Judge Advocate General, respecting two Prisoners, vizt. Gunner George Pinkerton of the Royal Artillery and Private William Connaghton of the 72d Regiment, who have been sent as Convicts to New South Wales under Sentences of Courts Martial, held at the Cape of Good Hope by the Authority of the Governor, Lord Charles Somerset, Commanding His Majesty's Forces at that Settlement; and I am to desire that You will lay the said Letter before Lord Bathurst, and move his Lordship to be pleased to issue Instructions to the Governor of New South Wales to Grant a Pardon to the Prisoners in question, and that they may be provided with a Conveyance to the Cape of Good Hope, if they should be disposed to leave the Colony of New South Wales.

I am, &c.,

H. HOBHOUSE.

[Enclosure No. 2.]

UNDER SECRETARY BECKETT TO LORD SIDMOUTH.

My Lord,

Downing Street, 21 May, 1818.

I have the honor to request Your Lordship's interference with respect to two Prisoners, vizt. Gunner George Pinkerton of the Royal Artillery and Private William Connaghton of the 72d Regiment, who have been sent as Convicts to New South Wales under Sentences of Courts Martial, held at the Cape of Good Hope by the authority of the Governor, Lord Charles Somerset, Commanding His Majesty's Forces at that Settlement.

On referring to the Proceedings in these two Cases, it appears that the Sentences in both were passed by the Court and confirmed and carried into Effect by his Lordship, under a misapprehension of the Law; I would therefore submit to Your Lordship that the Prisoners in Question should receive a Pardon, and that Directions should be given to the Governor of New South Wales to provide a Conveyance for them back to the Cape of Good Hope, if they should be desirous of returning thither.

I have, &c.,

J. BECKETT.
EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 7, per ship Hadlow; acknowledged by Governor Macquarie, 24th March, 1819.)

Sir, Downing Street, 21st July, 1818.

Having directed that the necessary Communication should be made to The Lords Commissioners of the Admiralty on the subject of your Dispatch No. 6 of the 1st April, 1817, respecting the Manufacture of The New Zealand Hemp into Cordage or Sail Cloth, I have now the Honor to enclose to you the Copy of a letter, which has been received in reply from Mr. Barrow, containing the result of various Experiments, which have been made of the actual and Comparative Strength of the Article in question.

I have, &c.,

BATHURST.

[Enclosure No. 1.]

SECRETARY BARROW TO UNDER SECRETARY GOULBURN.

Sir, Admiralty Office, 22nd June, 1818.

With reference to your Letter of the 7th Ultimo, with its Enclosures on the Subject of Manufacturing New Zealand Flax or Hemp into Cordage or Sail-Cloth, accompanied by Specimens of the Cordage and Flax in question, I am Commanded by My Lords Commissioners of the Admiralty to transmit to you herewith, for Lord Bathurst's Information, a Copy of a Report from the Navy Board, dated the 19th Inst. with its Enclosures, containing the result of Experiments, which have been made of the actual and comparative Strength of the Said Flax or Hemp; by which it will be seen that the New Zealand Article is weaker than the Riga and Chili Hemp, nearly in the proportion of one Third.

I am, &c.,

JOHN BARROW.

[Enclosure No. 2.]

THE NAVY BOARD TO SECRETARY CROKER.

Sir, Navy Office, 19th June, 1818.

We duly received Mr. Barrow's Letter of the 18th Ultimo, accompanied by Copies of Letters from Mr. Goulburn and Governor Macquarie, and of a Memorial from Mr. Robert Williams, a Rope Maker at Sydney, on the Subject of manufacturing the New Zealand Flax or Hemp into Cordage and Sail Cloth for Exportation to this Country, together with Specimens of the Cordage and Flax in question.

In consequence of the directions of the Lords Commissioners of the Admiralty, contained in Mr. Barrow's Letter, we sent the Paper and Specimens to Commissioner Sir Robert Barlow, and desired him to cause experiments to be made on the strength of
the Articles, compared with Cordage of the Same Sizes manufactured in the Rope Yard at Chatham, and report his opinion of the quality and character of the New Zealand Hemp; and the Commissioner having with his letter of the 13th Inst. transmitted to us a Report of the Rope Yard Officers, containing a Table, which shews the result of the Experiments, which he has caused to be made (and at most of which he was present) on the actual and comparative strength of the New Zealand Flax or Hemp and of Riga and Chili Hemp, We transmit, to be laid before their Lordships, a Copy of that Report, by which it will be seen that the New Zealand Article is weaker than the Riga and Chili Hemp nearly in the proportion of one third.

The Commissioner has stated that he concurs with the Officers in their observations on its quality and character.

We are, &c.,
T. TUCKER.
E. BOUVERIE.
E. STEWART.

[Enclosure No. 3.]

MESSRS. HAITE AND FENWICK TO SIR ROBERT BARLOW.

Sir,
Chatham Rope Yard, 10th June, 1818.

Agreeably to your directions of the 26th Ultimo to make trial of the comparative strength of the Specimens of Line, Twine and Yarn, manufactured from New Zealand Hemp or Flax, against similar sizes of those Articles, made from Riga and Chili Hemp; and to report to you the results, with our opinion of the quality and character of the New Zealand Hemp, We beg to state that We have tried their strength by suspension, and the following are the results of the triall, vizt:—

<table>
<thead>
<tr>
<th></th>
<th>New Zealand</th>
<th>Riga</th>
<th>Chili</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 1.</td>
<td>Lines Hawser, laid 3 Strands, suspended in the clear, broke with</td>
<td>12</td>
<td>3</td>
</tr>
<tr>
<td>No. 2.</td>
<td>Lines Cable, laid 3 Strands</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>No. 3.</td>
<td>Lines Hawser laid 4 Strands with a Heart</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>No. 8.</td>
<td>Single thread Yarn, three twisted together into Twine</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>No. 9.</td>
<td>Twine three thread coarse</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>No. 10.</td>
<td>Twine two thread coarse</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>No. 11.</td>
<td>Twine two Do.</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>No. 12.</td>
<td>Twine 2 do. fine</td>
<td>0</td>
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</tbody>
</table>

It will therefore appear that the Lines and Twine from New Zealand Hemp bore little more than two thirds the weight of those made from Riga and Chili Hemp.

The Specimens of Hemp are too small for us to form a correct judgment as to their fitness for Cordage; they appear much worked down for fine uses; and none has been transmitted in a rough state, clean from the Stems or Reeds, to enable us
1818.
21 July.
Reports of experiments on the strength of New Zealand hemp.

22 July.
Legal opinion re jurisdiction of courts in New South Wales.

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EARL BATHURST TO GOVERNOR MACQUARIE.
(Despatch No. 8, per ship Hadlow; acknowledged by Governor Macquarie, 24th March, 1819.)

Sir,
Downing Street, 22d July, 1818.

I have the honor to transmit to you the Copy of a Report, which has been received from His Majesty's Attorney and Solicitor General, in reply to a Case which was referred for their opinion relative to the necessity of those persons, who might sue or be sued, being resident in New South Wales at least at the Commencement of the Action; also relative to the power of Convicts to sue or be sued in the Courts there under the General Terms of the present Charter of Justice, and I am to request that you will cause the same to be communicated for the Information of The Judge Advocate and Judge of the Supreme Court accordingly.

I have, &c.,
BATHURST.

[Enclosure.]

MESSRS. SHEPHERD AND GIFFORD TO EARL BATHURST.
My Lord, Serjeant's Inn, 13th May, 1818.

We have had the honor to receive Your Lordship's letter of the 4th May, transmitting to Us the Copy of a Letter, which has been addressed to Your Lordship's Under Secretary by the Judge Advocate and Judge of the Supreme Court of the Colony of New South Wales, enclosing a case for consideration, vizt. Whether by the present Charter of Justice, under which the Courts of Civil Jurisdiction are established in the Colony, any person can sue or be sued therein, unless he be resident within the Territory or its Dependencies, at least at the commencement of the Action; as also whether Convict Prisoners, even though in the employ of Government, cannot sue and be sued in the Courts there under the general terms of the Legal Charter, and your Lordship is pleased to request that we will take the same into consideration and report on the cases in question.

We have the honor to report to Your Lordship that, by the present Charter of Justice under which the Courts of Civil
Jurisdiction are established in the Colony, it is necessary that the person sued should be resident within the Territory or its dependencies at the commencement of the suit. But we do not think it is necessary that the party suing, as Plaintiff, should be so resident, the restriction with respect to residence not applying to them, and the provisions of the statute 54 Geo. 3rd c. 15 fortify us in this opinion. We think that prisoners convicted of felony, even tho' in the employ of Government, cannot sue in the Courts of the Colony; for, tho' the words of the Charter are general "any person or persons," yet we think they must be taken to mean any person or persons capable of suing, and felons convict are not so capable; but tho' they cannot be Plaintiff in a suit, they may be sued as Defendants, since they cannot take advantage of their own disability.

We have, &c.,

S. SHEPHERD. R. GIFFORD.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

22nd July, 1818.

[A copy of this despatch is not available.]

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 9, per ship Hadlow; acknowledged by Governor Macquarie, 24th March, 1819.)

Sir, Downing Street, 24th July, 1818.

Upon the receipt of your dispatches of the 15th May and of 3d and 5th June, 1817, I did not fail to make an immediate communication to The Lords Commissioners of the Admiralty With respect to the Conduct of Lieutenant Jefferies of the Kangaroo, in order that their Lordships might take the necessary Measures for bringing that Officer to Punishment for his insubordinate, irregular, and in every respect culpable Conduct. As there were legal Impediments to bringing this Officer to a Court Martial, Their Lordships were prepared, upon the case stated by you and Governor Snell, to remove him from the List of Lieutenants of the Navy. I was however subsequently induced to recommend to their Lordships a more lenient course, in consideration of Lieutenant Jefferies having furnished to His Majesty's Government the means of prosecuting with Success their Claims upon Mr. Blaxcell, who died upon his Passage home, and whose Effects would, but for the Interference of Mr. Jefferies, have been lost to the Public. I have therefore intimated to Their Lordships that in consequence of the Services rendered by Mr. Jefferies, I am not disposed to press his Punishment with any degree of Severity.
After the Conduct pursued by Lieutenant Jefferies in the Colony, I have thought it incumbent upon me, both for your satisfaction and to prevent any misunderstanding, which might arise from his remaining unpunished, to state to you distinctly the only grounds upon which Lenity has been extended to him.

I have, &c.,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 10, per ship Hadlow; acknowledged by Governor Macquarie, 24th March, 1819.)

Sir, Downing Street, 24th July, 1818.

I have had the Honor of receiving your Dispatch No. 14 and No. 31,* in which you detail some further proceedings of Mr. Moore in the Colony, and the reasons which have induced you to suspend a Compliance with the Instructions which I conveyed to you in my Dispatch No. 91* for his being reinstated in the Situation of Solicitor to the Colony.

Considering the extreme Impropriety of his Conduct in having affixed to a Petition to The House of Commons the name of a Person without his Authority or Consent, and regarding this Offence as more particularly deserving Animadversion in a person of his Profession, I have no difficulty in approving the Discretion which you have exercised with respect to his Case and in confirming his Removal from the Office of Solicitor.

I have, &c.,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 11, per ship Hadlow; acknowledged by Governor Macquarie, 24th March, 1819.)

Sir, Downing Street, 24th July, 1818.

I have had the honor of receiving your Dispatch No. 17 of the 3d April, 1817, with respect to the course you had adopted relative to the Grant of Land to Lieutenant Colonel Davy, and I have to approve of your having declined to allot to him in the first instance a larger Grant than Two Thousand Acres. If I had been aware that Colonel Davey had already received Land to the Extent of Three Thousand Acres, I should not have so readily acquiesced in the wish of his Friends that an Allotment of Five Thousand Acres should be made to him, which, from the manner in which it was disposed, was naturally considered by them as independent of what had been formerly given to him. Under all the circumstances of the Case, however, I do not see any Objection, if it is the Intention of Colonel Davey to continue to reside in the Colony, to making to him an Additional Grant of One Thousand Acres, besides the Five Thousand already allotted,

* Note 171.
explaining to him at the same time that the Loss, which he sustained in consequence of the Capture of the Emu, is the only ground upon which this Indulgence is given to him.

I have, &c,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 12, per ship Hadlow; acknowledged by Governor Macquarie, 22nd March, 1819.)

Sir, Downing Street, 24th July, 1818.

I have the honor to transmit to you herewith the Copy of a Letter from Viscount Sidmouth respecting the Free Pardon of Thomas Messling and of Richard Rose at the Expiration of Seven Years of their Sentences, and I am to desire that you will take the necessary Measures accordingly for complying with the request contained in his Lordship's Letter, provided the Conduct of the Prisoners, during their Stay in New South Wales, shall have been such as to merit this Gracious Act of His Royal Highness The Prince Regent's Mercy.

I have, &c,

BATHURST.

[Enclosure.]

LORD SIDMOUTH TO EARL BATHURST.

My Lord, Whitehall, 14th July, 1818.

Application having been made to me in favor of Thomas Messling, who was convicted at the Summer Assizes, 1813, holden for the County of Norfolk, of receiving Stolen Goods, and who was sent to New South Wales in the Ship Indefatigable, and also in favor of Richard Rose, who was convicted at Winchester in March, 1813, of aiding the Escape of French Prisoners of War, and in pursuance of his Sentence was Transported in the Ship, Earl Spencer, I have to request that your Lordship will communicate to the Governor of New South Wales my wish that the Prisoners in question should receive Free Pardon at the expiration of Seven Years of their Sentences, provided that they have conducted themselves during the whole time of their Residence in the Colony in an exemplary and proper manner.

I have, &c,

SIDMOUTH.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 13, per ship Hadlow; acknowledged by Governor Macquarie, 24th March, 1819.)

Sir, Downing Street, 24th July, 1818.

Having had occasion to observe the great Expence, which has been incurred in New South Wales from the Practice, which has heretofore prevailed in making to Civil and Military Officers
on their Arrival in the Colony liberal Grants of Land with proportionate Indulgences in Government Men on the Stores and Cattle on long Credits, and considering that the Continuance of such practice in the present improved State of the Colony is not only an unnecessary expense but detrimental to the Public Service in other respects, I have to signify to you The Pleasure of His Royal Highness The Prince Regent that the practice of granting Lands and other Indulgences to Civil and Military Officers should be altogether discontinued. In acting upon this Instruction, however, you will not consider yourself precluded from making Grants of Land to such Meritorious Civil or Military Officers, as may retire from the Service for the purpose of becoming Settlers in the Colony; but you will be careful not to extend to them any other Indulgence than those allowed to Ordinary Settlers under the established Regulations.

I have, &c,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 14, per ship Hadlow; acknowledged by Governor Macquarie, 24th March, 1819.)

26 July. Sir, Downing Street, 26th July, 1818.

I have had the honor of receiving your Dispatch No. 30 of the Year 1817.

You appear so entirely to have misunderstood the Tenor of my Dispatch to which it professes to be a reply, that I cannot avoid distinctly bringing before you the grounds upon which I felt it my duty to censure your line of Conduct with respect to Mr. Vale; it was not in any degree my Intention to approve, nor indeed did the dispatch convey my approbation of Mr. Vale's Proceedings; I certainly considered them to be unbecoming his Clerical Character, and as such to deserve animadversion; but the Question was not whether Mr. Vale had acted properly or improperly, but whether the course pursued by you for investigating his Conduct was one which the Laws permitted you to adopt. Upon a point of this Nature, I of course deferred to the opinion of those who are the Law Servants of the Crown, but finding their opinion to be that the Trial of Mr. Vale by Court Martial, upon the Charges preferred against him, was altogether contrary to Law, it was impossible for me not to pronounce your Conduct in so trying him illegal. I am sure that you cannot but admit that the presumable Guilt of any Individual affords no Justification for adopting towards him any course of proceeding other than what the Law prescribes; and I feel so confident that
you will allow also, that violations of the Laws, whatever be their Object, can never add Strength to a Government or increase its Influence; Had Mr. Vale in the Instance in question been legally amenable to a Court Martial, I should have had nothing to object to his being put Upon his Trial before it; but having ascertained that the Law did not admit of his being so tried, I could not in fairness conceal from you that you had acted illegally, and having acted illegally, it was equally impossible for me to express, on this instance, that approbation of your Conduct, which I have so often had the Gratification of conveying to You.

I have, &c.,
Bathurst.

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UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship Hadlow; acknowledged by Governor Macquarie to Earl Bathurst, 24th March, 1819.)

Sir, Downing Street, 1st August, 1818.

I am directed by Lord Bathurst to transmit to you here-with the Assignment of One Hundred and Fifty Male Convicts shipped on board the Hadlow for the Colony of New South Wales.

I am, &c.,
HENRY GOULBURN.

[Enclosure.]

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

There were two despatches, dated 4th and 14th August, from England to Governor Macquarie, which were acknowledged on the 24th of March, 1819. Copies of these are not available.

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

Government House, Sydney, N. S. Wales, 16th Augt., 1818.

My dear Sir,

I last did myself the honor of writing you early in June by the circuitous route of India per Doctr. Reid of the late Male Convict Ship Neptune, which sailed from hence for Calcutta on the 10th of that Month. Since then nothing worthy of Notice has occurred in this Country excepting the return of Lieut. King of the R. Navy, in the Mermaid Cutter, from his Survey of the Western and North West Coast of Australia,* which took place on the 29th of last Month. I have now the Honor to forward to you herewith a Letter from Lieut. King to Your own Address, and another addressed to the Secretary to the Board of Admiralty.

* Note 84.
I learn from Lieut. King that he has made no discovery of any importance, although his Survey extended to the Northward, as far as Ten Degrees South, and within about Thirty miles of the Gulph of Carpentaria. I also learn from him that he did not fall in with or hear any tidings of the French Expedition, fitted out in Old France some time since for exploring the Coasts of this Continent. For other particulars, I beg leave to refer you to Lieut. King’s own Letter.* I have much pleasure in stating that only one Man of Lieut. King’s Crew died during the Voyage, and that the rest arrived here, all in good Health, with the exception of one man now under Medical care in Hospital.

Having detached two Men with Mr. Oxley’s Expedition for about 125 Miles on his Route from the Point of his final departure from the Depot,† formed in the Wellington Valley (which is 100 Miles west of Bathurst), for the purpose of being returned by him with a Report of his Progress so far, I have now much pleasure in forwarding, to you for your own and Earl Bathurst’s information, a Copy of Mr. Oxley’s Report to me, dated the 20th of June, transmitted to me by the two men above alluded to, and received by me here on the 10th of last month. Since which time no accounts have been received of, and from Mr. Oxley’s Report, as it is so full and clear in itself, greatly fear, however, that from the circumstance of the Macquarie River continuing to flow so long in a North Westerly direction (about 250 Miles from Bathurst), there is little prospect of its changing its direction, so as to reach the Ocean on the Eastern Coast of Australia, and that the probability is that it will finally discharge itself into some Inland Sea or Great Lake.

If however it should alter its course farther on, so as ultimately to reach the Sea on the Eastern Coast, it must become then a River of great magnitude and prove a most important acquisition not only to this Colony, but also to the British Nation. At all Events, Mr. Oxley’s present Expedition, combined with his former and Lieut. King’s Nautical Survey, must add considerably to the Stock of Geographical Knowledge of Australia.

I have, &c.,
L. MACQUARIE.

P.S.—Sydney 16th Augt. 1818. The long expected and looked for Convict Ship Tottenham has not yet arrived here, nor has any Convict Ship arrived here, either from England or Ireland, since the 31st of April last; The Lady Castlereagh and Minerva, Male Convict Ships, which arrived here both on that Day, the former from England and the latter from Ireland, being the last and latest arrivals from either of those Countries.

L.M.

* Note 172. † Note 168.
SURVEYOR-GENERAL OXLEY TO GOVERNOR MACQUARIE.

On the Macquarie River, 20th June, 1818,
Lat. 31° 49' 37" So. Long. 147° 52' Et.

Sir,

The Expedition* having proceeded down the River upwards of 125 Miles from Wellington Valley, I thought it adviseable that the two men, who accompanied us for that purpose, should return to Sydney with an account of our Proceedings hitherto in obedience to Your Excellency’s Instructions.

Our progress from Wellington Valley, which we finally quitted on the 6th Inst., has been generally through as fine a Country as can reasonably be conceived, the South Bank of the River being equally rich and beautiful. Until the 13th of June, the Country North and N.E. of us was broken into gentle Irregular Hills with good Vallies well watered, and the River received an accession of two Small Streams from those Quarters, named respectively Erskine and Taylor’s Rivulets; for the last 40 miles, the Country has been nearly a perfect level of excellent quality, generally dry and free from the highest River floods. The Timber also was extremely good, far better indeed than any I had previously seen west of the Blue Mountains.

The River has in no particular disappointed the Expectations, I had formed of its permanency and magnitude; altho’ I was in hopes that its course would have been more northerly, which would have enabled it to receive such waters as flow westerly from the high lands, which are known to be to the East of us. As long as the Course of the River continues N. Westerly through a level Country, of course no reasonable expectation can be formed of receiving any water from the Eastward. There are however two small Streams crossed in the former Journey yet to join it from the Southward.

No two Rivers can be more dissimilar than the “Macquarie” and the “Lachlan,” whether the nature of the Country, thro’ which they respectively run or the Rivers themselves be considered; the Macquarie, independent of being twice as large, receives a constant and permanent Supply from a Multitude of Springs and Water Courses, and as yet its waters have continued whole and undiminished. The Lachlan, on the contrary deriving its existence from Rains, was constantly dissipating its waters over low and marshy Land, of which we have seen not the slightest appearance in the neighbourhood of the Macquarie. However painful it would be to find myself ultimately deceived in expectations, which I cannot but consider rationally grounded, I would rather hazard the Mortification, I should feel in that case, and give it as my firm conviction that from all present

* Note 168.
Indications of minerals.

Health of the expedition.

Commendation of Thatcher and Hall.

Chart and diary.

appearances the Macquarie will either terminate on some part of the coast or flow into an Interior Sea, than that its waters will be found both lost and wasted in a manner similar to those of the Lachlan.

Many parts of the Country, we have passed through, had every indication of containing Minerals, particularly Iron. On the Banks of the River, we found a considerable Strata of Saponaceous Earth resembling in its qualities Fuller’s Earth. I beg leave to send your Excellency a small sample of it, trusting it will on examination be found of the same nature.

With the exception of Thos. Thatcher, Private in the 48th Regt., who had his left arm seriously lacerated by the bursting of his Musquet, when firing it as a Signal to the Boats, we have met with no accidents, and the whole party are in perfect Health.

