INTRODUCTION.

LACHLAN MACQUARIE.

In the introductions to volumes VIII and IX, the most important events in the life of Governor Macquarie have been noted, and his administration in matters of trade and finance, and his policy with regard to the emancipists and the public works of the colony have been criticised.

Before proceeding to discuss the influence of Macquarie over the judicial and convict systems, it is necessary to draw attention to some general factors which had considerable weight during his administration.

In the first place, the colony had been founded on the principle of a military occupation, in which the governor was supreme. The court of criminal jurisdiction had been established with a marked similarity to a military court martial. The presiding officer was called the judge-advocate, and the members of the court were officers holding naval or military commissions. Even when the new charter was promulgated in 1814, it was considered advisable to maintain the title of judge-advocate in order to preserve a semblance of military domination.* Such a constitution had been fairly satisfactory in the early days, but as, during the Macquarie era, the non-convict population increased and legal criticism became available, it was a source of much dissatisfaction, with which Macquarie was little suited to cope.

Secondly, before Macquarie's arrival, there had been no opportunity of obtaining good legal opinions in the colony, and illegal practices had grown up. During his government, Macquarie's actions were subjected to the criticism of educated lawyers, such as the Messrs. Bent, judge-advocate Wylde, and judge Field. Many practices which had formerly been accepted unchallenged were then found to be illegal. Macquarie, who had at an early period adopted the maxim quod gubernatori placet, legis habet vigorem, was somewhat intolerant of all attempts to place limitations on his virtual dictatorship. This intolerance was the source of friction and misunderstandings, as Macquarie was unable to modify his ideas to meet the finer points of the legal mind. It was

* See note 27, volume IX.
also the origin of his dispute* with judge-advocate Bent with regard to the port regulations. Macquarie was more tolerant, when, in 1818, judge Field questioned† the right of the governor to levy duties, on the ground 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." This question was referred to England, and the attorney and solicitor general gave it as their opinion‡ "that, the part of New South Wales, possessed by His Majesty, not having been acquired by conquest or cession, but taken possession of by him, as desert and uninhabited, and subsequently colonized" from England, the King had no right, through the medium of his governor, to make laws for levying taxes. This decision struck at the very root of a large part of the practice of issuing government and general orders.

Thirdly, during Macquarie's government, the standard of public morality was at a low ebb. A salaried solicitor of the crown, W. H. Moore, did not think it derogatory to write§ to the governor a statement, which was intended to convey the impression that he had virtually forged his brother's signature||; and this action was taken entirely to obtain some personal benefits. The secretary to the governor, J. T. Campbell, did not consider it dishonourable to make use of his official position as censor of the Sydney Gazette in order to publish a libel on the Reverend Samuel Marsden, for which he was tried and mulcted in damages¶; even after the trial he aggravated his offence by permitting to be published, or perhaps actually by publishing, in the same paper, a garbled account of the proceedings at the trial. Free settlers did not hesitate to make misrepresentations with regard to their financial positions in order to obtain larger land grants than they were entitled to receive. A few months after Macquarie's departure, judge-advocate Wylde and judge Field gave evidence of similar elasticity of conscience when they united in supporting the illegal actions of the bench of magistrates at Parramatta in the case of Henry Grattan Douglass.**

It is clear therefore that Macquarie occupied a difficult position, and was confronted with many intricate problems in maintaining the balance of justice. But his ill-regulated judgment caused him to commit many errors in his relations with the judicial system.

* See page 394 et seq., volume VIII. † See page 774, volume IX. ‡ See note 45. § See page 331, volume IX. || See note 111, volume IX. ¶ See note 175, volume IX, and page 443 et seq. ** See page 763.
When Governor Macquarie arrived in the colony, justice was administered in accordance with the letters patent* establishing the courts of law, dated 2nd April, 1787. The civil law was administered by the court of civil jurisdiction, which consisted of the judge-advocate, appointed by royal commission, and "two fit and proper persons inhabiting" the territory, appointed by the governor by separate precept for different sessions. The nominees of the governor thereby constituted the majority of this court. From the decisions of this court appeals could be made to the governor sitting in court of appeal. The administration of the criminal law was entrusted to the court of criminal jurisdiction, which consisted of the judge-advocate, appointed by royal commission, and "six officers of his Majesty's forces by sea or land," appointed by special precept of the governor for each session of the court. The governor also had unfettered authority to appoint and dismiss justices of the peace, who possessed similar powers and jurisdiction to magistrates in England.

On the 12th of August, 1814, new letters patent† were published in the colony, by which the administration of the civil law was altered. For the settlements in New South Wales, two courts were established—the governor's court and supreme court—with separate jurisdictions.‡ The governor's court consisted of the judge-advocate and two fit and proper persons resident in the territory, appointed by the governor by special precept. The supreme court was constituted by the judge, appointed by royal commission, and two magistrates of the territory, appointed by the governor by precept. Appeals from the decisions of the supreme court were allowed in certain cases§ to the governor, assisted by the judge-advocate.

It is clear that the governor possessed great influence by his power to appoint the majority of the members of the courts, in each instance for short periods, i.e., the duration of particular sittings of each court, and by his unlimited power to appoint and dismiss justices of the peace. Governor Macquarie never used this enormous influence to control decisions of the courts in causes tried; but he attempted to use it to control their procedure, and thereby to further his emancipist policy.

* See volume I, series IV. † See volume in series IV. ‡ See notes 34 and 121, volume VIII. § See note 154.
He appointed four emancipists* to the commission of the peace, and, on different occasions, he appointed one as a member of the supreme court and another as a member of the governor’s court. Such actions cannot be justified; for the idea of entrusting a part of the administration of justice to one who himself had been convicted of an offence against the laws of his country is repugnant to the principles of British justice. The appointment of Simeon Lord as a member of the supreme court was probably the most serious error. Lord’s nomination to the commission of the peace had been adversely criticised by the secretary of state, and resented by many persons in the colony. Macquarie himself, at this very time, considered that Lord’s private occupations were derogatory to his position as a magistrate. These appointments could only have the one result, namely, the lowering of the dignity and respect of the magistrates and the law courts in the popular estimation.

Governor Macquarie also endeavoured to secure to emancipists the right to practise in the law courts, and, in doing so, he tried to control the procedure of the courts. Before the year 1814, emancipists who, before conviction, had received a legal education, were permitted to practise in the courts, in consequence of the entire want of properly qualified solicitors in the colony. In accordance with this custom, at the first sittings of the supreme court,† commencing on the 1st of May, 1815, petitions for admission to practice were received from George Crossley, George Chartres, and Edward Eagar, each of whom had arrived in the colony under sentence of transportation. Two of the petitioners, Crossley and Eagar, had practised in the old court of civil jurisdiction; but their admission to the practice of the supreme court was not necessary, for two solicitors had been appointed in England for service in the colony, although at that date one had not arrived in the colony. When these petitions were received, the judge, J. H. Bent, held that a person once convicted of felony was for ever barred from admission to practice in the law courts; the members of the court, William Broughton and Alexander Riley, the governor’s nominees, were, however, not prepared to adopt this principle as a rule of the court, and desired to consider each application on its merits. Before the meeting of the court, two of the petitioners had made the same request to Governor Macquarie, and he had officially recommended the plea of the memorials to J. H. Bent, who had

*See page viii et seq., volume IX. †See page 479 et seq., volume VIII.
stated in reply that he had strong objection to their admission as attorneys. The members of the court were aware of Macquarie's opinion prior to their receiving the petitions, and probably were influenced by it. On the 15th of May, a rule* was also adopted by the governor's court, which refused admission in that court to emancipists. Governor Macquarie was absent at Bathurst when the petitions were received by the supreme court. On his return, he used all his influence to persuade the courts to consent to the admission of the applicants, but without success, for the judge-advocate and judge refused all compromise on the principle they had adopted. In consequence of this dispute, J. H. Bent adjourned the sittings of the supreme court until an expression of opinion could be obtained from the secretary of state. In his reply† to Macquarie's despatch on the subject, Earl Bathurst fully endorsed the opinions put forward by the judge-advocate and judge, but at the same time censured them for the manner in which those principles had been brought forward and acted upon, and for that reason ordered their recall. As the direct result of this dispute between Macquarie and J. H. Bent, the trials of all causes in which the amount involved exceeded the sum of £50 sterling were suspended for two years, with great injury and inconvenience to the colonists.

In his administration of the convict system, Governor Macquarie committed many errors of judgment. During his government, it became necessary to develop a rational and workable system for the management of the convicts, as the influence of the convict class on the character of the community had become very great. Previous to the year 1810 less than twelve thousand convicts had been transported to the colony, whilst during Macquarie's government alone the numbers were more than twenty-one thousand. To find employment for and to regulate the conduct of this large number of convicts were the problems which confronted Macquarie.

At this period, convicts who had been transported to the colony were not lodged in gaols and taken out in gangs for their daily labour. The gaols were reserved for the imprisonment of those persons who had committed crimes in the settlements; whilst the transported convicts, employed in the towns, resided, before the year 1819, in scattered huts and houses, and, except during the

* See page 542, volume VIII. † See page 107 et seq., volume IX.
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hours of labour, were practically allowed their freedom. Under such conditions, it is apparent that the convict class had great influence on the community when the number of free people was small as compared with the number of convicts. The defects in the system evolved by Macquarie may probably be best demonstrated by a brief sketch of the methods adopted.

On the arrival of a transport ship in the harbour, the convicts were mustered on board in the presence of the governor's secretary, and inquiries were made as to their treatment on the voyage, their former trades or occupations, and other particulars. On this information, based on the irresponsible statements of the convicts themselves, the superintendent of convicts decided on the destination of each prisoner. After their debarkation, the convicts were inspected and addressed by Governor Macquarie. In the course of his address, he stated that no reference would be made to their past, and that "their future conduct" would "alone entitle them to reward or indulgence." This speech had a bad effect, as the convicts on their first arrival realised that all classifications or punishments by hard labour, according to the degrees of their crimes, were abolished.

There were two channels for the employment of convicts, assignment to settlers and other individuals, and employment in the government gangs; but the distribution was made entirely without reference to the crimes for which they were transported.

Free labour was scarce in the colony, and applications for the assignment of convicts as labourers and servants were made by settlers and other inhabitants. Applications at first were addressed to the governor's secretary, but later to the principal superintendent of convicts. The assignment was at first made by lottery, but, when this practice fell into disuse, the whole duty was left in the hands of the principal superintendent, William Hutchinson. He was free to act at his discretion, as the governor seldom interfered with a selection.

Convicts were also assigned to overseers and clerks in lieu of salaries. Such a convict was victualled by government, and was allowed his freedom by his master on payment of a weekly sum of ten shillings, which was reduced to five if he gave up his government ration to his master.*

* See first report by J. T. Bigge, page 17.
The assignment system led to many abuses. Wives of convicts frequently followed their husbands to the colony, and obtained their assignment; husbands followed the same practice when their wives were convicts. Convicts with money obtained their assignment to one of the poorer settlers, and then, usually by payment of a weekly sum, obtained exemption from all labour. By these means many of the terrors of transportation were removed. The rigours of assignment at other times depended on the temperament of the masters; one settler was inclined to treat his assigned servants with lenience and indulgence, another with harshness and severity. Assignment of female convicts was also the cause of much immorality.

Employment in the government gangs was dreaded by the convicts in the first years of this period. Macquarie's passion for the erection of large public buildings created a demand for mechanics, and these were in consequence absorbed in the government gangs, and it was a difficult matter and esteemed a great favour for a settler to obtain the assignment of a skilled labourer. To avoid employment in a government gang, convicts frequently concealed their true trades.

In the year 1811, Governor Macquarie abolished the employment of convicts in agriculture on government account, and did not renew it until he established the penal agricultural settlement at Emu plains at the end of the year 1819. The consequence of this was that all convicts in the employ of government were congregated in large gangs in the towns, with the exception of those engaged in the construction and maintenance of the public roads. For many years no suitable building was provided for the accommodation of these gangs at Sydney, and the convicts were allowed to billet themselves in various parts of the town. Such a system caused an almost total lack of control and supervision, and it was not until the opening of the convict barracks near Hyde park on the 4th of June, 1819, that discipline was possible. The effects of a system which allowed to hardened criminals their freedom at night time can be readily imagined, and many crimes were caused by the want of discipline.

The large town gangs were chiefly employed in the erection of public buildings. If these buildings had been necessary, the cost of the maintenance of such large bodies of convicts would have been
INTRODUCTION.

justified. But many of the buildings were too large and too ornamental for the requirements of the colony, and the expenditure therefore was unnecessary. Undoubtedly the convicts could have been employed more profitably in the clearing of land for settlers, as they were during the government of Sir Thomas Brisbane, or in agriculture, thereby contributing to their own maintenance.

Convicts of the educated class, who were unused to manual labour, were usually granted tickets-of-leave soon after their arrival, if they showed a reasonable prospect of being able to support themselves. By this practice, they were set at large in the colony and liberated from all discipline and control.

Before leaving England, Governor Macquarie’s attention had been drawn to the want of classification of the convicts, and the indiscriminate mixing of all classes irrespective of their degrees of crime. He commenced with the humanitarian object of making the settlements a place of reform, where offenders against the laws of their country might rehabilitate themselves in the eyes of their fellow-men. He failed in the first inception of a system for such purposes by neglecting to segregate the hardened criminal, or one undergoing a second or third term of transportation from England, from association with one who had been transported for a momentary lapse or minor offence against the law. Convicts undergoing a sentence of transportation passed by the colonial courts were, however, removed to Newcastle and, in the last few months of Macquarie’s administration, to Port Macquarie. With these exceptions, the most hardened criminal had unfettered association with the novice in crime.

The superintendence of the convicts was weak. Many of the superintendents, overseers, and clerks in charge of road gangs were convicts themselves, and, in the year 1818, out of one hundred and seven, only thirty-eight were free. Macquarie had frequently requested, without success, the appointment of properly qualified persons from England, but at the same time his opposition to the immigration of free persons reduced the numbers available in the colony. These men were remunerated chiefly by the assignment of convicts to themselves, as has already been noted.

Want of efficient control was the cause of much idleness and desultory work amongst the government gangs. In the year 1817,

* See page 206 et seq., volume VII.
a system of task work was introduced, with Governor Macquarie's somewhat unwilling consent. Wherever practicable, certain weekly tasks were allotted to the men. This task work was fixed on a scale considerably below that accomplished by a free man, and, as soon as each convict had fulfilled his weekly task, he was allowed to employ himself to his own advantage. This policy caused a considerable speeding up of the public works, and at the same time allowed the settlers the opportunity of gaining a limited amount of skilled labour from the convict mechanics in their own time, as most of the convicts were able to fulfil their weekly task by Wednesday evening. The change was also appreciated by the convicts; in place of the former aversion to being employed in government gangs, such employment was eagerly sought by all convicts, and servants assigned to settlers became restless and dissatisfied and used every means to obtain their "return to government." The result was that the settlers, after first appreciating the new system, found it unworkable, and it was finally abolished and a reversion made to the old system of day labour with its associated slackness.

The indulgences to convicts according to colonial custom were of three kinds—tickets-of-leave, and conditional and absolute pardons. All these were in the gift of the governor. A ticket-of-leave enabled the recipient to follow any occupation he desired, provided he remained within a certain named district. A conditional pardon granted the holder his freedom within the limits of the territory. An absolute pardon gave the recipient his full freedom and the right to return to England.

Prior to June, 1811, the granting of these indulgences was not regulated; but on the 22nd of that month, Governor Macquarie declared that no remissions of sentence would be granted except after a long and uninterrupted period of good conduct; that convicts for life must serve "several years"; that convicts for limited terms must serve at least half their sentence; and that tickets-of-leave would not be granted until the applicants had served three years. In the year 1813, Macquarie made additional regulations.* He declared that no absolute pardons would be granted to convicts for life until they had resided fifteen years in the colony, or to

*See page 782 et seq., volume VII.
convicts for limited terms until they had resided for three-fourths of the sentence; and that no conditional pardons would be granted in similar cases until after a residence of ten years and two-thirds of the sentence respectively. Applications for such indulgences were at first received by Governor Macquarie at any time; but, owing to the inconvenience caused by the number of applicants, one day a month, and later only the first Monday in December of each year, was set apart for the hearing of the petitions. Applications were suspended for three years, 1816, 1818, and 1820, on the principle of expediency.

In announcing these regulations, Governor Macquarie stated that he was determined not to deviate from them. The regulations were indeed excellent; but Macquarie nullified them by his own actions, for in eight years (1813-1820), out of two thousand seven hundred and thirty indulgences granted, seven hundred and ten were made contrary to his own regulations.

Governor Macquarie also adopted the practice of granting indulgences as rewards for some particular labour or enterprise. Some of these were well deserved, such as the seven absolute and five conditional pardons granted to men who accompanied John Oxley on his explorations. Possibly the three absolute and thirty-five conditional pardons and one ticket-of-leave given to men employed in making the first Bathurst road were also justifiable; but the seven emancipations granted merely for the use of horses and carts in the construction of that road, without any personal service whatever, were tantamount to the sale of pardons. Also the eight emancipations granted for assisting with carts and one horse each in the transport of baggage and provisions for Governor Macquarie on his visit to Bathurst in 1815, a service which lasted only five weeks without any danger, were quite unmerited rewards.

Indeed, there seems only one conclusion to draw with regard to Macquarie's administration of the settlements as a penal colony, and that is that his system for the management of convicts and his policy with regard to emancipists were too ill-regulated and ill-balanced to be continued, or to confer any lasting benefit on the progress of the colony.

The methods adopted by Governor Macquarie in making land grants were extremely lax, and were the cause of much subsequent
confusion. By the ninth paragraph of his instructions,* he was ordered to make periodical returns of land grants to the commissioners of the treasury and to the committee of the privy council for trade and plantations. Such returns were transmitted with despatches, dated 30th April, 1810, 18th October, 1811, and 17th November, 1812. No further returns were made until he was instructed† to do so in March, 1821, in consequence of an order made by the House of Commons. There does not appear to be any explanation for this neglect to comply with his instructions. In the meantime, he had been most lavish in granting lands, as will be seen from his return‡ to the 25th of March, 1821. Apart from the grants actually completed, at the time of his departure he left a balance of unexecuted grants, whose area aggregated three hundred and forty thousand acres. Most of these lands were occupied merely on a promise.§ they were unsurveyed, and in several cases dealings in them had been transacted. Many of the titles to town allotments were also incomplete. The result of such a system was chaos, which gave rise to innumerable lawsuits. Many years later, these promises of land grants and permissive occupancies were considered and finally settled by the court of claims.

During Macquarie’s government, the administration of the colony was the subject of severe criticism in parliament, in the English press, and in a pamphlet|| published by the Hon. H. Grey Bennet. Part of the criticism was due to misrepresentations sent to England, but much of it was justified. In January, 1819, John Thomas Bigge was appointed a commissioner to inquire into the state of the colony. He was also instructed to investigate the conduct of all officials. Macquarie seems to have resented this in his own case, and he took exception to the question put to most witnesses, whether they had any complaints to make against the governor. The relations between Bigge and Macquarie were therefore much strained on several occasions. Bigge was endowed with plenary powers to make recommendations to the governor for immediate reforms, and, if they were not adopted, Macquarie was directed to submit a full report of his reasons to England. Such recommendations were refused by Macquarie on two important

* See page 193, volume VII. † See page 408. ‡ See page 560 et seq. § A striking example of such a promise is quoted in note 136. || See note 58.
occasions, namely, at the time of the appointment of William Redfern to the magistracy, and on the question of the removal of headquarters at Port Dalrymple. In both cases, Macquarie's judgment was wrong and Bigge's recommendations were correct. In making his investigations, Bigge adopted the practice of taking evidence without putting the witness on his oath, and it is probable that a certain amount of malicious testimony was given. Macquarie took strong exception to this; but Bigge continued it, as he considered it probable that the witnesses would thereby give their evidence with greater freedom. Notwithstanding possible mistakes that may have crept in from this cause, it is certain that the reports submitted to parliament by J. T. Bigge led to innumerable reforms of immense value to the colony, which were introduced during the government of Sir Thomas Brisbane. The reports engendered much bitterness and ill-feeling in Macquarie, and it was even suggested in the colonial press at the time that they hastened his death.

The exercise of unlimited authority for such an extended period as nearly twelve years undoubtedly had great influence over Macquarie's character, and made the autocrat more autocratic than before. Yet towards the close of his administration his energy was waning, and of this he gave expression in a despatch* to Earl Bathurst, dated 29th February, 1820. The presence in the colony of the commission of inquiry probably also led him to defend some of his administrative acts and to modify his views. In a despatch† dated 31st August, 1820, he wrote a defence of his reasons for refusing certain land grants, and in another despatch‡ dated 28th February, 1820, a defence of his erection of the general hospital. He reversed his views entirely with regard to the location of the courts§ in the principal surgeon's quarters at the general hospital, and his employment of convicts in agriculture|| on government account.

During Macquarie's government the colony was in a condition of transition. It was emerging from the position of a penal settlement on an isolated coast to a growing colony awaiting methodical development. A master mind might have hastened its development; might have recognised that the status of a purely penal settlement was no longer tenable, and that a free population, as

* See page 291. † See page 343. ‡ See page 283. § See note 69. || See note 93.
distinct from the emancipist class, should be encouraged; and might have shaped its destinies accordingly. But Macquarie did none of these things. The chief causes of his failure were his ill-balanced judgment, his hastiness and obstinacy, which made him intolerant of advice and unwilling to modify his views, when criticised, or to acquiesce in the limitation of his powers by accredited legal opinions. As a man, he was honourable and upright, energetic and determined, and won the respect of the large class he befriended. As an administrator, he developed the purely material side of the colony, he encouraged the foundation of a rational financial system, and he removed some of the disabilities of trade and commerce. But in the larger issues Macquarie failed. Probably the most important result of Macquarie's administration was the fact that it made the British ministry realise that a government by one man, unaided and with autocratic powers, was no longer feasible in the colony.

FREDK. WATSON.

January, 1917.
DESPATCHES.
During the year 1819, the following persons received Earl Bathurst's permission to proceed to New South Wales, and Governor Macquarie was notified of the same in letters dated as under:—

<table>
<thead>
<tr>
<th>Date of Letter</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 February</td>
<td>David Wood</td>
</tr>
<tr>
<td>17 March</td>
<td>Mr. William Routh</td>
</tr>
<tr>
<td>1 May</td>
<td>Mr. George Tate</td>
</tr>
<tr>
<td>20 May</td>
<td>Miss S. and E. Jenkins</td>
</tr>
<tr>
<td>20 May</td>
<td>John Mouten</td>
</tr>
<tr>
<td>25 May</td>
<td>Sarah Wilmott</td>
</tr>
<tr>
<td>28 May</td>
<td>Mr. William Eldridge</td>
</tr>
<tr>
<td>1 June</td>
<td>J. M. Byfield</td>
</tr>
<tr>
<td>1 June</td>
<td>Mary Flintham</td>
</tr>
<tr>
<td>14 June</td>
<td>Michael and James Stack</td>
</tr>
<tr>
<td>18 June</td>
<td>Mr. Franks</td>
</tr>
<tr>
<td>12 August</td>
<td>Jeremiah Briant</td>
</tr>
<tr>
<td>12 August</td>
<td>Robert Hall</td>
</tr>
<tr>
<td>3 September</td>
<td>John Robinson</td>
</tr>
<tr>
<td>3 September</td>
<td>Maria Morris</td>
</tr>
<tr>
<td>14 September</td>
<td>Francis Meara</td>
</tr>
<tr>
<td>16 September</td>
<td>Miss Elizabeth Garling</td>
</tr>
<tr>
<td>18 September</td>
<td>Mr. W. Y. Mornington</td>
</tr>
<tr>
<td>20 September</td>
<td>Miss J. M. Speed</td>
</tr>
<tr>
<td>12 October</td>
<td>Mr. W. H. Pritchard</td>
</tr>
<tr>
<td>26 October</td>
<td>Mrs. Marianne Frost</td>
</tr>
<tr>
<td>6 December</td>
<td>Mr. Matthew Gibbons</td>
</tr>
</tbody>
</table>

*Note 1.*
ASSIGNMENTS OF CONVICTS.*

During the year 1819, letters, which enclosed the assignments of convicts (not available) per the ships named, were sent to Governor Macquarie bearing dates as under:

<table>
<thead>
<tr>
<th>Date of Letter</th>
<th>Ship</th>
<th>Number of Convicts</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 April</td>
<td>Canada</td>
<td>136 Male</td>
</tr>
<tr>
<td>28 April</td>
<td>John Barry</td>
<td>142 &quot;</td>
</tr>
<tr>
<td>1 May</td>
<td>Grenada</td>
<td>152 &quot;</td>
</tr>
<tr>
<td>21 May</td>
<td>Lord Wellington</td>
<td>87 Female</td>
</tr>
<tr>
<td>5 June</td>
<td>Atlas</td>
<td>156 Male</td>
</tr>
<tr>
<td>14 June</td>
<td>Malabar</td>
<td>170 &quot;</td>
</tr>
<tr>
<td>30 July</td>
<td>Recovery</td>
<td>188 &quot;</td>
</tr>
<tr>
<td>22 September</td>
<td>Eliza</td>
<td>160 &quot;</td>
</tr>
<tr>
<td>1 October</td>
<td>Prince Regent</td>
<td>160 &quot;</td>
</tr>
<tr>
<td>26 October</td>
<td>James</td>
<td>61 Female (V.D.L.)</td>
</tr>
</tbody>
</table>

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

18th January, 1819.

[A copy of this despatch, which was acknowledged on the 29th of February, 1820, is not available.]

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 1, per ship John Barry; acknowledged by Governor Macquarie, 22nd February, 1820.)

Sir,

Downing Street, 30th January, 1819.

The Prince Regent, having had under his consideration the actual Circumstances of the Colony under your Government, more particularly with a view of ascertaining how far in its present improved and increasing State, it is susceptible of being made adequate to the Objects of its original Institution, has been pleased to direct that a special Commissioner† should proceed to New South Wales, and should there conduct the enquiries necessary to this important Object.

The Gentleman selected for this Duty is Mr. John Thomas Bigge,‡ who has for many Years filled a high Judicial Situation in one of His Majesty's Colonies with the Entire Approbation of His Royal Highness The Prince Regent.

In order to explain to you more distinctly the Objects of his Appointment, I have the Honor to enclose a Copy of the Commission, and of the Instructions with which he has been furnished.

As it may be necessary for him in the course of his Enquiry to have the Power of Administering an Oath to the Persons,
whose Testimony he may require, it is the Pleasure of His Royal Highness that you should immediately on his arrival in the Colony appoint him a Justice of the Peace and Magistrate for the Territory; you will further give him every Facility of Access to Official Documents, and every other Assistance in your power in the prosecution of the Objects of his Commission.

During the interval, which has elapsed between Mr. Bigge's Appointment and his Departure for the Colony, he had free access to all the Correspondence connected with the Colony, and has been put perfectly in possession of the views of His Majesty's Government; His Royal Highness has therefore been pleased to instruct Mr. Bigge to recommend to your immediate Adoption any Alteration or Improvement of the System at present in force in the Colony, which he may consider necessary either for the Remedy of existing Evils, or for the prevention of Causes of Complaint in future, and I have only to desire that you would give to his recommendations in this particular the weight due to them by an early, if not an immediate, adoption of them. Should however any case occur, in which you may deem it advisable to take upon yourself the heavy responsibility of declining to adopt his suggestions, you will communicate to me without delay the reasons of your Refusal for the special consideration and Decision of His Royal Highness.

I have, &c.,
BATHURST.

[Enclosure No. 1.]

COMMISSION OF JOHN THOMAS BIGGE.

In the Name and on behalf of His Majesty.

GEORGE the Third, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, To Our Trusty and Well-beloved John Thomas Bigge, Esqre., Greeting: Whereas We have judged it expedient to cause an Enquiry to be made into the present State of the Settlements in Our Territory of New South Wales and its Dependencies, and of the Laws, Regulations and Usages, Civil Military and Ecclesiastical prevailing therein, Now Know You that We, having especial Trust and Confidence in your approved Wisdom and Fidelity, have assigned, nominated and appointed you, the said John Thomas Bigge, to be Our Commissioner to repair to Our said Settlements in Our said Territory in New South Wales, and by these Presents do give you full power and Authority to examine into all the Laws Regulations and Usages of the Settlements in the said Territory and its Dependencies, and into every other Matter or
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30 Jan.

Commission to J. T. Bigge to inquire into state of colony.

Thing in any way connected with the Administration of the Civil Government, the Superintendence and Reform of the Convicts, the State of the Judicial, Civil and Ecclesiastical Establishments, Revenues, Trade and internal Resources thereof, and to report to Us the Information, which You shall collect together, with your opinion thereupon, reducing your Proceedings, by Virtue of these Presents and your Observations touching and concerning the premises, into writing, to be certified under Your hand and Seal, and We do hereby require Our Governor of Our said Territory for the time being and all and every One, Officers and Ministers within the said Territory and its Dependencies to be aiding and assisting to you in the due execution of this Our Commission. In Witness, &ca. And for so doing this shall be Your Warrant.

Given at Our Court at Carlton House this fifth day of January, 1819, in the Fifty ninth Year of Our Reign.

By the Command of His Royal Highness The Prince Regent in the name and on the Behalf of His Majesty.

BATHURST.

[Enclosure No. 2.]

EARL BATHURST TO MR. COMMISSIONER BIGGE.

Sir,
Downing Street, 6th January, 1819.

As the time is now approaching for your Departure for New South Wales in the execution of the Duty to which His Royal Highness The Prince Regent has been pleased to appoint you, it becomes my Duty to direct your attention to those points which will, on your arrival in the Colony, form the leading Object of your Enquiry.

You are aware of the causes which first led to the Formation of the Settlements in New Holland. As they were peculiar in themselves, these Settlements cannot be administered with the usual Reference to those general Principles of Colonial Policy, which are applicable to other Foreign Possessions of His Majesty, Not having been established with any view to Territorial or Commercial Advantages, they must chiefly be considered as Receptacles for Offenders, in which Crimes may be executed at a distance from home by punishments sufficiently severe to deter others from the Commission of Crimes, and so regulate, as to operate the Reform of the Persons by whom they had been committed. So long as they continue destined by the Legislature of the Country to these purposes, their Growth as Colonies must be a Secondary Consideration, and the leading Duty of those, to whom their Administration is entrusted, will be to keep up in them such a system of just discipline, as may render Transportation an Object of serious Apprehension. While the
Settlements were in their Infancy, the Regulations, to which Convicts were subjected on their arrival, were sufficiently severe, and were moreover capable of being strictly and uniformly enforced. Hard Labour, moderate Food, and constant Superintendence were, and (what was at least of as much Importance) were believed in this Country to be the inevitable consequences of a Sentence of Transportation, varying only as to the period during which they were enforced, either according to the original Sentences of the Convicts or to the Evidence, which their Conduct in the Settlement afforded of their Progress towards Amendment and Reform. At this time it appears that Transportation to New South Wales answered every end of Punishment; For while it operated, not very severely though always beneficially, on the Convicts themselves, the opinion of its severity in this Country was so enhanced by the distance of the Settlement and the little which was known of it, that it was an object here of peculiar Apprehension.* There are instances on record, in which Convicts have expressed their desire that the Sentence of Transportation might be commuted even for the utmost Rigour of the Law, and it is not too much to assert that the Punishment did then materially contribute to prevent the Commission of those Crimes to which it was at that time more particularly confined.

Many Circumstances however have since concurred to render the Punishment lighter in itself, to diminish the Apprehension entertained in this Country of its Severity, and to break down all proportion between the punishment and the Crimes for which it is now inflicted.

You will find these circumstances detailed in my Letter† to Lord Sidmouth, in which I first suggested the expediency of this Commission. Every Information which I have since received, and every consideration which I have since given to the subject, confirms me in the conviction that an Investigation is become necessary. Since the writing of that Letter, Intelligence has been received of the arrival of that large body of Convicts, which I then noticed to be under Sentence of Transportation, and the number, on whom this Sentence has since been passed, has considerably increased. In addition to which, a Great proportion is for Offences of that Magnitude in Moral Depravity, or of such serious Mischief to Society, as have been generally expiated by the utmost Rigour of the Law. While Transportation to New South Wales is thus applied as an adequate Punishment for the most Heinous Crimes, it unfortunately at the same time carries with it in Public Estimation so little of Apprehension in any proportion to the Guilt of the Convicts, that numerous applications are made from those who are sentenced to Imprisonment.

* Note 4. † Note 5.
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Instructions to
J. T. Bigge.
The
disciplinary
treatment of
convicts to be
considered.

for Minor Transgressions that they may be allowed to participate in the Punishment to which the greatest Offenders are condemned.

Such being the actual State of Things, it appears to The Prince Regent most important that the first Object of your Enquiry should be to ascertain whether any and what Alteration in the existing system of the Colony can render it available to the purpose of its original Institution, and adequate for its more extended application. With a view to this you will examine how far it may be possible to enforce in the Colonies already established, a System of General Discipline, Constant Work, and Vigilant Superintendance. The Latter must necessarily be understood to comprise complete separation from the Mass of the Population, and more or less of personal Confinement, according to the Magnitude of the Offence. You will therefore pay particular Attention to the possibility of providing Buildings proper to the Reception of all the Convicts, the want of such Buildings having been frequently and justly represented by the Governor as one main Obstacle to the Enforcement of Discipline. Should it appear to you, as I have too much reason to apprehend will be the Result, that the present Settlements are not capable of undergoing any efficient Change, the next Object for your Consideration will be the expediency of abandoning them altogether as Receptacles for Convicts, and forming on other parts of the Coasts, or in the Interior of the Country, distinct Establishments exclusively for the Reception and proper Employment of the Convicts who may hereafter be sent out. From such a Measure, it is obvious that many Advantages must result. It would effectually separate the Convict from the Free Population; the Labour of forming a New Settlement would afford constant means of Employment and that of a severer Description. By forming more than one of such separate Establishments, the means of classifying the Offenders, according to the Degrees of Crime, would be facilitated, and that salutary Apprehension of the punishment revived, which can alone make it available to the grave Offences to which it is at present applied. But on the other hand you will have to consider, what would in the first instance be the expence of the measures, which you might think yourself justified in recommending, and what may be the probable Amount of Annual Charge, which may result from their Adoption. I need not impress upon you the necessity of making your Estimates as accurate as circumstances will admit, for it will be obvious to you that in order to enable His Majesty's Government to decide whether it is adviseable to continue, or to alter, or to abandon the System, which for near
Forty Years has been pursued, it will be most material for them to know, not only the means by which Transportation can be rendered an effectual Punishment for the Prevention of Crime, but also the Expence at which, as compared with other Systems of Punishment, it can be enforced.

I have only in conclusion to desire that you will in the whole course of your enquiries constantly bear in mind that Transportation to New South Wales is intended as a severe Punishment applied to various Crimes, and as such must be rendered an Object of real Terror to all Classes of the Community. You must be aware that it is taking but an imperfect view of the end of Punishment, if you look only to the state of those on whom it is inflicted. The Great End of Punishment is the Prevention of Crime, and as there are gradations in Crimes, against the Commission of which the Legislature is bound to guard in proportion to their moral Turpitude or to the injurious Effects which, either necessarily in themselves or from the Circumstances under which they were practised, they may have on the Community, the sufferings of those, to whom punishment is awarded, do not answer the purpose for which they were inflicted, unless they are in some degree proportioned to the Offences committed, and of a Character to deter others from Similar Misdeeds. Transportation must not be considered like imprisonment in Gaol applicable to the suspected and unfortunate in common with the criminal, but it operates exclusively on convicted Guilt, and that too as a part (not the most effectual part) of the punishment assigned to it. For mere Expatriation is not in these days an Object of considerable Terror. The Intercourse, which it breaks, is readily reestablished, and the Mystery, which used to hang over the Fate of those condemned to it, can never long exist. It is the Situation of the Convicts in the place to which they shall have been consigned, the strict Discipline, the unremitting Labour, the severe but wholesome privations to which they are condemned; It is their sad Estrangement from the sweets and comforts of a Life, which their Guilt has forfeited, and the Mercy of His Majesty has spared, and above all the strong feeling impressed upon this Country that such is the unavoidable Fate of the unhappy Men, on whom the Sentence has passed, that can alone make Transportation permanently formidable. If therefore, by ill considered Compassion for Convicts, or from what might under other circumstances be considered a laudable desire to lessen their sufferings, their Situation in New South Wales be divested of all Salutary Terror, Transportation cannot operate as an effectual example on the Community at large, and as a proper punishment for those Crimes
Instructions to
J. T. Bigge.

Inquiries to be made into the conduct of officials.

Results of inquiries to be kept secret.

Reforms to be recommended to Macquarie for immediate adoption.

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EARL BATHURST TO MR. COMMISSIONER BIGGE.

Sir,

Downing Street, 6th January, 1819.

In the course of the enquiries, which you are authorized under your Commission to institute in New South Wales, the conduct of the several persons in authority in that Colony will necessarily come under your particular Review, and as you are aware, from the free access which you have had to the correspondence of this Department, of the Grounds on which the Conduct of many of the Servants in that Colony has been subjected to accusation, you will not fail to enquire how far the reports, which have from different quarters reached His Majesty’s Government, are deserving of Consideration. But although I am to desire that you do not permit your respect for any Individual, however exalted in rank or sacred in Character, to check an Investigation of his Conduct, in cases in which you deem it to be necessary, yet I am equally to impress upon you the necessity of not divulging in the Colony the opinion, which you may ultimately form as to the justice of the original suspicion. The Result of your Investigation, and the Evidence by which it is to be supported, is to be communicated to His Majesty’s Government alone, and, although it will be your Duty to furnish them with the most ample details, it will be no less incumbent upon you to prevent any disclosure in the Colony, which could only have the Effect of inflaming existing Resentments and disturbing the Tranquillity of the Colony, during the Interval which must elapse between your departure from the Settlements and the final Decision of His Majesty’s Government.

Should however the result of your enquiries, either on this or any other subject, lead you to entertain an opinion that the system, which has been pursued in any Department, is either so bad in itself or so liable to Abuse as to render an immediate Alteration desireable, you will consider yourself authorized to express to the Governor in writing the several Improvements and Alterations, which you deem it your Duty to recommend to his immediate Adoption, and you will consider the Instruction as applying to every branch of Administration with the exception of the Distribution of the Military Force.

I have, &c,

BATHURST.

against the Commission of which His Majesty’s Subjects have a right to claim protection, nor as an adequate Commutation for the utmost Rigour of the Law.

I have, &c,

BATHURST.
EARL BATHURST TO MR. COMMISSIONER BIGGE.

Sir,

Downing Street, 6th January, 1819.

I have already had the occasion to point out to you those Objects of Enquiry on your arrival in New South Wales, which are connected with the Administration of the Settlements there as fit Receptacles for Convicts; but although the Prince Regent considers these to be the most important and therefore the main Objects of your Investigation, yet His Royal Highness is also desirous of availing himself of your presence in that Quarter in order to obtain a Report upon the variety of Topics, which have more or less Reference to the Advancement of those Settlements as Colonies of the British Empire. It becomes therefore my Duty to detail to you the Subjects, upon which it appears requisite that you should furnish every Information in your power, and in doing so I deem it necessary to premise that, in any opinion you may be led to form with respect to any change in the existing Regulation of the Colony, you must always bear in mind the possibility of an Abandonment of the present System of Transportation so far as regards the existing Settlements, and must therefore in recommending any Measures for adoption carefully distinguish how far you consider them applicable to the Settlements in their actual State, or only to that in which they would be placed in the event of the Convict part of the Population being henceforth diverted to other Stations.

The Establishment of the Courts of Justice will form the first subject of such an enquiry. It will be for you to consider whether the Alterations introduced into the Constitution of the Courts in 1812 have rendered them adequate to the wants of the Inhabitants, and to the due Administration of Criminal and Civil Justice, and, if they still appear to you to be defective, to suggest the Improvement of which you conceive they are susceptible. You will also particularly report whether the Settlements in Van Diemen's Land have advanced so far in Population and Wealth, as to require a Judicature altogether separate and distinct from that of the Principal Settlements in New South Wales. In connection with the Judicial Establishments, you will not fail to review the Police Regulations of the Colony, and the manner of their Application to the several Classes of Inhabitants whether Free Settlers or Convicts; It will form also a Branch of your Investigation to point out whether, in a Population so compounded as that of New South Wales, it be consistent with safety to dispense with any of those more severe...
provisions, which have frequently given rise to complaints, and which cannot but be irksome to the Free Inhabitants of the Colony.

You will also turn your Attention to the possibility of diffusing throughout the Colony adequate means of Education and Religious Instruction, bearing always in mind in your suggestions that these two Branches ought in all Cases to be inseparably connected. The Agricultural and Commercial Interests of the Colony will further require your Attentive Consideration. With respect to them, you will both report to me their actual State and the means by which you consider they can be most readily promoted. It cannot fail to have struck you that many of the Colonial Regulations are at variance with the general Principles, by an Adherence to which such Interests are usually advanced. Among those which in this point of view must have appeared of very questionable Expediency, I would more particularly refer to the Authority which the Governor has hitherto exercised of fixing the Prices of Staple Commodities in the Market, and of selecting the Individuals who shall be permitted to supply Meat to the Government Stores. With respect to these Regulations, you will investigate how far their Repeal is likely to lead to any General Inconvenience or to any Public Loss. I am aware that when the Colony was first established the necessity of husbanding the scanty means of Supply, and regulating its Issue, might justify an Interference on the part of the Government, but now that the Quantity of Land in cultivation is so much increased, and the number of cultivators proportionately enlarged, so as to preclude on the one hand all fear of want, and on the other a General Combination of all the Cultivators against the Government, I confess that I have great reason to doubt the expediency of these Regulations. At the same time, I feel unwilling to recommend so material an Alteration without some examination on the spot as to its probable Effects. It will therefore be for you to report to me whether the Markets may not be freed either gradually or all at once from such restriction, whether the Competition of Traders will not here as elsewhere produce the most beneficial Effects, and whether the Government Stores may not be supplied (as in other Colonies) by Public Tender, with equal Advantage both to the Public and to the Individual Cultivator.

Another Subject of enquiry will be the propriety of permitting in future a Distillation of Spirits within the Colony. From the access, which you have had to the Correspondence, you are aware of the Grounds upon which this measure has been so frequently recommended by the Local Government, and of those reasons
which have induced His Majesty’s Government hitherto to withhold their Sanction; I need not therefore enter into the details of this Discussion. The main question, now at issue, is whether a Distillation of Spirits in the Colony could be so checked and controlled as to prevent the indiscriminate and unrestrained Dissemination of Ardent Spirits throughout a Population, too much inclined already to an immoderate use of them, and too likely to be excited by the use of them to Acts of Lawless Violence; and to this your enquiry in this particular will be principally directed.

It will not be unimportant for you to enquire into and report upon the actual and Probable Revenues of the Colony, whether they may be looked to hereafter as affording the means of defraying some part of the heavy expenditure annually incurred on account of New South Wales, and whether they are in any and in what cases susceptible of Increase without prejudice to the Prosperity and Welfare of the Settlements.

There is one other point also, which I cannot avoid recommending to your consideration, though I fear there is not much prospect of your being able to reconcile that difference of opinion which has prevailed in the Colony. I allude to the Propriety of admitting into Society Persons, who originally came to the Settlement as Convicts. The Opinion, entertained by the Governor and sanctioned by The Prince Regent, has certainly been with some few exceptions, in favor of their reception at the expiration of their several Sentences upon terms of perfect Equality with the Free Settlers. But I am aware that the Conduct of the Governor in this respect, however approved by the Government at home, has drawn down upon him the Hostility of many persons, who hold association with Convicts under any circumstances to be a degradation. Feelings of this kind are not easily overcome, but I should be unwilling to forego the possibility of reconciling the conflicting opinions on this subject by not adverting to it as a proper question for your consideration.

I forbear to enter into a variety of other minor points of detail, which will necessarily fall under the several Heads of enquiry which I have pointed out to you, because I am confident that no important point will be left unnoticed in the report which you may ultimately furnish, and that you will be as anxious to afford, as His Majesty’s Government are to receive, every Information necessary to form an opinion with respect to the Police, the Agriculture, the Commerce, the Revenue, or the State of Society in the Settlements, to which you are about to proceed.

I have, &c.,
Bathurst.
 Governor Macquarie to Earl Bathurst.

(Despatch per ship Tottenham.)

Government House, Sydney, N. S. Wales, 15th Feby., 1819.

My Lord,

I indulge a hope your Lordship will kindly excuse the liberty I now take of recommending the Bearer of this Letter, Captain James Wallis of the 46th Regiment, to your Lordship's favor and protection as an officer of high merit, and whose Conduct, as late Commandant of the Settlement of Newcastle on Hunter's River in this Territory, has deservedly met with my unqualified approbation and Commendation.

The Nature of Captain Wallis's Command at Newcastle was a most arduous one, and the various Duties he had to perform were most Complicated, hazardous and troublesome; but although his time was so much taken up in the performance of these various Duties, the improvements he made in the little Settlement under his immediate Government very far exceeded my most sanguine hopes and expectations. I have endeavoured to mark my sense of Captain Wallis's useful and important Services in a Government and General Order, which I issued here on the 24th of December last, on the occasion of my relieving him from his Command; And I herewith take the liberty of enclosing for your Lordship's further information the Sydney Gazette containing the Order in question.

Captain Wallis, not having any prospect of getting speedily on in his present Profession, has it in Contemplation to quit the Army and return to this Colony as a Settler, providing he should obtain your Lordship's permission to do so; And as I do sincerely think that he would be a great acquisition to this Colony either as a Settler, or in any Official, Civil or Military, Situation that could be conferred on him, I take the liberty of recommending him to your Lordship's particular favor and protection, Soliciting, that, in the event of Captain Wallis's returning to this Country as a Settler, your Lordship will be kindly pleased to give him an Order to receive a Grant of Four Thousand Acres of Land.

As Newcastle will probably, at no great distance of time, become a most eligible and desirable Settlement to send Free Settlers to, I beg to refer your Lordship to Captain Wallis for every sort of information your Lordship might wish to possess relative to that particular part of this Territory.

I have, &c.,

L. MACQUARIE.
Government and General Order.

(Extracted from the Sydney Gazette.)

Government House, Parramatta, Thursday, 24th December, 1818.

Civil Department.

His Excellency the Governor, in relieving Captain James Wallis, of the 46th Regt. from the Command of the Settlement at Newcastle, by the Appointment of Captain James Morrissett, of the 48th Regiment, to that Station, avails himself of the Opportunity, afforded by the Relief proceeding to Newcastle, to express publicly his high Sense and unqualified Approbation and Acknowledgment of the various important Services rendered to the Settlement of Newcastle by Captain Wallis during the Period of his Command, which commenced in the Month of June, 1816.

The Zeal, Ability, and Judgment manifested by Captain Wallis, as Commandant of the Settlement on Hunter's River, where the relative Duties were at once so peculiarly arduous, and invariably demanded the most vigilant and prompt Attention, whilst they merit the highest Commendation for their public beneficial Effects, reflects the greatest Credit upon Captain Wallis as an Officer and a Gentleman.

The humane and judicious System adopted by this Officer towards the large Population of Convicts at Newcastle (now amounting to nearly seven hundred persons) entitles him to His Excellency's warmest Commendation, considering in what Degree the Condition of those unfortunate persons has been ameliorated and improved since he took the Command of the Settlement.

Yielding to that charitable Consideration towards a Description of our Fellow Creatures, however debased in moral Principle and Conduct, and justly appreciating that humane benignant Line of Conduct pursued by Captain Wallis during his Command, which was at least calculated to lead to Improvement and Reformation, His Excellency feels it equally a Tribute due to that Officer's Merits to notice with suitable commendation the grand Scale of Improvements, by which he has advanced the Settlement at Newcastle, from the Appearance of an humble Hamlet to the Rank and Capabilities of a well laid out, regular and clean Town; in effecting which Captain Wallis must have had to encounter various Difficulties, which could only have been surmounted by the Exercise of superior Judgment, Perseverance and Ability.
It would far exceed the Limits of a Government and General Order to enumerate in detail all the Improvements and Advantages, which the Settlement of Newcastle has undergone by Captain Wallis within the short Space of two Years and a Half. But it would not be doing him that Justice, which his Claim to public Commendation entitles him to, were not some Specification brought to View of the important Buildings constructed and compleated under his Direction, at once interesting, and ornamental to the Settlement, and promising a permanent Footing and Security to Religious and Civil Establishments.

First, A very handsome Church, capable of containing upwards of 500 Persons, with an elegant Spire.

2. An excellent Hospital, well aired and well situated, constructed with Stone with a Viranda round it, and enclosed with a suitable Paling.

3. A large commodious Gaol, well aired and well situated, and strongly built of stone.

4. A commodious Barrack built of Brick for two Subalterns.

5. A good Brick Barrack for the Assistant Surgeon.

6. A large comfortable Barrack for Convicts.


10. A Lime-House.


12. The old Wharf considerably enlarged and improved.

In Addition to the foregoing useful and permanent Buildings, Captain Wallis has commenced and made great Progress in another most important Undertaking, namely constructing a strong massy Stone Pier* across the Channel dividing the Main Land (on which the Town is situated) on the South Side of the Harbour from Coal Island (or Nobby), for the Purpose of confining the Whole of the Water of Hunter's River to the principal Channel by which Vessels enter the Harbour of Newcastle, and preventing that Channel from being blocked up, and consequently rendered dangerous if not impracticable for Navigation. This useful Work was commenced on early in August last, at the Time His Excellency was on his Visit of Inspection to Newcastle, and had himself an Opportunity of personally laying the Foundation-stone of the Pier.

Considering the great Skill and Attention necessary on Works of such Magnitude and Utility, Captain Wallis's intelligent and comprehensive Mind was not only equal to the Undertaking, but

* Note 6.
led him, highly to his Honor, to devise the best means of effecting the Reformation and Comfort of the Convicts under his Charge, as well as to the Instruction and Improvement of their Children. With this laudable View he established an excellent School, where the rising Generation are taught and brought up in the pure Principles of the Christian Religion; nor was that Officer less attentive to the moral and religious Duties of his Troops, to whom, as well as to the Convicts, he personally read Divine Service every Sunday at the new Church.

From the Opportunity the Governor had of witnessing the various Improvements at Newcastle on his late Tour of Inspection to that Settlement, His Excellency is led duly to appreciate their Importance, and to render this public Suffrage to Captain Wallis’s Arrangements, as well as in respect to the Convicts under his Direction, whose ameliorated Condition was every Day more manifest, and gave every reasonable Hope of eventually producing the wished-for Reformation.

These, His Excellency is persuaded, will long remain honorable Testimonies of Captain Wallis’s Merits, when the Voice of Commendation shall have passed into Oblivion.

The Governor will consider it his Duty, as it will be his highest pleasure, to make the most early and favorable Report to His Majesty’s Principal Secretary of State, of the meritorious Conduct and Services of Captain Wallis.

By His Excellency the Governor’s Command,

J. T. CAMPBELL, Secretary.

Under Secretary Goulburn to Governor Macquarie.

(Despatch per ship Canada; acknowledged by Governor Macquarie to Earl Bathurst, 28th February, 1820.)

Sir, Downing Street, 25th February, 1819.

Lord Bathurst has received an application in favor of Mr. Edward Smith Hall that he might be permitted to practise as an Attorney in the Courts of New South Wales, although he has not been articed or apprenticed to the Legal Profession, and although his Lordship has declined to comply with his request as he considered that it might be productive of serious Inconvenience, yet he has directed me to recommend Mr. Smith Hall to you as a person entitled to any consideration or Attention, which you may have it in your power to shew to him.

I am, &c.,

HENRY GOULBURN.
1819.
1 March.

Censure of Macquarie for his action re W. H. Moore.

Reasons for refusal of indulgences to signatories to petition.

GOVERNOR MACQUARIE TO EARL BATHURST.

Government House, Sydney, New South Wales,

My Lord,

1 March, 1819.

I have learned with much concern, by Your Lordship's Letter of the 12th of May, 1818, that the Communication I had the honor to make you, under date the 3rd of April, 1817, on the conduct of Mr. Solicitor Moore, in regard to a Memorial to the House of Commons, had incurred the marked disapprobation of His Royal Highness the Prince Regent, and subjected me to such a reprehension from your Lordship, as I little supposed I had merited on that occasion.

If, My Lord, I had prevented or even thrown any obstruction in the way of His Majesty's Subjects under my Government addressing the House of Commons on any Subject whatever, I am aware I should have merited the Royal censure and displeasure, which Your Lordship has conveyed to me, but when I feel that my Conduct has not only on this, but every other occasion, exhibited the reverse of such arbitrary and unconstitutional exercise of Power, I am at a loss for language sufficiently strong to give an adequate expression to the regret I feel in the consideration, that either my former Communication should not have been sufficiently explicit, or that it should have induced His Royal Highness and your Lordship to conceive that I meant to prevent or restrain the general right of British Subjects to address Parliament on any real or imagined grievance whatever.

In a very different light from this I cannot but view the Conduct I pursued, in having withheld, or more properly, not extended Indulgences to those who dared to asperse my personal honor and Government. Attacks upon my Character, either public or private, are not worthy of speculative opinion, on which honest Men might differ, but must be either true or false; and when I stated that the allegations in the Petition, which reflected on me personally, were Maliciously false, I trusted it would not be expected that I would nevertheless heap rewards and Indulgences on those My Calumniators, or that I should be perfectly at rest under attacks, tending to debase me in the eyes of the World, and to call down the displeasure of His Royal Highness the Prince Regent, whose good opinion it is my highest ambition to merit on the solid basis of unshaken Integrity. And I here beg to express the hope that my former Dispatch, on this Subject, will on a re-perusal (which I intreat from Your Lordship's Candour and Justice) be found to contain no one arbitrary or unconstitutional sentiment, or one in any way unbecoming My Rank and Station.
On finding that a Memorial to the House of Commons was fabricated by a few factious Individuals, under the Specious pretext of soliciting a free trade and redress of grievances, the knowledge, I had of those particular persons, led me to suspect that, under this Mask, opportunity would be taken to asperse my honor and Government, And yet, notwithstanding this my well founded suspicion, I did not, either directly or indirectly attempt to restrain or put any check whatever on the right of petitioning, or to prevent the Calumny I had so much reason to believe was incorporated in that Petition from being forwarded to its destination.

Subsequently, when a Copy of the Petition was placed in my hands, whereby my apprehensions were fully confirmed, I considered it then due to His Majesty’s Government and myself to represent to Your Lordship, in distinct terms, that it contained “Charges of the most false and malicious nature against me,” and when it is considered what a length of time must necessarily elapse before I should have an opportunity of refuting those Calumnies and doing away any impressions to my prejudice, which they might be supposed to make, were I to defer doing so, until called upon by Your Lordship, I trust the line of conduct, I pursued in making that early Communication, will be considered both right and proper. Your Lordship will find that my reprobation of Mr. Solicitor Moore’s Conduct was Confined against to the Measure of his forging Signatures to a paper, purporting to be a Petition to Parliament, and making therein false and malicious attacks on My Character and Conduct in the Names of Persons, who never saw that Petition, and who, on learning the fact, disavowed all knowledge of it and all participation in the sentiments, so conveyed. To these points, My Lord, I confined my reprobation, and did not express any sentiment at variance with the Subjects’ acknowledged right of Petitioning.

It having been the unceasing study of a long life, spent in the Service of my Country in every quarter of the Globe, to conform myself in every particular to its Establishments, founded as they are in wisdom and matured by the experience of ages, I am unable to express the Mortification I suffer at this time from finding myself liable to be shaken in the good opinion of My Sovereign by the imputation of a Conduct, which I reprobate on every ground of right and of Political expediency. If this explanation of the facts and avowal of Principles should erase, from the Mind of His Royal Highness the Prince Regent, the opinion that My Conduct on this occasion has been inimical to the rights and Privileges of His Majesty’s Subjects in this Territory, I shall feel that I have effected an object of the highest
consideration in my own favour, and I trust with Confidence to your Lordship's liberality and candour for my being relieved from the Censure of His Royal Highness which now gives me the most unfeigned distress.

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 2 of 1819," per ship Shipley.)

Government House, Sydney, New South Wales, 1st March, 1819.

My Lord,

In Conformity with the Instructions Conveyed to Me in Your Lordship's Dispatch, No. 101 of 1817, received on the 11th of May, 1818, I have the Honor to Inform you that in the following Month of October I gave the Necessary Publicity to the Prohibition Enjoined on Convict Ships by Your Lordship in regard to their Carrying Goods or Merchandize of any kind from England, Rio de Janeiro, and the Cape of Good Hope to this place, as Articles of private Trade.

When the Existing Difficulties to the Commercial Intercourse between this Infant Colony and the Mother Country, in Consequence of the Restrictions* Contained in the Charter of the East India Company, are Maturely Considered, I hope I will stand excused in submitting with all due Deference to Your Lordship that the Prohibition thus established bears with a Severity, very Unwonted, on the helpless Infantile State of this place. In Exemplification of this position I beg leave to state that in the first place it cuts off the Colony from the General and regular Supply of the Various Articles of British Produce and Manufacture, to which it has been hitherto accustomed, by Means of the Indulgence Extended to Convict Ships in regard to their Importing them in Common with other Articles of Trade from Rio de Janeiro and the Cape of Good Hope according to the Constant Usage which has obtained from the Establishment of the Colony to the present time, and, in the second place, it renders the Colony (at present but Scantily furnished with Merchants of Capital or Character) altogether dependent on the ill Selected and precarious Supplies which one Solitary Mercantile Firm (namely, that of Jones & Riley†) may Chuse to Import. By these Means, all Competition in Trade and Price is at an End, and the place reduced to the Necessity of dispensing altogether with its accustomed Imported Comforts, or obliged to purchase them at the grasping Extravagant prices which a Selfish, Sordid Firm Chuses to demand.

I am Sorry to be Obliged, but I feel it incumbent on me, My Lord, thus to give Expression to My Sentiments in regard to the

* Note 7. † Note 8.
House of Jones and Riley, not by any Means with a View to deteriorate from their Mercantile Character, in Your Lordship's Estimation or in that of their Commercial Correspondents, for I neither have nor can have a Desire to make any Observations to their Prejudice, other than what I consider necessary in behalf of a Colony which must suffer all the Inconveniences and Injury of the most strict and rigid Monopoly, if the Principle of rejecting Merchandise, because Imported in Convict Ships, be persevered in, until some other Channel be in kindness thrown open for the Intercourse to be Carried on with at least equal Freedom as heretofore to the Mutual Comfort and advantage of the Mother Country and this her Infant Colony. 

These observations are made with the Sole and Unbiased View of relieving a whole People from a Pressure almost intolerable, which they are exposed to by the Consequences of the Prohibition, Consequences, I am fully persuaded, which Could not have entered into Your Lordship's Contemplation, when the measure was artfully suggested by Messrs. Jones and Riley, or their Principals, Messrs. Bell and Wilkinson of London. 

Convinced that it would not be Your Lordship's wish to Enforce the Prohibition from the very Instant of my being possessed of Your Commands, as all the Trade brought hither at that time by the Commanders of Convict Ships, under the Old System, would be thereby cut off from the Market to the great Injury of the Trading Interests and Revenue of the Colony on the one hand, and of those persons on the other, who had brought the Goods on the Faith of being legally authorized to do so according to the regular Custom of the Place, and, Influenced by the Justice of the Case, I did not Issue the Prohibitory Order until such time as the Vessels, then in Harbour, had disposed of their Investments. This Indulgence I considered an Absolute Act of Justice to the parties Concerned, and on this Ground I trust Your Lordship will alike approve of my Motives and the Measure itself.

It was in October last that I gave Publicity to the Order of Restriction, as I have before observed, and as the Clearest Proof of its baneful Effects and of the Injury sustained by the Consumers of Goods imported from Great Britain, Rio de Janeiro, and the Cape of Good Hope, I need only Mention the Fact that the immediate Consequence was that Several of those Articles rose suddenly in the Market upwards of 100 per Cent., and would at this day, if the Interposition of my Authority had not Checked it, have Continued to rise to such an Exorbitancy of Charge as must have effected little short of a total Prohibition.
1819. 1 March.  
Memorial from inhabitants for relief.

At this Period, and suffering under the Pressure of an order which by the Sacrifice of the Public was amassing unmerited Wealth on one Sordid rapacious House, I was addressed in a respectful Memorial, subscribed by a great Majority of the most respectable Inhabitants of the Colony, a Copy of which I have the Honor to transmit your Lordship herewith, praying me to Exonnerate them from the heavy Pressure of this order, until such time as a respectful Representation could be made Home in order to the obtaining some Commercial Arrangement, Whereby the Trade would in future be put at once on a permanent and a Free, fair Footing.

All the Circumstances Stated in this Memorial Coming fully within my own Observation and Knowledge, I had no Alternative but either to suffer private Aggrandisement to outweigh the Public Interest or at once to suspend the operation of the Restrictive Order, until I should be Enabled to make the present Representation on the Subject. In Consequence, I have of two Evils Chosen what I Consider the least, and have now to inform Your Lordship that, under date the 21st of November last, I issued an Order suspending, until Your Lordship's further Pleasure should be made known, the operation of the former one. A Copy of which I also transmit Your Lordship. The Consequence of this Suspension has been that by the Diffusion thro' Various Hands of the Articles imported on Convict Ships latterly arrived, the prices have come to their former Level and the Public is for the time relieved from a Weighty Calamity.

I trust Your Lordship will Sympathize with the Sufferings and Distress, which would have resulted to the humble Population under My Charge, whose wants have not yet been duly attended to because scarcely known beyond the Precincts of the Colony itself, Unless (as in the present Case) to the rapacious Grasp of some Mercantile Speculators; and I repose with Confidence, in the Purity of my own Motives, for obtaining Your Lordship's fullest Sanction and Approbation of this Measure, now resting on my own Responsibility.

I shall only trouble Your Lordship further, on the occasion, to State that the Indignation, aroused at this Insidious View and attempt of the House of Jones and Riley, has called forth an Expression of Public Sentiment and opinion on the Measures most likely to Secure the Benefits and Blessings of the British Constitution for the future, which I will have the Honor of Communicating* more especially to Your Lordship by the present Opportunity.

I have, &c.,

L. MACQUARIE.

* Note 9.
MACQUARIE TO BATHURST.

[Enclosure No. 1.]

THE MEMORIAL OF THE MERCANTILE AND OTHER INHABITANTS OF THIS COLONY.

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

Most Respectfully Sheweth,

That Your Excellency’s Memorialists have with much regret learned that a Ship, lately arrived from England with Convicts and Containing an Investment adapted to the Wants of the Colony, has been prohibited from landing any part of the said Investment.

