HISTORICAL RECORDS
OF
AUSTRALIA.

Ser. III. Vol. II—a
COMMONWEALTH OF AUSTRALIA

HISTORICAL RECORDS

OF

AUSTRALIA.

 SERIES III.

DESPATCHES AND PAPERS RELATING TO THE
SETTLEMENT OF THE STATES.

 VOLUME II.
Tasmania: July, 1812—December, 1819.

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EDITORIAL NOTE.

After the conclusion of his administration, lieut.-governor Davey sent most of his official papers to his friend and patron, the earl of Harrowby. These papers may still be extant. If at any future date these or other papers are found, they will be published in an appendix to a later volume.

The student will find certain documents relating to the years 1812-1819 in volume III of this series. These documents were submitted to the commission of inquiry, held by J. T. Bigge in the year 1820.

FREDK. WATSON.
GENERAL SYNOPSIS.

The papers in this volume are classified as follows:—

Despatches

during the administration of major Geils (pages I to 9).

,, " " " lieut.-governor Davey (pp. 13 to 179).

,, " " " lieut.-governor Sorell (pp. 183 to 432).

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to and from the commandants at Port Dalrymple (pages 435 to 545).

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relating to the administration of the government in the island of Tasmania (pages 547 to 754).
INTRODUCTION.

MAJOR ANDREW GEILS.

On the 1st of July, 1812, the settlements at Port Dalrymple became subordinate to the government at Hobart town, and all the settlements in the island of Tasmania were united under the one administration. At this date, major Andrew Geils* was commandant at Hobart town, and ipso facto became administrator for the whole island. He held office until the 20th of February, 1813, when he was superseded by the arrival of lieut.-governor Davey. Geils was quite unfit to be an administrator, and Governor Macquarie stated† that, "in the exercise of his temporary power, he displayed not only a sordid, mean and covetous disposition, but, in many instances, shew'd himself also venal and corrupt." Governor Macquarie charged‡ Geils with the removal from the public stores for his own private use and profit of large quantities of spirits, sugar, and other provisions, iron, tin, tools of all sorts, nails, sawn timber, shingles, laths, etc., and with the appropriation of twenty-nine convicts for his own service, although they were clothed and victualled at the expense of government. Before Governor Macquarie was aware of his misappropriations of government property, Geils had made most preposterous requests. He asked for a grant of three thousand acres with a liberal proportion of cattle from the government herds for his six children; and he sought permission to purchase the government house at Hobart town. Governor Macquarie naturally refused these requests, but he offered Mrs. Geils a grant of twelve hundred acres with twelve cows and four working oxen from the government herds on the usual terms of three years' credit.

Andrew Geils administered the government at Hobart town, at first for southern Tasmania and afterwards for the whole island, for a period of twelve months. During these months, no progress was made in the colony; the public buildings were neglected, and their construction prevented by the misappropriation of materials

* See note 226, volume I in this series.
† See page 460, volume VIII, series I. ‡ See page 53.
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by Geils; and there is little worthy of historical note except the unbridled prevalence of bushranging, and the arrival, on the 9th of October, 1812, of the Indefatigable, the first ship to carry convicts from England to Tasmania. The union of the administrations caused little evident changes, and Geils was too preoccupied with personal aims to be concerned with the administration of the settlements at Port Dalrymple under major G. A. Gordon as commandant. After lieut.-governor Davey assumed the government, Geils sailed from the Derwent in the brig Active on the 14th of January, 1814.

LIEUT.-GOVERNOR DAVEY.

A more unsuitable man than Thomas Davey could not have been chosen to succeed David Collins as lieutenant-governor at Hobart town. Collins was able, courteous and dignified; Davey was eccentric, rough and undisciplined. Collins devoted his energies to the betterment of the settlement, and died insolvent in the service of his country; Davey wasted days in carousals, and sought and obtained a grant of three thousand acres of land before he had assumed the government. Collins was respected and won the universal goodwill of those whom he governed; Davey was ridiculed, although liked for his kindness of heart.

Thomas Davey was an officer of the marines. On the 18th of July, 1778, he was appointed second lieutenant in the 70th company, and, on the 2nd of November, 1780, was promoted to the rank of first lieutenant in the 142nd company.