Thatcher and Hall, the two men who accompanied me from Bathurst, have conducted themselves in the most satisfactory manner, and made no difficulties or objections to the distance they were taken, tho’ somewhat above 250 miles on the whole, and I respectfully beg to recommend them to Your Excellency.

I enclose for your Excellency’s Information a Sketch of the Course of the Macquarie from Bathurst, including a part of our Track on the last Expedition, and also a Copy of my Diary, to which I beg to refer your Excellency for the more minute Detail of our Observations and Proceedings.

I beg your Excellency will be assured that, to the Extent of our means, no Exertions will be wanting to carry into full Effect the Design and Object of the Expedition, and sincerely hoping that the final result of it will be Satisfactory to your Excellency and interesting and useful to the Colony.

I have, &c.,

J. OXLEY, Surv’r-General.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 15, per ship Globe; acknowledged by Governor Macquarie, 24th March, 1819.)

Sir,

Downing Street, 19th August, 1818.

I have reserved, for a separate Communication, my reply to those Dispatches,* which refer to the Expedition dispatched into the Interior under the Command of Lieutenant Oxley.

I did not fail indeed to submit to The Prince Regent all that was connected with this important Subject, and I have much Satisfaction in conveying to you His Royal Highness’s Entire Approbation of the manner, in which the Expedition was prepared and in which it was conducted, reflecting equal credit upon the local Authorities and upon the Talents and Zeal of Lieutenant Oxley, and of the Officers and others who accompanied him.

* Note 173.
His Royal Highness has been pleased entirely to approve of the Remuneration, which you propose to make to Mr. Oxley of Two Hundred Pounds and to Mr. Evans of One Hundred Pounds; but it appears further advisable to His Royal Highness that the Sum of Fifty Pounds should be given to Mr. Cunningham, and to Messrs. Parr and Fraser, the Sum of Twenty-five Pounds each, as an acknowledgement of their Exertions and of their Attentive discharge of the Duties, which were assigned to them; and also that some small Donation should be made to each of the Men, whose Conduct may have been approved by Mr. Oxley, as a mark of Approbation with which their Perseverance and Subordination under Difficulties of no ordinary Kind is viewed by His Royal Highness.

I entirely approve of the permission, which you have given to Mr. Oxley to publish his Journal, and I have directed My Under Secretary to communicate with Mr. Murray, the Publisher, and to afford every Assistance which may render the Work, when published, more acceptable to the Public.

If the Result of this Expedition disappointed the Hopes which had been entertained with respect to The Lachlan River and the Fertility of the Country through which it flows, it has on the other hand given rise to new Expectations that the River Macquarie, flowing, as far as it has yet been discovered, through a Country of superior Fertility and with a Character very different from the Lachlan, may lead to the Sea.

It would be undoubtedly important that this point should be clearly ascertained; and from the circumstances detailed in Mr. Oxley's Journal, I am led to believe that to follow the course of the Macquarie would not be attended with any material Difficulty; I cannot avoid recommending this as a fit Object of another Expedition, and I most willingly leave it to you to make such arrangements with a view to it, as you may consider most effectual to secure its early Attainment.

If Mr. Oxley and his former Companions can be again induced to embark in it, I feel that it will afford the best hopes of a satisfactory Result; but if not, I trust to your Discretion and Zeal to make such a Selection of Individuals, as may be most for the Interest of the Service and for the credit of the Colony.

I cannot conclude my Dispatch upon this subject without expressing how entirely The Prince Regent has been pleased to approve of your exertions in forwarding Lieutenant King upon his voyage of Discovery, and of furnishing him with the means of conducting it to a successful Termination.

I have, &c.,

Bathurst.
Earl Bathurst to Governor Macquarie.

(Despatch No. 16, per ship Globe; acknowledged by Governor Macquarie, 24th March, 1819.)

Sir,

Downing Street, 24th August, 1818.

I have received and submitted to The Prince Regent your several Dispatches of the Dates and Numbers specified in the Margin.*

His Royal Highness has not failed to derive considerable satisfaction from the Assurances, which you have thought yourself warranted in conveying, of the Peace, Tranquillity and Progressive Improvement of the Colony placed under your Administration; His Royal Highness deeply deplores the Loss sustained by the late serious Inundations; but great as that Loss has been, His Royal Highness feels that it must be satisfactory to you to have, by means of the prudent Measures adopted at an earlier period of making Settlements on the high Grounds, afforded a Security against the Extent of its Ravages, and thus saved the Colony from the Horrors of a Famine. Under a Calamity, which though limited in extent, is of so serious a Nature, His Royal Highness is sensible that it was impossible for you to withhold all pecuniary Assistance from the Sufferers; but, as in many Cases the Loss sustained by them has arisen from their own imprudence alone, you will be careful that the Assistance given be merely for the Relief of their present distress, and not in any Degree as an Indemnification for Losses sustained. I should also be desirous of ascertaining whether the Stores issued were distributed gratuitously, or only, as I trust has been generally the case, at reduced Prices suited to the circumstances of the parties who received them.

I was most happy to learn the safe arrival in the Colony of Mr. Wylde and Mr. Barron Field, and the commencement by them of their Official Labours in a manner so much to your Satisfaction. I trust that there is, in the Characters and Qualifications of these Gentlemen, a sufficient Security against the recurrence of those unpleasant and irritating transactions which have arisen out of the conduct of Mr. Jeffery Bent. With respect to that Gentleman, I would only now observe that, if I forbear to enter into the details with respect to him which form so large a portion of your Correspondence for the Year 1817, it is from a disposition to avoid recurring to a series of transactions, So little creditable to Mr. Bent, and now that he is removed from the Colony, so undeserving of further notice.

Mr. Field was undoubtedly assured, on his acceptance of the Office of Judge of the Supreme Court, that he should be provided with suitable Quarters for his Residence, and I have therefore no difficulty in approving the Arrangement, which you have made

* No. 1 to No. 45 of 1817, inclusive.
for affording him the necessary accommodation. It was equally stated to this Gentleman, and to Mr. Wylde, that they were to proceed to the Colony with the same Advantages in point of Rations and Servants, as were enjoyed by their Predecessors, subject however to their receiving, in common with other Civil Officers, a Compensation for all or either of those Indulgences, whenever the General Abolition of them should be determined on. The Claim of Mr. Wylde to enjoy the Advantages in respect of Servants, which are given to other Magistrates of the Colony, in consideration of his acting in that Capacity, is one which I am only able to decide by Reference to the practice of the Colony. If Mr. Wylde's Predecessor, who for a certain time also assisted as a Magistrate at the Weekly Meeting, received that Advantage, I see no reason why it should be withheld from the present Judge Advocate; while on the other hand, if not enjoyed by Mr. Bent, I am sure that Mr. Wylde, upon his being so informed, will not insist upon such a Claim.

I regret extremely to learn the Inefficacy of the Measures, which you had adopted for guarding the Wild Cattle against the Depredations, to which they have for so long a period and to such Extent been subject; and I on this account the more lament the difficulties which have arisen to driving them from their present pastures to the other side of the Blue Mountains, where they might have ranged undisturbed in pastures of equal Extent and Fertility to which they now occupy, and, by the Rapidity of their Increase, have laid the Foundation of the future Wealth of the Colony. I entirely agree with you however in considering the Temptation, which in their present situation they afford to the Commission of Crimes, to be one which ought no longer to be allowed to exist.

The Plan, which you have transmitted to me in your Dispatch, sufficiently evinces the rapid Growth of the Colony, by shewing the small Quantity of Land which remains at the present period at the disposal of the Crown. It, at the same time, suggests the necessity of deciding, with as little delay as possible, in what quarter the Colony should be first extended; and If I am unable at the present Moment to give you any precise Instructions on this point, it is only from my desire to give due weight to the variety of important Considerations by which a decision, so materially affecting the future Welfare of the Colony, must be guided. With respect to Port Jarvis, indeed I see no Objection to its occupation and Settlement, beyond what would arise from placing a certain Number of Convicts in a Situation, where the limited Military Force at your Disposal would give you very inadequate Means of effectual Control. If however you consider
the Objections as likely to be obviated by a judicious Selection both of Settlers and Convicts, I have no inclination to withhold my Sanction to its early Settlement.

With respect to the reserved Lands, I am so far prepared to acquiesce in Mr. Oxley's Reasoning on the subject, as to admit that the Interests of the Crown have not hitherto suffered from departing from the System, which prevails with respect to them in other Colonies; I have little doubt indeed that the Growth of the Colony has been to a certain degree ameliorated from the circumstance of not retaining as Reserves the alternate Allotments of Land; but as the first difficulties of Settlement are long since overcome, and as the population is now sufficiently great to admit of a greater degree of separation, I see no reason why, in future, the Reserves on behalf of the Crown should not be in such Situations, as to ensure the rapid Augmentation of their Value from the Cultivation of the adjoining Allotments. It may indeed in some cases expose Settlers to temporary Inconvenience to have their respective Establishments separated by an uncultivated Reserve; but it must be recollected, that this Inconvenience is in general the only price paid for the Land they cultivate, and it is not therefore just that the Crown should lose the only Benefit which it derives from its Liberality to them. I must therefore leave it to your Discretion in future to make these Reserves in such a manner as may give to the Crown every fair Advantage without materially interrupting the Comfort or safety of the Inhabitants.

I am happy to inform you that the reasons, which you have adduced for retaining a Deputy Surveyor General, appear to me satisfactory, and I derive an additional satisfaction from the circumstance of my being thus enabled to reward the meritorious Services of Mr. Meehan by continuing him in that Office.

On the Subject of Public Buildings, which are either in progress or in contemplation, I must always regret, at a moment like the present, the necessity of incurring the heavy expence to which such works necessarily lead. For although I am aware that you propose to defray the Expence altogether from the Colonial Funds, which would otherwise be available for other expences of the Colony, the charge upon this Country is ultimately the same. I however generally agree with you in the absolute necessity of those, which you have proposed; for, if the object of the Establishment in New South Wales be the Reform of the Population, I am aware that it must altogether fail, unless means are provided for Lodging under proper Superintendance and Control those who may be sent there, and for affording them the Advantages of Discipline and Instruction. With this view the Barracks for Convicts, the Factory and the Churches, which you
propose to erect, have my entire Approbation. Nor am I disposed to object to the Building of the Light House, which though less indispensible, was I believe required by the increased and increasing Trade of the Colony. But with respect to this Building, I feel myself called upon to make the same Observation, which I consider applicable to your proposal for erecting a New Government House, not implying, as you seem to have construed my dispatch, that the Undertaking Was in itself unnecessary or improper, but objecting to the disposal of so large a Sum as would be required for it without the previous Sanction of the Government at Home, they being the proper Judges of the Objects to which the disposable Means of the Colony should be applied. I am happy that I have not the same remark to make upon your proposal for building a Court House. With respect to that undertaking, I do not mean to dispute the convenience of a separate Building for the purposes of Administering Justice, but I look upon this as a convenience, which may be safely postponed till a more favorable period, and until other more urgent works are completed.

As I conclude that the increased Salary to Captain Gill, as Civil Engineer of the Colony, ceased on his departure from the Colony, I see no reason to object to a Remuneration, which you made to him in consequence of his Special Qualifications for the Office. I should however consider it objectionable to make any Allowance to his Successor beyond the 7s. 6d. a day originally assigned to that Office.

The Allowance to Mr. Greenway of Three Shillings a day also meets with my Approbation; but I cannot consent to his being considered as holding a permanent Office, or to his receiving the Allowance for any longer period than his Services in the Superintendence of the Buildings may appear to you to be required.

I have to signify to You His Royal Highness’s Entire Approbation of your not having permitted the Priest o’Flynn to remain in the Colony. As he proceeded thither not only without the Sanction of His Majesty’s Government, but after an Intimation that such permission would be refused him, he could have no claim whatever to your Indulgence.

I am happy to inform you that The Bishop of London has strongly recommended Two Clergymen as Chaplains for the Colony. They will proceed at an early period, and as they have been distinctly informed that they are not to receive Rations or Emoluments beyond an annual Salary of £250, you will govern yourself accordingly with respect to them. When however I excluded all other Emolument, I of course do not consider a Glebe House and Land, and the Advantages annexed to its Occupation, as falling within that Limitation.
I trust also that I shall soon have an opportunity of sending out an increased number of Surgeons for the Colony. From the number of applications I have received, I do not anticipate any difficulty on the subject, and consequently cannot feel authorized in augmenting the allowances, which have theretofore been made to them. The removal of Mr. Smith, the Assistant Surgeon, as recommended in your dispatch No. 7 of the 18th March, 1816, is not liable to any objection.

Referring to the renewed representation, which you have made in your dispatch No. 40 to the deplorable situation of the Colonial Surgeons, Messrs. Mountgarrett and Luttrell, if left without any provision for their maintenance, I have to acquaint you that His Royal Highness The Prince Regent has been graciously pleased to approve of your allowing to them, on their removal, from the Colonial funds equal to the half pay of their respective situations. You will understand however that they are not to receive any advantages from the Colony beyond their allowance, excepting only such a moderate grant of land as you may (if they possess the means and disposition to cultivate land) be willing to assign to them.

I anticipate some difficulty in finding a proper person to act as Superintendent for the Factory at Paramatta, but shall not fail to take every means of securing the services of any one that may appear qualified for this important and difficult situation.

I have, &c.,

Bathurst.

Under Secretary Goulburn to Governor Macquarie.

(Despatch per ship Globe; acknowledged by Governor Macquarie to Earl Bathurst, 24th March, 1819.)

Sir,

Downing Street, 24th August, 1818.

I am directed by Lord Bathurst to acquaint you, in reply to your dispatch No. 7 of the 1st April, 1817, containing a report on the case of Mr. Jno. Blaxland, that the explanation therein contained is perfectly satisfactory to his lordship.

I am, &c.,

Henry Goulburn.

Earl Bathurst to Governor Macquarie.

(Despatch No. 17, per ship Globe; acknowledged by Governor Macquarie, 18th March, 1819.)

Sir,

Downing Street, 29th August, 1818.

I have the honor to acknowledge your dispatch No. 13 to the 18th March, 1819, transmitting a correspondence, which had passed between Mr. Judge Advocate Wylde and yourself on the subject of
appointing a Clerk of the Peace and Solicitor to the Crown to the Colony, and recommending that Mr. Wylde, Senior, should receive that appointment with a Salary of Five Hundred Pounds Sterling a Year.

I entirely Concur with you in the propriety of having such an Officer on the Colonial Establishment, and I willingly attend to your Recommendation of Mr. Wylde, Senior, as a person qualified to hold the Situation. Before however deciding on the Salary to be assigned to them, I must, in the first instance, be informed as to the Amount of Fees, which the person holding those Situations, may be expected annually to realize. I conceive that they will of necessity be very considerable, and in such case I have to desire that they may be carried to the Public account, paying to this Officer from their Proceeds an Annual Salary of not more than Four Hundred Pounds. Should the fees fall short of that Sum you will consider yourself authorized to make up the annual Profits of the Two Offices to that Amount; and you will remember that, in this case as in all others, when Salaries may be granted in future, the parties are not to look for those Allowances either of Rations, Fuel or Servants at Government Expence, which in the Infancy of the Colony were considered necessary for the Maintenance of the Public Officers.

I have, &c.,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 18, per ship Globe; acknowledged by Governor Macquarie, 24th March, 1819.)

Sir,

Downing Street, 29th August, 1818.

I have the Honor to acknowledge the receipt of your Dispatch No. 38, dated 12th December, 1817, relative to the Conduct of Mr. John Drummond, and your having in consequence suspended him from his Situation as Naval Officer at Hobart Town; and I have now to acquaint you in reply that, having considered the circumstances therein stated, and also the facts urged by Mr. Drummond in palliation of his Offence, I cannot but consider him unfit to hold any longer the Situation in question.

I have, at the same time that I convey to you my approbation of your having suspended Mr. Drummond from his Situation as Naval Officer at Hobart Town, to express my regret that the various Claims upon my Patronage do not permit me to attend to your recommendation of Mr. Beamont as his Successor.

I have, &c.,

BATHURST.
1818.

1 Sept.

Assignment of convicts per ship Globe;

and per ship Lord Sidmouth.

13 Sept.

Libel on Rev. S. Marsden by J. T. Campbell.

Disapprobation of Campbell's conduct.

HISTORICAL RECORDS OF AUSTRALIA.

UNDER SECRETARY GOULBURN to GOVERNOR MACQUARIE.

(Despatch per ship Globe; acknowledged by Governor Macquarie to Earl Bathurst, 24th March, 1819.)

Sir,

Downing Street, 4th Septem., 1818.

I am directed by Lord Bathurst to transmit to you here- with the Assignment of Two hundred and forty Male Convicts, Shipped on board the Globe for the Settlement of New South Wales.

I am, &c.,

HENRY GOULBURN.

And per ship Lord Sidmouth.

[A similar despatch, dated 15th September, covering the assignment of one hundred and sixty male convicts, per the ship Lord Sidmouth, was transmitted by that ship. Copies of both assignments are not available.]

EARL BATHURST to GOVERNOR MACQUARIE.

(Despatch No. 19, per ship Surrey; acknowledged by Governor Macquarie, 31st March, 1819.)

Sir,

Downing Street, 18th September, 1818.

I have received from the Revd. Mr. Marsden, the Senior Chaplain of the Colony, a Report of Two Trials,* which took place before the Courts at Sydney in 1817 at the Suit of Mr. Marsden, in both of which Mr. Campbell the Secretary was Defendant. The Crime, charged against Mr. Campbell and of which I regret to find that he has been guilty, is a Libel published in the Sydney Gazette, of which he is from his Official Situation the Censor. I am sure that you will feel how much this latter circumstance aggravates the Offence of Mr. Campbell, and will see the necessity of marking with some animadversion a line of Conduct, which adds to a violation of the Laws so high a Breach of Official Duty. I have therefore to desire that you will express Censure to Mr. Campbell the disapprobation with which I have viewed his Conduct, and assure him that it is only in consideration of his having so long filled his present Situation with credit, that I am induced to forego any more severe notice of a proceeding, so little creditable to himself and so calculated to disturb the peace of the Colony. At the same time, however, that it is my painful Duty to mark my Disapprobation of Mr. Campbell's Conduct, I am happy to express the satisfaction, which I received from your General Order of the 31st January,† and observed, in the promptitude of the disavowal of the Publication, that disposition to do justice to Mr. Marsden's Missionary Labours, which you have always evinced, and that laudable anxiety to remove any unfavorable Impression, which the Publication of such a Libel in the Government Gazette was not a little calculated to excite.

I have, &c.,

BATHURST.

* Note 175. † Note 176.
BATHURST TO MACQUARIE.

(A despatch from England, dated 21st September, was acknowledged by Governor Macquarie on the 24th March, 1819. A copy of this is not available.)

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Surrey; acknowledged by Governor Macquarie to Earl Bathurst, 24th March, 1819.)

Sir,

Downing Street, 22nd Sept., 1818.

I herewith transmit to you by the direction of Earl Bathurst the Assignment of One Hundred and Sixty Male Convicts, Shipped on board the Surry for the Colony of New South Wales.

I am, &c.,

HENRY GOULBURN.

[Enclosure.]

(A copy of the assignment is not available.)

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 20, per ship Hibernia; acknowledged by Governor Macquarie, 19th July, 1819.)

Sir,

Downing Street, 29th Sept., 1818.

I have not failed to communicate with His Royal Highness The Commander in Chief with respect to the opinion that you have expressed in your Dispatch No. 18 of the 4th April, 1817, as to the Inadequacy of the present Garrison of the Colony, and I regret that I cannot hold out much expectation of any addition being made to it; for the Reductions of the Army, which either have taken place or are now in progress, leave, as you must be well aware, no disposable Regiment applicable to such an Object. I am happy however to believe that the number of Recruits, sent out since the date of your last dispatch, will have so far augmented the Battalion under your Command, as to relieve all present anxiety on the subject; and I would take this opportunity of calling your Attention to a point, upon which I had intended to address you even previous to the receipt of your Dispatch, namely whether there is not at present in the Colony a Free Population to such an Extent as to authorize the Formation of a Militia Force under the Rules and Regulations to which such a Service is usually subject. A Measure of this Nature, by placing at your Disposal an additional Force in case of Emergency, would at once remove both the Apprehension of Danger and the willingness which might exist on the part of the ill disposed to create disturbance in the Colony; and as the Regulations, under which it might be established, need not be burdensome to the Inhabitants to whom they would be applicable, I am not aware that there could be, on their part, any reasonable Disinclination to the measure. On this Important subject, however,
I shall be happy to receive your Observations, and to give them that Consideration, to which from your long Residence in the Colony and your unremitting Attention to its Interests, they are so eminently entitled.

I have, &c,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 21, per ship Hibernia; acknowledged by Governor Macquarie, 20th July, 1819.)

Sir,

I have the Honor to transmit to you herewith the Copy of a letter, which has been written by the direction of Lord Sidmouth in behalf of James Allen, who was transported in the Admiral Gambier; and I am to desire that, in compliance with the wish of his Lordship, you will grant a free Pardon to the said James Allen with permission to return to this Country provided he has conducted himself with propriety during his Residence in New South Wales.

I have, &c,

BATHURST.

[Enclosure.]

UNDER SECRETARY CLIVE TO UNDER SECRETARY GOULBURN.

Sir, Whitehall, 21 September, 1818.

Application having been made on behalf of James Allen, who was Convicted of Sheep stealing at Bedford in July, 1806, and whose Sentence of Death was commuted to Transportation for Life, and in pursuance of such Sentence was conveyed to New South Wales in the Ship Admiral Gambier, 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 said James Allen should receive a Free Pardon and be permitted to return to this Country, provided he has Conducted himself with propriety during the time 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.

I am, &c,

HENRY CLIVE.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch marked "Private," per ship Hibernia.)

Sir, Downing Street, 18th October, 1818.

I have the honor to acknowledge the receipt of your Private and Confidential Letter of the 1st December last, in which you state the reasons which have induced you to tender your Resignation as Governor and Commander in Chief of New South
Wales, and I gladly avail myself of the less Official mode of Communication, to which you have resorted, in order to explain to you the reasons which have induced me to defer submitting your resignation to The Prince Regent, until you shall have had an opportunity of reconsidering a determination, which I cannot but consider to have been hastily adopted.