That Your Memorialists beg to state that a Demand for Articles of British Manufacture exists in this Colony to an extent greater than the very few Mercantile Houses Established here have supplied, and that this Restriction therefore is in its Consequences likely to Check greatly the diffusion of the Manufactures of the Mother Country into these Settlements.

That the alleged Interference with the accommodation of the Convicts is in general unfounded, that it has from the Information we have gathered from Persons, who came out in that Situation, only occurred in a very few Instances, and that to a Trivial Extent.

That the small Investments, which have for a series of years past arrived in the Transport Vessels, have tended Materially to keep the Prices of British Goods at a fair Rate and therefore defeat the Views of the Monopolist, and those Investments being Composed of Articles, which our Habits as Englishmen have rendered necessary, the Cessation of these Supplies will be felt as a Privation and loss of Comfort by the Majority of the Community.

That a much greater Proportion of British Merchandize would be Consumed in this Colony, was the Supply Constant and Plentiful, and Considerable Sums, which are remitted to India in payment for her produce and Manufacture, would thus find their way to the Mother Country; and here Your Excellency’s Memorialists beg to suggest as a Means of enlarging Our Mercantile Intercourse with Great Britain that, were Vessels of 150 Tons burthen* and upwards permitted to Trade to this Colony, much Benefit would accrue to its Inhabitants at large, and among other advantages Our Wool, which is every Year increasing in Quantity and Improving in Quality, would find a regular Conveyance to England, as also Our Hides and other Articles of Colonial Produce the Exportation of which is now much restrained by the want of Freight direct to Europe.

That Your Excellency’s Memorialists most humbly solicit that you will be pleased to alleviate the tendency of the late Order

* Note 7.
1819. until representations be made through Your Excellency to His Majesty's Ministers, and to Your favorable Consideration of this Our Prayer We look with Confidence in the firm Conviction that Our Colonial Welfare has ever been and will ever be the point to which Your Excellency's attention is unceasingly directed.

And Your Memorialists will Ever Pray.

THOS. MOORE.  
JOHN McARTHUR.  
RICH. BROOKS.  
S. LORD.  
R. JENKINS.  
WM. GORE.  
T. S. AMOS.  
WM. BROWNE.  
ROB. TOWNSON.  
WM. HOWE.  
JOHN WOOD.  
W. BROUGHTON.  
JOHN DICKSON.  
GEORGE HOWE.  
DAVID BEVAN.  
R. CAMPBELL, JR.  
THOMAS GILBERTHORP.  
JOHN DIGHT.  
JOHN SMITH.  
MARRY REIBEY.  
J. LAURIE.  
ANDREW FRAZER.  
JAS. CHISHOLM.  
ROBT. COWPER.  
JOHN CONNELL.  
M. ROBINSON.  

SAML. TERRY.  
CHARLES ARMYTAGE.  
WM. ROBERTS.  
HENRY MARR.  
T. W. WINDSOR.  
THOMAS CLARKSON.  
THOS. RUSHTON.  
JOHN GANDALL.  
JOHN JONES.  
F. WILLIAMS.  
WILLIAM DAVIS.  
THOS. JONES.  
THOS. WILFORD.  
JOHN JAQUES.  
JOHN HENRY BLACK.  
THOS. COLLICOTT.  
JOHN REDMAN.  
JAMES HANKINSON.  
ED. REDMOND.  
P. CULLEN.  
GEORGE CRIBB.  
WILLIAM IKIN.  
JAS. CHISHOLM.  
RICH. TUCKWELL.  
L. BUTLER.  
JOSEPH INCH.  
J. WM. LEWIN.  

James Wilshire.  
CHARLES WALKER.  
JAMES LARRA.  
ANDREW NASH.  
JOS. WILLMOT.  
DANIEL COOPER.  
WILLIAM LEVERTON.  
ROBERT CABLE.  
JOHN ELLISON.  
WM. SHERWIN.  
THOMAS BARBER.  
THOMAS CARNE.  
ROWLAND HASSALL.  
JOHN DRUMMOND.

Sydney, 19th Novr., 1818.

[Enclosure No. 2.]

Government and General Orders.

Secretary's Office, Sydney, Saturday, 21st Novr., 1818.

Civil Department.

His Excellency the Governor having, in Compliance with Instructions from the Right Honorable Earl Bathurst, His Majesty's Principal Secretary of State for the Colonies, prohibited the Landing of Spirits, Goods, Wares, or Merchandize of any kind from on board of Convict Transport Ships, and having in Consequence of such Prohibition been addressed in
Memorial by a numerous and respectable Portion of the Merchants and Free Settlers, representing in Strong and Clear Terms that most serious Injury must accrue to all Classes and Descriptions of Persons by the Enforcement of said Order of Prohibition, and thereon praying that its Operation may be suspended until a fair and candid Representation shall be made on the Subject to His Majesty's Government; and a general License solicited for the Carrying on the necessary Intercourses of Trade between this Colony and the Mother Country in Ships or Vessels of more adequate Tonnage than is now limited by the Charter of the East India Company;*

And His Excellency, feeling that the Restriction alluded to evidently shackles and injures the Commercial Interests of this Infant Colony by tending to the Establishment of a Monopoly to the exclusive Benefit of a few Individuals, and further, that it must operate to the Prejudice of the Revenues of the Country by the Restraint thrown on the Import of Goods from Great Britain, is pleased to order notify, and direct, that said prohibitory Order shall not be enforced until further Instructions shall be received thereon from His Majesty's Secretary of State.

The Naval Officer is, therefore, until further Orders, to admit to Entry, as heretofore, such Articles of Merchandise from on board of Convict Transport Ships as shall be duly offered for Entry at his Office.

By His Excellency's Command,
J. T. CAMPBELL, Secretary.

True Copy:—J. T. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 3 of 1819," per ship Shipley.)

My Lord, Government House, Sydney, 1st March, 1819.

In Conformity with my Purpose already Communicated to Your Lordship, I have now the Honor to report the Circumstances and Result of Mr. Oxley's late Tour.†

Having furnished as full and complete an equipment as appeared Necessary to provide for and meet every Contingency, the Party Consisting of Mr. Oxley, as Chief, Mr. Harris, a Skilful Surgeon, who gratuitously volunteered his Services, Mr. Evans, the Deputy Surveyor, who, in the Event of any Casualty occurring to Mr. Oxley, was to succeed to the Direction of the Party, Mr. Frazier, the Colonial Botanist, and twelve other persons as a Guard and Attendants, proceeded from Bathurst on the 4th of June last (that Season being Considered most favorable to the Undertaking) and after a Tour, wherein much

* Note 7. † Note 10.
personal Fatigue and many Privations were sustained by every Individual Concerned, they All arrived Safe at Port Stephens (one Accident, not fatal, only excepted) on the 1st of November last, whence they reached Newcastle, and afterwards arrived here by Sea.

If, My Lord, I felt Disappointment and Regret at the unexpected Termination of the River Lachlan, as already reported to Your Lordship, it is altogether impossible to state how much more I have felt mortified by the sanguine Expectations formed of the Macquarie River having proved even more abortive than on the former Occasion.

After thus Announcing this Second Disappointment and Failure, I have only to submit to Your Lordship what may be Inferred of future Advantage from the Soil and Productions of the Country traversed by Mr. Oxley and his Party, by transmitting Your Lordship the accompanying Correct Printed Copy of the Letter addressed to me by Mr. Oxley, reporting the unsuccessful Result of his Tour. Annexed to the Letter are the General Orders, which I subsequently issued on the Subject of this Expedition, which will shew Your Lordship the Sense I entertained of Mr. Oxley's Exertions and the Unremitting Zeal and Fidelity of his Whole Party.

As this Letter details with Accuracy the Circumstances of, and preceding the total Dissipation of the Waters of the Macquarie in the Vast Extent of Swamps over which they diffuse themselves, I had Consequently very little Reason to doubt the fact, however extraordinary, Yet I did not Content myself with that alone, but have personally Interrogated Mr. Oxley and the other Gentlemen, and I am (tho' most reluctantly) forced upon the Conclusion that no outlet whatever in the Character of a River Conveys the Waters, once belonging to the Macquarie, to any Embouchure on the Coast of New South Wales, A Conclusion Strengthened and Confirmed by Lieut't King's Nautical Survey, which mentions that No River of any Consideration disembogues itself on the North West Coast, whilst if the Macquarie had re-assumed its Character as a River, it must have been found to discharge itself on that Coast, the Course of the River being in that Direction previous to its Entering the Swamps.

From these Considerations I am fully satisfied that Mr. Oxley has made every Exertion, Short of what would most probably have terminated in the Destruction of the whole Party, and therefore I deem his Report fully Conclusive that no River proceeds from the almost interminable Swamps in which the Macquarie Merges and becomes absorbed; thus Impressed with the Futility of Sending any further Expedition with a View to Inspect all the Boundaries of that vast Savanna where Mr. Oxley...
MACQUARIE TO BATHURST. 25

abandoned his Survey in hopeless Disappointment, I shall not take any further Measures therein Unless under Instructions from Your Lordship.

Mr. Oxley, on his Return, having fallen in with a large Stream and pursued it to the Coast where it discharges itself (to which place he has given the name of "Port Macquarie") and having also expressed the Hope that, on a more accurate Survey of this Port, and the adjoining Country, they may be found to afford advantages for a Settlement at some future Day, and being myself also desirous of ascertaining as far as practicable the Capabilities of the Coast, I mean shortly to dispatch him thither in a Government Vessel to Complete this Service; and as Lieut't King also proceeds to the Northward on his General Survey of the Coast, I shall dispatch them together in order to the Survey being made with the more Expedition and Accuracy by their Joint Exertions.

Perfectly satisfied with the zeal and Fidelity and Perseverance with which the late Service, tho' with a much regretted Want of Success, has been performed, I beg Leave earnestly to recommend Mr. Oxley, the Gentlemen who accompanied him, and all the other Individuals of the Party to Your Lordship for an equally liberal Consideration for their great and arduous Exertions, as Your Lordship was pleased to approve on the former occasion.

I have, &c.,

L. MACQUARIE.

P.S.—I do myself the honor to transmit to your Lordship herewith, for Your Lordship's further information, the Journal and Chart* of Mr. Oxley's last Tour of Discovery, which I omitted to mention in the body of my Letter.

The Chart is Packed up with other Plans in a long Case and the Journal is put up in the same Box with my other Dispatches.

L.M.

[Enclosure No. 1.]

GOVERNMENT AND GENERAL ORDERS.

Government House, Parramatta, 5th December, 1818.

Civil Department.

The sanguine Hope which His Excellency the Governor was induced to entertain, that by pursuing the Course of the Macquarie River, which had been discovered running in a North-west Direction by John Oxley, Esq., on his Return last Year from tracing the Course of the Lachlan to the South West, would have amply compensated for the Disappointment sustained on that Occasion; and His Excellency having in Consequence accepted the further Services of Mr. Oxley on a second Expedition; the

* Note 12.
26

HISTORICAL RECORDS OF AUSTRALIA.

1819.
1 March.

General orders
re second
exploring expedition of J. Oxley.

Report by John Oxley on his second exploring expedition.

Party consisting of John Oxley, Esq., Surveyor General, John Harris, Esq., late Surgeon of the 102nd Regiment (who most liberally volunteered to accompany the Expedition), Mr. Evans, Deputy Surveyor General, and Mr. Charles Frazier, Colonial Botanist, together with 12 Men having 18 Horses and two Boats, and Provisions for 24 Weeks, took their final Departure on the 4th of June last, from a Depot prepared for the Occasion in the Wellington Valley at about 90 Miles West of Bathurst; and those Gentlemen and the entire Party having a few Days since arrived at Port Jackson by Sea from the Northward, His Excellency is happy in offering his most cordial Congratulations to John Oxley, Esq., the Conductor of this Expedition, and to John Harris, Mr. Evans, and Mr. Frazier on their safe Return from this arduous Undertaking.

The Zeal, Talent, and Attention manifested by Mr. Oxley, considering the Perils and Privations to which he and his Party were exposed, in exploring a Tract of Country so singularly circumstanced in its various Bearings, are no less honourable to Mr. Oxley than conducive to the public Interests; and altho' the principal Object, namely that of tracing the Macquarie River to its Embouchure, has not been so favourable as was anticipated, yet the Failure is in a great Degree counterbalanced by other important Discoveries made in the Course of this Tour, which promise, at no very remote Period, to prove of material Advantage to this rising Colony.

Whilst His Excellency thus offers this public Tribute of Congratulation, he desires to accompany it with Expressions of his high Sense and Approbation of Mr. Oxley's meritorious Services on this Occasion, which His Excellency will not fail to represent to His Majesty's Ministers by the earliest Opportunity.

The personal Assistance and Support, so cheerfully and beneficially afforded to Mr. Oxley by the Gentlemen associated with him on this Expedition, demand His Excellency's best Acknowledgments, which he is happy thus publicly to request them to accept.

The following Letter, received from Mr. Oxley on his Arrival at Port Stephens on the 1st November last is now published for general Information on the interesting Subject of this Tour.

By His Excellency the Governor's Command,

J. T. CAMPBELL, Secretary.

[Enclosure No. 2.]

SURVEYOR-GENERAL OXLEY TO GOVERNOR MACQUARIE.

Sir,
Port Stephens, 1st Novr., 1818.

I have the honor to inform Your Excellency that I arrived at this Port to-day; and Circumstances rendering it necessary
that Mr. Evans should proceed to Newcastle, I embrace the opportunity to make to Your Excellency a brief Report of the Route pursued by the Western Expedition entrusted to my Direction.

My letter dated the 22d June last* will have made Your Excellency acquainted with the sanguine hopes I entertained from the appearance of the river that its termination would be either in interior waters or coastways. When I wrote that letter to your Excellency, I certainly did not anticipate the possibility that a very few days further travelling would lead us to its termination as an accessible river.

On the 29th June, having traced its course without the smallest diminution or addition, about 70 miles further to the N.N.W., there being a slight fresh in the river, it overflowed its banks; and although we were at the distance of near three miles from it, the country was so perfectly level that the waters soon spread over the ground on which we were. We had been for some days before travelling over such very low ground, that the people in the boats finding the country flooded proceeded slowly, a circumstance which enabled me to send them directions to return to the station we had quitted in the morning, where the ground was a little more elevated. This spot being by no means secure, it was arranged that the horses with the provisions should return to the last high land we had quitted, a distance of 16 Miles; and as it appeared to me that the body of water in the river was too important to be much affected by the mere overflowing of its waters, I determined to take the large boat, and in her to endeavour to discover their point of discharge.

On the 2d July I proceeded in the boat down the river and in the course of the day went near 30 miles on a N.N.W. course, for ten of which there had been strictly speaking no land, as the flood made the surrounding country a perfect sea: the banks of the river were heavily timbered; and many large spaces within our view, covered with the common reed, were also encircled with large trees. On the 3d, the main channel of the river was much contracted, but very deep, the banks being under water from a foot to 18 inches; the stream continued for about 20 miles on the same course as yesterday, when we lost sight of land and trees, the channel of the river winding through reeds, among which the water was about three feet deep, the current having the same direction as the river. It continued in this manner for near four miles more; when, without any previous change in the breadth, depth and rapidity of the stream, and when I was sanguine in my expectations of soon entering the long sought for lake, it all at once eluded our further pursuit by spreading on all points.

* Note 13.
from N.W. to N.E. over the plain of reeds which surrounded us, the river decreasing in depth from upwards of 20 feet to less than five feet, and flowing over a bottom of tenacious blue mud, and the current still running with nearly the same rapidity as when the water was confined within the banks of the river. This point of junction* with interior waters, or where the Macquarie ceased to have the form of a river, is in latitude 30° 45' S. and longitude 147° 10' E.

To assert positively that we were on the margin of the lake or sea, into which this great body of water is discharged, might reasonably be deemed a conclusion that has nothing but conjecture for its basis; but if an opinion may be hazarded from actual appearances, which our subsequent route tended more strongly to confirm, I feel confident that we were in the immediate vicinity of an inland sea, most probably a shoal one, and gradually decreasing or being filled up by the immense depositions from the waters flowing into it from the higher lands, which, on this singular Continent, seem not to extend beyond a few hundred miles from the sea coast, as, westward of these bounding ranges (which from the observations I have been enabled to make, appear to me to run parallel to the direction of the coast), there is not a single hill or other eminence discoverable on this apparently boundless space, those isolated points* excepted, on which we remained until the 20th July, the rock and stones, composing which, are a distinct species from those found on the above ranges.

I trust Your Excellency will believe that, fully impressed with the great importance of the question as to the interior formation of this great Country, I was anxiously solicitous to remove all ground for further conjecture by the most careful observations on the nature of the country; which, though it sufficiently proved to me that the interior was covered with water, yet I felt it my duty to leave no measure untried which could in any way tend to a direct elucidation of the fact.

It was physically impracticable to gain the edge of these waters by making a detour round the flooded portion of the country on the S.W. side of the river, as we proved it to be a barren wet marsh, over-run with a species of polygonum, and not offering a single dry spot to which our course might be directed; and that there was no probability of finding any in that direction, I had a certain knowledge from the observations made during the former Expedition.

To circle the flooded country to the N.E. yet remained to be tried. On the 7th July I returned to the tents, which I found pitched on the high land before mentioned, and from whence we

* Note 14.
could see mountains at the distance of 80 miles to the eastward, the country between being a perfect level. Mr. Evans was sent forward to explore the country to the N.E. that being the point, on which I purposed to set forward.

On the 18th July, Mr. Evans returned having been prevented from continuing on a N.E. course beyond two days journey by waters running north-easterly through high reeds, and which were most probably those of the Macquarie River, as during his absence it had swelled so considerably as entirely to surround us, coming within a few yards of the tent. Mr. Evans afterwards proceeded more easterly; and, at a distance of 50 miles from the Macquarie River, crossed another much wider but not so deep, running to the North. Advancing still more easterly, he went nearly to the base of the mountains seen from the tent; and returning by a more southerly route, found the country somewhat dryer, but not in the least more elevated.

The discretionary instructions, with which Your Excellency was pleased to furnish me, leaving me at liberty as to the course to be pursued by the Expedition on its return to Port Jackson, I determined to attempt making the sea-coast on an easterly course, first proceeding along the base of the high range before mentioned, which I still indulged hopes might lead me to the margin of these or any other interior waters, which this portion of New South Wales might contain, and embracing a low line of coast on which many small openings remained unexamined, at the same time that the knowledge obtained of the country we should encircle might materially tend to the advantage of the Colony in the event of any communication with the interior being discovered.

We quitted this station on the 20th July, being in latitude 30° 18' S. and longitude 147° 31' E. on our route for the coast, and on the 8th August arrived at the lofty range of mountains to which our course had been directed. From the highest point of this range we had the most extended prospect; From the South by the West to North it was one vast level, resembling the ocean in extent, but yet without water being discerned, the range of high land extending to the N.E. by N., elevated points of which were distinguished upwards of 120 miles.

From this point, in conformity to the resolution I had made on quitting the Macquarie River, I pursued a N.E. course; but after encountering numerous difficulties, from the country being an entire marsh, interspersed with quick sands, until the 20th August, when finding I was surrounded by bogs, I was reluctantly compelled to take a more easterly course, having practically proved that the country could not be traversed on any
point deviating from the main range of hills which bound the interior, although partial dry portions of level alluvial land extend from their base westerly to a distance, which I estimate to exceed 150 miles before it is gradually lost in the waters, which I am clearly convinced cover the interior.

The alteration in our course more easterly soon brought us into a very different description of country, forming a remarkable contrast to that which has so long occupied us. Numerous fine streams running northerly watered a rich and beautiful country, through which we passed until the 7th September, when we crossed the meridian of Sydney, as also the most elevated known land in New South Wales, being then in latitude 31° 03' S. We were afterwards considerably embarrassed and impeded by very lofty mountains. On the 20th September, we gained the summit of the most elevated mountain in this extensive range, and from it we were gratified with a view of the ocean at a distance of 50 miles, the country beneath us being formed into an immense triangular valley, the base of which extended along the coast from the Three Brothers on the south to high land north of Smoky Cape. We had the further gratification to find that we were near the source of a very large stream running to the sea. On descending the mountain, we followed the course of this river, increased by many accessions, until the 8th October, when we arrived on the beach near the entrance of the port which received it, having passed over since the 18th July a tract of country near 500 miles in extent from west to east.

This inlet is situated in latitude 31° 23' 30" S. and longitude 152° 50' 18" East, and had been previously noticed by Captain Flinders, but from the distance at which he was necessarily obliged to keep from the coast, he did not discover that it had a navigable entrance; of course our most anxious attention was directed to this important point, and although the want of a boat rendered the examination as to the depth of water in the channel incomplete, yet there appeared to be at low water at least 3 fathoms with a safe though narrow entrance between the sand rollers on either hand. Having ascertained thus far, and that by its means the fine country on the banks and in the neighbourhood of the river might be of future service to the Colony, I took the liberty to name it Port Macquarie, in honour of Your Excellency, as the original promoter of the Expedition.

On the 12th October, we quitted Port Macquarie on our course for Sydney; and although no Charts can be more accurate in their outline and principal points than those of Captain Flinders, we soon experienced how little the best Marine Charts can be depended upon to shew all the inlets and openings upon an
MACQUARIE TO BATHURST.

extensive line of coast; the distance, his ship was generally at from that portion of the coast we had to travel over, did not allow him to perceive openings which, though doubtless of little consequence to shipping, yet presented the most serious difficulties to travellers by land, and of which, if they had been laid down in the Chart, I should have hesitated to have attempted the passage without assistance from the sea-ward: as it is, we are indebted for our preservation, and that of the horses, to the providential discovery of a small boat on the beach, which the men with the most cheerful alacrity carried upwards of 90 miles on their shoulders, thereby enabling us to overcome obstacles otherwise insurmountable.

Until within these few days, I hoped to have had the satisfaction to report the return of the Expedition without accident to any individual composing it; but such is the ferocious treachery of the Natives along the Coast to the Northward that our utmost circumspection could not save us from having one man (William Blake) severely wounded by them; but by the skilful care bestowed upon him by Dr. Harris (who accompanied the Expedition as a volunteer, and to whom, upon this occasion, and throughout the whole course of it, we are indebted for much valuable assistance), I trust his recovery is no longer doubtful.

The general merits of Mr. Evans are so well known to your Excellency, that it will be sufficient to observe that, by his zealous attention to every point that could facilitate the progress of the Expedition, he has endeavoured to deserve a continuance of your Excellency's approbation.

Mr. Charles Frazier, the Colonial Botanist, has added near 700 new specimens to the already extended Catalogue of Australian plants, besides many seeds, &c. and in the Collection and Preservation he has indefatigably endeavoured to obtain your Excellency's approval of his services.

I confidently hope that the Journal of the Expedition will amply evince to your Excellency the exemplary and praiseworthy conduct of the men employed on it; and I feel the sincerest pleasure in earnestly soliciting for them Your Excellency's favourable consideration.

Respectfully hoping, that on a Perusal and Inspection of the Journals and Charts of the Expedition, that the course I have pursued in the execution of Your Excellency's Instructions will be honoured by your approbation,

I beg leave to subscribe myself, with the greatest respect, Sir, &c.,

JOHN OXLEY, Surveyor-General.

True Copy:—L. MACQUARIE.
1819.
4 March.

Suspension of assistant-surgeon Younge.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked “No. 4 of 1819,” per ship Shipley; acknowledged by Earl Bathurst, 25th March, 1820.)

Government House, Sydney, N. S. Wales,

My Lord, 4th March, 1819.

1. I have the honor of reporting to Your Lordship, that, in consequence of the highly improper Conduct, neglect of Duty, and disobedience of orders of Assistant Surgeon Henry St. John Younge of the Civil Medical Establishment of Hobart Town in Van Diemen’s Land, Lieutenant Governor Sorell has been under the necessity of suspending that Officer until a reference should be made to me on the Subject, and on an attentive perusal of the Papers forwarded to me and mature Consideration of the Conduct of Assistant Surgeon Younge as therein stated, I felt myself under the painful Necessity of confirming the Suspension of that Officer until the pleasure of His Royal Highness The Prince Regent shall be made known thereon.

2. In order to enable Your Lordship to form a due Judgment of the misconduct of Assistant Surgeon Younge, I herewith do myself the honor to transmit to your Lordship the Documents marked No. 1, 2, 3, 4, and 5, containing the Charges preferred by Lieut. Governor Sorell against Assistant Surgeon Younge, and a full Statement of his General Conduct; from a perusal of which, Your Lordship will, I doubt not, concur with me in Opinion that Assistant Surgeon Younge is no longer worthy of holding a Commission in His Majesty’s Service. This too is not Mr. Younge’s first offence; for he behaved about Two Years ago in a similar manner to Lieut. Governor Davey, whose Orders he set at Defiance, and to whom he wrote most insolent insubordinate Letters, for which he was put in arrest, and kept so for several Months, but was released on Mr. Judge Advocate Wylde’s giving it as his opinion that Mr. Assistant Surgeon Younge was not subject to Military Law.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

LIEUTENANT-GOVERNOR SORELL TO ASSISTANT SURGEON YOUNGE.

Sir, Hobart Town, 24th June, 1818.

The absence of Mr. Surgeon Mountgarrett from his Duty at Port Dalrymple, and the contemplated resignation of Mr. Assistant Surgeon Smith, having rendered it necessary for me to direct a Medical Officer to repair to that Station from hence,
I am to desire you will hold yourself in readiness to proceed to Port Dalrymple on the 30th Instant, there to report yourself to the Commandant and to receive his Instructions.

A Government Bullock Cart will be directed to accompany you for the purpose of conveying your Baggage.

I am, &c,

WM. SORELL, Lt.-Governor.

True Copy:—L. MACQUARIE.

True Copy:—WM. SORELL.

[Enclosure No. 2.]

CHARGE AGAINST MR. ASSISTANT SURGEON YOUNGE BY LIEUTENANT-GOV'R. SORELL.

For having, when under orders to remain and do duty as a Medical Officer at Port Dalrymple, quitted that Station and Settlement and returned to the Derwent, after being there only a few Days, without any permission from the Commandant, without the knowledge of the Lieutenant Governor, and in direct disobedience of and defiance to the Orders under which he was acting;

and, for having, when called upon by the Lieutenant Governor to account for his extraordinary and disobedient Conduct, and required to return to his appointed Station, positively refused to do so, without assigning any grievance or adducing any Plea in Justification of his Conduct.

WM. SORELL, Lieut.-Govr.

Government House, Hobart Town, 6th Augt., 1818.

Since this charge was prepared, a Copy was sent to Mr. Younge, who has addressed to the Lieut. Governor a most insolent Letter, which is considered unfit and unworthy to be copied.

True Copy:—L. MACQUARIE.

[Enclosure No. 3.]

ASSISTANT SURGEON YOUNGE TO LIEUTENANT-GOVERNOR SORELL.

Sir,

Hobart Town, 7th August, 1818.

I have the honor to acknowledge the receipt of your Copy of Charges of Yesterday's date to be preferred against me. You accuse me of not assigning any reason or adducing any grievance in justification of my Conduct. I have a very powerful one. Finding myself most infamously deceived in the State of Things as had been represented by you, obliged to live in what manner I could without any place to receive me,* being exposed to great and inevitable expences, I felt it a point of duty to myself to return from a place which presented nothing but destruction. That having had the honor to experience much politeness from

* The Comm't had written subsequently to Mr. Younge's departure that Lodging Money would be allowed him, if no Quarters were assigned.
Major Cimitiere, I felt it would place him in a painful Situation to refuse me leave of absence, as my late arrival would render it difficult for him to comply with my request. I therefore took that responsibility upon myself. That my allusions may not be misunderstood, or that they may not be deemed frivolous, I am emboldened to observe that in your Letter of 24th June you asserted* "that the absence of Mr. Mountgarrett from his Duty and the contemplated resignation of Mr. Smith induced you to send a Medical Officer to Port Dalrymple &c." When, on my arrival there, I found that the former was on Duty and that the resignation of the latter had been refused by His Excellency the Governor in Chief, I certainly felt myself at a loss how to act, and on reference for instructions I found I was to be sent to Georges-Town; the smallest knowledge of that Settlement must convince any liberal mind that the prospect of going there without any Barracks or any other accommodation whatever was certainly of the most dismal nature. It was from a knowledge of these Circumstances that I was induced to act the part I did, and thus of two evils to choose the least.† You have since expressed to me on the evening of my return your perfect knowledge of the refusal of Mr. Smith's resignation and of Mr. Mountgarrett's return, previous to my departure. How far this corresponds with your assertions of "contemplated resignation" I must leave to your Superior Judgment to determine.‡ For my own part I have ever been taught to believe that the mere idea of a thing in idea, and perfect conviction of its existence or its non-existence are two very different Things. I shall forbear to make any reflections on the manner I crossed the Country,§ which bore a stronger resemblance to a Criminal going to a Public Place of Execution, rather than that of an Officer proceeding to a Station in His Majesty's Service. Nor shall I be so impertinent as to take notice of the manner in which you shook your Stick at me Yesterday Morning in your Office.|| I thank you for the Compliment you paid me, and should I ever be asked whether His Honor Lieut. Governor Sorell could ever be guilty of an Act of indecency when in the company of a Gentleman? retaining it in Idea only, without any regard to the capability of its performance, I shall answer no! certainly not! He never could!

* The absence of Mr. Mountgarrett is explained in the Comm'ts Letter of 10th June. Extract enclosed. My recommendation that Mr. Smith might be allowed to resign was before Your Excellency.
† Mr. Younge considers himself as having a Choice where he will do his duty.
‡ The excessive insolence of this is unworthy of notice, besides being wholly misrepresented.
§ Few if any Officer ever had the means of crossing the Country with more Comfort; a Govt. Cart for his Baggage and a Govt. Horse was offered which he declined, because he had not a Saddle and Bridle.
|| A Gross falsehood.
I think now I have advanced some little reason in defence of my Conduct, and although I have been guilty of an Error in quitting Port Dalrymple without the permission of the Commandant, yet it remains for you to assign a reason why you ordered me away in the wanton* manner you did from a Station to which I was appointed by an Authority superior to your own. It is to that authority I make my appeal.

I have, &c.,

H. YOUNGE, Asst. Surgeon.

True Copy:—L. MACQUARIE.

It appears that Mr. Younge neither remonstrated or complained to any one; but on finding the Station assigned to him unpleasant, he at once returned; his Stay at Port Dalrymple could not have exceeded 6 Days.

[Enclosure No. 4.]

EXTRACT of a Letter from Lieut. Governor Sorell to Governor Macquarie, dated Hobart Town, 10th August, 1818.

. . . . Mr. Assistant Surgeon Younge returned from Port Dalrymple on the 5th Instant, after being there a few Days, without Major Cimitiere’s Knowledge or Leave, and in direct defiance of my Orders, to which he has now refused Obedience in direct terms:—I have accordingly suspended him until Your Excellency’s Commands shall be received.

I am sorry to say Mr. Younge’s General habits are highly degrading and unbefitting his Situation, and I consider him altogether a most unfit and disgraceful Person to be in the Medical Service. I have submitted herewith to Your Excellency the Complaint in a Specific Form, Copy of which has been sent to Mr. Younge.

True Extract:—L. MACQUARIE.

[Enclosure No. 5.]

LIEUTENANT-GOVERNOR SORELL TO GOVERNOR MACQUARIE.

Sir, Hobart Town, 10th August, 1818.

In my Public report of this date, Paragraph 6th, I have had the honor to state some particulars of the conduct of Asst. Surgeon Younge, and to submit a charge against him. A most insolent Letter, replete with falsehoods which He has since addressed me, induces me to transmit to Your Excellency (with a Copy of it) Extract copies of other Letters, shewing the grounds of the Proceeding which I adopted in ordering Asst. Surgeon Younge to Port Dalrymple.

* This repetition of insolence is marked only for Your Excell’y’s notice.
On the Margin of his Letter to me, I have made some comment, which will better enable Your Excellency to appreciate that Production.

Had Asst. Surgeon Younge been subject to Military Law, I should have placed him in the Closest Imprisonment, because in the instance of Colonel Davey, he had displayed Similar insubordination and insolence, and I believe he piques himself upon writing in that Style. I have now Suspended him from Functions and Pay, till your Excellency's Commands shall be received.

I have, &c.,

Wm. Sorell.

P.S.—As Asst. Surgeon Younge continues absent from his ordered Post, I presume Your Excellency approves of his pay being withheld while He refuses to repair to his Station.

True Copy:—L. Macquarie.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 5 of 1819," per ship Shipley.)

Government House, Sydney, N. S. Wales,

My Lord,

1. I am concerned to be under the necessity of reporting to Your Lordship, that, in consequence of the extreme improper and irregular conduct of Mr. Martin Tims, Provost Marshal of the Dependency of Van Diemen's Land, as represented to me by Lieutenant Governor Sorell, I have been under the painful Necessity of suspending that Officer from the exercise of his Functions and Duties as Provost Marshal, until the Pleasure of His Royal Highness The Prince Regent shall be made known thereon.

2. Herewith I have the honor to transmit Your Lordship Copy of a Letter addressed to me by Lieutenant Governor Sorell, under date the 18th of November last, together with a Copy of the Charges therein alluded to, and preferred by him against Mr. Provost Marshal Tims; and the Conduct of Mr. Tims, as stated in these Documents, combined with several instances of former bad Conduct and Neglect of Duty, appearing to me as highly irregular, reprehensible, and unjustifiable, I did not hesitate to suspend him from the Duties of Provost Marshal.

3. Mr. Tims is a very illiterate, low, vulgar Man, and much addicted to Drunkenness, and low Company; which Vices render him altogether unfit for and unworthy of holding so respectable and important an Office.

I therefore indulge a hope Your Lordship will approve of my having suspended him from it.

I have, &c.,

L. Macquarie.
LIEUTENANT-GOVERNOR SORELL TO GOVERNOR MACQUARIE.

Sir,

Hobart Town, 18th November, 1818.

I am under the painful necessity of submitting to Your Excellency Charges of a very Serious Nature against Mr. Martin Tims, Provost Marshal of Van Diemen's Land. The Charges are accompanied by a Series of Statements, on the Substance of which they are founded.

It has long been evident that Mr. Tims was very unfit for the Office which He holds; I have always however believed him to have correct intentions; but his Conduct upon this Occasion compels me to entertain a different Opinion, more particularly as the Efforts made by Mr. Abbott to set him right were totally useless, and He has since withdrawn from seeking any Counsel from Him.

Considering Mr. Tims to have wilfully misconstrued and perverted a Process of the Supreme Court, and to have lent himself to a course of Proceedings highly Injurious to Public Justice, to the respect due to the Magistracy, and to the feelings of Individuals, and to have conducted himself in a manner degrading to his Office, I should have felt warranted in suspending The Provost Marshal, until Your Excellency's Commands could be received, but I abstained from that Measure in order to obviate any possible Implication of a wish to impede the Processes of the Supreme Court. I conceived that after Mr. Tims was possessed of the Deputy Judge Advocate's Sentiments, to which might be added those of Major Bell, as Commissioner of the Supreme Court, It was most proper to leave him to his own Judgment as to Ulterior Proceedings; Those of Saturday the 7th belong to Mr. Tims' responsibility exclusively.

The Misconduct of Mr. Tims having arisen in the Service of the Process of the Supreme Court, I have deemed it proper to forward to The Honorable The Judge Copies of the Documents, which I have now the honor to lay before Your Excellency.

I have, &c.,

WM. SORELL.

True Copy:—L. MACQUARIE.

[Enclosure No. 2.]

CHARGES AGAINST MR. MARTIN TIMS, PROVOST MARSHAL AT VAN DIEMEN'S LAND.

1. For Conduct, in him as a public Officer, highly improper and wantonly disrespectful to the Magisterial Office in causing
a Process of the Supreme Court to be Served upon A. W. H. Humphrey, Esqr., J.P., in the Public Street of Hobart Town between 4 and 5 O'clock on Saturday, November the 7th, by one of his runners, when Mr. Humphrey had been constantly accessible and never absent from his own House, except when passing to and from, upon his Official Duty.

2. For Conduct, in him as a Public Officer, highly insubordinate and disrespectful to all Authority in causing the said A. W. H. Humphrey, Esqre., to be arrested at the time above stated when entering the Gate of Government House, whither he had come direct from the Court House (where he had been sitting all the Morning at the Monthly Bench of Magistrates) to make his Official Report to the Lieut. Governor, the said arrest being made by a runner in a state of Drunkenness, who demanded Mr. Humphrey to go to Jail before a Mob collected by him, and for a flagrant abuse of the Office and Trust of Provost Marshall in detaining and arresting Mr. Humphrey's Person when the process of the Supreme Court, held by the said Provost Marshall against him, was only a summons to appear by his Attorney, and not containing any Authority whatever to arrest his Person. This Proceeding being further aggravated by the brutal and offensive Conduct of the Runner, who, having agreed to permit Mr. Humphrey to proceed to his own House for the purpose of procuring Bail, and having gone away on pretence of communicating with the Provost Marshall, returned in an increased State of Intoxication declaring that no Bail should be taken (though two Gentlemen were there for the purpose) and that Mr. Humphrey should go to Jail, asking whether it would be necessary to take him by the Collar to drag him thither and to call upon the Servants to give him Aid.

3. For Conduct highly disgraceful to his Situation and Character as a Public Officer, and not less injurious to the Public Interest than to Individuals, in he, Mr. Tims, Provost Marshall, being on the Noon of the said Saturday, 7th November, in such a State of Intoxication* as to render him incapable of attending the Deputy Judge Advocate and Bench, when sent for; in which State he was in Public Drinking Houses the whole Day and Evening, so as to preclude any possibility of Communication with or reference to him; he being, after Mr. Humphrey's arrest, concealed and denied at his House to repeated Messages and Applications to see him, one of which was from the Deputy Judge Advocate who was desirous of explaining the real purpose of the process in question, and of preventing the excesses into which Mr. Tims was Plunging.

* N.B.—This Charge admitted by Mr. Tims to be Truth before the Deputy Judge Advocate and Commission'r of the Supreme Court with the Lieut. Governor.
The said Mr. Tims thus exhibiting either gross ignorance and incapacity, or willful and malicious mis-interpretation of the Process of the Supreme Court; if the former plea be admitted, rendering Mr. Tims wholly unfit for, and incapable of discharging the important Duties attached to his Office; inasmuch as mistaking one Process of the Court for another, Persons in this Settlement may be subjected to an oppressive incarceration (never contemplated by the Court upon the first Summons issued) until an appeal could reach the Honorable the Supreme Judge. But if, as according to all appearance Mr. Tims's conduct be imputable to improper influence and wilful misconstruction, then constituting a high offence, not only relating to an Individual thus outraged, but as converting the processes of the Supreme Court, entrusted to him, into Engines of Oppression and Injury, instead of Instruments of Justice, which in themselves they are.

And further the said Mr. Tims being by his disgraceful and Public Intoxication unworthy of holding his Office.

WM. SORELL, Lt.-Governor.
Government House, Hobart Town, 12th November, 1818.

GOVERNOR MACQUARIE TO EARL BATHURST.

(My Lord,
Government House, Sydney, New South Wales,
8th March, 1819.)

It is only two Days since I have had the painful Duty imposed on me of Suspending William Gore, Esqr., as the Provost Marshal of the Territory, until the Pleasure of His Royal Highness the Prince Regent shall be made known.

It is unnecessary to Enter into a Detail of the various highly reprehensible Circumstances in the Conduct of this Officer for some Years past, both as they have affected the Duties of the Office and most seriously Injured the Interests of the Public, as I have the Honor to transmit Your Lordship herewith a Copy of the Report made to me by the Judges and Members of the respective Courts, Conjointly, under date the 1st instant, whereon the suspension of Mr. Gore, in order to provide an efficient officer in that very important Department, became a Measure of absolute Necessity. I also accompany the Report of the Judges and their Associated Members in the Governor's and Supreme Courts with a Copy of the Government and General Orders Issued on the Occasion, Suspending Mr. Gore from the Office and Salary of Provost Marshal.
1819.
8 March.

Report relating to the Conduct of William Gore.

We, the Judges and Members respectively of the Governor's and the Supreme Courts in this Territory, having been judicially called upon to take and having therefore taken into consideration the present situation and circumstances, as well as the general official conduct for the last two years, of William Gore, Esquire, the Provost Marshal of the Territory, are of opinion that, in due regard to our sense of public duty and the trust reposed in us, to the dignity and efficiency of our proceedings and judgments, and to the general interests of the Colony as involved in the character, responsibility and discharge of that most important public office, it is no longer fitting that the warrants or process of our respective Courts should be directed to the said William Gore as the officer thereof.

And this opinion we judge it necessary and expedient to communicate to and submit to the consideration and decision of His Excellency the Governor upon, amongst other, the following facts and reasons:

First.—That from the return of the Coroner, made by order of the Governor's Court, dated 26th February last, as to all writs of summons, attachments, and execution issued by the Courts respectfully during the last 18 months and hereto annexed, it manifestly appears that the said William Gore is altogether and has been for some time past wholly insolvent, and has no goods whereof to satisfy his own private debts;—much less, whereof duly (and as required and provided by several statutes in the like case of sheriffs) to answer the claim of any person, who may have cause thereof against him in respect of his public office as Provost Marshal of the Territory.

Second.—That by the said return as also from examination as to the truth thereof in open Court, it appears that the said
William Gore did make escape from His Majesty's Gaol of Sydney when duly Committed there for Debt upon Warrants issued by both Courts.

Third.—That by the said return it also appears that the said William Gore has for a considerable time, before and after the said Escape from Gaol, concealed and secreted himself to evade arrest; and during such period did Clandestinely ship himself on board a private Ship and proceed to Van Diemen's Land, not having obtained his personal Clearance in pursuance of the Port regulations at the proper public Offices, at one of which Detainers had been lodged against him in that respect.

Fourth.—That matter of Petition, Grievance and Complaint as to false returns made to the Process of the Courts, the retention of large Sums of money levied under and by virtue of Writs of Execution, and as to the tardy, oppressive and inefficient Manner in which the Office of Provost Marshal has been generally conducted, has Continually come in hearing before the Courts. And that Civil Proceedings and remedy have not, as might have been in such cases, pursued, because no satisfaction could be possibly obtainable for or in respect of Judgments against an Officer so well known to be utterly insolvent and without substance.

Fifth.—That the Office of Provost Marshal has been Openly and Publicly delivered up by Deed as to its entire Management and returns twice during the last two Years in Trust to other Persons to apportion the Fees of the Office in part Satisfaction of Creditors, allowance being made only to the said William Gore for the Maintenance of himself and family: and in which or such like state the Office at this time remains.

Sixth.—That the Goods and Effects of the said William Gore have twice during the said period of Two Years last past been advertised in the Sydney Gazette for Public Sale under Process of Execution issued by the Courts.

Seventh.—That the said William Gore is at this time in Gaol so as to be unable personally to attend the Courts or the Duties of his Office, and otherwise so deeply involved in his Circumstances as to afford no hope of Speedy Enlargement or of Competency to Answer the Various Claims that may arise in respect of his Office.

JNO. WYLDE, BARRON FIELD,
Judge Adv. Govr.'s Court. Judge of the Supreme Court.
JAMES BIRNIE, Mr. D. WENTWORTH, J.P.
E. JENKINS, Mr. R. BROOKS, J.P.
Sydney, New South Wales, 1st March, 1819.

True Copy:—J. T. CAMPBELL, Secy.
[Enclosure No. 2.]

GOVERNMENT AND GENERAL ORDERS.

Government House, Sydney, Saturday, 6th March, 1819.

Civil Department.

IT being officially communicated to His Excellency The Governor Jointly by the Honorable The Judges and the associated Members of the Governor's and Supreme Courts that, owing to various circumstances as set forth by them, William Gore, Esquire, Provost Marshal of the Territory, is rendered and has become disqualified for and incapable of performing the Duties of Provost Marshal, either as they have respect to the Courts themselves or the Interests of the Public, and the Courts having thereon represented the Expediency of Mr. Gore being removed from the further performance of the Duties belonging to the Department of Provost Marshal, His Excellency, Duly appreciating the motives of the Honorable The Judges and their Associated Members in making this Representation, is pleased to order and direct that, from and after the present Date, William Gore, Esquire, be and he is hereby suspended from the Office, Duties and Functions of Provost Marshal of this Territory, and from the Salary, Fees and Emoluments of whatever Nature or kind belonging thereunto, until such time as the Pleasure of His Royal Highness The Prince Regent shall be made known thereon.

L. MACQUARIE.

By Command of His Excellency The Governor,

J. T. CAMPBELL, Secretary.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 3.]

GOVERNMENT AND GENERAL ORDERS.

Government House, Sydney, Saturday, 6th March, 1819.

Civil Department.

His Excellency The Governor and Commander in Chief is pleased to nominate and appoint John Thomas Campbell, Esquire, to be Provost Marshal of the Territory of New South Wales from the present Date, in the Room of William Gore, Esquire, Suspended until the Pleasure of His Royal Highness The Prince Regent shall be made known thereon.

Mr. Campbell is to receive the salary, Fees, and Emoluments attached to the Office and Duties of Provost Marshal from and after the present Date.

L. MACQUARIE.

By Command of His Excellency The Governor and Commander in Chief.

H. C. ANTILL, Major of Brigade.

True Copy:—J. T. CAMPBELL, Secy.
MACQUARIE TO BATHURST.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked “No. 7 of 1819,” per ship Shipley; acknowledged by under secretary Goulburn, 24th March, 1820.)

Government House, Sydney, New South Wales,

My Lord,

8th March, 1819.

I beg to submit for Your Lordship’s Consideration some Remarks in regard to the Settlement of Newcastle, which for several years past has been a very Useful Auxiliary to this Chief Settlement as a place of Banishment for Convicts and other Delinquents, whose Crimes here have drawn on them the Sentence of Transportation to some other place. With this Subject (as having been intimately Connected therewith) I shall also take occasion to remark on the Merits of Captain Wallis of the 46th Regt., late Commandant there, who on being relieved from that Command has proceeded from hence to Join his Regiment on the Madras Establishment.

Extensive Plains of rich and fertile Land being found at no great Distance along the three principal Sources* of the River Hunter, whose Embouchure is at Newcastle (about 70 Miles to the North of Port Jackson), and the Access to them by Means of the River being rendered still more easy in Consequence of the large Quantity of Timber fallen there for the Consumption of this Place, these Plains now become an Object of Valuable Consideration in the Necessary Increase of the Population, and hold out important Advantages for the Establishment of Free Settlers upon them.

An Inducement of another kind to such a Settlement arises out of the Consideration that Newcastle now Ceases to be of that Material Benefit, which it was formerly to the principal Settlements at Port Jackson, as a Receptacle for our worst Characters, in Consequence of the Interior having been Explored, and the Passage† thence to Windsor on the River Hawkesbury having become familiar to several of those Persons who have been transported thither, and who now find little Difficulty in deserting from thence and returning to this Place.

If a more remote Situation were discovered to the Northward of Newcastle, with a safe Harbour, where Prisoners could be transported to and secured against Desertion by Distance and Natural Barriers (and I am led to think that such will soon be found), I conceive it would be highly expedient to remove the Convicts and others under Colonial Sentence from Newcastle thither, and in such Case it would be no less Judicious to establish Settlers on the Plains along the River Hunter, where they would have the Combined Advantages of a fertile Soil of

* Note 15. † Note 16.
1819.
8 March.

Improvement of town of Newcastle by captain Wallis.

Obstruction to navigation.

Construction of breakwater between Nobby's island and mainland.

Comparatively easy Cultivation, and the Benefit of Water Conveyance for their Produce to Newcastle, and thence by Sea to the principal Mart of Sydney.

Owing to the well directed Exertions of the late Commandant, Capt. Wallis, the Settlement of Newcastle, notwithstanding its being Established Chiefly as a place of Banishment for the most incorrigible Characters to be found here, has attained the Appearance and Character of a well regulated place, and the Town of Newcastle exhibits various Strong Substantial Buildings for the Furtherance of the Public Service, and ameliorating the Lot of those whose Crimes have sent them thither.

As the Government and General Orders Issued by Me on occasion of Capt. Wallis being relieved will best shew the Estimation in which I hold his Exertions, I do Myself the Honor to transmit Your Lordship herewith a Copy of them, and, as a Matter of Curiosity, I also forward to Your Lordship, a View of the Town of Newcastle accurately laid down and painted by an Artist of some Merit.

A small Brig* from India having Sunk in the Entrance of the Harbour of Newcastle between two and three years ago, a Bank has been gradually accumulating by means of it, which has already considerably lessened the Depth of the Channel, and rendered the Navigation Insecure; and there being much Reason to Apprehend that, unless some means were adopted to Countervail this Effect, the Navigation into the Harbour of Newcastle might be Altogether blocked up, I have found it necessary, upon due Consultation and a personal Survey of the Harbour, to order a Strong Rampart† of Massy Stone-Work to be Commenced, to shut out altogether the flowing of the Tide and the Discharge of the Waters of the River Hunter by the narrow Channel laying between the Main Land and the Rock called "Nobby Island," whereby, when finished, it is fully expected that the accelerated Current in the other Channel will remove altogether the present increasing Deposit of Sand, and render the Navigation as Safe as formerly. This Rampart was Commenced on, and considerable Progress made in it by Captn. Wallis, and the Work is advancing to Completion under the present Commandant with every Prospect of being an effectual Remedy against the Injury Sustained from the Sunken Vessel; and the Advantages derived from the Import of Lime, Coals and Timber from Newcastle will be thereby preserved.

From the Sense I Entertain of Captn. Wallis's Merits in the Various Duties so ably performed by him at Newcastle, as they respect the Establishment of good order and the Reform of the People by extending Education and paying proper Attention to

* Note 17. † Note 6.
the Ceremonies of Religion, I feel it a Duty I owe the Service
to recommend this Gentleman to the most favorable Considera-
tion of Your Lordship and His Majesty's Government.

Captain Wallis having intimated a purpose of returning to this
Country in the Event of his Military Services being at an End,
Permit me, My Lord, to recommend him to your Lordship's most
favorable Consideration and Protection, as a Gentleman, whose
amiable Manners, good Sense, and intelligent Mind would render
him a Valuable Acquisition to this Population.

I have, &c,
L. MACQUARIE.

[Enclosure.]

[A copy of the government and general orders, dated 24th
December, 1818, was also forwarded in Governor Macquarie's
despatch to Earl Bathurst, dated 15th February, 1819.]

GOVERNOR MACQUARIE TO EARL BATHURST.
(Despatch per ship Shipley.)
Government House, Sydney, New South Wales,
My Lord, 15th March, 1819.

Mr. Morgan Price, Surgeon in the Royal Navy, and who lately came out as Surgeon Superintendent of the Martha Male Convict Ship, being desirous of returning to this Colony on the Government Medical Establishment, and having asked me for a recommendation to your Lordship for such medical appointment, I the more readily yield to Mr. Price's request as I think he would be a great acquisition to the Medical Establishment of the Colony from the very great and Zealous attention he paid to the Health of the Prisoners who came out under his charge on board the Martha, all of whom (170) landed here in good Health, none having died on the Passage.

I therefore take the liberty of recommending Mr. Price to your Lordship's favourable Consideration for an appointment on the Medical Establishment of this Colony.

I have, &c,
L. MACQUARIE.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.
(Despatch per ship Shipley.)
Dear Sir, Government House, Sydney, 15 March, 1819.

I had the pleasure on the 26th December last of receiving your note dated 30th July, 1818, per Lieut. Robison of the 24th Regiment, recommending that gentleman to my attentions here, and I beg now to return you my best thanks for giving me so very pleasant and agreeable an acquaintance, which he has proved himself to be in every society here.
1819. 13 March.

Character of Lieutenant Robison.

Lieut. Robison is a very accomplished well informed Young Man, of highly polished conciliating manners, and has consequently rendered himself an universal favorite here. Mrs. Macquarie and myself have endeavoured to pay him every little attention in our power, and whenever it takes place, we shall very sincerely regret his departure.

From various conversations I have had with Mr. Robison, he appears to be quite in raptures with this Country and its delightful climate, and seems anxious to spend part of his life in it; and what I have seen of the Young Man, I think he would do credit to any office he might be appointed to.

I have, &c.,

L. Macquarie.

18 March.

Disputes amongst officers on convict transport ships.

Specific instructions required.

Proposed division of duties.

Proposed regulations for conduct of officers on transport ships.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked “No. 8 of 1819,” per ship Shipley.)

Government House, Sydney, New South Wales,

My Lord,

18th March, 1819.

The very frequent Recurrence of Disputes tending materially to the Prejudice of the Public Service, which take place on board Convict Transports on the Passage hither between the Commanders of those Ships, the Officers of the Military Guards on board, and the Surgeons-Superintendents of the Convicts, appearing to me to rise principally from a Jealousy of Authority, and a Mistaken Notion of what is expected by Government to be performed by each of those persons respectively, I Conceive that Specific Instructions, such as the Case may appear to Your Lordship to require, would be of very great Benefit to the Public Service, were they put in the Hands of each of those Persons previous to Sailing.

As occasions of Dispute Come too frequently before Me, I take the Liberty of Suggesting such a Division and Arrangement of Duty, as I conceive would be fully adequate to their Prevention for the future and to the Securing that Harmony between the Commanders, Officers of the Military Guard, and Surgeons-Superintendents, which it is much to be desired, for the sake of the Unfortunate Convicts, should prevail among those in any way over or in Charge of them.

With this View I propose that it should be distinctly expressed and made known,

1st. That neither the Officer of the Guard, or the Commander of a Convict Ship has any Authority to Confine or punish a Convict, otherwise than by Complaint to, and Obtaining the Authority of the Surgeon Superintendent.
2nd. That all Corporal Punishment of Convicts shall be inflicted by the Boatswain, or other Usual Person of the Ship's Company, and in presence of the Guard Under Arms on the Deck.

3rd. The Military Officer and Commander of the Transport are not to Interfere with each other in their distinct and separate Duties, each being equally independent of the other in regard to their respective Authorities, the one having the Sole Authority over the Military, the other over the Ship's Company or Crew.

4th. The Surgeon Superintendent is to Consult with the Officer of the Guard and the Commander of the Ship in regard to the Situations where Sentries should be placed to secure the Safety of the Ship against any attempts of the Convicts, and the Opinion of the Majority is to determine the Case.

5th. The Surgeon Superintendent is to Consult with the same Officers in regard to the Number of Convicts to be admitted at one time on Deck for the Benefit of fresh air, the Length of time they should be allowed to remain there, and the Number of Changes which should take place daily, The Majority to determine.

6th. The Surgeon Superintendent is to be assisted and supported by the Commander of the Ship and his Crew, and by the Military Officer, commanding the Guard, and the Soldiers, in Enforcing Cleanliness, good order and submission in the Prison Room, or elsewhere, and His Commands are to be obeyed, so far as they respect the Convicts, in like Manner as the Commands of a Civil Magistrate when given in order to suppress Riots or to Enforce the Laws.

7th. The Commander of the Transport is to receive and be fully accountable for all Property placed in his Hands by the Convicts on board, and he is to enter in his Log Book, under proper date, a Complete Enumeration of the Articles so delivered into his Charge, giving a receipt for the same to the person from whom He or his proper Officer received them, which Receipt is to be kept by the Surgeon Superintendent for the Benefit of the Owner on arrival in New South Wales, and the Surgeon Superintendent is also to Enter in his Journal all Transactions of this kind. It will be also his Duty to be present at the Delivery of those Articles to the Commander of the Ship, or his duly Authorized Officer, Whereby he will be enabled (if requisite) to prove the actual Quantity and Description of the property so delivered and taken Charge of.

8th. The Commander will be held fully responsible for the Property of the Convicts so given in Charge to him or his Inferior Officer, and registered by the Surgeon Superintendent.
9th. The Officer of the Guard and Surgeon Superintendent are each of them to appoint a Confidential Person to Superintend the daily Issue of Rations and Spirits or the Comforts, in Charge of the Commander of the Ship, to the Military and the Convicts, and they are to require the person so deputed by them respectively to report to them on the Quantity and Quality of the Articles issued to them on each day.

10th. In Case of any objection being reported against the Rations, Spirits, &c. Issued for the Use of the Soldiers or Convicts, the Officer, to whom the Complaint shall be made, is to make a written Communication thereon to the Commander, requesting him to Investigate the Circumstances and to render the proper redress.

11th. The Commander of the Transport is to make a Minute in his Log Book, under the proper date, of all official Reports or remonstrances, which may arise or take place between him and the Surgeon Superintendent and the Officer of the Guard.

12. The Surgeon Superintendent is also to make a Minute in his Journal of all Occurrences touching the Conduct of the Convicts and the Military, including the Officers of each respectively.

13. It will be the Duty of the Surgeon Superintendent and of the Commander of the Transport to apprize the Convicts at the time of their Embarkation of the means, provided in the 7th article of these Regulations for the Protection of their Property, Informing them at the same time that unless they so deposit it in the Charge of the Commander or the Officer Authorized by him to receive it, no Responsibility will rest with the Commander for its Safety.

Such, My Lord, is the Arrangement which appears to me suitable to the Emergency, and if it should afford Your Lordship any Useful Hints for the Framing Regulations for the future Conduct of the respective Officers on board Convict Ships, Whereby Similar Altercations and Disputes, to those which have already Arisen, Could be guarded against, it would be Effecting a most desirable object; and I trust its Importance will Excuse my offering these Hints for Your Lordship's superior Judgment.

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 9 of 1819," per ship Shipley.)

Government House, Sydney, New South Wales,

My Lord,

18th March, 1819.

I have been Honored with Your Lordship's Dispatch (No. 17) of the 29th August, 1818, approving and Confirming the
appointment of Mr. Wylde, Senr., as Clerk of the Peace and Solicitor to the Crown with a Salary of not more than Four Hundred Pounds per Ann’rm, and subject to a Deduction there-from to the Amount of the Fees arising out of those Situations; or if they should exceed the Annual Sum of £400, that the Surplus should be Carried to the Public Account.

Having Communicated to Mr. Wylde the Terms on which Your Lordship has been pleased to Confirm him Clerk of the Peace and Solicitor to the Crown, I have the Honor to Inform Your Lordship that he has accepted the Offices with Expressions of Gratitude on the proposed Terms; and I now transmit Your Lordship a Copy of the Letter received from him under date the 14th of January last, as also of the Amount of Fees received by him for the two Years between the 1st of January, 1817, and the 1st January, 1819, Whereby I am sorry to observe that they do not appear to average £40 p. ann’m.

As Mr. Wylde had originally Engaged to perform the Duties of Clerk of the Peace and Solicitor to the Crown without any Salary, until Your Lordship’s Pleasure should be known in regard to his being Confirmed in those Offices, I have made him no other Compensation for his Services therein, antecedent to the day on which I was honored with Your Lordship’s Dispatch (9th Jan’y last) except the Fees received by him which appear to have amounted only to the Sum of £79 19s. 10d.

Herewith I send Your Lordship an Extract from the Govt. and General Orders Issued by Me on the 16th Jany. last, marking the Period of the 9th January as that from whence Mr. Wild’s Salary Commenced.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

MR. THOMAS WYLDE TO GOVERNOR MACQUARIE.

Sir,

Clerk of the Peace Office, 14th January, 1819.

Having been already favored with an Intimation from Your Excellency as to my Appointment of Clerk of the Peace and Solicitor for the Crown in this Territory having been approved at Your recommendation and Confirmed by His Majesty’s Government, it may be proper that I should submit to Your Consideration, as inclosed, a Return Duly Certified as to the Amount of the Fees received by me during the period of the two years elapsed from the date of your Excellency’s Appointment.

I have, &c.,

THOS. WYLDE.

True Copy:—J. T. CAMPBELL, Secy.

1819.
Appointme of
T. Wylde as
clerk of peace.

18 March.
Appointment of
T. Wylde as
clerk of peace.

Acceptance of
office by Wylde.

Compensation
for former
services.
Fees, received by the Clerk of the Peace from time of his first acting as such in and for the Territory of New South Wales.

<table>
<thead>
<tr>
<th>Period</th>
<th>Details</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1817 Feby. 22d to 1818 Feby. 21st</td>
<td>79 Beer and Spirit Licences at 5/9 each, 9d. of which goes to the Printer</td>
<td>£ 19 15 0</td>
</tr>
<tr>
<td>April Sessions, 1817.</td>
<td>Received for a Subpoena in each of these prosecutions at 3/6 each</td>
<td>0 10 6</td>
</tr>
<tr>
<td>The King v. Hart and Lea, Paul Byrne.</td>
<td>Received from Deft. a Fine of £5 which has been disposed of according to the Judge Advocate’s Orders</td>
<td></td>
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<tr>
<td>The King v. Sanderson.</td>
<td>Received on respite Recognizance</td>
<td>0 10 0</td>
</tr>
<tr>
<td>The King v. Eagar</td>
<td>Received on a Bill ag’st Deft.'s Sol’r for £15 0s. 4d. for Spas and Office Copy Depositions yet unpaid</td>
<td></td>
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<tr>
<td>The King v. Campbell.</td>
<td>Received for Spas. and Office Copy Depositions</td>
<td>9 3 4</td>
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<tr>
<td>The King v. Drummond and ors.</td>
<td>Received on withdrawing Recognizance</td>
<td>0 10 0</td>
</tr>
<tr>
<td>The King v. Eagar</td>
<td>The like</td>
<td>0 10 0</td>
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<tr>
<td>The King v. Davis</td>
<td>The like</td>
<td>0 10 0</td>
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<tr>
<td>The King v. Prosser</td>
<td>The like</td>
<td>0 10 0</td>
</tr>
<tr>
<td>The King v. Walsh</td>
<td>Received on withdrawing Recognizance</td>
<td>0 10 0</td>
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<tr>
<td>Podmore and ors.</td>
<td>The like</td>
<td>0 10 0</td>
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<tr>
<td>The King v. Baylis</td>
<td>Received for fresh Recognizances to appear at the next Sessions</td>
<td>1 0 0</td>
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<tr>
<td>Wilmot and Jackson.</td>
<td>Received on withdrawing Recognizance</td>
<td>0 10 0</td>
</tr>
<tr>
<td>The King v. Frazer</td>
<td>Received a Fine of £10 from the Def’t on his liberation from Prison</td>
<td>10 0 0</td>
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<tr>
<td>The King v. Anderson.</td>
<td></td>
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<tr>
<td>The King v. McLeod and Wife.</td>
<td>Received of Prisoner on withdrawing Recognizance</td>
<td>0 10 0</td>
</tr>
<tr>
<td>The King v. Williams.</td>
<td>Received on withdrawing Recognizance and for Indictment and Subpoena’s</td>
<td>4 5 0</td>
</tr>
<tr>
<td>1818 Feby. 21st to 1819 Feby. 20th.</td>
<td>Received for 90 Spirit and Beer Licences at 5s. 9d., 9d. of which goes to the Printer</td>
<td>22 10 0</td>
</tr>
<tr>
<td>Session</td>
<td>Case</td>
<td>Description</td>
</tr>
<tr>
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</tr>
<tr>
<td>March, 1818</td>
<td>The King v. Andw. Johnson</td>
<td>Received for respiting Recognizance</td>
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<tr>
<td></td>
<td>The King v. Elizh. Smith</td>
<td>Received for Recognizance for good behaviour</td>
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<tr>
<td></td>
<td>The King v. Mahoney</td>
<td>Received for Recognizances to appear at the next Session</td>
</tr>
<tr>
<td>June, 1818</td>
<td>The King v. Archib'd Wood</td>
<td>Received from Def't a Fine of £20 which has been disposed of agreeable to the Judge Advocate's Orders</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Received on his entering into Recognizance to Keep the Peace.</td>
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<tr>
<td></td>
<td></td>
<td>Received for 2 Subpoena's</td>
</tr>
<tr>
<td>September, 1818</td>
<td>The King v. Bland</td>
<td>There is an account against Def't's Solicitor for Office Copy Information and for Subpoena not yet paid</td>
</tr>
<tr>
<td>December, 1818</td>
<td>The King v. Donahue and Collins</td>
<td>Received on withdrawing Recognizance</td>
</tr>
<tr>
<td></td>
<td>The King v. Ball</td>
<td>The like</td>
</tr>
<tr>
<td></td>
<td>The King v. Trayner</td>
<td>The like</td>
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<tr>
<td></td>
<td>The King v. Clarke</td>
<td>The like</td>
</tr>
<tr>
<td></td>
<td>The King v. Alford and Clue</td>
<td>Received for subpoena's herein</td>
</tr>
<tr>
<td></td>
<td>The King v. Smith and Others</td>
<td>Received on Entering into Recognizance to appear at the next Sessions</td>
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I do hereby Certify that the above return as to Fees received by me between the 1st Jany., 1817, and the 1st Janry., 1819, is true and Correct to the best of my knowledge and belief.