In the year 1786, volunteers were called to form four companies of marines for three years’ service as the guard on the establishment of Governor Phillip for the settlement to be formed in New South Wales. Thomas Davey was one of the officers who volunteered, and he embarked with lieutenant Thomas Timins and thirty non-commissioned officers and privates on the ship Prince of Wales, one of the transports in the first fleet. After the settlement was formed at Port Jackson on the 26th of January, 1788, he and some brother officers were the cause of the first friction between Governor Phillip and major Ross, the officer commanding the detachment of marines. In March, 1788, he was a member of a battalion court martial, when a private was tried and convicted of striking another private. The court sentenced the private to ask public pardon before the battalion of the soldier whom he had
struck, or to receive one hundred lashes on his back. Major Ross declined to approve this alternative sentence and requested the court to reconsider it. Davey and his four fellow-members, who formed the court, refused to alter their sentence. Ross thereupon placed the five officers under an arrest, and requested Governor Phillip to assemble a general court martial for their trial. Owing to the limited number of officers available, Governor Phillip refused to grant this request and ordered the members of the court to return to their duty, a decision which was disapproved by major Ross.

Within five months of his arrival at Port Jackson, Davey had decided to avail himself of the option of relief at the end of three years. His career in New South Wales was uneventful, and, except for one brief period on detached command, he was stationed at headquarters at Sydney. During his service, he claimed to have obtained a complete knowledge of the language, customs and manners of the aborigines.

In the year 1789, the New South Wales corps was formed to serve in the colony and to replace the marines. This corps was sent from England in detachments, and, after a sufficient force had arrived at Port Jackson, major Ross and most of the marines embarked for England in December, 1791. Davey, however, with two officers and nineteen non-commissioned officers and privates, remained for a further term of service, and returned to England in the transport ship *Atlantic*, which sailed from Port Jackson in December, 1792.

On the 9th of May, 1795, Davey was promoted to the rank of captain-lieutenant in the 16th company, and, on the 18th of November in the same year, to that of captain in the 107th company. He was present at the battle of Trafalgar. After his return to England, he was stationed for some time at Chatham. In the year 1808, he was transferred to Portsmouth, and, on the 25th of April, was granted the rank of major in the army. On the 15th of February, 1809, he was appointed a major of marines at Woolwich.

In October, 1810, the news of the death of lieut.-governor Collins was received in England. As the successor to Collins, the right honourable Richard Ryder, secretary of state for the home
department, proposed Thomas Davey, and, on the 28th of November, 1810, Davey wrote to the earl of Liverpool applying for the appointment. At this date, Davey was quartered at Cambridge as an inspecting field officer of the marines. In August, 1811, he again made application, and his application was supported by his great patron, the earl of Harrowby. In the meantime, the earl of Liverpool, in a despatch dated 26th July, 1811, had ordered the union of the two administrations in Tasmania. In the beginning of September, the earl of Harrowby notified Davey of his appointment as lieutenant-governor of the whole island; but, although his commission was dated 1st September, 1811, the appointment was not announced officially at the end of November.

It is certain that Davey obtained his appointment by influence and not by merit. He was most unfit to be an administrator. He was kind-hearted but despotic. He was dissolute and profligate. He was careless in his manners and wanting in dignity. At the date of his appointment, he owed a considerable sum for debts contracted as a paymaster of the marines, and his salary as lieutenant-governor was stopped until this debt to the public was liquidated. In October, 1812, Henry Goulburn, under secretary for the colonial department, wrote to Governor Macquarie a private letter about Thomas Davey, and, in reply,* Macquarie stated that he would "use every possible precaution to prevent his making any improper use of the authority He (Davey) is invested with as Lieutenant Governor," and "the moment I discover that He sanctions any peculation of the Public property, or applies any part thereof, or any Public Money he may be entrusted with, to His own use, I shall take immediate measures to prevent a repetition thereof." Such remarks were unnecessary about an officer, newly appointed as an administrator, if he was fully suited for the appointment. At the conclusion of Davey's administration, Governor Macquarie stated that it would have been better to pension Davey at £200 or £300 per annum than to have appointed him lieutenant-governor.

After his appointment, Davey was granted the local rank of lieut.-colonel in New South Wales from the 19th of December, 1811. He devoted some time in London to the problems of his government, and suggested the granting of a patent for the establishment of civil and criminal courts in Tasmania, the transmission

* See page 790, volume VII, series I.
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of stores direct from England, and the appointment of a secretary. In a letter from the under secretary, dated 20th February, 1812, these proposals were refused, and Davey was notified that stores would be supplied when Governor Macquarie thought necessary.