In the first place, I must express my regret that you should have so far misunderstood the Tenor of my communications, as to consider them as conveying any imputation upon your Character and the uprightness of your Intentions. I am happy to assure you that of these I never entertained a doubt; nor upon a Review of the Dispatches, in which you consider such Imputations to have been conveyed, can I see any ground for the Inference, which you have drawn. I have certainly in your case, as in that of many other Officers holding similar Situations abroad, felt myself obliged in some instances to differ from you in opinion, and in others to disapprove the Conduct which you have adopted. But however your Conduct might have appeared to require disapprobation or censure, I have nevertheless always given you full credit for the Motives by which your Conduct, however erroneous, has been influenced. So far indeed from admitting that you have in any one case had occasion to complain of want of support on the part of His Majesty’s Government, or of an undue regard to the Statements of your Adversaries, I am convinced that the whole Tenor of my communications on the subject of the Colony has been to uphold your proper Authority, and to discountenance those attacks to which, in common with other Public Men, you have undoubtedly been subjected. But I must at the same time confess that I should have thought myself guilty of a great dereliction of Public Duty, if I had abstained from pointing out to you those cases in which you have either transgressed the Laws, or adopted an erroneous Line of Conduct. You would in my opinion have had just reason to complain if, by omitting to mark my disapprobation, I had given encouragement to a repetition of what was either illegal in itself or beyond the limits of your Authority, nor can I doubt but that you will on reflection admit that, in so expressing my sentiments to you, I have done what was most consistent with a discharge of my Duty without any Impeachment of your Authority.

I have certainly never been insensible of the Difficulties, to which every person placed in the Administration of a Colony like New South Wales must be of necessity be exposed; and I have much satisfaction in recurring to the occasions, on which I have approved the manner in which they have been surmounted, and I...
cannot give a better proof of the Confidence which, notwithstanding some Errors of Administrations to which all those in such Situations are liable, is still reposed in you, than by withholding to take any Measure for appointing a Successor, until I shall learn that you still persist in your Determination to return to England.

I have, &c.,

BATHURST.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.*

Sir,

Downing Street, 26th October, 1818.

I am directed by Lord Bathurst to transmit to you a Letter addressed to his Lordship by Lord Erskine in favor of Mr. J. Raine, who proceeds as a Settler to New South Wales, and in doing so to acquaint you that Lord Bathurst will be happy at your having it in your power to shew any Attention to a Gentleman, who appears from his education and qualifications likely to become a useful Settler in the Colony.

I have, &c.,

HENRY GOULBURN.

[Enclosure.]

[A copy of this letter is not available.]

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 22, per ship Hibernia; acknowledged by Governor Macquarie, 20th July, 1819.)

Sir,

Downing Street, 29th October, 1818.

I have had the Honor of receiving your Dispatch of the 29th March, 1817, in which you state the reasons, which had induced you to consider the Establishment of a Colonial Bank as a Beneficial Measure for the Colony, and transmit for my approbation a Copy of the Charter, which you had granted to certain Individuals who had embarked in such an Establishment. Upon referring the Charter in question to His Majesty's Law Servants for their Report, it appears to be their opinion "that you were not legally empowered, either by your Commission or Instructions, to grant such a Charter, and that it is consequently null and void." You will therefore intimate to the Gentlemen composing that Establishment that they can only consider themselves in the Situation of persons associated for the purposes of Trade, and as such not entitled to any of those special Privileges, which it was the Object of the Charter to confer. Under these circumstances, it becomes unnecessary for me to enter into

* Note 22.
any view of the Provisions of the Charter. I must confess however that it appeared to me to contain some provisions of so objectionable a Nature that I cannot regret its want of Legal Validity; and the less as I am not aware of any Public Benefit to be derived from the Establishment of a Bank under the proposed Charter, which will not equally flow from its being conducted by Private Individuals at their own risk without any Interference on the part of the Government, or any protection beyond what is afforded to all other Traders. So long as this Bank is conducted upon sound Principles, it will of course derive from the Government a due degree of support; but you will carefully avoid incurring any responsibility on account of it, or in any degree implicating the Faith of the Colonial Government in its Pecuniary Transactions.

I have, &c,

HENRY GOULBURN.

[Enclosure.]

UNDER SECRETARY GOULBURN TO MR. JAMES BADGERY.

Sir,

Downing Street, 9th November, 1818.

I am directed by Lord Bathurst to acknowledge the receipt of your Letter of the 13th Decr., 1817, enclosing a Correspondence, which has taken place between you and the Governor with respect to your receiving a confirmation of a Grant of Land, made to one of your Sons by Colonel Paterson, and to acquaint you that, as it appears from that Correspondence that the Grant

* Note 177.
in question was one of those made during the Usurped Government of the Colony, and as such, resumed in common with many others on Governor McQuarie's arrival in the Colony, Lord Bathurst fully enters into the reasons, which have induced the Governor after so long a period to decline granting the compensation required; nor does his Lordship see any reason to direct in this respect a compliance with your request. At the same time, however, Lord Bathurst has directed me to express his belief that, had you applied to Governor Macquarie for an additional Grant of Land on the Ground of having fully cultivated that already made to you, and of having conducted yourself with propriety during your Residence in New South Wales, The Governor would, so far as the Public convenience admitted, have shewn you the same Indulgence, which he may have extended on similar Grounds to other persons in the Colony.

I am, &c,

HENRY GOULBURN.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 23, per ship Hibernia; acknowledged by Governor Macquarie, 20th July, 1819.)

Sir,

Downing Street, 10th Novr., 1818.

Appointment of His Royal Highness the Prince Regent having been pleased to appoint Mr. Edward Ford Bromley to be Naval Officer at Hobart's Town, Van Diemen's Land, I am to signify to you the Pleasure of His Royal Highness that you should instruct Lieutenant Governor Sorell to make out the proper Warrant for that purpose, and upon Mr. Bromley's arrival at the Derwent to put him in possession of the Appointment with a Salary of Five per Cent. on the Duties collected to commence from the time of his taking upon himself the Duties of his Situation.

I have, &c,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch; acknowledged by Governor Macquarie, 20th July, 1819.)

Sir,

Downing Street, 17th Novr., 1818.

Death of H.M. It is with deep concern that I communicate to you the intelligence of the Decease of the Queen who departed this Life this Day at One O'Clock to the inexpressible Grief of all the Royal Family after a tedious illness which Her Majesty bore with the Most pious Fortitude and Resignation.

I have, &c,

BATHURST.
UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship Baring; acknowledged by Governor Macquarie to Earl Bathurst, 20th July, 1819.)

Sir,

Downing Street, 10 Decr., 1818.

Lord Bathurst having received an application from the Wife and friends of George Carter, to whom a free Pardon was sent out in 1817, to procure his return to this Country, I am directed by his Lordship to desire that you will do all in your power to facilitate the Passage of the Man in question to England by inducing any Master of a Ship to receive him on board to work his Passage home, or, if that be impracticable and the Man is deserving of consideration, by making a moderate payment for his Passage.

I have, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship Baring; acknowledged by Governor Macquarie to Earl Bathurst, 20th July, 1819.)

Sir,

Downing Street, 16th Decemr., 1818.

I am directed by Lord Bathurst to transmit to you the Assignment of Three Hundred Male Prisoners, Shipped on board the Baring for the Colony of New South Wales.

I am, &c.,

HENRY GOULBURN.

[Enclosure.]

[A copy of the assignment is not available.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

26th December, 1818.

[A copy of this despatch, recommending lieutenant Robison, is not available.]

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 24, per ship Baring; acknowledged by Governor Macquarie, 20th July, 1819.)

Sir,

Downing Street, — December, 1818.*

I have had the honor of receiving Your Dispatch of the 15th May last, in which you State the reasons, which had induced you to decline acceding to the request of The Rev'd Mr. Marsden to return Home on Leave of Absence.

Viewing in the same light, as you have considered them, the great Disadvantages which must have resulted from diminishing the actual Number of Clergymen resident in New South Wales,

* Note 178.
1818. Dec.

I have to express my entire approbation of your having forborne a compliance with Mr. Marsden's pressing Solicitation for him to return Home, until some prospect was afforded of his place being adequately supplied during his absence.

The arrival of The Revd. Mr. Hill and The Revd. Mr. Cross, who are Passengers in the Baring, will I trust enable You to comply with Mr. Marsden's wish for Leave of Absence; and I am sure it will be to Mr. Marsden a source of sincere satisfaction to find that, whatever Private Inconvenience he may have sustained from a prolonged absence from this Country, yet at least that the Public Interests of the Colony, as far as a Supply of Clergymen is concerned, have not suffered from his detention in New South Wales, or from his consequent inability to represent in Person to The Archbishop of Canterbury the Religious Wants of the Colony.

I have, &c.,

Bathurst.
COMMENTARY.
COMMENTARY
ON
DESPATCHES.

JANUARY, 1816—DECEMBER, 1818.

Note 1, page 2.
Your Petitioner held a Grant of Land on Norfolk Island.

In the registers preserved at the office of the registrar-general at Sydney, there is no record of a grant of land at Norfolk island to Norfolk King, nor of any grant given in compensation for it, either in New South Wales or Tasmania.

Note 2, page 3.

Also pages 31, 39, 42, 48, 49, 52, 97, 98, 99, 100, and 102.

Per H.M. brig Emu.

The despatches were carried by H.M. brig Emu to the Cape of Good Hope, and from that port to England by H.M.S. Amphitrite. The Emu was detained at the Cape under the circumstances detailed in the enclosures to Earl Bathurst's despatch, dated 4th December, 1816 (see page 192 et seq.).

Note 3, pages 4, 5, and 10.

Former communication.—Communication.—Former communications.

Governor Macquarie's previous despatch relating to Mr. Justice Bent was dated 22nd June, 1815 (see page 479 et seq., volume VIII). The communication relating to expenditure on roads was contained in the eighteenth paragraph of the despatch to the Earl of Liverpool, dated 18th October, 1811 (see page 387, volume VII).

Note 4, page 7.
Also pages 12 and 13.

One Trustee for the Road.

The first commissioners for public roads were appointed by Governor Macquarie in 1810. They were three in number—D'Arcey Wentworth, Simeon Lord, and Andrew Thompson. On the 13th of May, 1810, these three commissioners executed a contract with James Harrex for making and completing a public turnpike road from Child's corner in the town of Sydney to the toll-bar at the Hawkesbury, and for keeping the same in repair for seven years.

In the New South Wales Almanac for the year 1815, published by George Howe, James Mileham was mentioned alone as "Trustee and Commissioner of Turnpike Roads and Highways." In the similar publication for the following year, the Trustees and Commissioners of Turnpike Roads from Sydney to Hawkesbury mentioned were D'Arcey Wentworth, Simeon Lord, and James Mileham; and for roads to and from Liverpool, Thomas Moore.
This was the penultimate clause in the letters patent which created the governor's and supreme courts (see volume in series IV). It was as follows:

"And further know Ye that We, for preserving the peace of Our said Settlement and the Islands thereunto adjacent, of our especial grace, certain knowledge, and mere motion, have granted, ordained, directed and appointed, and by these present do grant, ordain, direct and appoint that our present and all Our future Governors, Lieutenant Governors, and Our Judge Advocate, Judge and Deputy Judge Advocate, for the time being, shall be Justices of the Peace within the said Territory and its Dependencies, and all places or Settlements therein; and that all and every such Justice and Justices of the Peace shall have the same power to keep the Peace, arrest, take Bail, bind to good behaviour, suppress and punish riots, and to do all other matters and things, with respect to the Inhabitants residing or being in the places and Settlement aforesaid, as Justices of the Peace have within that part of Great Britain, called England, within their respective jurisdictions. And these our Letters Patent for the enrolment or exemplification thereof shall be, as well unto the Said Courts respectively, as unto all and every other Person or Persons whomsoever, a sufficient warrant and discharge from time to time for all and whatever they shall do or execute in pursuance of our Royal Will and Pleasure, hereinbefore declared."

They are appendages to no Court House.

The public offices of the judge-advocate for some years had been attached to his official residence, and in some cases had been used as a court-room, prior to the location of the courts in a wing of the general hospital in Macquarie-street.

The memorial and "list" will be found on pages 629 and 628 in volume VIII.

My Several Dispatches Addressed to Your Lordship in the Years 1813, 1814, and 1815.

These despatches will be found in volume VIII (see synopsis, pages 687, 688, and 689). The particular points on which Governor Macquarie desired instructions were forwarded as an enclosure (see page 411) to a despatch to under secretary Goulburn, dated 17th May, 1817.

Tribes.

The aborigines of the county of Cumberland, N.S.W., were divided into a great number of tribes. When the settlement was first established, it was
found that the Cadigal tribe inhabited the district from South Head to Darling harbour, the Wannagal tribe from Darling harbour to Parramatta; the Wallumedegal tribe occupied the northern shore of the Parramatta river opposite the Wannagal tribe, whilst the Cammerragal tribe possessed the land about the middle and north harbours of Port Jackson. Other named tribes in the neighbourhood were Gweagal, Noronggerragal, Borogegal, Gomerrigal, and Boromedegal.

Note 11, pages 55 and 57.

An American Privateer.

The convict transport ship *Francis and Eliza* sailed from Cork on the 5th of December, 1814. On the 4th of January following, she was captured by the American privateer *Warrior*. After detaining her for twenty-four hours, whilst all guns, ammunition, much of her stores and all the ship's papers were removed, the privateer's commander, Champlin, set the *Francis and Eliza* at liberty to continue her voyage. While under capture, several of her crew deserted and went on board the privateer, and, when the *Francis and Eliza* arrived at Teneriffe, her commander, William Harrison, was compelled to send his chief officer and four of the crew back to England in one of H.M. ships for mutinous conduct. The ship being short handed, seamen were engaged at the different ports of call under verbal agreements, as the ship's papers had been seized. As the crew were discontented and mutinous, the good conduct of the convicts on board was certainly deserving of praise.

Note 12, page 57.

The New System.

This system had been suggested and ably advocated by William Redfern in a report to Governor Macquarie, dated 30th September, 1814 (see page 290 et seq., volume VIII).

Note 13, page 60.

The Second Tour made by Mr. Evans.

This was the expedition which led to the discovery of the Lachlan river (see page 611 et seq. and note 138, volume VIII).

Note 14, page 60.

Also page 73.

A small Phial.

This phial was marked as enclosure No. 2 to this despatch, whilst the letters of Dr. Bromley and J. Bowman formed additional un-numbered enclosures. They have been grouped as enclosure No. 2 for convenience of reference.

Note 15, page 60.

Permission . . . to send their Horned Cattle across the Blue Mountains.

In general orders, dated 10th June, 1815, Governor Macquarie announced that he did not think it expedient to make any grants to the westward of the Blue Mountains, until he received instructions from the secretary of state. At the same time, he ordered that no person should be allowed to cross the mountains, unless he had applied for and obtained a written pass (see page 576, volume VIII). It was not long, however, before the settlers began to avail themselves of the new pastures. In a road book, kept by William Cox, when making a road through Woodriff's farm to Emu ford, there is the
entry, under date 21st July, 1815: "Mr. Lawson crossed the River with 100 Head of Horn Cattle for the West Country; bis Horses appear so bad, I do not think he will get his cart there at all."

About the middle of the year 1815, some of the government cattle were depastured in the neighbourhood of Cox’s river, and a provision depot was established there. In April, 1816, this depot was attacked and plundered by a party of hostile natives, who had crossed the mountains from the east, and the stockmen were driven away. In May, 1816, sergeant Jeremiah Murphy, with a detachment of the 46th regiment, was stationed at the river for the protection of the stockmen and cattle, and to keep the communication open between Sydney and Bathurst.

The first draft of fat cattle, consisting of one hundred head belonging to government, were driven for slaughter from westward of the Blue Mountains in October, 1815.

Note 16, page 61.

My former Dispatch.

This despatch was dated 16th March, 1815 (see page 437 et seq., volume VIII).

Note 17, page 62.

Also pages 489 and 543.

The Brig belonging to Government.

The keel of this vessel had been laid down by orders of Governor Hunter at the end of the year 1797, in consequence of the condemnation of H.M.S. Supply. Her frame was made of timber from ironbark and stringybark trees. In Governor King’s reports, she was returned as “In frame, no Shipwrights to work on her,” and was referred to as the brig Portland. On the 13th of June, 1816, the vessel was launched by Governor Macquarie, and named the Elizabeth Henrietta in honour of Mrs. Macquarie. This vessel was unfortunate in her early career. On the 30th of July, 1816, whilst lying at moorings in the Hunter river, she capsized, and the master’s wife and one seaman, who were below at the time, were drowned. She was successfully raised with little damage a few weeks later.

Note 18, pages 63 and 64.

Your Lordship’s Commands—Your Lordship’s Commands.

The commands were contained in Earl Bathurst’s despatches numbered 47 and 42 (see page 624 et seq., and page 478, volume VIII).

Note 19, page 65.

Grants of Land . . . were all Cancelled.

All grants of land made by the insurrectionary administrators were cancelled by Governor Macquarie by a proclamation, dated 4th January, 1810 (see page 227 et seq., volume VII), acting under instructions from Viscount Castlereagh (see page 82, volume VII).

Note 20, page 70.

Also page 718.

The old Government House.

This building occupied the site which now forms the south-western corner of Phillip and Bridge streets. The foundation-stone was laid by Governor Phillip on the 15th of May, 1788 (see note 117, volume I). On the ground
floor, facing Sydney Cove, there were three large rooms opening into one another. Commencing from the easterly end, these rooms were the drawing-room, 50 ft. by 18½ ft., the dining-room, 30 ft. by 16½ ft., and the parlour, 20 ft. by 16½ ft. The drawing-room was 11½ ft. high, and formed a wing of the house; in it were hung the portraits of Their Majesties the King and Queen. The dining-room and parlour were 9 feet high, and above them was built the first story, which contained the bed-rooms. In front of this part of the building, a verandah was erected. The offices were connected with the main building at the south-western corner.

Note 21, page 100.

My Dispatch No. 4.

This despatch was dated 8th March, 1816 (see page 42 et seq.).

Note 22, page 105.

Also pages 120, 159, 189, 214, 380, 392, 402, 441, 447, and 840.

Under Secretary Goulburn to Governor Macquarie.

Copies of these despatches are preserved in the record office, London, but there is no evidence of their delivery to Governor Macquarie, with the exception of the letters relating to Edward Shackley (page 402), Charles Windsor, John Jeffs, John Bell, Rev. Walter Lawry (all on page 477).


Your Dispatch No. 4.—My dispatch (No. 60).

The Duty.—The discontinuance.

The despatches numbered 4 and 60 will be found on page 461 et seq. and on page 648, volume VIII. The duty imposed on spirits and the discontinuance of retail issues from the government stores were announced in general orders, dated 31st December, 1814 (see pages 471 and 472, volume VIII).

Note 24, page 109.

Your request on behalf of Mr. Campbell.

In his despatch dated 24th March, 1815 (see page 469, volume VIII), Governor Macquarie proposed that the salary of J. T. Campbell should be increased from £282 10s. 0d. to £365 0s. 0d. per annum, and that he should be appointed “Colonial Government Secretary.”

Note 25, page 110.

Mr. Marsden's account.—The Plan.

Mr. Marsden's account will be found on page 576 et seq., volume VIII, and the proposal for a trading monopoly in New Zealand on page 561 and page 583 et seq. in the same volume.

Note 26, page 110.

Also page 133.

Your letter of the 1st July.

The full text of this letter will be found in a volume in series IV. In this letter, Ellis Bent criticised very adversely the port regulations proposed by Governor Macquarie (see page 411 et seq., volume VIII). He stated that he was highly concerned as a judge to inquire “whether the Governor of this Territory, under the pretence of local circumstances requiring it,
can abrogate Acts of Parliament, which he is sworn to enforce." He con­tended that the proposed port regulations were directly contrary to many of the plantation laws, and he could not conceive that His Majesty's min­isters were aware "that a Governor of N. S. Wales, of his own authority, implied from but by no means granted by the words of his commission, should make laws imposing penalties of £500, or hard labour at the Coal Mines for three years, upon free British subjects to be inflicted at the discretion of magistrates," who he stated were inexperienced in the administra­tion of justice.

After discussing the port regulations, Bent stated that Macquarie regarded him simply as an officer of his staff; that he was directed to wait every morning at government house to receive Macquarie's commands; and that he was ordered in common with all civil officers not to go more than seven miles from Sydney without permission. Bent asserted that it was "the favorite maxim at Government House that Sydney is a garrison, and that the Government is a strictly military Government, and according to that maxim the colony is governed." In consequence, Bent stated that it was impossible to continue the upright execution of his office, unless he was made entirely independent of the colonial government.

Bent also protested strongly against Macquarie's interference with the magisterial duties by sending to the bench lists of persons, who were to be licensed by the magistrates to keep public houses, leaving no discretionary powers to the bench; against his interference in the control of the gaols, and, without the knowledge of the magistrates, directing the infliction of corporal punishment on persons confined therein. Macquarie's practice of granting remission of sentences without reference to the judge-advocate was also the subject of adverse comment.

The letter concluded with a criticism of Macquarie's refusal to locate the courts of justice in the northern detached wing of the general hospital, and of his endeavours to force the admission of ex-convict attorneys to practice in the courts.

Note 27, page 111.

The reasons which induced His Majesty's Government . . . . to retain the Title of Judge Advocate.

In a despatch to Ellis Bent, dated 11th December, 1815 (see volume in series IV), Earl Bathurst stated that "The Colony did not appear to H.M.'s Government sufficiently advanced to admit of withdrawing that appearance of Military Restraint, which had been found necessary on its first formation, and which the Composition of its population had rendered it indispensable subsequently to maintain. The Continuance therefore of a Judicial officer, who bore a Commission exclusively Military, and who, tho' a Military Officer, was by the Charter placed above the Civil Judge, appeared to have many advantages with a View to the Maintenance of that due Subordination in the Settlement, upon which its Welfare depends."

Note 28, page 112.

Your letter of the 1st July.

This letter will be found in a volume in series IV. It contained a strong protest against the admission of ex-convicts to practice as attorneys in the courts of justice. The reasons advanced against such procedure were similar to those contained in J. H. Bent's letter to Governor Macquarie, dated 20th April, 1815 (see page 495 et seq., volume VIII). In concluding, Bent stated that the "rule and principle" of Macquarie's action was "Quod Gubernatori placet, legis habet vigorem."
Note 29, page 113.
Your Dispatch No. 7 and . . . . Confidential Letter of the 22nd March. These despatches will be found on page 553 et seq. and page 458 et seq. in volume VIII.

Note 30, page 113.
Also page 339.

His Capture on his passage to the Colony.

Lieutenant-governor Thomas Davey arrived in Port Jackson on the 25th of October, 1812, on board the convict transport ship Minstrel. Earl Bathurst was in error when he referred to "his Capture on his passage to the Colony." Davey himself was not captured. Some personal property of his was shipped on the first brig named Emu. This vessel was taken by the American privateer Hoolkar on the 30th of November, 1812, and all her cargo was seized by the enemy, after lieutenant Bissett, her commander, had sunk his papers and despatches (see note 188, volume VII).