Thos. Wylde, Clerk of the Peace.

Compared. Correct:—J. T. Campbell, Secy.
1819.
18 March.

**HISTORICAL RECORDS OF AUSTRALIA.**

[Enclosure No. 3.]

**EXTRACT OF GOVERNMENT AND GENERAL ORDERS.**

Government House, Sydney, 16th January, 1819.

_Civil Department._

"His Royal Highness the Prince Regent, in the Name and on the Behalf of His Majesty, having been graciously pleased to sanction and approve of Thomas Wylde, Esqre., being appointed Clerk of the Peace and Solicitor to the Crown in the Territory of New South Wales and its dependencies as recommended some Time since by His Excellency the Governor; It is hereby notified, that Mr. Wylde's appointment, as Clerk of the Peace and Solicitor to the Crown, is to be considered as confirmed, and having taken place on and from the 9th Instant, that being the Day on which His Excellency received the official Communication of his Nomination having been approved, and from which date the Salary annexed to these Situations is to commence."

True Extract:—J. T. CAMPBELL, Secy.

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**GOVERNOR MACQUARIE TO EARL BATHURST.**

(Despatch marked "No. 10 of 1819," per ship Shipley; acknowledged by Earl Bathurst, 24th March, 1820.)

Government House, Sydney, New South Wales, 22 March, 1819.

My Lord,

The earnest and long cherished Desire of the Most Loyal, Intelligent, and respectable part of this Community to lay before His Royal Highness the Prince Regent a Statement of what they Consider Restraints bearing particularly hard on their Commercial Efforts, and affecting their Civil Rights as British Subjects, with a View to Move His Royal Highness to Extend them Relief in the Premises, being now Considered a Measure of the most serious and important Concern to the future Welfare and best Interests of this Colony, I was lately Induced to Yield to the application of a very respectable Body of the Free Inhabitants, and to grant Permission for a General Meeting of the Gentlemen, Clergy, Merchants, Settlers and other the Free Inhabitants to discuss the subjects on which they wished to make an appeal to the Foot of the Throne.

I have now the Honor to Inform Your Lordship that the Result of this Meeting, and of a subsequent one (in both of which Sir John Jamison, Knt., presided) on the same Business, has been that a Memorial, expressive of humble and dutiful
Loyalty, addressed to His Royal Highness the Prince Regent, and Imploring His Royal Highness's Paternal Consideration to the State of their Civil and Mercantile Privileges, has been placed in my Hands for Transmission to His Royal Highness under Your Lordship's favorable Auspices.

As this Memorial States in very full and plain Terms (tho' perhaps in no very Courtly Language) the Nature and Extent of the Indulgences and Participations in the British Constitution, prayed to be granted to the Inhabitants of New South Wales in Common with other Colonists, it will not be necessary for me to enter at any great Length into the Consideration of their Justice and Expediency, more especially as I have, already, from my own opinion of their political Wisdom, had the Honor of recommending almost every one of them at different periods to the humane Consideration of His Majesty's Government.

I beg leave here to advert to some of my former Dispatches as Connected with the present occasion.

1st. In my Dispatch, dated 18th Octr., 1811, addressed to the Right Honorable The Earl of Liverpool, then Secretary of State for the Colonies, I submitted my opinion in favor of a Change in the Form of our Courts of Justice and of Trial by Jury.

2d. In my Dispatch, dated 15th May, 1817, addressed to Your Lordship, I assigned my Reasons for Considering a Tax here on raw Materials, the Natural Productions of this Country and of the Seas and Islands around it, when destined for Export, as impolitic in the present Infant State of the Colony, and I thereon took the Liberty to recommend that all such Duties should be abolished, and

3dly. In order to restrain the small Means of this Country from being Lavished on the Import of Spirits from Rio de Janeiro and the East Indies, and thereby to preserve them for the purchase of Goods and Manufactures from Great Britain, I have repeatedly Suggested the Propriety of Sanctioning a Public Distillery, in order to supply a wholesome Spirit for Internal Consumption in lieu of the deleterious one, Imported from South America and India; on this Subject I have expressed my Sentiments much at large in my Dispatch No. 1 of 1817.

In regard to the Indulgence Solicited for the Trade of the Colony with the Mother Country in Vessels of 150 Tons burthen and upwards,* instead of Vessels of 350 Tons and upwards, Altho' I sincerely hope it will be granted, I have heretofore studiously Avoided bringing that Subject under Your Lordship's Consideration from a feeling that my doing so might be Considered as an indelicate and improper Attempt to Violate the Chartered Rights

* Note 7.
of the East India Company. But as the Concession of the privilege could not in my opinion come either to the Prejudice of the Trade or of the Revenues of the East India Company, I trust alike in its Liberality and the paternal Solicitude for the Welfare of all His Majesty's Subjects, ever Evinced by His Royal Highness the Prince Regent, for its being Granted.

I trust Your Lordship will Sympathize in the feelings of the petitioners, and see the Justice of putting this Colony on a footing of perfect Equality with others, in regard to the Duties Chargeable on Oil and its other Exports on arrival in the Ports of Great Britain.

The Memorial, I have now the Honor to transmit to Your Lordship's Care and kind Offices in Presenting it to His Royal Highness the Prince Regent, is signed by 1,260 persons, Including (with the exception of very few persons, most of whom holding Official Situations did not Consider themselves Warranted) All the Men of Wealth, Rank or Intelligence throughout the Colony.

Permit me now, My Lord, to add the Expression of my most earnest Hope that the Prayer of this Petition may meet the most gracious Favor and Protection of His Royal Highness the Prince Regent; and at the same time to Assure Your Lordship that I have such Confidence in the good Dispositions of this People, that were even this their first Appeal totally rejected, I am Convinced they would receive the Intelligence with humble and dutiful Submission, Mindful of the many Favors and Blessings already Enjoyed by them in the peculiar Circumstances in which they are placed. Whilst, on the other Hand, if it should be the Royal Pleasure to grant the whole or any part of the Solicited Boon, it would be received with Sentiments of the Utmost Gratitude, and be productive of the various and important Benefits, which Could not fail of rendering them Contented and happy, and of Securing their Ardent Loyalty and Cheerful Submission to such Imposts, as may be hereafter Expedient to lay on them in Relief of the Weighty Burthen, borne for them at present by the Mother Country.

Again Soliciting and bespeaking Your Lordship's favorable Consideration to the Case, as stated by the Petitioners, which would be its best Support, I shall Conclude with expressing the Hope that my having Sanctioned such an Appeal will not be deemed an improper or ill timed Indulgence to an humble and dutiful Portion of His Majesty's Subjects, Emerging from Obscurity on this far distant Coast.

I have, &c,

L. MACQUARIE.
[Enclosure.]

The humble petition of the gentlemen, clergy, settlers, merchants, land-holders and other free inhabitants of His Majesty's territory of New South Wales, in a general meeting duly assembled,

To His Royal Highness the Prince Regent in Council.

Most humbly sheweth,

That your petitioners, hitherto unaccustomed to approach the throne, are now induced to exercise that invaluable privilege for the purpose of most humbly laying before Your Royal Highness a statement of the restrictions, disabilities and inconveniences under which this His Majesty's colony labours, respecting the several matters herein after stated, matters of the most vital consequence to its interests and prosperity. That the population of this territory consists of upwards of 25,000 souls, English, Scotch, and Irish-born subjects of His Majesty and their children, the greater part of whom, in the proportion of five sevenths, are free settlers, merchants, land and householders. That on the settlement of this colony in the year 1788, a court of criminal judicature was established by His Majesty's letters patent, a cursory review of the constitution of which court clearly shews that it could be intended only for a very small community, and a state of society very much confined; but your petitioners most humbly shew, that that state of society has long since passed away, that the free and respectable population is numerous, intelligent, and, as to horned cattle, sheep and land in cultivation, comparatively wealthy; that their habits, customs and feelings are entirely British; that there is very little or no admixture of foreign inhabitants, manners or customs among them, and yet the court of criminal jurisdiction has undergone no alteration since its establishment at the very infancy of the colony. That the said court of criminal judicature consists of a judge advocate and six officers of His Majesty's forces by sea or land appointed by the governor or lieutenant governor, the judge advocate is the president of the court; it is his duty to examine the depositions taken (very frequently before himself as magistrate) upon committal of offenders to prepare the information upon which they are to be tried, to exhibit those informations to the court, to summon the witnesses, to prosecute the prisoner, conduct and make minutes of the trial, to make observations thereon to the other members, to give his opinion and vote upon the guilt or innocence of the prisoner, and finally to pronounce the judgment of the court. Your Royal Highness will perceive that this officer, the judge advocate, is at once the committing magistrate,
1819.
22 March.

Petition from colonists for redress of grievances.

1819.
22 March.

Grand Jury, Public Prosecutor, Petit Juror, and Judge, and, from being so intimately concerned in the preliminary steps of every prosecution, cannot possibly free his mind from some degree of bias against the Innocence of the Prisoner, the more especially, as in his capacity as Grand Jury, he is bound to believe a Man Guilty before he puts him on his Trial. That the Criminal Court appears to your Petitioners to be rather a Court Martial than a Court of Law. A Court, composed of Naval or Military Officers appointed by the Executive Authority, allowing no right of Challenge or objection on the part of the party accused, nor appeal from its decision, presided at by a Judge whose title is purely Military, and wherein it is possible, and your Petitioners most humbly state it has actually happened more than once, that the very Accuser of the Prisoner, the party complaining of the Offence and against the Offender, was a Member of the Court and consequently one of his Judges; and most humbly shew unto your Royal Highness that this Course is not at all calculated to administer and distribute impartial Justice to the numerous free and respectable Population of the Colony; that it cannot command that veneration awe and respect, which ought ever to attend upon a Court of justice, a Court in its formation and proceedings contrary to all our habits, feelings, and opinions as Englishmen, a Court unknown in our Mother Country, a Tribunal from a review of whose formation We most humbly beg leave to state to Your Royal Highness, we do not consider our lives and our liberties can be so well secured, as those of British Subjects should be, nor can the Laws of our Country be administered with sufficient purity and impartiality. And humbly shew that there are now resident in this Colony, a great number of free respectable Inhabitants sufficient and perfectly competent for Jurymen; Men, by whose Property, Exer­tions and Labour the Country has been cleared and cultivated, Towns built, and a thriving Colony (notwithstanding the many disabilities it labours under) reared up and established. Upon this fact Your Petitioners most humbly beg leave to call Your Royal Highness's attention to the opinions of Men, who from their situations in the Colony were intimately acquainted with all its means and resources, and well qualified to form correct opinions thereon. Admiral Hunter, late Governor of the Colony, in his Evidence before the Committee of the House of Commons on Transportation in 1812, states "That Trial by Jury would have been advantageous to the Colony, and that before he left it in 1800 there was then a sufficient number of respectable persons to form Juries." Admiral Bligh, also lately Governor, in his Evidence before the same Committee, states "That in his
time, 1807, there was a sufficient number of respectable Settlers
and Inhabitants to form Juries.” Ellis Bent, Esquire, late Judge
Advocate of this Territory, a Gentleman, who from his office
presiding in the Court was well able to estimate the inconve-
nience and insufficiency of them, and whose integrity, talents
and suavity of manners tended to remedy those inconveniences
as much as they could be remedied, in a public Letter,* of date
19th October, 1811, addressed to The Right Honorable Earl of
Liverpool, then Secretary of State for the Colonies, enters fully
and particularly upon the subject of the incompetency of the
Courts in the Colony and strongly recommends trial by Jury,
and gives it as his opinion “That Grand and Petit Juries of
great respectability could have been with facility then im-
pannelled in the Colony”; and more particularly we beg leave
most humbly to submit to Your Royal Highness’s Consideration
the opinion of His Excellency Governor Macquarie, than whom,
from the length of time he has administered the Government and
his thorough knowledge of all the means, circumstances and
interests of the Colony, there can be none more full, satisfactory
and deserving attention. His Excellency, in his Dispatch to the
Right Honorable Earl Bathurst, 28th June, 1813, recommends
most strenuously, That Trial by Jury should be established, and
gives it as his full and decided opinion, “That there was a
sufficient number of free and respectable Inhabitants in this
Colony, perfectly competent and sufficient to compose Grand
and Petit Juries.” And humbly shew that the respectable part
of our Population has increased in a fair proportion with the
entire. That the state and intercourse of society is much
improved and daily improving among us. That passions and pre-
judices are almost entirely softened down and dying away, and
that ties and connections have been formed, and are daily form-
ing, which unite Man to Man, and strengthen the bonds and
union of society. That your Petitioners most humbly beg leave
to approach Your Royal Highness, and ardently and most humbly
pray, That Your Royal Highness of your grace and clemency
may be pleased to extend to us, His Majesty’s Subjects in this
Territory, that great and valued inheritance of our Ancestors,
Trial by Jury, constituted in its Members upon the strict prin-
ciples of English Law, And we most humbly hope that we will
not be thought presumptuous in soliciting, now in 1819, that
great privilege, for the beneficial exercise of which (in the
opinions of those best able to judge) we were fully competent
in 1800, 1807, 1811, and 1813; and when Your Petitioners con-
sider that Trial by Jury is a Blessing conferred by our Mother
Country on all our Sister Colonies, that the Hindoo in India,

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Reasons for advocacy of trial by jury.
Proposal for trial by jury in civil courts.

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the Hottentot in Africa, and the Negro Slave in the West Indies, alike partake of its protection and advantages, We do most humbly hope that We, the Inhabitants of this Colony, Englishmen, the Sons of Englishmen, with all the habits and feelings of Englishmen, will not be deemed unworthy of that great Blessing and suffered to remain the solitary exception within the wide range of British Rule and Dominion to the enjoyment of that great safeguard of British rights and British Subjects. And Your Petitioners humbly shew unto your Royal Highness that the Changes and regulations lately adopted in this Colony, with respect to the late Court of Civil Judicature and the present Supreme Court of Judicature, have not fully and adequately provided for the due and convenient administration of Civil Jurisprudence, And do therefore most humbly pray that Trial by Jury may be established also in the Court or Courts of Civil Judicature in this Territory.

And your Petitioners further most humbly shew unto your Royal Highness that, with the increase of Population, Agriculture has greatly and rapidly increased in this Colony, whereby the Colony has been cleared, vast quantities of Land brought into cultivation, and of Grain raised, more than sufficient for our internal consumption; but that, having no foreign market, the Demand is limited to that internal consumption, and the Cultivator consequently confined in his Exertions, because all the surplus Grain above the Consumption, that he may raise, not only reduces the price by its abundance but actually goes to waste, and becomes totally useless for want of a market, and thus creates a double loss, the Expence of cultivating the surplus and the depreciation of value in the entire Crop; whereby not only is the general prosperity of the Colony greatly retarded and all Spirited Exertion damped, But the occasional overflowing of the River Hawkesbury frequently produces scarcity and all its dreadful consequences, a Calamity that might be most surely and effectually remedied and indeed entirely prevented, if there was a regular market or means of consuming all the Grain we can raise; for we humbly beg leave to state to your Royal Highness that the Cultivation of Bread Corn and other Grain is very considerably carried on and can be extended to an infinite degree on the high and forest lands of this Colony, entirely out of the reach of Floods, so that the deficiency of grain, that occurs upon the recurrence of Floods in the River Hawkesbury, does not arise from any inability in the Colony to raise an adequate supply (for a supply fully adequate, and more than fully adequate, to all our possible demand and consumption can at any time be raised), But on the contrary arises from a want of proper
encouragement to Agriculture, for Agriculture cannot subsist without sufficient demand and consumption; and although it may appear paradoxical, nevertheless it is true in fact that an abundant Crop beyond a certain quantity is injurious and a loss to the Cultivator in this Colony, because it creates a supply greater than the Consumption, and as before stated reduces the price of the Portion actually consumed, whilst the surplus becomes useless for want of a Market. That from the Geographical situation of this Colony, the only foreign Markets within its reach are India, the Cape of Good Hope, and the Isle of France, Countries where Grain is raised or can be procured on as cheap or cheaper terms than as yet it can be in this Colony, so that in fact having no foreign Market to go to, no effectual Encouragement can be given to Agriculture in this Colony; but by increasing the Consumption within itself, our Population has rapidly increased and continues to do so, but it is an Adult Population, composed principally of actual Labourers, for whom sufficient employment cannot be found in the present state of our Agriculture. And your Petitioners most humbly submit to your Royal Highness, that the only mode of Consumption for our surplus Grain, and consequently the best stimulous and encouragement to Agriculture and Industry, would be to permit the distillation of spirits from such surplus Grain, a measure that would operate most beneficially in many points of view; it, and it only, would effectually encourage and extend Agricultural Speculation. It would be a resource and provision against times of occasional Floods and scarcity, for on such occasions it could be suspended. It would afford a better and cheaper spirit than that which is imported, generally ardent Bengal and Mauritius Rum; with the increase of Agriculture, which it would most certainly produce, It would afford profitable and useful Employment to now uselessly or not at all Employed, to Capital in the Country, that has hitherto been drained out of it, for the large sums of money, carried out of the Country in the purchase of spirits, instead of being serviceable, are worse than useless. Whereas the same money would flow back and be most beneficially diffused among the Agriculturist, the Labourer, the Capitalist; it would be employed in clearing our Lands, improving our Towns, in short in actively and directly promoting our general welfare and prosperity. And further humbly submit to your Royal Highness, that no loss need accrue to the Colonial Revenue, for a Revenue greater in the aggregate than that arising upon the Duties on spirits imported might with facility be raised upon our home made spirit, neither would this measure have any increased bad effect upon the moral Condition of our Population, in as much as the Consumption or the

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Foreign markets not available.

Advantages of establishment of a distillery.

Effects of a distillery on the colonial revenue; and on the morals of the colonists.
facility of consuming Spirituous Liquors would not be en-
creased by internal Distillation to a greater degree than now
exists and is afforded by the unlimited importation of that
Article, while the Expence and the other evil consequences would
be most materially lessened; and it is with peculiar satisfaction,
we humbly beg leave to assure Your Royal Highness that the
moral habits and sobriety of our numerous and rapidly en-
creasing rising Generation are such as would reflect the highest
credit on any People and do honor to any Country. WHEREAS,
if unfortunately for this Colony it should not be deemed fit to
accede to this measure, all Encouragement to Agriculture will
be taken away, a surplus and encreasing Population, not of the
best Character, left without Employment, a burthen upon the
Colony, and an enormously encreasing expence to the British
Government. We shall remain continually subject at one time
to all the Calamities of Famine arising from Floods, and at
another to the nearly equal Calamity and distress upon our
Agriculturists of an abundant Crop without a price or a Market,
Circumstances which must ever effectually prevent this Colony
from advancing in wealth Civilization or Consequence, and leave
it a useless and expensive burthen upon the Mother Country.
YOUR PETITIONERS therefore most humbly and earnestly Pray
that Your Royal Highness may be graciously pleased to permit
the distillation of Spirits from Grain in this Colony under such
Regulations as may appear to Your Royal wisdom meet and
expedient.

YOUR PETITIONERS further most humbly Shew unto Your Royal
Highness that this Territory, being to the Eastward of the Cape
of Good Hope, comes within the provisions of a certain Act of
Parliament intituled AN ACT for continuing in the East India
Company for a further Term the possession of the British
Territories in India, &c. being the 53d of His Majesty, Cap: 155,
by the 32d Section of which, IT IS ENACTED "That no Ship or
Vessel, the registered measurement whereof shall be less than
350 Tons, shall sail or pass in any of the Seas to the Eastward
of the Cape of Good Hope, or to the westward of the Streights
of Magellan, without a Licence from the Board of Commis-
sioners for the Affairs of India specially authorizing the same,"
as well as of the several Acts of Parliament relating to the South
Sea Fishery, and particularly the 35th of His Majesty, Cap. 92,
Sections 7, 19, and 20, whereby the Navigation between Great
Britain and this Territory is restricted to Ships and Vessels of
not less than 350 Tons burthen. THAT, the population of this
Territory being entirely English, British Manufactures of every
description are regularly and principally in demand, a demand
at the present great in proportion to that Population and with it progressively and rapidly increasing; But the Restrictions, arising from the aforesaid provisions of the said several Acts of Parliament, operate so as to amount almost to a prohibition, first as to the Export of British Manufactures to this Colony, inasmuch as few if any of the resident Merchants here are willing or able to employ the large Capital, necessarily required for the Cargoes of Vessels of magnitude eligible to be Navigated to this Colony; and we are consequently left to be supplied through the medium of the Transport Ships, a supply casual and uncertain in its nature, insufficient in quantity, generally unsuitable for the market and frequently at enormously high prices, and which, such as it was, has been entirely prohibited; and secondly with regard to Exports from this Territory to England, because there being no regular trading ships navigated from hence to Europe, we have no regular means of shipping our Colonial produce to the Mother Country, but are driven to the necessity of Employing these Transport Ships, all of which are generally bound to China and India and engaged in the Indian Trade, so that an opportunity of shipping any of our Colonial produce to Europe does but very rarely occur, and then the Voyage, being by the way of India, is so circuitous and long and consequently hazardous without the opportunity of Insuring and the Freight so high, as on the whole to put almost an entire stop to the export of our Colonial produce, which is generally bulky and therefore unable to pay heavy freight and expences. Evils which not only vitally affect this Territory, by almost totally preventing all Export of Colonial produce, but also affects our Mother Country in limiting the Consumption of British Manufactures here, both of which would be entirely removed, if Vessels of small Tonnage were allowed to Navigate to and from this Territory and England, as Vessels of that description, and the small Cargoes they require, would be within the means of our resident Merchants. YOUR PETITIONERS do therefore most humbly Request for pray, That Your Royal Highness may be graciously pleased to order that such measures may be adopted by His Majesty's Government as shall remove the aforesaid restrictions and open the Navigation between Great Britain and this Territory to Vessels of small Tonnage, a measure which your Petitioners most humbly submit would not at all affect the rights or interests of the East India Company, as the trade from this Colony to England may be restricted entirely to Colonial produce, and prohibited as to Indian produce.

AND your Petitioners further most humbly shew unto Your Royal Highness that, from the Geographical situation of this
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Duties imposed on products of south sea fishery.

The problem of employment of labourers.

Proposed employment of labour in fisheries.

Effects of excessive duties.

Territory commanding the Antarctic Seas and its Southern Coasts covered with innumerable Bays and Islands, peculiar facility is offered for the Catching of Whales, Seals, Sea Elephants, Sea Cows and other Animals of the Sea, from which are procured Oil, Seal Skins and other Marine productions of great value in the Manufactures of Great Britain, and in the procuring of which, the surplus Labour of this Territory might be most usefully and beneficially employed; but Your Petitioners most humbly represent that the Duty in England imposed on Blubber imported from this Colony is £4 13s. 4d. per ton, on Train Oil £7 0s. 0d. per ton, On Whale Fins £5 6s. 8d. per Ton, Whereas the Duties imposed on the same Articles imported from His Majesty's Colonies in America are On Blubber 14s., on Train Oil £2 16s. 0d., On Sperm Oil or Head matter £4 4s. 0d., and on Whale fins £4 0s. 0d., and the Duties imposed on the same Articles imported from His Majesty's Settlement of Newfoundland are On Blubber 14s., On Train Oil £1 1s. 0d., On Sperm or Head Matter £1 1s. 0d., and on whale Fins £2 13s. 4d. per Ton respectively. That the number of Labourers in proportion to the entire Population of this Territory is greater than that of any other Country, a great part of whom being Convicts are therefore in the service of and supported by the Crown at a great Expence. That the free Labourers of the Colony are now numerous and becoming daily more so, and the period is not far distant when the free Labour will supply all the demands of the Colony (unless some other profitable employment shall be created or procured for it), when consequently the Labour of Convicts will become unnecessary and very considerable Expence arise to the Crown, in the support of that portion of the Convict Labourers theretofore distributed amongst the Settlers and Private Individuals, in Agricultural and Domestic Employment, an Expence that might be entirely avoided, if some other profitable Employment could be afforded to the free Labour. And your Petitioners most humbly shew unto Your Royal Highness, that the most obvious and natural means of employing the surplus Free Labour of these Settlements would be in the procuring of Oil, Skins, Whale Fins and other articles, the productions of the Coasts and Neighbouring Seas of this Territory. But your Petitioners most humbly submit that the High Duties imposed in England upon Blubber, Train Oil, Sperm or Head matter, and Whale fins, imported there from this Colony, operates as a complete prohibition to the procuring of the said Articles and Exporting them to England; Inasmuch as the duty added to the expence of procuring shipping, &c. amounts to considerably more than the several Articles would sell for when arrived
there. AND your Petitioners do most humbly further submit to Your Royal Highness that if the aforesaid high Duties, which do not produce one shilling of Revenue and merely operate as a prohibition, were repealed, and such moderate Duties imposed in their stead as are imposed on the like Articles Imported from His Majesty’s other Colonies, a productive and increasing Revenue would arise to His Majesty therefrom, useful employment would be afforded to the free Labour of these Settlements, the natural means and advantages of the Colony now lying dormant would be turned to profitable account, a spirit of enterprise and mercantile speculation created, and the rising Generation of this peculiarly English Colony become to a certain degree a nursery for British Seamen. YOUR PETITIONERS therefore most humbly pray, that your Royal Highness may be graciously pleased to direct that such measures may be taken to repeal the aforesaid high Duties on Blubber, Train Oil, Sperm Oil or Head matter, and Whale Fins, and such other moderate Duties imposed in lieu of the same as are imposed on the like articles imported from His Majesty’s Colony of Newfoundland and other plantations in America.

AND Your Petitioners further most humbly shew unto Your Royal Highness that, from the introduction of Spanish Merino sheep into this Colony, we can grow wool as fine as any imported from Spain, in considerable and rapidly increasing quantities. In so much that we confidently look forward to the period, when fine Merino Wool will become our principal staple Export to our Mother Country, But upon which there is a Duty of 6s. 8d. per hundred weight imposed in England. THAT the stock of Horned Cattle in this Colony is great and rapidly increasing, whereby we could supply a considerable quantity of Hides, Hoofs and Horns, articles of prime necessity in several British Manufactures. That the Duty upon these Articles imported into England from His Majesty’s Colonies in America is only £4 18s. 8d. per Cent., while on the like Articles imported from all places, the Duty is £26 13s. 4d. per cent., which Your Petitioners believe includes this Territory. THAT several kinds of Bark, fit for Tanning, can be procured in this Colony to such an extent as to make it an object of Export to the Mother Country; But that the Duty imposed in England on all Bark, excepting Oak, quercitron, and red Mangrove Bark, being £50 per cent., entirely precludes Your Petitioners from speculating in this article. THAT Hemp and a Vegetable substance of the nature and quality of Hemp, commonly called New Zealand Flax, can be raised and procured in this Colony to a considerable Extent for Exportation to England; But the Duty on those Articles imported from His
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Duties imposed in the colony.

Effects of colonial duties.

Request for relief.

Majesty's Plantations in America is only 5s. per Ton, while the Duty on the like articles, imported from other Countries, is on Dressed Hemp £80 per Ton and on undressed £7 13s. 4d. per Ton.

YOUR PETITIONERS therefore most humbly pray, that Your Royal Highness may be graciously pleased to direct such measures to be adopted by His Majesty's Government, as that the Duties imposed on the several Articles of Hides, Hoofs, and Horns, Tanning Bark, Hemp and other vegetable substance of the nature of Hemp, imported from this Colony, may be equalized with the Duty imposed on the like Articles, imported from His Majesty's other Colonies and Plantations.

AND your Petitioners further most humbly shew unto Your Royal Highness that under former Governors the following duties were ordered to be levied in this Colony, on the articles under mentioned, upon their arrival and Landing in the Colony, whether for Colonial consumption, reshipment or Exportation vizt:—

On each Ton of Sandal Wood £2 10 0
On each Ton of Pearl Shells £2 10 0
On each Ton of Beech le mer £5 0 0
On each Ton of Sperm Oil (252 Gallons) £2 10 0
On each Ton of Black Whale or other Oil £2 0 0
On each Fur Seal Skin £0 0 1½
On each Hair ditto £0 0 0½
On each Kangaroo ditto £0 0 0½
On each solid foot of Timber whether in Log or Plank £0 1 0
On every twenty Sparrs £1 0 0
On Coals per ton £0 5 0

All which articles are of the growth and produce of this Territory and the Neighbouring Seas and Islands. AND your Petitioners most humbly submit that the above mentioned duties operate completely as a direct Tax upon Labour and Industry, and yet produce no Revenue, and have been so severely felt in the Colony, as to have put a complete stop to a promising source of Colonial Trade and Employment for Labour, and thereby cut up by the roots the commencement of a Trade which bid fair to supply other staple and serviceable articles of Export to our Mother Country, as well as entirely ruin our Infant Shipping interests, Colonial Coasting Trade, and Fishery. YOUR PETITIONERS therefore further most humbly pray Your Royal Highness may be graciously pleased to direct that instructions may be given to our Colonial Government to rescind the said Duties, or to allow a drawback upon the Export from this Territory of the said Articles, equal to the Duty imposed on the same.

YOUR PETITIONERS having thus most humbly approached Your Royal Highness with a statement of the Disabilities, restraints and inconveniences under which the Inhabitants of this His
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Majesty’s peculiarly British rising Colony labours with regard to the insufficiency of its Jurisprudence, the obstructions to its Agriculture, the impediments to its Navigation with our Mother Country, the operation of the Duties applying to its productions imported to England, as well as of those Colonial Duties imposed on its Exports here, they do most humbly trust that Your Royal Highness will lend a gracious Ear to their Complaints, and, of your Royal Clemency, direct that His Majesty’s Colony may be put on the same footing with His Majesty’s other Colonies, as regards the several matters herein before humbly set forth, and when your Petitioners look around to the several Colonies, when they consider the liberality, benevolence and fostering care with which all of them are regarded by our common Parent Country, they are encouraged most humbly to hope that Your Royal Highness representing our most gracious and beloved Sovereign will have especial regard to the interests and welfare of this Peculiarly British portion of His Majesty’s Dominions, and that Your Royal Highness will be graciously pleased to direct that such measures may be adopted by His Majesty’s Government, as shall afford such redress in the premises as to Your Royal Highness’s wisdom shall seem meet.

AND YOUR PETITIONERS as in duty bound will ever pray.

JOHN JAMISON, Chairman.

WM. REDFERN.        J. T. CAMPBELL.
THOMAS LAYCOCK.    THOS. RILEY.
WILLM. DIBB.        S. LORD.
WM. EVANS.         ARCHIBALD MCKELLOP.
WILLIAM BOWMAN.     GEORGE CROSSLEY.

and 1,250 other Merchants, Settlers, &c.

AND YOUR PETITIONERS as in duty bound will ever pray.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked “No. 11 of 1819,” per ship Shipley; acknowledged by Earl Bathurst, 24th March, 1820.)

Government House, Sydney, New South Wales,

My Lord,

22d March, 1819.

In my Dispatch, No. 6, by the present Opportunity, I have had the Honor to Inform Your Lordship of the disagreeable necessity which has been imposed upon me of suspending Mr. Gore from the situation of Provost Marshal, until the Pleasure of His Royal Highness the Prince Regent shall be made known. In that Dispatch I also Mentioned that I had appointed My Secretary, Mr. Campbell, to that Office for the same Period.

I now beg Leave to State to Your Lordship, that however I might be disposed to render Mr. Campbell a permanent and
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Reasons for selection of Campbell as provost-marshal.

Substantial Mark of My Esteem and Regard in Consideration of his long, laborious, faithful and Able Services in the Department of Secretary to this Government, which he has filled with much Credit to himself and Benefit to the Public and to my Entire Satisfaction for Upwards of Nine Years, I can boldly affirm that on the present occasion I have not been actuated by any such Motive, or Sacrificed the Interests of the Public at the Shrine of private Regard.

In short, My Lord, the Appointment of Mr. Campbell has been forced upon me by the Consideration of the Fact that our present Population affords very few Persons whose Rank and personal Qualifications would in any degree render them suitable to the Office, whilst still fewer have any Claims from personal Conduct and Public Estimation.

In Mr. Campbell are Centered a firm Upright Mind, Unbiased by Prejudice or Party, and a decent Composure of Conduct, which are at once becoming his Time of Life, and give the best Promise for his Managing the Department to the Entire Satisfaction of the Courts and the Public.

Previous to my appointing Mr. Campbell to be Provost Marshal, ad Interim, I took an opportunity of consulting each of the Judges on the Duty I had to perform, and I am happy to Inform Your Lordship that Each of them Expressed himself much pleased and gratified by the Prospect of getting so well qualified and respectable a Man as Mr. Campbell to fill the office.

The Hesitation, which I should have had in Nominating a person already intimately Connected with My Government, being thus removed by the Tribute paid to Mr. Campbell’s superior Merits and Claims by the Judges of the Courts, determined me on giving him the appointment, and it accordingly took place on the 6th Instant.

As Partiality might still be supposed to have led me to Imagine that Mr. Campbell’s Appointment was more in Unison with the Opinion and wishes of the Judges than the fact would warrant, I beg leave to transmit Your Lordship a Copy of a Letter received from them in Answer to one I had addressed to them, Notifying Mr. Campbell’s Appointment, which will shew Your Lordship the Estimation in which Mr. Campbell is held by them, and also how Strongly they Express themselves desirous of his being Confirmed by His Royal Highness the Prince Regent in that situation.

Under all these Circumstances, I now Come to that part which I have most at Heart, namely, to recommend Mr. Campbell to Your Lordship’s most favorable Consideration on this occasion, and to Express the Hope that Your Lordship will be so

Approval by judges of appointment.

Judges' opinion of J. T. Campbell.
Condescending as to yield to this my Intreaty by recommending him for Confirmation as Provost Marshal to His Royal Highness the Prince Regent.

It being a Trait in the Character of Mr. Campbell Most highly Creditable and Honorable to him, I beg to Inform Your Lordship that on the day of his Appointment to the Situation of Provost Marshal he, of his own Free Will and Accord, and without Consultation with any person whatever, Presented Mrs. Gore, the Wife of the Suspended Provost Marshal, for the Support of herself and Family with the Entire Salary of the Office of Provost Marshal, so long as he shall himself Continue to hold the two Offices of Secretary and Provost Marshal.

I shall only now add, that, if Mr. Campbell had not expected that my Recommendation would secure the Appointment to him, he would not have exposed himself to the disagreeable Risk of being Superseded at the End of a few Months for any paltry Emoluments that might arise to him in that Period.

Knowing that I am Soliciting in behalf of an honest and Upright Man, I feel that I shall thereby Interest Your Lordship in his behalf, so far as other Considerations will admit, and I therefore Cheerfully and Confidently leave his Claims with Your Lordship's Superior Judgment.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

JUDGE-ADVOCATE WYLDE AND JUDGE FIELD TO GOVERNOR MACQUARIE.

Sir, Sydney, 7th March, 1819.

We beg Leave thus Jointly to acknowledge the Receipt Approval of Your Excellency's Govt. and General Order of Yesterday's date, appointing John Thomas Campbell, Esquire, to be Provost Marshal of the Territory in the Room of Wm. Gore, Esqr., and we beg also to express our Satisfaction that the Office has been bestowed upon one so Confident and fit in every Respect for the Duties thereof, as well as high and responsible in Character and Situation. Under these Impressions we Entertain the Hope that His Royal Highness the Prince Regent, gracingly taking into Consideration not only Mr. Campbell's long Services in this Colony, but the general Testimonial which Could hence be obtained, and which we, at least on our part, officially would so readily afford on the occasion as to Fitness and general Qualification, will be Pleased to Confirm Mr. Campbell in his present Appointment.

We have, &c.,

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

BARRON FIELD, Judge of the Supreme Court.

True Copy:—L. MACQUARIE.
GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 12 of 1819," per ship Shipley.)

Government House, Sydney, N. S. Wales, 22d March, 1819.

My Lord,

I have the honor to acknowledge the receipt of Your Lordship's Dispatch No. 5 dated 5th July 1818, relative to a Communication made to Your Lordship by the Commissioners of the Victualling Board on the subject of a Quantity of Lemon Juice, with the Bottles and Cases containing the same, delivered by the Commanders of the Shipley and Sir William Bensley, Male Convict Ships, to Mr. D'Arcy Wentworth Principal Surgeon at Sydney; and having made a Communication of Your Lordship's Commands to that Officer, I have now the honor to transmit herewith, for Your Lordship's own information and that of the Commissioners of the Victualling Board, Doctor Wentworth's answer and explanation on this Point, and beg to add that I believe his Statement of the Circumstances to be perfectly correct.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

PRINCIPAL SURGEON WENTWORTH TO SECRETARY CAMPBELL.

General Hospital, Sydney, N. S. Wales,

8th December, 1818.

Sir,

I beg leave to have the honor to acknowledge the Receipt of your Letter of the 25th November, enclosing an attested Copy of a Letter from the Secretary of State for the Colonies to His Excellency the Governor, dated the 5th July, respecting a quantity of Lime Juice, Cases and Bottles delivered to my charge by Capt. Moncrieff of the Transport Ship Shipley, and Capt. Williams of the Sir Willm. Bensley. In answer to which I beg leave to request that you will do me the honor to submit to His Excellency that on the arrival of the Transport Ships from Europe great numbers of persons are affected with scorbutic and other Symptoms, which require the Exhibition of Lime Juice in large quantities, as also that considerable supplies are frequently sent by me to the Medical Officers at the Different outsettlements at Hobart Town, Port Dalrymple, Newcastle, Paramatta, Liverpool, Castlehill, &c., &c.

I have further to request that you will be pleased to submit to His Excellency that the accounts, rendered by the Masters of the Transport Ships alluded to, are perfectly accurate. That 195 Lime Juice Cases, full, each containing 9 Gallons and 272 Do., each containing 18 Empty Bottles are now in my charge, and
that about Fifty one Cases of Empty Bottles have been sold to different persons under the authority of His Excellency the Governor, the Proceeds of which have been duly accounted for.

I have, &c.,

D. Wentworth, Pl. Surgeon.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 13 of 1819," per ship Shipley.)

Government House, Sydney, N. S. Wales,

My Lord,

I have the honor to acknowledge the receipt of Your Lordship's Letter, bearing date 9th July, 1818, relative to Charles Simpson Convict, who was tried and Convicted at Nottingham Assizes in the year 1811, and came out to this Colony in 1812 in the Ship Indefatigable.

Having made the necessary inquiries after this Man, agreeably to Your Lordship's Commands, I have the honor to report to Your Lordship, that he was landed from the Indefatigable at the Derwent in Van Diemen's Land in the Year 1812, and that he Died there in the Year 1814; the reason of his Death not being included in the General Alphabetical Return some time since sent home being that the Returns from Van Diemen's Land had not then been received.

I have, &c.,

L. Macquarie.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 14 of 1819," per ship Shipley.)

Government House, Sydney, N. S. Wales,

My Lord,

I have the honor to acknowledge the receipt of Your Lordship's Dispatch No. 6, bearing date 20th July 1818, with its accompanying Letters to Mr. Goulburn from Mr. Hobhouse, and the Judge Advocate General, relative to the Case of Two Prisoners, vizt:—Gunner George Pinkerton of the Royal Artillery and Private Wm. Connaghton, of the 72d Regiment, who were sent as Convicts from the Cape of Good Hope by the Authority of Lord Charles Somerset, under Sentence of a Court Martial held at that Settlement.

In obedience to Your Lordship's Commands I have made Inquiry after the Two Prisoners in question, and have now to report that only one of them, vizt. Gunner Geo. Pinkerton, was sent to this Colony and arrived here on board the Ship Sir William Bensley from the Cape of Good Hope in November, 1816, William Connaghton never having been sent hither.
1819.
22 March.
Free pardon and passage granted to Pinkerton.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Geport marked "No. 15 of 1819," per ship Shipley.)

My Lord, Government House, Sydney, N. S. Wales, 22d March, 1819.

I have the honor to acknowledge the Receipt of Your Lordship's Dispatch No. 12, bearing date 24th July, 1818, with its accompanying Letter from Viscount Sidmouth to Your Lordship's address, relative to granting Free Pardons to Thomas Messling and Richard Rose, Convicts at the expiration of Seven Years of their Original Sentences, the former having come out in the Ship Indefatigable, and the latter in the Ship Earl Spencer.

I beg to report to Your Lordship that both the Prisoners in question are now alive, and employed in the immediate Service of Government at Sydney; and in obedience to Your Lordship's Commands, they shall receive Free Pardons as above directed in case their conduct shall have been such as to merit this Gracious Act of His Royal Highness the Prince Regent's Mercy.

I have, &c.,
L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Geport marked "No. 16 of 1819," per ship Shipley.)

My Lord, Government House, Sydney, N. S. Wales, 22nd March, 1819.

Having long had it in Contemplation to get the Old Port Regulations of this Territory revised, materially altered, or amended and framed in proper technical legal Language by the Principal Law Officer of the Crown here, as being essentially necessary on account of the increasing Trade of the Colony and in view to its future welfare, as well as to the greater security of preventing the Convicts from getting away from the Colony in Trading Ships, Mr. Judge Advocate Wylde has lately, at my particular request, been so good as to revise, alter, and amend these Port Regulations accordingly, and which have been Published and Circulated instead of the Old Ones, until Your Lordship's pleasure shall be made known thereupon.
MACQUARIE TO BATHURST.

Herewith I do myself the honor to transmit for Your Lordship's notice and further information a Printed Copy of the New Port Regulations. I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

PROCLAMATION.

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

WHEREAS the extending Interests of Commerce and the Increase of Shipping, of or belonging or resorting to Port Jackson, render it expedient that the Port Regulations* heretofore in Use, dated the 1st Day of October, 1810, should be materially revised, altered, or amended; or that new Regulations should forthwith be framed and established more suitable to the present Circumstances of the Colony, and calculated more effectually for the Protection of the Revenue and of public and private property.

AND WHEREAS certain Port Regulations, consisting of fifty one Articles or Sections, have been accordingly framed by the Honorable Judge Advocate Wylde, which have received my Sanction and Approval: be it therefore hereby promulgated, ordered, and directed, that the said last mentioned Regulations, bearing my Signature, and countersigned by my Secretary, under this present Date, shall, from the First Day of March next, be deemed, considered, and taken as the existing and efficient Port Regulations of Port Jackson.

AND it is hereby further ordered and directed by the Authority aforesaid that, as far as local Circumstances will admit, the said Port Regulations shall extend to and be in Force and Effect in all the Ports and Harbours within this Territory and its Dependencies, of which all Persons concerned are required to take Notice and to render strict Obedience thereto, under Pain of incurring such Penalties as in the said Regulations are specified and prescribed.

Given under my Hand, at Government House, Sydney, this Sixth Day of February, in the Year of Our Lord One thousand eight hundred and nineteen.

LACHLAN MACQUARIE.

By His Excellency's Command,

JOHN THOMAS CAMPBELL, Secretary.

God save the King!

[Enclosure No. 2.]

PORT REGULATIONS.

I. All Ship or Vessels, on Arrival off or near to the Heads of Port Jackson, are, at the Entrance of the Harbour to receive on board and to be given into the Charge of one of the Port Pilots, and are, as soon after as Circumstances may allow, to be boarded by the

* Note 19.
Naval Officer or his Deputy, by whom the Master or Commander will be furnished for general Guidance with a Copy of the Port Regulations.

II. Masters or Commanders of Ships or Vessels are then to produce to and furnish the Naval Officer or his Deputy with all such proper Documents and Ship Papers in Respect of the Goods and Cargo on board, as may be duly required, and also, before the Admission Flag is hoisted on board, with a correct List of the Ship's Company; and are to afford and give all such general Information as to the Voyage, Incidents, &c., as may be required of in that Respect.

III. Public Dispatches, Letters, and Packets addressed to the Governor, his Secretary, or any other Public Officer of the Government, and Post Office Letter Bags, are to be considered “On Service,” and to be Given in Charge for immediate Delivery on first Landing to the Naval Officer or his Deputy, when the Ship is first boarded on Arrival, and if any such Dispatches, Letters, or Packets shall be kept back, the Masters or Commanders shall be mulcted in that Respect, and liable to pay a Fine of Twenty Pounds per Day, and for every Day the same shall so remain in their Possession and undelivered.

IV. On the Arrival of any British, Colonial, Indian, or Foreign Ship or Vessel, a written Report in the Form prescribed is, with the least possible Delay, to be made by the Naval Officer or his Deputy to the Governor, or in his Absence to the Lieutenant Governor, or in his Absence to the Senior Officer in Command.

V. Every Ship or Vessel entering within the Heads of Port Jackson from and after the first Day of March next ensuing, shall be chargeable in Respect of the Lighthouse there lately constructed, and the necessary Expenses incident thereto, at the Rate of Two-pence per Ton of Register Measurement, to be placed in the Hands of the Naval Officer or his Deputy, and to be paid over by him without any Deduction whatever to the Treasurer of the Police Fund.

VI. Foreign Ships or Vessels are not to proceed further up the Harbour of Port Jackson than Neutral Bay, unless special Permission be obtained, from or through the Naval Officer or his Deputy, in this Respect; and the Pilots are particularly directed and required to take Notice as to this Regulation being duly carried into Effect.

VII. All Ships or Vessels, on or after Arrival, are to receive and duly respect such a Military Guard as in any Respect or Account may be ordered and deemed necessary to be so placed for Duty on board.

VIII. No Person or Persons whatsoever, arriving or being on board any Ship or Vessel in the Harbour, whether Passengers or belonging to the Ship’s Company, are to land except permitted to accompany the Naval Officer himself or his Deputy on Shore, or duly authorised by the Governor in that Respect, under the Penalty of Five Pounds in each and every such Case, to be levied upon and paid by the said Master or Commander, and of other Five Pounds to be levied upon and paid by each and every Person so offending.

IX. No Persons are to land in any Part of Sydney Cove but at the King’s Wharf, except from the Government or other Boats belonging.
MACQUARIE TO BATHURST.

1819.

22 March.

Port regulations.

No persons to board ships before hoisting of admission flag.

to the King's Ships or Vessels, or by and under the special Permission and Authority of the Governor, on Pain of Prosecution for the Misdemeanor in that Respect and Forfeiture of the Boats in such and every Case.

X. No Person or Persons whatsoever, but the Naval or other Officer or Person particularly or specially authorised by the Governor in that Respect, is or are, on any Account or Pretence, to go on board any Ship or Vessel within the Harbour, until due and perfect Return, Entry, Report &c. of the Cargo and Goods on board having been made and the proper and usual Bonds in Respect of the Port Regulations or otherwise given, Permission having been duly obtained from the Naval Officer or his Deputy to hoist the Admission Flag on board such said Ship or Vessel, on Pain of incurring a Penalty, on due Conviction before and by the Magistrates, of Five Pounds to be levied upon and paid in each and every Case by the Person so offending; and a further Penalty of other Five Pounds to be levied upon and paid in each and every Case on like Conviction by the Master or Commander of the particular Ship or Vessel.

XI. Masters or Commanders, or other Officers or Persons whatsoever, of or belonging to any Ship or Vessel in the Harbour, are, whether on Shore or in Boats, to answer to and duly satisfy any and every Challenge that may be made by Sentries or from on Ship-board or otherwise, or may be detained, and will be subject to Prosecution for the Misdemeanor in that Respect.

XII. Masters or Commanders of Ships and Vessels are upon Bond to be given and join with two Sureties, whom the Naval Officer or his Deputy may deem sufficient in that Respect, himself in Five Hundred Pounds, and the Sureties respectively in Two Hundred and Fifty Pounds each, in a Bond or Bonds to the Naval Officer, in the penal Sum of One Thousand Pounds, under Condition duly to observe and keep all and every of the Port Regulations, and to satisfy, pay and discharge all and every Penalty, Fine, or sum or Sums of Money chargeable or accruing from or in Respect of any Breach of all or any of the said Regulations.

XIII. The Master or Commander of every Ship or Vessel, whether British or Foreign, shall upon arrival give and join with two Sureties, whom the Naval Officer may deem sufficient in that Respect, himself in Eight Hundred Pounds, and the said Sureties respectively in Two Hundred Pounds each, in a Bond or Bonds to the Naval Officer in the penal Sum of Twelve Hundred Pounds under Condition not to ship or carry away from the Colony any Settler, Convict, Free-pardoned, Emancipated or other Person whatsoever, unless by and with the Permission of the Governor, or due Clearance from the Secretary's Office, as certified and approved by the name of such Person being found on the Muster Roll of the Ship's Company, Passengers, &c. And also that the said Ship or Vessel shall not sail or depart from the Port, until duly and fully cleared in every Respect according to and in Pursuance of the said Port Regulations.

XIV. All Owners and Masters of Colonial Vessels shall and are required to enter yearly, on or about the 1st Day of January in every Year, into Bonds of like Conditions and Amount or Amounts, as prescribed and set forth in the last preceding Regulation.
XV. The Master or Commander of every Ship or Vessel, before the Admission Flag is hoisted on board, is to execute a Bond or Bonds, in and under the Penalty of One Hundred Pounds, not to export the Silver or Copper Coin in Circulation and current within the Colony, in Conformity with and according to the Governor's Proclamation bearing Date the first Day of July, 1813, in that Respect.

XVI. Masters or Commanders of Ships or Vessels are also to furnish the Public Bell-man of Sydney, before the Admission Flag is hoisted on board, with a correct List, under the Signature of such Master or Commander, of the respective Crews on board the said Ships or Vessels respectively, in Order that all Credit to the Ship's Company may be duly cried down; and no subsequent Claim or Demand whatsoever for or in Respect of any Debt contracted by any of the said Crew or Company during the Period of the Ship, to which such Crew or Company shall or may belong, remaining in the Port, shall be held as sufficient Cause by or by Means of any Detainer lodged in that Respect in the Judge Advocate's Office, for preventing, or shall prevent any Seaman or other Person, belonging to the said Crew against whom such Claim or Demand may be made, from proceeding to Sea on board the Ship or Vessel by which such Seaman or other Person shall have arrived, or to which he shall or may have belonged.

XVII. Masters or Commanders of all Ships or Vessels are to furnish the Naval Officer or his Deputy with

The Ship's Register;
Muster Roll of the Ship's Company;
Articles with and of the Ship's Company;
List of Passengers;
The Log Book;
The Manifest of the Cargo and Goods on board;
Same of private Ventures belonging to Passengers or Ship's Officers;
Clearance from the Port first sailed from, and all other intermediate Ports touched at on the Passage.

And any and all such other Documents and Ship Papers as may be necessary or required for ascertaining and determining the legality of the Voyage and Cargo then on board, wheresoever taken in; and are also to report and duly make Return to the Naval Officer, or his Deputy, as to any and what Goods, or Part or Parts of the Cargo of any Kind on board, to whomsoever belonging, are to be entered, as for and on Account of, whether for Sale, reserved for other Ports, or the Ship's Use, or how otherwise.

XVIII. If any Goods, Wares, or Merchandize shall be landed or unshipped, and delivered out with Intention to land from any Ship or Vessel within the Harbour, or at any other Place within the Territory of New South Wales, not contained, set forth, and duly specified in the Manifest and due Entry of the Cargo with and to the Naval Officer or his Deputy, the same shall and may be seized and taken as smuggled, and the Ship or Vessel and Goods so landed will become and be forfeited to the Crown for such Offence.

XIX. Wine, Beer, Spirits, or any and all other strong Liquors discharged, unshipped, or landed from any Ship or Vessel in the Harbour without a special Permission or License in that Respect from the Governor, countersigned by the Naval Officer or his Deputy, shall be liable to be seized by any Constable or other Peace Officer, and afterwards condemned by Order of the Magistrates as
forfeited to the Crown; and the Master or Commander of the Ship or Vessel from which the same shall have been so discharged, unshipped, or landed, shall, on like due Conviction in each and every such Case, be fined and forfeit the Sum of Fifty Pounds.

XX. The Master or Commander of any Ship or Vessel duly convicted before and by the Magistrates of having discharged, unshipped, or landed, or of having wilfully and designedly suffered to be discharged unshipped or landed from the said Ship or Vessel any Arms, Ammunition, Naval or Military Stores, without a special permission in Writing from the Governor, shall forfeit the same, and be subject to a Fine of Fifty Pounds for and in Respect of each and every such Offence.

XXI. All Goods, Packages, and Commodities whatsoever, brought and discharged from any Ship or Vessel in the Harbour, shall be landed at the King's Wharf, and at no other Place whatever; or the same shall be liable to be seized and taken as smuggled, and to Forfeiture by Order of the Magistrates in that Respect.

XXII. All Boats, from which any Person or Persons shall be found or detected to land, or have been landed without the Governor's Permission, on Garden Island, Cockle Bay, or Farm Cove after Sun-set, will be liable to Seizure and Forfeiture to the Crown, and such Person or Persons will be liable to be prosecuted for the Misdemeanor in that Respect so done and committed.

XXIII. All Boats employed in carrying and smuggling on shore Wine, Spirits, Goods, or Commodities of any Sort or Kind whatsoever, without a proper Licence and Permit in that Respect, shall be liable to Seizure, and, upon due Proof and Conviction before the Magistrates in that Respect, to Condemnation as forfeited to the Crown.

XXIV. Any Boatman, Porter, Carman, or other Person whatever, privy to and assisting in smuggling any Goods, Wares, or Merchandize, or any other article whatsoever, shall on due conviction be sentenced and adjudged to work in the Gaol Gang for the Term of Six Calendar Months, and all Boats, Horses, Carts, or other Vehicles so employed, shall be liable to seizure and Condemnation, as forfeited to the Crown.

XXV. If any Wharfinger, Storeman, Watchman, or other Person whatsoever, shall be detected and convicted by and before the Magistrates as having in any Way assisted to smuggle, or been privy thereto, or of not having duly endeavoured, if in Office of any Kind, to prevent or discover the same, such Offender or Offenders shall, on due Conviction before the Magistrates, be dismissed from Office, if holding any, and be subject to Imprisonment or other Corporal punishment for the Misdemeanor so committed in that Respect.

XXVI. If any Ship or Vessel be removed from Anchorage or Moorings to other Anchorage or Moorings, not being for the purpose of sailing, and proceeding on the Voyage, the under-mentioned Fees and Charges shall become due and payable to the Harbour-master in that Respect; viz.

| For any Ship or Vessel under 200 Tons | £ 0 15 0 |
| Ditto of 200 and under 300 ditto | 1 0 0 |
| Ditto of 300 and under 400 ditto | 1 10 0 |
| Ditto of 400 and under 500 ditto | 2 0 0 |
| Ditto of 500 and upwards | 2 10 0 |
XXVII. If the Moorings Chains or Buoy, or Heaving-down Place in Sydney Cove, be used by any Ship or Vessel, the undermentioned Charges shall become due and be payable in that Respect.

Heaving-down Place Eighteen Shillings per Day;
Mooring Chains or Buoy Twenty one Shillings per week.

XXVIII. The Master or Commander of any Ship or Vessel lying in Sydney Cove, whence Iron Hoops, Stones, Gravel, Ballast, or Rubbish of any Kind, are or have been thrown overboard below High Water Mark, will, on due Proof thereof before the Magistrates, be fined, and forfeit the Sum of Five Pounds for each and every Offence in that Respect.

XXIX. Masters or Commanders of Ships or Vessels requiring Wood and Water, are to be supplied at such place as the Naval Officer or his Deputy may direct, paying to him in that Respect at the following Rates or Prices; viz.

For any Vessel not exceeding 100 Tons per Register .. £1 0 0
Ditto upwards of 100 Tons, and not exceeding 200 .... 2 0 0
Ditto upwards of 200, and not exceeding 300 ........ 3 0 0
Ditto upwards of 300, and not exceeding 400 ........ 4 0 0
Ditto upwards of 400, and not exceeding 500 ....... 5 0 0
All Vessels upwards of 500 Tons ...................... 6 0 0

And any Person or Persons, found or detected taking Wood and Water without due Permission obtained from and of the Naval Officer or his Deputy, will be subject to Prosecution for the Misdemeanor so done and committed; and all Boats so employed shall and will be liable to Seizure and Forfeiture upon and by Order of the Magistrates in that Respect.

XXX. The Master or Commander of any Ship or Vessel, who shall knowingly or designedly, without the Governor's Permission; leave in any Part of the Territory, any Seaman, Mariner, or other Person, of or belonging to the Ship or Vessel under his Command, will be held responsible for all Expenses thereby occasioned, as well as be liable to Prosecution for the Misdemeanor in that Respect, and to Proceedings at Law upon and for Breach of the Bond to insure and secure the due Observance of the said Port Regulations.

XXXI. Masters or Commanders of Ships or Vessels within the Harbour of Port Jackson are to be, and will be, held responsible for keeping a sufficient Watch or Guard both by Day and Night, and in the Proportion as to Number of not less than two Men if the Ship be under 100 Tons Register Measurement; or of four Men if of 100 Tons or upwards Register Measurement; as also for and in Respect of the general proper Conduct of, and due Obedience by and on the Part of the Officer and Crews on board respectively, while in the Port; under Pain of being fined in the Sum of Twenty Pounds, on due Proof before the Magistrates of any and every Offence Committed by the said Officers or Crews, or any one of them respectively, against or in Breach or Violation of any Port Regulation.

XXXII. The Master or Commander, or other inferior Officer of any Ship or Vessel in the Harbour, convicted by and before a Bench of Magistrates of having hired and engaged any Sailor, Mariner, or other Person, of or belonging to any other Ship or Vessel in the said Harbour, and not duly discharged therefrom, shall on due Conviction before a Bench of Magistrates be fined, and pay in such and every Case the penal Sum of Fifteen Pounds.
XXXIII. Any Seaman, Mariner, or other Person, of or belonging to any Ship or Vessel in the Harbour, absconding or absenting himself from Duty on board, or found on Shore at improper Hours, may and are to be apprehended by any Constable or other Peace Officer, and brought to and secured in Gaol till duly brought before a Magistrate, who shall and is empowered, if sufficient Cause in that Respect be shewn, at the Instance of the Master or Commander of the said Ship or Vessel, to order such Seaman, Mariner, or other Person, to be kept and remain in Custody (to be supplied, however, during all such Time, with the usual Provisions in every Respect as if on board the said Ship) and in Cases of contumacious Disobedience and very disorderly Conduct to work at Government Labour until the said Ship or Vessel sail and depart from this Port. All Gaol Fees and incidental Expences, for and in Respect of this Regulation, are to be chargeable to and to be satisfied by the Master or Commander of the said Ship or Vessel, who shall also be liable to and shall pay to the Gaoler and Chief Constable, each respectively, the Sum of Two Shillings and Six pence per Night for and in Respect of all and every Sailor or Sailors so confined in the said Gaol.

XXXIV. Any Seaman, Mariner, or other Person whatsoever, of or belonging to any Ship or Vessel in the Harbour, who shall knowingly purchase, receive or otherwise possess himself of Necessaries, Slops, Bedding, or any other Article whatsoever issued from the Government Stores to the Troops or Convicts, so still remaining the Property of the Crown, will be prosecuted and punished with Rigour for the Offence and high Misdemeanor so done and committed.

XXXV. No Publican or other Person whatsoever shall board, lodge, harbour, inveigle away, or be privy thereto, retain, conceal, or assist to retain and conceal, any petty Officer, Sailor or other Person of or belonging to any Ship or Vessel in the Harbour, or the Masters or Commanders thereof, so absenting himself improperly and without Leave or deserting from Duty, on Pain of certain rigorous Prosecution for the Misdemeanor so done and committed, and Sentence of Fine, Imprisonment, or other Corporal Punishment in that Respect.

XXXVI. Any Sailor, Mariner, or other Person, who shall desert from the Ship or Vessel on board of which he shall have arrived in Port Jackson, and be found in any Part of the Colony after the Departure of such Ship or Vessel, shall and may be apprehended by any Constable or other Peace Officer, so as to be brought before any Magistrate, to be by him on due Proof committed to Gaol, and put to Government Labour until such time as the Governor shall authorise such Sailor, Mariner, or other Person to embark on board some other Ship or Vessel.

XXXVII. No Spirits, Wine, Beer, or other Liquor of like Kind, is to be sold or given on any Account or Pretext from on board to any of the original Natives of the Country; and any personal Injury, Violence or Insult whatever offered or done to the Male or Female Natives, will expose to Prosecution and be punished in like Manner and Degree as in the Case of any European or any other of His Majesty's Subjects in like Respect.

XXXVIII. The Corpses of Persons dying on board Ship in the Harbour are to be put in Coffins, and duly interred on Shore at the Public Burial Ground.
XXXIX. All Duties payable and to be Collected on Spirits, Goods, Wares, or Merchandize of any Kind or Nature whatsoever, are to be so paid and discharged on Entry in Sterling Money, Government Dollars, Store Receipts, approved Bills by the Commissary on the Treasury or the Colonial Agent, or in the Notes of the Bank of New South Wales.