Davey was dilatory in making arrangements for his departure from England, and, on the 22nd of May, 1812, under secretary Peel wrote that Davey must sail at once or other arrangements would be made for the government of Tasmania. In consequence, Davey embarked on the ship Minstrel, which sailed from England on the 4th of June and arrived at Sydney, N.S.W., on the 25th of October following. His personal baggage was shipped on H.M. brig Emu, and was lost when that brig was captured by the American privateer Holkar.* For this loss, Davey subsequently claimed and received compensation.

Davey remained at Sydney until the 10th of February, 1813. During his visit, Governor Macquarie was unfavourably impressed with him, as he exhibited "an extraordinary degree of frivolity and low buffoonery in his manners," which would be unsuited for his high office in Tasmania.

Accompanied by his wife and daughter, lieut.-governor Davey sailed from Sydney in the ship Frederick on the 10th of February, 1813, and assumed the administration at Hobart town ten days later. He was given most comprehensive instructions by Governor Macquarie, which strictly limited his discretionary powers. Although Davey was lieutenant-governor of the whole island, his powers were less than those of David Collins and William Paterson as lieutenant-governors of southern and northern Tasmania. Collins and Paterson were authorised to draw bills on the lords of the treasury in England, but this power was withheld from Davey. As these bills were the principal means of making remittances from the colony, the facilities for trading with visiting vessels were limited. Davey was prohibited also from chartering ships, entering into contracts for supplies, granting lands, erecting buildings, or alienating live stock, without Governor Macquarie's sanction. He was ordered to transmit regular returns to Governor Macquarie. The commandant at Port Dalrymple was ordered to submit reports through Davey to be transmitted to Governor Macquarie; but, notwithstanding these orders, Governor Macquarie frequently communicated direct with the commandant.

* See note 222.
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Probably the most remarkable fact, connected with lieutenant-governor Davey's administration, is the extraordinary consideration and diffidence with which he was treated by the authorities. When Davey was appointed lieutenant-governor, it was thought necessary to warn Governor Macquarie to watch him. Though he was unfavourably impressed by their first intercourse, yet Governor Macquarie authorised a grant of three thousand acres of land to Davey before Davey had assumed the government. Even when Davey was dismissed for misconduct, Earl Bathurst at the same time showed him marked consideration, as will be noted later.

From the day of his arrival at Hobart town, Davey earned a reputation for eccentricity. According to tradition, the day of his arrival was warm and Davey landed in his shirt sleeves with his coat over his arm, stopping at the first house for refreshment. Tradition also names a favoured hotel in Hobart town, where Davey indulged in carousals with convivial spirits, irrespective of the class to which they belonged. His conduct soon earned him the sobriquet of "mad Tom the governor." Davey administered rough-and-ready justice, but, underlying his eccentricities, there was a kindness of heart which won for him the good feeling of the settlers.

In his administration, Davey had many difficulties, which were created by Governor Macquarie or the authorities in England.

The number of convicts was almost constantly insufficient for the requirements of the settlements. Governor Macquarie adopted a public works policy in New South Wales which absorbed large numbers of convict labourers and most of the mechanics and artificers. In consequence, during the three years 1814-1816 he sent only two hundred and thirty-eight male convicts to Tasmania, and those who were sent were mostly the scourings of the convicts in the parent colony. This practice not only delayed the progress on public works in Tasmania and limited the numbers available for assignment to settlers, but increased the prevalence of crime; and the effect of the latter was intensified by the want of criminal courts in the colony.

In his executive duties, Davey was supported in several departments by an inferior staff. Examples may be quoted. P. G. Hogan, who had charge of the commissariat at Hobart town, was tried and found guilty of fraud; P. Mills, the surveyor at Port
Dalrymple, became a bushranger; and J. Smith and J. Mountgarrett, surgeons at Port Dalrymple, were suspected of association with the bushrangers.

In the financial administration, Governor Macquarie limited Davey's powers by denying him the right to draw bills on the English treasury. All payments due for supplies were liquidated at headquarters at Sydney, and traders were delayed in making their remittances. The police fund at Hobart town was established by Governor Macquarie and was used to provide for items of local expenditure; but its revenue was limited by the fact that duties on goods, landed at Hobart town, were levied and paid at Sydney when the ships called first at Port Jackson.