Note 31, page 114.
Also page 339.

A Grant of Land.

By a deed, dated 20th September, 1813, Governor Macquarie granted three thousand acres of land to lieutenant-governor Davey. This grant was situated on the west side of the Coal river in the districts known as Caledon and Ulva in Tasmania, and was named Carrington Plains.

By a deed, dated 9th January, 1821, Governor Macquarie granted Thomas Davey, Esquire, two thousand acres of land in the Illawarra district of New South Wales. This grant was situated between the sea coast and Illawarra lake.

Note 32, page 114.

The account of your Tour.

The account of Governor Macquarie's visit to Bathurst was contained in his despatch dated 24th June, 1815 (see page 557, volume VIII), and in general orders, dated 10th June, 1815 (see page 568 et seq., volume VIII). The journal of G. W. Evans during his expedition to the Lachlan river will be found on page 611 et seq., volume VIII.

A copy of Earl Bathurst's despatch numbered 68 is preserved in the office of the chief secretary, and is dated the 9th instead of the 18th of April, 1816.

Note 33, pages 124 and 129.

The Agreement.

The terms of John Blaxland's agreement will be found on page 491 in volume V.

Note 34, page 124.

One of the Sydney Gazettes.

In the issue of the Sydney Gazette for the 10th of June, 1815, notice was given of the acceptance of tenders for the delivery of fresh meat into the public stores. Seventeen tenders were accepted for delivery at Sydney, two at Parramatta, and two at Windsor. Those at Sydney included one by William Broughton of 6,000 lb. for delivery on the 8th of July.
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Note 35, page 135.
Also pages 273 and 274.
The said Grants of Land.

Captain John Shea arrived in the colony with the first fleet. He was in command of the second of the four companies of marines, which formed the guard for the convicts. He died on the 2nd of February, 1789, fifty-three weeks after landing in Port Jackson. In David Collins' Account of the English Colony in New South Wales (volume I, page 232), it is stated that, in September, 1792, Governor Phillip selected "the ground, formerly cultivated by the late Captain Shea," as the site of the burial ground for Sydney. This site is now occupied by the Town Hall. As Governor Phillip did not make his first land grants to James Ruse and others until the 30th of March, 1791, and as lieutenant-governor Grose did not make the first land grant to an officer (ensign William Cummings) until the 31st of December, 1792, it is clear that the claims to land grants by the son, Charles Shea, were ill-founded. Further, the burial ground was situated north of the line drawn from the head of Darling harbour to the head of Woolloomooloo bay, which Governor Phillip had fixed as the southern boundary of the town of Sydney, and within this boundary no grants were to be made. The statement by James Meehan, at the beginning of the second paragraph (see page 274) of his report on Charles Shea's claims, is erroneous. No officer received a land grant from Governor Phillip, and on the 12th of February, 1793, lieutenant-governor Grose granted one hundred acres each to George Johnston, captain, to John Macarthur and Thomas Rowley, lieutenants of the New South Wales Corps, to John Palmer, commissary, and to John White, principal surgeon of the settlement. It is difficult, therefore, to understand why the statement was made that "no Officer of any rank in the Colony had, at the time alluded to (1787-1788), received a greater Portion than One hundred Acres of Land and that but once."

Note 36, page 139.
Three Detachments of the 46th Regiment.

Instructions were issued by Governor Macquarie to the three officers in command of these detachments on the 9th of April, 1816. Captain W. G. B. Schaw was ordered to proceed into the interior for the purpose of punishing the natives, who had manifested a strong feeling of hostility against the settlers on the banks of the Nepean, Grose, and Hawkesbury rivers, and had committed many cruel murders. Directions were given that all aborigines, men, women, and children, who were met with from Sydney onwards, were to be made prisoners of war; any who "showed fight" or endeavoured to run away were to be shot, and their bodies hung from trees in the most conspicuous places near where they fell, so as to strike terror into the hearts of the surviving natives. Lieutenant Charles Dawe was ordered to the Cowpasture district, and to co-operate with captain Schaw. Captain James Wallis was ordered to the districts of Appin and Airds, and was ultimately to meet captain Schaw at George Woodhouse's farm in the last-named district. The detachments set out on the 10th of April, and twenty days later Governor Macquarie sent orders to captain Schaw for their return to headquarters. The most important episode of these punitive expeditions occurred to the party under captain Wallis. This detachment had a moonlight skirmish with the natives near William Broughton's farm in the Appin district. Fourteen of the natives were killed, and a considerable number were taken prisoners. The killed included several women and children, who met their death by rushing in despair over precipices. Amongst the men killed there were several who had committed recent murders.
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Note 37, page 148.

Lieutenant Governor Collins.

This was an error of under secretary Goulburn, Paterson vice Collins being intended.

Note 38, page 148.

A Grant of Land of 500 Acres.

The grant to John Campbell Burton was made by lieutenant-governor Paterson on the 4th of July, 1809. It was situated within the boundaries of the modern parish of Narellan. The particulars relating to the granting of this allotment were detailed in the despatch to Viscount Castlereagh, dated 9th July, 1809 (see page 166 et seq., volume VII).

Note 39, page 163.

A requisition from Alexander Riley Esquire.

The requisition and other exhibits will be found on page 167 et seq.

Note 40, page 164.

Wednesday, 3rd July, 1816.

In the copies of this despatch and its enclosures, which are preserved in the record office, London, four pages are missing. These pages covered the proceedings of the meeting of magistrates for the 3rd and 4th of July, 1816. In the Mitchell library at Sydney, there are preserved an incomplete set, mostly of the duplicates of the governor's despatches. This set was given by the imperial government to the government of New South Wales. Amongst these copies, the four pages missing in the record office, London, are all that are preserved of this despatch, dated 31st August, 1816, and its enclosures. The proceedings for the 3rd and 4th July, 1816, have been copied, therefore, from these four pages in the Mitchell library.

Note 41, page 187.

Mr. Emmett.

William Emmett arrived in the colony in the year 1807, and the Right Hon. William Windham instructed Governor Bligh to grant him one hundred acres of land. After the usurpation of Bligh's government, he was appointed by major Johnston as a member of the court of civil jurisdiction to assemble on the 24th of March, 1808.

Note 42, page 188.

Under Secretary Goulburn to Governor Macquarie.

The manuscript copy of this despatch, which is preserved in the record office, London, is a remarkable instance of the variations in different transcripts of the same despatch. It is as follows:—

"Sir,

"Downing Street, 20th September, 1816.

"This Letter will be delivered to you by Lieutenant Colonel Sorell, who has been appointed to the Situation of Lieutenant Governor of Van Dieman's Land; and I am directed by Lord Bathurst to recommend him to your favorable Notice and Protection; and I am to desire that you will afford him every assistance in your power in enabling him to fulfil the Duties of the Office, to which he has been appointed.

"I am, &c.,

"Henry Goulburn."
The letter of Dr. Daniel Quarrier was not transmitted to Governor Macquarie. It was dated "His Majesty’s Ship Leander, Portsmouth, Nov. 10th, 1816," and was as follows:

"My Lord,

"An entire stranger addressing your Lordship may be deemed presumptuous, but I trust that my motives, when they are known, will plead my excuse, and I shall not trespass further on your Lordship's time than by informing you that William Chamberlain, a boy of eight years of age, was inticed from Port Jackson in New South Wales by the Captain or Crew of the Frederick, South Sea Whaler, which ship was captured on her voyage home in the year 1812-13 by the Sans Souci, French Privateer. The Sans Souci was afterwards captured by the Andromache Frigate, of which Ship I was the Surgeon, and the boy was found on board of her. In consequence of a wound he received in the removal from Le Sans Souci to the Andromache he was brought more particularly under my notice, and from the destitute and forlorn condition in which I found him placed, it naturally excited the feeling of compassion and humanity. I therefore retained him on board the Andromache until she was paid off in July, 1814, when finding that the poor boy was again to be thrown upon the wide world without friends or any person who might be inclined to take notice of him, I sent him to Scotland where he remained at School until I brought him into this Ship in January, 1816. The boy has been lately affected by Hip Joint disease, and is consequently rendered unfit for His Majesty's Service, and, as my Establishment in Scotland is broken up, I am under the necessity of applying to your Lordship to request that you would be pleased to order him a passage to his Native Country where he may be enabled to join his parents, who, I am informed, are Settled at Port Jackson; as I understand there are Several Convict Ships on the Eve of departing from the Thames, I have taken the liberty of Soliciting your Lordship's indulgence towards him by ordering him a passage by the first conveyance. The boy is now eleven or twelve years of age and has good ability. I have myself taught him to read and write, and I shall take upon myself to equip him with clothing for the Voyage.

"I am, &c.,

"D. Quarrier, M.D., Surgeon, Leander."

In his reply to this despatch on the 4th of December, 1817, Governor Macquarie hazarded the opinion that the author of this letter was the Reverend Samuel Marsden. In this conjecture he was wrong. The letter was written by Nicholas Bayly to Sir H. E. Bunbury. Nicholas Bayly had been an ensign in the New South Wales Corps, but had retired as a lieutenant, and had settled in the colony. He had taken an active part in the usurpation of the government of William Bligh, and had been appointed secretary to George Johnston on the day following Bligh's arrest. The full text of the letter was as follows:

"Sir,

"Bayly Park, New South Wales, 13th March, 1816.

"My Brother, General Bayly, having informed me that I am indebted to you for a Letter being written by Mr. Goulburn at the Desire of Lord Bathurst to Governor Macquarie in my favor, I have the pleasure of thanking you for your obliging Interposition. I have written to the Governor on the
Subject, He denies ever having received such a Letter; His Excellency's Letter I have forwarded to my Brother. Any eligible Situation that I might obtain through your Interest would be conferring a favor on me, for which I should retain a most grateful remembrance. I have a Family of Eight Children entirely unprovided for, It is therefore most probable that I am doomed to remain a fixture here; what Situations there may be I cannot say, but there is none I should be so anxious to fill as that of Colonial Secretary.

"As every Arrangement in this Colony must in a great measure be guided by your Influence as Under Secretary of State to this Department I will take the Liberty of submitting a few observations concerning it.

"The treatment of the Convicts is the first Subject I wish to bring under your Consideration; the propriety of compelling them to Labor after their arrival here has been questioned, their Sentence I understand only expresses that they shall be transported to New South Wales for a certain Number of Years, or for Life; if that should be the case, every doubt would be removed by adding "to hard Labor." On their arrival here, after Government has selected the Artificers and most useful Men, the remainder are distributed to Individuals, who according to the Colonial Regulations should be compelled to do a certain portion of Labor for those to whom they are assigned; but of late years they are become extremely Idle and Insolent, nor have the Magistrates the power of preventing it. New regulations are wanting respecting their treatment, cloathing, Victualling and Labor."

[The first paragraph in the extract on page 198 formed a continuation of this paragraph. The first paragraph on page 200 had the following sentences prefixed:—]

"A Penitentiary Home is much wanting; the women should be entirely separated from the Men; Distinction should be made between the Good and the Bad Characters; no punishment they dread so much as having their Heads shaved, and being compelled to wear their Slop Cloathing; for they are extremely fond of Dress and of wearing their Hair in curls, and no reward they consider of so much value as their free Pardon."

[The conclusion of the letter was as follows:—]

"If a Judge could be found like the late Judge Advocate Mr. Ellis Bent, (And it is for the sake of Justice and Humanity to be hoped there are many) and appointed to this Colony, it would be the greatest benefit that Government could bestow upon it. Mr. Bent's Character is not easy to be described, He was Mild and Merciful; in all legal Decisions firm and just; no Power could bias him to act contrary to his Conscience; His Life was an example of every Public and Private Virtue; His Death is deeply lamented, and this Colony most severely feels his loss !!!

"Do you not think that the Judge should be perfectly independent of the Governor, and that all regulations that are intended for Colonial Laws should be drawn out by the Judge; Mr. Bent was my most intimate Friend, and he has repeatedly pointed out to me the illegality of different Orders and Regulations that have been issued. I recollect particularly His telling me that the Governor had sent him a set of Port Regulations for his Approval; He told me they were so Arbitrary and illegal that he neither could, or would sanction them, they are however now in force? The Order requiring every Person, who leaves this Colony, to go in Person to the Governor's Secretary to be mustered and to pay half a Crown, also every Sailor, previous to his leaving the Harbour, being obliged to leave His Ship to come on Shore to the Secretary's Office to be mustered and to leave half a Crown, He very much disapproved of. The mustering and paying the half Crown arose originally with a view to prevent any Prisoners leaving the
Colony but such as had obtained their Free Pardons; Those Persons were therefore on their leaving this ordered to attend at the Secretary’s Office that their Certificates might be compared with the Indents, and the half Crown was paid as a remuneration to the Clerk for his trouble; but of late it is extended to every Person leaving the Colony.

"There are other subjects on which I beg to intrude a short time longer on your patience.

"The Duties on every Article of Colonial Produce are so extremely high, as to discourage every kind of enterprise.

"The Distillation of Spirits under certain regulations would I consider be of great importance to this Colony; it would at all times ensure a sufficiency of Grain, as none but the Overplus after the wants of the Colony were supplied should be distilled; it would be giving a stimulus to Agriculture, it would be the means of keeping the Money in the Colony that is annually taken out for the purchase of that Article, and it would be productive of many other essential advantages.

"Lastly would it not add to the benefit and respectability of the Colony, If the situations of Principal Superintendant of Police, and that of Treasurer of the Police Fund, were separated, and that neither of the Persons who held those appointments should be allowed to deal in Spirits. The influence of the Police Officer is incredible, and should for the sake of Example be filled by a Person of the greatest Morality and respectability; Mr. Wentworth, the Principal Surgeon, holds both those Appointments and at the same time is the greatest dealer of Spirits in the Colony.

"I have made these statements with the hope that the Colony for which I feel interested may be benefitted by them; I have stated nothing but what is well known to be true, and what if necessary can at any time be substantiated; If they should appear worthy your consideration, and relief should be obtained thereby, I shall consider myself as most fortunate in having pointed them out. I shall at all times feel much Honored in giving you any information respecting this Colony which you may be desirous of obtaining and should there be any Native Curiosities which you should think worth the trouble of naming, I shall be extremely happy in the pleasure of procuring them for you,

"and have the Honor to remain, &c.,

"NICHOLAS BAYLY."

Note 45, page 202.

I much regret that you did not confine it to Corn grown in Van Dieman’s Land.

In a despatch dated 13th April, 1816 (see a volume in series III), lieutenant-governor Davey complained to Earl Bathurst of the methods adopted by Governor Macquarie. He stated “that, in consequence of His Excellency Governor Macquarie having imported a large quantity of Grain by Contract from India, the Settlers on this Island will this Year be deprived of the Market, which they would otherwise have found in that Settlement for a surplus of at least Fifty thousand Bushels of wheat, the Growth of this Season, and which Your Lordship will see must greatly damp the Agricultural exertions of this Island.” It is probable that Davey’s criticism influenced Earl Bathurst in his remarks to Governor Macquarie.

Note 46, page 202.

To learn.—Opinion.—Mr. Parker.

The references were contained in paragraphs 6, 7, and 8 (see page 56 et seq.) of the despatch dated 18th March, 1816.
Note 47, page 203.

_Samuel Leigh._—Appointments specified in your Dispatch No. 7.

Governor Macquarie’s reports on these two subjects were contained in the last part of paragraph 8 and in paragraph 9 (see page 59) of the despatch dated 18th March, 1816.

Note 48, page 204.

_Directions._—Discretion._—Principle._—Principle.

The “directions” will be found on page 639, volume VIII. The three last references were to paragraphs 22, 24, and 26 (see pages 64, 65, and 67) of the despatch dated 18th March, 1816.

Note 49, page 204.

At the date of your dispatch.

The date of the despatch was the 18th of March, 1816.

Note 50, page 206.

Your dispatch No. 4 of 1816.

This despatch was dated the 8th of March, 1816 (see page 42 et seq.).

Note 51, page 207.

Also page 543.

That part of the Coast of New Holland which was not surveyed or examined by the late Captain Flinders.

During the years 1801 to 1803, Matthew Flinders in H.M.S. _Investigator_ had examined the southern coast of Australia from Cape Leeuwin to Bass strait, the eastern coast from Port Jackson to the Cumberland isles off the coast of Queensland, the gulf of Carpentaria from Cape York to Cape Arnhem, and a small portion of the northern coast of the northern territory. The north-western and western coasts of Australia from the neighbourhood of Melville island to Cape Leeuwin were not examined, and also the eastern coast of Queensland from the Cumberland isles to Cape York. At this period, the continent of Australia was regarded generally as divided into two parts, eastern and western, known as New South Wales and New Holland. It was to the north-western and western coasts of the continent that lieutenant King was directed to devote his attention.

Note 52, page 207.

Also page 488.

_Lieutenant King._

Philip Parker King was the son of Philip Gidley King, the third governor of New South Wales. He was born on the 13th of December, 1791, at Norfolk island, shortly after his father’s return from England as lieutenant-governor. In November, 1807, he entered the navy on the frigate _Diana_, and on the 18th of May, 1808, he attained the rank of midshipman. For six years he was on active service in the Bay of Biscay, the North Sea, and the Mediterranean. On the 28th of February, 1814, Sir Edward Pellew promoted him to a lieutenancy on the _Trident_, of 64 guns, which acted as guard-ship at Malta.

Note 53, page 216.

_The introduction of 40,000 Dollars._

These dollars were imported on H.M.S. _Samarang_, which arrived in Port Jackson on the 26th of November, 1812. They were valued at £10,000, and
were contained in fourteen boxes, which were landed and conveyed to government house at Sydney. On the 5th of December following, they were examined and counted by a committee consisting of William Broughton, acting commissary, H. C. Antill, major of brigade, and Thomas Archer, acting deputy commissary. By direction of Governor Macquarie, these dollars were cut and re-stamped, making “holey dollars” and “dumps,” by William Henshall, an expiree. They were put into circulation between January and August, 1814 (see page 333, volume VIII).

Note 54, page 216.

*strong Proclamation.*

The text of this proclamation, dated 30th June, 1810, was as follows:—

"Whereas the forgery of promissory-notes in writing for the payment of small sums of money hath of late time been so much practised, to the subversion of common truth and justice, the prejudice of trade and credit, and to the manifest injury of industrious individuals, that it is necessary, for the more effectual preventing of such an offence, to adopt certain regulations in regard to the making of such promissory-notes; and whereas also divers persons have contrived to issue and negotiate divers promissory-notes for the payment of certain small sums of money without possessing any apparent means of paying the same, and have accordingly made default therein when such notes, so negociated, have been presented to them for payment, whereby very serious and frequent public inconveniences and private distress have been and are daily sustained; and it is highly expedient that a more speedy, easy, and effectual method of recovering payment of the sums for which such notes shall have been issued should be henceforth allowed: It is, therefore, hereby declared by His Excellency the Governor that, from and after the 15th day of July, in the year of our Lord, 1810, it shall not be lawful for any person whatsoever, resident in or an inhabitant of the territory called New South Wales, to issue or negotiate any promissory-notes or undertaking payable on demand to the bearer thereof for the sum of five pounds, or for any sum of money less than the sum of five pounds in the whole, unless every part of such note or undertaking, excepting only the date thereof, the place where the same shall be issued, the name of the person to whom the same shall be payable, and of the person issuing the same, and of the entering clerk, if any, and also the sum for which the same shall be drawn payable, be printed. And it is hereby further declared, by the authority aforesaid, that all such notes or undertakings shall bear date of the same day on which the same shall be respectively issued by the drawer or drawers thereof, and shall in the body thereof express to be drawn for the payment of a certain sum sterling. And it is hereby further declared, by the authority aforesaid, that if any person liable to the payment of any note or undertaking payable on demand to the bearer thereof for the payment of five pounds, or of any sum of money less than five pounds in the whole, shall neglect or fail to make payment in money of the sum or sums for which such draughts, notes, or undertakings shall be respectively given or issued, or so much thereof as shall remain due thereon respectively, by the space of three days after demand thereof made by the holder or holders of such notes or undertakings, it shall and may be lawful for any one or more of the justices of the peace for the territory of New South Wales (whereof the Judge-Advocate of the said territory must be one), and such justices are hereby required, upon complaint made by the holder or holders thereof, to summon the person or persons against whom such complaint shall be made, and after his, her, or their appearance, or in default thereof, upon due proof upon oath, to be administered by or before such justices, of such summons having
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been given, such justices shall proceed to hear and determine the said com­plaint, and award such sum to be paid by the person or persons respectively liable to the payment of every such note or undertaking to the holder or holders thereof, as shall appear to such justices to be due thereon, together with such a sum for costs, not exceeding the sum of twenty shillings, as to such justices shall seem meet; and if any person or persons shall refuse or neglect to pay or satisfy such sum of money as upon such complaint as afore­said shall be adjuged upon the same being demanded, such justices shall, by warrant under their hands and seals, cause the same to be levied by distress and sale of the goods of the party so neglecting or refusing as aforesaid, together with all costs and charges attending such distress and sale, returning the overplus, if any, to the owner. And it is further declared, by the authority aforesaid, that in case it shall be returned upon such warrant that the person or persons against whom the same was directed have not any goods or chattels whereby the sum therein mentioned can be levied, that then and in such case it shall be lawful for the Judge-Advocate, by warrant under his hand and seal, to commit such person or persons to His Majesty’s gaol, in the town of Sydney, until the same shall be discharged and satisfied.”

Note 55, page 219.

A Public Meeting.

This meeting was held on the 29th of November, 1816, and was fully reported in the issue of the Sydney Gazette dated 7th December following. It was then resolved that, as the difference of value between colonial and sterling currency was fifty per cent., it should be reduced, “as to the present Rate of Value and Change in Colonial Currency,” to one-third, making 20s. colonial currency equal to 13s. 4d. sterling; that it was necessary to reduce all bargains, contracts and agreements to payments in sterling rates, and a scale for this purpose was drawn up; that rates of wages should be fixed in sterling money, and a scale was agreed upon. It was further recommended that the copper coin in circulation at one hundred per cent. local enhanced value should be called in, and re-issued by government at sterling value.

In consequence of this meeting, Governor Macquarie issued government and general orders, under date 7th December, 1817, fixing the rate of wages at the scale recommended.

Note 56, page 219.

A Meeting.