XL. All Fines payable or collected in Respect or by Reason of Breaches of the Port Regulations are to be paid over to the Treasurer of the Colonial Police Fund for the Use of the said Fund.

XLI. Masters or Commanders of Ships or Vessels shall and are required to give Public Notice twice successively in the Sydney Gazette as to the Time of the said Ship or Vessel sailing from and leaving the Port; and are also to give and leave at the Secretary's Office a written Notice thereof at least ten Days previously to the Muster there of the Ship's Company.

XLII. Any and every Person whatsoever, except the Mariners and common Sailors forming and composing the Crew of any Ship or Vessel at the Time the said Ship or Vessel shall have last arrived at the Port, and Provided all Credit to the said Crew shall have been duly cried down, as herein before directed, shall and is required previously to sailing from or leaving Port Jackson on board any Ship or Vessel unless and only by and with the especial Permission of the Governor in that Respect, first had and obtained, to give Public Notice thereof twice successively in the Sydney Gazette, whereof the first Notice is to be inserted therein, and dated at least ten Days previously to any Clearance being applied for or obtained; and also shall procure a Certificate from the Judge Advocate's Office, bearing Date at least eight Days after the Date of the first public Notice, that no Detainers (to be received, allowed, adjudged of, and discharged on such Security given, and upon and under such Terms and Conditions as the Judge Advocate shall think fit and direct) are in force or effect against such Person for or in Respect of Breaches of the Peace, or any other Matter of Penalty, Forfeiture, or Offence, or for or in Respect of Debts upon Judgment, Recognizances, Bail or other Bonds, or for or in Respect of Claims or Demands upon or by Virtue of Complaints made to the Courts of Civil Judicature in the Territory, Bills of Exchange, Promissory Notes for the Payment of Money, Securities or otherwise. And on such Certificate being brought to and deposited in the Secretary's Office, a proper Clearance will be duly granted and obtained, and the name of such Person inserted in the Muster Roll of the Ship or Vessel on board of and by which such Person is to embark and depart from the Colony. And any Master or Commander receiving on board and allowing any Person whatsoever to sail away, unless the Name of such Person, as having duly obtained Clearance, is found inserted in the Muster Roll of the said Ship's Company, will forfeit and have strictly enforced the Penalty of the Bond or Bonds entered into and given in that Respect.

XLIII. No Ship or Vessel about to sail and depart from the Port, and duly cleared in that Respect, but which said ship or Vessel the Governor shall or may think fit or find Occasion to detain for the Purpose of forwarding Dispatches, or for any other Reason or Cause, shall proceed to Sea, if suggestion in that Respect shall have been verbally or any how otherwise made to the Master or Person in Charge thereof by any Civil, Military, or Naval Officer,
MACQUARIE TO BATHURST.

until again duly authorised to proceed on the Voyage: or such Ship or Vessel may be fired upon from the Batteries or armed Ships in the Harbour, and shall not afterwards be allowed to enter again the Port; and the Master and Commander of such Ship or Vessel shall forfeit the Bond entered into by him in Respect of the Port Regulations.

XLIV. The Master or Commander of every Ship or Vessel sailing from this Port to China or India shall and are required to give and enter into Bond or Bonds with and to the Naval Officer in the penal Sum of £500, under Condition not to Land from the said Ship or Vessel in any Part of the Territories of or belonging to the East India Company, any Convict, free or other Person whatsoever, taken on board from this Colony, unless by Permission of and from the Governor General of India, or of the Governor of and at any other place or particular Settlement in the said Territories.

XLV. The Masters or Commanders of Ships or Vessels, to whom Letters or Packets shall have been delivered and entrusted from this Government for and to the Governor General of India, or the Secretary of that Government, or for Delivery at any other Settlement or Place in the Course of the Voyage, are and will be required, before any Port Clearance be granted, to enter into a Bond or Bonds in and under the Penalty of £250, as to and upon the Condition of the same being safely and duly delivered as addressed, or to such proper Officer or Person as may be authorised to receive and take Charge of the same, giving a Certificate thereof to be produced on Return to Port Jackson in that Respect.

XLVI. No Ship or Vessel shall or is to Unmoor or quit Anchorage in the Cove till ready for Sea, and the proper Clearance be duly obtained in that Respect, or having so unmoored from the said Cove, and made sail, is to come to an Anchor again within the Heads or Harbour of Port Jackson, unless, by Reason of Wind or Weather or other unforeseen Casualty or Accident; and if so, then not to weigh Anchor again, or proceed on the Voyage, until Permission be again obtained from the Naval Officer in that Respect.

XLVII. No Boats shall be allowed to go or to keep along-side any Ship or Vessel when once under weigh to proceed from the Port without Sydney Cove, under Pain, on the Part of the Master or Commander of such Ship or Vessel paying a Fine of £50, as also Forfeiture of the said Boat, to whomsoever it may belong.

XLVIII. If Suspicion arise that any Convicts or other Person or Persons be secreted, concealed, or unduly on board any Ship or Vessel in the Harbour, the Naval Officer or his Deputy is empowered and required, without Let or Hindrance of or by the Master or other Person in Charge of the said Ship or Vessel, to cause the said Ship or Vessel to be effectually smoked, so as to prevent all clandestine Escape on board Ships.

XLIX. The Pilot when in Charge of any Ship or Vessel which is or may be casually so long detained, is to remain on board three entire Days, or longer, if by Occasion of Winds, Weather or Tides, without further Charge or Compensation; nor is he to be at Liberty at all to quit the said Ship or Vessel, however long, on any Account or Cause detained if the Sum of Eight Shillings per Day be tendered to him, and paid from Day to Day by the Master or Person having Command thereof.
L. The Charges for and Rates of Pilotage on Ships or Vessels into or out of the Harbour from or to a Distance of Two Leagues out at Sea, shall be and are as follows:

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<th>Under 7 Feet</th>
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For Vessels drawing, but to and in respect of ships not having British Registers, or from the East India Company, and not chiefly laden with corn or other provisions, not on the government but private account, one fourth more of and at the rates above set forth, shall be due and chargeable. No charge, however, is to be made but for half a foot exceeding the above draughts, then at the medium price between those particular limits.

LI. As the port regulations shall be and are to be placed for public access and view in the office of the naval officer, or his deputy, where, as also at the secretary's office a table of the fees assessments, duties, &c., chargeable to and to be paid by the masters or commanders of ships or vessels may be found and referred to, no plea of ignorance or excuse in respect of infringement upon, or breach of the or any of the said port regulations will on any account or pretext be allowed or had in consideration.

LACHLAN MACQUARIE.

By His Excellency's Command,

JOHN THOMAS CAMPBELL, Secretary.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 17 of 1819," per ship Shipley.)

Government House, Sydney, N. S. Wales,

My Lord,

Mr. William Hutchinson, Principal Superintendent of Convicts, having been appointed by me some little time since to act as Wharfinger at Port Jackson, in room of Mr. George Dowling (dismissed for Drunkenness and neglect of Duty) I beg most respectfully to solicit Your Lordship's confirmation of that appointment, to which only certain very moderate fees are attached without any permanent salary. I take the liberty of herewith transmitting for your Lordship's notice and favorable consideration a memorial addressed to me on this occasion by Mr. Hutchinson, with very strong testimonials attached thereto, and I am most happy to bear testimony to their perfect accuracy and fidelity.

The salary now received by Mr. Hutchinson is certainly very inadequate to the arduous and multifarious duties he has to...
discharge and execute as Principal Superintendent of Convicts, but which he does with the utmost zeal, diligence and strict impartiality; and therefore I consider him as possessing a very Strong Claim to be confirmed as Wharfinger.

I have, &c.,
L. MACQUARIE.

[Enclosure No. 1.]

THE MEMORIAL OF MR. WILLIAM HUTCHINSON.

To His Excellency Lachlan Macquarie, Esquire, &c., &c.
Respectfully sheweth,
That your Memorialist has been in a situation under Government for a period of 16 years, 9 of which has been by the Appointment of your Excellency, and 5 years under your own immediate Inspection; that your Memor’t has a wife and Family of Eight Children, has also a Horse to keep which is requisite in his Situation, the Expences to support which cannot be trivial, and his time is entirely occupied in that Service, not only from Break of Day until Sunset, but is not exempt even of a Sunday, for which his present Salary is totally inadequate.

Your Memorialist therefore most respectfully solicits your Excellency, should you consider your Memorialist deserving any Recompence for his past Services, that your Exc’y in your present Dispatches to England will recommend and solicit his Majesty’s Ministers to take into their Consideration to make his Situation as Principal Wharfinger a Permanency, as some Remuneration for his Exertions for the Interest of Government in this Colony.

And your Memorialist, as in duty bound, will ever pray, &c.

[No signature.]
Sydney, 20th March, 1819.

[Enclosure No. 2.]

TESTIMONIALS IN FAVOUR OF WILLIAM HUTCHINSON.

I have known Mr. Hutchinson personally upwards of Eighteen Years, during the whole of which period up to the present time, he has held a situation of Trust and Confidence in the Service of Government, and from my knowledge and observation of his General good Conduct, I have reason to believe him qualified for the situation of Wharfinger, and that he will perform the Duties of that Office with ability, zeal and strict integrity. I therefore most earnestly recommend him to the favorable consideration of Your Excellency.

W. BROUGHTON, Ag. A.C. Gen’l.
I have known Mr. Hutchinson for upwards of eighteen months, during which period he acted under my immediate orders, and I have not the least hesitation in saying that I consider him to be a most zealous, Active and trustworthy Servant of the Crown. Captn. Gill, 46th Regt., my Predecessor in Office, mentioned Mr. Hutchinson to me in the strongest terms of approbation after a well tried Service of 4 years, and from what I have seen of Mr. Hutchinson I have every reason to believe that he will fill the Situation of Wharfinger to the perfect Satisfaction of his Superiors. I therefore beg leave to recommend him to Your Excellency as well deserving of any attention you may be pleased to bestow on him.

George Druitt, Major 48, Act’g Engineer.

I do hereby certify the two foregoing Testimonials to be correctly stated, and further beg leave to recommend the Prayer of the Petitioner to the most favorable consideration of Earl Bathurst.

L. Macquarie, Govr. in Chief.

Sydney, 20th March, 1819.

Governor Macquarie to Earl Bathurst.

My Lord,

Government House, Sydney, N. S. Wales,

Application having been made to me by James Squires, a very industrious Settler at a Place called "Kissing Point" in the Vicinity of Sydney, and who carries on there the Business of Brewing Beer, to be permitted to import about a Ton of Hops from England in one of the Convict Ships coming out hither, free of Freight, in order to enable him to prosecute his Brewing Business with more advantage, I take the liberty to transmit herewith his Memorial addressed to me on this subject for Your Lordship’s favorable and indulgent Consideration, soliciting that the request therein made may be granted, namely, permitting Mr. Squires’ Agent in England to Ship One Ton of Hops for him Freight Free in one of the Transports coming out with Convicts.

Considerable quantities of Hops are now grown in the Colony by Mr. Squires and other Persons, but as yet much Inferior to the English Hops. I take the liberty of sending Your Lordship herewith a small Sample of Mr. Squires’ Crop of Hops of the present Year.

I have, &c.,

L. Macquarie.
MACQUARIE TO BATHURST. 83

[Enclosure.]

THE HUMBLE MEMORIAL OF JAMES SQUIRES.

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

Most Respectfully States,

That Your Excellency's Memorialist is a Licensed Brewer
and Vender of Malt Liquors and has been so for Many Years,
but, thro' the Increasing population of the Colony and Great
Demand for Beer, your Memorialist is unable to Supply himself
with Hops Sufficient for the Consumption of Beer required
of him.

Your Memorialist will therefore be truly thankful to Your
Excellency, if you will be pleased to recommend him to His
Majesty's Colonial Secretary of State, whereby his Agent in
England will be Enabled to Ship on Board Some Transport
bound to this Colony About One Ton of Hops to Assist him
further with those of his Own Plantation.

And for which Mark of your Excellency's Goodness he will as
In Duty bound Ever Pray,

JAMES SQUIRES.

Kissing Point, 15th Febry., 1819.

The Prayer of the Petitioner James Squires is most respect­
fully recommended to the favorable consideration of Earl
Bathurst.  L. MACQUARIE.

Sydney, 22d March, 1819.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked “No. 19 of 1819,” per ship Shipley; acknow­
ledged by under secretary Goulburn, 24th March, 1820.)

Government House, Sydney, N. S. Wales,

My Lord,

23d March, 1819.

1. I had the honor of addressing Your Lordship on the
30th of May last (Dispatch No. 12 of 1818) per the Ship Lady
Castlereagh, Commanded by Captn. Weltden, informing Your
Lordship, that, I had shipped on that Vessel, addressed to Your
Lordship's Care, several Cabins, Tubs and Cases of the most
admired, rare, and Choice Plants, Shrubs, and Flowers of this
Country, for Her Majesty The Queen, Prince Leopold of Saxe
Cobourg, and His Imperial Majesty the Emperor of Austria; and
having sent home a skilful careful Gardener in Charge of them,
with the additional Security of Captn. Weltden having placed
them in a proper Airy part of the Ship, as well as having
promised to take every possible care of them, I have every reason
to hope the greater part of these rare and beautiful Plants,
Shrubs, and Flowers of Australia will reach England in Safety.

2. I now avail myself of the favorable opportunity of sending
in the Ship Shipley, Transport, proceeding from hence direct for
England, three Cases containing all the rare and Choice Plants discovered and Collected by Mr. Charles Frazer, the Colonial Botanist, during the progress of the last Expedition of Discovery under Mr. Oxley in the Interior of Australia, these three Cases being addressed, respectively for the Emperor of Austria, The Prince Leopold, and Your Lordship, and placed in charge of Lieut. Watts of the 46th Regiment, my late Aide-de-Camp, and who is the Bearer of my present Dispatches to Your Lordship.

3. I have also the honor to send Your Lordship, by the same Conveyance, and in Charge of Lieut. Watts, a small Box* containing various Minerals, collected by Mr. Frazer in the Interior of Australia during the last Expedition of Discovery, which I hope will prove acceptable to Your Lordship.

4. Herewith Your Lordship will receive Invoices or Lists, made out by Mr. Frazer of the Contents of the three Cases and small Box addressed respectively to the Emperor, Prince Leopold, and Your Lordship. I have, &c.,

L. MACQUARIE.

[A copy of the lists of plants will be found in a volume in series VI.]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked “General No. 20 of 1819,” per ship Shipley; acknowledged by Earl Bathurst, 27th March, 1820.)

My Lord,

Government House, Sydney, New South Wales,

24th March, 1819.

1. My last general Dispatch to your Lordship was dated the 16th of May, 1818, and was transmitted by the private Merchant Ship, David Shaw, which sailed hence direct to England on the 20th of the same Month; the Duplicate of that Dispatch was sent by the Ship Neptune, Via India, in Charge of Doctor Reid of the Royal Navy.

2. Since the Date of that Dispatch, I have had the Honor to receive Your Lordship’s and the Under Secretary of State’s several Letters, as specified in the Margin,† with their respective Enclosures; to all of which I shall pay the most respectful and Strict Attention in Carrying Your Lordship’s Instructions and Commands into prompt Effect.

* Packed up in the large Case addressed to Earl Bathurst.

† 17th, 22d & 31st Dec., 1817; 1st Jan.; 7th & 24th March; 2nd April; 7th, 12th, 15th, and 29th May; 3rd, 4, 5, 9, 10, 13, 14, 17, 20, 21, 22d, 24, and 26 July; 1, 4, 14, 19, 24, and 29th Augt.; and 4, 15th, 18, 21, & 22d Sepr., 1818.
3. I do myself the Honor to report to Your Lordship that the following Male and Female Convict Ships have Arrived here from England or Ireland, since the Date of my Dispatch per the Ship David Shaw namely:

1st. The Ship, Isabella, Commanded by Capt. Robert Berry, arrived from England with 227 Male Convicts on the 14th of September last, Mr. William Hallion, Royal Navy, Surgeon Superintendent, and a Guard of 31 Soldiers of the 48th and 69th Regiments, Commanded by Lieut. Reed of the former Corps, two Convicts died on the Passage. Capt. and Mrs. Minchin, and two discharged Soldiers of the 73rd Regt. as Free Settlers, Came out Passengers in the Isabella.

2d. The Ship Glory, Commanded by Captain Edward Pounder, arrived from England on the 14th of September last (the same day with the Isabella) with 170 Male Convicts, Mr. Stewart, R.N. Surgeon Superintendent, and guarded by 27 Soldiers of the 87th Regt. under the Command of Lieut. Irwin of the same Corps; William Levinston, a discharged Soldier from the late 102d Regt. as a Free Settler, with his Wife and Family, Came out Passengers in the Glory.

3d. The Ship Maria, Commanded by Capt. Henry Williams, arrived from England on the 17th of September last with 124 Female Convicts and 25 Children, Mr. Prosser R.N. Surgeon Superintendent; Mr. Wood, Free Settler, his Wife and Family, Came out Passengers in the Maria.

4. The Ship Tottenham, Commanded by Capt. Dugald McDougall, arrived from England on the 14th of October last with 190 Male Convicts, ten having died on board since their original Embarkation, Mr. Robert Armstrong, R.N., Surgeon Superintendent; and the Guard consisting of 34 Soldiers of the 46th and 48th Regts. under the Command of Lieut. Mitge of the latter Corps. Mr. Hazard, Free Settler, and his Wife, Came out as Passengers in the Tottenham.

This Ship had a very tedious Passage from England, from whence she sailed originally on the 17th of April, 1818, but was twice beat back owing to Various Accidents and bad Weather, and which most probably occasioned the Mortality on board of her.

5th. The Ship Morley, Commanded by Capt. Robert Brown arrived from England on the 7th of November last with 163 Male Convicts, Mr. John Whitmarsh, R.N., Surgeon Superintendent; and the Guard, Consisting of 31 Soldiers of the 84th Regt. Commanded by Lieut. Beamish of the same Corps.

6th. The Ship Shipley, Commanded by Captain L. W. Moncrief, arrived from England on the 18th of November last with 147 Male Convicts, three having died on the passage; Mr. Robert
Espie R.N. Surgeon Superintendent, and the Guard Consisting of 31 Soldiers of the 84th Regt. Commanded by Lieut't McGregor of the same Corps.

7th. The Ship Elizabeth, Commanded by Capt'n. William Ostler, arrived from Ireland on the 19th of November last with 101 Female Convicts, Mr. Willm. Hamilton R.N. Surgeon Superintendent.


9th. The Ship Martha, Commanded by Capt'n. John Apsey, arrived from Ireland on the 24th of December last with 170 Male Convicts; Mr. Morgan Price, E. Navy, Surgeon Superintendent, and the Guard consisting of 32 Soldiers of the 67th and 87th Regiments Commanded by Lieut. Cockerill of the former Corps.

10th. The Ship Hadlow, Commanded by Capt'n. John Craigie, arrived from England on the 24th of December with 149 Male Convicts, one having died on the Passage. Mr. Thomas C. Roylance, R.N. Surgeon Superintendent, and the Guard Consisting of 32 Soldiers belonging to the 17th, 24th and 34th Regts. Commanded by Lieut. Robison of the 24th Regt. This Ship having touched at the Cape of Good Hope brought back thence Five Runaway Female Convicts who had made their Escape from the Colony on board the Harriet, Private Merchant Ship, in Decr. 1817.

11th. The Ship, General Stuart, Commanded by Capt'n. Robert Granger, arrived from England on the 31st of Decr. last, with 246 Male Convicts, four having died on the Passage. Mr. Andrew Smith, R.N. Surgeon Superintendent, and the Guard consisting of 42 Soldiers of the 84th Regt. Commanded by Capt'n Bernard of the same Corps. Mr. George Panton, Free Settler, with his wife and Family, came as Passengers in the General Stuart.

12th. The Ship Tyne, Commanded by Capt'n. C. Bell arrived from Ireland on the 4th of January last with 179 Male Convicts, one having died on the Passage. Mr. Henry Ryan, R.N. Surgeon Superintendent; and the Guard Consisting of 29 Soldiers of the 84th Regt., Commanded by Capt. Rowe of the same Corps. Deputy Assistant Commissy. Genl. Hull, with his Wife and Family, Came Passengers in the Tyne.
13th. The Ship Globe, Commanded by Captain J. Blyth, arrived from England on the 9th of January last, with 139 Male Convicts one having died on the Passage. Mr. George Clayton, R.N. Surgeon Superintendent, and the Guard Consisting of 29 Soldiers belonging to the 17th, 34th and 59th Regiments Commanded by Lieut. O’Brien of the 48th Regt.

Deputy Commissary Genl. Drennan, his wife and Family, came Passengers in the Globe.

14th. The Ship Surry, Commanded by Captn. Thos. Raine, arrived from England on the 4th of the present Month of March with 157 Male Convicts, three having died on the passage. Mr. Matthew Anderson, R.N., Surgeon Superintendent, and the Guard Consisting of 30 Soldiers of the 84th Regt. under the Command of a Serjeant; Lieut. Statham of the 84th Regt., who Embarked in the Command of the Guard, together with One Private of the same Corps, having died on the Passage.

Mr. Terry, Free Settler, his wife and Eleven Children, Came Passengers in the Surry.


4. The Whole of the Convicts arrived in these Ships, on being Publicly Mustered and Inspected, first on board their respective Ships and afterwards on Shore, declared themselves to have been very well treated on the Voyage, and I have accordingly Certified to that Effect to the Surgeons Superintendents and Masters; on board of some of those ships, very unpleasant Disagreements and Altercations appear to have taken place between the Commanders and the Officers Commanding the Guards placed on board for the Security of the Convicts, arising Chiefly from the relative Powers and Duties of those Persons not being sufficiently understood and properly Explained to them previous to the Commencement of the Voyage, and which might have been
1819.  
24 March.

**Influx of convicts.**

obviated, had they been furnished with distinct written Instructions for their Mutual Guidance. I have Considered this Subject of so much Importance that I have deemed it Necessary to Call Your Lordship's Attention to it in a Separate Dispatch.*

5. Your Lordship will not fail to observe in perusing the foregoing Report, that no less than Sixteen Ships, Conveying Upwards of 2,600 Male and Female Convicts, have arrived in this Country from England and Ireland within the Short Space of less than Ten Months, thus greatly Augmenting the Population and Consequently the Expences of this Colony to the Mother Country; the Settlers being unable to take more than a small Proportion of them Off the Store on Account of their Poverty and the Losses they sustained by the Inundations, I reported to Your Lordship in my Dispatches of 1817, thereby leaving a large Body of Convicts on the Hands of Government to be Victualled and Clothed at the Expence of the Crown. I trust however it will not be long before the Settlers will have so far recovered from their former and more recent Losses by the Floods, as to be able to take a great part of the Convicts now Supported by Government, off the Store, for their Agricultural and Grazing Purposes. In the Mean time, I have no Alternative but to employ large Gangs of them on the Government Public Works now in progress at Sydney and the other Settlements, and also in Constructing New Roads and Bridges, and repairing of old ones throughout the several parts of the Colony, so as to render the Intercourse and Travelling, between the Capital and the Several New Settlements in the Interior, safe easy and Commodious, as the Expence of Constructing New Roads and Bridges, and keeping the old ones in Repair, has hitherto been defrayed from the Colonial Revenue, the Work being done by Contract, the whole of that heavy Expence will now be Saved to the Crown by thus employing Strong Gangs of Government Men to execute this important and indispensable Work.

6. Finding from the Reports made to me some time since by Lieut. Governor Sorell that the Old and New Settlers in Van Diemen's Land were still in want of Government Men, and that they were desirous of taking a considerable Number off the Store as Labourers, I have lately sent about 150 Male Convicts thither on the two Government Vessels; and on the recent Arrival of the Ship Surry I Chartered her on very moderate terms to Convey 150 more Male Convicts to the Derwent, being those lately arrived here from England in the same Ship, thus, nearly at the same time getting 300 Men usefully disposed of in Van Diemen's land without Incurring much Expense to Government. But as the Number thus sent, added to those arrived at the Derwent

* Note 20.
in December last in the Lord Melville Transport, are full as many as are required at present, both for the Use of the Settlers and the Public Works in Van Diemen's Land, I shall not be enabled to send any more Male Convicts to that Dependency for a long time to Come.

7. I have the Honor to report to Your Lordship that the Tranquility of this Colony Continues Unimpaired; and that Notwithstanding the temporary Interruption given to the Exertions of the Settlers by the recent Inundations of the Rivers Hawkesbury and Nepean and South Creek, it Continues to improve in every respect far beyond my most Sanguine Expectations. The Inhabitants, generally, are getting more sober and Industrious, take greater pains in improving their Farms, are getting into the way of building better Houses for their own Accommodation, and are fast enclosing and fencing in their respective Portions of Lands. This last Harvest has proved a most Abundant one, and would have made ample amends for the Losses the Settlers sustained by the Floods of 1816 and 1817, had not a Similar Calamity occurred this present Year; but most fortunately not until after they had gathered Home and saved their Crops of Wheat; the recent Inundations not having taken place 'till the Middle of February and the Beginning of the present Month. The Rains Commenced to fall in Torrents all over the Colony in the Beginning of the Month of February, and Continued to do so with hardly any Intermission 'till the 19th of the present Month, in which Space of Time there have been three Successive Floods of the Rivers Hawkesbury and Nepean and South Creek, which have Completely destroyed all the Maize (or Indian Corn) Crops planted in all the low grounds, and also vast quantities of Potatoes planted in the same Grounds. Some few Stacks of Wheat on the Banks of the Rivers have been Carried away by the Floods, and Much Wheat has been lost owing to Many of the Settlers having neglected to Thatch their Stacks of Wheat in a proper Manner, so as to secure them from heavy Rains penetrating them and so rotting and rendering the Wheat Useless. There remains however more than a sufficient Quantity of Wheat for the Subsistence of the Population of the Colony, Notwithstanding all the Losses occasioned by the recent Floods. But the Loss of the Maize and Potatoe Crops will be very severely felt by the poorer Classes of Settlers. No Call has yet been Made on Government by any of these late Sufferers for Assistance or Support, and I am led to hope and believe they will be able to maintain themselves without any Aid from Government.

8. In Reference to Your Lordship's General Dispatch under date 24th August last, relative to the Extent of Assistance afforded by this Government to the Settlers and other persons
1819.
24 March.
Relief of persons distressed by floods.

Improved condition of Tasmania under Sorell.

Capture of bushrangers.

Sittings of supreme court at Hobart.

Scarcity of unoccupied land near Sydney.

Proposed settlement at Jervis bay.

who suffered so severely from the Inundations of the Years 1816 and 1817, I have much Pleasure in acquainting Your Lordship that, with the Exception of a very few poor Persons who lost every thing they possessed, no Gratuitous Assistance was given to any one; Provisions being Issued from the King's Stores, only, to those who required such Aid for Payment in Money, or as a Loan to be repaid in Kind, and I believe most of those who received such Relief have paid their Debts on this Account.

9. I have much Pleasure in reporting to Your Lordship that the Dependency of Van Diemen's Land is at length restored to perfect Peace and Tranquility by the Vigorous, Energetic, and Judicious Measures of Lieut. Governor Sorell; by which their Leader, or Chief, Michael Howe, and the whole of the ferocious Banditti of Runaway Convicts, that have so long Infested the Settlements on that Island, have either been taken or Extirpated. In Consequence of which happy Change, the Settlers now Carry on their Agricultural and Grazing Concerns undisturbed; and under the able Management and fostering Care of Lieutenant Governor Sorell, the Settlements there are fast Improving and rising into Consequence, Wealth and Respectability. Several of the Free Settlers, who have lately arrived from England with respectable Capitals, have gone from Choice to Van Diemen's Land to Settle, which will not only add to the Respectability of the Population but also to the Wealth and general Improvement of those Settlements.

Mr. Justice Field went lately down from hence to Van Diemen's Land in His Majesty's Cutter, the Mermaid, and held a Circuit of the Supreme Court* at Hobart Town, which gave very great Satisfaction to the People who had actions to bring before the Supreme Court. Mr. Field left this the latter End of December, and returned again to Sydney in the Mermaid Cutter on the 15th of February last, very highly gratified with his Tour.

10. From the great Increase of Settlers, either born or become Free by Servitude in the Colony, or who have arrived in it from England within the last twelve Months, Lands within the Distance of Forty Miles of the Capital are now become extremely Scarce, In so much that I am greatly at a Loss where to find Land within any Moderate Distance for some few Wealthy Settlers who have recently arrived from England. Hence it becomes absolutely Necessary to establish some other Settlement very soon, where there are good Lands Yet unappropriated, so as to afford Security to such Settlers as may be placed there. As therefore Your Lordship has been pleased to approve† Eventually of my forming a Settlement at Port Jarvis on a limited

* Note 21. † Note 22.
MACQUARIE TO BATHURST.

1819.
24 March.

Proposed settlement at Jervis Bay.

Economical Plan, it is my intention to avail myself of that permission, as soon as I can obtain an accurate survey and report of the soil and description of the intermediate country, extending along the coast southwardly from the cow pastures to Port Jarvis, for which purpose I intend very shortly to send Mr. Meehan, the deputy surveyor general, to examine, survey, and report the description and qualities of the lands there, and shall forward to your lordship a copy of his report on this important point by the first opportunity that may afterwards offer.

I am extremely unwilling to break in upon the cow pastures by locating lands there to new settlers, as long as I conceive there is the least hope of carrying your lordship's commands into execution relative to the final disposal of the herds of wild cattle still grazing and ranging at large in that rich quarter of the country. I shall accordingly defer for twelve months longer locating lands to any settlers in the cow pastures, and shall in the intermediate time use every possible means to tame and incorporate as many of the wild cattle, as may be practicable, with the tame herds of government, and endeavour to drive the remainder across the mountains into the new discovered country, in the event of any pass being hereafter discovered leading to it immediately from the cow pastures, in doing which, however, every attempt hitherto made has proved unsuccessful. I confess I am not sanguine in my hopes of being able to adopt any means that can insure the taming of any considerable portion of the wild cattle, but your lordship may depend upon my using every exertion and means in my power for accomplishing this desirable object. Many attempts have already been made to do so by various means, but as yet not more than eighty head of the wild cattle have been tamed and incorporated with the tame herds. A plan has very lately been suggested to me by Mr. John McArthur of this colony (proprietor of a large tract of land in the cow pastures) for reclaiming the wild cattle, namely, to make a strong extensive enclosure in the vicinity of some tract of good pasture, which the cattle are known to frequent and where there is plenty of good water, driving them from thence into the proposed enclosure, and keeping them there till sufficiently tamed to be incorporated with the tame herds of government at present grazing in the cow pastures. I mean therefore to adopt this plan as soon as I have time to examine personally the tract of pasture land recommended for this purpose, as the experiment, even if it should fail, will not be of much expence to government. I fear it will be impossible even

* Note 23.
1819.
24 March.

Plan for taming wild cattle proposed by John Macarthur.

to drive the Wild Cattle from the Cow Pastures across the Mountains to the New discovered Country; and even if practicable, I am very doubtful as to the good Policy of such a Measure as far as it respects Runaway Convicts as the same Lure and Temptation to Idleness, Vagrancy and Desertion from their Masters would be held out to them only at a greater distance, but which would be an additional Motive to them to desert, as the Difficulty of apprehending them again would greatly Increase with the Distance there would be to send in pursuit of them; so that in the Course of a few Years, in all probability, a very numerous daring, ferocious and dangerous Banditti of Runaway Convicts would be formed in that distant unprotected part of the Colony, which would render it very dangerous to such persons as might wish to become Settlers at Bathurst. I therefore most respectfully beg leave to submit to Your Lordship's Consideration whether it would not be more advisable to abandon altogether the Plan of Increasing the Wild Cattle in that State, or driving them into the New Country, or letting loose some of the tame Cattle there to become Wild. I have Consulted Several of the Old Inhabitants of the greatest Respectability and longest Experience in the Colony on this Very important Subject, and they all agree with me in opinion as to the Impolicy of preserving the Wild Cattle in that State, as long as Convicts continue to be transported to this Colony.

12. It is a Source of very great and Sincere Regret to Me that I am as Yet Unable to give any reasonable Assurance to Your Lordship of any Considerable Decrease in the Expences of this Colony to the Mother Country, which I did once sanguinely hope and expect I should have been enabled to have reduced within a Moderate Limit before I should leave the Colony; but in making my then Calculations, I never once contemplated that there would be a Necessity for sending out such an immense Number of Convicts to this Colony, as have Arrived in it within the last Three Years, and thereby adding so greatly to its Expenses. Your Lordship must be fully sensible that under such Circumstances it is impossible to make any very great Reduction in the Public Expenditure. As a Proof, however, of my most earnest wish to do what I can to that Effect, I need only mention that I have lately reduced the price of Animal Food from Sixpence to five pence per pound, which of itself Causes a Saving of Upward of Nine thousand Pounds Sterling per annum, There being at this present moment upwards of Six thousand full Rations Issued from the King's Stores to the Several Persons Victualled at the Expence of the Crown at the different Stations in this Territory. The Increase, both of Horned Cattle and Sheep in the Colony within the last two years, has been so very
great that I felt myself perfectly justified in making the foregoing reduction which I trust will receive your Lordship's approbation. It is impossible yet to make any reduction in the price of wheat on account of the losses the settlers have sustained in that article during the floods of 1817 and this present year; nor would it be good policy to supply the stores by tender for eighteen months to come, so as to give the poorer class of settlers time to recover from their more recent losses, and which they will do in that time in case there are no more inundations within that period. On this ground I have lately declined giving my sanction to a contract, which deputy commissary general drennan wished to enter into with a Mr. Dickson, the proprietor of a steam engine mill at sydney for supplying His Majesty's stores here, and the other stations in the colony, with flour, instead of receiving wheat into the several stores from the settlers in the usual manner. This proposed contract was so entirely inimical to the interests of the colony at large, and so fraught with evil consequences both to the public and the interests of the crown, that I did not hesitate to give my prompt and decided negative; and as I am aware that deputy commissary general drennan means to make a representation to the lords of the treasury on this point, I shall also make a communication to their lordships upon it, stating fully to them my reasons and motives for declining to sanction depy. commy. general drennan’s proposed contract. This officer's conduct towards me, ever since he took charge of the commissariat department here on the 24th of January last, has been highly insolent and insubordinate, considering himself to be almost entirely independent of me, as governor of the territory. But as depy. commissary general drennan holds his appointment from the lords commissioners of His Majesty’s treasury, I shall prefer my complaint against him to them direct, without troubling your lordship further on the subject.

13. Your lordship will observe from the result of the last general muster, concluded at sydney on the 11th of November last, that the aggregate amount of the population of this territory (including the military) exceeded then 25,000 souls with a very considerable increase. In this return of population are included a great number of poor decayed settlers, old and infirm men and women, blind and cripples, a considerable number of lunatics, and various descriptions of paupers, all of whom are necessarily victualled and supported at the expense of the crown, there being as yet no other means adopted for their maintenance; but as the colony is now rapidly increasing in opulence, I think it is but reasonable that the crown should be

*Note 24. †Note 25.
relieved of, at least, part of this Burthen, and that the Colonists themselves should Maintain and support their own Free, poor and decayed Settlers. I some time since had a General Meeting of the Magistrates of the Colony Convened at Sydney, and Submitted this with other Points connected with the Improvement of the Colony to their Consideration, and I have every reason to hope that a permanent Fund will shortly be established in each District for the Relief and Support of its own Poor. I am happy to say that the Magistrates, Gentlemen and Principal Settlers residing in the Districts of the Hawkesbury, have already set a very Noble Example in this respect, by Coming forward with a very liberal Subscription* for the Maintenance of their own Poor, and I have no Doubt this benevolent Example will soon be followed by all the other Districts.

14. There being a great Number of Male Orphans now in the Colony left entirely destitute of Support and Consequently living in a Miserable State of Poverty and Nakedness, I have Considered it indispensably Necessary to form and establish a Male Orphan Institution for the Relief, Support and Education of these unhappy distressed Children, and which I did accordingly on the 1st of January last at Sydney, appropriating for their Use and Accommodation the same Building (after being put in a thorough State of Repair) formerly occupied by the Female Orphan Institution, now removed to the New School House, some time since Erected for them at Parramatta. The Expences of the Male Orphan Institution are to be defrayed from that Proportion of the Colonial Revenue hitherto appropriated to the Female Orphan Establishment, but which is now quite sufficient for the Support of both Institutions, and henceforward is accordingly to be Considered as but one Fund; the Number of Boys taken, at present, into this new Institution is limited to Fifty, but will be increased according to Circumstances. I trust Your Lordship will approve of my having adopted this Measure Entirely on my own Responsibility, as one of real Humanity and good Policy. Herewith I take the Liberty of transmitting for Your Lordship's Perusal and further Information a Printed Copy of the Rules and Regulations which I have deemed necessary to frame and establish for the Management of the Male Orphan Institute.

There being heretofore no Rules or Regulations for the Management of the Female Orphan Institution, I deemed it necessary, on its Removal to Parramatta, to frame a Code of Regulations for that purpose, and herewith do myself the Honor to transmit a Printed Copy of them also for Your Lordship's Perusal and Information.

* Note 26.
15. I have much pleasure in reporting to Your Lordship that the Institution,* established by Me some few Years since at Parramatta for the Support and Instruction of the Children of the Ab-Origines of the Colony, has succeeded far beyond my most sanguine Expectations, the Children having made very great Progress in all those Useful and Necessary Branches of Instruction they are taught, evincing good Natural Understandings, and an Aptitude for learning whatever is proposed to be taught them. There are now Eighteen healthy Boys and Girls in this Institution, well Clothed, well-fed and well instructed in the Common Branches of Education, Including Needle Work for the Girls, and Knowledge of Agriculture for the Boys, there being a large Field and Garden attached to the School House for them to work in. Nothing has yet been done in this Colony that has so much Conciliated the Adult Natives to the Interests of the British Government generally, as the Establishment of this Institution, as they appear to be highly gratified and delighted beyond description with the Contented and happy Appearance of their Children.

The Adults now regularly attend the Annual Meeting of the Natives at Parramatta on the 28th of December of each Year, on which occasion the Children at the Institution are paraded in presence of their Parents, read before them, and produce Specimens of their Progress in Education.

At the last Native Meeting held at Parramatta, there were present 284 Natives from the different parts of the Colony, some having come not less than one Hundred Miles for that purpose, and All without Arms, Manifesting thereby their pacific Disposition and Confidence in the protection of this Government. In short these People are now perfectly peaceable and Inoffensive, and some few Men amongst them have become Settlers† and Cultivate Land on their own Account, which I do everything in my Power to Encourage. As they, however, suffer very much during the Cold Weather from Want of Clothing, I respectfully solicit Your Lordship to Authorize Me to Issue to each Man, Woman and Child, who attend the Annual Congress on the 28th of December of each Year, One Suit of Coarse Slop Clothing; they seem particularly partial to a Red Colour, and therefore I would request Your Lordship to be pleased to direct about 350 Suits of Coarse Cloth of that Colour to be sent out here annually for the Use of the Native Tribes, each Suit of Slops for about 200 Men to Consist of a Frock or loose Jacket, a pair of Pantaloons or Trowsers, and a Common Leather Cap for the Head; for about 100 Women, a Jacket and Petticoat; and for 50 Children a long Frock or Shirt. I conceive such a Yearly Donation from

* Note 27.  † Note 25.
Government would attach these poor people very strongly to our interests by making them comfortable and comparatively happy.

16. The public buildings and works now in progress at Sydney are the following, namely:—the Barracks for the Convicts, A House and Offices for the Judge of the Supreme Court, the Fort on Ben-ne-long’s Point, a Barrack for the Keeper of the Light and Guard Stationed at the new Light House on the South Head of Port Jackson, a high Stone Wall round the Government Dock Yard, and a brick Wall round a large piece of ground,* lately marked out a little without the Town for a new burying ground, the present one being inadequate in size and also Inelgibly and offensively situated in the Centre of the Town of Sydney, whereby it will become necessary to the health of the inhabitants to remove it altogether.

There are new Churches building at Windsor and Liverpool and the one at Parramatta is now undergoing some repairs and necessary alterations. An excellent new hospital has lately been completed at the latter station, and a very good military barrack for 100 soldiers with a proportion of officers is now in progress at the same station, the old military barrack there being in so very ruinous and decayed a state as to be hardly habitable. The new factory and barrack for the female convicts at Parramatta was also commenced upon some few months since.

The cost and expence of these public buildings and other works consist chiefly in the number of artificers and labourers employed on them, the feeding and clothing of them being almost the entire expence, the whole of the materials (with the exception of the iron-work, glass and paint) being made or procured by those government men; and as such a vast number of male convicts at present unavoidably remain on the hands of government, who must be fed and clothed at all events, the expence of erecting those public edifices are comparatively small, whilst they afford very useful employment for those persons who would otherwise be altogether unemployed, whilst at the same time necessarily supported by the crown. The new convict barrack† is a commodious spacious building with all the necessary offices to render it convenient and healthy; it is surrounded by a very high stone wall and is calculated to contain between five and six hundred men; this useful and very important building is almost completed and will be occupied in one month from this date at farthest. As soon as this barrack shall be finished, the new church‡ will be commenced upon in the town of Sydney, which has become so

* Note 29. † Note 30. ‡ Note 31.
1819.
24 March.

Proposed erection of new church and court-house.

MACQUARIE TO BATHURST.

17. I am extremely happy to learn that Your Lordship has procured two Chaplains for the Colony and I hope they will soon arrive here, as their services are very much wanted, one being much required as an Assistant to the Revd. Mr. Cowper at Sydney, and the other to replace the Revd. Mr. Youl in the Town of Liverpool on the latter proceeding to his own proper Station at Port Dalrymple. Two additional Clergymen to those now coming out are still required for the Colony, one of whom I should propose to be stationed at Newcastle.

18. I am also very happy to hear that Your Lordship has procured some respectable Surgeons for the Colony, as they are likewise very much wanted, more especially at the Settlements in Van Diemen's Land to replace Surgeons Mountgarret and Luttrell, both of whom have become almost perfectly Useless from their Ages or Infirmities. I am therefore very glad to find that Your Lordship has been kindly pleased to Approve of these two Officers receiving Half-Pay, as soon as relieved by Surgeons from Home.

19. I do myself the Honor to report to Your Lordship that I have made the following Appointments in this Territory until the Pleasure of His Royal Highness the Prince Regent shall be made known thereon, namely,

1819.
24 March.

Proposed erection of new church and court-house.

Essentially Necessary now in Consequence of the great Increase of the Population of this Town and its Vicinity; for the same Reason a new Court House has become indispensably Necessary, in Consequence of there not being sufficient room in the General Hospital for the increased Number of Sick, the Civil and Criminal Courts occupying the one half of that Building; it is therefore Absolutely Necessary to have a regular Court House built as soon as possible, and which it is my Intention to do in about 3 Months hence, After the Buildings now in progress shall have been Completed. I had so long Suffered such very great Inconvenience from the Want of Secure Stables for my Horses and decent Sleeping places for my Servants, that I have been under the Necessity of building a regular Suit of Offices of this Description in a Situation Contiguous to and sufficiently Convenient for the present Old Government House, and also in one that will equally suit any New Government House that my Successors may be hereafter Authorized to Erect. These Stables* are built on a Commodious tho' not expensive Plan, and I expect they will be Completed in about three Months hence. I trust and hope, after what I have now and formerly Stated in respect to the ruinous and decayed State of the Old Offices and Stables, which Obligated me to remove my Servants and Horses from them to a considerable and inconvenient Distance, Your Lordship will not disapprove of my having Erected new ones.

17. I am extremely happy to learn that Your Lordship has procured two Chaplains for the Colony and I hope they will soon arrive here, as their services are very much wanted, one being much required as an Assistant to the Revd. Mr. Cowper at Sydney, and the other to replace the Revd. Mr. Youl in the Town of Liverpool on the latter proceeding to his own proper Station at Port Dalrymple. Two additional Clergymen to those now coming out are still required for the Colony, one of whom I should propose to be stationed at Newcastle.

18. I am also very happy to hear that Your Lordship has procured some respectable Surgeons for the Colony, as they are likewise very much wanted, more especially at the Settlements in Van Diemen's Land to replace Surgeons Mountgarret and Luttrell, both of whom have become almost perfectly Useless from their Ages or Infirmities. I am therefore very glad to find that Your Lordship has been kindly pleased to Approve of these two Officers receiving Half-Pay, as soon as relieved by Surgeons from Home.

19. I do myself the Honor to report to Your Lordship that I have made the following Appointments in this Territory until the Pleasure of His Royal Highness the Prince Regent shall be made known thereon, namely,
1819.
24 March.

Appointments
of R. Owen as assistant surgeon;
of C. J. Vandemeulin as naval officer at George Town;
and of J. Beamont as provost-marshal in Tasmania.

Necessity for Vandemeulin’s appointment.

1st. Mr. Robert Owen, Acting Assistant Surgeon at Sydney, to be Assistant Surgeon at Port Dalrymple in Van Diemen’s Land in the Room of Assistant Surgeon John Smith, resigned.

2d. Lieut. Charles J. Vandemeulin of the 48th Regt. to be Naval Officer and Inspector of Public Works at George Town in Van Diemen’s Land, with a Salary for doing both Duties of five Shillings per diem.

3. John Beamont, Esqr., to be Provost Marshal of the Settlements in Van Diemen’s Land in the Room of Mr. Martin Tims suspended from that Office.

I take the Liberty of respectfully Soliciting Your Lordship’s approval and Confirmation of the foregoing three Appointments. That of Naval Officer at George Town in Van Diemen’s Land is now become indispensably necessary on account of the Number of Vessels passing thro’ Bass’s Straits touching at that New Settlement in Port Dalrymple, which they did not do so frequently before on account of Launceston, the former Chief Settlement, being at so great a distance up the River Tamar, which Can only be navigated by very small Vessels. The public Buildings now Erecting at the new Settlement of George Town require also an Active diligent person of Rank to Superintend them as Acting Engineer; and Lieut. Vandermeulin (who is a Married man) being strongly recommended to me as a very fit person to hold these two Offices, I had no hesitation in appointing him on Condition of his Executing the Duties of both for the same Salary of 5s. per diem.

20. With reference to that part of Your Lordship’s Dispatch of date 24th August last (No. 16) relative to the Increase of Salary, which I took upon Myself to Make to Captain Gill, while he acted here as Civil Engineer, on account of his very Useful and important Services, and directing that of his Successor to be reduced to the former Salary of 7s. 6d. per diem, I beg most respectfully to State to Your Lordship that the Duties annexed to this Office have very Considerably Increased in proportion to the Increase of Public Buildings and Working Gangs of Mechanics and Labourers Employed thereon at Sydney and the Several Out Stations, which this Officer is occasionally obliged to visit along with the Acting Civil Architect.

The Duties of the Civil Engineer are various and laborious, and include those of Artillery Officer and Quarter-Master General, there being no Officer of either of those Descriptions in the Colony. Major Druitt of the 48th is the present acting Engineer, and a fitter person for that office could not possibly have been selected, being most Active, Vigilant and zealous, and most Careful of the Property of Government entrusted to his Charge. I therefore respectfully submit that no Reduction...
should take place in the Salary of this Officer and Earnestly Solicit that I may be Authorized to Continue to pay Major Druitt the same Salary as was paid to his immediate Predecessor Captain Gill.

21. The allowance of 3s. per diem paid to Mr. Greenway as Government Acting Civil Architect, I shall not fail to discontinue in Compliance with Your Lordship's Commands, as soon as the Services of that Officer Can possibly be dispensed with. In the mean time I beg to assure Your Lordship that this Small Salary is extremely well bestowed, and that it is very inadequate to his Useful and important Services as Architect. In Consequence of Mr. Greenway's Scientific Skill, Judgment and superior Taste, the Government Buildings Erected by him are not only Strong, durable and Substantial, but also Elegant and good Models of Architecture. I therefore respectfully Solicit that I may be Authorized by Your Lordship to increase Mr. Greenway's Salary to Five Shillings per diem from the 1st of January last, Mr. Greenway being now Free and having a large family to support in the Line of Respectability to which they have been accustomed.

22. Herewith I do myself the Honor to transmit for your Lordship's Notice and Information the following Returns, Reports, and Accounts of the Colony for the preceding Year: vizt.:

1st. The Accounts Current of the Expences of the Colony from the 25th of October, 1817, to the 24th of Decr., 1818, Inclusive.


4th. Reports of the Naval Officer of Arrivals and Departures of Ships and Vessels &c. at and from Port Jackson from the 1st of October, 1817, to the 31st of Decr., 1818, Inclusive.

5th. The Accounts of the Colonial Revenue or Police Fund from do. to do. date Inclusive.

6th. Statement of the Result of the Annual General Muster of the Colony, Including Van Diemen's Land, for the Year 1818 Concluded at Sydney on the 11th Novr. last.

7th. Reports of Prisoners tried by the Criml. Co't from the 1st Novr., 1817, to the 31st of Decr., 1818, Inclusive.

8th. Returns of Marriages, Births and Deaths in the Colony including Van Diemen's Land from the 1st Octr., 1817, to the 31st of December, 1818, Inclusive.
23. I have also the Honor of transmitting herewith, agreeably to Your Lordship's Commands the Annual Alphabetical Lists of the Male and Female Convicts in the Territory of New South Wales in the Year 1817, made up in two Separate large Books and packed in a Case addressed to Your Lordship, No good opportunity having occurred of sending them Home sooner since they were finished.

24. This Dispatch will be delivered to Your Lordship by Lieutenant John Watts of the 46th Regt. now proceeding to England on Leave of Absence, and whom I take the Liberty of Strongly recommending to Your Lordship's kind Favor, Patronage and Protection, as an Excellent and highly meritorious good Officer, and as such deserving of every Kindness and Favor that can possibly be shewn him by Your Lordship. Lieutenant Watts has lived in my Family for very near five Years, as My Confidential Friend and Aide-de-Camp. He has travelled thro' every part of the Colony along with me in my various Tours of Inspection, and Consequently possesses Considerable local Knowledge of the Country. He is also well acquainted with the Characters, Principles and Politics of the Inhabitants, and therefore well Qualified to afford Your Lordship much Useful Information on these various Points, and as Lieut. Watts is a Young Man of Excellent Principles, Strict Honor and Integrity, and the purest Veracity, Your Lordship may safely place the Fullest Confidence in his Information.

I have, &c.,

L. MACQUARIE.

[Enclosures.]

[The enclosures were numbered from 1 to 8 in the same order as enumerated in paragraph 22. Of these, copies of enclosures 1, 2, and 5 will be found in a volume in series II. Copies of enclosures 3, 4, 6, 7, and 8 are not available. There were also forwarded two printed sets of rules and regulations for the orphan houses; copies of these will be found in a volume in series II.]

GOVERNOR MACQUARIE TO THE LORDS COMMISSIONERS OF THE TREASURY.

(Desparch per ship Shipley.)

Government House, Sydney, New South Wales,

My Lords,

On the arrival of Mr. Deputy Commissary General Drennan to relieve Mr. Allan, I was much gratified by the Promptitude with which My Representations had been attended
in regard to Mr. Depy. Commissary General Allan, and the Relief Extended in a Situation of such important Trust and Responsibility, as that which the latter Gentleman had abused.

In the first Interviews with Mr. Drennan (such was the Plausibility of his Manner) I was inclined to suppose He had been Selected for the Situation he fills from his possessing, or being supposed to possess, superior Intelligence in the Department, and being at the same time fully Confidential.

Viewing Mr. Drennan in this Light, I have been led to yield my opinion to his on some very Important Points of Colonial Expediency, giving him Credit for having received very peculiar Instructions for his Guidance from Your Lordships, which Warranted his making Alterations and Retrenchments in every Branch of the Department over which he was placed, altho' I had not myself received any advices to that Effect from His Majesty's Government, and Mr. Drennan had not even those Instructions to shew me, as he informed me he had Accidentally left them behind him at Portsmouth. The favorable Impression made on me by Mr. Drennan, when in Conversation with him on Subjects of Business, supplied the place of Credentials, and I equally believed he had received such Instructions from Your Lordships as if I had actually seen them. It was on this Principle that I put him in orders for taking Charge of the Commissariat Department on the 24th of January last (being the same Month in which he arrived), altho' in doing so, I yielded my opinion in regard to the Construction of the Letter received from Your Lordship's Secretary, Mr. Harrison, dated 4th May, 1818, to that of Mr. Drennan, who Expressed himself anxious to Enter on the active Duties of the Department without Delay.

Mr. Drennan having Informed me that he was Authorized by Your Lordships to Abolish the old System of Payments at the King's Stores, by what are termed Store Receipts, and to make them in his own Notes of Hand, I gave my Official Sanction to the Measure, altho' I did not Conceive it was an Alteration that would benefit the Service. Indeed, My Experience of both Systems fully Convinced me to the Contrary.

The next alteration proposed by Mr. Drennan (on the alleged Authority of Your Lordships also) was that of his drawing Bills for the Public Service on Your Lordships without making any Reference to, or obtaining any Sanction from Me, as Governor; and Notwithstanding that this Innovation did surprize me not a little, Still my good opinion of Mr. Drennan, and Confidence in his Veracity, as to his having Your Lordships' Authority, induced me to Yield assent to that Measure; also, Altho', as in the former Case I strongly question the Expediency of devolving so very weighty a Trust and Confidence, exclusively, on any
1819.
24 March.

Macquarie's reasons for granting sanction to changes.

The system of store receipts for supplies to commissariat.

Advantages of specie payments.

in inferior Officer of Mr. Drennan's Rank. Having reposed Con­
dience in Mr. Drennan's Assurance that he was acting herein
under Your Lordships' Instructions, the Business rests there
for the present.

Having Conceded Points of such Weighty Importance, as these
may eventually prove not only to the Interests and Property of
the Colonists, but also to His Majesty's Treasury, in Case Mr.
Drennan should avail himself of the Plenitude of his Powers in
drawing at Pleasure for any Sinister Purpose on the Treasury
without any local Check, I have at least shewn a Disposition
to facilitate the avowed purpose of Carrying Your Lordships'
Instructions into full Effect. I am led to make these Reflections
for Your Lordships' superior Consideration, in Discharge of the
Duty I owe to my Sovereign and the Protection, which His
People under My Government look to me for. In order to make
the Case as Clear as possible to Your Lordships, altho' in doing
so, I will be obliged to enter into a Minuteness of Remarks,
which I would willingly save Your Lordships the Trouble of
Attending to, I shall support the Opinion I have Expressed on
the Subject of the Comparative Advantage of the Old Store
Receipts and the New Note of Hand by describing each to Your
Lordships.

The Store Receipt expressed on the face of it the actual
Transaction for which it was Issued; for Instance, If A.B. de­
liver into His Majesty's Stores any Quantity of Animal Food,
Grain or other required Supply, the Description, Quantity and
Price are all expressed on the Store Receipt Issued in payment,
and the Book, whence the Receipt is Cut out, Contains its
Counterpart, which becomes thereby an authentic voucher for the
Transaction, Capable of easy Proof. From this Record the
Amount is transferred to the Usual Books and thence to the
Monthly Abstract of the Current Expences. Such Abstract has
been hitherto the Voucher on which the Governors of this Colony
(there being no Public Auditor and Comptroller of Accounts
here) granted their Warrants to the Deputy Commissaries-
General to draw Bills (termed Consolidations) on Your Lord­
ships. This System appears plain and satisfactory, each pay­
ment (whether large or small) being brought forward by regular
Steps until finally Closed by the Bills on the Treasury. If the
Colony had the advantage of a sufficient Quantity of Specie,
Payments being made in it would be still more beneficial to the
Public, and would Cause a Considerable Saving to the Crown by
Simplifying the Business, and thus rendering Unnecessary the
immense Number of Clerks retained at a Weighty Expence in
the Commissariat Department.
With this System I have now to Contrast that of Notes of Hand from the Deputy Commy. General; these are not drawn (as the Store Receipts were) for the exact amount of each Transaction, but are for Certain Sums in Pounds Sterling, and are Struck off from Identically the same Plates as those formerly Issued with such Injurious Consequences to the Public by Mr. Allan,* and Contain no Record of or allusion to any Transactions whatever. In fact, they barely Express a Sum, which "F. Drennan, Depy. Commy. General, promises to pay on Demand." When Payment shall be sought, it is presumed it will be made by a Bill on Your Lordships; and whilst the Duties of Depy. Commy. General are performed with Strict Integrity, it does not seem of much Importance which System is acted upon; but if, on the Contrary, an artful designing Man happened to possess the unlimited Powers said to be Entrusted to Mr. Drennan, I see no difficulty in the way of his ruining the Colony and Involving the Credit of His Majesty’s Treasury to an Amount, far beyond what I can possibly define; and all this might take place in the space of the first twelve Months he was in Office; the Note of Hand describes not the Value received, and Consequently Conveys no Idea of the Transaction for which it was Issued; and from the Want of this Circumstance, it gives no assurance to the Public that its Payment is Guaranteed by Government, for it is in every Respect merely such a Note of Hand as any private Gentleman would Issue, as a Banker, on his own personal Responsibility. On this Ground a Question arises whether, in the Event of the Death or Removal of the Depy. Commy. Genl. who Issues such Notes, His Successor would hold the Treasury responsible for, or be warranted in Considering the Outstanding Notes of his Predecessor guaranteed by Government. In either Case I see Difficulties which should be guarded against. 1st; To His Majesty’s Treasury by their being paid; as thereby Notes may be taken to the Debts of Government to an unlimited Amount, which might have been Issued for private purposes; and 2ndly to the Public, for if payment be refused, then the bonâ fide Creditor of Government is left without redress for the Value of the Articles delivered by him for His Majesty’s Service, it not being possible to distinguish those Notes which were Issued for the Public Service, from those for private purposes. All must Consequently Share the same Fate, either to the Injury of the Crown or the Subject. A Grievance of more immediate Pressure is at this time felt in the Interior, and particularly at the remote Stations, in Consequence of the doing away the Old System of the Store Receipts, which were formerly Issued by Commissariat Clerks at those

* Note 33.
places, and, in the heretofore Scarcity of Sterling Money, supplied in some Degree its place by being Negotiable, and thence found its Way into the Hands of the Merchants and Shopkeepers at Sydney, and was by them sent to the Dep. Commy. Genl. for Consolidation Monthly. Instead of this, and also Instead even of the Notes of Hand promised by the Depy. Commy. General to be sent by him to meet the Exigencies of those remote places, two months and upwards have now Elapsed without any such Provision being made. Mr. Drennan has framed a New Species of Store Receipts for those places to be Issued in the Same Manner and by the same persons as the former were, but differing from them by being Expressed as "Neither Saleable nor Transferrable," Whereby a Settler who may happen to put Animal Food or Grain into the Stores at Windsor (37 Miles from Sydney) if only to the Amount of £3 or £4 is obliged to Come to Sydney himself in order to get his Unsaleable, Unnegociable Receipt Converted into the Notes of the Depy. Commy. General; and in order to his Effecting this, I am informed that the poor Man is Obliged to give his Signature in Six different Situations in discharge of his Unnegociable Receipt. When it is taken into Consideration that the Settler, who thus Comes from Windsor for the Notes of the Depy. Commy. Gen'l, may have possibly 30 or 35 Miles further to travel before he reaches Home, I am Confident Your Lordships will agree with me in Considering that the System now Acted on is a most intolerable Grievance, and demands prompt Redress; it may not be amiss to remark here that whilst Mr. Depy. Commy. Drennan has Affected to Abolish the Old System of Store Receipts on the ground that it required too great a Trust to be reposed in the Commissariat Clerks at the Out Stations, he has actually Confided the same Trust to them, with only this Difference, that the former was an Accommodation to the Public, the latter an Intolerable Tax on Industry; it is on the Same Ground of Want of Confidence in the Clerks at the Out Stations, I Understand he has declined furnishing them with his own Notes to Issue in payments; but Certainly the Persons, who are sufficiently trustworthy to be authorized to Issue the Unnegociable Receipts, should be equally so for the Issue of the same Amount in the Depy. Commissy. General's own Notes; the Distinction, if it proves any thing, must be that Mr. Dep. Commy. Genl. Drennan holds the Value of his Note greater than that of the Unnegociable Store Receipt; and why he should do so, if they are both equally issued for the Public Service, I am at a loss to discover; and it has not or cannot fail to excite a Strong Apprehension in the Public Mind, that Mr. Dep. Commy. Genl. Drennan Considers Government Solely
responsible in the one Case, and himself in the other; and there-fore that he is a little tender of trusting the Issue of the Notes for which he would be personally answerable, in Case a Clerk should Abuse his Trust, whilst he feels no Hesitation in trusting them with the Issue of that which Government is evidently responsible for.

I shall now proceed to Consider the System of Consolidation according to the present Plan; as before observed these Consolidations or Bills on Your Lordships, not being Submitted with Abstracts of the Current Expences to the Governor for Approval, and not undergoing any Examination by an Auditor of Accounts, Stand Solely on the Credit attached to the Office of Depy. Commissary General, occasionally supported by the Respectability of the Officer at the Head of the Department; and this I conceive to be fraught with Evil no less obvious or ruinous than that attending the Notes of Hand.

In the former Mode of Consolidations “Approved” by the Governor, Public Confidence was Inspired, and one of its happy Consequences was that the Bills of the Commissariat of this Country on the Treasury were the most negociable, and bore the highest Premium of any in India, whither they frequently made their way. What the Comparative Estimation of the present Bills will be in foreign Markets, there is not yet time to Judge; but if the Sensation be the same elsewhere as here, on the occasion, their Credit will not Stand high.

One Case to Exemplify the Whole of what has been here Stated in the Comparative Value of the Old and New System of Payments will make the Business Clear. Supposing a Commissary in this Country were ambitious of possessing extensive Herds and Flocks, numerous Horses and Carriages, a large Retinue of Servants in Livery, and to live altogether in Stile of Expence far surpassing his Income or private Fortune, and should offer Store Receipts on the Old Plan in payment for those things, the bare Recital of Plate Servants &c., &c. &c. would Cause them to be rejected, as not Coming under the regular Denomination of Public Expenditure; but if the same person were to offer his own Notes of Hand, bearing a Commissariat Stamp or with his Official Designation affixed to his Name, No Question would be asked, and the Transactions would be for a time Complete; but if afterwards a Combination of Circumstances should lead to the Suspicion that the Payment so made stood merely on the personal credit of the Man, then Public Confidence would be withdrawn, and each person holding his Notes would press forward for their Discharge; and if the State of the Public Accounts would not then enable the Commissariat to draw on the Treasury “Approved” Bills, the Business would
end in the Insolvency of the Commissary, and to the severe Loss to all those who held his fraudulent Notes. Possibly, an auction of the Furniture, &c. would take place, and the poor Creditors, in order to get rid of the depreciated Notes in payment, will bid for and buy at four times the Original Cost Articles that they have no Use for, or that many of them know not the use of; and thus He, who was the day before at the Mercy of his Creditors, gets rid of their Importunity and even puts Money in his Pocket to Commence a second Course of Extravagance. This, My Lords, is a possible Case; it has already happened within my own Knowledge in this Colony*; and as it may again occur, I feel it my Duty to put Your Lordships thus in possession of my Feelings and Opinions, formed upon an intimate Knowledge of this Colony for upwards of Nine Years past; and having done so, I shall leave it altogether for the future with Your Lordships' superior Judgments without further Comment.