The want of law courts was felt severely during the administration of lieut.-governor Davey. The prevalence of bushranging and the influx of the worst of the convicts from Port Jackson caused a great increase of crime. All trials for serious offences were held in Sydney; but so great was the inconvenience of such a trial that, in the years 1815 and 1816, only two persons were sent for trial, charged with burglary and murder respectively, accompanied by seven witnesses. In civil causes, a marked improvement was made by the establishment of the lieutenant-governor's court. This court held the power to try all causes where the debt or thing in demand did not exceed in amount the sum of £50. Edward Abbott arrived as deputy judge-advocate in February, 1815; but the court was not opened until the month of January following. Abbott ascribing part of this delay to the proclamation of martial law. This court gave much relief, and, to overcome its limited jurisdiction, it became the practice to divide securities into sums of £50 to bring their recovery within the cognizance of the court. However, the want of a local court prior to the year 1816, and the suspension of the sittings of the supreme court at Sydney from the year 1815 to the year 1817, "led to an accumulation of debt and embarrassment" in Tasmania, which were long and sensibly felt.

Probably the greatest problem in the administration of lieut.-governor Davey was the suppression of bushrangers and the protection of settlers from their depredations. When Davey arrived, in February, 1813, bushranging was prevalent and had arisen from the neglect or inability of the British government or the administration at Port Jackson to supply adequate provisions for the
settlements. When the public stores had been emptied of provisions during the government of lieut.-governor Collins, the convicts, assigned to the civil and military officers, had been sent into the bush to hunt and procure kangaroos for their masters' tables. This practice was extended, and the public stores purchased kangaroo meat for issue as rations from all who would supply it. Roving bands of kangaroo hunters were formed, who acquired a knowledge of bush craft and a liking for the freedom of life in the bush. Large sums were paid by the commissariat for the kangaroo meat, and the roving bands earned good wages. When the public stores were replenished by supplies from Sydney, the purchase of kangaroo meat was discontinued by the commissariat. Many of the roving bands, although their livelihood was gone, were averse to return to the ordered life of the settlements, remained in the bush, and maintained themselves by the robbery of settlers and travellers. They were known as "bushrangers." The bushrangers, most of whom were convicts or ex-convicts, were supported by numberless sympathisers in the settlements, and were kept informed of any movements against them. Their excesses were so great that many settlers were forced to abandon their farms and reside for safety in the towns, and intending settlers refused to occupy their land grants for fear of losing any stock or equipment placed on the land. For a period, the bushrangers had virtual control of large districts, and one of their leaders, Michael Howe, called himself "lieut.-governor of the woods," and Davey "lieut.-governor of the settlements." Davey employed the military against them, but, on several occasions when an encounter took place, the bushrangers were victorious. At Port Dalrymple, the bushrangers were joined by Peter Mills, of the survey, and George Williams, of the commissariat department.

Governor Macquarie initiated repressive measures, but his first act was probably the greatest blunder of his long administration. On the 14th of May, 1814, he issued a proclamation* offering a pardon to twenty-nine named bushrangers for all crimes committed, save and except the crime of wilful murder, provided they surrendered and returned to their lawful occupations on or before the 1st of December following. This proclamation in effect was tantamount to a grant of immunity from punishment for all crimes, murder excepted, committed in the island of Tasmania during a

* See page 264, volume VIII, series I.
period of six months. The result was that the number of robberies increased, and bushrangers openly boasted of their immunity from punishment. Before the term of six months had expired, most of the bushrangers surrendered, claimed their immunity, and, after a brief period when the restraints of the town life became irksome, returned to the bush. Instead of assisting and co-operating with lieut.-governor Davey in the suppression of these criminals, Governor Macquarie thus increased the difficulties of Davey's administration.

On the 11th of March, 1815, lieut.-governor Davey offered a reward* of fifty guineas for the apprehension of any bushranger or the conviction of an accomplice, and a free pardon to any bushranger who surrendered and gave information which would lead to the apprehension of one or more of his companions.

Past successes, however, and the after results of Macquarie's proclamation, increased the crimes and audacity of the bushrangers. Under these circumstances, Davey proclaimed† martial law throughout the island of Tasmania on the 25th of April, 1815, and resolved to continue it "until he received an order from Governor Macquarie to put an end to it."

This proclamation was illegal, and Davey was advised against such action by Edward Abbott, who had arrived as deputy judge-advocate in February, 1815. But there was an earlier colonial precedent for such action. In March, 1790, when H.M.S. Sirius was lost at Norfolk island, lieut.-governor Ross placed the whole island under martial law, and his action was approved by Governor Phillip. The power to proclaim martial law was not granted to lieut.-governors, but to the governors or acting governors of New South Wales. The governors exercised this power in similar emergencies, both before and after the year 1815. In March, 1804, Governor King proclaimed martial law in the districts of Parramatta and the Hawkesbury during an insurrection of convicts, and in August, 1824, Sir Thomas Brisbane proclaimed it in the districts west of the Blue mountains when the aboriginal natives became troublesome.