A meeting had been held on the 22nd day of November, 1816, at the judge-advocate’s chambers, for the purpose of taking into consideration “the present state of the Colonial Currency, and what would be the consequence of an immediate Stirling Circulation.” There were present lieutenant-governor Molle, judge-advocate Wylde, D. Wentworth, Richard Jones, Alexander Riley, Thomas Macvitie, Robert Jenkins, J. R. O’Connor, Richard Brooks, C. Hook, J. T. Campbell, Simeon Lord, and Thomas Wylde. Seven resolutions were carried. They were:—

1. “That the present Meeting is desirous that a Sterling Currency should take place in this Colony under such Regulations and Provisions, as His Excellency the Governor may deem proper and applicable to a reduced price of Labour and rate of Stirling Charges in every kind of Dealing and Trade within the Colony.

2. “That a Sum of not less than Twenty Thousand Pounds, in Shares of not less than One Hundred Pounds each invested in a Public Colonial Bank, transferable by assignment or otherwise in due course of Law, will be neces­sary for supplying a circulating medium for the uses of the Colony.
3. "That every Subscriber of £100 have a right of a single Vote at every Meeting to be assembled . . . . in every Year upon all general Questions, with regard to the Government and general Interests of the Bank, and upon the appointment of the Committee and Officers, and passing of the Accounts:—no Subscriber being allowed to have, in Right of any number of Shares in the said Bank, more than . . . . Votes upon any Question submitted to the Meeting.

4. "That the internal Management of the Bank and its immediate Concerns be committed to a Chairman and . . . . Persons, chosen by the Subscribers yearly and appointed Directors of the Same.

5. "That the general object and Business of the Bank be to advance, upon due Interest and the credit of the Bank, pecuniary assistance to the Colonial Trader, Agriculturalist and Settler, as well as to afford a Safe Depository of Money committed to its Security and charge.

6. "That no Dividends shall ever take place or be made upon the Fund of £20,000 as first established:—but that the same shall be made upon the Interest of the Bank Capital at such rate and times, as a Public Meeting shall authorize upon Suggestion from the Directors in that Respect.

7. "That, in conviction of the beneficial results that would be thus given to the Colony in every view of its best Interests, as well as to put an end to the destructive consequences and embarrassment of the present Colonial Currency, the Undersigned thus voluntarily pledge themselves as approving the measure of a Sterling Currency as above suggested, the Establishment of a Colonial Bank upon proper Regulations, as hereafter to be considered and adopted, and to become Subscribers thereto and to support the measure with all their Influence and Interest, provided His Excellency the Governor be pleased to Sanction the Same with his general Approbation and Permission."

These resolutions were signed by all those mentioned above as being present.

Governor Macquarie gave his consent to these proposals, and a public meeting was held in the court-room on the 5th of December to give effect to the proposals. At this meeting, thirty-seven persons took up one hundred and five £50 shares between them, and nine others consented to take up an unspecified number of shares. The thirty-seven persons and the number of shares taken by each were:

J. Wylde .......... 4 H. C. Antill ...... 2 Geo. Crossley ...... 2
D. Wentworth .... 6 Wm. Broughton ... 2 Jno. Grono ....... 2
Richard Jones .... 5 Wm. Gore ....... 2 Wm. Hutchinson ...... 2
Alexander Riley ... 6 Edwd. Riley .... 2 John Hosking ....... 2
Thos. Macvitie ... 2 John Wentworth ... 2 Wm. Davis ....... 2
J. R. O'Connell ... 2 Jas. Mileham .... 1 Ed. Redmond ....... 4
Chas. Hook ....... 2 George Howe ..... 5 Joshua Holt ....... 2
J. T. Campbell .... 4 Mich. Robinson ... 2 Geo. Bowman ...... 1
Simeon Lord ....... 2 Jas. Foster ...... 2 James Smith ...... 2
Thos. Wylde ....... 4 Edwd. Eagar .... 10 Thomas Wills ...... 2
Fredk. Garling ... 4 Wm. Roberts ... 4 S. McGuigan ...... 1
Wm. Redfern ....... 2 J. J. Moore ...... 2 John Gill ...... 2
Chas. Throsby ..... 2

The nine remaining first subscribers were lieutenant-governor Molle, Robert Jenkins, Richard Brooks, William Browne, Sir John Jamison, James Birnie, Thomas Moore, Rowland Hassall, and John Harris.

Note 57, page 233.

The Committee of Fifteen.

The first meeting of subscribers to the capital fund of the bank was held on the 18th day of December, 1816, when a committee of fifteen subscribers was
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elected to draw up the regulations for the government of the company. This committee consisted of all the signatories on page 233, with the addition of the name of Sir John Jamison. At a general meeting held on the 7th of February, 1817, all the regulations were adopted unanimously with the exception of that numbered 7, which was carried on a division. The first meeting of directors was held on the 12th day of February, 1817.

Note 58, page 234.

Proclamation.

The legal rate of interest was fixed by an ordinance, dated 14th July, 1804 (see page 87, volume V).

Note 59, page 238.

The Letter from the Secretary to the Treasury.

A Letter written by Deputy Commissary General Allan.

These two letters will be found on page 157.

Note 60, page 248.

The old System.

When the settlement was founded, the commissariat department was a distinct colonial entity in the charge of a "commissary of stores and provisions," who was directly under the control of the governor. The first commissary was Andrew Miller, who resigned in 1790 because of ill-health. After the wreck of H.M.S. Sirius at Norfolk Island in March, 1790, the purser, John Palmer, was appointed to succeed Miller as commissary. As the colony developed, the department expanded, and the staff was increased by the appointment of assistant and deputy commissaries and storekeepers. These officials received a colonial salary, rations, and allowances. In the year 1812, it was decided to alter the system, and the commissariat in the colony became a branch of the army commissariat, a sub-department of the English treasury. The change was made immediately after the arrival of deputy commissary-general David Allan in the convict ship Fortune, on the 11th of June, 1813.

Note 61, page 250.

The Government Orders.

These orders were dated 25th March, 1815 (see page 545, volume VIII).

Note 62, page 257.

The System.

The system of victualling the sick consisted merely of issuing to them the ordinary rations established by general orders. These rations were issued three times a week to the patients individually, irrespective of the diseases from which they were suffering. As many of the patients did not require their full ration of meat, it was the practice of many of the townspeople to attend at the hospital and purchase the surplus. In the early days, when spirits were the common medium of exchange, this practice gave rise to many evils. No change was made until the year 1818, when William Redfern introduced the simple expedient of retaining the surplus rations, selling them, and with the proceeds purchasing milk, vegetables, and sundries for the patients.

Note 63, page 274.

Without which no title can have any Validity.

The original registers of all deeds of grant, bearing dates on and after the 3rd day of January, 1792, are still extant, and are preserved in the office
of the registrar-general at Sydney. The copies contained in these registers form the basis of all titles to lands obtained by grant from the crown. With one exception only, no claim to a land grant has ever been admitted, when a copy or extract of the deed has not been recorded in these registers.

Note 64, page 278.
*A Government and General Order.*
This general order will be found on page 312 *et seq.*

Note 65, page 279.
Also page 317.
*His Brother's Tomb-Stone.*
Ellis Bent died on the 10th of November, 1815, at the early age of thirty-two years. His remains were accorded a public funeral, and, after a service in St. Phillip's church, were interred in the burial ground, which occupied the present site of the Sydney Town Hall. When this burial ground fell into disuse, they were removed on the 22nd of September, 1825, to a vault, which had been prepared on Garden island. When the ground at Garden island was required for naval purposes, they were again removed to the graveyard belonging to the church of St. Thomas at North Sydney.

Note 66, page 279.
*One Letter.—A Letter.*
These letters were numbered 6 in enclosure No. 1, and 1 in enclosure No. 3 (see page 286 *et seq.* and 310 *et seq.*).

Note 67, page 280.
*If he Cannot get Employment.*
J. H. Bent's subsequent career, after leaving the colony, indicates that the British government did not consider him blameworthy for his conduct in New South Wales. In 1820, he became chief justice of Grenada; then successively chief justice of St. Lucia, first puisne judge of Trinidad, and finally chief justice of British Guiana. The last post he held for sixteen years, and he died in office, at the age of 72 years, on the 29th of June, 1852.

Note 68, page 280.
*A long Series of Letters.*
These letters will be found numbered from 7 to 36, both inclusive, in enclosure No. 2 (see page 297 *et seq.*), and from 1 to 4 in enclosure No. 5 (see page 317 *et seq.*).

Note 69, page 281.
*In a Dispatch.*
This despatch was dated 18th April, 1816 (see page 107 *et seq.*).

Note 70, page 293.
*The Judge Advocate's Residence.*
The circumstances relating to the building of the judge-advocate's official residence by Ellis Bent were reported by Governor Macquarie in despatches dated 9th November, 1812, and 28th June, 1813 (see pages 530 and 711, volume VII).
Note 71, page 309.

The Honble. The Premier Judge.

The judge-advocate was the premier, and the judge of the supreme court the junior judge in the colony. The reasons for the retention of the title of judge-advocate will be found in note 27. The judge-advocate presided in the governor's court, and from the decisions of that court there was no appeal. The judge presided in the supreme court, and from its decisions appeal might be made to the governor, sitting with the judge-advocate in court of appeal. The judge-advocate's salary was £1,200, and the judge's £800 per annum.

Note 72, pages 310 and 315.

An Advertisement in the Sydney Gazette.

An Order of discharge.

The "advertisement" was as follows:—

"Government and General Orders.
"Government House, Parramatta,
"Saturday, 7th December, 1816.

"Civil Department.

"William Broughton, Esq., and Alexander Riley, Esq., who were appointed Members of the Supreme Court in this Territory by my Precept, dated the 22d of April, 1814, are hereby discharged from all further Duty in that respect.

"LACHLAN MACQUARIE.

"By Command of His Excellency,
"J. T. CAMPBELL, Secretary."

Note 73, page 311.

Such Advertisement has been refused insertion by Your Excellency's authority.

The proofs of the Sydney Gazette were submitted to the secretary to the governor, J. T. Campbell, for his approval before publication. In this way, Governor Macquarie indirectly exercised a censorship over all matter which appeared in the newspaper. The same practice had been followed since the commencement of the Gazette in 1803, under the governments of P. G. King, William Bligh, and the insurrectionary administrators.

Note 74, page 313.

A Public Despatch.

This despatch will be found on page 112. Governor Macquarie's first quotation was a paraphrase of the concluding remarks in the third paragraph.

Note 75, page 318.

Also page 322.

One of the Port Regulations.

This regulation was numbered XIII (see pages 658 and 659, volume VII).

Note 76, page 324.

The public Dispatch of my predecessor.

This despatch will be found in note 124, volume VII.
A Memorial Addressed to the House of Commons.

A copy of the text of this memorial is not available. In a private despatch to under secretary Goulburn, dated 15th December, 1817 (see page 732 et seq.), the substance of the charges made was discussed. Governor Macquarie was charged with influencing the decisions of the jury at an inquest, in which his coachman was interested; with personally giving orders for corporal punishments without any previous magisterial inquiry; with selling pardons to convicts; with prohibiting banns of marriage; with arbitrarily pulling down houses; with seizing upon lands, which were presumably private property; and with influencing the courts of justice (see note 163).

Mr. Judge Advocate Wylde.

John Wylde, LL.D., accompanied by his family and his father, Thomas Wylde, arrived in the colony on the 5th of October, 1816. He had been appointed deputy judge-advocate for the settlements in New South Wales by commission, dated 1st January, 1816. He was subsequently appointed a judge under the charter of justice, promulgated in 1824, but resigned the position in February, 1825, and returned to England. In 1826 he received a pension of £500 per annum pending his nomination to a colonial appointment. In 1827 he was appointed a judge at the Cape of Good Hope, and he remained on the bench in that colony until 1854. He died on the 13th of December, 1859. He was a brother of the first Baron Truro, who spelt the family name as Wilde, by which it is now known.

Mr. Justice Field.

Barron Field was the son of Henry Field, a surgeon to Christ's hospital, and was born on the 23rd of October, 1786. He was educated as a barrister, and was called to the Inner Temple on the 23rd of June, 1814. About this period, he devoted himself to literature, compiled an analysis of Blackstone's Commentaries, and was theatrical critic to the London Times. He was an intimate friend of Charles Lamb, who introduced him to the select literary coterie then in London. Finding that the pursuit of literature was unre­munerative, he accepted a commission, bearing date 14th May, 1816, as judge of the supreme court in New South Wales. He arrived in the colony on the 24th of February, 1817. His tenure of office was marred by his participation in party strife. He left the colony on the 4th of February, 1824, and was subsequently appointed judge at Gibraltar. He died on the 11th of April, 1846. Whilst resident in the colony, he wrote the First Fruits of Australian Poetry, published in 1819. In 1825, under his editorship, a volume, entitled Geographical Memoirs of New South Wales by various hands, was published. He subsequently contributed many articles to magazines. His prose was considered good, but his verse very poor.
A Light House and Tower at the South Head.

This lighthouse was erected at the outer south head of Port Jackson close to the site of the present structure. John Oxley's description of the tower and light and its magnetic bearings was forwarded by Governor Macquarie with his despatch, numbered 6 and dated 16th May, 1818 (see page 789). In general orders, dated 28th November, 1818, the expense of maintaining the light was directed to be defrayed by a charge on the tonnage of all ships entering the heads of Port Jackson after the 1st of January, 1819, excepting such vessels as were registered at Port Jackson or at any of the ports in the territory.

Most of them have hitherto been very badly planned.

Prior to the appointment of F. H. Greenway as government architect, it is not clear who was responsible for the plans and designs of the public buildings. The plans for the general hospital in Macquarie-street, Sydney, were drawn at the beginning of the year 1810; but, when holding his inquiry in the years 1819-1820, Mr. Commissioner Bigge was unable to ascertain the name of the architect. Architecture was a hobby of Mrs. Macquarie, and there is evidence that a man named Pan designed one public building, using a book on cottage architecture loaned by Mrs. Macquarie.

A former Dispatch.

Governor Macquarie reported the necessity for sending from England a superintendent for the factory at Parramatta in his despatches dated 17th November, 1812 (see page 614, volume VII), and 7th October, 1814 (see page 312, volume VIII).

The Continent of Australia, which I hope will be the Name given to this Country instead of ..., which properly speaking only applies to a part of this immense Continent.

These were probably the first occasions when the word Australia was used in official correspondence. The origin of the word is involved in obscurity. In the memorial of Fernandez de Quiros, published at Pamplona in 1610, the phrase “Australiæ incognitæ” appeared on the title page, and the word “Australiæ” in the first and seventh paragraphs. This memorial was translated into English and French, and published at London and Paris in 1617; in these translations, “Australiæ” was rendered as “Terra Australis” and “La Terre Australe” respectively. Purchas, His Pilgrimes was published at London in 1625; in the fourth volume, a translation of the memorial of De Quiros was printed, and in the first paragraph (page 1423) the rendering is “Australia incognito,” although in the seventh paragraph the rendering remains “Australiæ del spiritu santa” (page 1426); in the same volume (page 1432) there is “A note of Australia del Espiritu Santo, Written by Master Hakluyt.” These are probably the first two occurrences of the word Australia in print. In 1676, there was published at Vannes a small duodecimo volume, containing 267 pages of text, entitled “La Terre Australe Connue,
c'est a dire La Description de ce pays inconnue jusqu'ici, de ces mœurs et de
ces coutumes, par Mr. Sadeur." This edition was suppressed; but, in 1692,
the book was republished at Paris "avec privilege du Roy" under the title of
"Les Avantures de Jacques Sadeur dans la Decouverte et la Voige de la
Terre Australie contenant Les Coutumes et les Mœurs des Australiens." This
book was reprinted at Paris in 1693 and 1705, at Amsterdam in 1732, and a
modified version at Lyon in 1796. The book was an imaginary account of
travels, said to be written by Gabriel de Poigny or Poigni, a cordelier; it
contained however frequent usages of the words "Australien" and "Aus-
tralienne." A translation of this book was published in London in 1693,
under the title of "A New Discovery of Terra Incognita Australis or the
Southern World by James Sadeur, a Frenchman." In the table of contents
of the chapters, the translator rendered (chapter IV) "Description de la
Terre Australis" into "A Description of Australia," and chapter X con­tained
"the Animals and living creatures peculiar to Australia"; the word
Australia occurs also on pages 50 and 130. In Bayle's dictionary, pub­lished
in 1710, the word Australia occurs three times in note G, article
Sadeur. In 1756, Charles de Brosses, president of the parliament of Dijon,
published at Paris his Histoire des Navigations aux Terres Australes.
On
page ii of the preface he divided "la terre Australie" into "Magellanique,
Polynesie et Australasie," and in tome 1, page 80, he stated "l'une (portion)
dans l'océan des Indes au sud de l'Asie, que j'appellerai par cette raison
Australasie"; on page 17, tome 1, he used also the word "Australiens." In
Callendar's translation of De Brosses, published in 1766, "Australasie" was
rendered "Australasia," and "les Australx," "Australiaans" (page 63,
volume I). Alexander Dalrymple, in the preface (page xv) to his Historical
Collection of the several Voyages, etc., published in 1770, after adopting the
terms used by De Brosses, stated, "I have inserted another head of partition,
Australia, comprehending the discoveries at a distance from America to
the eastward." In Hawkesworth's account of lieutenant James Cook's
voyage in H.M.S. Endeavour, published in 1773, reference was made (volume
III, page 602) to "the islands, which were discovered by Quiros and called
Australia del Esp'tu Santo." In the preface (page xiii) to the account of
captain Cook's third voyage, published in 1784, the sentence occurs, "Who
has not heard or read of the boasted Tierra Australia del Espiritu Santo of
Quiros?" In 1794, George Shaw, M.D., F.R.S., in his Zoology of New
Holland, referred on page 2 to "the vast Island or rather Continent of
Australia, Australasia or New Holland." In 1799, the voyage of the mis­
sionary ship Duff during the years 1796-7-8 was published; this work
contained a chart showing the track of the ship, and the terms "Greater
Australia" and "Lesser Australia" were applied to the islands in the south
seas. In 1806, volume II of admiral Burney's Chronological History of
Voyages, etc., was published. This volume contained a chart, published by
act of parliament, on which the islands discovered by De Quiros were called
"Australia del Esp'tu Santo," and on pages 299, 479, and 481 of the same
volume the word Australia was used. Malte Brun, in his Geographie
Universelle, the first volume of which appeared in 1810, advocated the terms
"Oceanica" and "Oceanians," "names which will supersede the unmeaning
or inaccurate designations of Australasia, Notasia, Austral-India and
Australia." In his Annales des Voyages, published in 1810, Malte Brun
included an essay by Matthew Flinders on the fate of La Perouse; in this
paper, Flinders advocated the names "Austral-land" or "Australia" for the
island continent, but "il reste a savoir si ce nom sera adopté par des
géographes européens."

It is evident that prior to the publication of Flinders' Voyage to Terra
Australis in 1814, the word Australia had been used by many authors and
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geographers; but, of these, George Shaw, in 1794, and Matthew Flinders, in 1810, were the only writers quoted above to use it specifically in reference to the island continent.

In his *Voyage*, Flinders wrote in a footnote, "Had I permitted myself any innovation upon the original term Terra Australis, it would have been to convert it into Australia." In the collection of charts published with this volume, one was entitled "General Chart of Terra Australis or Australia."

Although the word Australia was officially used by Governor Macquarie in 1817, it was some years before it came into general use. W. C. Wentworth, in the first edition of his *Statistical Account*, published in 1819, used the term New Holland; but, in the third edition, published in 1824, he wrote that "the most eminent modern geographers have given to it the appropriate name of Australia." Peter Cunningham, in his *Letters describing Two Years' Residence in New South Wales*, published in 1827, wrote (volume I, page 9), "New South Wales (or Australia, as we colonials say)." Charles Sturt, in his preface to his *Two Expeditions into the Interior of Southern Australia*, published in 1833, stated that the name Australia had been adopted "of late years."

It is probable, therefore, that George Shaw, in 1794, was the first writer to use the name Australia in a printed book, as applied strictly to the island continent; that Matthew Flinders either found the word in Dalrymple or some other work, or reinvented it, and advocated its use in its modern sense; that Governor Macquarie proposed its adoption after reading Flinders' *Voyage*; that Macquarie's use of the word contributed largely towards its general adoption; and that the word came into general use between the years 1820 and 1830.

The term New Holland was applied to the continent some time after the year 1644. When he received his commission in 1786, Governor Phillip's jurisdiction was confined to the territory of New South Wales, which was defined as extending from the eastern coast to 135 degrees of east longitude. About that date (1786), geographers adopted the practice of dividing the continent into New Holland west of and New South Wales east of the said meridian of longitude.

Note 85, page 356.
Also pages 404, 477, and 726.

An Expedition

After receiving Earl Bathurst's instructions, Governor Macquarie commenced preparations for the expedition. Twelve men were selected to accompany John Oxley; G. W. Evans was appointed second in command, Allan Cunningham and Charles Fraser, botanists, and William Parr, mineralogist. A depot was formed on the Lachlan river about nine miles above its junction with the Belubula river. All provisions and equipment were taken to the depot, and two boats were built there by George Hubbard, a member of the expedition. John Oxley received his instructions from Macquarie on the 24th of March, 1817, and on the 28th of April following a start was made from the depot. Part of the expedition proceeded down the river in the boats, whilst Oxley, travelling with the horses, examined the surrounding country. In this way, the Lachlan river was followed to the neighbourhood of the modern town of Monwonga below Forbes. It was then found impracticable to follow the river further owing to the flooded state of the country. Accordingly Oxley abandoned the boats, and on the 18th of May commenced a south-westerly course away from the river, hoping to reach the coast near cape Northumberland. This course was followed until in the neighbourhood of Mirrool creek, a little more than twenty miles from the
Murrumbidgee river, when he turned north, keeping to the west of the Cocoparra range. On the 23rd of June, he unexpectedly fell in with the Lachlan river about twenty miles above Hillston north. The river was then traced until the 9th of July, when the party was near the modern town of Oxley. On the return journey, the river was followed to the neighbourhood of the junction of Goobang creek, where, on the 1st of August, the main stream was crossed on a raft. Taking a course in a general direction of E.N.E., the tributaries of the Little river were crossed, and the Macquarie river was met with about twenty miles above the town of Wellington. This river was then followed to Bathurst, which was reached on the 29th of August.

Note 86, page 357.
William Cox . . . went . . . to the River Lachlan to examine it.
An account of William Cox's examination of the Lachlan river is not available. He was employed also in superintending the removal of the equipment and stores for the expedition of John Oxley from Bathurst to the depot on the Lachlan river.