I now beg to draw Your Lordships' Attention to that part of Mr. Drennan's Conduct which has been throughout, in regard to myself, at once both rudely Insolent and intolerably dictatorial; and for the purpose of abridging as much as possible the Report, which my Consideration of what is owing to Your Lordships and to my own Rank and Feelings on this Subject, I do myself the Honor to transmit for Your Perusal a Copy of all Letters which have passed between me and Mr. Drennan, numbered from 1 to 12 Inclusive; and also the Proceedings and opinion of a Court of Enquiry held on Mr. Drennan, Numbered 13.

On the 13th of February, I addressed the Letter No. 3 to Mr. Drennan, accompanied by the Copy of one from Mr. Harrison, Your Lordships' Secretary, respecting the Re-instatement of a Young Gentleman of the Name of Johnstone on the Commissariat Staff, and requested him to Inform me what his Intentions were on that Subject; to which I received an Answer No. 4, wherein Mr. Drennan, in the most blunt and disrespectful Manner, informs me, without Condescending to Assign any Motive or Reason, that "He has no Intention of Employing Mr. Johnstone," which is in direct opposition to Your Lordships' Instructions; the Stile and Manner of this Communication I trust will be considered both rude and offensive to an Officer of My Superior Rank and local Station.

No. 5 Contains a Communication from Mr. Drennan, recommending a Contract for the furnishing Flour by Mr. Dixon, the owner of a Steam Engine Mill, instead of Wheat, for the Government Service as at present. This Letter is so replete with Threats, false assertions, and groundless Remarks, and above all

* Note 33.
with Epithets so unbecoming, either as applied to the Persons, or the Circumstances alluded to, that Col. Erskine felt it due to the Honor of His Regiment, the 48th, to demand a Court of Enquiry on Mr. Drennan, which I endeavoured to avoid out of Tenderness to Mr. Drennan by giving him an Opportunity to Explain away the offensive Passage. The Answer of Mr. Drennan to My Communication proved his fixed purpose of applying the most false and insulting Epithets either to the Officers of the 48th Regt. or to Myself; and I consequently let the Matter go before a Court of Enquiry; the Proceedings are No. 13 in the Accompanying papers; to the Defence made by Mr. Drennan I beg to Call Your Lordships’ most particular attention, as he presumes in the most daring and insolent Manner to impute to me a purpose of thwarting him in his Efforts at Retrenchment, and insinuates that I have persecuted him; the Grounds, on which these Charges have been made, I am yet unacquainted with; and I cannot but hope and expect that such an Unprovoked and illiberal Attack will incur Your Lordships’ strongest Animadversion and Reprobation, especially, as I make this appeal in preference to bringing Mr. Drennan to a General Court Martial, which I should have Certainly done, but from the Consideration that by placing him in that Situation I should have Exposed the Public Service in that Department to much Inconvenience and Embarrassment. On this Ground I have preferred laying this Complaint before Your Lordships, satisfied that it will have all the Effect such Insolence and Insubordination merit.

My Letter, No. 6, will, I trust, be found to Contain a temperate Remonstrance in regard to Mr. Drennan’s Language, Reasons assigned, and Arguments adduced to shew the Inexpediency of Complying with the proposed Tender, all expressed in terms suitable to the occasion and to our relative Situations.

It is Unnecessary to follow Mr. Drennan further thro’ the remaining part of his and My Correspondence, as it will sufficiently explain itself; but in Addition to the Objections which My Letter contained against such a Contract, and which I had fully explained to Mr. Drennan in a personal Conference, I request to submit to Your Lordships’ Consideration the opinion* given to me by Mr. Assist. Depy. Commy. Genl. Broughton, whose Experience of the Colony and the Commissariat Department for nearly 30 years past will entitle it to an adequate Estimation, and which exposes the fallacy of the Plan and the Consequent Ruin of the Country in so Strong and Clear a Point of View, as will, I have no Doubt, Convince Your Lordships of the utter Inexpediency of resorting at this time to such a

* Note 34.
Measure in order to reduce the Expences of the Colony. The Arguments being Chiefly of a local Nature, they cannot be easily Conveyed in their full force to Your Lordships, Unacquainted as you must necessarily be with all the Circumstances of the Colony; but I shall state to Your Lordships that in the Event of the Contract for Flour having been acceded to, a Death-Blow would have been struck at the Agriculture of this Country, as the Contractor would have found it his Interest to have Imported Wheat from India, where it is grown much Cheaper than it Can be yet in this New Country; and a total Suspension of Agriculture must have been the Consequence, which would probably have terminated in an actual Famine. Such Reasons as these, however little Comprehended by Mr. Depy. Commy. General Drennan, in his Ignorance of the State of the Colony, have not failed to have their due Weight with me, and will probably be equally appreciated by Your Lordships.

It is only within the last few Months that, in my Solicitude to reduce the Public Expences by every reasonable and practicable Means, I have effected a saving of upwards of £9,000 annually to Government by a reduction which I made in the price of Animal Food taken into His Majesty's Stores; and such is the Overruling Influence that this Government must necessarily possess in the Market that, were a Governor to order the price of Animal Food to be reduced from its present rate of 5d. per lb. to 2d., and that of Wheat from 10s. to 5s. per Bushel, I have no Doubt the Graziers and Cultivators would furnish the Stores as long as their present Stock on hand would enable them; but such would be the inhuman Policy of doing so, that in less than two years time there would not be a Bushel of Wheat grown for the Supply of the Stores nor further Attention paid to the Increase of Herds or Flocks; and the Country, so far as it depended on the Free Population, would be abandoned and once more become a Desert; such must of necessity be the result of any Scale of Retrenchment, fixed at a Rate below what would repay the Grazier and Agriculturist for their time and Weighty Expences.

I shall now wind up this Communication with Stating to Your Lordships that, on the Arrival of Mr. Drennan (per the Globe on the 9th Jany. last) and until such time as his Violent Intemperance of Language rendered further friendly Intercourse with him impossible, I received him and his Family in my House with every due Attention and friendly Consideration, giving him the fullest assurance that in the devising and following up of every practicable Retrenchment which he should suggest (where paramount Considerations, such as those in the Case of the proposed Contract for flour, did not Intervene) he should have my fullest and Warmest Co-Operation and Support.
I did not fail at the same time to Caution him in a friendly Manner against adopting, too suddenly, Innovations or Changes of an important Nature on the Suggestions of Persons, who might be probably Interested in the Event or Artfully disposed to Involve him in Difficulties with the Colony or Myself. I even went so far as to recommend such Caution to be persevered in for 5 or 6 Months; at the End of which time, his own observations and the Various Opinions of others might be Coolly made and Collected, wherein he might then be enabled to act with Safety to himself and Benefit to the Crown in the Reform of Abuses and the Reduction of Expences. To guard him still further against the Effect of ill-founded Prejudices or Partialities, it was my advice to him that he would frequently visit, personally, the Stores, &c., at the Out Stations, and from his own observations dismiss Unworthy Clerks, and confirm those whom he should ascertain to be meritorious; this latter Duty I do not find has at all been Attended to.

Instead of appreciating duly this my advice and the Various Suggestions I made to him, He Commenced immediately with the Issue of his own Notes of Hand in lieu of Store Receipts on the old Plan; and Notwithstanding that he was sent out for the special purpose of relieving an Officer, whose grossly improper Conduct had Caused him to be Superceded, Mr. Drennan has associated himself so closely with Mr. Allan (in whose House and Family he lives) and Identifies himself with him so Completely in his Stile and Manner of living, that he is scarcely to be seen on any occasion apart from him; and I cannot but express the Apprehension that he has got his mind so exclusively possessed with Mr. Allan's Views and Ideas that nothing will go down with him which is not the Result of the latter's Advice. In proof of this may be adduced the Fact that, whilst he refused to Comply with Your Lordships' Instructions in regard to the Employing Mr. Johnstone, who had been a most active, Intelligent, Trust-worthy Clerk, He has Selected Mr. Andrew Allan (Son to Mr. Deputy Commissary General Allan) for a Situation in the Department, for which he is Altogether Unfit owing to Inattention and total Ignorance of the Forms of Business.

I have felt it my Duty, My Lords, to be thus Explicit in regard to the Tenor of Mr. Drennan's Conduct, in order to my Standing Exculpated in toto from all the Consequences of the Measures which he appears bent on pursuing in his own Responsibility and independent of All Sanction from Me. In fact Mr. Drennan seems rather to Consider Me accountable to him for My Motives, as if he was the first Officer of the State and the Governor subservient to him. This Arrogance leads me to
Conclude with the Repetition of the Hope that Your Lordships will Convey such a Lecture to Mr. Drennan as will Convince him of the necessity of making me the most ample Concessions and apologies for his past Conduct, and giving me the Assurance of his adopting a more respectful and decorous Mode of Behaviour for the future towards His Governor and Commander in Chief in this Colony.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

DEPUTY COMMISSARY-GENERAL DRENNAN TO GOVERNOR MACQUARIE.

Sir, Deputy Commissary General's Office, Sydney, 5th February, 1819.

On entering upon the Duties of my Office, and observing the manner in which my Predecessor Deputy Commy. General Allan has been obliged to keep his Public Accounts in consequence of Your Excellency's General Order* of 25th March, 1815, relating to the Issue of Store Receipts, and without proceeding further in the discharge of the duty entrusted to me on the plan already adopted, I beg respectfully to call Your Excellency's attention to my objections for not wishing to continue it.

Your Excellency directs that the Store-Keepers, and Persons at the different Stations, will, on the receipt of Grain, Meat, &c. issue a Store-receipt (agreeable to a Form furnished by Your Excellency) to the respective Individuals depositing Supplies in His Majesty's Magazines, and such Store receipts, being Transferable from One Individual to another throughout the Country as a Circulating Medium, it prevents the Officer at the Head of the Commissariat Department from keeping his Accounts in a regular manner, agreeably to the Instructions received by him from the Lords Comms. of H.M. Treasury. It is impossible for him to make his Cash Accounts correspond with his receipts and Issues, while those Store-receipts are in Circulation, and therefore his Accounts on Examination will ever be incomplete and enveloped in unnecessary Mystery.

The keeping of the public accounts.

In the next place, the Officer at the Head of the Commissariat is held responsible by the Lords of the Treasury for all Persons employed under him, and to their Lordships only is he accountable for his Public Accounts; it therefore is but reasonable that he should be allowed to keep his Accounts in the manner most likely to give Satisfaction, and of which it is presumed he is the best judge.

The furnishing the Store-Keepers or other Persons at the different Stations with the Power of Issuing Store-receipts in the manner authorized by Your Excellency is fraught with Evil.

* Note 35.
MACQUARIE TO COMMISSIONERS OF TREASURY.  

It places them not only on a Par but independent of the Officer, who is to be held responsible for them, and at best, without adverting to the fitness of such Persons having such Power, it lays a Door open for Fraud and Peculation, as a number of those Papers may be issued from time to time without his knowledge, and none with his consent; and it cannot be supposed that the Officer at the Head of the Commissariat or any Man in his Senses will hold himself responsible for such Persons, or that His Majesty's Government will look to him to make good any deficiency occasioned by Defalcation or otherwise, when the whole System is ordered by Your Excellency, and which, if continued, will involve you in a frightful responsibility, and which will be in direct Violation of the Wishes of His Majesty's Treasury, and tend to degrade and lessen the Public Character of their accredited Agent in this Colony.

From the knowledge I have of Your Excellency's ardent Reasons for Wishes to afford every relief, support and encouragement to the poor Settlers, I am further induced to urge the discontinuance of the issue of Store Receipts, as they are not calculated to be of any real advantage to them from the following Causes, Vizt.

After a poor Man delivers Grain or Meat into the King's Magazines, he receives a Store Receipt for the whole Amount; himself and family may be in want of some trifling Articles, which he is therefore unable to obtain without going to a Store or Shop-Keeper and tendering this Paper in payment for what he may require, and expecting to receive the difference. The Shop-Keeper will not think it worth his while to change his Paper for him unless he takes at least one half of the amount in Goods at an exorbitant Price, and which he may not have occasion for; he is therefore unable to benefit his Family by saving any part of the wealth he may obtain by his Hard-earned Industry; and even the Bank have refused to take them in Exchange for their Notes.

Under all these Circumstances, I beg leave to submit to Your Excellency's Consideration the propriety of my issuing my own Paper in payment for all supplies, as well as the Pay and Salaries of the Individuals entitled thereto in the Colony and its Dependencies; by which means I shall at all times have my Vouchers complete, and the Public Service will be benefited as well as the Persons generally in the Colony. I therefore submit to Your Excellency the Purport of a General Order, which I beg you may be pleased to issue from a Conviction that it will have a laudable and beneficial tendency.

During the late War with America, I had the Honor to serve in Canada; and from the Scarcity of Specie The Commissary General (Sir William Robinson) was obliged to resort to the
issuing of Paper Currency, which was received at the Cities of Quebec and Montreal and throughout the whole Provinces with great Satisfaction on the plan, which I now propose to Your Excellency in the enclosed General Order; and after the peace The Commissary General received as much Specie as he required for his Bills upon the Treasury. They were negociated in the United States, and he was enabled by Proclamation to take up all the Paper Currency in Circulation; and, as I mean to write to the Lords of the Treasury by the first opportunity for a Supply of Dollars to be sent to this Colony, I can adopt the same measure.

Knowing Your Excellency's desire to promote any measure which may appear to be calculated for the good of the Service, I have the fullest reliance in your agreeing with me in the plan now proposed.

I shall have further Cause of Communication with Your Excellency on other points of Service; but, as this one is of the utmost importance, I shall confine myself to it only for the present.

I have, &c.,

FREDK. DRENNAN, Depy. Comy. Genl.

[Sub-enclosure.]

GENERAL ORDERS, &c.

The Deputy Commissary General having reported to me that the System of Issuing Store-Receipts by the Officers and Store-Keeper at the different Stations in this Colony and its Dependencies is not in accordance with the Wishes of The Lords Commissioners of His Majesty's Treasury, and that it prevents him from keeping his Public Accounts in the manner prescribed by their Lordships, I am therefore to direct that the Issue of such Store-Receipts be discontinued from this date, and that the Deputy Commissary General do furnish the several Persons at the respective Stations with the Form of the Store-Receipts to be granted by them in future, which Store-Receipts are not to be considered as Cash-Vouchers, or are they to be Saleable or Transferrable.

The Individuals receiving them are to apply for Payment of the same without delay to the Deputy Commissary General at his Office in Sydney, who will Pay the exact Amount for the quantity specified in such receipts, and receive the necessary Signatures to his Cash-Vouchers.

The Payments are to be made by him in Silver Coin, or in his own Paper Notes issued by him on Account of His Majesty's Treasury; and all Persons who may have occasion to make remittances to Europe or other Places from this Colony, and who may have Dollars or Silver Coin in their Possession, or who
MACQUARIE TO COMMISSIONERS OF TREASURY.

may become possessed of any of his Notes, will, by applying to him at any time within the Hours of Office, receive Bills upon His Majesty's Treasury at Thirty Days Sight in Exchange for the same, provided the Sum Amounts to One Hundred Pounds Sterling.

[Enclosure No. 2.]

GOVERNOR MACQUARIE TO DEPUTY COMMISSARY-GENERAL DRENNAN.

Sir, Government House, Sydney, 8th Feb., 1819.

1. I have to acknowledge the Receipt of your Letter, dated the 5th, but which was delivered to me only late on the Evening of the 6th Instant, stating your objections to the continuing of the practice now in force of Paying for Purchases made by the Commissariat Department on account of the Crown in "Store Receipts," Conformably to my Government and General Orders* of date 25th March, 1815, on that head, and pointing out the evils and inconveniences attending that Practice.

2. Without attempting to controvert the Arguments you ad-duce against the present system and in favor of the one now proposed by you to be substituted instead thereof, although I do not by any means admit that the Conclusions drawn by you are justified by the experience of the past, it is due to myself to set you to rights on some Points, which you have either overlooked or appear to be unacquainted with.

3. The present System or practice of issuing Store-Receipts for Payments of Purchases made on account of the Crown was not originally an invention or measure of mine, but coeval with the Establishment of this Colony, and acted upon by all my Predecessors invariably without incurring any considerable loss to the Crown with the exception of one or two slight partial Instances of the practice, being abused and taken advantage of by Officers in the then Commissariat Department, and for which they were brought to Trial and punished.

4. I therefore only renewed the Practice in consequence of the System, introduced by your immediate Predecessor in Office, in issuing his own Private Notes instead of Store-Receipts proving a most ruinous one to the Public Interests, which com-pelled me to interpose my authority by restraining and putting an entire Stop to a Practice fraught with so much evil to both the Crown and the Community.

5. As yet I have to learn whether the renewed System of issuing Store Receipts, in consequence of my orders of the 25th of March, 1815, has been attended with any loss to the Crown, or likely to involve me in that "Frightful responsibility" which

1819.
24 March.

SER. I. VOL. X—H * Note 35.
114 HISTORICAL RECORDS OF AUSTRALIA.

1819.

24 March.

No objections to issue of store receipts.

Macquarie's qualified consent to introduction of new system.

1. You are pleased to advert to. I think rather unnecessarily, for I do maintain that were the wholesome restrictions, contained in the orders alluded to, strictly observed and enforced by the Officers of the Commissariat, no frightful responsibility could possibly accrue to any one concerned in the Issue of those "Store Receipts." They have now been issued for the last Thirty Years without any material evil resulting from the Practice; whereas in the Two Years of Depy. Comy. General Allan's issue of his Private Notes, very bad consequences resulted and, if persevered in at that time, would have proved ruinous to both the Crown and Individuals. To guard against such consequences, I considered it to be my indispensable Duty to resort to the former System, which has been acted upon for the last Four Years without any apparent loss or inconvenience to the Crown; and as this System must have been perfectly well known to the Lords Commissioners of His Majesty's Treasury, it is extraordinary that they have never expressed nor conveyed to me their disapprobation of the measure, although their Lordships have in that time honored me with many Communications on other Points.

2. But tho' I do not at all consider the System you now propose of issuing your own Notes on account of His Majesty's Treasury less objectionable than the one at present in Force of Store Receipts; yet, as you state, that The Lords Commissioners of His Majesty's Treasury do not approve of the present System, I willingly acquiesce out of respect for their Superior Judgement and, in obedience to their wishes, in the one you now propose of issuing your own Notes in making all future Payments on account of the Crown.

3. I have accordingly rescinded my Government and General Orders on this Head of date 25th of March, 1815, and have Published this Day a Government and General Order in terms of the Draught you enclosed me. I am, &c.,

L. MACQUARIE.

[Enclosure No. 3.]

GOVERNOR MACQUARIE TO DEPUTY COMMISSARY-GENERAL DRENNAN.

Sir, Government House, Sydney, 13th February, 1819.

I beg leave to enclose you herewith, for your information, Copy of a Letter addressed to me by George Harrison, Esqre., Secretary to the Treasury, dated the 5th of May last, on the subject of a Memorial transmitted by me some time since to the Lords Commissioners of His Majesty's Treasury from Mr. George Johnston, late Commissariat Staff Clerk on the Commissariat Establishment of New South Wales; and as their Lordships appear to have instructed you to employ Mr. Johnston in preference to other Clerks until the Services of all those at 7s. 6d.
per Day can be dispensed with, I request you will be so good as to inform me whether it is your intention to employ Mr. George Johnston as a Commissariat Clerk in pursuance of the Instructions you have received from the Lords Commissioners of His Majesty's Treasury.

I am, &c,

L. MACQUARIE.

[Enclosure No. 4.]

DEPUTY COMMISSARY-GENERAL DRENNAN TO GOVERNOR MACQUARIE.

Dy. Commy. General's Office, Sydney,

Sir, 15th February, 1819.

I have the honor to acknowledge the Receipt of Your Excellency's Letter of the 13th Inst, enclosing a Copy of a Letter conveying the Sentiments of His Majesty's Treasury relating to Johnston, the Employment of Mr. George Johnston; and Your Excellency having called upon me to inform you whether it is my intention, in consequence of that Letter, to employ Mr. Johnston or not, I beg leave to acquaint Your Excellency that I have no intention of employing him in the Commissariat Department under my Orders.

I have, &c,

FREDK. DRENNAN, Dy. Comy. Genl.

[Enclosure No. 5.]

DEPUTY COMMISSARY-GENERAL DRENNAN TO GOVERNOR MACQUARIE.

Deput Commy. Genl.'s Office, Sydney,

Sir, 20th February, 1819.

The Lords Commissioners of His Majesty's Treasury having directed that, as soon as I took upon myself the Duties of my Department in this Colony, that I should make myself acquainted with the manner in which the Service was conducted by my Predecessor, and report fully upon the same; and that I should use the utmost Economy in the Victualling and Supplying of His Majesty's Forces, as well as the various other Persons drawing Rations from His Majesty's Magazines, and that whenever any point of Service was ordered or Expence incurred, which was contrary to or not provided for by the General Instructions to Commissaries General, I should respectfully remonstrate against the Continuance of the same; and that, should Your Excellency, after such remonstrance, not think proper to alter any system hitherto adopted, I should in such Case respectfully Solicit Your Excellency's Warrant and Authority for such Continuance, and which, having obtained, I must implicitly obey; at the same time I am ordered to transmit Copies of such Letters, Papers and Communications, as may have passed between Your Excellency and myself, to the Lords of the Treasury without delay, who will hold you responsible; and in like manner, should I recommend any measure to Your Excellency (not also
provided for by the Instructions) and which upon such recommendation Your Excellency may be pleased to adopt, Their Lordships in such Cases will hold me responsible.

This, Sir, is the purport of my Specific Instructions, which were unfortunately left behind at Portsmouth, which I reported to the Lords of the Treasury by Letter at Madeira on my Way out, and Verbally to Your Excellency on my Arrival here. I shall therefore in pursuance thereto beg Your Excellency's attention to the Mode hitherto and at present adopted for the receipt and Issue of Wheat and Flour, as deserving the most prompt Consideration.

The Grain is received in the first Instance at particular times and places into the King's Magazine at a price specified by Your Excellency's General Government Orders, published by Your Authority in the Sydney Gazette.

This Grain, when in Store, requires the greatest attention and Labour in keeping it from spoiling by being heated, and by preventing the Weavil from getting among it; and what by turning, screening, and the Expence of Labour and Transport to and from the Mills, and on the Issues, it is fair to infer there is a loss on it of at least.

One of the Wind-Mills at Sydney belonging to Government is now in the Possession of the 48th Regim't, and the Persons belonging to it manage, when there is Wind, to grind enough Wheat into Flour for the consumption of the Regim't, and sometimes more on Government Account, and are frequently employed to Grind for the Inhabitants, for which they are paid both by Government and Private Individuals at the enormous rate of 1s. 3d. per Bushel. This System is Scandalous and unprecedented and ought to be Abolished.

The other Wind-Mill belonging to the Crown is in the possession of a Person appointed by Your Excellency, and from a Calculation made of the Expence attending it, without allowing for the wear and tear and Expence of repairs, the retaining it is a considerable Loss to Government, and it can only Grind 70 Bushels a week at the best. The Supplies to be obtained from those two Mills are uncertain and precarious, and the Flour from them much inferior to that received from the Steam Mills near the City.

At Parramatta the Water-Mill belonging to Mr. McArthur does not produce enough by 100 Bushels a Week for the use of Government without taking into account what may be required by other Persons. The Grinding of this Wheat is paid for at the same rate as at Sydney.

Thus the whole quantity of Wheat, that can be converted in Flour and procured from the sources, are inadequate by 350
Bushels Per Week at present for the Government uses, and out of which the deficiency for Parramatta is sent from hence. Mr. Dickson is the Owner and Proprietor of the Steam Mills, and from him can be obtained at all times sufficient supply for the whole consumption of the Colony.

He charges the same rate as is paid to the 48th Regimt. and to Mr. McArthur, and he allows 10d. pr. Bush, for all Bran, which may not be required for the Government Horses. I have therefore given this subject the most deliberate consideration, and I have exerted myself in every way since my arrival here to obtain correct information of the true and real resources of the Colony, in order to enable me to propose to Your Excellency the means of removing the Obstacles and disadvantages under which I labour in the fulfilment of my public Duty, and in tending to advance the prosperity of the Colony in General.

I find, upon Calculation, that every pound of Flour issued in this Island on Account of Government at the Present Maximum Price of Wheat amounts to 3d. per pound, without the loss of 1/2, and that the average and total Number of pounds, issued at Present per Diem at Sydney, Parramatta, Windsor, Liverpool and Newcastle, is about 5,500, and that will amount to at that rate Per Annum to ......................... £25,093 15 0

Add 1/2 for loss on Do ......................... 3,136 14 4½

£28,230 9 4½

By Amount of Tender for the Supply of Flour free of all charges at the rate of 2s. 6d. per lb. 20,911 9 2

£7,319 0 2½

leaving an Annual Saving to Government of Seven Thousand, Three Hundred and Nineteen Pounds and Two Pence ¼ Sterling.

Having made the above Statement, I transmit the Tender alluded to for Your Excellency’s Approval and recommend most strongly your doing so.

I am aware of Your Excellency’s disinclination to alter any Plan, which has been adopted by Your Predecessors, and principally at present on the Grounds that the receiving Supplies by Contract, it will tend to ruin the Poor Settlers, and that they would thereby be held down by a few Rich Individuals, who would cause a Monopoly, and that many would in consequence quit the Country and not think it worth while to Cultivate Land or to breed Cattle.

With great deference and respect, I beg leave to differ with Your Excellency in the opinion, as there can be no real
Monopoly if Flour is Procured by Contract, as the consumption must be the same, and it matters not whether the Wheat is Purchased by one Individual or by Twenty; and I can safely maintain that it would be more beneficial to the Growers in General, and in particular to the lower Classes of them, to have a ready purchaser at all times who would give them a fair and equitable Price, by which means they would be encouraged to go on. Whereas the Present System is a most Scandalous Monopoly by Persons of the worst description, who keep Public Houses, &c. and who take every advantage of these poor People, who sell their Wheat to them by anticipation, before it comes off the Ground, for Spirituous Liquors, &c. Those Miscreants have afterwards got it into the King’s Stores through the means of disgraceful Bribery and Villainy of the different Store-Keepers, who had the Power of issuing Store-Receipts, and many of whom are the very Wretches, who have kept down the poor Settler.

I therefore don’t hesitate to say, and I am sure I shall be borne out by Men of the greatest respectability and integrity in the Colony, who are growers of Corn themselves, that the supplying by Contract will be beneficial to all Classes of People, as well as to His Majesty’s Service, and that, however prudent the plan hitherto adopted in the Infant State of the Colony may have been, it cannot have any real reference to its present State as far as its resources for the Public Good.

I should certainly prefer Public Advertisements for Tenders for the Supply of Flour, but it would be useless as Mr. Dickson has no Competitor; and I would accept his Tender for Two Years on the Ground that no Answer could be received from the Lords of The Treasury before 18 Months, and it would take 6 Months more to erect Steam Mills, provided I think it necessary to order them to be sent out.

The Price of £2 Os. 10d. Stg. per Barrel of 196 lbs., agreeable to Mr. Dickson’s Tender, is cheaper than in any other part of the World where I have Served.

Thus, Sir, by agreeing to the Proposal of Mr. Dickson, I shall always have my Magazines filled with Good Flour instead of Wheat without loss or risque of Scarcity, and at a great saving to the Public, and without any Injury to the Inhabitants of the Colony.

I have now fully stated my opinion to Your Excellency, and I am convinced from a Consideration of the Facts you will approve of the Tender accordingly.

I have, &c.,
FREDK. DRENNAN, Depy. Comy. Genl.
MR. JOHN DICKSON TO DEPUTY COMMISSARY-GENERAL DRENNAN.

Sir,

I have the Honor to Tender to you the supplying of His Majesty's Magazines at Sydney, Parramatta, Windsor and Liverpool with good and wholesome Flour, such as is now issued, for such Number of Persons as are now Victualled or may be hereafter victualled, or for whatever quantity may be required at each post respectively by the Officers of the Commissariat in charge, for Two Years certain at the rate of 2½d. p. lb., all of which Flour shall be delivered at my own proper Cost and Charge, Provided the Government Mills now at Sydney may be turned over to me for my use during the Period of the Contract, the Mills so given up to be returned in the same state of repair as received at the end of the Contract.

I beg also to Tender the Supply of such Portion of Bran as may be required to be issued for the use of Government Horses to be delivered at my Mill at Sydney at the rate of Ten Pence per Bushel.

The Terms of this Contract to commence on the 24th of March next, and for the fulfilment of which I shall give you ample Security.

Sydney, 16th Feby., 1819. JOHN DICKSON.

a true Copy:—FREDK. DRENNAN, Depy. Comy. General.

GOVERNOR MACQUARIE TO DEPUTY COMMISSARY-GENERAL DRENNAN.

Sir,

1. I have to acknowledge the receipt of Your Letter of date 20th Instant with its accompanying Tender from Mr. John Dickson for supplying His Majesty's Stores in this Colony with Wheat Flour.

2. After having already, in the Personal conference I had lately with you, given you my Sentiments so fully on the Subject of Mr. Dickson's Tender for supplying from his Steam-Mill the King's Stores with Flour, I do not deem it necessary now to enter at any length into the objections I then stated against the adoption of this measure, the more especially as I observe no New Argument urged in Your Letter in favor of the Principal of furnishing His Majesty's Stores with Flour by Contract, instead of Wheat, according to the present System; whilst I conceive that every Object of Economy and the Protection, necessarily to be extended by this Government to the
Agricultural Interests of the Colony in its present Infant State, demanded alike that the System hitherto pursued should be for a still further period persevered in.

3. Without feeling it necessary to follow you through all the minute particulars of the Calculations you have submitted, in order to prove the expediency of adopting Mr. Dickson's Tender, (Competition in the usual Way not being deemed necessary by you) I cannot admit as a fact that so very great a loss as that of $ part of the Grain, received into Store, is sustained by waste or injury of one kind or other; nor is the fact admissible otherwise than by attributing it to such dereliction of Public Duty on the part of the Officer at the Head of the Commissariat Department as should call forth Specific Charges on your part without loss of time. Neither am I at all convinced that were the fact even so, that the expense on the whole would be greater than that which would be incurred by the acceptance of Mr. Dickson's Tender, and I shall therefore advert no farther to it than to repeat my former observation, which was in effect that the Scheme of Tender, as now made, is fraught with ruin to the best Interests of the Colony, and on this Ground it shall not be sanctioned in any degree whatever by me.

4. Not willing to impute any intentional Disrespect, I cannot forbear observing that your intimation, that the Lords of the Treasury under certain Circumstances "will hold me responsible" is totally unnecessary and perhaps unsuitable on your part, as seeming to convey a Threat in case of my not acquiescing to your Proposal. Neither is the repeated use of such Terms as "Scandalous," "unprecedented," "most scandalous Monopoly," "Miscreants," "Disgraceful Bribery and Villainy," &c. &c. &c. by any means suitable to Such Communications as official Duty may suggest the expediency of your making to me; and I cannot therefore forbear the expression of the hope that you will in future be more guarded in the Language you use when addressing me.

5. It may be also not altogether unworthy of remark that from your very late arrival here, and your not being yet one Month in Office, it appears to me rather assuming too much when you state that you are borne out in your observations "by Men of the greatest respectability and Integrity in the Colony." Whom you consider in this light, or when or where you have had an opportunity of collecting the opinions of the truly respectable and intelligent part of this Community, I have yet to learn; whilst the experience of upwards Nine Years convinces me that you are altogether uninformed as to the true Interests of the Colony, and appear to be much misinformed by some Selfish, Sordid
Individuals, who are aiming at a System of Monopoly, which, if adopted, would eventually put a stop to all Agricultural Pursuits in the Colony.

6. Allowing you, Sir, credit for possessing a disposition to reduce the expenses incident to the Department under your immediate Charge, and trusting that you will persevere effectually in making such retrenchments, as I have no doubt the state you have found it in will fully warrant, I must inform you that your Authority or Control cannot reach further; and, as I alone guide and direct the Course of the Superior Arrangements of Colonial Policy, it will be unsuitable in you to urge farther any innovations in a System, for which I am alone responsible, and which I shall not abandon on light grounds.

7. You have been much misinformed, else you would not venture the observation that I am disinclined to alter any Plan adopted by my Predecessors; and the Motives you attribute to me therein are neither founded in fact nor by any means warranted to proceed from a Subordinate Officer to his Governor; and I regret that you should so far have overstepped the proper bounds of Duty and Decorum as to render this animadversion on my part necessary.

8. The New and Special Authority vested in you by virtue of those “Specific Instructions,” which you state that you left behind you at Portsmouth, I am not otherwise acquainted with than as you have in part informed me; and therefore without questioning the fidelity of your report in regard to them, it is at least reasonable, and delicacy demands, that you do not urge me too strenuously to adopt a measure so foreign to that which I have heretofore acted upon, until I shall at least be enabled to judge for myself on the construction and intent of those Specific Instructions.

9. In the mean time, and until Instructions from His Majesty’s Government warrant the change, I shall expect that Compliance on your part with my Arrangements, which your Duty, the Good policy, of the Service, and the Interests of the Colony alike appear to me demand.

I am, &c.,

L. MACQUARIE.

[Enclosure No. 7.]

GOVERNOR MACQUARIE TO DEPUTY COMMISSARY-GENERAL DRENNAN.

Sir, Government House, Sydney, 24th February, 1819.

In my Letter to you of date 22d Instant on the Subject of Mr. Dickson’s Tender for Supplying the Government Stores with Flour from his Steam Mill, I purposely deferred making any reply to your observations on the Government-Mill lent by me
to the 48th Regmt., until such time as I could inform myself from the Commanding Officer of that Corps how far Your Statement in regard to it was correct; but being now in full possession of all the necessary information relative to the uses to which that Mill is applied, and with which I have every reason to be perfectly satisfied, I cannot forbear expressing my regret that you should have been betrayed into the making use of such very unwarrantable language, as applicable to that Mill in the Letter you addressed to me, dated the 20th Instant on that Subject.

Lieut. Colonel Erskine, Commanding the 48th Regt., and the Officers of that Corps feel themselves insulted by the intemperate and highly disrespectful expressions you have thought proper to make use of in your Remarks on the Regimental Mill.

Lieut. Colonel Erskine having Yesterday addressed a Letter to me on this subject, I deem it expedient, previous to taking any other step, to send you herewith a Copy of it for your perusal and Notice, requesting you will, as soon as convenient, favor me with your reply and Observations thereon.

I am, &c,

L. MACQUARIE.

[Sub-enclosure.]

LIEUTENANT-COLONEL ERSKINE TO GOVERNOR MACQUARIE.

Sir, N. S. Wales, Sydney Barracks, 23d February, 1819.

I beg leave to return Your Excellency many Thanks for the Communication you were pleased to make me relative to the illiberal and unfounded Charge against the 48th Regt., made by Deputy Commy. General Drennan to Your Excellency in his Public Letter, by attaching the Words "Scandalous and unprecedented" with a reference to the Working of what is generally called the Regimental Mill, kindly lent to the Regiment by Your Excellency. I have made this unwarrantable Attack known to the Officers present at Head Quarters, and I feel myself called upon, as their Commanding Officer, to request Your Excellency will be pleased to direct Deputy Commy. General Drennan to appear before a Board of Enquiry, and there to state his reasons for attempting to affix to the Honor of the Regiment so vile a Calumny.

I have, &c,

JAMES ERSKINE, Lieut.-Colonel, 48th Regt.

[Enclosure No. 8.]

DEPUTY COMMISSARY-GENERAL DRENNAN TO GOVERNOR MACQUARIE. Deputy Commissary General’s Office, Sir,

25th February, 1819.

I received Your Excellency’s Letter with its enclosure this Morning, and in reply I beg leave unequivocally to state that I had no intention whatever of offering any insult to Colonel
Erskine or the Officers of the 48th Regiment generally, nor can I conceive that the Paragraph in my Letter to your Excellency, relating to the Mill in possession of that Regiment, will admit of any such construction.

The Persons of the Regiment, holding that Mill and charging Government for Grinding, is at least unprecedented, while there is a regular Commissariat Department in the Colony; and the Grinding of Wheat for Private Individuals at a rate paid to Proprietors of Private Mills is in my opinion scandalous: although perhaps I ought to use a milder term.

I therefore respectfully repeat to Your Excellency that the System "ought to be abolished," and I cannot but think that an unfair attack is made upon me in order to create a Division between that Corps and myself.

I shall ever, while I have the Honor of holding His Majesty's Commission, do my Duty without fear of reproach from my Superiors at Home (however I may be embarrassed here); and had I not endeavoured to do away this System, I should forfeit the high Trust and Confidence reposed in me by His Majesty's Treasury.

I have, &c,


[Enclosure No. 9.]

Governor Macquarie to Deputy Commissary-General Drennan.

Government House, Sydney,

Sir,

26th February, 1819.

I have to acknowledge your Letter of Yesterday in reply to a Communication I had made in the fullness of good will towards you.

Your reply leaves me to regret that I have it not in my power to express myself at all satisfied that the explanation, you have made, removes in any degree the Grounds of Objection hinted to you in regard to the Military Wind-Mill, and on that score I must leave the matter to the discretion of Lieut. Colonel Erskine and the Officers of the 48th Regiment, who feel themselves implicated.

In regard to your Observations that "an unfair attack has been made upon you" in order to create "a Division between that Corps and yourself," I am in the first Place at a loss to know to whom you attribute such purpose, and equally so to understand what Union has subsisted from whence a Division could be effected.
I am also at a loss to know to whom you refer when you use the terms "however I may be embarrassed here." These, Sir, are Insinuations, which I may require to be explained elsewhere.

I am, &c.,

L. MACQUARIE.

[Enclosure No. 10.]

[A] MR. WILLIAM BROUGHTON TO GOVERNOR MACQUARIE.

Sir, York Street, Sydney, 27th February, 1819.

I have perused with the utmost attention the Letter, addressed to Your Excellency from Mr. Deputy Commy. Genl. Drennan, on the subject of a saving, which would accrue provided a certain Contract was entered into with Mr. Dickson, the Proprietor of the Steam Engine, for supplying this Government with Flour for the Space of Two Years at the rate of Two pence Half penny per pound, and recommending the approval of this Contract on the Grounds that it will tend to the benefit of His Majesty's Service, the Prosperity of the Colony, and the general Interests of the Settlers, but particularly the poorer Class. There are many parts of Mr. Drennan's Letter, which it is unnecessary for me to remark upon; I shall only therefore dwell upon such as are connected with the Benefit of His Majesty's Service, the Prosperity of the Colony, and the general Interests of the Settlers, which is so positively affirmed will result from this Contract, if entered into.

I have examined Mr. Drennan's Calculations with respect to the saving, which this System would produce; which I find correct, except that I cannot coincide with him as to the loss of one Eighth of the Annual Consumption of Wheat, purchased for the Public Service, from the Causes stated in his Letter, because during the experience I have had, I never knew it so great.

With regard to the saving, which it appears (so very clear upon paper) would accrue, if the Contract was entered into for the Purchase of Flour from the Individual, Mr. Dickson, instead of purchasing Wheat generally from the Settlers of every description, I do not hesitate to say that a saving upon such a Principle would be productive of the most mischievous Consequences, and which I think Mr. Drennan is not aware of, or he would never have recommended the measure to Your Excellency.

He states in His Letter to Your Excellency, "there can be no real Monopoly, if Flour is procured by Contract." "and it matters not whether the Wheat is purchased by one Individual or Twenty."
I really cannot comprehend this Argument; will any Man of sense tell me that it matters not whether there are twenty Purchasers in the Market or only one?

It must be evident to the commonest Capacity that the Greater the Number of Purchasers, the more it will enhance the value of the Article sought for; besides it creates a competition in the market and prevents a Monopoly. I might with equal Propriety affirm that it would create no difference in the Price of Grinding Wheat and reducing it into Flour, were there Twenty Steam Engines in the Colony or only one. I believe the Proprietor of the Steam Engine will not attempt to defend such an Argument.

If Mr. Dickson is the only Person in the Colony, who can supply the necessary quantity of Flour for the Public consumption, and the Stores are shut against the Settlers' Wheat, there can be no risque in saying they are almost entirely left at his Mercy; it is beyond contradiction.

Mr. Drennan states that he can affirm that such a Contract would be more beneficial to the growers in general, and particularly the lower Class of them, to have a ready purchaser at all times, who would give them a fair and equitable price; but what Security have the Settlers that the Individual Mr. Dickson would do so? that he Mr. Drennan can affirm with such positive certainty that this Contract will be of general benefit to all Classes of Settlers, and more particular the lower. It is well known how prone the human Mind is to be influenced, when self Interest Predominates, and to suppose that Mr. Dickson would not take every advantage the Contract afforded him would be absurd. But without dwelling upon such a Principle, I shall endeavour to refute Mr. Drennan upon his own argument. He has stated to Your Excellency in his Letter that Mr. Dickson's Tender for the Supply of Flour is cheaper than He Mr. Drennan ever Purchased it at in any other part of the World where he had served. Now taking it for granted it is so, would any reasonable Man in Public Office expect in an Infant Colony like this to Purchase the necessaries of Life upon a Cheaper Scale than in Colonies that have existed for several Hundred Years; especially, where it is known that every Article of Comfort, imported therein, is in general excessive dear. It is evident then that a saving upon such a Principle must strike at the vital Interests of the Settlers generally and more especially the poorer Classes.

The following Statement will clearly prove to Your Excellency's satisfaction that the Person, who will supply Government with Flour at two pence half penny per pound, cannot afford to give the Settler more than Seven Shillings a Bushel for Wheat, and
1819.
24 March.

William Broughton’s criticism of proposed contract with J. Dickson.

'tis more than probable not quite so much; but admitting the Settler obtains seven Shillings per Bushel for his Wheat from the Contractor, it is not a fair Price or sufficient to encourage him to grow that Article.

A Bushel of Wheat will produce no more than 44 lbs.

of Flour which @ 2½ per Pound is ................. 9s. 2d.
The Value of Bran extracted from do. ................. 0 3

Supposing then that the Contractor gives the Settler Seven Shillings and two Pence for a Bushel of Wheat, that he charges fifteen pence for Grinding and about One Shilling per Bushel to defray the expense of Bags and conveying to the different Settlements, this amounts to exactly the above Sum, and evidently proves the correctness of the Statement.

Having proved, as I trust I have, that the Settler could expect no more than seven Shillings per Bushel for his Wheat, I shall now proceed to state to Your Excellency what I conceive would be the probable consequences, if such a measure was adopted. Indeed I don’t hesitate to say, from my own Knowledge of the Colony and from the information I have obtained from other persons equally respectable as those from whom Mr. Drennan obtained his, that instead of reducing the Expences of the Colony, they would be encreased to an alarming degree, and the Prosperity of the Colony and the Interests of the Settlers much injured.

That Mr. Drennan, instead of having to victual 5,500 Persons daily, would have to victual at least from 1,500 to 2,000 more, which at the rate of Ten Pounds per Head amounts to at the former Number to Fifteen Thousand Pounds Sterling, and at the latter to Twenty Thousand Pounds Sterling additional expence annually. And here I beg leave to state that this is not an idle notion, as it must happen that the Settler will be under the necessity of sending those Servants, whom they hitherto clothed and fed, back again to Government, who would have to victual and Clothe them; for such a Cause must naturally produce such an effect; where then would be this mighty saving?

Having as I trust combated the Arguments of Mr. Drennan, and proved that the Measure proposed by him will not tend to benefit His Majesty’s Service nor advance the Prosperity of the Colony nor the Interests of the Settlers, I shall conclude with assuring Your Excellency that in any Argument I have brought forward I have been influenced by Public Motives alone.

I have, &c.,

WM. BROUGHTON, J.P.
[B] Mr. William Broughton to Governor Macquarie.

Sir, York Street, Sydney, 27th February, 1819.

It was not my intention to have made any further remarks on Mr. Drennan's Letter to Your Excellency, but on considering the observations stated by him concerning the Wind Mill, now in the possession of the quarter-master of the 48th for the use of the Regiment, there appears something, in the manner in which it is done, so very invidious that I have judged it necessary to enter into a minute explanation of the business.

The Mill alluded to, now in the possession of the Quarter-Master of the 48th Regiment, was occupied by the Quarter Masters of Regiments stationed here for a Number of Years prior to the arrival of the 48th. They had it originally, on condition of Keeping it in repair and Grinding the Rations of wheat for the Troops free of expense to Government, there being no flour issued as Rations at this time to the Troops. They found their own Miller's and Labourers, who they were enabled to pay from the Bran extracted from the wheat and a small reduction from their rations of wheat, of which they then had a liberal Allowance. But when the order was issued for the issuing of Seven Pounds of Bread, or Flour, weekly to the Troops, the Soldier could no longer afford any reduction from his Rations; and consequently the Quarter Master of the 48th Regiment received fifteen Pence per Bushel for Grinding it, the same as other Individuals were paid by the Deputy Comy. General, which sum I presume is appropriated to the Keeping the Mill in repair and Paying the Wages of the Miller's and Labourers; and that this has been of no injury to the Service is clear from what Mr. Drennan says himself that a Mill of a similar construction with that in the Quarter-Master's possession, instead of being of any advantage to Government, it incurs an additional expense; but it appears to me, from the manner in which this circumstance is mentioned, that it is intended to convey an Idea that the Quarter-Master of the Regiment Pockets the fifteen Pence that is paid for Grinding, whereas I believe the contrary to be the Case; and if there is any saving, and I know of none, the Soldiers of the Regiment benefit alone thereby. That such an insinuation was intended to be conveyed, there can I think be little doubt, or why attach the Infamy to the System? which Mr. Drennan does.

I have, &c.,

Wm. Broughton.

[Enclosure No. 11.]

Deputy Commissary-General Drennan to Governor Macquarie.


Being so much occupied in preparing my Official Documents for the Lords Commissioners of His Majesty's Treasury...
Drennan's request for use of the regimental mill.

1819.

24 March.

I have been unable to address Your Excellency on the subject of the Government Mill in possession of the 48th Regiment.

I now do myself the Honor to request Your Excellency will be pleased to Order that Mill to be turned over to my Department, by which means an annual saving will accrue to the Public of £500 a Year at least.

My Duty, and the good of the Service induces me to suggest this Measure to Your Excellency.

I have, &c.,

FREDK. DRENNAN, Depy. Comy. Genl.

[Enclosure No. 12.]

LIEUTENANT-COLONEL ERSKINE TO GOVERNOR MACQUARIE.

Sir,

Barracks, Sydney, 15th March, 1819.

I have the Honor to acknowledge the Receipt of Your Excellency's Letter of this date with its enclosure, requiring of me to state whether the Mill in Charge of the 48th could be handed over to the Commissariat Department without inconvenienting the Regiment, and, if inconvenient or injurious to the Corps, to point out the Grounds on which I rested my opinion. In reply to Your Commands, I beg leave most respectfully to inform Your Excellency that I feel confident without the assistance of the Government Wind Mill, you so kindly lent the 48th, The Soldiers would be very indifferently served with Bread and not of that quality I know Your Excellency wishes and expects they shall receive.

Should Your Excellency deem it expedient to Comply with the desire of Depy. Comy. General Drennan on this subject, I should be at a loss to know how the Men's Flour was to be made into Bread without the Assistance of the Mill to cover so heavy an Expence. This objection Mr. Drennan might possibly endeavour to do away by proposing a Person to contract to Bake Bread for the Regiment; but Your Excellency is well aware of the description of Men that would engage in such an Undertaking, having, as I have been informed, tried this Experiment more than once with Mr. Drennan's Predecessors both for the 73d and 46th Regiments, and which was very soon discontinued in consequence of the Contractors issuing to the Soldiers Bread of so bad and injurious a quality, as to be considered entirely unfit for Men's use:—this naturally was the cause of much discontent and dissatisfaction amongst the Soldiers of both Corps, and which must always be the Case with the Regiments stationed in New South Wales (at least for a Series of Years to come) that may be so unfortunate as to be supplied with Bread by Contract.
The Arrangement Your Excellency has adopted towards providing Bread for the 48th Regim’t appears to me to be most judicious, as the Soldiers are not only certain of receiving their Allowance of Flour, granted to them by His Royal Highness The Prince Regent as their Daily Ration in good and wholesome Bread made under the immediate superintendence of the Quarter-Master of the Regiment, but they have also the advantage of procuring from the Regimental Bake-House, such Extra-Bread as they may require for their wives and Families or for their Breakfast Meals; and under the persuasion that Your Excellency would permit the Government Wind-Mill to remain in the possession of the 48th during its stay in this Colony, in the same way and under the same restrictions as the 73rd and 46th held it, a considerable Expence has been incurred in purchasing from the 46th a Bake-House, Baking Utensils, Carts and Horses to supply the oven with Fuel, with a variety of other necessary Expences attending on the Establishment; all of which I fully expected to be refunded by the Regiment that relieves the 48th; but this might with some reason be objected to, if the Mill, which is the only resource left a Regiment to reimburse itself, was under the direction of the Commissariat. I trust Your Excellency will perceive, from the Statement and Explanation I have given relative to the Government Mill lent to the 48th, that it would be attended with the most serious inconvenience to the Regiment was it to be deprived of it; and knowing that the Mill is no Expence whatever to Government, it would not in my opinion be a saving to the Crown, if Mr. Drennan’s Demand was complied with, as Government would then be under the necessity of providing Carriage for the Wheat to the Mill, as also for the Flour and Bran from the Mill to the Commissariat Stores, together with the Expence (which is considerable) in keeping the Mill in repair, the feeding and Cloathing of the Miller, and the Men required to attend him in the Mill, which is at least 6 in number, and the chance, I had almost said Certainty, of being robbed Daily nay Hourly of the Flour, Wheat and Bran deposited in the Mill; I do not hesitate in giving my opinion to Your Excellency that Government would lose considerably if the Mill was placed under the direction of the Commissariat Department, and I have every hope that Your Excellency will coincide with me in this opinion, and order the Mill still to be lent for the accommodation of the 48th, as the only means of procuring for Soldiers, that have hard Duty to perform, a regular Supply of Good Bread for their support. In England or in a Foreign Garrison where Extensive Markets are Established, it is with
difficulty that a Bread Contractor can be found to furnish the
Troops with Bread, such as a Soldier ought to receive, and from
my Knowledge of New South Wales, I consider the thing as
quite impossible in the Present Infant State of the Colony.

I have, &c.,

JAMES ERSKINE, Lt.-Colonel 48th Regím't.

[Enclosure No. 13.]

PROCEEDINGS of a Court of Enquiry held by order of His Excel-

cency The Governor and Commander of the Forces, for the
purpose of investigating certain Assertions made by Deputy
Commissary General Drennan relating to the manner of
conducting the Government Wind-Mill, lent to the 48th
Regiment, and which Assertions are considered to reflect on
the Honor and Character of that Corps.

Sydney, New South Wales, 3d March, 1819.

Brevet Major Taylor, 48th Regt., President.

Captn. Rowe, 84th } } Captn. Mackay, Do.

Lieut. Colonel Erskine having appeared before the Court for the
purpose of opening the Proceedings put in the accompanying Papers
as Numbered 1, 2, & 3.

MR. ASST. COMY. GENERAL BROUGHTON being called upon by Lieut.
Colonel Erskine in answer to a question respecting the Mill being
first lent to the 73rd Regím't States,—

That during the time that Corps was Stationed in New South
Wales, he was at the Head of the Commissariat Department; a
difficulty of obtaining sufficient Wheat Ground for the Troops often
occurred; and on an occasion of this kind, the Quarter Master of
the Regiment (Mr. McIntosh) suggested that, if the Mill was lent
to them, they would be enabled at all times to grind a sufficiency.
Mr. Broughton, having calculated that it would be an advantage to
Government by entering into certain Stipulations, such as keeping
the Mill in good repair solely at the Regiment's Expence, and pay-
ing every other expence it might incur, recommended its being
lent, and it has been transferred since to the 46th Regím't on the
same Conditions.

MR. DEPUTY COMMISSARY GENERAL DRENMAN hands to the Court
the accompanying written Statement, Marked No. 1.

Question from the Court to Mr. Deputy Commissary General
Drennan.—Who do you conceive to be the Persons holding the Mill
in the 48th Regím't? Answer. I conceive them to be Major Druitt,
the Quarter-Master, Serjeant Barlow, and other Soldiers of the
Regim't.

Second Question from the Court to Mr. Deputy Commissary
General Drennan.—Do you conceive that the term made use of in
your Letter to His Excellency The Governor applied to the Indi-
viduals that you understood to have had charge of the Mill?
Answer. I only meant to apply the Word Scandalious to the System
and not to any Individual of the 48th Regim't
Third Question from the Court to Mr. Deputy Commissary General Drennan.—Do you conceive that any benefit arises from the Mill to any Individual in the 48th Regiment? Answer. I don't know.

Fourth Question from the Court to Mr. Deputy Commissary General Drennan.—When you declared in Your Letter to His Excellency The Governor that you did not intend insulting Lieut. Colonel Erskine or the Officers generally of the 48th Regiment, did you mean to insinuate that any Individual of the Regiment gained any benefit or acted improperly? Answer. I did not.

Fifth Question from the Court to Mr. Deputy Commy. General Drennan.—Have you ever heard, or does it in any way come within your knowledge, either directly or indirectly, that any Individual of the 48th Regiment received Private Benefit from the Mill lent by His Excellency The Governor to the Regiment? Answer. I have heard it.

MR. Frazer, a Baker in the Town of Sydney, called, and Questioned by the Court.

First Question.—Did the 73d and 46th Regiments grind Wheat for you and other Bakers, while they respectively had possession of the Government Mill at present in the possession of the 48th Regiment, and receive the usual Price for such Grinding? Answer. They did.

MR. DEPUTY COMMISSARY GENL. ALLAN questioned by Lieut. Colonel Erskine,

First Question.—As the Head of the Commissariat Department during the time the 46th Regiment was quartered in Sydney, did you consider the System relative to the Mill was deserving of the terms unprecedented and Scandalous? Answer. The Ration at that time was issued in Wheat; the 46th Regt. had possession of the Mill to Grind the Wheat into Flour, and the Mill at that time was in no respect required for Government use; no charge was made to Government for Grinding Wheat, so there could not be anything Scandalous or irregular in the transaction; the ex pense of defraying the Mill repairs was paid by the 46th Regim't, and no charge to Government.

The Court having maturely weighed and taken into consideration the Statement made by Lieut. Col. Erskine, together with the Extracts from Deputy Commy. Genl. Drennan's Letters to His Excellency The Governor, which might be dictated in more mild Language, as it would appear reflecting in some measure on the honor and Character of the 48th Regiment, which is denied by Deputy Commissary Gen'l Drennan having repeatedly and unequivocally declared his respect for the Corps, against whose reputation and Character he never intended to make any prejudicial aspersions.

The Court is of Opinion that Deputy Commy. Gen'l Drennan did not mean to apply the Words Scandalous and unprecedented to Lieut. Col. Erskine or any Individuals of the 48th Regiment.

J. Taylor, Major & Capt. 48th Regt.
W. P. Jones Parry, Capt. 48th Regt.
F. Allman, Capt. 48th Regt.
Steph'n Mich'l Rowe, Capt. 84th Regt.
Geo. Mackay, Capt. 48th Regt.

Approved:—L. Macquarie.
1819.
24 March.

Proceedings of board of inquiry re Drennan's assertions about working of regimental mill.

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LIEUTENANT-COLONEL ERSKINE'S ADDRESS TO THE COURT.

Gentlemen,

Sydney, New South Wales, 3d March, 1819.

I have to lament the Cause, which obliged me to be under the necessity of calling for a Court of Enquiry, in order to afford Deputy Commy. Gen'l Drennan an opportunity of establishing an attack made by him on the 48th Regiment, which I have the Honor to Command. As it is my intention to give you Gentlemen as little trouble on this unpleasant occasion, as the nature and Circumstances of this strange Case will admit of, I shall now briefly lay before you a Plain Statement of facts for Your Consideration and Opinion.

A Short period prior to the Embarkation of His Majesty's 46th Regiment from this Colony for the East Indies, His Excellency The Governor and Commander of the Forces directed the Wind-Mill, that had been in the possession of that Regiment for nearly 4 Years, to be handed over to the 48th for the purpose of Grinding and reducing to Flour the ration of Wheat issued to the Officers, Non-Commissioned Officers and Soldiers, and ultimately making the Flour into Bread. The Mill-Sails and Utensils belonging to it were delivered to Quarter-Master Stubbs of the 48th by the Quarter Master of the 46th in the presence of Captm. Gill, the Acting Engineer, on the part of Government, and Major Druitt on the part of the Regt. with the following restrictions, that Government was not to take any part whatever in the expense of the repairs attending the Mill; after this Ceremony was performed it became necessary to enquire for the Bake House, Baking Utensils, &c. &c. to enable the Quarter Master to prepare Bread for the Soldiers; it was soon ascertained that Government had no accommodation of this kind to offer the Regiment, as the Bake-House, Ovens and Utensils were all the private property of the 46th Regiment, the value of which was estimated at the large sum of £300; this amount I borrowed and paid into the hands of the Paymaster of the 46th to prevent all difficulties or delays in providing the Soldiers under my Command with that very necessary part of their Food (Vizt.) Bread. At this period the Colony was in a most alarming state from the great Scarcity of Wheat owing to the destruction of a considerable quantity of Grain occasioned by the Floods; the Ration consisted of only 4 lbs. of Wheat per Week; from so small a portion it was totally impossible to deduct One Ounce from the Soldier, and the Regim't was obliged for a considerable time to bear the heavy expence of the repairs of the Mill, Wages and Food to 1 Miller, 1 Asst. Miller, 1 Clerk, 2 Sifters, 2 Bakers, 2 Wood Cutters, 2 Carters, feeding of 2 Horses and the purchase and keeping in repair two Carts, without the possibility of gaining One Shilling from the Mill to cover so heavy an Expenditure. When the General Order was issued directing the Ration to consist of 7 Lbs. of Meat and 7 lbs. of Flour, I ordered that each Man should receive 7 lbs. of Bread in lieu of the Flour, and with the permission of His Excellency The Governor and Commander of the Forces, the Miller was ordered to Grind and reduce to flour all the Wheat he could for the Commissariat (after the Regimental Work was completed) at the same price as paid to Mr. Dixon the Contractor for that Department vizt. 1s. 3d. per Bushel for Grinding and Dressing; the Miller had also Instructions to grind for the
MACQUARIE TO COMMISSIONERS OF TREASURY.

Public at the same rate as for the Commissariat; and as this System of Grind" Wheat for certain Individuals in Sydney was pursued by the 73d and 46th Regiments, I should imagine Mr. Deputy Comy. Gen'l Drennan will find it difficult to prove to Your Satisfaction his assertion as to its being unprecedented so far as the 48th is concerned; and as to his vile term of Scandalous being attached to the Regiment, it remains with You Gentlemen to decide whether it merits so gross a Stigma.

I further beg leave to state that I feel a pride in saying that from the unremitting Care and attention to the Concerns of the Mill, the Sum of £300 paid to the 46th Regiment has been repaid; that I have had it in my power to provide the Married Soldiers with a Comfortable Suit of Bedding each, the Children of the Regiment have been Cloathed, and a liberal allowance of Bread has been given Gratis to the Soldiers whose Families by a late Regulation are not entitled to draw rations, with a variety of other Sums expended for the Comfort of the Soldiers, their Wives and Children, and I always have, and always will consider the Mill as the private Property of the Regiment, so long as His Excellency The Governor may be pleased to order it to be lent to the 48th, subject to the restrictions before named.

JAMES ERSKINE, Lt.-Colonel, 48th Regt.

[Paper marked No. 2.]

EXTRACT of an Official Letter, bearing date the 20th of February, 1819, addressed by Deputy Commissary-General Frederick Drennan to His Excellency The Governor and Commander of the Forces, Viz.

"One of the Wind Mills at Sydney, belonging to Government, is now in the possession of the 48th Regiment, and the Persons belonging to it manage, when there is Wind, to Grind enough Wheat into Flour for the Consumption of the Regiment, and sometimes more on Government Account, and are frequently employed to Grind for the Inhabitants, for which they are paid both by the Government and Private Individuals at the enormous rate of Is. 3d. per Bushel. This System is Scandalous and unprecedented and ought to be abolished."

True Extract:—L. MACQUARIE.

[Paper marked No. 3.]

[This was a duplicate of the letter forwarded as enclosure No. 8; see page 122.]

[Statement marked No. 1.]

DEPUTY COMMISSARY-GENERAL DRENNAN'S ADDRESS TO THE COURT.

Mr. President and Gentlemen of this Honorable Court, previous to your entering into the routine of your Enquiries, I trust you will not consider it too presuming in me to ask the indulgence of making a few Observations, which, with the Correspondence I have had the Honor of holding with His Excellency The Governor, when fully exhibited to you, will I trust convince you that nothing could be
1819.
24 March.
Proceedings of board of inquiry re Brennan's assertions about working of regimental mill.

further from my mind than to make any reflection or to cast any imputation on the 48th Regiment, some of the officers of which Corps I have the honor of knowing and of esteeming very highly.

Previous to my coming out to this Station, I received Instructions respectfully to suggest to His Excellency Governor Macquarie such modes as I thought would lessen the expenses of this Colony to the Mother Country. Should my oral suggestions not be attended to by His Excellency, I was directed to remonstrate with His Excellency by Letter. I did so, and in my endeavors as to the economy which ought to be pursued, I in the fulness of my feelings said that the system of lending a government mill to the 48th Regiment (I am aware that it had been antecedently possessed in the same way by the 73d and 46th Regiments.) to grind the corn issued by government as rations to the troops and paying the persons, who worked that mill, the full sum paid to other millers, was a system that ought to be abolished; and when I learned that the present possessors of that lent mill did not limit themselves to the grinding of the wheat, issued to the regiment as rations, but ground wheat for different bakers in Sydney for hire, and also dressed flour that had been ground at other mills, and received payment for so doing, I applied the word "scandalous," by no means intending this expression to the corps but to the system. I did so, gentlemen, and I now repeat it again "that it is a scandalous system and that it ought to be abolished."

You, Mr. President and gentlemen of the court, are all officers in the army; it has been my lot to have spent the major part of my life in the society of gentlemen in the army. I am therefore aware that in all matters of duty they are carefully and, I may say, religiously observant. If either of you gentlemen should be sent to an out post with instructions to defend it to the last, none of you would I am persuaded flinch from it. You would, as you ought, forfeit your lives in its defence.

I came to this colony with written and printed instructions. My duties were chalked out for me; in the obeying these my instructions, I made use of the strongest language, my mind could furnish me with. I shall not recall my expressions. I will prove that the government mill lent (as you will observe by even the governor's orders, which now brings me before you) has been paid by that very government that lent it for grinding. I will further prove that it has ground for bakers and others in the town of Sydney; when I prove this, I hope you will not consider my observation of "scandalous" ill applied.

I am deputed by the lords of the treasury to economize as far as I could; in my endeavors to do so, I have had the misfortune to have my early attempts thwarted by this very enquiry; my views were just, were honorable, and I meant no disrespect (I say so most solemnly) to the 48th regiment; and when my conduct is investigated by men of honor, such as you are, I am persuaded I shall come pure and immaculate from the ordeal.

In my attempts, you will perceive nothing but what tended to the good of the public service and the faithful discharge of my duties. It cannot be a very pleasing reflection to me to find my earliest efforts thus thwarted in that very quarter, from which I expected my best support.
But I will still persevere, nor shall any persecution ever prevent me from the faithful and conscientious Discharge of my Duties, such as I have hitherto done.

I feel, Mr. President and Gentlemen of the Court, much obliged for your patient indulgence, and conclude with expressing my thankfulness for your kindness.

FREDK. DRENNAN, Depy. Comy. Genl.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 21 of 1819," per ship Shipley.)

Government House, Sydney, New South Wales, My Lord, 25th March, 1819.

In pursuance of Instructions some time since received from Your Lordship, I have now the honor of transmitting three several Lists of Male Convicts in New South Wales and the Dependency of Van Diemen's Land in all 15 Persons, who are duly certified to me as capable of supporting their Wives and families as enumerated in those Lists, free of expense to Government, if a free passage can be granted to them.

I have, &c.,
L. MACQUARIE.

P.S.—The accompanying Memorial or Petition from a very well-behaved Convict having been brought in to me after the accompanying List was made up of convicts' Families at Home, I take the liberty of transmitting it herewith, requesting Your Lordship will be kindly pleased to order a passage to be granted to the Family of the Petitioner George Dunk.

L.M.

[Enclosure No. 1.]
[This consisted of the particulars relating to fifteen convicts and their families.]

[Enclosure No. 2.]

THE HUMBLE PETITION OF GEORGE DUNK.

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

Sheweth,

That Your Petitioner came to this Colony in the Transport Ship Morley (2nd), Brown Master, in the year 1818, having been tried at Maidstone (in Kent) in March, 1818, and received Sentence of Transportation for Life.

That Your Petitioner has a Wife, Named Mary Ann, and Two Infant Children, residing at Hurst Green, County Sussex, who is very anxious to come out to this Colony to Join Your Pet'r.

That Your Petitioner has borne an irreproachable Character since his arrival, and been equally anxious to have his Wife and Children with him, they at present having no means in Life for their support, Most earnestly Solicits Your Excellency will in
Your usual Kindness and humanity be graciously pleased to Grant him Your Excellency's Sanction and Recommendation to the Principal Secretary of State for the Colonies.

Your Petitioner is by Trade a Basket Maker, and perfectly able to support his family in this Colony, if the prayer of this His Petition is granted; And Petitioner as in Duty bound will ever Pray.

I beg respectfully to recommend that the Prayer of the Petition should be granted.

Sydney, 1st Feb'y., 1819.

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 22 of 1819," per ship Shipley; acknowledged by under secretary Goulburn, 17th July, 1820.)

Government House, Sydney, N. S. Wales,

My Lord,

25th March, 1819.

Requisition for Mr. Charles Frazer, the Acting Colonial Botanist, having made Application to me to procure him for his Information and Instruction, Certain Books treating on the Science of Botany; I do myself the honor of transmitting herewith to Your Lordship Mr. Frazer's requisition, respectfully soliciting Your Lordship will be pleased to order the Books therein specified to be Purchased and sent out hither by the first good Opportunity.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

List of Botanical Books required for the use of Mr. Charles Frazer, Colonial Botanist. Vizt.

1st. Hortus Kewensis, with Epitome;
2d. Brown's Prodromis;
3d. Persoon's Synopsis.

CHAS. FRAZER, Acting Colonial Botanist.

Sydney, 20th March, 1819.

Approved:—L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 23 of 1819," per ship Shipley.)

Government House, Sydney, N. S. Wales,

My Lord,

25th March, 1819.

1. I avail myself of the present Conveyance of forwarding for Your Lordship's information and approval, the undermentioned
Plans and Elevations of Government Public Buildings either
now in progress, or intended to be erected in the Town of Sydney,
namely:

1st. Elevation of the Church intended to be Erected in Sydney,
and to be Commenced upon forthwith on a large and handsome
Scale.

2nd. Elevation and Ground Plan of the New Convict Barrack, fit
to accommodate between Five and Six Hundred Men; this
noble Building being now very nearly Completed.

3rd. Elevation and Ground Plan of the Small New Fort, now
in Progress and erecting on Bennelong’s Point, for the Purpose
of defending Sydney Cove and the Shipping lying therein against
Surprise or Sudden Attack from an Enemy, as well as for pre­
venting Ships or Vessels from being cut out by the Convicts or
leaving the Cove in a Clandestine manner; both which last men­
tioned Occurrences have taken place more than once during my
Administration of this Colony.

The elevation of the intended New Church, now forwarded to
Your Lordship may, perhaps, be considered as on too grand
and Magnificent a Scale for this Infant Colony; but, as the whole
of the Work is to be executed by the Government Artificers and
Labourers, and the whole of the Materials used in erecting it
(with the exception of the Glass and Lead) are also procured by
the same description of Persons, the Expence of this fine and
noble Edifice will be very little more than a very Plain Building
of the same size would cost. I therefore hope the proposed Plan
will be honored with Your Lordship’s entire Sanction. The
Three Plans, herein adverted to, are packed up in the same long
Case, which conveys to Your Lordship Mr. Oxley’s Chart of his
last Tour of Discovery.

As nothing more strongly adds to the Solemnity and Pomp
of Divine Worship than Sacred Music, I now most respectfully
and earnestly solicit, that Your Lordship will be kindly pleased
to direct a handsome and good Sized Organ to be built and sent
out, on the part of Government, for the New Church at Sydney,
which will prove not only an elegant and useful Ornament to
that Edifice, but a highly gratifying and most acceptable Dona­
tion and Act of Munificence on the part of the Crown to the
Clergy and the Public in general of this Colony. I therefore once
more beg to express my earnest hope that Your Lordship will be
pleased to grant my present request, adding thereto a Good Or­
ganist, whose Salary can be defrayed from the Colonial Revenue.

Herewith Your Lordship will also receive a Case, addressed
to Your Lordship, containing Eight Drawings of animals, Birds,
and Plants, collected by Mr. Charles Frazer, the Acting Colonial
Botanist, during the Progress of Mr. Oxley’s last Tour of

* Note 31. † Note 30.
Discovery in the Interior of Australia. They are Painted by Mr. Lewin, an eminent Artist here, and I herewith do myself the honor to forward a List or Schedule of the Eight Drawings herein alluded to, and which I hope will prove acceptable to Your Lordship.

I have, &c.,

L. MACQUARIE.

[Enclosures.]

LIST OF DRAWINGS.

No. 1. A Splendid Tree of the Proteaceae, flowers in September, inhabits immense ravines in Lat. 31° 21' 0" S. Long. 151° 51' 0" East.

No. 2. Styphelia Species, a dwarf Shrub, flowers in August, inhabits barren brushes in Lat. 31° 13' 0" S. Long. 148° 41' 30" East.

No. 3. Genus non descrip't, remarkable in its having two abortive stamins, inhabits all the barren lands in the Interior, flowers in June and July.

No. 4. Acacia Species, a tall Shrub, flowers in Aug., inhabits low hills on Liverpool Plains in Lat. 31° 0' 8" S. Long. 149° 20' 0" East.

No. 5. Psitticus Species, generally seen in Pairs, feeds on Rhagodias, inhabits the Morasses of the interior in Lat. 31° 18' 0" S. Long. 147° 31' 0" East.

No. 6. Psitticus Species, seen generally in pairs, feeds on Rhagodias, inhabits the Morasses in the Interior in Lat. 31° 18' 0" S. Long. 147° 31' 0" East.

No. 7. Columba Species, a solitary Bird, inhabits the Hills in the Neighbourhood of the Arbuthnot Range, in Lat. 31° 13' 0" S. Long. 148° 41' 30" East.

No. 8. Macropa Species, red Kangaroo of the Interior, seen generally in Flocks, runs with the Head remarkably low, inhabits the Morasses of the Interior in Lat. 31° 21' 0" S. Long. 147° 31' East.

[Copies of the plans and charts will be found in the separate volume confined to them.]
MACQUARIE TO BATHURST.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship John Barry; acknowledged by Governor Macquarie to Earl Bathurst, 28th February, 1820.)

Sir,

Downing Street, 31st March, 1819.

I am directed by Lord Bathurst to acquaint you that the Shipment of Instruments and Stationery for the use of the Surveyor General's Department, as requested by your Dispatch of the 18th of May last, were shipped on board the Mary and John Barry, Convict Ships, on the 21st Instant for the Colony of New South Wales.

I am, &c.,

HENRY GOULBURN.

GOVERNOR MACQUARIE TO EARL BATHURST.
(Despatch marked "No. 25 of 1819," per ship Shipley.)

Government House, Sydney, N. S. Wales,

My Lord,

31st March, 1819.

I now do myself the honor to acknowledge the receipt of your Lordship's Letter (No. 19) bearing date the 18th of September last conveying to me your Lordship's censure and highest disapprobation of the conduct of Mr. Secretary Campbell, on account of his Libel on the Revd. Mr. Marsden, the senior Chaplain of this Colony.

In pursuance of Your Lordship's Commands, I did not fail to make an Official Communication to Mr. Campbell on this subject, transmitting him a Copy of your Lordship's Letter of Animadversion and reproof, and expressing my own sincere regret that any part of his conduct should have been so improper and reprehensible as to draw on himself your Lordship's Censure and marked disapprobation.

I had myself viewed Mr. Campbell's Conduct, in this instance only, so reprehensible, that I long since expressed to him my decided disapprobation of it; and I can with Confidence assure your Lordship that Mr. Campbell is sincerely sorry that he should have allowed himself to have been betrayed into such an unwarrantable act of indiscretion.

But in order the more fully to convince your Lordship of Mr. Campbell's sorrow and contrition for his conduct on the occasion adverted to, I do herewith transmit, for your Lordship's further information, Mr. Campbell's own letter to me of this day's date, in reply to the one I addressed to him on this painful subject, which I fondly cherish the hope will do away, as far as the case will admit, of your Lordship's displeasure against Mr. Campbell and restore him again to the same good opinion he had formerly the honor of holding in your Lordship's estimation.

I have, &c.,

L. MACQUARIE.
1819.  
31 March.

J. T. Campbell's acknowledgment of censure for his libel on Rev. S. Marsden.

SECRETARY CAMPBELL TO GOVERNOR MACQUARIE.

Sir, 

Sydney, 31st Mar., 1819.

I have the honor to acknowledge the receipt of Your Excellency's Letter of this date, accompanied by the Copy of One from the Right Honble. Earl Bathurst His Majesty's Principal Secretary of State for the Colonies under date the 18th of September last.

Could any thing encrease the regret I felt at having justly incurred Your Excellency's displeasure by the publication of the hasty and inconsiderate Letter* which appeared in our Gazette on the 4th of Jany., 1817, it would be the perusal of His Lordship's Letter and the re-iteration of your Excellency's sentiments of disapprobation.

The Consideration of My Official Situation, both as it regards Your Excellency and the Conduct of the Press, very soon convinced me of the justice and expediency of the reprehension I have received, and now teaches me to bow afresh to it with most dutiful submission, grateful that any Circumstances in a life of fifty years should have sheltered me from still more strongly marked disapprobation from his Lordship and Your Excellency.

Aware that the Letter, proceeding from the Secretary of your Excellency's Government, who was at the same time the Censor of the Colonial Press, cannot be justified, I presume not to offer anything to that effect; but as Character and Motives must be ever dear to me, I beg to offer as a slight extenuation that the Letter in question was written in the midst of much hurry and with little previous reflection, being altogether dictated by a feeling, which I trust I shall have some credit for, namely that of Indignation at the marked disrespect shewn by Mr. Marsden to Your Excellency's Orders and Establishments in his not attending the meeting of the Natives at Parramatta, which had been convened by Your Excellency a very few days before that Letter appeared, Altho' I knew him to be sitting in a house within a few yards of where that Meeting was held. This Circumstance was remarked on by many Gentlemen then present, and did not fail to make an impression on my mind by no means favorable to Mr. Marsden's Philanthropy. I had it also in recollection that the former year's Native Meeting had experienced the same marked disinclination on Mr. Marsden's part to countenance any efforts towards the Civilization of the Natives of this Country.

I shall not dwell on the peculiar and almost unprecedented Circumstance of my having been both Criminally and Civilly prosecuted on the same Charges, further than merely to express

* Note 36.
the opinion that Mr. Marsden, a Christian Pastor, might have well desisted from making a further Appeal with a view to my ruin in the estimation of His Majesty's Ministers and of your Excellency, after having put me to an expense of not less than £500 by those Prosecutions.

Permit me now to request Your Excellency to accept my grateful thanks for the kind and delicate Manner in which You have Conveyed to me the Disapprobation expressed by Lord Bathurst, and also to make my most respectful acknowledgments to His Lordship for the soothing expressions in regard to my general Conduct and services with which His Lordship's disapprobation and reprehension have been accompanied.

I have, &c,

J. T. Campbell.

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

Government House, Sydney, N. S. Wales, 31st March, 1819.

I have the pleasure to acknowledge the receipt of your Private Letters of dates 4th March and 22d of July, 1818, and shall not fail to pay due and particular attention to your recommendation in behalf of the Revd. Mr. Youl, for whom I have a very great esteem, and consider a very good, worthy Man and pious, good, useful Pastor. I wish with all my Heart the Revd. Mr. Knopwood could be pensioned and removed from theDerwent, where he is of no use and not at all respected owing to his irregularity of Conduct.

I am most highly gratified to find from your Private Note, of date 22d July last, that Lord Bathurst entirely concurs with me in the suggestions I took the liberty of making some time since for the gradual reduction of the Colonial Expences.

Mr. Terry, the Free Settler whom you recommended to my good offices, arrived here on board the Surry on the 4th of the present Month. He appears a good worthy man and I have no doubt he will prove an acquisition to the Colony. You may rest assured I shall be most happy to forward his views in every reasonable way I can.

I do myself the pleasure of forwarding to you, herewith a specimen of Mr. Justice Field's Poetry,* very recently written and circulated amongst his own Friends only.

I remain, &c,

L. Macquarie.

* Note 37.
1819.
31 March.

Introduction for lieutenant John Watts.

Present of emu eggs.

Macquarie's resignation.

9 April.

Improvements to prisons on transport ships.

**HISTORICAL RECORDS OF AUSTRALIA.**

**GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.**

(Despatch per ship Shipley.)

Government House, Sydney, N. S. Wales,

My Dear Sir,

31st March, 1819.

This Letter will be handed to you by my friend and late Aide de Camp, Lieut. John Watts of the 46th Regiment, whom I take the liberty of introducing to your acquaintance as a Person from whom you may receive much useful and correct information relative to this Colony; and I can safely assure you that you may rely with perfect confidence on the truth and accuracy of his information, Lieut. Watts being a young Man of good Principles, sound morality, and undeviating veracity. He has lived for five years in my Family on the most confidential footing, and is well acquainted with all my Plans and Principles in the administration of this Colony.

By Lieut. Watts, I take the liberty of sending for your acceptance a Pair of Emu Eggs, packed up in a Small Box. They are very pretty and rare even in this Country, which must plead in excuse for the liberty I now take in sending you such a trifle.

I much regret that you have never done me the favor to mention any article of curiosity of the production of this Colony, which you would like to have sent you, as I should feel particular gratification in executing any such commission.

As yet I have not received from Lord Bathurst any answer to the Letter* I some time since addressed to his Lordship containing my resignation, which is rather a disappointment; but I hope to be honored with a Communication on this to me important Point by the next arrival from England.

I remain, &c.,

L. MACQUARIE.

**UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.**

(Despatch per ship John Barry; acknowledged by Governor Macquarie to Earl Bathurst, 28th February, 1820.)

Sir,

Downing Street, 9th April, 1819.

I am directed by Lord Bathurst to transmit to you here-with the Copy of a letter, which has been addressed to me by The Commissioners of the Navy in reply to a Communication enclosing an Extract of your Dispatch of the 18th May, 1818, relative to the benefits which had resulted from the manner of fitting up the Prison on board the Lady Castlereagh, Convict Ship, and stating that the different vessels which may be chartered for The Transportation of Convicts in future will be all fitted up in a similar manner.

I am. &c.,

HENRY GOULBURN.

* Note 38.
BATHURST TO MACQUARIE.

[Enclosure.]

THE COMMISSIONERS OF THE NAVY TO UNDER SECRETARY GOULBURN.

Sir, Navy Office, 22nd December, 1818.

In acknowledging the receipt of your letter of the 17th Instant, transmitting by desire of Lord Bathurst an extract of a letter from Governor Macquarie, expressing his entire approbation of the comfort and security of the Prison on board the Lady Castlereagh, Convict Ship, owing to the judicious manner in which she was fitted according to plan suggested by Captain Wellden, the Master, we request you to represent to his Lordship that the Lady Castlereagh was fitted in the manner, so much approved of, not according to Captain Wellden's suggestion, but agreeably to our directions, given in consequence of a letter from the late Mr. Addington, under date 3rd November, 1817, conveying Lord Sidmouth's desire that a division might be fitted up in the Prison of every Ship, which might in future be chartered for the transportation of Convicts, in order that the juvenile offenders might be separated from those more hardened and abandoned, and also that means might thus be afforded of giving them instruction during the voyage.

We are glad to find that the plan has succeeded so well, and met the approbation of Governor Macquarie, and beg to add that all Ships, chartered for the transportation of Convicts, will continue to be fitted in a similar manner according to general orders given on the receipt of the Letter before alluded to, vizt. November, 1817.

We are, &c.,

R. SEPPINGS. J. BOWEN.
J. D. THOMSON.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch marked No. 2, per ship John Barry; acknowledged by Governor Macquarie, 28th February, 1820.)

Sir, Downing Street, 12th April, 1819.

On the Receipt of Your Dispatches No. 29 of the 12th of September and No. 39 and 46 of the 12th and 20th December, 1817, detailing the unfortunate Occurrences which had taken place on board the Chapman Convict Ship on her Voyage from Ireland to New South Wales, I lost no time in transmitting them to Lord Sidmouth in order that the necessary Measures might be taken for investigating the circumstances of the Case. Prosecutions were in consequence instituted against the Persons implicated, each of which Prosecutions has terminated in the acquittal of the Parties, as you will perceive by the Copy of the
1819.
12 April.

Letter which I have now the Honor to enclose to you transmitting the Report of the Solicitor of the Treasury on the Result of the Indictments which were preferred against them.

Although I trust that no occurrence of a similar nature is likely to require your Consideration, yet I cannot help impressing upon your serious Attention the Inconvenience which must arise from sending the parties to England for Trial, unless the Charges against them shall be supported by a Body of Evidence worthy of Credit; and I am to desire, in the Event of you being again called upon on any future occasion, that you will bear in mind the Suggestions of Lord Sidmouth as contained in the enclosed Letter.

I have, &c.,
BATHURST.

[Enclosure No. 1.]

UNDER SECRETARY HOBHOUSE TO UNDER SECRETARY GOULBURN.

Sir, Whitehall, 29th January, 1819.

With reference to my Letter to you of the 23d of June last, respecting the Offences charged against the Master of the Chapman, Convict Ship, and the other Persons who were sent to England under Arrest by Governor Macquarie, I herewith transmit to you, by Lord Sidmouth's directions for the Information of Lord Bathurst, a Copy of a Letter from the Solicitor of the Treasury, containing his Report of the result of the Prosecutions, instituted by Lord Sidmouth's Authority against those Persons; each of which Prosecutions has terminated in the acquittal of all the Persons implicated.

In making this communication, I am directed by Lord Sidmouth to request that you will call Lord Bathurst's serious attention to the Public Inconvenience, which has attended these Trials. To omit several points of minor importance, it may be sufficient to particularize that it has been necessary to set at large no less than 13 Convicts (some of them of the worst description), who were sent to England as witnesses, but were incompetent without a Free Pardon to give Evidence in this Country.

Lord Sidmouth is well aware that, as Governor Macquarie is not invested with Jurisdiction to try any Offences committed on the High Seas, no Prosecution could in this case have been instituted in New South Wales.

But His Lordship recommends that the Governor should be apprized of the serious Inconvenience, attending such a Trial in England, and should be enjoined in the Event (Lord Sidmouth trusts the very improbable Event) of the recurrence of so unfortunate a transaction, as has led to the present Enquiry, not to
BATHURST TO MACQUARIE.

send a Case for Trial in this Kingdom, unless he should be strongly impressed with the Belief that the Crime imputed to the Accused will be proved to the Satisfaction of a Jury by a body of Evidence worthy of Credit.

I am, &c.,
H. HOBHOUSE.

[Enclosure No. 2.]

MR. G. MAULE TO UNDER SECRETARY HOBHOUSE.

Sir, Lincoln’s Inn, 19th Jany., 1819.

With reference to Your Letter of the 23rd June last, relative to some proceedings, which took place on board the Chapman Convict Ship, on her Voyage from Ireland to New South Wales, and to My Letter of 12th Augt. last, transmitting the Opinion of the Attorney and Solicitor General upon this Subject, I beg leave to acquaint you that, in pursuance of that opinion, several Indictments were preferred at the Admiralty Sessions, holden on the 11th Inst. at the Old Bailey against the Persons, named in the Margin,* for the Murder of Several Convicts on board the said Ship on the 17th and 27th April and 24th May respectively, that of the three Indictments against the three Persons, first named, comprehending the transaction of the 17th April, the Grand Jury found only one. They also found a true Bill against James Clements and John Drake for the Murder of John McArdale on the 27th April, but threw out the Bill against the two Persons last named for the Murder of Francis Lucy on the 24th May.

Upon the Indictments thus found, the several Prisoners included in them were afterwards Tried and Acquitted without being called upon for their Defence; it appearing to the Court and Jury upon the Evidence that the Conduct of the Convicts on board the Chapman was of a Nature to excite in the Minds of the Officers and Crew such an apprehension of danger, and could excuse at least, if not justify, the Several Acts of Homicide laid to their Charge.

The Several Convict Witnesses, who had before received His Majesty's Pardon, were examined with the exception of one or two at the Trial, and were afterwards set at liberty and forwarded to their own Country.

The Papers and Documents, which have been from time to time transmitted to me upon this subject, I beg leave to return herewith.

I have, &c.,
G. MAULE.


1819. 12 April.
EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 3, per ship John Barry; acknowledged by Governor Macquarie, 28th February, 1820.)

Sir,

Downing Street, 13th April, 1819.

The Lords Commissioners of His Majesty's Treasury having given directions that a Letter should be addressed to this Department representing the great Advantages as well as the saving in Expenditure which would accrue, if such reasonable Facilities and Assistance were given to His Majesty's Botanical Collector employed in New South Wales as the present means of the Colony might afford; I am to desire that, in case of any application from Mr. Allan Cunningham to this Effect, that you will adopt such Measures for meeting his views as the means of the Colony may be able to afford without Inconvenience and without incurring any great Expence to the Public Service.

I have, &c.,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 4, per ship John Barry; acknowledged by Governor Macquarie, 28th February, 1820.)

Sir,

Downing Street, 14th April, 1819.

I have had the Honor of receiving your Dispatch* No. 5 enclosing for my favorable Consideration a Memorial addressed to me by Mr. D'Arcy Wentworth resigning the Situation of Principal Surgeon and Superintendant of Police in the Colony, and submitting on the Ground of his long and faithful Services a Claim to a proportionate pension on his Retirement.

In reply I am to acquaint you that His Royal Highness The Prince Regent has been graciously pleased to accept Mr. Wentworth's Resignation, and that I am only precluded from communicating to you the decision of His Royal Highness with respect to the propriety of giving to Mr. Wentworth a moderate Retirement, by the circumstance of a Reference having been made to you on the 5th July, 1818, with respect to certain Stores belonging to the Victualling Board, which had been delivered over to the charge of Mr. Wentworth, and upon which Subject it is necessary that I should previously be furnished with a satisfactory Explanation. As soon as such Explanation shall be received, I shall lose no time in bringing Mr. Wentworth's Claims under His Royal Highness' favorable Notice and in communicating to you the Result.

I am further to acquaint you that The Prince Regent has been pleased to confer on Mr. Bowman the Appointment of Principal Surgeon† of the Colony; but I am at the same time to

* Note 39. † Note 40.
acquaint you that the increased Number of Convicts and the altered circumstances of the Colony in other respects appear to His Royal Highness to render it adviseable that the Situations of Surgeon and Superintendant of Police should not in future be filled by the same person.

I have, &c.,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 5, per ship John Barry; acknowledged by Governor Macquarie, 22nd February, 1820.)

Sir,

Downing Street, 16th April, 1819.

I have the Honor to transmit to you herewith the Copy of a letter which I have addressed to Mr. Thomas Hobbes Scott,* who proceeds as Secretary to the Commission with which Mr. Bigge has been entrusted, and I am commanded by His Royal Highness The Prince Regent to desire in the Event of His Majesty being unfortunately deprived of the Services of Mr. Bigge either by Death Illness or otherwise that you will in that case consider every Instruction, which you have received with respect to that Gentleman, as applying equally to Mr. Scott, and that you will afford him every facility and Assistance in your Power in the prosecution of the Objects of the Commission.

I have, &c.,

BATHURST.

[Enclosure.]

EARL BATHURST TO MR. T. H. SCOTT.

Sir,

Downing Street, 16th April, 1819.

In consequence of your Appointment as Secretary to the Commission for enquiring into the present State of the Colony of New South Wales, I have to acquaint you that it is the Pleasure of His Royal Highness The Prince Regent, in the Event of His Majesty being unfortunately deprived of the Services of Mr. Bigge either by Death Illness or otherwise, that you should continue and perfect the Enquiry which is entrusted to that Gentleman, and that you should fulfil to the best of your Ability the various and important Instructions with which he has been furnished.

I have, &c.,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 6, per ship John Barry; acknowledged by Governor Macquarie, 22nd February, 1820.)

Sir,

Downing Street, 17th April, 1819.

As some difficulty might have occurred in obtaining suitable Accommodations for Mr. Bigge and his Suite during their Residence in New South Wales, I have been induced to accept

* Note 41.
the Offer of Mr. Bowman that the Quarters allotted to him as Principal Surgeon in the General Hospital Sydney should be at the disposal of Mr. Bigge during his Stay; but when he shall signify to you the necessity of visiting any of the Districts distant from Sydney, you will of course feel yourself authorized to furnish him with such a Residence as the place may afford, as long as circumstances may appear to him to be necessary for the Objects he has in view. Lastly whenever he shall have determined on his Departure for Van Diemen's Land, in case an opportunity should occur by any Vessel of notifying to Lieutenant Governor Sorell the probable period of Mr. Bigge's Departure for Hobart Town, you will not fail to give the proper Instructions accordingly that his reception should be provided for against his arrival.

I have, &c,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 7. per ship John Barry; acknowledged by Governor Macquarie, 22nd February, 1820.)

Sir, Downing Street, 18th April, 1819.

I have the Honor to transmit to you herewith the Copy of a Letter addressed to my Under Secretary by Mr. Bigge on the 18th Ultimo, relative to various Arrangements which will be essentially necessary for forwarding the Objects of the Commission with which this Gentleman has been entrusted by His Royal Highness The Prince Regent. I have accordingly to desire that you will take the necessary Measures for having a Military Sentinel placed at the Residence of Mr. Bigge according to his Request, and that you will provide him with such proper Assistance as the means of the Colony may afford for visiting any of the Maritime Settlements under your Command. I am also to desire that, when Mr. Bigge shall signify to you his wish to return to this Country, that you will take Measures for providing him and his Suite with a Passage home, having due Reference in all respects to his Comforts and to that accommodation, which is suited to the high Situation to which His Royal Highness has been pleased to appoint him.

I have, &c.,

BATHURST:

[Enclosure.]

MR. COMMISSIONER BIGGE TO UNDER SECRETARY GOULBURN.

Sir, Cadogan Place, 18 March, 1819.

I beg leave to represent to you that in case I should find it necessary to take up my residence in the Town of Sydney,
during the execution of the commission of enquiry in the Colony of New South Wales, with which I have been honoured, or if I should find it expedient to repair to Other Settlements of the Colony, it becomes a matter of much importance, both to myself and to the objects connected with the Enquiry, that the Principal place of my residence should at all times be under more effectual Protection, than that of the Ordinary Police of the Town of Sydney; I therefore take the Liberty of requesting that Govr. McQuarie may receive Instructions to place a Military Sentinel at my residence in that Town, and to continue it there in case of my temporary absence.

I avail myself also of this opportunity to request that, when I apprise Govr. McQuarie of my Intention to visit any of the Maritime Settlements of the Colony, His Excellency may be instructed to Provide me with such a Conveyance as the naval means of the Colony may afford, and that when I shall have concluded the business of my Commission, and have signified my wish to return to England, His Excellency may likewise receive special Instructions to procure and place at my Disposal the means of embarking myself, My Secretary and servants, whenever a good opportunity may occur.

I have, &c.,

JOHN THOMAS BIGGE.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 8, per ship John Barry; acknowledged by Governor Macquarie, 22nd February, 1820.)

Sir,

Downing Street, 24th April, 1819.

As the Estimate for the present Year has not been voted, and will not probably be completed in time to accompany Mr. Bigge, I think it right to apprise you that it is proposed to fix the Salary of the Commissioner at the Sum of Three Thousand, and that of his Secretary at Five Hundred Pounds per Annum. You will of course adopt the same mode of making these payments to these Gentlemen as have been usual with respect to the Salaries of other Officers in the Colony, and I only deem it necessary to add that, in the Event of Mr. Bigge signifying his Intention of returning to this Country, you will upon his Application authorize such an Advance of Salary, as he may deem necessary for defraying the Expences of himself and his Secretary during the time likely to be occupied in making his Passage.

I have, &c.,

BATHURST.
1819.
26 April.
J. T. Bigge to be provided with meat by government.

EARL BATHURST TO GOVERNOR MACQUARIE.
(Despatch No. 9, per ship John Barry; acknowledged by Governor Macquarie, 22nd February, 1820.)

Sir, Downing Street, 26th April, 1819.

Among the different Arrangements, which you will consider yourself authorized in adopting for the convenience and Accommodation of Mr. Bigge during his Residence in the Settlements under your Command, I am to desire that, under the Circumstances of the high Situation which he is to hold in the Colony, that you will cause the necessary directions to be given for furnishing his Table with an adequate Supply of Meat from the Flocks and Herds of Government. I have, &c.,

BATHURST.

6 May.
Permission for W. Maycock to proceed to colony.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.*

Sir, Downing Street, 6th May, 1819.
I am directed by Earl Bathurst to acquaint you that he has given permission to the Bearer, William Maycock, to proceed to New South Wales in the Capacity of Agricultural Servant to Mr. George Frederick Charles Roberts, who is going out as a Free Settler to the Colony. I am, &c.,

HENRY GOULBURN.

7 May.
Recommendations of M. and E. Marr for land grants.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship Lord Wellington; acknowledged by Governor Macquarie to Earl Bathurst, 28th February, 1820.)

Sir, Downing Street, 7th May, 1819,

Lord Winchelsea having made an application in favor of Mary and Elizabeth Marr of Castlereagh Street in the Town of Sydney, and having requested that a Grant of Land might be allotted to them in New South Wales, I have to desire that, in case their conduct during the time they shall have been resident in the Colony shall have been such as to entitle them to this Indulgence, You will make to them in consequence a Grant of Land in proportion to the means they may possess of bringing the same into Cultivation.
I am, &c.,

HENRY GOULBURN.

20 May.
Departure of Bromley for Hobart.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship Lord Wellington; acknowledged by Governor Macquarie to Earl Bathurst, 28th February, 1820.)

Sir, Downing Street, 20th May, 1819.

Dr. Bromley, who proceeds in The Lord Wellington to take upon himself the duties of his Situation as Naval Officer at The Derwent, will deliver this Letter to you.

* Note 42.
GOULBURN TO MACQUARIE.

Under the circumstances of the Disappointment, which Dr. Bromley lately experienced in consequence of his not succeeding to the Situation of Surgeon at Port Dalrymple, to which he had been nominated by Lord Bathurst, his Lordship feels desirous that his situation as Naval Officer should be rendered as comfortable as circumstances will admit of. I am therefore to desire that some spot should be selected for a Residence and that a Grant of Fifty Acres of Land should be appropriated to the Use of The Naval Officer for the time being; and I am also to acquaint you that as soon as the Resources of the Colony and the Wants of Van Diemen's Land in general will admit of your considering the Naval Officer, you may feel yourself authorized to erect a convenient Residence to be attached to the Situation of The Naval Officer at the Derwent.

I am, &c.

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Lord Wellington; acknowledged by Governor Macquarie to Earl Bathurst, 28th February, 1820.)

Sir, Downing Street, 24th May, 1819.

The House of Commons having voted the Sum of Sixteen Thousand, Eight hundred and Twenty five Pounds for defraying the Charge of The Civil Establishment of the Settlement of New South Wales for the Year 1819, I am directed by Lord Bathurst to 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 1819.

[The Estimates for 1819 differ from those for 1818 in the following particulars only:—

1. An additional schoolmaster added to the establishment at Sydney, instead of at Hobart Town where none is allowed, at the same salary, viz. £60.

2. Expences of a commission to enquire into the present state of the settlements in New South Wales, £8,500.

3. Allowance on acct. of fees for receipt and audit, £440 vice £340.]
12 June, 1819.

Macquarie's protest against Drennan's conduct and administration of the commissariat.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Geopardy marked "No. 26 of 1819," per ship Foxhound.)

Government House, Sydney, New South Wales,

My Lord,

12th June, 1819.

It is with much Concern that I feel obliged to obtrude myself on Your Lordship's most valuable Time and Attention with any thing in the form of Remonstrance or Complaint; but however painful, it is a Duty which I should not be warranted in now neglecting to perform. I shall therefore in general Terms observe to Your Lordship that Mr. Deputy Commissary General Drennan's Conduct towards me, personally, and the Measures of My Government, from the time of his Arrival here in January last, has been most Offensive, Insolent and Insubordinate, and for the Proof of this I have the Honor to hand Your Lordship Copies of My Letters under dates the 24th of March last (P. Ship Shipley) and the present date, addressed to the Right Honorable The Lords of the Treasury on the Subject of Mr. Drennan's Conduct, together with the Various Letters and other Documents by which those Letters to their Lordships have been accompanied; from all which I trust your Lordship will feel that the Terms Offensive, Insolent, and Insubordinate have not been rashly or unmeritedly applied by me towards Mr. Drennan's Conduct.

As I have entered at Considerable Length, in my Letters to the Lords of the Treasury, into all the Circumstances of Mr. Drennan's Conduct, with which I have Considered it important to make them acquainted, both as they respect myself, and may eventually affect His Majesty's Treasury and the Colony. I beg to refer Your Lordship thereto, and shall now only apprize Your Lordship that Mr. Drennan does not make me any Official Communication as to the Expenses of his Department, either by Monthly Abstracts or Estimates or in any other form whatever; neither does he submit for my Sanction or Approval the Bills which he draws on the Treasury.

When I spoke to him on these Subjects, he barely informed me that there was no occasion for such Reference, and that his Responsibility was, exclusively, to the Lords of the Treasury. Whether Mr. Drennan has or has not received such Special Instructions, as warrant this altogether new Line of Conduct in the Management of the Commissariat Department in this Colony, I am not enabled absolutely to determine, having only his Assurance to that Effect without having seen any written Instructions from their Lordships to ascertain the Fact.

Viewing however, as I do, the new mode of Payments and the various other Innovations made by Mr. Deputy Commy. General
Drennan, worthy of the most serious Consideration of the Lords of the Treasury and of His Majesty's Government, before they sanction them in practice, I lay the present Documents by the earliest Conveyance which has offered (The Fox Hound, Whaler) before Your Lordship, entreating Your Attention thereto. My own personal Causes of Complaint and Remonstrance, being in Comparison but a Secondary Consideration, I wave urging anything further on that Score, leaving the whole to your Lordship's paternal Consideration for this Infant Colony and the Interests of the Mother Country, both which appear to me to be deeply Involved in the Measures and Arrangements adopted by Mr. Drennan on his own Views of Expediency without Reference to any higher Authority in the Colony.

I have, &c.,
L. MACQUARIE.

GOVERNOR MACQUARIE TO THE LORDS COMMISSIONERS OF THE TREASURY.

(Despatch per ship Foxhound.)

Government House, Sydney, New South Wales,
My Lords, 12th June, 1819.

In Continuance of the Subject I have already had the Honor of addressing you upon, under date the 24th March last (Duplicate herewith), I have now imposed on me the Necessity of troubling Your Lordships still further by reporting the disrespectful, Insulting and Insubordinate Conduct, persevered in from that time to the present towards Me and some of the Principal Officers under my Command, by Mr. Deputy Commissary General Drennan.

The Series of Letters and Documents herewith (Numbered from 1 to 11) will Inform Your Lordships of the Subjects on which I have had occasion to Correspond with Mr. Drennan since the date of my former Communication, and independent of the Judgment Your Lordships may be pleased to form of the Measures themselves, adverted to therein, I beg to Call Your Lordships' particular Attention to the rude Terms and Insulting Stile in which that Officer has presumed to address me, and to attack the Conduct of an Officer of such superior Rank to himself as Lieut. Colonel Erskine of the 48th Regt., who is also the Lieut. Governor of the Territory; this Attack will be found in No. 1 of the present Series, wherein he imputes to Col. Erskine an Arbitrary and illiberal Line of Conduct towards Mr. Andrew
Allan, who had committed himself in such a manner as to induce the Colonel to give orders to the sentries of the barracks to prevent that young man's further access thither: and this act is termed by Mr. Drennan "unmanly, as the Colonel has only his high military rank to cloak himself under." Your Lordship will not fail to perceive that this language is calculated to make the impression either that the Colonel would not have dared to act so by any person whose rank would have given him the right of resenting it in the manner too usual among gentlemen or to provoke Col. Erskine to a breach of the peace; a reflection in fact altogether unwarranted by the circumstances of the particular occasion and highly insubordinate towards a superior officer. Mr. Drennan has also in this letter attempted by insinuation to represent that Col. Erskine adopts a line of oppressive conduct towards the officers of his regiment, and affects to believe they tamely submit to it, thereby at once calumniating a superior in command, and endeavouring to degrade the honorable character of a whole corps of officers. The letters, which passed on this occasion, will inform your lordships of the particulars of this transaction, which I shall dwell no further on than to state that Mr. Andrew Allan, who had been denied entrance into the barracks, met his rebuke neither unmeritely or unexpectedly, for, in tenderness towards him, he was cautioned by the colonel not to attempt entering the barracks as he would be prevented in consequence of his having endeavoured to bribe a soldier to give him copies of some papers belonging to the regimental books, a fact so notorious that he has been suspended for his ungentelemanly conduct therein, until the pleasure of your lordships shall be known, and I understand proceeds to England by the present opportunity of the ship Fox-Hound.

Allow me now, my lords, once more to claim your attention to the consequences attendant on Mr. Drennan's suppression of the old mode of payment. When he obtained my assent to this measure, it was under the solemn pledge that he would furnish an ample supply of his own notes to meet all exigencies. How far he has made good that pledge I have already communicated in my representations touching the disappointments and difficulties thrown in the way of the settlers at the distant stations in the interior. The letters and memorials lately received from Van Diemen's land, copies of which are transmitted herewith, will shew Mr. Drennan at once perfectly indifferent to the interests of the colonists and regardless of his own most solemn promises, whereby the people of that dependency appear to have been driven almost to desperation,
and which has only been avoided by the prudent conduct of Lieut. Governor Sorell in sanctioning ad Interim the renewal of the old system of payments by store receipts.

Two occurrences have lately taken place here, which I consider necessary to apprise your lordship of, in order to mark the consequences in a new light, which are likely to result from the commissariat payments being made in notes of hand.

Mr. Allan, the late deputy com. Genl. on this station, who for a time made his public payments, also, in his own notes of hand, having amassed a large quantity of those notes which had been consolidated, altho' not cancelled as they should have been, and deposited them with some Spanish dollars (accumulated as afterwards appeared in evidence for his own private use on his return passage to England) in a strong chest in the commissariat stores, this chest was forced open and plundered of its contents, and Mr. Allan made me a communication to the effect that £1,800 had been plundered from the government treasure, requesting me at the same time to offer a reward on the part of government for the recovery of the property and the conviction of the offenders; fortunately, the property was afterwards recovered and proved to be a considerably greater nominal amount than stated by Mr. Allan; but had this discovery not taken place I must conclude from Mr. Allan's letter that it was his purpose to debit government with the amount of those his notes of hand, which might have got into circulation by means of his own neglect in not having cancelled them at the time of their being paid.

The second case is one of Mr. depy. commissary general Drennan's notes, this gentleman having sent to the amount of £70 in his own notes to the officer in charge of the commissariat at Parramatta; they were likewise plundered, altho' as in the former case they have also been nearly all recovered, but had the case been otherwise, these notes might have got into circulation and, not being forgeries, would have been liable to payment on demand as any other of that officer's notes. Thus your lordship will perceive to what an incalculable extent His Majesty's government may become responsible by the risks to which the notes of the commissary are subject. It is scarcely necessary to add that, as Mr. dep. comy. genl. Drennan debits government with the full amount of the notes disbursed by him for the public service and draws for the amount on your lordships without any local control or reference whatever, he is thereby secured from any personal loss or risk, which is totally devolved on your lordships; whilst, on the other hand, if any of the notes so issued by the commissary should happen (as is
not Unusual with Bank Notes at home) to be destroyed by Fire or other Accident, the entire Amount so destroyed must be a Profit to the Depy. Commy. General, by his being thereby relieved from providing Payment for the Notes so lost or destroyed. I transmit Your Lordship Copies of the Communications from Mr. Depy. Commy. General Drennan on this subject, Nos. 10 and 11.

I shall now only further trouble Your Lordships with advert­ing to the Letter of Mr. Drennan, No. 6 in the present Series, which in a few Words will shew the Insulting disrespectful Manner in which he presumes to treat a Communication from me. What "the other and more important Duties," which Mr. Drennan has to perform to Justify his deferring on those Grounds to answer a Letter from the Governor of the Territory, I am yet to learn, and shall Conclude with Submitting the Impropriety of such Language to Your Lordships’ Consideration.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

DEP. COMMISSARY-GENERAL DRENNAN TO GOVERNOR MACQUARIE.

Deputy Comy. Comn.’s Office, Sydney, 30th March, 1819.

Sir,

I have the Honor to enclose to Your Excellency a Copy of a Letter transmitted to me by Mr. Andrew Allan, an Estab­lished Clerk in the Commissariat Department under my orders, complaining of the unwarrantable Conduct of Lieut. Colonel Erskine Commanding the 48th Regiment in this Garrison.

It never before has been my Lot to complain of the Conduct of any Officer and, by being compelled to do so now, occasions me more pain than I can well describe.

Whatever line of Conduct Lieut. Col. Erskine may think proper to adopt with his own Officers he may probably be borne out in, but when he attacks a Gentleman in His Majesty’s Ser­vice, who wears His Majesty’s Uniform, and who belongs to a Department of the Army over which he can have no Controll, I cannot help thinking the Attack (to use a Mild Term) is un­manly, as the Colonel has his high Military Rank only to cloak himself under.

Having said this much, I beg Your Excellency will be pleased to afford Mr. Allan such redress as the unprecedented Proceed­ings of Colonel Erskine towards that Gentleman so justly require.

I have, &c.,

FREDK. DRENNAN, Dy. Comy. Genl.

True Copy:—J. T. CAMPBELL, Secy.
MR. ANDREW ALLAN TO DEP. COMMISSARY-GENERAL DRENNAN.

Sir, Sydney, 29th March, 1819.

I do myself the honor of reporting to You that on my way to my Quarters Yesterday between the hours of One and Two O'clock, in Company with Lieut. Andrews of the 84th Regiment, I was stopped at the Barrack Gate by the Sentry, who asked me if I was young Mr. Allan. On my replying in the affirmative, he told me that he had received orders from the Sergeant of the Guard not to allow me to enter the Barracks; aware of course that the Sentry was only doing his duty, I instantly retired.

No Cause whatever having ever been assigned to me by any Authority for this very singular Circumstance, and not being aware that any part of my Conduct has ever merited such unprecedented and insulting Treatment as thus singling me out as the only Individual in the Colony unfit to enter the Barrack whilst the same is freely open to every Convict.

I have therefore earnestly to request of you as my Commanding Officer that You will be pleased to obtain me such redress as the Circumstances of this most extraordinary case may appear to You to require, trusting that You will believe that this application arises solely from a sense of what is due to myself, and as holding an Appointment from the Lords Commissioners of His Majesty's Treasury in the Department to which I have the honor to belong.

I have, &c.,

A. ALLAN, Clk., Comy. Staff.

a true Copy:—FREDERICK DRENNAN, Dy. Comy. Genl.

True Copy:—J. T. CAMPBELL, Secy.

LIEUTENANT-GOVERNOR ERSKINE TO GOVERNOR MACQUARIE.

Sir, Sydney Barracks, 5th April, 1819.

I have the Honor to acknowledge the receipt of your Excellency's Letter of the 2nd Inst. enclosing two letters, one from D. Commissary Drennan to Your Address, and the other from Mr. A. Allan, Commissariat Staff Clerk, to Mr. Drennan.

I feel much pleasure to perceive Your Excellency Views Mr. Drennan's letter in the same light, I do myself. I therefore without any hesitation request Your Excellency will be pleased to order this Officer to appear before a General Court Martial there to answer for his Insubordinate, disrespectful, and Ungentlemanlike Attack upon My Character, both as Lieut. Governor and Lieut. Colonel Commanding 48th Regt. The Charges will be given in to The Judge Advocate.
1819. 12 June.

As Mr. Allan has not in his Letter confined himself to facts, I beg leave to forward a Statement of Adjutant Wild's on the subject for Your Excellency's Information.

I have, &c.,

JAMES ERKINE, Lt.-Colonel, 48th, Lt.-Governor.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 4.]

DEP. COMMISSARY-GENERAL DRENNAN TO GOVERNOR MACQUARIE.

Deputy Commissary General's Office, Sydney, 24th April, 1819.

Sir,

I have the Honor to acquaint you that from a misconception of the manner in which I wished Mr. Archer to keep my accounts in Van Diemen's Land, some Complaints have arisen respecting the issue of my Store Receipts, and Colonel Sorell has in consequence ordered that the old System should be resorted to, contrary to the General Orders on that head; I am therefore induced under such Circumstances and from their being a great want of a circulating medium to request Your Authority to forward to the Lieut. Governor £10,000 in my Paper Currency to be delivered to the respective Commissariat Officers for the Payment of the Usual Expences from time to time until a further supply is required from hence.

I have, &c.,

FREDK. DRENNAN, Dy. Comy. Genl.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 5.]

GOVERNOR MACQUARIE TO DEP. COMMISSARY-GENERAL DRENNAN.

Sir, Government House, Sydney, 26th April, 1819.

I have to acknowledge the receipt of Your Letter of date 24th Inst. reporting that Complaints have arisen in Van Diemen's Land, in consequence of what you term a Misconception on the Part of Acting Deputy Assistant Commissary General Archer, of the manner in which you wished him to keep his Accounts, and also that Lieutenant Governor Sorell had in consequence thereof ordered the old (well understood) System of Store Receipts to be resorted to. Under such circumstances, I have to signify to you my entire approbation of the Measure adopted by Lieut. Governor Sorell as one of absolute necessity to save the Inhabitants of that Island from the ruinous consequences, likely to be entailed on it, by the suppressing of the wonted useful Circulating Medium of Store Receipts, and the substituting of Unnegociable Unsaleable Store Certificates
MACQUARIE TO COMMISSIONERS OF TREASURY.

instead of Your Notes for the Public Service, as promised by you. And I feel it necessary to remark hereon that I never should have acquiesced in your proposed System of issuing Notes in Payment, had I not explicitly understood from you that it was your purpose immediately to furnish the several Commissariat Officers belonging to Your Department at the Outstations and Dependencies with a Sufficient quantity of those Notes to enable them to make the Necessary Payments in the same manner as you have provided for Sydney.

By the last arrivals from Van Diemen's Land, I have received representations from the Inhabitants of both the Settlements there, wherein they Complain much of the inconvenience and injury sustained and likely hereafter to accrue to them from the system of payments lately established there at Your instance by unnegociable, unsaleable Store Receipts, and thereon they earnestly entreat that the Old System may be re-established. These circumstances should have formed the Ground of a Communication to you under the present date, if even I had not your own Letter to reply to and is not the less necessary on my part from your being already aware of the baneful Operation of your late, half Measures.

Having however made a Communication to the Lords of the Treasury on the change of System made by You and sanctioned by My Authority, I shall not for the present interpose that instructions Authority for the re-establishment of the former System until I shall be favoured with their Lordships' Commands thereon or unless some more urgent Cause should arise.

It is however necessary to apprise You that similar complaints have reached me from different parts of the Interior of this Colony, representing the serious grievance to which the Inhabitants are exposed by being obliged to resort to Sydney to receive Your Notes in exchange for the Unnegociable Store Receipts paid to them at the Outstations for such articles as they have supplied there to the King's Stores. And I must thereon desire that, in Compliance with your own pledge to me and with what is due to the Public from the honor and good faith of His Majesty's Government, that you delay no longer to furnish the Officers of your Department at those stations with a sufficient quantity of Your own Notes or other negotiable payments to meet all just Demands, without exacting such unreasonable terms as those of Persons being obliged to come hither to receive payment for their property delivered to Government in the Interior or the Dependencies.

Whilst Your Payments for the Public Service continue to be by the issue of Your own Notes, it is imperative on You to
furnish the Officers of Your Department, whether in Van Diemen's Land or in this part of the Territory, with an adequate Supply of Your Notes; but the mode of transmitting them must rest with Yourself, as I shall neither Authorize nor approve of the Lieutenant Governor of Van Diemen's Land becoming Your Agent therein or giving any personal guarantee either to the Public or to You for a System of Payment which is founded on your own responsibility, and to which I yielded a reluctant assent merely on the ground of your having represented to me that the Old System of Store Receipts was not in accordance with the wishes of the Lords of the Treasury.

The importance of the present communication is too obvious to admit of any further Delay on your part being practised in regard to the Payments to be hereafter made by You in liquidation of the Public Expenditure, which the honor and good faith of Government alike require to be made promptly and effectually, and I therefore call your most serious attention to it.

I have, &c,

L. MACQUARIE.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 6.]

DEP. COMMISSARY-GENERAL DRENNAN TO GOVERNOR MACQUARIE

Deputy Commissary General's Office, Sydney,

Sir,

I beg leave to acknowledge the Receipt of Your Excellency's Letter of Yesterday's date. I shall reply to it when the other and more important duties now imperative upon me will admit.

I have, &c,

FREDK. DRENNAN, Dy. Comy. Genl.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 7.]

DEP. COMMISSARY-GENERAL DRENNAN TO GOVERNOR MACQUARIE.

Sir, Deputy Commy. Genl's Office, Sydney, 1st May, 1819.

Finding it expedient to order Deputy Asst. Commy. Genl. Cordeaux to be in attendance at Liverpool on every Saturday, and Deputy Asst. Commy. General Hull at Windsor on every Monday, for the purpose of paying for the Supplies received into His Majesty's Magazines during the previous Week, I request in consequence of this necessary arrangement Your Excellency will order the allowance for Forage for one Horse to each of those Gentlemen.
This expence would be obviated could I imprest Money in the Hands of persons not holding His Majesty's Commissions.
I enclose to Your Excellency a Copy of the Notice, which will appear in this day's Gazette.
I have, &c.,
True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 8.]
PUBLIC NOTICE.
Deputy Commrs. General’s Office, 1st May, 1819.
It appearing that some inconvenience has arisen to the poor Settlers supplying His Majesty's Stores at Parramatta, Windsor and Liverpool, from their being obliged to come to Sydney for payment of the same, I hereby give this Public Notice that Deputy Assistant Commissary General Cordeaux will be at Liverpool every Saturday, and Deputy Assistant Commissary General Hull at Windsor every Monday within the Hours of Office after Monday next, the 3d Instant, to pay for the Supplies of Meat or Grain, which may have been received by the Store Keepers at Windsor and Liverpool during the previous Week.
All payments for Parramatta will be made by Deputy Assistant Commissary General Hull when the Supplies are received, except on the days when absent at Windsor.
The Store Keepers at the above Stations are hereby ordered to Promulgate this Measure to all Settlers or others supplying His Majesty's Stores and to desire their attendance accordingly.
True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 9.]
GOVERNOR MACQUARIE TO DEP. COMMISSARY-GENERAL DRENNAN.
Sir, Government House, Sydney, 3d May, 1819.
I have to acknowledge the receipt of Your Two Letters bearing date the 1st Instant; the one relating to the purchasing of Ten Thousand Gallons of Spirits for the Public Service from Messrs. Jones and Riley at the rate of Eight Shillings p. Gallon, and the other relative to Deputy Assistant Commissaries General Cordeaux and Hull being allowed Forage or Forage Money for one Horse each, in consequence of the additional New Services.
You have proposed to assign those officers for the making payments in your Notes at the Out-Stations of Liverpool and Windsor.
In reply to your proposition for the purchase of Ten Thousand Gallons of Spirits from Messrs. Jones and Riley, I must observe that I do not by any means concur in opinion with you that the terms or price, demanded by those Merchants, namely Eight Shillings Per Gallon are moderate, for on the contrary I have reason to believe that Spirits of equal Proof and quality with those of Messrs. Jones and Riley may be procured from other Merchants on terms considerably lower; and I therefore cannot approve of so large a Purchase being made until you Call Publicly for Tenders, which appear to be the only way in which the Purchase should be made.

In case you should not succeed even by Tenders in obtaining Spirits cheaper than those offered by Jones and Riley, I cannot sanction so large a quantity as Ten Thousand Gallons being purchased at this time, when arrivals and Supplies both from England and India are daily expected, whereby the Market price will be materially affected. If however you have suffered the Government Supply to be so totally expended before you took any Step towards Obtaining a re-Supply, as that the Public Service is likely to sustain injury thereby, I shall under those Circumstances Sanction the Purchase of Five thousand Gallons even at the price demanded by Jones and Riley.

In reply to your second Letter, I have to signify to you that in Consideration that the relief of the Settlers in the Interior is the avowed Object you have in View in soliciting my Sanction for the allowance of Forage Money for one Horse for each of the two Commissariat Officers, who are to attend Once a Week at Liverpool and Windsor to make Payments for the Public Service in your Notes, I do, on that ground only, accede thereto during the continuance of such Service or until further orders thereon. I must however apprise you that such Sanction is reluctantly yielded as arising out of the System of Note Payments established by you, and which the more it is viewed and considered appears to be fraught with difficulties in the execution and injurious both to the Public and Private Interests.

I am, Sir,
L. Macquarie.

True Copy:—J. T. Campbell, Secy.

[Enclosure No. 10.]


Sir,

Parramatta, 6th June, 1819.

I am sorry to have to report to you that Mr. Brennan, my Clerk, has lost under very strong suspicion of having himself Stolen them, the following Ten Pound Notes, No. 510, 511, 512,
MACQUARIE TO COMMISSIONERS OF TREASURY. 163

513, 525, 526 and No. 1, Dated 20th February, 1819, Amounting to Seventy Pounds, which Sum I left in his hands on Friday last to pay Sum Accounts for Supplies.

I request that you will be pleased to order payment to be stopped, if they should be presented at Your Office for Payment.

I have, &c.,

GEO. HULL, D.A.C.-G.

a true Copy:—FREDK. DRENNAN, Dy. Com.-Genl.
N.B.—Number 510 is found.
True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 11.]

DEP. COMMISSARY-GENERAL DRENNAN TO GOVERNOR MACQUARIE.

Deputy Commissary-General's Office, Sydney,
7th June, 1819.

I enclose you Copy of a Letter from Deputy Asst. Commy. General Hull received late last night. I have in Consequence ordered the enclosed Notice to be Printed and sent to Parramatta, Windsor, and Liverpool, and also to be promulgated throughout Sydney.

Brennan is in Jail at Parramatta, and Mr. Hull has just arrived who informs me that all the Notes are recovered except No. 1, 525 and 526 and some small notes of mine, and of the Sydney Bank amounting in all to about £5 15s.

The circumstances of these small notes being lost was in Consequence of the Prisoner having changed one of the Notes for £10 at a Public House where he got intoxicated.

He was taken up by the Constables and carried to Jail for improper Conduct towards them while in that state.

I have, &c.,

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 12.]

LIEUTENANT-GOVERNOR SORELL TO GOVERNOR MACQUARIE.

Sir, Hobart Town, 6th April, 1819.

I have the honor to address your Excellency upon the occasion of submitting, with all possible deference and respect, a Memorial from the principal Inhabitants, agricultural and Mercantile, of this Settlement with regard to the operation and effect in these Settlements of the System of Commissariat Accounts established by Government and General order under date 8th February last, abolishing the negotiable Store Receipts, heretofore in use, and substituting, for all supplies of Meat and
Wheat to His Majesty’s Store, Receipts not saleable or transferable to be Cashed and Consolidated only at the Deputy Commissary General’s Office, Sydney.

The Regulations in question, containing no reservation with respect to Van Diemen’s Land, and the Instructions received by the Commissariat Officers at both stations from the head of their Department implying a full Application of the New System here, the Orders were of Course acted upon at the earliest day after they were received;—But, having been immediately addressed with urgent representations of the effect of the change of System to all Classes, now thrown into the form of a Memorial, the statements of which, both as to present and impending inconvenience and Evil, appear to my humble Judgment entirely correct, I have felt it my Duty to take the earliest Moment of submitting it to your Excellency together with the Impressions felt by myself as to the operation of the new System, should Your Excellency think proper finally to direct its enforcement in Van Diemen’s Land.

In Considering the Application of the New Commissariat System to this Dependency, the essentially different Circumstances in which it will be placed from the parent Colony will not fail to press into notice, where the new Store Receipt may be immediately cashed or consolidated at Sydney, and where the Bank of New South Wales and the Coin in Circulation afford such facilities for business.

In this Dependency it is known to Your Excellency that the negotiable Store Receipts form nearly the whole (probably 15-16ths) of the Circulating Medium, the Military Pay Bills and a few private Notes being the only addition, there being no Coin or Bank Notes; the Commissariat paper therefore Constituting not only the Chief Means of internal payment and dealing, but, by its Consolidation on the Spot, affording the only Medium of purchase and payment for imported Commodities, which last are almost entirely bought from Ships touching at the Port and not by regular Consignment on Credit, and for which therefore Government Money is indispensable.

The new Store Receipts not being transferrable or saleable except at Sydney, the Circulating Medium of the Settlement is at once withdrawn, and, the Merchants being prohibited from receiving them in payment, they have no useful property to the Settlers; who, if unable to obtain a Convertable payment on the Spot for their Supplies of Meat and Wheat to the Store, become at once deprived of the benefits which they derive from the protecting System, now in use since the foundation of the Colonies and continued through Your Excellency’s long and beneficial Government.
For it is hardly necessary for me to state to Your Excellency that if the supplying His Majesty's Store to an extent, treble or quadruple what now falls to the apportionment of any owner of Stock and Grower of Grain, were Couple'd with a Condition of repairing to Sydney to Sign the Vouchers and obtain payment, it could not be worth his while to do so.

If therefore, it be a correct interpretation of the Government and General Order that all Persons supplying Wheat and Meat to the Store in Van Diemen's Land can receive Money and sign Vouchers only at Sydney, the course of Supply in these Settlements must be wholly changed and the System of apportionment, according to the Mustered Stock and Cultivation of the Settler, must cease in Effect, if not in Name.

All the Middling and Minor Settlers would be compelled to exclude themselves from the right of direct supply, now so valuable and indeed so essential to their Success; the Supplies must be forced into a very few hands through which the Wheat and Meat required for the Store must pass, and producing the same general Effect on the Mass of Settlers as if the System of Supply by Contract were established without the advantage to Government; and giving room for apprehension that in so small a Settlement and containing so few persons possessing Capital of any Kind, a Monopoly might ensue so as to command the prices of Supplies to Government.

This being the internal Effect, it also appears that the Ulterior purpose Vizt., the payment for external Supplies, for which the Bills payable at Sydney founded on the Convertible Medium now in use formed the only Means, would also be arrested; and that the Settlement, being deprived of the Means of Making direct purchases, must be reduced to the same state in which it was before the Port was opened, by becoming dependent wholly upon Port Jackson and by finding the prices of all necessaries advanced beyond Calculation.

These being the Impressions arising from the literal Construction of the Government and General Order of February 8th, and from the Instructions received by the Two Commissariat Officers in Van Diemen's Land, I have now the honor to refer myself, to Your Excellency's Consideration for this Dependency, upon which Myself in Common with its Inhabitants fully rely, in a Matter which involves their Vital Interests, the representation on my part being rendered more urgent and pressing by the Store being Opened Yesterday for the reception of Wheat, and by the Sitting of the Lieutenant Governor's Court, just Commenced, in which Considerable property is involved, and in which Government Circulating Money is alone received in payment. These last Two Considerations, with the pressing Applications
of the principal Inhabitants, have induced Me to Authorise the Commissariat Officer to issue transferrable Store Receipts until Your Excellency’s pleasure shall be known; but restricting them from being Consolidable, until called in by Public Notice, upon receipt of Your Excellency’s Instructions, which last restriction will on no account be relaxed except in Case of Necessity for Supplies to the Settlement, and then only to the extent absolutely required.

Having Submitted to Your Excellency the Effects immediate and eventual, as they appear to me, of the New Commissariat System in Van Diemen’s Land, I beg also to lay before you the Modifications which according to the Representations now laid before Your Excellency seem Calculated to obviate the results.