Note 87, page 358.
Also page 713.
The recent Discoveries . . . . to the Southward as far as Shoal Haven.
The exploration of the Illawarra district was accomplished by private parties (see also note 87, volume V). The first land grants in the district were dated on the 24th of January, 1817 (see note 167).

Note 88, page 358.
The Request.
The request was made in the thirteenth paragraph of the despatch dated 24th March, 1815 (see page 469, volume VIII).

Note 89, page 362.
Proclamation.
This proclamation will be found on page 141 et seq.

Note 90, page 369.
That part of His Majesty's Instructions.
The reference was to the seventeenth paragraph of the general instructions to Governor Macquarie, issued at the time of his appointment (see page 195, volume VII).

Note 91, page 370.
The Terms Township and District as Synonymous.
John Oxley made use of the word "township" with its older and larger meaning. In this sense, it consisted of an aggregation of settlers in a defined area, and usually contained one or more collections of houses known as "towns." The township, whose area was frequently as much as 20,000 or 30,000 acres, roughly corresponded to the modern "shire." Governor Macquarie, on the other hand, used the term with its more restricted modern meaning in his general orders, dated 15th December, 1810 (see page 399, volume VII).
The Description of those Lands have been recorded and sent home.

The description of these lands were recorded in the secretary's registers, which are still preserved in the office of the registrar-general at Sydney. Copies of the deeds were sent to England by Governor King with a despatch dated 1st March, 1802 (see page 446, volume III).

My Letter . . . dated 20th Sept., 1814.

This letter will be found on pages 331 and 332, volume VIII.

The governor's court and the supreme court both exercised civil jurisdiction. The governor's court was given prior rank, but its jurisdiction was limited to causes in which the amount of damages involved or debt or thing in demand did not exceed £50 sterling. Whereas the supreme court was given three jurisdictions; an ordinary jurisdiction, in which cognizance was taken, as in the governor's court, of all pleas of land, and all personal pleas whatsoever, provided that the amount involved or the debt or thing in demand exceeded the sum of £50 sterling; an equity jurisdiction, in which it was directed to follow the rules of the high court of chancery in England; and an ecclesiastical jurisdiction, which was confined to the granting of probates of wills and letters of administration.

The governor's court was constituted by the judge-advocate and two fit and proper persons, resident in the territory, appointed from time to time by the governor. The supreme court was presided over by a judge, who was assisted by two magistrates of the territory, appointed by the governor.

The judge-advocate was the senior judicial officer, and received a salary of £1,200 per annum; the judge of the supreme court a salary of £800 per annum. By their commissions, the judge-advocate was appointed to “discharge the duty of Deputy Judge Advocate,” and “to observe and follow such Orders and Directions from time to time, as you shall receive from Our Governor of Our said Settlements or any other Your Superior Officer”; whereas the judge of the supreme court was commissioned simply “to have, hold, exercise and enjoy the said Office during Our Pleasure and your Residence within the said Territory and its Dependencies, with full Power and Authority to hold the said Supreme Court, as established by Our Letters Patent.”

A Property in the Service of such Offender.

Such Convicts as are permitted to transport themselves.

The practice, adopted in the transportation of convicts, was to assign by deed the services of the convicts to the contractor for the ship, in which they were to be transported. In the same deed, the contractor, in consideration of a nominal sum therein acknowledged to be paid, agreed to re-transfer the property in the services of the convicts to the governor or administrator of the colony on arrival at the port of destination. When transportation to the American colonies was practised, the clause relating to the re-assignment was frequently omitted. In consequence, the master obtained an absolute property in the services of the convicts, which he sold to the colonists in America. This was so profitable, that many shiploads of convicts were transported to America free of expense to the English government.
The practice of allowing persons to transport themselves was frequently adopted in the case of persons suspected of being engaged in treasonable practices in Ireland. These persons were allowed to banish themselves for life to avoid being brought to trial. (For a case in example, see page 551, volume V.)

Note 96, page 385.

A Letter.

W. H. Moore had been appointed one of the solicitors for New South Wales at a salary of £300 per annum. He had arrived in the colony per the ship Marquess of Wellington on the 27th of January, 1815. In February, 1816, he gave the Reverend Benjamin Vale professional advice, when the latter seized the American schooner Traveller. In consequence, Governor Macquarie discontinued his salary as from the date of the seizure (23rd February), removed him from the list of those victualled by government, and deprived him of all indulgences.

Note 97, page 386.

Also page 718.

A New Seal.

By his second commission, dated 2nd April, 1787, Governor Phillip was empowered to use the great seal of the territory (see page 4, volume I). The seal, however, was not made and approved by the King-in-council until the 21st of January, 1791. The official description of it was:

"On one side:—Convicts landed at Botany Bay; their fetters taken off, and received by Industry, sitting on a bale of goods with her attributes, the distaff, bee-hive, pick axe, and spade, pointing to oxen ploughing, the rising habitations, and a church on a hill at a distance, with a fort for their defence. Motto: Sic fortis etruscia crevit; with this inscription round the circumference, Sigillum Nov. Camb. Aust.

"On the reverse:—His Majesty's arms in a shield, with the supporters; garter and imperial crown, with the motto; and round the circumference his Majesty's titles."

This seal was received by Governor Phillip per H.M.S. Gorgon on the 22nd of September, 1791. Prior to that date, Phillip had used a small private seal on his official papers. The territorial seal was in continuous use from the year 1791 until the new seal was brought out in the ship Almorah, which arrived in Port Jackson on the 31st of August, 1817. The new territorial seal was rendered necessary by the alterations in the royal arms by an order-in-council, dated 6th June, 1816 (see page 160). The changes on the seal were confined to the reverse side. The first territorial seal was returned to England per the ship Harriet, which sailed on the 22nd of December, 1817.

Note 98, page 388.

Despatch No. 93.

This despatch and its enclosures are preserved in the record office, London, but there is no record of its transmission to, or receipt by Governor Macquarie. A second despatch (see page 413) was written by Earl Bathurst, relating to the affairs of Jonathan Burke Hugo. This despatch was dated twenty-nine days after the first despatch, and was numbered 96. On the 11th of December, 1817, Governor Macquarie acknowledged the receipt of despatch No. 96, but made no reference to despatch No. 93, and it is probable, therefore, that he did not receive it.
Note 99, page 391.

Your Recommendation.

The reference is probably to the fourth paragraph (see page 4) of the despatch dated 20th February, 1816.

Note 100, page 393.

The terms of the Colonial Patents.

The reference was to the commissions issued to the governors. In these, it was provided that, in the event of the death or absence of the governor, and of there being no person commissioned or appointed as lieutenant-governor, the officer highest in rank on service in the territory should take upon him the administration of the government (see page 189, volume VII).  

Note 101, pages 397 and 417.

Garnham Blaxcell.

Garnham Blaxcell arrived in the colony on the 16th of October, 1802, per H.M.S. Buffalo. To this ship he had been appointed acting purser by Sir Roger Curtis at the Cape of Good Hope. When he was superseded in this office in 1803, he was made a deputy commissary by Governor King on the 9th of May. About the same time, he acted as secretary to the governor during the suspension of W. N. Chapman. On the death of Thomas Smyth, in December, 1804, he succeeded as acting provost-marshal; and, when W. N. Chapman left for England in the same year, he again became secretary to the governor, which office he held until the departure of King in 1806. At this date, his official career may be said to terminate. In the meantime, Blaxcell had entered largely into commercial ventures; he was the owner of the sloop Hope, part-owner with John Macarthur in the brig Elizabeth, and Macarthur’s partner in speculations in sandal-wood and other goods. He took an active share in the usurpation of captain Bligh’s government; and, after the actual arrest, he was a member of the committee of four to examine Bligh’s papers. He was one of the eight magistrates appointed by major Johnston on the 27th of January, 1808, and on the 10th of February Johnston made him sole auctioneer for the colony. He continued to extend his commercial and shipping activities, and acquired successively a whole or part interest in the vessels Governor Macquarie, Cyclops, and Favourite. In 1810 he entered into the contract, associated with A. Riley and D. Wentworth, for the erection of the general hospital at Sydney. His trading ventures, however, were not a success. In 1810 he was largely indebted to his partner, John Macarthur; he was an importing merchant, but in 1812 he admitted he was unable to meet his liabilities for import duty, and offered grain in settlement, which was refused; in 1813 a bill of his, drawn on London and negotiated by Riley, was dishonoured. His financial instability became recognised; but, owing to the suspension of the sittings of any civil court after July, 1814, no action could be taken against him. When he absconded in April, 1817, his liabilities were stated to be £6,373 and his assets £5,255. His death took place during the voyage to England.

Note 102, page 398.

The 10th and 13th Articles of the Port Regulations.

These articles will be found on page 658, volume VII.

Note 103, page 402.

A Separate Dispatch.

This despatch will be found on page 397 et seq.
Note 104, page 411.

Westmoreland.

Governor Macquarie proposed Westmoreland as a name for the new country in his despatch dated 28th April, 1814 (see page 150, volume VIII). The name is now retained for the county which is bounded by the Guinecor creek, the Wollondilly and Cox's rivers, Solitary creek, and the Fish and Campbell's rivers.

Note 105, page 411.

List of important Points.

These "points" were referred to in despatches bearing the following dates:—1st, 28th June, 1813 (see page 777, volume VII); 2nd, 28th June, 1813 (see pages 722 and 723, volume VII); 3rd, 7th October, 1814 (see page 340, volume VIII); 4th, 28th April, 1814 (see page 154, volume VIII); 5th, 7th October, 1814 (see page 312, volume VIII); 6th, 30th April, 1814 (see page 211, volume VIII); 7th, 7th October, 1814 (see page 299, volume VIII); 8th, 28th June, 1815 (see page 716, volume VII); 9th, 17th November, 1814 (see page 611, volume VII); 10, 28th April, 1815 (see page 151, volume VIII); 11, 24th June, 1815 (see page 560, volume VIII); 12, 24th June, 1815 (see page 558, volume VIII).

Note 106, page 414.

Your Dispatch.

The extract was the seventh paragraph of the despatch, dated 18th March, 1816 (see page 57).

Note 107, page 417.

The very long interval.

The last sittings of the court of civil jurisdiction were held on the 2nd of August, 1814. The first sittings of the supreme court for the trial of causes did not take place until May, 1817.

Note 108, page 423.

Paid by Messrs. Riley and Wentworth of the within Mentioned Sum.

Alexander Riley, D'Arcy Wentworth, and Garnham Blaxcell were equal partners in the contract for the erection of the general hospital at Sydney (see page 401 et seq., volume VII). All spirits imported under this contract belonged as to two-thirds to Riley and Wentworth, and as to one-third to Blaxcell. The import duties on such spirits were apportioned in like manner.

Note 109, page 428.

My Dispatch, No. 20.

This despatch was dated the 15th of May, 1817 (see page 397 et seq.).

Note 110, page 433.

A Copy of a Letter.

This letter was dated the 5th of December, 1816 (see page 194).

Note 111, page 439.

Mr. Thomas M. Moore to Earl Bathurst.

The contradictory statements made by W. H. and T. M. Moore with regard to the signature of the latter to the memorial to the House of Commons are worthy of special note as indicative of the means to an end that an educated
man considered himself justified in adopting. In a letter, dated 18th September, 1816 (see page 331), to Governor Macquarie, W. H. Moore made a confession which was tantamount to one of forging his brother's (T. M. Moore) signature. In the letter, dated 10th November, to Earl Bathurst, T. M. Moore justified the signing of his name to the petition; and in a letter, dated 16th November, W. H. Moore repudiated his letter to Macquarie, and stated that it was written "in order to induce him (Macquarie) to believe that I had put my brother's name to the petition without his sanction; and the words, I made use of upon that occasion, were these, 'that I took upon myself 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'; Words in themselves strictly true, for I had his authority to use my own discretion as to signing it for him, tho' calculated to make him (Macquarie) believe the contrary."

Note 112, page 443.

The Very few.

Governor Macquarie referred to the Reverend Henry Fulton, who had been transported for supposed complicity in the Irish rebellion in 1798, and had been pardoned conditionally in November, 1800, and absolutely in December, 1803, by Governor King; to William Redfern, assistant surgeon, who had been transported for participation in the mutiny at the Nore, and had been pardoned absolutely on the 4th of June, 1803; to James Meehan, deputy surveyor, pardoned conditionally in June, 1805, and absolutely in June, 1806; and to Simeon Lord, who had been appointed a magistrate.

Note 113, page 448.

Mr. William Wentworth.

William Charles Wentworth was born in Norfolk island in October, 1793. In the year 1800 he was sent to England for his education. He returned to the colony in 1810, and accompanied Gregory Blaxland and William Lawson in their successful expedition across the Blue Mountains in 1813. He sailed for England again on H.M. brig Emu in 1816 in order to study for the bar.

Note 114, page 452.

Sanctioned by the House of Commons.

The select committee of the House of Commons on transportation (see note 150, volume VII), which sat in 1812, endorsed the policy which Governor Macquarie had adopted with regard to the treatment of emancipists and expirees. On the 10th of July, 1812, the committee's report was ordered to be printed by parliament. Governor Macquarie referred probably to this "sanction."

Note 115, page 479.

My proceedings up to the 30th April.

John Oxley had transmitted a report of his proceedings (see volume in series V) two days after leaving the depot near the junction of the Lachlan and Belubula rivers. He had stated that the boats built by Hubbard were likely to answer every expectation; that the Lachlan river exceeded his expectations, and that there was no likelihood of the occurrence of any steep or continuous falls to impede navigation, as, from observations made at the depot, he found the position was only 650 feet above sea-level (see also note 85).
A Series of Cruelty and Oppression.

The treatment of the convicts on the convict ship Chapman were fully detailed in the enclosures to the despatch dated 12th December, 1817 (see page 563 et seq.), and to the despatch dated 20th December, 1817 (see page 741 et seq.).

Note 116, page 484.

Some of them have since acknowledged.

Two "acknowledgments" by Samuel Terry and Gustavus Low (see pages 333 and 334) respectively were forwarded by Governor Macquarie with his despatch dated 3rd April, 1817, and numbered 14.

Note 117, page 491.

My Public Letter.

This letter will be found on pages 501 and 502.

Note 118, page 494.

A change in the Chief Magistrate of this Colony.

The governor was the chief magistrate of the colony. It is an undoubted fact that private reports, which were received by the various secretaries of state, had considerable influence in the removal of governors Hunter, King, and Bligh. Dr. John Dunmore Lang (Historical and Statistical Account of New South Wales, 4th ed., vol. I, p. 49) wrote that "in the year 1824, the late John Macarthur, Esq. . . . stated in my hearing, with evident feelings of self satisfaction, that he had been the means of sending home every governor of the colony but the last (meaning Governor Macquarie)." If Governor Phillip was excepted, this statement was probably correct, as Macarthur was the active leader of the parties in opposition to Hunter, King, and Bligh.

Note 119, page 495.

His representations.

Governor Macquarie was not correct in his assumption that these representations were made by the Reverend Samuel Marsden, as Nicholas Bayly was the author (see note 44) of the letter which contained them.

Note 120, page 497.

List of the Names.

The Reverend Samuel Marsden was the second chaplain appointed on the colonial establishment. He arrived at Sydney on the 10th of March, 1794, on the store-ship William. He succeeded to the office of principal chaplain when the Reverend Richard Johnson returned to England in October, 1800. In 1801 he had been involved in the dispute between Governor King and John Macarthur, owing to the latter's disclosure of public and private correspondence to himself. He was a supporter of Governor King, and was made the subject of an anonymous attack by the military party in 1803 (see page 168, volume IV). He became largely interested in farming and pastoral pursuits, and, associated with John Macarthur, he was selected by
Governor King to initiate the inquiry into the pastoral industry in 1805 (see page 558, volume V). He was absent from the colony during the usurpation of Governor Bligh’s administration. He came into open conflict with Governor Macquarie over a refusal to read a general order in church (see page 255, volume VIII), and over attempted innovations in the church service (see page 336, volume VIII).

Nicholas Bayly had been an ensign in the New South Wales Corps, but had retired as a lieutenant in 1803, and become a settler. He was deeply involved in the usurpation of Governor Bligh’s administration. He was the author of the attack on Macquarie’s government, to which Macquarie was ordered to reply (see note 44).

Robert Townson, LL.D., had arrived in the ship Duke of Portland on the 27th of July, 1807, carrying with him a private promise from Sir George Shee of a land grant of two thousand acres (see page 190, volume VI). Governor Bligh refused to make him a land grant without instructions from the secretary of state. In consequence, Townson joined the military party, who deposed Governor Bligh. He obtained land grants from lieutenant-colonel Foveaux in 1808. He came into conflict with Governor Macquarie over the conditions embodied in the renewal of these grants (see page 493 et seq. and 551 et seq., volume VII).

John and Gregory Blaxland had arrived in the colony in April, 1807, and in April, 1806, as free settlers under an agreement with the government (see pages 490 and 491, volume V). The fulfilment of the terms of their agreements was the source of a lengthy dispute with governors Bligh and Macquarie. They associated themselves with the military party in the arrest of Governor Bligh, but soon after they were involved in a fresh dispute with major Johnston in connection with the ship Brothers. They were typical examples of the discontented colonists.

Charles Throsby had arrived in the colony as surgeon on the transport Coromandel on the 13th of June, 1802. In the month of September following, he had been appointed to the colonial medical staff, and, whilst on duty at Newcastle in 1805, he had succeeded as commandant of that settlement. He took no part in the usurpation of Governor Bligh’s administration, and in 1809 retired and became a settler. There are no papers available showing any open discontent on his part against Governor Macquarie’s administration.

John Horseley and Sir John Jamison had arrived in the ship Broxbournebury on the 1st of August, 1814, and Governor Macquarie had made them promises of liberal land grants (see page 296, volume VIII). There is no evidence of any open discontent shown by John Horseley. Sir John Jamison, however, appears to have sympathised, at least, with the military officers in their dispute with Governor Macquarie in 1817, for it was at his house that ensign Bullivant was induced to make a false declaration (see page 475).

David Allan had arrived in the colony on the 11th of June, 1813, to take charge of the commissariat department. He came into active conflict with Governor Macquarie in connection with the issue of promissory notes by himself (see page 542 et seq., volume VIII).

It is difficult to explain the reason for the inclusion of John Oxley in this list.

W. H. and T. M. Moore had arrived in the colony on the 27th of January, 1815, in the ship Marquess of Wellington. W. H. Moore came into open conflict with Governor Macquarie in February, 1816, over the seizure of the American schooner Traveller (see page 42 et seq.), and, a few months later, over the preparation of a petition of grievances to the House of Commons (see page 329 et seq.). Owing to the refusal of a land grant, on account of his name being attached to the above mentioned petition, T. M. Moore made a complaint to Earl Bathurst in November, 1816 (see page 439 et seq.).
Note 123, page 505.

One of My Dispatches.

The despatch was dated 17th November, 1812. The reference was to paragraph fifty-two (see page 614, volume VII).

Note 124, page 508.

The Government Orders.

These orders will be found on page 515 et seq.

Note 125, page 512.

Lunatic Asylum at Castle Hill.

At the commencement of Governor Macquarie's administration, all persons who were mentally afflicted and under restraint were confined in the gaol at Parramatta. In May, 1811, a lunatic asylum was established at Castle Hill, to which all the patients were removed from the gaol. Persons were committed to the asylum by order of a magistrate. On the 12th of September, 1814, Governor Macquarie issued special instructions to George Suttor as resident superintendent of the asylum.

Note 126, page 516.

Also page 528.

Established Regulations of the Colony.

Since the early days of the colony, it had been the practice of the governors to fix the hours, wages, and tasks for labourers, whether convicts in government employ or assigned servants. In 1795 and 1796, Hunter fixed the hours for public labour (see pages 679, 682, and 696, volume I). In March, 1797, Hunter established a fixed rate of wages for specific work performed (see pages 75 and 78, volume II). In 1800, difficulty arose owing to the demand of labourers for higher wages, which the settlers were compelled to give. These wages were paid in the produce of the land; and, as the price of the produce was fixed by the rate at which it was taken into the public stores, the increased wages demanded were oppressive to the settlers (see page 621, volume II). In 1798, Hunter abolished in part the fixed hours for labour, and established a daily or weekly task. This gave rise to certain impositions, and the fixed hours of labour were again imposed (see pages 214, 218, 359, and 585, volume II). In October, 1800, and January, 1804, King fixed the weekly task work, wages, and hours of labour of government and private servants (see page 37, volume III, and page 75, volume V). King modified the hours of labour on several occasions (see pages 252, 462, and 472, volume III, and pages 323 and 326, volume IV).

Note 127, page 537.

When I first read in the Sydney Gazette.

It was the practice in the court of criminal jurisdiction to deliver on the same day all sentences passed on prisoners found guilty during the previous days of the sittings. The sentences on Michael Hoare and others were delivered in court on the 5th of February, and reported in the issue of the Sydney Gazette for the 10th of February, 1816.

Note 128, page 543.

Your Lordship's Dispatch.

This despatch was dated 11th May, 1816 (see page 120).
COMMENTARY.

Note 129, page 544.

The Mermaid Cutter.

The Mermaid cutter, under the command of — Scholley, had arrived in Port Jackson from Calcutta on the 30th of September, 1817.

Note 130, page 554.

Similar Commissions.

The commissions to Thomas Jamison, as surgeon, to Edward Abbott, as deputy judge-advocate, and to Martin Tims, as provost-marshal, may be taken as examples (see page 427, volume V, and page 267, volume VIII). Each commission expressly stated that the officer was subject to the "rules and discipline of war."

Note 131, page 562.

Also pages 649, 655, 656, 657, 658, 659, 662, 663, 665, 668, 694, 695, 703.

List.

This list and the documents on the pages above quoted are copied from the series of governors' despatches (mostly the duplicate copies) which were presented to the government of New South Wales by the imperial government, and are preserved in the Mitchell library at Sydney.

Note 132, page 563.

Queries and Remarks.

The author of these queries has not been elucidated.

Note 133, page 564.

Dispatches from Irish Government.

Copies of these despatches are not available.

Note 134, page 592.

The Instructions.

These were the instructions issued by the commissioners for transport, which will be found on page 600 et seq.

Note 135, pages 597 and 641.

Effectual steps.—A correspondence.

The reference was to the letters marked H and I (see page 606 et seq.).

Note 136, page 611.

See Answ' r.

The answer was forwarded as letter numbered 24 in enclosure No. 6 to this despatch (see page 662).

Note 137, page 630.

The statements made by Collins and Ryan.

The examination of Michael Collins will be found on page 604 et seq.

Note 138, page 662.

The enclosed Letter.

This letter will be found on page 610.
Note 139, page 663.

Charges preferred . . . by Mr. Secy. Campbell as far back as the 2d of August last.

The charges were contained in J. T. Campbell’s letter to Governor Macquarie, dated 1st August, 1817 (see page 650 et seq.). A copy of this letter was forwarded to John Drake by J. T. Campbell on the 2nd of August (see page 655).

Note 140, page 672.

Mr. Justice Field has declined meeting or joining the Committee.

Mr. Justice Field’s refusal to join the committee will be found in the letter numbered 4 on page 700, and his reasons for so doing in the letter numbered 5 on page 701.

Note 141, pages 674 and 678.

Letters.

These three letters will be found on page 695 et seq.

Note 142, pages 700 and 701.

His Excellency’s Letter.—Your Excellency’s Letter.

This was the letter numbered 34 in enclosure No. 6 (see pages 668 and 669).

Note 143, page 702.

The Judge Advocate’s two letters of advice.

These letters were numbered 40 and 42 in enclosure No. 6 (see page 674 et seq. and page 678 et seq.).

Note 144, page 708.

The Subject of a Separate Dispatch.

The separate despatch was numbered 39 (see page 560 et seq.). The despatches numbered 29 (see page 484 et seq.) and 46 (see page 741 et seq.) were also confined to particulars relating to the proceedings on the voyage of the ship Chapman.

Note 145, page 710.

Mr. John McArthur.

John Macarthur, after taking one of the leading parts in the deposition of Governor Bligh, had sailed for England in the ship Admiral Gambier in the company of lieutenant-colonel Johnston at the end of March, 1809. He arrived in England during the month of October following. In the meantime, Governor Macquarie had sailed for the colony to assume the government, and carried instructions for the arrest of Macarthur and for his trial before the criminal court in the settlement, “if Examinations be sworn against him charging him with criminal Acts against the Governor and his Authority” (see page 81, volume VII). In 1811 Johnston was tried by court martial in England for his arrest of Bligh, was convicted of mutiny, and cashiered; but, notwithstanding this conviction, in 1812 he received permission to return to the colony, and in March, 1813, arrived at Sydney per the brig James Hay. On the other hand, Macarthur was forced virtually to remain in England. He made frequent applications to the secretary of state for permission to return, and for the revocation of the instructions given to Macquarie. This double request was as frequently refused, until the 2nd of August, 1816, when under secretary Goulburn wrote stating that an amnesty
would be granted to him as “you are fully sensible of the impropriety of conduct, which led to your departure from the Colony.” Macarthur objected to making this admission, and in consequence permission for his return was again withheld. Finally in February, 1817, Macarthur gained his point, and received an unqualified permit to embark for the colony on the ship Lord Eldon.

Note 146, page 710.

A Roman Catholic Priest named O'Flynn.

Governor Macquarie was correct in his conjectures as to the unauthorised character of the mission of the Reverend Jeremiah O'Flynn or Flynn. The deportation of O'Flynn (see page 799 et seq.) received Earl Bathurst's full approval (see page 833). Prior to his departure from England, O'Flynn had petitioned Earl Bathurst for permission to visit the colony, and his request had been refused. The petition was as follows:—

“To the Right Honourable the Earl Bathurst His Majesty's Principal Secretary of State for the Colony and War Department.
The Humble Petition of the Reverend Mr. Flynn, The Reverend Mr. Devine, and the Reverend Mr. O'Donaghoe, Roman-catholic Priests.

“Sheweth,
“ That it is the wish of your Petitioners to proceed immediately to New Holland, for the purpose of instructing their poor and unhappy brethren in faith, in that Country, in their religious and moral duties, and encouraging them in their observance of them.

“ That it will be the earnest and constant endeavour of your Petitioners to impress on the minds of these suffering members of their Communion, the duties which they owe to God and their neighbour, and their obligation of conforming to the laws of their country and atoning, in patience and resignation, for the infractions of them of which they may have been guilty. It will also be the earnest and constant endeavour of Your Petitioners, to procure for the poor children of the objects of their care, a virtuous education, and to see that habits of religion, decency and regularity are impressed on them.

“ That your petitioners trust their endeavours to promote these desirable ends will be materially beneficial to the Colony.

“ That they respectfully represent to your Lordship that their Voyage and its immediate arrangements will be attended with more expence than the circumstances of Your Petitioners enable them to bear.

“ Your Petitioners therefore, most humbly pray Your Lordship, that his Majesty's Government will take the circumstances of their Case into their benign consideration, and sanction them in their good intention, and assist in defraying the necessary expences of their Outfit, Voyage and first arrangements.

“JEREMIAH FLYNN for himself.

“REV. MR. DEVINE.

“MR. O’DONOUGH.”

Note 147, page 710.

Insurrection similar to what took place here.

An open insurrection of convicts occurred in March, 1804, which caused loss of life, both in the encounter between the rebels and military and by the subsequent executions which were considered necessary (see page 563 et seq., volume IV); the influence of the priests in this revolt was not apparent. In September, 1800, a conspiracy was discovered amongst the Irish convicts (see page 575 et seq. and page 637 et seq., volume II); this conspiracy caused no loss of life, but the influence of the priests was well marked.
Note 148, page 712.

Reports to the Contrary.

In a letter to Earl Bathurst, dated 13th April, 1816 (see a volume in series III), lieutenant-governor Davey reported that, "in consequence of His Excellency Governor Macquarie having imported a large quantity of Grain by Contract from India, the Settlers on this Island will this Year be deprived of the Market, which they would otherwise have found in that Settlement for a surplus of at least Fifty thousand Bushels of wheat, the Growth of this Season, and which Your Lordship will see must greatly damp the Agricultural exertions of this Island."

Note 149, pages 715 and 716.

A General Court Martial.

The particulars of this court martial were detailed by Governor Macquarie in his despatch numbered 36 of 1817 (see page 550 et seq.).

Note 150, page 717.

Your Lordship's Query.

Earl Bathurst made the query in his despatch numbered 84 (see page 201).

Note 151, page 718.

Your Lordship should have disapproved.

Earl Bathurst's disapproval was contained in the penultimate paragraph of his despatch numbered 85 (see pages 204 and 205).

Note 152, page 719.

The Military Barracks.

The barracks and the parade ground were situated on the western side of George-street, and the site is now practically bounded by Margaret-street on the north and Barrack-street on the south.

Note 153, page 720.

A new very large Commodious Barrack.

This is the large building that is still standing on the eastern side of Queen's-square, and is occupied by different branches of the department of justice of the state of New South Wales.

Note 154, page 726.

1st.

The first, second, and fourth of these enclosures were published in John Oxley's Journal of Two Expeditions into the interior of New South Wales (see note 160). The third enclosure will be found in a volume in series VI.

Note 155, page 728.

Description of the Toongabbe Farm.

On the back of the original of this despatch, which is preserved in the record office, London, there is the endorsement "Put by." Many years later, the land was granted in small areas. The farm had been reserved originally by Governor Phillip for public purposes.
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Note 156, page 729.
Also page 730.

These Drawings.

Of these drawings, the sketches of an aboriginal grave by G. W. Evans and of a native chief of Bathurst by J. W. Lewin were published in John Oxley's Journals of Two Expeditions, facing pages 139 and 302.

Note 157, page 729.

A New Description of Doves and Cockatoos.

These were probably the first descriptions of the magnificent Leadbeater's cockatoo, *Cacatua Leadbeateri*, and the barred shouldered ground dove, *Geopelia Humeralis*.

Note 158, page 730.

An Artist.

John William Lewin had arrived in the colony per H.M.S. Buffalo on the 3rd of May, 1799. He was a most industrious artist, and many of his paintings are extant. A good collection of them is preserved in the Mitchell library at Sydney. In 1805 he had published in London *The Lepidopterous Insects of New South Wales*, containing coloured engravings from copper plates, prepared by himself in the colony in 1803; these are the earliest specimens known of engraving in Australia. In 1808 he published, also in London, the *Birds of New Holland*, containing eighteen plates and twenty-two pages of letterpress; the letterpress was printed in London, but the plates were prepared by the author in the colony. This book was re-issued at Sydney in 1813.

Note 159, page 730.

Also page 808.

The Instructions.

These instructions were contained in Earl Bathurst's despatch numbered 77 (see page 188).

Note 160, page 731.

Permission to Publish his Journal.

This journal was published in 1820 by John Murray as part of a quarto volume, entitled *Journals of Two Expeditions into the interior of New South Wales, undertaken by order of the British government in the years 1817-18 by John Oxley*. It was printed on the first two hundred and three pages of the text.

Note 161, page 732.

A Copy.

A copy of the petition prepared by W. H. Moore is not available, nor any record of its transmission with comments by Governor Macquarie to Earl Bathurst. In a confidential letter to under secretary Goulburn, dated 17th May, 1817, Macquarie requested to be supplied with an attested copy of the petition (see page 411), and in a despatch to Earl Bathurst dated 24th November, 1817 (see page 494), he made no reference to the transmission of a copy with comments.

Note 162, page 734.

The Punishments inflicted.

In a semi-official letter, dated 12th June, 1816, judge J. H. Bent transmitted to Earl Bathurst three depositions, taken by himself presumably in
an unofficial character, relating to these punishments. They illustrate in striking manner the arbitrary conduct of Governor Macquarie. The deposi-
tions were as follow:—

"DEPOSITION OF WILLIAM HENSHALL.

"New South Wales, To Wit.

"William Henshall of Sydney in the Territory aforesaid, Silver Smith,
being duly sworn saith; That on Friday, the Nineteenth April, One thousand
Eight hundred and sixteen, about half past seven in the Morning, I went
across the Wall that is broken down on the side of Hyde Park below the
General Hospital; I had no sooner got in, I had not walked above three or
four paces, before some Constables in Ambush jumped up and told me that I
was their prisoner; I asked them what and for why, and they answered me
It was an Order from the Governor to take me or any other person, High or
Low, into Custody, Officers were not exempt; I argued with them on the
business, and told them there was no General Order that ever I saw for
persons walking or being in the Park; and upon that I asked him, must I go
before Mr. Wentworth, and he said No; The Constable's name is Wilbow.
I asked him if he would take me before the Governor. He said he could
not do that; I asked him where I must go to, and he said you must go to the
Gaol. I told him I had been in the Colony Eight or Ten Years, and had
never been there, and should be loath to go there; He said you must go and
it is no use to make arguments upon the business. I was taken to the Gaol
and there to favour me, not to treat me as a common vagabond, they let me
be in the lodge; no person was with me when I went over the Wall; I
remained there in Gaol till betwixt twelve and one o'clock; about that time
Mr. Cubitt, the Gaoler, Mr. Redman, the Chief Constable, and the Deputy
Gaoler Green came in; I told them, they seemed to be very mute; I asked
them what was the matter; The Gaoler said He was sorry to inform us That
he had got a Warrant to inflict Corporal punishment upon us; There were
two others also there. He said he had a Warrant to inflict Twenty five
lashes upon each of us. With that I told him I thought that was impossible;
He pulls it out of his pocket and reads it. I told him he might as well tell
me that I was to have twelve Months solitary confinement as that, for I
would not believe it. When he read the Warrant he said look at the back,
It is written, On Government Service. I said the Governor certainly must
be mistaken He don't know me; But he said, I explained thoroughly that you
were the Person that cut the Dollars for Government. With that the
Triangles were ordered to be brought forward and he ordered Daniel Read
to strip; After he was punished I was the next that was ordered to strip,
and I received Twenty five lashes by the common Hangman. I made no
resistance but told them I would not be flogged, but they said I must; and
seeing so many Constables about I saw it was no use to resist, and I received
Twenty five lashes; after that Mr. Cubitt said pay your Fees and go about
your Business; I asked him what he meant by the fees. He said that the
fees of the Gaol for a free Person was three shillings sterling or five
shillings Currency; I paid it and came my ways; I was never taken before
a Magistrate, neither the Governor nor any body else, never had a hearing
by any one whatever. All this is fact. I never saw any body besides the
Turnkeys; I had been sentenced for seven years, part I served in England,
and the remainder about five Years in this Colony. I arrived here in the
Alexander, Captain Brooks, in One thousand, eight hundred and six, and was
free by the Expiration of my Sentence in One thousand Eight hundred and
dozen; All the Colony can speak to my Character and I was trusted by
Government from time to time with near 40,000 Dollars, and both made the
tools to cut them and had about 1,000 Dollars in my possession at a time. I
might have had more at a time, but did not think myself safe in taking
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more than a day's work or I might have had a Box at a time. I have no knowledge of what I was punished for than I have said, than that It was the Governor's will; I do not know that the Warrant expressed any thing about what I was punished for, only that the Warrant was that three of us, naming our names, were to be punished.

"WILLM. HENSHALL.

"Taken and sworn before me at Sydney in New South Wales this Twenty Second day of April, one thousand Eight hundred and Sixteen.

"JEFFERY HART BENT,

"Judge of the Supreme Court."

"Deposition of Daniel Read.

"New South Wales To Wit.

"Daniel Read of Sydney, Stone Mason, maketh Oath and saith, That on the Eighteenth April, on Thursday about Nine o'Clock in the Morning going to work, I happened to get over the Wall into the Government Domain; did not know that I was doing any harm at all; up jumped a Constable from behind a Bush, came up towards me and asked me where I was going; I told him I was going to get a Stone for the use of Mr. Howe's Printing Office. He told me I must not go that way; which way must I go says I to him; says he you must go this way with me; which way are you taking me, says I; he said you must go before Mr. Redman; my reply was, what have I done; he said you are to go to Gaol for coming over the Wall; whose Orders are those I said; his reply was to me, The Governor's Orders, Rich or Poor Free or Bond, they was ordered to take all people to Gaol by his Orders; my reply was That was a very hard case that a Man was to be taken to Gaol without having any hearing; For these Nine Years past I says I always thought myself a Free Man and a British subject, but to be sent to Gaol in this manner I don't understand it; he said it was a hard case, but they must do their duty, but I wish I could catch Fifty coming over in a day. We both went along to Mr. Redman's, found him Mr. Redman in the street opposite his own house, set down upon a form; The Constable said to Mr. Redman here is a Man for getting over the Wall; he pointed his hand towards the Gaol, says he there is the Gaol for him; I said Mr. Redman, you are not going to put me in the Gaol without a hearing; says he I can't help it, It is the Governor's Orders you must go in; some time after I had been in Mr. Wentworth came to visit a sick patient and I informed him on the business; he is a Magistrate and Superintendent of Police; says I, Mr. Wentworth can't you do something in this case, he said what have you been at Read? I told him for getting over the Wall of Government Domain; says he I know nothing about it who put you here. Cubitt the Gaoler made answer and told him it was the Governor's Orders; Mr. Wentworth turned round to me and said if the Governor has put in he must take you out again, he could do nothing in it: All things rested with that until the Nineteenth, the day following, about twelve or One o'clock, Mr. Cubitt and Mr. Redman came into the room where I was sat, knowing that Mr. Cubitt had been up with the Governor with his Morning report, we wanted to know our dooms; I asked him what was to be done with me; after some little hesitations he told us we were to receive Twenty five lashes each upon the bare back and then to be discharged; I could not believe him: I told him so, and that he might as well tell me he was to take me up to hang me; he said he was very sorry to say it, but said I will convince you to the contrary; he took out the Warrant and held it open that we might read it; he read it himself, I can not just tell the tenor of the words, But it expressed that we were each to have Twenty five lashes. They called the Hangman to get down the Triangles and he fixed them up in the Yard, they ordered me to strip and I received Twenty five lashes; I had no hearing at all no further than what I have said. I came into the Country in March, One thousand Eight hundred and
three in the Glatton. I was sentenced to Seven Years and served till the expiration of my sentence, and received my Certificate from Governor Bligh in August, One thousand Eight hundred and seven. I am a Married Man and live with my Wife in charge of Mr. Marsden’s Cottage in York Street.

“Daniel Read.

“Taken and Sworn before me at Sydney in the Territory aforesaid this Twenty Second day of April One thousand Eight hundred and sixteen.

“Jeffery Hart Bent,

“Judge of the Supreme Court of N. S. Wales.”

“Deposition of William Blake, of Sydney, Blacksmith.

“New South Wales To Wit.

“On Thursday, the Eighteenth April, One thousand Eight hundred and sixteen, about Ten o’Clock I walked down the road towards Mr. Allan’s; I live near the new Hospital; as I was going along there was a Woman or two and I wanted to do my business; and for decency’s sake, I got through the Wall of the Government Domain, seeing the Wall was down, and no sooner than I was over I was taken by the Constables; they said my friend, I am sorry to inform you that it is the Governor’s Orders to take every one that comes here to the Gaol; I was much alarmed for seeing every one passing there I thought it no harm; I was taken to the Gaol; this was about Ten o’Clock in the Morning, and I remained in Gaol from that time till the next day; I was not taken before a Magistrate nor the Governor; on Friday Morning about Eleven o’Clock as I believe Mr. Cubitt came with a Warrant, which I read, and it said that I and two others were to have Twenty five lashes each for getting over the Wall of the Government Domain; I was in such a fright that I did not mind exactly what was in the Warrant; I was very much alarmed and trembled very much to think of such a thing; Mr. Cubitt took back the Warrant and ordered this Execution to take place almost immediately; they ordered the Flogger to get the Triangles directly; when the Triangles were came, the other Man was flogged first, Henshall next, and I was flogged the last, We then paid the Gaol Fees and out we came.

“I came into this Country in the Ship Northampton, Captain Tween in July One thousand eight hundred and fifteen; I am a Blacksmith by Trade; I came out a Free Man; My Wife had been sent a prisoner in the Ship; I was never taken before a Magistrate and had no hearing at all.

“Wm. Blake.

“Taken and Sworn before me at Sydney in the Territory aforesaid this Twenty second April One thousand Eight hundred and sixteen.

“Jeffery Hart Bent,

“Judge of the Supreme Court.”

Note 163, page 736.

As far as these Complaints and accusations relate to me Personally.

Although Governor Macquarie derived no personal profit, many of his administrative acts gave to a carping critic a certain amount of colourable justification for making the charges, even if the acts themselves, although in some cases arbitrary, might be justified under the circumstances.

The granting of pardons for the use of horses and carts in the construction of the road to Bathurst was tantamount to the “Selling of Pardons.”

The refusal of a marriage license to lieutenant Philip Connor (see page xiv), and the orders given for his departure, before the publication of banns could be perfected, may have prompted the charge of “Prohibiting Banns of Marriage.”
The action he was compelled to take with regard to the lease of John Palmer (see page 338 et seq., volume VIII) may have appeared to the ill-informed to justify the charges of "Pulling down Houses" and "Seizing upon Lands."

The support he gave to the application of George Crossley and others for admission to practice as attorneys in the supreme court (see page 490, volume VIII) fully justified the charge of "influencing Courts of Justice."

Note 164, page 741.

A Copy.

The instructions to captain Gill were as follows:

"By His Excellency Lachlan Macquarie, Esqre., Captain General and Governor in Chief in and over His Majesty's Territory of New South Wales and its Dependencies.

"INSTRUCTIONS for Captain John Gill of H.M. 46th Regt. to be observed during the Voyage of the Ship Harriet to England, and until the Pleasure of His Majesty's Principal Secretary of State for the Colonies shall be made known to him.

"Sir,

"In addition to the duty you will have to perform as the Officer in Command of the Military Detachment of Invalids and Soldiers embarked for England in the Ship Harriet, you will have also charge of the several persons Civil, Naval and Military, who are to proceed in the Harriet, either as Prisoners in close confinement, as Officers in close arrest, or as Evidences in the Affairs of the Ship Chapman.

"In your Conduct therefore towards these several persons you are therefore to be guided by the following Instructions Vizt.

"First. — You are to consider yourself in Charge of Surgeon Dewar and Lieut. Busteed, who are embarked under close Military arrest, and you are not to suffer or allow either of those persons to land from or leave the Ship Harriet at any time during the Passage, unless their Health should seem to you to require such Indulgence; and in that case, you are either to keep them within your own view, or to put them under charge of an Orderly, who must be responsible for their personal Return to the Ship.

"Secondly. — The Soldiers, who are embarked as Prisoners under Criminal Charges, Vizt. James Clements, John Hogan and John Jordan, are to be kept in close confinement during the Passage, exercising your discretion towards them as to the Indulgence of being occasionally permitted to come on Deck as their Health may seem to require.

"Thirdly. — The Convict Witnesses, whose names are in the Margin, * in number fourteen, are not to be permitted to land or leave the ship, until finally delivered over to the Order of the Rt. Honble. the Secretary of State for the Colonies after arrival in England. These Persons are not to be treated otherwise than as Passengers during the Voyage, unless you should deem it necessary to punish any of them by Confinement in case of improper or suspicious Conduct.

"Fourthly. — The Soldiers, who proceed on board the Harriet as Witnesses, also named in the Margin, † are to be continued on board after arrival in England, in like manner as the Officers under arrest and the Convict Witnesses, until such time as an Order shall reach you from the Secretary of State's Office, by which you are to be guided.

* Patrick Smith, John Fagan, Terence Keenan alias Kiernan, Francis Murphy, Peter Allen, Michael Woods or Collins, John Ryan, Michael Collins or Hurley, Thos. Kelly, William Leo, John Sullivan, Nicholas Savage, John Doyle, Thomas Kelly or Kenner.
"Fifthly.—Immediately on the Ship Harriet's arriving in an English Port, you are to address a letter to the Rt. Honble. The Secretary of State for the Colonies, notifying the number and Description of persons whom you have thus had in charge to you, and requesting to receive his Lordship's Directions respecting those several Persons; by which directions you are to be implicitly governed. And you are at the same time that you make a Communication to the Secretary of State in pursuance of these Instructions to transmit his Lordship a Copy of the same. "I am, &c,

"Government House, Sydney, 18th December, 1817."

"L. MACQUARIE.

Note 165, page 761.

Your dispatch No. 14.

This despatch was dated 3rd April, 1817 (see page 329 et seq.).

Note 166, page 788.

A copy of the memorial will be found in the commentary.

The memorial was as follows:—

"To the Right Honorable The Earl Bathurst, His Majesty's Principal Secretary of State For the Colonies, &c, &c, &c.