1. That if Your Excellency shall determine that the Commissariat Officers in Van Diemen's Land are to grant untransferrable receipts for all supplies of Wheat and Meat to His Majesty’s Store, they may be authorised and prepared to give in Exchange for them, at Each Station, Commissariat Money Notes or Cash in the same Manner as at the Deputy Commissary General’s Office Sydney, and

2. That the Signature to the Voucher may be made upon the spot.

These Modifications would I conceive place the Settlers in Van Diemen’s Land in the same situation as those of Port Jackson under the new System.

The Agricultural Interest would remain in enjoyment of the same fostering System, which has been judged necessary by Your Excellency to be continued for their encouragement and support, and the Mercantile persons of the Settlement would be enabled to carry on their transactions with benefit to themselves and to the Inhabitants in General.

I trust Your Excellency will see in this representation only an Act of Public Duty, executed with all the respect due from and felt by me to Your Excellency as my immediate Superior in Authority; Sentiments which I allow myself to hope have been sufficiently Manifested to You by my Conduct in this Lieutenant Government during the two years which I have administered it under Your Excellency’s Command.

I have, &c,

WM. SORELL

P.S.—Had Time Permitted, The Memorial would have put into a different form, but the few hours which have been allowed for its being effected will I trust excuse its defects to Your Excellency.

True Copy, in two Sheets:—J. T. CAMPBELL, Secy.
MACQUARIE TO COMMISSIONERS OF TREASURY.

[Enclosure No. 13.]

The Memorial of the Undersigned Freeholders, Merchants, and other Inhabitants of Van Diemen's Land.

To His Honor William Sorell, Esquire, Lieutenant-Governor of Van Diemen's Land, &c., &c., &c.

Most Respectfully Sheweth,

That Your Honor's Memorialists have for many years laboured under great disadvantages in consequence of the Supplies of the Produce of this Island required by Government not being paid for by the Commissary here in Bills drawn on His Majesty's Treasury, and, at the Moment we were on the point of Soliciting His Excellency the Governor in Chief through the Medium of Your Honor to adopt such Measures as might be best Calculated for our relief, We View with the deepest concern the Government and General Order of the Eighth of February last authorising a New Mode of Payment for the Supplies required by Government as Proposed by Mr. Deputy Commissary General Drennan, which will, so far from relieving Us, inevitably involve the Inhabitants of this Island in insurmountable difficulties which must tend to their utter Ruin; for according to our Interpretation of that arrangement framed by Mr. Deputy Commissary General Drennan, it requires that every Person in this Island Supplying His Majesty's Stores with Produce must receive an Order on him at Sydney; on the face of which it appears that it is neither transferrable or saleable, and the Holder must make a Voyage to Port Jackson and sign the Vouchers in the Commissariat Office there before he can receive anything which can be negociable or of the Slightest use to him in the Market.

In addition to which We also beg leave to State to Your Honor that, by the present Arrangement of the Mode of Payment adopted by Mr. Deputy Commissary General Drennan, nearly the whole of the Circulating Medium of this Island is extinct, and the Debtor absolutely deprived of the Means of discharging the demands upon him though holding Commissariat Orders to ten times the Amount, and the Inhabitants deprived of the Means of Making Purchases from any Vessel which may arrive.

As Your Honor well knows how impossible it is for the Inhabitants of this Island to Conform to the plan adopted by Mr. Deputy Commissary General Drennan, if our Interpretation be correct, Situated as We are at a distance of Seven hundred Miles from the Station where alone Payment can be procured for Our Produce supplied His Majesty's Stores,

We therefore pray that Your Honor will be pleased to adopt such Measure as may afford us present relief from the difficulty
under which We labour, And That you would also be pleased to make such representation to His Excellency the Governor in Chief as the Circumstances of Our Case May in Your Wisdom seem to require.

THOMAS WILLIAM BIRCH.  G. W. EVANS.
GEORGEO. FREDK. READ.    THOMAS SALMON.
KEMP AND GATEHOUSE.    JAMES H. REIBLEY.
DAVID LORD.    R. LEWIS.
JAMES LORD.    A. W. H. HUMPHREY.
JOSHUA FERGUSON.    R. W. LOANE.
WM. BUNSTER.    HENRY HEYWOOD.*
V. LEADER.    JOHN BLINKWORTH.
R. KNOPWOOD.    JOHN BEAMONT.
JAMES GORDON.    R. W. FRYETT.
EDWD. LUTTRELL.    EDWARD LORD.
A. FISK.

This Memorial, drawn up under pressure of Time this day, the Ship Surry sailing early in the Morning, has not obtained more than the hasty signatures of Persons on the Spot; These however Comprise all the Chief Mercantile and agricultural Persons of the Settlement.

As the Representation of such therefore I have the honor of earnestly praying Your Excellency's Consideration of its Contents.

Hobart Town, 6th April, 1819. WM. SORELL, Lt.-Govr.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 14.]

Memorial from THE HUMBLE PETITION OF THE CULTIVATORS AND STOCK HOLDERS OF PORT DALRYMPLE.

To His Excellency Governor Macquarie, &c., &c., &c.

Most Respectfully sets forth,

That Petitioners feel extremely sorry to be necessitated to address Your Excellency in the Language of Complaint against an Order recently Published under Your Excellency's Authority relative to the Payment now issued from the Commissariat Department at this Station for Wheat or Meat turned into His Majesty's Stores. But as the Fountain of Justice where every subject is assured of redress for their grievances, Petitioners humbly venture to look up to Your Excellency on the present

* This Person seems to have affixed his Name to the Memorial when it was carried to Mr. Loanes, though neither an Owner of Land or Stock, or an acknowledged Resident of the Settlement. Pressure of time only prevented The Memorial being returned for the Erasure of that Name; respecting which This Note of Explanation is submitted to His Excellency, as connected with an Official Letter of the Lt. Governor's.
MACQUARIE TO COMMISSIONERS OF TREASURY.

Occasion and, after stating the Circumstances of our Case, Petitioners most respectfully leave the whole to Your Excellency's Superior and gracious Consideration.

Agreeable to these Regulations, the Officer in Charge is to give to each Person furnishing Supplies a Receipt for the Quantity of Grain or Animal Food Delivered, and the General Order of the 8th of February Declares that these Receipts are not Saleable or Transferrable, but that the Persons receiving Same shall themselves present them for payment at the Commy. Gen'l's Office, Sydney.

After many Years experience of the beneficial effects resulting from the many Judicious Regulations adopted by Your Excellency for promoting the Interests and Welfare of the Inhabitants in General, Petitioners cannot for a moment suppose it is either Your Excellency's Wish or Intention that the Individuals Supplying His Majesty's Stores at this Station should be under the constant Necessity of abandoning their Families and Proceeding to Sydney to obtain payment of Sums that in most Cases would not Amount to one third the Expense of such a voyage. And as a Striking instance of the Evil Effects of this new System, Petitioners have to Assure Your Excellency that several Persons here within this last Week have been arrested under Writs Issued out of the Lt. Governor's Court, and although possessed of these Commissariat Receipts to a larger Amount than their respective Debts they must have been Inevitably thrown into a Prison if their Creditors had not been prevailed upon to discharge them at their own risque, and to retain these Receipts as a Pledge until an Appeal could be made to Your Excellency on the Subject. Relying therefore on Your Excellency's well known Candour and Justice, Petitioners Respectfully Submit this our Statement to Your Excellency's favorable Consideration in hopes that Your Excellency will speedily remove the Cause of their Distressing Circumstances.

And Petitioners will Ever Pray,

JAMES COX. WILLIAM FOGGO.
ANDW. BARCLAY. D. SUTHERLAND.
DAVID ROSE. B. WHITE.
CHARLES HARDWICK. JOHN DELL.
WILLM. WHYTE. THOMAS SMITH.
THOS. SCOTT. JAS. BRUMBY.
THOMAS REIBY. DAVID GIBSON.
P. LETTE. THOS. HOWARD.
CHAS. REID. RICHARD DRY.
THOS. MASSEY. J. MOUNTGARRETT.
CHARLES FLETCHER.

True Copy:—J. T. CAMPBELL, Secy.
HISTORICAL RECORDS OF AUSTRALIA.

[Enclosure No. 15.]

SPE MEMORIAL OF THE FREEHOLDERS, LANDHOLDERS AND PRINCIPAL CULTIVATORS OF LANDS IN THE DISTRICT OF PITT WATER.

His Honor William Sorell, Esquire, Lieutenant-Governor of Van Diemen's Land, &c., &c., &c.

That Your Honor's Memorialists have observed with the greatest Concern the Government and General Order of the 8th of February last, ordering a new Mode of Payment at the Commissariat Office for the Produce of Our Farms supplied His Majesty's Stores at Hobart Town as proposed by Mr. Deputy Commissary General Drennan, which will so far from relieving us from Many Grievances, we previously laboured under, inevitably involve us in insurmountable Difficulties tending to Our Absolute Ruin; for in that Order, if our Interpretation be correct, the Arrangement framed by Mr. Deputy Commissary General Drennan requires that every Person in this Island supplying His Majesty's Stores with Produce must receive an Order or Memorandum addressed to him at Sydney, in which it is stated that it is neither saleable or transferrable and the Holder of the Memorandum must make a voyage to Port Jackson to Sign the Vouchers in the Commissariat Office there, before he can receive any thing which can be Negotiated or be of the Smallest Use to him in procuring necessaries for the Support of his Family.

We further beg leave to state to your Honor that, by the present Arrangement at the Commissariat Offices, near the whole of the Cash or Circulating Money in this Island is abolished, and a Debtor is effectually deprived of the Means of Satisfying the Demands upon him, tho' he have credit in the Commissariat Office to Ten times the Amount: and if it be Our Fate that those Arrangements are continued, as soon as it is known in those Countries from whence we procure our Supplies of foreign Produce, not one ship will touch at Our Ports, being assured that we will be unable to pay them for their Property or Make the Smallest purchase.

As Your Honor well knows how impossible it is for the Inhabitants of this Island to Conform to the Plan adopted by Mr. Dy. Commissary General Drennan, if Our Interpretation of the Gen'l Order be correct, situated as we are at a Distance of 700 Miles from the Station where alone the Payment can be procured for Our Produce, We therefore Pray that Your Honor will be pleased to afford us such present Relief from the Difficulties under which we labour as may be in Your Power, and
that you will also be pleased to make such Representation to His Excellency the Governor in Chief as the Circumstances of our Case May require.

JAMES GORDON.  
JOHN WADE.  
BARTHW. REARDAN.  
JOHN BOLLETT.  
WALTER REDPATH.  
THOMAS PENNINGTON.  
JOHN BINGHAM.  
ALTON YOUNG.  
JAMES HANNAWAY.  
JOHN WELSH.  
WILLIAM PERRY.  
THOMAS RILEY.  
WM. HORN.  
WILLIAM WOOLLEY.  
JOHN WILLIS.  
GEORGE MORRISBY.  
LOFT ALOMES.  

THOMAS COLLINS.  
JOHN KEELAN.  
ANN BELLETT.  
WILLIAM KEEP.  
JOSEPH PENDELL.  
JAMES WRIGHT.  
DAVID LANE.  
CHARS. ROUTLEY.  
JOHN H. GODFREE.  
CHARLES ANTHONY.  
ALEXR. LAING.  
JOHN BURCHALL.  
JOHN PRESTEG.  
SAMUEL THORN.  
RICHARD BUCKINGHAM.  
RICHARD LASSOM.

Respectfully and Earnestly recommend to the Consideration of His Excellency The Governor in Chief.

WM. SORELL, Lt.-Govr.

10th April, 1819.

True Copy:—J. T. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch per ship Surrey.)

Government House, Sydney, N. S. Wales,

My Lord,  

I take the liberty of most respectfully recommending to your Lordship's protection the Bearer, Mrs. Marr, one of the oldest Inhabitants of this Colony, a very well behaved woman, industrious and useful. She has long kept a Shop at Sydney and carries on, in conjunction with her Husband, very advantageous Trade for the Town of Sydney. Having saved a little Money, She is now going Home in the Surry to see her friends in England, intending to return again to this Country with an useful Investment of Goods.

The object of this Letter is therefore to request the favor of Return passage Your Lordship to be so good as to order a Passage for Mrs. Marr on board of one of the Convict Ships coming to this Country; it being her intention not to remain in England above Six Months.

I have, &c.,

L. MACQUARIE.
My Lord,

Government House, Sydney, 17th July, 1819.

Much Inconvenience having been Sustained in that important Branch of this Service, the Medical Department, in Consequence of the Exhaustion of several of the most important Medicines, and no supplies having been sent hither, altho' repeated Requisitions have been transmitted from hence, I now beg leave to Call Your Lordship's Attention to this Subject, and to request that such orders may be given as will Ensure the transmission hither by the earliest Opportunity of the Medicines for which I had the Honor of transmitting to Your Lordship a Demand per the Ship Harriet in December, 1817, and afterwards by the Ship David Shaw.

I now do myself the Honor to transmit a Triplicate of that Demand, and also an additional Demand which has grown out of the exhausted State of the Colonial Medical Stores since the former Application; to both of which I intreat that an early consideration may be given. I transmit Your Lordship a Copy of the Letter addressed to Me by the Principal Surgeon on the Occasion of his furnishing the additional Demand, which will shew Your Lordship to what a low Ebb our Medical Stores are reduced.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

PRINCIPAL SURGEON WENTWORTH TO GOVERNOR MACQUARIE.

Sir, General Hospital, Sydney, 15th July, 1819.

I beg leave to have the honor to enclose to Your Excellency a Triplicate for Medicine necessary for the use of His Majesty's Hospitals in New South Wales.

I have also the Honor to enclose to Your Excellency Duplicates of the Requisition, submitted to Your Excellency on the 10th December, 1817, and which were forwarded to England (I believe) by the Ship Harriet, but no part of the Medicine required therein has ever been received.

I beg leave to solicit that Your Excellency will be pleased to transmit these requisitions to His Majesty's Secretary of State for the Colonies with as little delay as possible, such being the want of Medicine here and at the different Settlements of the Territory that an immediate supply is an object of the first necessity.

I have, &c.,

D. WENTWORTH, P. Surgeon.

True Copy:—J. T. CAMPBELL, Secy.
MACQUARIE TO BATHURST.

[Sub-enclosures.]
[Copies of the requisitions for medicines have been transferred to a volume in series VI.]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 28 for 1819," per ship Surrey.)

My Lord,

Government House, Sydney, 17th July, 1819.

A Complaint having been referred to me by the Revd. Richard Hill, one of the Colonial Chaplains, who lately arrived here by the Convict Ship Hibernia against Mr. Charles Carter, the Surgeon Superintendent of the Convicts on board the said Vessel, for his having Obstructed him in the Execution of his Sacred Office as it regarded the Convicts on board, and having otherwise treated him disrespectfully, I deemed it due to the Character of each of those Gentlemen to transmit a Copy of Mr. Hill's Complaint against Mr. Carter to this latter Gentleman, and to require him to explain his Motives and Conduct on the Grounds of the Complaint so preferred against him. Having received Mr. Carter's answer which nearly admits all the allegations of Mr. Hill, I have not Considered it Necessary to Cause any other Proceeding to take place in order to investigate the Circumstances; but feeling that the Conduct of Mr. Carter towards Mr. Hill has been not only extremely offensive and Insolent to a Gentleman in the Sacred Character of a Clergyman, but also tending to discredit and defeat his laudable Exertions among the Convicts in reforming and improving their moral and Religious Conduct during the Voyage, I take the Liberty of transmitting to Your Lordship herewith Copies of those two Gentlemen's Letters for Your Lordship's final Decision.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

THE REVEREND RICHARD HILL TO GOVERNOR MACQUARIE.

Sir,

Sydney, 8th July, 1819.

I take the liberty of addressing Your Excellency on a matter which I conceive to be of no ordinary importance, in as much as it relates to the moral and Religious Condition, during their voyage hither, of those unfortunate persons whom His Majesty's Ministers may Consider it necessary to send to this Colony.

Were the Circumstances, which I am about to State to your Excellency, only of a personal nature, I hope I should be enabled to refrain from making any Communication on the Subject, although the most aggravating insults were heaped upon me on
Personal insults received by Rev. R. Hill from surgeon Carter.

Hill refused admission to hospital by Carter.

Interference with Hill's attendance on the dying.

1819.
17 July.

174 HISTORICAL RECORDS OF AUSTRALIA.

Every possible occasion by Mr. Charles Carter, Surgeon and Superintendent. The Sacred Character, I hold, it must be allowed ought to have been my protection from unprovoked insults; because I could not with any consistency do otherwise than patiently submit to it, whereas a Gentleman in any other profession would have been compelled to resent it! And this sort of Conduct was generally manifested in that place, and at Table provided for me by Government where Mr. Carter had no right to appear, except as a Guest of the Master. But I will not dwell here on what may seem to concern myself only; I will pass on to that in which I conceive the Public, and more especially the Inhabitants of this Colony, to be deeply Interested.

On the Second of February at the Dinner Table Mr. Carter positively forbid my visiting the Hospital! I told him it was Lord Sidmouth's wish that I should have free access to the Hospital and Prison. He replied that until I could shew His Lordship's authority, I should not go there without first obtaining his permission! I then told him that, if he persevered in that determination, I must Communicate the Circumstance to Lord Sidmouth. I also requested an explanation; But he refused. That this Act was premeditated is evident, Because he told Mr. Henny, the first Mate, a few Days previously, that he had given Orders to his Convict Attendant to refuse me admission into the Hospital in the event of my attempting to go there! therefore there can be no doubt that he purposely endeavoured to oppose me in the execution of my Duty.

I would here beg leave to remark that previous to my being able to go regularly amongst the Prisoners on account of my health, Mr. Carter did request me to attend Wm. Selsby, who died. But that after the time he prohibited my going into the Hospital, David Langley died without my seeing him, or I believe, any one knowing he was in any Danger until the Day preceding his Death! at this time Jonathan Cheana was in great danger. I therefore sent a Message to him, by a Prisoner who was permitted to be with him, that if he wished to see me he had better apply to the Master. In the Course of the Day, the Surgeon's Assistant came to me saying that the Dying Man desired to see me; had not the opportunity occurred of my sending a Message, in all probability I should not have seen him! But he would have Died as did Langley! Even after this, I could not with propriety Venture into the Hospital, except when the poor Man sent to request me and which was only three times in all.

It may be necessary for me to inform Your Excellency that the Bishop of London wrote to Lord Sidmouth to recommend my
being furnished with his Lordship's Authority to Visit the Prison and Hospital, when I thought necessary for the Instruction of the Convicts. Mr. Capper in the name of Lord Sidmouth expressed his readiness to afford me every facility: and said that when he visited the Ship at Portsmouth, which he proposed, he would make every necessary Arrangement; at a subsequent interview, he stated that he found it impracticable to reach Portsmouth previous to the Sailing of the Hibernia, and that he thought a written authority needless, as he did not suppose I should be likely to meet with any impediments. But in place of this Expectation being realized, I was not only obstructed in that important part of my ministerial Duty, visiting the Sick, But my Plans for the Moral improvement and instruction of the Prisoners were ridiculed, and in a great measure thwarted by Mr. Carter, whose especial duty, I humbly conceive, it was to aid Me in My efforts to better the Condition of those under his own Superintendence. And instead of exerting his Authority to insure and encourage the attendance of the Prisoners at Divine Worship, he absented himself during the greater part of the Voyage! so that the last Sunday on which I performed Service, only twelve of the Prisoners were present out of 157.

Previous to my going on board, I had made known to the Master and Surgeon my Intention to Divide the Prisoners into Classes in the same manner as adopted by the Ladies Committee at Newgate, and to appoint a Monitor over each Class; with whom I should place a Sufficient number of Bibles, Testaments, Prayer Books, Spelling Book, &c. &c. for the use of all the Convicts. This I understood they highly approved of, and I was glad to learn that the regulations adopted by the Master of the Ship Surry were posted up in the Prison, wherein Gaming and all immoral Conduct were prohibited: all that appeared to be necessary was the distribution of Books to keep them from Idleness, and as soon as my health would permit after the Ship sailed, the proposed arrangement was carried into effect. The enclosed List will inform Your Excellency of the Benefits resulting from it, and which, I feel confident, would have been much greater, had I received assistance sufficient only to enforce the Rules. But in place of this, after the Ship left Rio Janeiro, Gaming became so very prevalent that with the majority the Books were useless, And even some of them were destroyed to make Cards! When the Subject was named in the presence of the Surgeon, he said it was a very rational way of passing their time! and that they must have some Amusement! Although he could scarcely avoid knowing that they Gambled for their Provisions, Clothing, &c.; and after experiencing gross insults from some of the most
Disorderly Convicts in my attempts to put a stop to such immoral proceedings, I was obliged wholly to abandon visiting the Prison.

Having stated these Circumstances for the Information of your Excellency, I beg leave to add that I feel it my Duty to send a Copy of this Letter to the Lord Bishop of London, who devoted much time and attention to procure the necessary arrangements for my passage and usefulness on the Voyage, in order that His Lordship may in future be enabled to prevent a repetition of such inattention and hindrance to the Religious and moral Improvement of the Prisoners.

I have, &c.,

RICHARD HILL, Assistant Chaplain.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 2.]

SURGEON CARTER TO SECRETARY CAMPBELL.

Sir, 2 Bunker’s Hill, Sydney, 13th July, 1819.

Carter’s reply to the complaints of Rev. R. Hill.

I have the honor to acknowledge the receipt of Your Letter of this date enclosing a Copy of another from the Revd. Richd. Hill, addressed to His Excellency Governor Macquarie, preferring Charges of a Spiritual nature against me, as well as of disrespect towards him as Assistant Chaplain of this Colony, and lately a Passenger on board the Hibernia Convict Ship.

Having attentively perused the same, I have to request you will be pleased to signify to His Excellency that I have never received any Instructions from His Majesty’s Government directing me to be in any way amenable to Mr. Hill, nor did he (Mr. H.) at any period produce any document setting forth that he was empowered to interfere with the Convicts committed to my care.

Mr. Hill has fully merited the exaggerated Account of the treatment he has received from me and my Contempt of his Conduct throughout, from his constant extreme officiousness in almost every duty of my office, together with his very Insulting manner towards me on various occasions, which had it not been for his Sacred Profession I should have resented in a way it deserved.

I do candidly acknowledge to have strictly prohibited him visiting the Hospital without my Sanction from a well grounded assurance (in which my Professional Brethren will (I am assured) all participate) that nothing more tends to depress the Spirits of the Sick than such untimely visits. He was however never thwarted in giving his attendance to those in the Prison, nor in any way obstructed in his Sacred functions whenever he might feel disposed to administer to their Spiritual Comfort.
The Prisoners, I aver, were always encouraged by me to attend Divine Service whenever the weather would permit, but my Non-Attendance there proceeded from a dread of catching cold in the accustomed manner of appearing uncovered on the Quarter Deck.

I confess, I never did suppress Card Playing, provided it did not arrive at Positive Gambling, from a thorough conviction that during a long Voyage the minds of most men require now and then the solace of some light amusement; in the mean time they were frequently enjoined by me to pay strict attention to the Religious Works given them for perusal. I do however positively deny to have been at any time Privy to their tearing up their Bibles to make Cards, nor do I believe this ever took place.

I have now, Sir, I believe, complied with Your Request, and although I have endeavoured to avoid all unnecessary detail, Yet I find my Letter of great length; let me only add that an error in judgment must be imputed to me, if any more adviseable steps could have been adopted for the management of Convicts, than those I have chosen, in the Voyage to this Colony; my conscience however acquits me of all premeditated blame, and I have accordingly deemed it compatible to forward a Copy of this Letter together with his Honor Lieut. Governor Sorrell's Certificate, and Mr. Hill's Charges to Lord Bathurst (His Majesty's Secretary of State) for his consideration.

I have, &c.,

CHARLES CARTER, Surgeon, Royal Navy.

True Copy:—J. T. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 29 of 1819," per ship Surrey.)

Government House, Sydney, N. S. Wales,

My Lord,

18th July, 1819.

I do myself the honor to transmit your Lordship here-with three separate Lists of Australian Seeds, Collected by Mr. Charles Frazer, the Government Colonial Botanist, for His Imperial Majesty the Emperor of Austria, His Royal Highness The Prince Leopold, and your Lordship; these Seeds being packed up very carefully in three separate Boxes, addressed as above, and are now forwarded to England in the Ship Surry, in charge of Capt. Raine the Commander of that Ship; and I trust they will arrive safe and in good condition.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

[A copy of this list will be found in a volume in series VI.]
GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 30 of 1819," per ship Surrey; acknowledged by Earl Bathurst, 18th May, 1820.)

GoVernMenT house, syDney, New South WaleS,

My Lord,

19th July, 1819.

In some degree to counterbalance the disappointments sustained by the result of the different tours of discovery in the interior of this vast and singularly circumstanced territory already reported to your lordship, I am now enabled to report a happier issue to two other attempts of the same description, which have been undertaken since the failure of the former.

The first I shall communicate is by Mr. Oxley, who has ascertained that a port exists about 220 miles to the N.E. of this place, most happily situated on a large river and surrounded by a country of great fertility of soil, and abounding with various valuable productions in timber, coals, flint and other articles; this port, which had been fallen in with by Mr. Oxley on his arrival at the coast from his tour in 1818, has now been surveyed accurately, and its entrance sounded by him assisted by Lieut. King, R.N., commander of the colonial govt. cutter, Mermaid, who was proceeding on his general survey of the coasts of the territory and lent his assistance on the occasion to Mr. Oxley.

From the local position of this port, called by Mr. Oxley (in compliment to me) "Port Macquarie," it will be of great advantage in the light of a place of banishment from hence, the present place of banishment Newcastle being too near to Sydney, whereby the criminals sent thither frequently effect their escape back to this place, and will be further useful from the variety of good timber it will afford, which is in itself a most important consideration, the supplies from Newcastle having become very difficult to procure, owing to the forests there being nearly exhausted. your lordship will receive herewith a printed copy of Mr. Oxley's report on this subject with my general orders on that occasion.

The second discovery* is one made by a Mr. Throsby, a free settler, formerly an assistant surgeon on this establishment, and promises to be of the greatest possible importance to the future prosperity of this colony, and in that point of view I trust it will be deemed of much eventual advantage, even to the mother country. my general orders, on the occasion of receiving Mr. Throsby's journal, also printed and transmitted herewith, will fully shew your lordship the importance which I attach to the discovery, and will do away the necessity for my dwelling further on that subject at present than merely to state

* note 23.
that I Conceive the extended Range of rich fertile Country passed over by Mr. Throsby between the Cow Pastures and the Plains of Bathurst will be fully equal to meet every Increase of the Population here, whether of Free Settlers or of others becoming so, who may reach this Country for many years, and will afford ample Scope for the Speculative Graizer and Farmer to Exercise their Industry to their own Benefit and to the Increase of Intercourse with the Mother Country by furnishing Wool Hides, Tallow, &c.

I have, &c.,

L. Macquarie.

[Enclosure No. 1.]

GOVERNMENT AND GENERAL ORDERS.

Government House, Sydney, Thursday, 17th June, 1819.

Civil Department.

It is with Feelings of much Gratification that His Excellency the Governor is at length enabled to announce thus publicly that a safe capacious Harbour has been discovered and now accurately described, situated to the N.E. of Newcastle, from whence it is distant about 140 Miles and consequently about 220 Miles in the same Direction from Port Jackson.

This Harbour, which was discovered by J. Oxley, Esqr., Surveyor General, on his reaching the Coast last Year from his Tour of Discovery in the Interior, then obtained from him the Name of Port Macquarie; and although, owing to his not having any Boat or Vessel at that time, he could not then ascertain the Soundings and practicability of the Entrance into this Harbour, yet the general Appearances were sufficiently favorable to induce him to form the Opinion that it would prove safe; and from the Circumstances of the surrounding Country being well watered and fertile and the large River Hastings discharging itself into the Sea there, he concluded that a Port so happily situated would be a valuable Acquisition to this Colony. Impressed with this Idea, he did not fail to report his Opinion in Regard to it to His Excellency, who was happy to provide Mr. Oxley with a suitable Vessel to enable him to make the necessary Survey of the Entrance and Harbour of Port Macquarie.

The Result of this Survey having been as satisfactory as could have been expected, His Excellency is pleased to give Publicity to Mr. Oxley's own clear and circumstantial Report on this valuable Acquisition; and His Excellency desires to express his full and entire Approbation of Mr. Oxley's intelligent, zealous, and indefatigable exertions on this arduous Occasion, which evince an earnest and well-directed Desire to promote the Public Service and to advance the Interests of the Colony.
His Excellency is also happy to add the Expression of his
Approval of the liberal and judicious Assistance rendered
to Mr. Oxley by Lieutenant King, Commander of His Majesty's
Colonial Cutter Mermaid, whose Exertions are so justly appre-
ciated by Mr. Oxley in the following Report; and His Exell-
ency desires both those Gentlemen to accept his Thanks for the
Service thus rendered by their joint Efforts to the Colony.
By His Excellency's Command,
J. T. Campbell, Secretary.

[Enclosure No. 2.]

Surveyor-General Oxley to Governor Macquarie.
Sir, Sydney, 12th June, 1819.

In Obedience to Your Excellency's Commands to proceed
in the Lady Nelson for the Purpose of examining the Entrance
into Port Macquarie and how far it would be practicable and
safe for Vessels of a certain Description to enter it;
I beg leave to report to Your Excellency that I arrived off the
Entrance of the Harbour on the 11th May, in Company with
His Majesty's Cutter Mermaid, commanded by Lieutenant King,
who expressed his Intention to forward, by the superior Means
possessed by His Vessel, the Views of Your Excellency relative
to the Harbour.

Both Vessels anchored off the Bar and the Day was spent in
sounding the Bar and Channel, when we had the pleasure to find
that we could enter with safety. Accordingly the next Morning
they were warped into the Harbour and moored alongside a
natural Wharf on the South Side of the Port.

The Examination of the Harbour and River falling therein
occupied us until the 21st; when having completed the Service
directed by Your Excellency both Vessels quitted the Port with
perfect Ease, the Mermaid pursuing her Course to the North-
ward on her ulterior Destination.

Port Macquarie is situated in Latitude 31° 25' 45" South, and
in Longitude 152° 53' 54" East. It is a Bar Harbour, on which
however there is at Low Water Spring Tides at least 9 Feet, the
Tide rising from 3 to 4 Feet. The Channel is perfectly straight,
and the Tides set fine, so that no Danger is to be apprehended
from their Operation. The chief Danger to be avoided on enter-
ing is a sunken Rock on the South Side, having about 3 Feet on
it at low Water; and it will be necessary, should the Port be
settled, that this Danger should be buoyed. The Bar extends
about 200 Yards, the Bottom a soft Sand, when the Water
depens to $2\frac{1}{2}$ Fathoms, and ultimately to 3 Fathoms, when
secure Anchoragae will be found inside the Beacon Rock.
When Vessels arrive off the Bar, should the Wind or Tide be adverse to entering the Port, good Anchorage will be found in from 5 to 8 Fathoms outside the Bar, Tacking Point being shut in by Peaked Hill Point, when the winds are from the South, round by the West, to North, the Bottom a clear Sand.

The Winds from N.E. and S.E., if blowing strong, cause the Water to break across; but as those Winds are fair for entering, no Danger is to be apprehended to Vessels whose Draft of Water does not exceed 9 or 10 Feet. Should however Circumstances render it imprudent or impracticable to enter, the Coast may be cleared on either Tack, the Indenture of the Coast Line not being such as to cause it ever to be a dangerous Lee Shore.

The Port should be entered at or near High Water, when, unless it blows very hard, it seldom breaks on the Bar. The Tide of Ebb runs with great Rapidity, sometimes nearly four Miles per Hour, owing to the great Quantity of fresh Water in the Hastings River and the Narrowness of the Channel. The Flood Tide seldom exceeds 1½ Miles per Hour. The Tides are however very irregular in their Operation, being considerably influenced by local Circumstances. The Port is perfectly capable to receive Vessels of the Class usually employed on the Coasts of this Territory, and is in my Opinion far better and safer than many considerable Bar Harbours in Europe, and which are much frequented by Vessels adapted to their Navigation.

Within the Port the Water deepens to 5 and 6 fathoms, which Depth continues for nearly 10 Miles, when the Rapids of the River render it impracticable for Craft drawing more than 6 or 8 Feet, which Depth continues for 6 or 8 Miles further, when the Falls commence; it may, however, when the River is ordinarily full, be navigable for Boats some little Distance further.

My Report to Your Excellency of the Proceedings of the Expedition of Discovery on its Return in October, 1818, will have put Your Excellency in Possession of the Nature and Description of Country watered by the River Hastings from its Source, until it falls into the Sea at Port Macquarie. To that Report I respectfully beg to refer Your Excellency, as my Opportunities of Examining the Country at that Period were of course much more extensive. To the Productions of the Country as then reported, may now be added great Quantities of Rose Wood, the Flooded Gum and Coal. Flint was before noticed, laying in large Masses on the Beach. The Coal, as appears to me, may be worked without Difficulty, as I think that a Stratum of it pervades the Whole of the South Side of the Harbour, which Stratum is again seen Southerly as far as Camden Haven.
1820.  
19 July.  

Report by John Oxley on the examination of Port Macquarie.

1819.  
19 July.  

General orders re journey of C. Throsby from the Cowpastures to Bathurst.

I herewith respectfully submit to Your Excellency a Plan of the Entrance into the Port with a Sketch of Part of Hastings River, and for which I am principally indebted to the Assistance rendered me on all Occasions by Lieutenant King, who, I am happy in reporting to Your Excellency, fully coincides with me as to the Advantages that may be expected to result from the Knowledge that the Port has a navigable and safe Entrance, thereby affording a Communication with the fine Country on both Banks of Hastings River. I have, &c.,

JOHN OXLEY, Surveyor-General.

[Enclosure No. 3.]

GOVERNMENT AND GENERAL ORDER.

Government House, Sydney, 31st May, 1819.  

Civil Department.

His Excellency the Governor, having received and perused the Journal of a Tour* lately made by Charles Throsby, Esq., by the Way of the Cow Pastures to Bathurst in the New discovered Country Westward of the Blue Mountains, takes this early Opportunity publicly to announce the happy Result of an Enterprise, which promises to conduce in a very eminent Degree to the future Interests and Prosperity of the Colony.

The Communication with the Western Country having been heretofore over a long and difficult Range of Mountains, alike ungenial to Man and Cattle from their parched and barren State, it became an Object of great Importance to discover another Route, whereby those almost unsurmountable Barriers would be avoided, and a more practicable and consequently less hazardous Access effected to the rich and extensive Plains of Bathurst; and with this purpose Mr. Throsby obtained His Excellency's Permission to explore those Parts of the Country which seemed to him likely to possess the desired Facilities of Intercourse, and undertook this Expedition, notwithstanding the Privations, Difficulties, and Dangers to which he was exposed in traversing Wastes and Forests hitherto unexplored. On the 25th of April last, he commenced his arduous Tour, passing through the Cow Pastures, accompanied by Mr. John Rowley and two Servants, together with two Natives as Guides, and brought it to a happy Termination on the 9th of May by his Arrival at the Hut of Lieutenant Lawson on the Campbell River, within a short Distance of Bathurst; the whole Time occupied in this Expedition being 15 Days.

The Necessity, which Mr. Throsby appears to have been under of accelerating his Progress through the Country he was exploring, did not allow him to dwell minutely in his Journal on the various Productions or Properties of the Soil he traversed; His Excel-

* Note 23.
MACQUARIE TO BATHURST.

1810.  
19 July.  

General orders re journey of C. Throsby from the Cowpastures to Bathurst.

lency therefore adverts with Pleasure to his general Report of the Capabilities, Qualities, and Features of the Country intervening between the Cow Pastures and Bathurst, which he represents to be, with few exceptions, rich, fertile, and luxuriant, abounding with fine Runs of Water, and all the happy Varieties of Soil, Hill, and Valley, to render it not only delightful to the View but highly suitable to all the Purposes of Pasturage and Agriculture.

The Importance of these Discoveries is enhanced by the Consideration that a continuous Range of valuable Country, extending from the Cow Pastures to the remote Plains of Bathurst, is now fully ascertained, connecting those Countries with the present Settlement on this Side the Nepean.

His Excellency, the Governor, highly appreciating Mr. Throsby’s Services on this Occasion, offers him this public Tribute of Acknowledgment for the zeal and perseverance by which he was actuated throughout that arduous Undertaking, and desires his Acceptance of One Thousand Acres of Land in any Part of the Country discovered by himself that he may choose to select.

The Governor also in Acknowledgment of Mr. John Rowley’s Services on this Occasion will assign him Two Hundred Acres of Land in the same Country, and to Joseph Wild and John Wait, Servants to Mr. Throsby, who accompanied him in the Expedition and whose Fidelity and Exertions are particularly noticed and commended by Mr. Throsby, His Excellency will assign One Hundred Acres of Land each.

The Services rendered by the two Native Guides, Cookoogong and Dual, and to which much of the Success of the Undertaking may be ascribed, being very meritorious, His Excellency will order a Remuneration to be made to them in Clothes and Bedding, and will further appoint Cookoogong Chief of the Burrahburrah Tribe, to which he belongs and over which he appears to have considerable Influence, together with the usual Badge of Distinction*; And on Dual His Excellency will confer the Badge of Merit as a Reward due to these Natives for their respective Exertions and Services.

By His Excellency’s Commands,  
J. T. CAMPBELL, Secretary.

GOVERNOR MACQUARIE TO EARL BATHURST.  
(Despatch marked “No. 31 of 1819,” per ship Surrey.)

My Lord,  
Government House, Sydney, New South Wales,  
19th July, 1819.

I have been Honored with Your Lordship’s Letter of the 29th September last on the very important Subject of the Military Strength in this Colony and the Means of augmenting it.

* Note 43.

Lands to be granted to Throsby and his party.
Presents for native guides.

* Note 43.
Weighing this subject with my most mature judgment, I cannot but much regret that the prospect of a re-inforcement to the present weak, inadequate strength of our military establishment is not to be looked for from home. In expressing this sentiment, I do not mean to convey any immediate apprehension arising from the conduct or disposition of the population, for it is peaceable; but when I reflect on the very great influx of convicts, which has lately taken place and may be further expected from the circumstances of the times, many of whom have been trained to the use of arms as soldiers and sailors, and give due consideration to the total inadequacy of the present force to repel any serious effort, if such should be made by so great a body, I feel I should be culpable were I not to bring the case fully before your lordship's view.

Your lordship appears to suppose that the several military detachments, which have arrived by the late convict ships, must have added considerably to the strength of the regiment stationed here; but I beg to state that, with the exception of about 50 men, all the others were either belonging to regiments in India, or came out for the express duty of guards on ship board and to be returned by the earliest opportunity; such has been the case with the detachments of the 84th regt., one of which returned under the command of captn. bernard on the ship shipley, and the other is embarked under captn. Rowe on the ship surrey, by which vessel I have now the honor to address your lordship.

The scale of reduction recently adopted in the military department, whereby the 48th regt. would be limited to 650 rank and file, if carried into effect, both as to men and officers, would leave it so totally inadequate to the wide range of duties required to be performed in this country, that I cannot but express a serious apprehension as to what the consequences might be, if any factious demagogue should come forth to light the torch of sedition; and it is not altogether unworthy of consideration how much more likely a population, so composed as this is, to produce such leaders. Reflections, my lord, of this kind cannot but present themselves to my mind, when I behold whom I am among and the total inadequacy of the military force now here to restore the peace of the country if once disturbed by revolt or insurrection. To give a reasonable security for the good order and peace of this country, including Van Diemen's land, I have no hesitation in saying that a disposable force of double the present strength of the 48th regt. is absolutely requisite.

Feeling it an imperious duty on me in the first instance to secure by all the means within my reach the peace and safety...
of the Colony, remote as it is from all external assistance in Case of any temporary Disturbance, I have now to inform Your Lordship that, notwithstanding the Weight of the Responsibility thereby Incurred, I have ventured on the Measure of suspending the operation of the orders recently arrived for reducing the strength of the 48th Regt., and shall impatiently await the further Commands of His Royal Highness the Prince Regent on this important Measure. If your Lordship should view this Subject in the light I have now endeavoured to place it, I intreat Your Lordship to move His Royal Highness to rescind or suspend the order for the Reduction of the Strength of the 48th Regt., and either to order another Regiment to be sent hither to re-inforce it, or its own Strength to be Increased to 1,000 Rank and file, retaining its accustomed Number of Subaltern Officers and the Second Assistant Surgeon. Even thus augmented, the Force will not be fully adequate to the ordinary Garrison and Detachment Services throughout the Territory.

Adverting now to Your Lordship's Commands to furnish you with my observations on the practicability of raising a Militia Force within the Colony under the Rules and Regulations, to which such a Force is subjected at Home, I have no doubt that a Certain Force of this Description might be raised among the Inhabitants, free by Arrival or Servitude, and that such a Militia might serve a very valuable purpose, altho' necessarily one far inferior to what is derivable from Soldiers of the Line. From the Judgment to be formed from the last Census of the population, I am of opinion that about 700 Free Men Could be Embodied in Cavalry and Infantry without interrupting in any Material Degree the Industry of the Country.

The Young Men of the Country, who have been born here, are of a Sober, Steady Disposition, and might be fully confided in; and I am persuaded that many of this Description would Cheerfully Enroll themselves, particularly in the Cavalry, to which their Pride would naturally enough lead them to give the Preference, many of them being possessed of Horses and being good Horsemen.

I do myself the Honor to transmit Your Lordship herewith a Scale of the Militia, both Infantry and Cavalry, which I conceive could be raised here, the former to be Composed of 443, and the latter of 165 Men.

If this Militia should be approved of, I shall be happy to Carry it into the Speediest Effect, Submitting it as my decided opinion that the Cavalry will be Eminently Useful in the present Extension of the Population and its mixed peculiar Character; and in such Event I submit to Your Lordship whether or no there would be any Irregularity in, or legal objection to my nominating
Proposed establishment of Horse and Foot Militia to be raised and Embodied in New South Wales, Vizt.

1st. Four Troops of Cavalry; each Troop consisting of 1 Captain, 1 Lieutenant, 1 Cornet, 3 Sergeants, 3 Corporals, 1 Trumpeter, 1 Farrier and 30 Private Troopers.

Total Officers and Men of each Troop 41, and total of the four Troops 164. Officers and Men, Under the Command of a Major Commandant.

2nd. Eight Companies of Infantry, each Consisting of 1 Captain, 1 Lieutenant, 1 Ensign, 3 Sergeants, 3 Corporals, 2 Drummers, and 42 Privates.

Total Officers and Men of each Company 54; with the following Field Officers and Staff for the Battalion, vizt. 1 Colonel, 1 Lieut' t Colonel, 1 Major, 1 Paymaster, 1 Adjutant, 1 Quarter Master, 1 Surgeon, 1 Assistant Surgeon, 1 Serjeant Major, 1 Quarter Master Serjeant, and 1 Drill Serjeant; Making the Whole Establishment of the Battalion 443 Officers and Men, adding to which the 4 Troops of Cavalry, vizt. 165 including the Major Commandant, the whole Militia Force proposed to be raised will amount to 608 Officers and Men.

3d. The Uniform of both the Cavalry and Infantry to be quite plain and simple, and to be armed in like Manner as the Yeomanry and Infantry Militia in England.

- The Cavalry to have plain blue Jackets with Yellow Capes and Cuffs, blue Cloth Pantaloons, and Half Boots with the old plain Helmet.
- The Infantry to have plain red Jackets with Yellow Facings, blue Pantaloons and plain Caps.

4th. Both the Horse and Foot Militia raised in New South Wales to be governed exactly by the same Laws, Rules and Regulations, as the Yeomanry and Militia Infantry in England, in respect to Pay, Clothing, Arms, Accoutrements and Number of Days for Drill and Exercise, and permanent Duty, with the Exception of being allowed the Privilege of Enrolling themselves voluntarily.
5th. It is proposed that 1 Troop of Cavalry and 3 Companies of Infantry should be raised in the Town of Sydney; 1 Troop of Cavalry and 2 Companies of Infantry in the District of Parramatta; 1 Troop of Cavalry and two Companies of Infantry in the District of Windsor; and 1 Troop of Cavalry and 1 Company of Infantry in the District of Liverpool.

6. Arms, Accoutrements (including Saddles etc. etc.) and Clothing to be sent out from England in the Proportions of the Numbers of Men and Horses, herein Specified, for the Use of the Horse and Foot Militia thus proposed to be raised in New South Wales.

L. MACQUARIE.

Government House, Sydney, 19th July, 1819.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked “No. 32 of 1819,” per ship Surrey.)

My Lord,

I have the honor to acknowledge the receipt of your Lordship’s circular Letter, of date 17th November last, Communicating to me the most afflicting and melancholy intelligence of the demise of our venerable, august and beloved Queen, which lamented event all Persons here deeply deplore; and, as their Representative, I beg to offer in their and my own name, most humbly and dutifully, our sincere Condolence to His Royal Highness The Prince Regent, the other Branches of the Royal Family, and to your Lordship, on this distressing and most afflicting national Calamity.

Herewith I do myself the Honor to transmit to Your Lordship a Printed Copy of the Orders, which I issued here on the receipt of this afflicting intelligence, for a general State Mourning taking place throughout the Territory of N. S. Wales.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

GOVERNMENT AND GENERAL ORDERS.

Government House, Sydney, Saturday, 19th June, 1819.

Civil Department.

By the Arrival of the Ship Hibernia at a late Hour last Night, His Excellency the Governor has received a Supplement to the London Gazette of Tuesday, the 17th November, 1818, announcing to the Nation the unspeakable Loss it had sustained by the Death of that Illustrious and Most Excellent Princess, the Queen, which had on that Day taken Place.
The manifold and exalted Virtues, which adorned and distinguished Her Majesty's long Life, are too deeply engraven on the grateful Recollections of all Britons, either to require or to be capable of Description in Terms that would not fall far short of their just Estimation; His Excellency, therefore, declines the unequal Attempt and gives Publicity to the sad and melancholy Account, as detailed in the following Words in the Supplement to the London Gazette of 17th November, 1818.

"Whitehall, November 17, 1818.

"This Day, at One o'Clock, the Queen departed this Life to the inexpressible Grief of all the Royal Family, after a tedious Illness, which Her Majesty bore with the most pious Fortitude and Resignation. The many great and exemplary Virtues, which so eminently distinguished her Majesty throughout Her long Life, were the Object of universal Esteem and Admiration amongst all Classes of His Majesty's Subjects, and render the Death of this Illustrious and Most Excellent Princess an unspeakable Loss to the whole Nation."

As an humble and dutiful Tribute to the Memory of Her Most Gracious Majesty, His Excellency is pleased to order and direct,

1. That a Discharge of 74 Minute Guns shall take Place this Day from the Battery on Dawes' Point with all the Solemnity usual on such Occasions, commencing at three o'Clock;—this Number of Guns being in Correspondence with the Years, to which Her Majesty attained at the Time of her deplored Death.

2. That, at the same Hour, the Royal Standard and Union Jack be hoisted each Half mast High, the former at Fort Phillip, the latter at Dawes' Point, and continued till Sun set; and that they be daily hoisted in like Manner from Sunrise till Sun-set, until Sunday, the 27th Instant, inclusive.

3. That the Bells of the Church of St. Philip be tolled at 3 o'Clock, and also at Sun-set of the present Day for one Hour each Time; and that they be tolled twice each Day until the 27th Instant inclusive, once at Sun-rise and once at Sun-set for one Hour at each Time. And that a similar Respect be shewn at the same Times throughout the Colony by the Ringing of the Church Bells at the several Churches in the Interior.

4. That all Ships and Vessels in the Harbour of Port Jackson do hoist their Colours this Day at 3 o'Clock, Half mast high.

5. And finally to wind up those external Marks and Display of Sorrow, which the present melancholy Event so naturally inspires, His Excellency the Governor hereby announces to all the Civil and Military Officers of His Government and to the Gentry and respectable Inhabitants at large that a public State
Mourning will commence to be worn on Sunday, the 27th Instant, and continued until further Notice; and His Excellency invites all those His Majesty's Subjects, whose Circumstances and Situation in Life will enable them, to join in this humble Tribute of Respect to the Memory of Her Most Gracious Majesty the Queen.

By His Excellency's Command,
John Thomas Campbell, Secretary.
the honor to forward to Your Lordship by the present Conveyance per the Ship Surry, Captn. Thos. Raine, bound direct for England.

2. Since the departure of the Shipley, I have had the honor to receive Your Lordship's and the Under Secretary of State's Dispatches, as specified in the Margin,* with their respective Enclosures, to all which I shall pay the most prompt and respectful attention in carrying Your Lordship's Commands therein contained into effect.

3. The only Convict Ships, which have arrived here since the departure of the Shipley for England on the 1st of April last, are the following, Vizt.:

1st. The Ship Hibernia, commanded by Captn. John Lenon, from England with 157 Male Convicts, three having died on the Passage; Mr. Chas. Carter Surgeon Royal Navy being the Surgeon Superintendent, and guarded by Detachments of the 47th and 83rd Regiments under the Command of Lieut. Mee of the latter Corps.

This Ship touched at the Derwent, where she arrived on the 12th of May, and agreeably to orders landed all her Convicts there in tolerable good Health, as reported to me by Lieut. Govr. Sorell. She afterwards came to this Port with the Guard and Free Passengers, and arrived here on the 18th of last Month.

The Free Passengers, arrived in the Hibernia, are the Revd. Richard Hill, assistant Chaplain for the Colony, and his Family, and also a Mr. Smith as a Free Settler.

2d. The Ship Baring, commanded by Captn. John Lamb, with 290 Male Convicts from England, Five having died on the Passage and Five more having been landed sick at the Derwent, where the Baring had touched on her way hither for refreshments, and arrived here on the 26th of last Month; Mr. David Reid, Surgeon Royal Navy, being the Surgeon Superintendent, and Guarded by Detachments of the 48th and 89th Regiments under the Command of Capt. Coates of the latter Corps.

The Free Passengers arrived in the Baring consist of the Revd. Mr. John Cross, assistant Chaplain for the Colony, with his Family, The Revd. Mr. John Butler, Missionary Clergymen, Messrs. Kempe and Hill, Missionaries, with their Families, Two New Zealanders, Charles Watson (Pensioner) Free Settler with his Family, and Mrs. Sophia Turnbull.

The Baring had a very tedious Passage from England hither, being a Voyage of Five Months; but notwithstanding this great length of time at Sea, the whole of the Convicts arrived in the

* 7th and 29th Octr., 10th and 17th Novr., and 10th and 16th of Decemr., 1818.
Baring, through the unremitting, humane, zealous attentions of Capt. Lamb and Doctor Reid to their Comfort and Cleanliness, were landed here in perfect good health, and without a single Complaint, which is highly creditable to both the Commander and Surgeon Superintendent of the Baring.

4. I have much pleasure in reporting to Your Lordship that the tranquility of this Colony continues uninterrupted; but I regret to have to report at the same time that the Settlers, residing on the Banks of the Rivers Hawkesbury and Nepean, and South Creek, have suffered greatly within the last 4 Months; in the course of which short time, there have been Two Successive Severe Floods of those Rivers and Creek, which completely destroyed the Seed in the Grounds, that had been previously cropped with Wheat, and destroyed also the whole of the Maize, which had been planted in the low Grounds.

In consequence of this Calamity, they have all to resow their Grounds, and are now doing so, tho' rather late in the season, and consequently will occasion a less abundant Harvest on those Farms affected by the late Floods. There will, however, be no doubt a sufficiency of Grain produced on the High Grounds and Forest Lands, unaffected by these Inundations, for the Consumption of a much greater population than the Colony now contains.

5. The greatest evil, consequent on those frequent Floods in a Public Point of view, is the unavoidable necessity that the Poor Settlers, affected by them, are under of returning their Government Men, assigned to them off the Store, again to Government, as is constantly the case on these unfortunate occasions; whereby the Government incurs a very great expence in Victualling the Convict Servants, thus returned by the Settlers, until they are so far recovered in their Circumstances, and from the desolating effects of the Floods, as to be able to afford to take back their Convict Servants again.

This is an evil, that I know not what remedy to apply to, as long as the Banks of the Rivers and Creek, herein adverted to, continue to be Cultivated.

The Settlers, inhabiting those Banks on the occasion of the last Flood, which took place Five Weeks since, turned in no less than One Hundred Convict Servants; which of course I was obliged to order to be again Victualled from the King's Stores at Windsor.

On the late arrival of the Baring with 290 Male Convicts, I found a great difficulty in disposing of more than about One Third of them off the Stores; the Settlers, who had been Sufferers from the recent Floods, not requiring any Servants, I was
consequently under the necessity of employing them on the Public Works, High Roads and Bridges, and victualling them at the expense of Government.

If, however, many more Ships arrive here with Male Convicts in the course of the present Season, I shall have great difficulty in finding suitable Employment for them without resorting to a measure, which I could wish if possible to avoid, as I fear it will prove an unprofitable one to Government, namely the Cultivating of Crown Lands on Government Account, as was the Practice on the original Establishment of the Colony, but which certainly proved in the result more expensive than Purchasing Grain from the Settlers.

If, however, great Numbers of Male Convicts should arrive, and whom I cannot dispose of more advantageously, I shall have no alternative but to commence clearing and Cultivating Crown Lands on Government account for raising Grain to subsist those Persons, necessarily Victualled at the expense of the Crown. A considerable Number of Male Convicts might be very usefully and advantageously employed at the new proposed Settlement of Port Jarvis, which measure I had the honor of submitting to Your Lordship long since, and to which Your Lordship was kindly pleased to accede eventually; but I am precluded from availing myself of Your Lordship's permission of eventually forming an Establishment at Port Jarvis from the want of a sufficient disposable Military Force to send thither for the protection of the proposed Settlement.

6. In pursuance of the intention, I communicated to Your Lordship in My Dispatch No. 20* per Ship Shipley, I have had the whole of the Male Convicts in the immediate Service of Government at Sydney lodged in the New Convict Barracks, on that elegant spacious, commodious Building† being completed, which however it was not till the 4th of June. On that Auspicious Day, it was occupied by upwards of Six Hundred Convicts, which number and even more it is capable of Accommodating very conveniently and comfortably. They dined there for the first time on that Day, and appeared contented and happy at the change, which had taken place, on my visiting and speaking to them, when at their Dinner, which I did accompanied by the Lieut. Governor, the Two Judges and the whole of my own Family and Staff.

The daily ration allowed them is certainly a large and liberal one, but not more so than is absolutely necessary for the Maintenance of Men, who work all Day and have no Pecuniary Allowance or any opportunity of earning any Money excepting on Saturdays. Herewith, I do myself the honor to transmit, for

* Note 44. † Note 30.
Your Lordship's further information and approval, a Printed Copy of the Rules and Regulations, I have framed for the Government and Guidance of the Convicts, thus Quartered in Barracks; which I fondly hope will be honored with Your Lordship's entire sanction and approbation, for I consider it a measure of the first importance, as connected with the Comfort, health and happiness of the Convicts themselves, with the gradual improvement of their Morals, and with the View of preventing those Nocturnal Robberies, Thefts and various Depredations, so frequently committed heretofore, when those unfortunate Men were obliged to seek for Lodging in any way they could through this extensive Town.

It is indeed a measure I have long and seriously contemplated in all its bearings and results, and I feel truly happy that I have at length been thus able to realize my wishes and carry them into such complete effect.

The beneficial effects, experienced by the Police as well as by all Classes of the Community from this new Establishment, are already apparent, and universally acknowledged; not a tenth part of the former Night Robberies and Burglaries being now committed, since the Convicts have been lodged in the New Barracks.

7. The Two Chaplains, whom Your Lordship recently sent out hither, namely, The Revd. Richd. Hill and Revd. John Cross, and who have lately arrived here in the Hibernia and Baring respectively, are very great acquisitions to the Country, and were very much wanted; they both appear to be very correct, pious, zealous and good Divines. I hired a House in Sydney immediately on their arrival here for the accommodation of themselves and Families, till their future Places of Residence could be determined on. The Revd. Mr. Hill is to remain at Sydney, an additional Chaplain here being now absolutely necessary.

The Revd. Mr. Cross will be stationed at Windsor, in room of the Revd. Mr. Cartwright, who is to be removed to Liverpool at his own particular and earnest request.

The Revd. Mr. Youl, who has hitherto been doing Duty at Liverpool, is to proceed early in September to his own proper station at Port Dalrymple in Van Diemen's Land. Two more Chaplains are still however necessary, namely, one for the Settlement of Newcastle, and one for Hobart Town in Van Diemen's Land to relieve (or supersede) The Revd. Mr. Knopwood, who is now become so sickly as seldom to be able to perform his Clerical Duties.

8. I did not fail to make the Revd. Mr. Marsden acquainted with Your Lordship's late Communication to me respecting my
giving him Leave of Absence to return now to England, if he wished it; but on my acquainting him that I had no objection now to his proceeding Home on Leave of Absence, he declined availing himself thereof. He has, however, applied for Leave of Absence to proceed to New Zealand on the Business of the Missionary Society for three or four Months, which I have granted to him, and of which I hope Your Lordship will approve.

9. As Deputy Commy. Genl. Drennan, who still perseveres in his insulting, overbearing and insubordinate Conduct towards me, questions my right and authority to call on him for Copies of his accounts Current and other necessary Documents, connected with his office, for transmission to Your Lordship, and being unwilling to ask as a favor, what I conceive I have a positive right to demand and order, as often as I may deem it necessary, I request Your Lordship will do me the favor to Communicate with The Lords Commissioners of His Majesty's Treasury on this particular point, and honor me with your own and Their Lordships' Instructions how far I am to act in this particular Case in future, as Deputy Commy. General Drennan considers himself, entirely and exclusively, answerable only To The Lords of The Treasury for his Conduct and Proceedings in this Country; and I am much concerned to add that he has since his arrival in this Country proved himself very unworthy of the Trust and Confidence, reposed in him by their Lordships.

10. This Dispatch is entrusted to and will be delivered to Your Lordship by Ensign King of the 48th Regiment, who now proceeds Home, a Passenger in the Ship Surrey, on Leave of Absence, and whom I take the liberty of recommending to Your Lordship's kind favor and protection.

Ensign King has seen a good deal of the Interior of this Colony, and is capable of affording Your Lordship any information, relative to the present state of this Country, Your Lordship may be desirous of obtaining.

I have, &c.,
L. Macquarie.

P.S.—I do myself the honor to report to Your Lordship that H.M. Colonial Surveying Cutter Mermaid, commanded by Lieut. King of the Royal Navy, sailed from hence on the 8th of May last on his Second Voyage of Discovery, with 8 Months Provisions and his Crew in high Health and Spirits.

L.M.

[Enclosure.]

[A copy of these regulations will be found in a volume in series II.]
GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch per ship Surrey; acknowledged by under secretary Goulburn, 24th March, 1820.)

Government House, Sydney, N. S. Wales,

My Lord, 22d July, 1819.

This Letter will be handed to Your Lordship by Capt. Thomas Raine, the Commander of the Ship Surry, whom I take the liberty of respectfully recommending to your Lordship's kind Patronage and Protection. This is Capt. Raine's third Voyage to this Country, and he has on all occasions conducted himself entirely to my satisfaction. He has also on his two last Voyages (being only an Officer in the Surry on his first Voyage) brought out the Convicts embarked in the Surry in good Health, in excellent order, and without any Complaints.

Capt. Raine having it in contemplation to establish a Packet for carrying on Trade between England and this Country, providing he can be allowed to do so by His Majesty's Government, to England. I take the liberty of recommending his proposed Plan on this Subject to your Lordship's most favorable Consideration.

I have entrusted the charge of the Australian Seeds and Plants (specified in a separate Public Dispatch) for Your Lordship's ship, The Emperor of Austria, Prince Leopold, and Monsr. Thouin of Paris, to Capt. Raine, who will have the honor of delivering them at Downing Street. I have, &c.,

L. MACQUARIE.

EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per ship Recovery; acknowledged by Governor Macquarie, 24th February, 1820.)

Sir, Downing Street, 23rd July, 1819.

An Address having been presented to the Prince Regent, praying that His Royal Highness would be graciously pleased to give directions that there be laid before The House of Commons a Comparative List of the Military Staff, employed in certain of His Majesty's Possessions abroad, as they were in 1792, in 1800, and in 1818, distinguishing the Amount of Pay of each, and how and by whom paid, the dates at which any Increase or Decrease in the Number of Staff and in the Amount of Pay took place, and the total Amount of Charge for each Colony, I am commanded by His Royal Highness to desire that you do furnish me, with as little delay as possible, a Statement of such payments, as have been made on account of the Staff in the Colony under your Administration for those several Years, in order that the Return called for by The House may be completed in compliance with His Royal Highness's directions. I have, &c.,

BATHURST.
1819.
24 July.

GOVERNOR MACQUARIE TO EARL BATHURST.
(Despatch per ship Surrey; acknowledged by under secretary Goulburn, 24th March, 1820.)

Government House, Sydney, N. S. Wales,
24 July, 1819.

My Lord,

With the view of drawing your Lordship's attention to the increase of Trade of this rising Colony of late years, I do myself the honor to transmit your Lordship herewith Copy of the Manifest of the Cargo, now shipped here on board of the Surry for England, the Whole being the Produce of this Territory and amounting in value to upwards of Thirty Thousand Pounds.

I have, &c.,
L. MACQUARIE.

[Enclosure.]

[A copy of this manifest is not available.]

EARL BATHURST TO GOVERNOR MACQUARIE.
(Despatch No. 10, per ship Eliza; acknowledged by Governor Macquarie, 23rd February, 1820.)

Sir,
Downing Street, 4th August, 1819.

I have the Honor of transmitting to you two Acts, which received The Royal Assent a Short time previous to the Prorogation of Parliament, the one permitting all ships without Reference to their Tonnage* to trade between New South Wales and this Country, and the other to stay all proceedings, which may be instituted against any person concerned in imposing or levying Duties in the Colony, and to authorize the Collection of certain Duties until January, 1821.

With respect to the former of these Acts, the Object and Benefits are so evident that it is not necessary that I should make any particular Observation. With respect to the other, I have to acquaint you that the only ground, upon which I preferred postponing to another Session of Parliament a general Indemnity† for the Levy of Duties, which have taken place in the Colony, was the late period of the Year at which, in consequence of the delayed report from the Prison Committee, it became necessary to propose it, and the Indisposition which I felt to compromise a question so simple in itself by any appearance of undue precipitation. With respect to the future Levy of Taxes, I have to acquaint you that it is The Pleasure of His Royal Highness The Prince Regent that you should continue to levy and collect the several Duties, which were in force at the time of passing this act with the exception only of those which apply to the Re-exportation of Articles, which are either the Produce of the

* Note 7. † Note 45.
Colony or imported into it from the South Seas; those appearing to be of a Nature little calculated to produce any material Increase of Revenue, while they operate most prejudicially upon the Trade and Internal Prosperity of the Settlement.