"The Humble Memorial of D'Arcy Wentworth, Esquire, Principal Surgeon of His Majesty's Settlements in the Territory of New South Wales, and its Dependencies, Superintendent Magistrate of Police and Treasurer of the Police Fund,

"Sheweth,

"That your Memorialist has served his Majesty for the period of Twenty Eight Years in this Colony, as Assistant Surgeon and Surgeon; during which period he has been employed at all the outquarters of the Territory (with the exception of Van Diemen's Land) and by his long Services has obtained the Rank he has now the Honor to hold of Senior Officer of the Medical Department, which Rank he has attained for the space of nine years. That your Memorialist has Served as Superintendent Magistrate of Police Since the first of January, 1811, at a Salary of Two Hundred Pounds per annum, a Sum totally inadequate to the very important duties and high Respectability of the Office, and to the great and unremitting attention which your Memorialist has unceasingly paid to them. Your Memorialist has also held the Office of Treasurer of the Police Fund, since the 31st March, 1810; in the Performance of the Duties of which, a Sum Exceeding one Hundred Thousand Pounds has passed through your Memorialist's hands, having been paid by him on the Public service; the great trouble and attention, which the due execution of this Office requires, will fully appear to your Lordship by reference to the Police accounts for the Period alluded to, independant of the responsibility, the weight of which Your Lordship will at once appreciate, and which Office your Memorialist has so long filled without Salary, Remuneration, Advantage, or Emolument of any Sort whatever; Your Memorialist is further enabled to state to your Lordship that his Conduct and Services have obtained the entire approbation of His Excellency Governor Macquarie and others of His Majesty's Governors in Chief of this Territory.

"Your Memorialist being now very considerably advanced in Years, His Health materially impaired and in a very precarious State owing to his close application to His Public duties, and being desirous of retiring from Public Life to pass the remainder of his Days in the bosom of his Family, is induced most respectfully to Submit his long and faithful Services to Your
Lordship, in order that your Lordship, if your Lordship should be pleased so to do, may lay the Same before His Royal Highness the Prince Regent, humbly Soliciting that His Royal Highness will be pleased to take the Same into His gracious consideration, and permit your Memorialist to retire from active Service. And that His Royal Highness will be pleased to grant to your Memorialist Such half Pay or Pension, as to His Royal Highness may Seem proper, and as may enable your Memorialist to Support with becoming respectability the High and important Rank he now possesses, and which he has held in this Territory for So many years, he trusts with honor to himself and advantage to the public Service.

"And your Memorialist, &c., &c., &c.,

"D. WENTWORTH."

Note 167, page 795.

Some Grants.

Five grants of land had been made in the Illawarra district by Governor Macquarie by deeds dated 24th January, 1817. These were the first land grants in the district. They were 2,200 acres to David Allan, lying on the south side of Tom Thumb's lagoon, to be known as Illawarra farm; 1,000 acres to Robert Jenkins; 1,300 acres to Richard Brooks; 1,500 acres to George Johnston, senior; and 700 acres to Andrew Allan. The first three grants had frontages to the Illawarra lake, and the last two to the Macquarie rivulet.

Note 168, page 798.

The Expedition of Discovery.

John Oxley set out on his expedition on the 6th of June, 1818, from a depot which had been formed in the Wellington valley. He was accompanied by boats, as on his former expedition, and had nineteen horses. Twelve days later he discovered the cataract of the Macquarie river, and on the 23rd of June, when in the neighbourhood of the site of Warreu, he sent two men back to Bathurst with his report to Governor Macquarie. On the 27th of June he discovered and named mounts Forster and Harris. Four days later, when fifteen miles lower down the river, he, with a small party, proceeded in the large boat to attempt to trace the Macquarie river. He discovered the Macquarie marshes, and, on the 3rd of July, was compelled to turn back, thinking at the time that he was on the fringe of the inland sea. On the 7th of July the whole expedition had returned to mount Harris, where the main party camped for a fortnight prior to setting out for the coast. During this time, a small party under the leadership of G. W. Evans explored the country to the north-east, and discovered the Castlereagh river. After Evans' return, the whole party set out for the coast. On the 21st of July the Marthaguy creek was discovered and named Wallis' ponds. Four days later, the Castlereagh river was reached near the site of Gulargambone. The river being in flood, a week was spent in crossing it. On the 9th of August the expedition was in the ranges lying west of Coonabarabran. On the 2nd of September the Peel river was discovered and named, below the site of Tamworth. This river was ascended for two days, when the Cockburn river was discovered and named. The latter river was followed to its source, the dividing range was crossed, and on the 8th of September the Apsley river, a tributary of the Macleay river, was discovered and named, near the site of Walcha. Little progress was then made for a week, as difficulty was experienced in finding a route. On the 23rd of September, from the summit of a mountain a view of the ocean was first obtained. This mountain was named Seaview, and lies at the head of the Hastings river, which was reached
and named on the following day. The Hastings river was followed, and, on
the 8th of October, the inlet, by which it flowed into the sea, was discovered
and named Port Macquarie. After this, the expedition followed the coast
and G. W. Evans, who was detached at Port Stephens, arrived at Newcastle
on the 5th of November with a report from John Oxley to Governor
Macquarie.

Note 169, page 806.

*Four Sydney Gazettes which contain the Accounts.*

An extraordinary number of the *Sydney Gazette* was issued on Thursday,
the 2nd of April, 1818, containing government and general orders of the
same date. These orders published a copy of the announcement of the death
of H.R.H. Princess Charlotte, which had appeared in a *London Gazette Extra-
ordinary* dated 6th November, 1817, and which had been received by the ship
*Guildford*. Directions were given that—

1. Twenty-two guns, at intervals of one minute, were to be fired from
Dawes point, commencing at 2.30 p.m. on that day, each gun representing
one year of Princess Charlotte’s life;

2. At the same time, the Royal Standard was to be hoisted at half-mast at
Fort Phillip, and the union flag half-mast at Dawes point, and to remain
flying until sunset;

3. These flags were to be flown daily at half-mast from sunrise to sunset
until the following Monday, and the bells at St. Phillip’s church were to be
tolled daily for one hour at sunrise and one hour at sunset;

4. All shipping in the harbour were to fly their flags at half-mast;

5. All bells were to commence tolling at 2.30 p.m., and to continue for one
hour, and were likewise to toll for one hour at sunset;

6. All places of amusement and all shopkeepers, except butchers and bakers,
were to close;

7. All courts of justice and public offices were to close, all public labour
to cease, and all business, both public and private, was not to be resumed
for a week;

8. All civil and military officers and all other persons, “whose Circum-
stances and Situation in Life will enable them,” were to wear mourning,
commencing on Sunday and continuing as long as they would do so in
private life.

9. All civil and military officers wearing mourning were to assemble at
government house at 10 a.m. on the following Sunday, and thence proceed
to a memorial service at St. Phillip’s church.

These general orders were repeated in the ordinary issue of the *Sydney
Gazette* dated 4th April, 1818, and this issue also contained full details of
the death.

In the issue dated 9th May, 1818, there appeared a requisition to Governor
Macquarie for a public meeting to consider the preparation of addresses to
H.R.H. the Prince Regent and H.S.H. Prince Leopold. This requisition was
signed by John Wylde, Barron Field, Wm. Cowper, John Jamison, D. Went-
worth, and J. Oxley.

In the issue dated 16th May, 1818, copies of the addresses (see pages 790
and 791) were published by the request of the meeting.

Note 170, page 807.

*My General Dispatch No. 8.*

This despatch was dated 16th May, 1818 (see page 792 et seq.).
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Note 171, page 822.

Your Dispatch No. 14 and No. 31.

My Dispatch No. 91.

These despatches will be found on page 329 et seq., on page 493 et seq., and on page 385.

Note 172, page 826.

Lieut. King's own Letter.

Lieutenant King's letters giving full accounts of his voyage will be found in a volume in series V. He reported that he had anchored in King George's Sound on the 20th of January, 1818, where he wooded and watered in Oyster harbour, prepared the cutter for the survey, and obtained sights for the watches. This occupied him until the 1st of February, when he commenced the survey. Ten days later he entered Exmouth gulf and devoted a week to its examination. He continued the examination of the coast as far as Depuch island, which he reached on the 6th of March, when he was blown off the land in thick weather. He was then becalmed for a week, and subsequently heavy rains fell for eight or nine days, which tried the health of the crew severely. Whilst off the coast, he examined and named Rowley reefs. He then sailed as far to the eastward as possible, in order to obtain the benefit of the easterly monsoon, which sets in during the month of March. On the 27th of March he commenced a survey from Point Braithwaite. Shortly afterwards he wooded and watered at a well-sheltered bay in Goulburn islands off the coast of the northern territory, where he had considerable trouble with the natives. On the 10th of April, after failing to complete an examination of the islands, he continued the survey of the coast to the westward. He continued the survey until the 31st of May, when he was about forty miles north of Peron's island off the mouth of the Daly river. This survey included the examination of the coasts of Melville island and of Van Diemen gulf, and the discovery of the two Alligator and the Mary rivers. On the 31st of May, finding his water running short, he bore up for Koepang in Timor, where he arrived on the 4th of June. From this port he returned to Port Jackson around Cape Leeuwin and through Bass strait.

Note 173, page 828.

Those Dispatches.

The principal despatch, which reported the details of the expedition under John Oxley, was dated 5th September, 1817 (see page 477 et seq.).

Note 174, page 834.

Dispatch No. 40.—Dispatch No. 13.

The reference in the despatch numbered 40 was to paragraph 14 (see page 716). Despatch number 13 will be found on page 323 et seq.

Note 175, page 836.

Two Trials.

J. T. Campbell was tried by the court of criminal jurisdiction on the 21st of October, 1817, for a criminal libel on the Reverend Samuel Marsden. The action arose out of the following letter, which was published in the issue of the Sydney Gazette, dated 4th January, 1817:

"To The Editor of The Sydney Gazette.

"Mr. Editor,

"Early in the last century the famous South Seas scheme was projected, and ran through its short-lived but disastrous career, all its dreams of golden showers having proved a mere illusion, by the bursting of that
never-to-be-forgotten bubble, which involved in its explosion a great mass of the English Nation, and induced much public distress; leaving all, but the few artful and designing projectors themselves, to deplore too late their credulity and national gullabillity. In our days, a ‘New South Wales Philanthropic Society’ has been formed, and liberal subscriptions entered into for the laudable purpose of extending ‘protection and civilization to such of the Natives of the South Sea Islands as may arrive at Port Jackson.’ Now, Sir, although the circumstances will not perhaps warrant its being also termed a bubble, yet there are some features in the two schemes so much alike that I think an able hand could make no bad parallel between them—‘si fas est magnis componere parva.’ Thus, the South Sea scheme held out the bait or lure of such extravagant profits in the way of trade, that the sordid and mercenary were dazzled at the prospect, and shares originally purchased at £100, were frequently transferred at eight times that amount.

The illusion however lasted but a few months, and all the fabric went to ruin, leaving not a wreck behind. The South Sea Islands Philanthropists in 1813, without the temptation of the gilded pill of wealth uncountable having been held out to them, cheerfully subscribed their money under the assurance that they should have the spiritual consolation at least of having performed charitable acts, and rendered human services to the Natives of the South Sea islands! These were the profits that the subscribers in general had in view:—how they have been realized we now in 1817, all know too well; for, to this day, we have never been favoured even with a single report of the application of the funds; and thus, like the bubbletonian of 1720, after having come down with our dumps, we have had no return, either to our purse, or to the stock of our benevolence, and, ‘for aught that I can learn or read,’ we are not likely to be gratified with such a result.

In former times the active and enterprizing spirit of the Jesuits led them for religion’s sake ostensibly to visit the remote regions of the known world; their zeal for the Church of Rome never slumbered, but they soon superadded thereto the lust of wealth, power, and dominion; and that fraternity commencing in holy and religious zeal, degenerated into temporal factions, which at length wrought their own downfall, and relieved Europe from their domineering and tyrannical usurpation of the exclusive trade of those Settlements where they had established themselves. Now a missionary spirit of a somewhat more humble class has pervaded the Islands in the South Seas, introducing with it the art of distillation, and that tiny race of animals, which on being boiled, do not prove to be lobsters! An ardent thirst for the influence of this spirit, at this time pervades the inhabitants of all the Islands of the Pacific, with which we have any intercourse; and pigs, and pine trees, New-Zealand flax, &c., are the return made in full tale for the comforts of the spirit instilled into them, and by which we are inspired. The active exertions of him who is the worthy head of these sectarian visionaries or missionaries (whichever you please, Mr. Editor), in propagating the Gospel by such means, and the transmission from time to time of muskets and cutlasses, will, no doubt, redound much and highly to the honour of the Christian Mahomet and of the church so planted, whilst the pecuniary advantage of the chosen few will not be altogether overlooked. But what availeth all this Mr. Editor, to you and me, in the common class of the subscribers? Those, who bolt the pork and the profits, should in my opinion un-bolt their coffers and bear also the expenses of their Gospel venders and bacon curers; and for myself I shall be well content to see them possessed equally of the exclusive honour of evangelizing, by such means, the New Zealanders, the Otaheitans, the Gimeoaans, &c., &c. But to be very candid with you I do not wish to see men in any garb, or under any mask or pretence whatever, arrogate to themselves such consequential airs
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of importance for acts of public beneficence, which they have never exhibited in their private lives; and still less, if possible, in their public characters towards the abject Natives of New South Wales. True it is, that these people are not yet qualified or enabled to make other returns than those of humble gratitude and peaceful demeanour; and these, perhaps are not worthy of being recorded, in the faithful pages of an Eclectic Review, with the exalted deeds of the evangelizing heroes whose never dying names are there trumpeted forth.

"Although this may be the case, I am notwithstanding one of those who wish to introduce civilization, and the pure doctrines of the Christian religion, among the sable sons of Australia, maugre all the objections started by vulgar prejudice, or sordid views of personal aggrandizement; and I do not hesitate to say, that I feel it an imperious duty, owing to those among whom I live and have my subsistence, to make the effort to reclaim these children of Nature, even if that effort were to be rendered nugatory by any circumstances whatever. This leads me to inform you, and by that means the Public also, that in a conversation lately with some other members of the New South Wales Bubble (the trading concerns thereof being duly excepted from that appellation), it appeared to be the general wish that the subscriptions should be restored and appropriated to the establishment of schools for the children of the poor within the Colony, and the diffusion of Christian Knowledge among the heathen Natives. A Bible and general Book Society is I understand in contemplation, to be connected with the school institutions; and by these means (if even the advantage of the library originally destined for the poor, by its humane donors, should continue un-available), the great and glorious object of dispelling the dark and gloomy clouds of ignorance under which it has pleased Providence to permit the Aborigines of this Colony to remain unto the present time, the nineteenth century of the Christian era, and the twenty-ninth year of the British settlement on its shore, may be happily effected.

"I can assure you, Mr. Editor, that many of the wisest and best men among us are most zealously anxious for such establishments being commenced upon; and I have the vanity to think, that even the desultory remarks made in this hastily drawn up letter, written in my cabin, without the aid of books (for my little collection went a pilgrimage, I have been told, to the Friendly and Society Islands), will tend to remove some ill-founded prejudices, to confirm liberal and generous dispositions, and to open the eyes of all to a sense of duty and Christian charity towards our adopted country, and its harmless though uncivilized natives.

"PHILO FREE,

"4th January, 1817."

"a Settler at Bradley's Head."

On the third day of the trial, the court found that Campbell was "Guilty of having permitted a public letter to be printed in the Sydney Gazette, which tended to vilify the public conduct of Mr. Marsden, the prosecutor, as the agent of the Missionary Societies for propagating the gospel to the South Seas, which it was in the power of the defendant, in his official capacity of secretary to his excellency the governor of the territory, to have prevented the publication of."

The trial was criticised fully by J. T. Bigge in his Report on the Judicial Establishment of New South Wales, page 22 et seq.

A remarkable account of the trial was published in the issue of the Sydney Gazette dated 1st November, 1817. In a despatch, numbered 12 and dated 14th July, 1820 (see volume X), Governor Macquarie was called on by Earl Bathurst to report on its publication. The account was as follows:—

"The Trial for a Libel, which in our last Gazette we pledged ourselves to present our Readers with an account of, occupied the Court the whole of
Tuesday the 21st, Wednesday the 22d, and Thursday the 23d ultimo. The information was filed at the instance of the Reverend Samuel Marsden against J. T. Campbell, Esq., Secretary to this Government, charging the defendant with having written and published in the Sydney Gazette of the 4th of January last, a letter with the signature of Philo Free, and which the Reverend Prosecutor contended contained libellous matter against him, in his clerical and magisterial capacities, and as the agent and representative here of certain Religious Societies in England. It is unnecessary to detail the testimony of several witnesses brought forward on this occasion, particularly as they failed in establishing any of the points at issue, or in meeting the allegations set forth in the information; and the prosecution was at length left to rest on a letter written by the defendant to the Honorable the Judge Advocate, in the blush of this business, in which letter the defendant is seen to ascribe the insertion of Philo Free's letter to the unusual pressure of public business, which so wholly engrossed his attention on the day the manuscript of that letter was laid before him, that on a hasty review of it his observation was principally directed to the opening and concluding passages; and which, as they embrace a subject he was desirous to see revived, namely, the appropriation of the sums paid about four years since by the subscribers to the Philanthropic Society of New South Wales, he did not discriminate so closely the intermediate passages, as under other circumstances he might have done.

"The construction of Courts of Justice in cases of libel, and the authorities by which they are guided in their proceedings, are so generally indefinite, that it is a point of extreme difficulty to determine what is, or what is not admissible evidence; and it would be the height of presumption in us to attempt to set up our humble opinion against the superior wisdom which decided the point in this case; but if we were to venture to hazard an enquiry, it would be whether this letter, addressed as it was by the defendant to a Law Officer in his official department, could allow of any other impression than that of presumed testimony as to the defendant's having had any part in the publication of Philo Free's letter—to say nothing of the authorship, which was abandoned in a very early stage of the trial. To this, we trust, we may be suffered to add, that there were but very few persons, who heard the defendant's letter read in Court, that could for a moment attach the imputed culpability to the defendant, or deduce from it one solitary circumstance that went to give a colour to the prosecution against him.

"The Court went through the whole of this complicated enquiry in all its various bearings and stages, with great patience, and the most solemn and cautious circumspection; and on the third day pronounced their verdict, finding the defendant guilty of having permitted a public letter to be printed in the Sydney Gazette, which tends to vilify the public character of the Prosecutor, as the Agent for the Missionary Societies for propagating the Gospel in the South Seas. This was the Verdict; and judgment was deferred until the Tuesday following.

"In viewing this as a Special Verdict, subject from its peculiar construction to legal exceptions on a motion for Arrest of Judgment, we must necessarily be guided by the established Law of the Realm in cases of Libel; which we believe of late years has decided, that the Verdict of the Jury should be unqualified, and declare the defendant guilty or not guilty, generally. The Verdict in this instance pronounced the defendant guilty of having permitted the printing of a letter in the Sydney Gazette, tending to vilify the public conduct of the Prosecutor, not in his clerical or magisterial capacities, but as the Agent for the Missionary Societies for propagating the Gospel in the South Seas. The Verdict does not declare that it did vilify, but that it tended so to do. This did not meet any charge set forth in the Information, which was for writing and publishing the letter
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in question, as a libel on the prosecutor in his various capacities. May we not fairly infer, from the general content, and qualified shape of the verdict, in what light and to what extent the Honourable Court estimated the injury complained of?

"It does not, however, appear that the defendant had any desire to avail himself of any legal exceptions to the verdict, or to calculate upon any advantage that he might have taken on a motion for arrest of judgment; on the contrary, he attended the Court on the day fixed for judgment, and moved by his Solicitor, for judgment; but the prosecutor's Solicitor intercepted the motion, by stating, that he stood instructed by his client to say that it was not his wish to call for judgment. The defendant's Solicitor, however, persevered with his motion, and very earnestly prayed the Court to proceed to judgment instanter; whereupon the Court retired to deliberate, and resuming declared that they did not consider themselves warranted by the practice of the Courts in England to grant the defendant's motion for judgment, seeing that it was abandoned by the prosecutor; and therefore dismissed the matter before them, by granting the defendant permission to depart the Court, and ordering his recognizances to be discharged."

"Thus ended the first Trial for Libel in this Country; and if we may judge of the anxious manner in which the defendant sued for judgment, in order, as his Solicitor stated, that the opinion of the Court might go forth into the world, as to their sense of the offence complained of, and the share the defendant had in committing that offence, we think we may be at liberty to yield to the impression, that the defendant's feelings would have been more highly gratified had the Sentence of the Court been formally pronounced and recorded."

After the conclusion of the criminal trial, a civil action was taken by the Reverend Samuel Marsden. This was tried by the supreme court on the 1st of December, 1817, and resulted in a verdict for the plaintiff in the sum of £200. The two trials cost J. T. Campbell the sum of £476.

Further particulars relating to these two trials were forwarded by Governor Macquarie to Earl Bathurst as enclosures to despatches dated 31st March, 1819, and No. 8 of 20th March, 1821 (see volume X).

Note 176, page 836.

Your General Order of the 31st January.

The general orders were dated 15th January, and were as follows:—

"Government House, Parramatta,

"Wednesday, 15th January, 1817.

"The Attention of His Excellency the Governor having been called by the Honorable the Judge Advocate to the Consideration of a public Letter inserted in the Sydney Gazette of the 4th Instant, signed ' Philo Free,' and of the several Communications which have since passed on the Subject between the Judge Advocate, Mr. Secretary Campbell and the Rev. Samuel Marsden; His Excellency deems it necessary, in Justice to his own Feelings, as also to the highly respectable and benevolent Persons and Societies engaged in Missionary Labors and Purposes, which have ever received his public Support and Sanction, thus publicly to express his Disapprobation of the Letter referred to, and his Regret that it should inadvertently, from the great Pressure of Government Business in the Secretary's Office have got Admission into the Gazette; from which His Excellency would thus publicly withdraw all of Government Sanction, Authority, or Concurrence, its Insertion might perhaps otherwise be considered to have bestowed.

"LACHLAN MACQUARIE.

"By Command of His Excellency,

"J. T. CAMPBELL, Secretary."
A letter from Mr. James Badgery.

A copy of this letter, which was written from Exeter farm, South creek, will be found in a volume in series II. In this letter, James Badgery detailed his arrival and settlement in the colony under the patronage of Sir Joseph Banks and colonel Paterson. He stated that, during his residence in the colony, five children were born to him. To each of these children lieutenant-governor Paterson made a land grant, when he was administering the government in 1809, after the arrest of Governor Bligh. After the arrival of Governor Macquarie, these land grants, as well as all others issued by the insurrectionary administrators, were called in, and the grant of two hundred acres, issued to James Badgery’s son Andrew, was cancelled. Badgery, in consequence, petitioned Earl Bathurst for a confirmation of the grant.

The copy of this despatch, which is preserved in the record office, London, is dated 17th November, 1818. The copy at government house, Sydney, is dated — December, 1818.
SYNOPSIS.
# SYNOPSIS OF DESPATCHES.

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