The Duties, which it is the Pleasure of His Royal Highness should be so drawn back on Re-exportation, are the following, vizt. On Sandal Wood, Pearl Shells, Beeche le Mer, Sperm Oil, Black Whale or other Oil, Kangaroo and Seal Skins.

You will observe also that the Act reserves to His Royal Highness, in the Name of His Majesty, a power of imposing a Duty on Spirits made within the Colony. In the Event therefore of Mr. Bigge's concurring with you in opinion as to the Policy of establishing a Distillery, and of your acting upon that opinion, you will subject the Spirits so made to such an Amount of Duty as may be adequate to check the inordinate consumption of them, and to supply that deficit in the Revenue which the diminution of imported Spirits will necessarily occasion. I have only further to add that it would be on many accounts desirable that you should submit to me, with as little delay as possible, a Statement of the Duties, which you may consider it may be expedient to establish permanently in the Colony, and that you should also furnish me with a detailed Statement of all Duties, which have at any time been levied within the Colony, and of the periods at which they were originally imposed.

I have, &c.,

BATHURST.

[Enclosure No. 1.]

[This was a copy of the British statute, 59 George III, Cap. cxxii.]

[Enclosure No. 2.]

[This was a copy of the British statute, 59 George III, Cap. cxiv.]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 35 of 1819," per ship Baring.)

Government House, Sydney, N. S. Wales,

My Lord,

5th Augt., 1819.

I did myself the honor of addressing your Lordship very fully on the present state and general affairs of this Colony by the Shipley Transport, which sailed hence direct for England on the 1st of April, and again by the Ship Surry, which sailed for England also direct from hence on the 25th of last Month.

I have now the honor of transmitting your Lordship the Duplicates of my Dispatches per the Surry, of which I have given
1819.
5 Aug.

Recommendation of David Reid.

charge to Doctor David Reid, late Surgeon Supt. of the ship Baring, and in which Vessel he now proceeds Home by way of India.

Doctor Reid being a Man of excellent Character and considerable information, I take the liberty of recommending him to your Lordship’s favor and Protection.

I have, &c.,

L. MACQUARIE.

EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per ship Coromandel; acknowledged by Governor Macquarie, 1st September, 1820.)

Sir,

Downing Street, 10th August, 1819.

I have the honor of transmitting for your information the enclosed Copy of an Act, which passed during the last Session of Parliament, for enabling “the Archbishops of Canterbury and York and the Bishop of London for the time being to admit Persons into Holy Orders specially for the Colonies.”

In order to prevent any misapprehension as to my object in submitting such a measure to Parliament, or as to the view in which it received the sanction of the Legislature, I deem it necessary to call your attention to the circumstance that the Canons of the Church of England require that every Person applying for ordination to a Bishop should possess an adequate Title; and an appointment to the cure of Souls in His Majesty’s Foreign Possessions, not being an adequate Title within the meaning of the Canon, it will at once be obvious to you that many Persons, extremely well qualified for the due performance of the duties of a Christian Minister in the Colonies, may be, and indeed have been by the strict construction of the Canon, altogether excluded from ordination. As there is little prospect that those, who have a Cure of Souls in this Country, would readily engage in Service abroad, the Colonies have thus been deprived of the Services of many useful and highly qualified Individuals. It appeared therefore advisable to me, upon consultation with the Archbishops, to introduce a Bill to legalize the ordination of Persons who at the time of their entering into orders intended to undertake the cure of Souls in His Majesty’s Colonies.

The other Provisions of the Act were framed with a view to regularity and the due enforcement of ecclesiastical discipline, and more particularly with the object of effectually securing to the Colonies the Ministry of those on whom ordination may be conferred for the express purpose of proceeding thither; but you
will not fail to observe that the Act neither admits nor contemplates, on the part of those ordained for the Colonial Ministry, any inferiority in those essential qualifications and acquirements, which every Minister of the Christian Church is required to possess.

I have, &c.,

BATHURST.

[Enclosure.]

[This was a copy of the British statute, 59 George III, Cap. lx.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Eliza; acknowledged by Governor Macquarie to Earl Bathurst, 28th February, 1820.)

Sir,

Downing Street, 12th August, 1819.

I am directed by Earl Bathurst to acquaint you that His Appointment of Royal Highness The Prince Regent has been graciously pleased to appoint Mr. Richard Rowland Priest to the Situation of Assistant Surgeon to the Establishment of New South Wales.

I am, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Prince Regent; acknowledged by Governor Macquarie to Earl Bathurst, 28th February, 1820.)

Sir,

Downing Street, 20th August, 1819.

I am directed by Earl Bathurst to acquaint you that His Appointment of Royal Highness The Prince Regent has been pleased to appoint The Reverend George Middleton (who is the Bearer of this Letter) to be an Assistant Chaplain on the Establishment of New South Wales.

I am, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.*

Sir,

Downing Street, 20th August, 1819.

I am directed by Earl Bathurst to acquaint you that His Appointment of Royal Highness The Prince Regent has been pleased to appoint Mr. George Thompson, who is the Bearer of this Letter, to be an Assistant Surgeon on the Establishment of New South Wales.

I am, &c.,

HENRY GOULBURN.

* Note 42.
1819.
20 Aug.

Permission to act as Roman Catholic chaplain granted to Rev. P. Conolly, and to Rev. J. Therry.

25 Aug.

Instructions re persons carrying despatches.

31 Aug.

Convicts per H.M. storeship Dromedary.

HISTORICAL RECORDS OF AUSTRALIA.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Janus; acknowledged by Governor Macquarie to Earl Bathurst, 1st September, 1820.)

Sir,

Downing Street, 20th August, 1819.

I am directed by Earl Bathurst to acquaint you that he has given permission to the Bearer, The Reverend Phillip Conolly, to proceed to New South Wales, he being one of The Two Roman Catholic Clergymen,* who have been selected as proper persons to be allowed to exercise the Functions of their Office in the Colony, so long as their good Conduct shall entitle them to that Consideration.

I am, &c.,

HENRY GOULBURN.

[A similar letter under the same date was written relating to the Reverend Joseph Therry.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(A circular despatch per ship Coromandel; acknowledged by Governor Macquarie to Earl Bathurst, 1st September, 1820.)

Sir,

Downing Street, 25th Augt., 1819.

In order to prevent disappointment to persons arriving in charge of dispatches, I am directed by Earl Bathurst to acquaint you that, according to the regulations established by his Lordship on this respect, no allowance on account of travelling Expences will be made to any Officer or other Person bringing dispatches to this Department, unless the intelligence transmitted be of such a nature as to appear to the Governor to justify the sending it by special Messenger.

I am likewise to convey to you his Lordship’s desire that you will inform all persons who have, in ordinary cases, charge of Dispatches addressed to his Lordship, that nothing further is required of them than to put the Dispatches into the Post Office of the place, at which they may land.

I am, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per H.M. storeship Dromedary; acknowledged by Governor Macquarie to Earl Bathurst, 28th February, 1820.)

Sir,

Downing Street, 31st August, 1819.

I am directed by Earl Bathurst to acquaint you that The Dromedary proceeds with Three Hundred and Seventy Male Convicts, Two Hundred of which are to be left at Van Diemen’s Land, the Remainder will be landed at Port Jackson.

I am, &c.,

HENRY GOULBURN.

* Note 46.
BATHURST TO MACQUARIE. 201

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per H.M. storeship Dromedary; acknowledged by Governor Macquarie to Earl Bathurst, 28th February, 1820.)

Sir, Downing Street, 11th September, 1819.

His Majesty’s Storeships the Dromedary and Coromandel being ordered to bring home Masts from New Zealand, or failing in that Object to procure Cedar at Port Jackson and Van Diemen’s Land, I am directed by Lord Bathurst to desire that you will afford every Assistance in your power for promoting an object of so much consequence to the public Service.

I am, &c.,
HENRY GOULBURN.

EARL BATHURST TO GOVERNOR MACQUARIE.*

Sir, Downing Street, 20th September, 1819. 20 Sept.

I have the honor to introduce to you Mr. William Talbot, introduction of who is on the point of proceeding to New South Wales for the Objects stated in his letter, of which I enclose a Copy.

The Brother of Mr. Talbot has been for some Years past settled in Canada, and has by indefatigable exertion brought into Cultivation and contributed to the Civilization and improvement of a very considerable portion of the Province, which was before his arrival in a State of perfect Wilderness.

Under these circumstances, I cannot but consider his Brother to have more than ordinary Claims on the protection of Government; and I have therefore to desire that you would on his arrival assign him a Grant of Land adequate to the means, which he may possess of bringing it into Cultivation and suited to the Objects, which he has more particularly in view, and that you would afford him any further Assistance and Protection in your power.

I have, &c.,
BATHURST.

[Enclosure.]

MR. WILLIAM TALBOT TO UNDER SECRETARY GOULBURN.

Sir, Craven Hotel, Craven Street, 14th Sept., 1819. 11 Sept.

Being desirous of proceeding to New South Wales, for the purpose of embarking in the breeding of fine woolled Sheep, for which I am informed the climate of that country is peculiarly adapted for, I have to request that you will have the goodness to move My Lord Bathurst (provided my Views should meet with his Lordship’s concurrence) to order me a Grant of Land in the

* Note 42.
Colony, as may be necessary to carry out my plan into effect, with whatever other indulgences as Government are in the habit of giving to Setlers going to that Country.

Not having the honor of being personally known to you, I beg leave to enclose to you a letter from Mr. Braund.

I have, &c.,
WM. TALBOT.

UNDER SECRETARY GOUlBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Prince Regent; acknowledged by Governor Macquarie to Earl Bathurst, 28th February, 1820.)

Sir, Downing Street, 27th September, 1819.

His Excellency Count Lievan having notified the Intention of the Russian Government to send out from that Country four Ships, commanded by Captains Bellinghausen and Vassilieff, on Voyages of Discovery* to the North and South Poles, and having requested that in the event of these Vessels touching in any of the Colonies or Settlements abroad under the Government of His Britannic Majesty that they might have every Assistance afforded them, which under the circumstances they might require, I am directed by Earl Bathurst to recommend them to your particular Attention and Protection in the event of their putting in to any of the Ports in New South Wales.

I am, &c.,
HENRY GOUlBURN.

UNDER SECRETARY GOUlBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Prince Regent; acknowledged by Governor Macquarie, 24th February, 1820.)

Sir, Downing Street, 30th September, 1819.

I am directed by Lord Bathurst to transmit to you here-with a Copy of a letter, which has been addressed to me by Mr. John Smith, of the Navy Pay Office, enclosing two Monitions† which have been received from His Majesty’s Proctor against David Bevan and Robert Campbell of Sydney, and I am to desire that you will take the necessary Steps for executing the said Monitions against them.

I am, &c.,
HENRY GOUlBURN.

[Enclosure No. 1.]

MR. JOHN SMITH TO UNDER SECRETARY GOUlBURN.

Sir,
Navy Pay Office, 2d August, 1819.

Enclosed I beg leave to transmit to you a Monition, which I have received from His Majesty’s Proctor against David Bevan

* Note 47. † Note 48.
and Robert Campbell of Sydney, Port Jackson, New South Wales, which I request you will cause to be forwarded to its Destination the first Opportunity.

I am, &c.,

JOHN SMITH, Paymaster.

[Enclosure No. 2.]

The accompanying Monition is decreed against David Bevan and Robert Campbell of Sydney, Port Jackson, in the Colony of New South Wales, and the same must be Personally served on each of them.

The Mode of Service is by shewing the Original Monition under Seal, and leaving with each a true Copy thereof, for which purpose two Copies are herewith transmitted. When the Service is thus completed, the Individual, who serves the same, should Sign the Certificates endorsed on the Back of the Monition and also the affidavit immediately following them, to the latter of which he should be sworn before any Gentleman legally authorized to Administer Oaths. The Original Monition must then be sent back to England.

[A copy of the monition is not available.]

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 11, per ship Coromandel; acknowledged by Governor Macquarie, 1st September, 1820.)

14 Oct.

I have the Honor to transmit to you herewith the Copy of a letter, which has been addressed by Order of Lord Sidmouth to my Under Secretary, enclosing one from Mr. Grant containing a List of the Names and the Certificates of several Convicts transported from Ireland in the Year 1800 in the ship Anne, and of the period of whose Sentences of Transportation no account has been forwarded to New South Wales, and I have to desire that in case any of these persons, whose periods of Transportation appear to have expired, are still considered as Convicts in the Colony, that you will take the necessary Measures for releasing them from any further restraint.

I have, &c.,

BATHURST.

[Enclosure.]

UNDER SECRETARY HOBHOUSE TO UNDER SECRETARY GOULBURN.

Sir,

Whitehall, 29th September, 1819.

I am directed by Lord Sidmouth to transmit to you the enclosed List, received from His Excellency the Lord Lieutenant of Ireland, containing the names of several convicts shipped on Board the Ship Anne, which sailed from the harbour of Cork on
the 26th of June, 1800, for New South Wales, without having any List of the Numbers on Board or the Terms for which they were respectively transported. As these Terms have long since expired, as will appear by the enclosed Certificates from the Clerk of the Crown in Ireland, I am to desire that you will move Lord Bathurst to cause those Documents to be transmitted with as little delay as possible to the Governor of New South Wales with such Directions, as His Lordship may think fit to give upon the occasion.

I have, &c.,

H. Hobhouse.

[Sub-enclosures.]

Copies of the list and certificates are not available.

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Earl Bathurst to Governor Macquarie.

(Despatch No. 12, per ship Coromandel; acknowledged by Governor Macquarie, 1st September, 1820.)

Sir,

Downing Street, 20th October, 1819.

I have the Honor to acquaint you that His Royal Highness the Prince Regent has been pleased to approve of the Appointment of Two Roman Catholic Clergymen,* The Reverend Phillip Conolly and The Reverend Joseph Therry, to proceed to New South Wales, and I am directed by His Royal Highness to authorize you to issue to them, in consideration of their Attendance salaries to be paid from the Prisoners of the Roman Catholic Persuasion, an Allowance from the Colonial Funds at the rate of One Hundred Pounds per annum each, so long as they shall continue to conduct themselves with propriety, the same to commence from the date of Their Arrival in the Colony.

I have, &c.,

Bathurst.

---

Under Secretary Goulburn to Governor Macquarie.†

Sir,

Downing Street, 27th October, 1819.

With reference to my Letter of the 18th June relative to the Grant to be made to Mr. Franks, who is proceeding to New South Wales as a Free Settler with his three Sons, Vizt.

Edward ................. aged 26 Years
John .................... 24
Charles .................. 22

I am directed by Earl Bathurst to direct that in the event of their possessal of the Capital required, that you will allot to them separate Grants in proportion to the means they may possess of bringing the same into Cultivation.

I am, &c.,

Henry Goulburn.

* Note 46. † Note 42.
GOULBURN TO MACQUARIE.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Mangles; acknowledged by Governor Macquarie to Earl Bathurst, 1st September, 1820.)

Sir, Downing Street, 11th December, 1819.

I am directed by Earl Bathurst to transmit to you the instructions re the cutter Mermaid.

Copy of a letter addressed by Mr. Croker to Lieutenant King, employed on the Survey of the Coast of New Holland, and in calling your Attention to the latter part of Mr. Croker's Letter, I am to express his Lordship's desire that you will afford Lieutenant King every facility and Assistance in your power and render every Aid in removing the Inconvenience of the Vessel employed on this occasion.

I am, &c.,

HENRY GOULBURN.

[Enclosure.]

SECRETARY CROKER TO LIEUTENANT KING.

Sir, Admiralty Office, 11th Decr., 1819.

I have received the letter* which you addressed to me from Sydney on 23rd Feby. last, and having communicated it to My Lords Commissioners of the Admiralty, I am commanded to convey to you Their Lordships' approbation of your Conduct, and their satisfaction of the Report of the good Conduct of the two Midshipmen under Your Orders.

The Instruments, for which you had Applied, and a Surgeon Surgeon and directed to be attached to you, were sent out in the Baring, which Vessel sailed from England for New South Wales about the end of Jany. last.

It is their Lordships' direction that you should continue the Survey of the west coast to be completed. Survey, until you shall have completed the whole of the West Coast of New Holland, so that your Survey shall unite with that of Capt. Flinders.

Their Lordships are aware that a Vessel of such small Tonnage as the Mermaid is inconvenient for such extensive works; but they trust that the Governor of the Colony will do every thing in his Power towards fitting and Storing her and removing as far as his means may extend, the Inconveniences of the Vessel.

I am, &c.,

J. W. CROKER.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(A circular despatch per ship Mangles; acknowledged by Governor Macquarie to Earl Bathurst, 1st September, 1820.)

Sir, Downing Street, 17th Decr., 1819.

I am directed by Lord Bathurst to call your attention to the accompanying Instructions for conducting Geological Investigations, and I am to request that you will, as opportunities may offer,

* Note 49.
cause such Specimens, as you may think desirable for that purpose, to be collected and transmitted to the Museum at Oxford in the Manner therein pointed out. I am, &c.,
HENRY GOULBURN.

[Enclosure.]

[A copy of these instructions is not available.]

EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per ship Mangles; acknowledged by Governor Macquarie, 1st September, 1820.)

Sir, Downing Street, 27th Decemr., 1819.

It having been represented to the King's Proctor that much Inconvenience is experienced by the Judge of the High Court of Admiralty from the want of being furnished with the Grounds of Judgment, in Cases of Appeal from the Plantations, I have to desire that you will Instruct the Judge of the Court of Vice Admiralty within your Government, in all Cases where the Grounds of Judgment do not form part of, or appear upon the face of the Sentence, that a Note of those Grounds of Judgment, as well as the Specified Acts of Parliament, upon which Condemnation may have passed, should accompany the Processes in the Vice Admiralty Courts.

I have, &c.,
BATHURST.

RECOMMENDATIONS OF SETTLERS.*

DURING the year 1820, the following persons received Earl Bathurst's permission to proceed to New South Wales, and Governor Macquarie was notified of the same in letters dated as under:—

<table>
<thead>
<tr>
<th>Date of Letter</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>31 January</td>
<td>Lieutenant Vandemeulin (48th regt.)</td>
</tr>
<tr>
<td>22 February</td>
<td>Mr. George Neale</td>
</tr>
<tr>
<td>25 February</td>
<td>William Fitzpatrick</td>
</tr>
<tr>
<td>26 February</td>
<td>George Cutter</td>
</tr>
<tr>
<td>28 February</td>
<td>James Richardson</td>
</tr>
<tr>
<td>28 February</td>
<td>John Morrow</td>
</tr>
<tr>
<td>6 March</td>
<td>John Burrell</td>
</tr>
<tr>
<td>7 March</td>
<td>Mr. C. Christie</td>
</tr>
<tr>
<td>13 March</td>
<td>Alexander Bowmaker</td>
</tr>
<tr>
<td>30 March</td>
<td>Mr. Benjamin Caroosso</td>
</tr>
<tr>
<td>30 March</td>
<td>Mr. George Erskine</td>
</tr>
<tr>
<td>30 March</td>
<td>Mr. Ralph Mansfield</td>
</tr>
<tr>
<td>21 June</td>
<td>Mr. Matthew Pryer</td>
</tr>
<tr>
<td>8 July</td>
<td>Mr. Anthy. Smith Denne</td>
</tr>
<tr>
<td>29 December</td>
<td>Mr. William Walker</td>
</tr>
<tr>
<td>29 December</td>
<td>Mr. William Horton</td>
</tr>
</tbody>
</table>

* Note 1.
Assignments of Convicts.*

During the year 1820, letters, which enclosed the assignments of convicts (not available) per the ships named, were sent to Governor Macquarie bearing dates as under:—

<table>
<thead>
<tr>
<th>Date of Letter</th>
<th>Ship</th>
<th>Number of Convicts</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 March</td>
<td>Neptune</td>
<td>156 Male</td>
</tr>
<tr>
<td>30 March</td>
<td>Mangles</td>
<td>190 do.</td>
</tr>
<tr>
<td>6 April</td>
<td>Earl St. Vincent</td>
<td>160 do.</td>
</tr>
<tr>
<td>12 May</td>
<td>Guildford</td>
<td>190 do.</td>
</tr>
<tr>
<td>17 May</td>
<td>Morley</td>
<td>121 Female</td>
</tr>
<tr>
<td>22 May</td>
<td>Agamemnon</td>
<td>150 Male</td>
</tr>
<tr>
<td>6 July</td>
<td>Caledonia (for V.D.L.)</td>
<td>150 do.</td>
</tr>
<tr>
<td>25 July</td>
<td>Maria (for V.D.L.)</td>
<td>156 do.</td>
</tr>
<tr>
<td>27 July</td>
<td>Hebe</td>
<td>159 do.</td>
</tr>
<tr>
<td>12 August</td>
<td>Elizabeth</td>
<td>171 do.</td>
</tr>
<tr>
<td>1 September</td>
<td>Juliana (for V.D.L.)</td>
<td>160 do.</td>
</tr>
<tr>
<td>2 September</td>
<td>Asia</td>
<td>190 do.</td>
</tr>
<tr>
<td>7 October</td>
<td>Prince of Orange</td>
<td>136 do.</td>
</tr>
<tr>
<td>7 October</td>
<td>Dick</td>
<td>140 do.</td>
</tr>
<tr>
<td>13 November</td>
<td>Medway</td>
<td>156 do.</td>
</tr>
<tr>
<td>18 December</td>
<td>Speke</td>
<td>156 do.</td>
</tr>
</tbody>
</table>

Earl Bathurst to Governor Macquarie.

(A circular despatch per ship Mangles; acknowledged by Governor Macquarie, 1st September, 1820.)

Sir,

Downing Street, 25th Jany., 1820. 25 Jan.

It is with infinite Concern that I communicate to you the Death of H.R.H. His Royal Highness, Edward, Duke of York, His Majesty's Fourth Son, which Melancholy Event took place at Sidmouth after a Short Illness on Sunday the 23rd Inst.

I have, &c.,

Bathurst.

Governor Macquarie to Earl Bathurst.

(Despatch per ship Admiral Cockburn.)

Government House, Sydney, N. S. Wales, 26 Jan., 1820. 26 Jan.

My Lord,

Although the two Clergymen, your Lordship was kindly pleased to send out lately, have proved a very great and most useful acquisition to the clerical Establishment of this Colony, we still require at least three more, namely, one for the Derwent (in the room of the Revd. Mr. Knopwood, who is almost quite disabled from doing Duty in consequence of his infirmities) One for Newcastle, and a third for the Interior parts of the Colony.

* Note 1.
1820.
26 Jan.

Recommendation of J. B. Cartwright for appointment as assistant chaplain.

1820.
18 Jan.

With this number, I think the Colony would do very well for some years to come. I am however well aware, how difficult it is to procure or persuade respectable Clergymen to come out to this distant Colony; and certainly none but truly Pious and respectable Clergymen ought to be sent here to insure success attending their efforts in the Cause of Religion. With this conviction strongly impressed on my mind, I take the liberty of recommending to your Lordship's Patronage, Protection and favourable consideration, a most amiable and Pious, good, young Man, now at the University of Cambridge, studying Divinity, and who expects to get ordained in the Course of the present year. This young Man's Name is James B. Cartwright, the Eldest Son of the Revd. Mr. Robert Cartwright, one of our Asst. Chaplains in this Colony. This worthy, Pious, useful Man came out early in the Year 1810, and is universally esteemed and beloved by every class of People in this Colony for his Piety, Zeal in his Ministry, and great mildness and urbanity of Manners. He has a large Family of Children, and is particularly anxious that his Son, when once ordained, should be appointed and sent out as an asst. Chaplain to this Colony, and I trust I need not say any more to recommend Mr. James B. Cartwright to your Lordship's favor for insuring him such appointment.

I have, &c,
L. MACQUARIE.

7 Feb.

Death of H.M. King George III.

EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per ship Mangles; acknowledged by Governor Macquarie, 1st September, 1820.)

Sir,
Downing Street, 7th Febry., 1820.

It is my painful Duty to inform you of the Demise of His Majesty King George the Third. This melancholy event took place at His Castle of Windsor on Saturday, the 29th Ultimo, at 35 Minutes past Eight o'Clock, P.M. It will be satisfactory to you to learn that His Majesty, whose strength had gradually declined for some Weeks, expired without the least apparent suffering.

His present Majesty was proclaimed on the 30th Ultimo, as announced in the enclosed Gazette, which also contains His Majesty's Most Gracious Declaration in Council.

The Form to be observed in proclaiming under your Government His Most Sacred Majesty King George the Fourth is stated for guidance in the accompanying Communication from the Lords of His Majesty's Most Honorable Privy Council, to which is annexed the Form of a Proclamation requiring all Persons, being in Office of Authority or Government at the
decease of the late King to proceed in the Execution of their respective Offices till His Majesty's Pleasure shall be further signified.

I have, &c.,

BATHURST.

[Enclosure.]

[A copy of the form is not available.]

EARL BATHURST TO GOVERNOR MACQUARIE.
(A circular letter per ship Mangles; acknowledged by Governor Macquarie, 1st September, 1820.)

Sir,
Downing Street, 9th Feby., 1820.

Herewith I have the honor to transmit to you a Warrant, under the Royal Sign Manual, bearing date the 30th Ultimo, empowering You to make use of the Public Seal* used during the Reign of His Majesty, within the Colony under Your Government, until another Seal shall be prepared and transmitted to you by the King's Command. I have, &c.,

BATHURST.

[Enclosure.]

WARRANT FOR USE OF THE TERRITORIAL SEAL.

GEORGE R.

Our Will and Pleasure is, and We do hereby authorize and empower you, to make use of the Public Seal, made use of within Our Settlement of New South Wales during the Life Time of Our Dearest Father, the Late Deceased King, for Sealing all things whatsoever that are used to be sealed therewith, until another Seal shall be prepared and transmitted to Our said Settlement, duly authorized by Us, and for so doing this shall be your Warrant.

Given at Our Court at Carlton House, the 30th Day of January, 1820, in the First Year of Our Reign.

By His Majesty's Command,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.
(A circular despatch per ship Mangles; acknowledged by Governor Macquarie, 1st September, 1820.)

Sir,
Downing Street, 19th Feby., 1820.

I have the honor of transmitting for Your Information and Guidance the Copy of an Order, made by The King in Council, signifying His Majesty's Pleasure with respect to the alterations, which in consequence of the Demise of the late King, it has become necessary to make in the Services of the Church.

I have, &c.,

BATHURST.
ORDER-IN-COUNCIL.

At the Court at Carlton House the 12th of Feb'y, 1820.

Present: The King's Most Excellent Majesty in Council.

WHEREAS His Majesty was pleased this day, in Council, to Declare His Royal Will and Pleasure, That in the Prayer for the Royal Family in the Morning and Evening Service the Words "Their Royal Highnesses George Prince of Wales, the Princess of Wales, and," be omitted.

That the same omission take place in that part of the Litany, or General Supplication, in which the same words recur.

That in the title to the Form of Prayer to be used on the day of His Majesty's Accession to the Crown, the Words "Upon the twenty-fifth day of October," be struck out, and the Words "Upon the twenty-ninth day of January" be inserted.

That in the Prayer found in this Service for the King and Royal Family, the Words "Their Royal Highnesses George Prince of Wales, the Princess of Wales and," be omitted.

To the end that the same Form and Order may be observed in His Majesty's several Provinces, Islands and Settlements in America and the West Indies, and elsewhere within His Majesty's Foreign Dominions, It is hereby Ordered in Council, That the Right Honourable Earl Bathurst, One of His Majesty's Principal Secretaries of State, do cause the necessary Communications to be made to the Governors of His Majesty's said several Provinces, Islands, and Settlements respectively.

JAS. BULLER.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 1 of 1820," per ship Admiral Cockburn; acknowledged by Earl Bathurst, 14th July, 1820.)

Government House, Sydney, New South Wales,

My Lord,

22d Feb'y., 1820.

I have been Honored with Your Lordship's Dispatch, dated 30th Jan'y., 1819 (No. 1) with all the Documents therein referred to, and further with Your Lordship's Several Letters under dates the 16, 17, 18, 24, and 26th of April last, All immediately relating to the Appointment of John Thomas Bigge, Esqr., to be Commissioner of Enquiry into the Affairs of this Colony, and of Thomas Hobbes Scott, Esqr., to be His Secretary, with Succession to the principal Office of Commissioner in Case of a Certain Event.
It is with much Pleasure that I am enabled to inform Your Lordship that the Commissioner and His Secretary arrived on the 26th of September last in good Health, and Landed the Same day under a Salute of 13 Guns from Dawes' Battery.

The Usual Annual Muster being at that time about to Commence, I had proceeded to Windsor for that purpose, whereby I had not the Pleasure of personally receiving the Commissioner immediately on His Arrival; but in Order to shew my Respect, I had Addressed a Letter of Congratulation to him on his Arrival, to be delivered by My Secretary in Case He should arrive during My Absence.

Mr. Bigge and Mr. Scott were attended from the Shipboard in the Government Barge by My Secretary and Major of Brigade, and Conducted by them to Government House, Where such Attentions were Shewn them as the Occasion Naturally Suggested.

Mr. Bigge, being informed of the Duty on which I was Employed, was so good as to Set out on the Same day, accompanied as on Landing, to Meet Me at Windsor, Where He arrived on the next day; and I had the Pleasure of receiving Him at the Government Cottage* with every possible Mark of Attention, Respect, and Kindness. It was at this time I had the Honor of receiving from the Hands of Mr. Bigge the Dispatches from Your Lordship already enumerated.

The general Muster of the Inhabitants, which Commenced on that Day, I Could not but Consider as a particularly fortunate Circumstance, as it enabled the Commissioner, who Seemed to have a Similar Feeling in regard to it with myself, to Observe on the General Appearance and Character of the Population, and to acquire Some Knowledge of their Rank and Condition in Life, and thereby to form Some Estimate of the Resources of the Country.

Having spent Some days with Me on this Duty, He returned to Sydney, whither I followed Him on the Close of the Muster at Windsor. Aware that a Gentleman was about to Come hither as a Commissioner of Enquiry, I was Anxious that he should be accommodated as soon as possible with Quarters suited to His Rank and Station; and with this Feeling I had Caused the most spacious and respectable Residence, which Sydney affords, to be engaged for Him, and it being in readiness to receive Him, and at once roomy and Cheerful from Situation, He was enabled to Occupy it immediately on his Return from Windsor, I believe with much Satisfaction to Himself; a Military Sentry was immediately placed on His Quarters which has been Still Continued.

* Note 51.
1820.
22 Feb.

Reading of J. T. Bigge's commission at government house.

Precedency and honors due to Bigge.

Officials to supply Bigge with full information.

Attendance of Bigge at different musters.

Departure of Bigge and Scott for Hobart.

In pursuance of a previous Arrangement with Mr. Bigge, Public Notice was given that the Commission, with which He was Invested by His Royal Highness the Prince Regent, would be Opened and read at Government House on the 7th of October in presence of All the Civil, Naval and Military Officers, and Gentlemen at large of the Colony, who were Invited for the Occasion; and the Ceremony took place accordingly on that day, Closing with a Royal Salute from the Battery in Honor of His Royal Highness the Prince Regent's Commission. That no Publicity Should be wanting on so important an Occasion, Mr. Bigge's Commission was published in the ensuing Gazette, at which time I took the opportunity of Announcing by a Government and General order, the Precedency to which The Honorable The Commissioner Should be Entitled during His Stay, and also the Honors to be paid Him; these orders likewise Enjoined All the Public Functionaries, both Civil and Military, to be Aiding to the Object of the Commission, and to afford the Commissioner every Information within their power on Whatever Subjects Connected with this Country He should require it of them, and also Enjoining them to furnish Him with such Returns, Reports and Documents in their Several Departments as He should Call for.

I do myself the Honor to accompany this with a Copy of each of the Govt. and Gen'l Orders Issued on the Above Occasions for Your Lordship's Perusal.

When this Ceremony was Completed, I availed Myself of the Occasion to introduce the Officers of this Government and the Gentlemen of the Country, who attended, to the personal Acquaintance of the Honble. Commissioner and Mr. Secretary Scott; and on the 12th October, I was accompanied by them to Parramatta, whither I was led by the Business of the General Muster at that place and Subsequently at Liverpool. On the 12th of November, I finally Closed the Muster at Sydney, the Commissioner giving His personal Attendance at each place.

Latterly, Mr. Bigge has visited Several of the Districts in the Interior and also the Settlement of Newcastle.

I have now only to add that the Commissioner and His Secretary, accompanied by some Gentlemen from hence, Sailed on the 6th inst. for Hobart Town in Van Diemen's Land, on board the late Hired Convict Transport, Recovery, for the purpose of Carrying into the more Complete Effect the Objects of His Mission.

In Conformity with Your Lordship's Commands (altho' I should have anticipated them from my own private Feelings and Acted Accordingly) I have been particularly Attentive in
providing the Commissioner with the best Accommodations, the Shipping in our Harbour would Allow, for His Conveyance on the Occasions of His Embarking for Newcastle and Hobart Town, And I have not been less Solicitous to provide Him with every Comfort and Accommodation on Shore, which the Resources of the Colony Could possibly Extend.

I have, &c.,
L. MACQUARIE.

[Enclosure No. 1.]

GOVERNMENT AND GENERAL ORDERS.

Government House, Windsor, Saturday, 2nd October, 1819.

Civil Department.

JOHN THOMAS BIGGE, Esquire, His Majesty’s Commissioner of Enquiry into the affairs of this Colony, having arrived on the 26th ult. per Ship John Barry, his Commission will be opened and read at Government House, Sydney, at One O’Clock in the Afternoon of Thursday next, the 7th instant, in the presence of His Excellency the Governor, on which occasion His Honor the Lieutenant Governor, the Honorable the Judges, the Clergy, the Magistrates, and all other the Officers, Civil and Military, throughout the Colony, are requested to attend.

As soon as the Commission from His Royal Highness the Prince Regent to the Honorable the Commissioner shall have been announced, a Royal Salute is to be fired from Dawes' Point Battery in Honor of the occasion.

By His Excellency’s Command,
J. T. CAMPBELL, Secy.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 2.]

GOVERNMENT AND GENERAL ORDERS.

Government House, Sydney, Thursday, 7th October, 1819.

Civil Department.

THE Commission of Enquiry into the Affairs of this Colony, Which His Royal Highness the Prince Regent has been pleased to direct to John Thomas Bigge, Esquire, and the Appointment of Thomas Hobbes Scott, Esquire, as Secretary to the Honorable Commissioner, with a power of Substitution in Case of Accident to him, having been this day duly opened and read at Government House, And the Honorable Commissioner and his Secretary having taken and Subscribed the Oaths of Qualification and Office respectively; His Excellency the Governor has been, and is hereby pleased to Order and direct, That the Commission should be published for the more full and general Information of the Inhabitants of the Colony and its Dependencies; And His
General orders re the commission of inquiry.
Colonial precedence for J. T. Bigge.

Excellency hereby further orders and directs that all persons holding official situations, whether civil or military, do promptly furnish to the honorable commissioner of enquiry all such documents, reports, accounts, and returns, as he may in the course of his enquiry think expedient to call for and require.

In due consideration to the high commission, with which the honorable the commissioner is invested, His Excellency the Governor is pleased further to order and direct, that he hold rank and precedence within the territory next immediately to His Honor the Lieutenant Governor.

By His Excellency's command,

J. T. CAMPBELL, Secy.

True Copy:—J. T. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

Government House, Sydney, New South Wales,
My Lord, 22nd Feb., 1820.

1. It is with infinite concern I feel compelled to report to Your Lordship the nature and circumstances of a difference of opinion and of a consequent discussion, which took place a few months since, between Commissioner Bigge and myself, relative to my appointing Mr. William Redfern to the magistracy; the particulars of which I shall endeavour to explain to your lordship as briefly as possible.

2. On the arrival here on the 1st of September last of the Canada, Male Convict ship, of which Doctor McNamara of the royal navy was surgeon superintend'nt, accounts were received of Doct'r Bowman being appointed principal surgeon* of this colony in the room of Dr. Wentworth, who had some time before sent home his resignation, and for the succession to which I had very strongly recommended Assis't Surgeon Redfern, as in every way well qualified to fill that situation with credit to himself and advantage to the community.

3. As soon as Mr. Redfern had heard of the appointment of Mr. Bowman to be principal surgeon, he called on me and expressed his severe mortification and disappointment at not succeeding to that office after a meritorious service of nearly eighteen years as assistant surgeon in different parts of the territory, stating at the same time that he felt so much hurt and mortified on the occasion that he must beg my permission to resign his situation as assistant surgeon, with leave to retire to his farm, as soon as doct'r Bowman should take charge.

* Note 40.
of the Medical Department, which Request I agreed to grant; and Sincerely Sympathizing with Mr. Redfern on his Disappointment, I signified to him that I should be happy to serve him in any other way he could point out. He mentioned immediately that, on retiring to his Farm and giving up Practice as a Surgeon, he would feel highly gratified at being Appointed Magistrate in the District of Airds (where his landed Property lay) and generally throughout the Territory.

4. This District had of late Years become rich and populous; and as a Magistrate was much wanted there, I was most happy to avail myself of Mr. Redfern's Offer to act in that Capacity, Convinced as I was, from a thorough knowledge of his good Sense and Superior Talents, that he was peculiarly well fitted for discharging the Duties of that important Office. I therefore did not hesitate a Moment in promising to Appoint him Justice of Peace and Magistrate in the District of Airds and throughout the Territory, as Soon as he should retire to his Estate in the District above Mentioned.

5. Doctor Bowman having been Ordered to take Charge of the Medical Department on the 25th of October, Mr. Redfern Sent Me in his Resignation a few days before that Date, and Shortly after retired with his Family to his Estate in the Country. In pursuance therefore of the Promise I had made, I appointed him a Justice of Peace and Magistrate on the 30th of October by regular Commission, and intended to Notify his Appointment (as is Usually done) in the Sydney Gazette of that day, the Commission having been Actually Signed that Morning.

6. Having learnt from a Note of that Morning from Commissioner Bigge to My Secretary, Mr. Campbell, that the former purposed to Call at Government House to talk to Me respecting the Appointment of Mr. Redfern to the Magistracy, in order to Save him that Trouble, I called immediately on him. The Commissioner expressed his Regret at my Appointment of Mr. Redfern to the Magistracy,* Stating that the Measure would not be approved of at Home and that it would give great Offence, and Strongly recommended that it might be Annulled; this I could not think of doing, Consistently with my Honor, but Still wishing to pay every respect and Attention to any Suggestion Coming from Mr. Bigge, I agreed to take the Matter into further Consideration, and to postpone Announcing the Appointment in the Gazette until I should be able to Come to a final Decision on the Subject; and in the mean time, I signified my Intention to address a Letter to him to give him an Opportunity of Stating, in writing, his Objections to the Appointment. I wrote him

* Note 52.
1820.
22 Feb.

Macquarie's determination to make the appointment.

Macquarie's reasons for making the promise to Redfern.

Policy of encouraging emancipists.

accordingly a Short Letter on this Subject in the anxious wish of Acquiescing in his Recommendation, if I found on More Mature Deliberation that I could do so with Honor.

Not having received any Answer to the Letter alluded to, which was written and Sent on the 30th of October, and having during that Interval, fully and Maturely Considered the point at Issue, I finally decided to fulfil my Promise to Mr. Redfern rather than Sacrifice my Honor and Principle by a Breach of my Word, which I had never Yet forfeited. I waited on Commissioner Bigge on the 1st of November to inform him of my final Decision, regretting much that I Could not accede to his Recommendation without lowering and degrading Myself in the Eyes of the whole Community, and exposing Myself to the humiliating and Mortifying Reproach of a Dereliction from Principle, on which I had uniformly acted for the last ten years in this Colony.

After Some further Verbal Discussion on this Subject, We parted, agreeing that any further Discussion of it should be in Writing. A Correspondence accordingly ensued, which I now do Myself the Honor to transmit Your Lordship Copies of, from No. 1 to No. 7, in the Accompanying Series, to which I must principally refer Your Lordship for my Justification in declining to Accede to his Suggestion on this important Occasion adding only Such Observations in My further Justification as the Importance of the Subject demands.

7. At the time I promised to Appoint Mr. Redfern to the Magistracy, Namely, on the 1st of Septr. last, Commissioner Bigge had not arrived in the Colony, and Consequently I was perfectly ignorant of the Motives (as I am at this day except from Mere Report) which have influenced Your Lordship to alter that Course of Promotion in the Medical Department of this Colony which had Obtained from its Original Establishment up to that time. I Consequently Sympathized very Sincerely with Mr. Redfern on the Severe Mortification and Disappointment He and the Junior Officers of the Medical Department experienced in this Unexpected Change in the Line of Promotion.

8. After the Principle, I had adopted on My Arrival here of Advancing Free Persons of Merit and good Character, who had Come out originally to the Colony as Convicts, to Places of Trust and Respectability, had been Approved and Sanctioned by His Royal Highness the Prince Regent, His Majesty's Ministers, and the Select Committee of the House of Commons in 1812 on Transportation, and after the Experience of nearly ten Years of the good Effects resulting from that principle, without ever any of those persons whom I had so advanced to places of Trust and Responsibility having been Accused of any Act of Delinquency or dishonorable unworthy Conduct, I Could not have
Contemplated that Mr. Redfern to the Magistracy (holding as he did already a Commission in His Majesty's Service and being a Gentleman of Unimpeachable good Character) would be disapproved of by His Royal Highness the Prince Regent or Your Lordship, and I Consequently felt that Commissioner Bigge's Interference on this Occasion was an Unjustifiable Encroachment on My Authority, which at Such a Moment tended to lower and degrade Me in the Eyes of the Community, to whom the Circumstance of Mr. Redfern's being advanced to the Magistracy was well known; and as the promise to Mr. Redfern of Appointing him a Magistrate was Made long before the arrival of Commissioner Bigge, I Considered this Interference the more Unreasonable and indelicate So far at least as My Feelings and Honor were Concerned.

9. In adverting to Your Lordship's Letter of Instructions to Commissioner Bigge, dated the 6th Jan., 1819, I was highly gratified to observe that in the Concluding part of it Your Lordship had recommended to his Consideration to endeavour to reconcile, as far as it Might be found practicable, the Difference of Opinion which prevailed in the Colony in respect to the propriety of admitting into Society persons who had originally Come out as Convicts. Had Mr. Bigge at all Attended to this most Humane and benevolent Recommendation, no Difference of Opinion on that Subject at least Could have arisen between him and Me; but he adopted, from the Moment of his Arrival in the Colony, a very different Line of Conduct, and Appeared to have Come out with a Strong and deep rooted Prejudice against all persons, who had had the Misfortune to come out as Convicts, be their Merits, Talents, and Usefulness ever so Conspicuous.

10. I am given to Understand by Commissioner Bigge that your Lordship Disapproves now of persons, who have ever been Convicts being advanced to places of Trust and Confidence, which I deeply and Sincerely lament, as I think such a Principle, being once established and acted on, will prove highly prejudicial to the future Prosperity and Welfare of the Colony and tend greatly to excite a Spirit of Discontent and Party Animosity, which it has been my whole Study during the Ten Years of my Government to prevent by a lenient Line of Conduct and by Not allowing one Class to gain too great an Ascendancy over the other. It must never be forgot that this is, at present, a Convict Country, Originally established for their Punishment and Reformation; that at least Nine-tenths of its present Population Consist either of Convicts, Persons who have been Convicts, or the Offspring of Convicts; and that the principal part of
the property in the Colony at this day is possessed by the two latter Classes. Consequently some Consideration appears to be Justly due to so very large a Portion of the Population of the Country; but Notwithstanding that I shall ever retain these Sentiments, had Your Lordship kindly Condescended to have Informed me, previous to the Arrival of Commissioner Bigge, that You wished the System I had acted on to be Changed, I should have bowed Submissively and respectfully to the Mandate.

11. Having thus fully distinctly and Candidly Stated My Motives of Action and my Reasons for not acceding to the Recommendation of Commissioner Bigge, I trust and hope I shall Stand acquitted in the Mind of His Royal Highness the Prince Regent and that of Your Lordship of having wilfully or Intentionally acted Contrary to the true Spirit of my public Duty to my Sovereign, and to the high Trust reposed in Me; and that my Conduct on the present Occasion will be approved.

I have, &c.,
L. MACQUARIE.

[Enclosure No. 1.]

GOVERNOR MACQUARIE TO MR. COMMISSIONER BIGGE.

Sir, Government House, Sydney, 30th October, 1819.

Having for some time past intended to avail myself of the Intelligence and personal Qualifications of Mr. William Redfern as a Magistrate, in the Event of his retiring from the Medical Department, and, that Occurrence having now taken place, I have been disposed to make good the Arrangement I had in Contemplation; but previous to my doing so, I request You will have the Goodness to Inform me whether or no You See any Objection to such appointment, under present Circumstances, and under the Knowledge You must be presumed to possess, in respect to the Sentiments of His Majesty's Ministers in regard to the Expediency and Policy of occasionally advancing men of Merit to the Magistracy, Notwithstanding their having been at One time under the Sentence of the Law.

Waiting your friendly Communication on this Subject,

I have, &c.,

True Copy:—L. MACQUARIE.

L. MACQUARIE.

[Enclosure No. 2.]

MR. COMMISSIONER BIGGE TO GOVERNOR MACQUARIE.

Sir, Sydney, 2d Novr., 1819, 7 a.m.

I am not ashamed to acknowledge to Your Excellency that I was so little prepared for the Change of Determination that Your Excellency announced to Me in our Short Interview of Yesterday, respecting the Appointment of Mr. Redfearn to the
Magistracy, that I believe I did not Combat so Strongly as I might have done the New Grounds upon which Alone Your Excellency seems now to place it.

Unwilling to lose any Chance of Averting a Measure, that I Consider so replete with Danger to the Community and with Mischief to Yourself, I beg leave once More to repeat to Your Excellency My Conviction that the Suggestion, which I had the Honor to make to You on Saturday, and in Compliance with which Your Excellency addressed to me the Letter I had the Honor of receiving on that day, Contained every thing that Could satisfy the Most Sensitive Mind, every thing that Could satisfy the Public Mind upon the Propriety of withholding the performance of Your Excellency’s Promise to Mr. Redfern; Supposing that this Gentleman, for the purpose of gratifying Feelings very natural to him in his Situation, should have industriously Circulated a Report that Your Excellency has Actually Appointed him to the Magistracy and that the Commission is Signed, is not the Answer that I respectfully Submitted to Your Excellency on Saturday, and which Your Excellency then thought so Satisfactory, of itself so reasonable, so Consistent with the present State of things, that even Mr. Redfern himself, unless he be lost to all Sense of Obligation and Gratitude to Your Excellency, and be determined to Sacrifice Your real Interests to the Gratification of his own Feelings, must, when he is Made acquainted with the Answer, at Once Acquiesce in the Justice, and hasten to release Your Excellency from the performance of the Promise You have given him?

I earnestly entreat of Your Excellency Again to reflect whether in Asking You to Suspend this Appointment until I have been able to Enquire into and report to His Majesty’s Government upon its Expediency; Whether in Urging you to inform Mr. Redfern, as well as the whole Colony, of this Reason, I Can be understood to Counsel Your own Dishonor, to bring into Question the Exercise of Your Undoubted Authority, or to afford a Triumph, as Your Excellency Supposes, to a Party in the Colony who may have opposed or Censured Your Excellency’s Measures; it will not, nor Cannot be so interpreted; it will, on the Contrary, be observed with the Utmost Satisfaction that Your Excellency is prepared in all things to yield a ready Respect to the Wishes as well as to the Doubts of His Majesty’s Government; that you are anxious to redeem the Public Pledge you have given of supporting and promoting the Object of my Commission; and that you will not at this early Period of it attempt to thwart its Measures or hastily prejudge its Conclusions. Instead, also, of affording a Triumph to your Enemies, Your Excellency will at
once Silence and disarm their Malignity by setting a Noble Example of Devotion to the higher Interests of the Government You Serve, and by Making a Magnanimous Sacrifice of your personal Feelings to your public Duty.

These are the Reasons that Appear to me to furnish a Complete Answer to the only Objection that Your Excellency has raised in our Short Interview of Yesterday to the Suggestion, which I had the Honor of Submitting to You on Saturday, and which I should have been the last person to have made if I had not deemed it Amply Sufficient, both in Reason and Fact, to protect Your Excellency from any Supposed Charge of Violation of Promise to Mr. Redfearn, or of any Supposed Dereliction of Principle or System.

If I unfortunately Should fail in impressing Your Excellency with the Strength of these Reasons in favor of the Suspension of the Appointment, it will then become My painful Duty, after repeating those that I have already Urged in Conversation against it, Most Strongly but respectfully to Appeal to the Authority with which I am Invested by His Majesty’s Government, and to throw upon Your Excellency all the Responsibility of a Measure that in My Conscience, I believe, is one that they would at all times Condemn, but which at the present they Could not but regard as a Defiance of their Authority and Commands. I shall hope to be favored with Your Excellency’s Answer previous to any Official Notification of Mr. Redfearn’s Appointment, in Case Your Excellency should finally determine upon that Measure, and I beg to remain, Sir, &c.

JOHN THOMAS BIGGE.

True Copy:—L. MACQUARIE.

[Enclosure No. 3.]

GOVERNOR MACQUARIE TO MR. COMMISSIONER BIGGE.

Government House, Sydney, 6th November, 1819,

Sir,

Saturday Morning.

In Answer to Your Letter of the 2nd instant, I cannot but agree in the Observation with which it Commences. I was, and am fully bent on According with You in every Measure You Can Suggest, however different from My previous Opinions and Conduct, in regard to the Management and Administration of this Colony, providing the Alterations You propose are Calculated in My Mind, after the Most Mature Consideration of the Subject, to promise that Advantage which I am well Aware it is Your Intention they Should.

The Office you hold, the Confidence reposed in You by Our Country, Your Manners, but above all Your high Character
render you in All respects such a Man as I feel gratified in being Combined with in any Pursuit; we Can have but one Object in View at the present Moment, namely, the faithful Discharge of our Duty to our Sovereign and our Country.

You Say You Consider the Appointment of Mr. Redfern to the Magistracy as replete with Danger to the Community and with Mischief to Myself.

Whence the Danger Can Arise from Availing Myself of the Services of a Man of the first Talents in this Country, whose Conduct, as a Public Servant of the Crown, Since his Arrival in it has been irreproachable, is to me incomprehensible, in as much as it relates to himself personally, and to his Qualifications for the important Trust of a Magistrate.

In regard to Mr. Redfern’s having been transported to this Colony, as I have availed Myself of the Services of Persons in a Similar Predicament for Nine Years past, without any Evil having resulted from that Measure, but on the Contrary Much Good, I am at a loss to discover the Grounds on which you have formed so decided an Opinion. Had you expressed a Wish to Me, even thus early in the progress of Your Investigation and before this Subject had been brought before You in any Official Way, that I should Suspend this System for the present, and that this Communication had been made to Me Antecedent to My Promise to Mr. Redfern, I should most assuredly have deferred Nominating him to the Magistracy, Until this important point to the future Prosperity of this Colony had been further discussed at Home.

I am willing to make every reasonable Sacrifice of My own Feelings to the Wishes and Views of His Royal Highness the Prince Regent and His Majesty’s Ministers; but I feel that I should be no longer worthy of the Situation I hold in this Colony, were I to make so Complete an Abandonment of My Authority, Honor and Principle, as to Cancel an Appointment after the Refusal to Precept had been made out, and Actually Signed by Me in Conformity to a Promise made before Your Arrival in this Colony.

I have hitherto omitted to lead Your Attention to the Consideration of the feelings of the Man, thus singled out, as it would Seem, for Persecution! a Man, who for the last Seventeen Years has been actively employed for the Benefit of his Fellow Creatures; who has during that time been One of the Most Loyal and Useful Subjects to the Government in this Country; a Man, who while the persons, who have been principally instrumental in Exciting the Bias felt by You and Others against him and All those in his Unfortunate State, were treating His Majesty’s Representative with every Indignity and Violence, Short of that
of taking his Life, Exerted himself in preserving an Existence most dear to him, that of His own Daughter,* the Governor's only Companion in that Hour of Horror and Misery.

With all due Deference to your Acquirements and the Superior Faculties of Your Mind, I Consider Myself at least Your Equal in the Consideration of a Subject new to you, but familiar to Me in My daily and hourly Duties for Now Nearly Ten Years; and I Cannot let this Opportunity pass without dwelling a little longer on the Subject which has given Rise to this Communication.

At my first Entrance into this Colony, I felt as you do, and I believe I may Add, every one does; at that Moment I Certainly did not anticipate any Intercourse but that of Control with Men who were, or had been Convicts; a Short Experience† shewed Me, however, that Some of the Most Meritorious Men of the few to be found, and who were Most Capable and Most willing to Exert themselves in the Public Service, were Men who had been Convicts! I saw the Necessity and Justice of adopting a Plan on a general Basis which had always been partially acted upon towards these People, namely, that of extending to them generally the Same Consideration and Qualifications, which they would have Enjoyed from their Merits and Situations in Life, had they never been under the Sentence of the Law, and which had been partially or rather individually adopted towards them by My Predecessors. I have never had Cause to find I had Mistaken the Object I had in View, namely, holding out to the Minds of Men the greatest Incentive to virtue which Can be employed to promote that End.

The Most virtuous and best disposed of the Free People of this Colony Agree with Me in the Adoption of this Principle; the Mal-Contents, who, since Govr. Phillip's time to the present Moment, have been the Burthen and Turmoil of this Colony, have free Access to You; they have the Refinement of Manners, deep Dissimulation, with much apparent Good-Nature, and in the Sun Shine of Prosperity make their Way good in possessing themselves of the favorable Opinions of all Strangers, on whom they Seize the Moment of their Arrival with all their Blandishments, and generally, if Not always, lead to their own way of thinking. This is of little Consequence to Persons making a Short Stay, or who have Not a Duty to perform to the Whole Population of this Colony, be they Bond or Free, black or white.

But You and I, who have Voluntarily Undertaken a Duty which Combines us equally with all, Must in the just Fulfilment of those Duties, lay aside our own personal Feelings; for, if we

* Note 53. † Note 54.
are so delicate in our Moral Sentiments as to be Unapproachable by the general Mass of the Population of this Colony, or so refined in our Senses as to be unable to bear the approach of a Naked and generally filthy Native; it will be difficult, if not impossible, to form a just Estimate of the Merits or Claims, which All alike have upon us.

The Class of Persons, here, who must ever be Considered as the first, without any Efforts on their parts to suppress the Convicts, have overturned the Government of this Colony; they have Occasioned the Retirement of every Governor who has held the Government; they are factious, discontented and turbulent. During My Administration of the Government they have Sowed the Seeds of Discontent between Me and Some of the Officers of Government, to their great Discomfort and Mine. I allude here in particular to the late Mr. Ellis Bent, who, I have Reason to believe, lived long enough Severely to repent his allowing himself to be divided from Me, who had ever been to him a true Friend.

I do not include in this Reproach Some Men, whom I found here, and Others who have since arrived, than whom I should not wish to meet better persons; I allude only to the factious, who I feel it my Duty to represent to You, as I and My Predecessors have found them, and to draw Your Attention to Compare them with Convicts, on Whose Labours they have fattened, when You will find that they have been bad Subjects; that they have been unfaithful even in their Engagements to each other; that they have raised themselves by the Labour and the Extension of their Dealings with the Convicts, whom it is their grand and first Principle to keep in a State of Depression, except when any Individual among them is found Capable of promoting their Interests, and whose Services Can only be Obtained by personal Intercourse on Terms of Equality; Such persons are singled out, and not only admitted, but Solicited to the most intimate Intercourse.

You already know that above Nine-tenths of the Population of this Colony are or have been Convicts, or the Children of Convicts. You have Yet perhaps to learn that these are the people who have Quietly submitted to the Laws and Regulations of the Colony, altho' informed by the Free Settlers and some of the Officers of Government that they were Illegal! these are the Men who have tilled the Ground, who have built Houses and Ships, who have made wonderful Efforts, Considering the Disadvantages under which they have Acted, in Agriculture, in Maritime Speculations, and in Manufactures; these are the Men
who, placed in the balance as Character, both Moral and political (at least since their Arrival here) in the opposite Scale to those Free Settlers (who Struggle for their Depression) whom you will find to preponderate.

Let me therefore entreat of You, Most Solemnly, Most earnestly, and most fervently to reflect on the great Effect the Commission with which You are Invested is Capable of accelerating and Securing the Prosperity and Happiness of these People, or giving a mortal Wound to their Breasts and dearest Interests, according to the Opinion You Express Concerning them. Think of the great Power, at present placed in Your Hands, to weigh this Matter on the Spot where it is best it should be Contemplated; if in the Calculation You Can divest Yourself entirely of Prejudice, the Prosperity of the Colony, the only Mode of rendering the People great, happy, and easily governed, both at Home and Abroad, are at Issue.

Let not the Disposition, with which Nature Seems to have Endowed you for doing good, be overwhelmed by an over Strained Delicacy, or too refined a Sense of Moral Feeling; for such I Consider the Preference given to a bad Man, who has perhaps Narrowly escaped the Stigma of having once been a Convict, to one who is now good, but who has been proved not to have been always so.

Avert the Blow You appear to be too much inclined to Inflict on these unhappy Beings (if You make them so!); and let the Souls now in being as well as Millions yet unborn, bless the Day on which you landed on their Shores, and gave them (when they deserve it) what you so much admire Freedom!

I have now to apologize for trespassing so long on your time with this Letter; but the Importance of the Subject, and my being unable to adopt Your Suggestion in respect to Mr. Redfern, rendered it necessary for me to enter more fully into My Motives of Action, and to put you in possession of My Sincere and Candid Sentiments on a Point on which we entertain such opposite Opinions.

I have, &c.,

L. MACQUARIE.

True Copy:—L. MACQUARIE.

[Enclosure No. 4.]

MR. COMMISSIONER BIGGE TO GOVERNOR MACQUARIE.

Sir, Sydney, 10 Novr., 1819.

I hasten to reply to the Letter of the 6th Inst., with which Your Excellency has honored me, and to Express the Sentiments of painful Regret with which I learn Your Excellency Still
adheres to your last Determination to give Effect and Publicity to the Appointment of Mr. T. Redfearn to the Magistracy of the Colony. Before I recapitulate to Your Excellency the Grounds upon which I have ventured to Interpose, thus Early in My Mission, the authority of my Advice and Suggestions, I will take the Liberty of advertizing to that part of Your Excellency's Letter, in which you are pleased to State that, if I had expressed a wish upon the Subject of the Appointments of Convicts to the Magistracy before they had been brought before Me in any Official way, and before Your Promise had been made to Mr. Redfearn, you would have deferred Nominating him, until this important Point to the future Prosperity of the Colony had been further discussed at Home. Your Excellency will be pleased to recollect that, in the Course of the Several Communications I have had the Honor of holding with you upon this Subject, You have Stated to Me that Your Promise to Mr. Redfearn was given antecedent to my arrival in the Colony, and as soon as Mr. Redfearn's Expectations of Succeeding to the Office of Chief Surgeon of the Colony were disappointed by the Intelligence of Mr. Bowman's Nomination to that Office by His Royal Highness the Prince Regent, and which Intelligence Mr. Redfearn had learnt by the Arrival of a Medical Gentleman, who Came to the Colony by the Grenada Convict Ship; Your Excellency also Stated to me the Substance and Result of a Conversation, which you had held with Mr. Redfearn on the Communication of this Intelligence, in which you had expressed your wish to do Something for him that might Serve to Mitigate the Disappointment that Mr. Redfearn very naturally felt, and that upon his Signifying to Your Excellency that an Appointment to the Magistracy would have that Effect, Your Excellency then made him the Promise that You are now about to fulfil, and which it has been my earnest Endeavour to induce Your Excellency to suspend; as this Promise took place, therefore, previous to my Arrival, I trust that I shall be Exculpated by His Majesty's Government from all Blame in delaying my Suggestions upon it; and altho' I lost no time in doing so, at the earliest Hour after I ascertained the Truth of the Report, Yet I am by no means prepared to say that, if it had not reached me, I should have felt myself Called upon, either by the Terms of my Commission or My Instructions, to Originate Discussions with Your Excellency upon Measures, the Adoption of which might or might not be in Your Excellency's Contemplation, and of the future Adoption of which, as indeed of the present Measure, I foresaw no reasonable Probability. Having said thus much in Justification of any Delay that might
be imputed to me in Communicating My Sentiments to Your Excellency upon this Measure, I proceed to State the Grounds upon which I have Solicited Your Excellency to Suspend it.

Your Excellency seems greatly to rely upon the never having received from His Majesty's Government any such distinct Negative of the Appointment of Convicts to the Magistracy, as should lead you to abandon a System that you say has been partially acted upon by Your Predecessors, and from which you likewise say that no Harm has arisen, and Still think, on the Contrary, that much good is to be derived. Now I will venture, with all respect, to assert to Your Excellency that not only does the Tenor of Lord Bathurst's Dispatch of the 3d Febry. 1814, to which I had the Honor of referring Your Excellency, Stigmatize such Appointments as Injudicious, but that all the admirable Reasonings, with which His Lordship's Objections are Supported, have been Illustrated by Evidence and Example, and that the only Qualification that is given to the Force of the Objection is Completely Negatived by the Circumstances of the present Moment, the peculiar Character of Mr. Redfearn's Crime,* and, above all, by a Subsequent Application of the Objection to the Admission of Convict Attornies to practise in the Courts of New South Wales. Your Excellency has not touched in Your Letter upon any paramount necessity of Calling Mr. Redfearn to the Magistracy, that might in the Judgment of Lord Bathurst outweigh the force of His Lordship's Objections and the accumulated Weight of his Reasoning and Subsequent Rules; therefore I might deem Myself Excused from Shewing that no such Necessity Exists. I have however made it My Duty to Enquire how this fact stands. It appears from the last Muster made in the Liverpool District, in which it is intended that Mr. Redfearn shall act, that there is a Population not exceeding 3,153 Persons; that four Magistrates are now Acting there, and that there are two Others, Mr. Howe and Mr. Cairns, respectable Men, who might be added to the Number. Comparing this State of the Magisterial Duties with that of other Districts of the Colony, it is hardly Necessary to State to Your Excellency that it is amply Sufficient for the present wants of the Population, and that the Addition of Mr. Redfearn, however Valuable in other respects, is by no means a matter of Necessity. Respecting the general Principle of admitting Convicts in this Colony to the Magistracy, I at present forbear to enter; it is sufficient for me, and I humbly would add sufficient for Your Excellency likewise, that the Minister of His Royal Highness the Prince Regent, from whom we both derive Authority, has expressed more than

* Note 55.