Lieut.-governor Davey reported the establishment of martial law to Governor Macquarie in a despatch dated 30th April, 1815.

*See page 473, volume VIII, series I. †See page 567, volume VIII, series I.
In his reply,* dated 25th May, 1815, Macquarie censured Davey for the proclamation, repudiated all responsibility, but trusted that martial law would have the desired effect. It was not until the 18th of September that Macquarie wrote† and ordered the revocation of the proclamation. It is thus evident that, although he repudiated the responsibility, Macquarie tacitly acquiesced in the existence of martial law for a period of four months. When he received Macquarie's orders, Davey acted promptly, and martial law was repealed in October, 1815.

Six prisoners were tried by courts martial at Hobart town under martial law. Sentence of death was passed on each prisoner; four were executed, and two, found guilty of aiding and abetting, were reprieved.

Although the proclamation was illegal, some measures were necessary to counteract the evil results of Macquarie's offer of an amnesty to the bushrangers. Davey was supported in the adoption and continuance of martial law by many of the principal inhabitants, and Mr. Commissioner Bigge in his report stated that “the want of a local criminal court was the principal justification; for, when the military or the inhabitants had been successful in apprehending the bushrangers, neither proprietors nor witnesses could be prevailed upon to leave their homes exposed to danger, and repair to Sydney for the purpose of giving their testimony against them, at a great expense to themselves and a great detriment to their property.”

It is certain that the proclamation by Davey was beneficial, and that, during the six months of martial law, the excesses of the bushrangers were checked. After its repeal, bushranging continued prevalent until new measures were adopted by Lieut.-governor Sorell.

Some progress was made in the public works at Hobart town during Davey's administration. Lieut.-Governor Sorell, in his first despatches, reported‡ that “every diligence and activity seem to be employed.” The principal works were the erection of the first gaol and the commencement of St. David's church. Lieut.-governor Sorell stated that the gaol was nearing completion in May, 1817, but Mr. Commissioner Bigge reported that it was completed in the year 1815. Bigge described it as having “more the appearance and the accommodation of an hospital than a place of

* See page 110. † See page 126. ‡ See page 196.
coercion and confinement," and criticised the workmanship and materials used in the building. The foundation-stone of St. David’s church was laid by Davey with full ceremony\(^1\) on the 19th of February, 1817, and, when Sorell arrived, in the month of April following, “the walls were going up and materials in abundance were prepared for continuing the works.” But Davey was much hampered in his public works by the want of convict labour, due to the absorption of mechanics by Governor Macquarie on public works in New South Wales which has already been noted.

In the commissariat department, Davey was unfortunate in being supported by dishonest officers. When Davey arrived, L. Fosbrook was deputy commissary. He was suspended a few months later; and, in February, 1814, he was tried by court martial, convicted of fraud, and dismissed from the service. Fosbrook was succeeded by P. G. Hogan; and at the same time the commissariat was made a branch of the army commissariat in England, and Hogan held office as deputy assistant commissary-general. Under the new organisation, Davey did not exercise the large powers over the commissariat which his predecessors held. But, when Hogan was found to be dissolute, incompetent and dishonest, Davey endeavoured to check the abuses,\(^2\) and, when Hogan issued receipts for consolidation bearing the King’s arms for his private benefit, Davey issued general orders\(^3\) regulating the issue to protect the interests of the public. In consequence of his misconduct, Hogan was superseded by William Broughton in August, 1816, and, in the following year, was tried by court martial, found guilty of fraud and dismissed from the service.

During the administration of lieut.-governor Davey, considerable general progress was made in the colony. In June, 1813, the ports at Hobart town and Port Dalrymple were opened to the free importation of general merchandise and, in December, 1814, to that of spirits. Soon after trade developed. Wholesale and retail houses were established successfully by Messrs. Kemp and Gatehouse, E. Lord, T. W. Birch, and T. Reiby, and settlers were enabled to purchase supplies without awaiting the precarious visits of trading vessels. The whale and seal fisheries were developed. A flour-mill was erected at Hobart town. Grain and salt meat were exported; in 1815, 1,770 bushels, and, in 1816, 13,135 bushels of wheat were shipped to Sydney. In the years 1815 and 1816,

\(^1\) See note 74. \(^2\) See page 638 et seq. \(^3\) See page 639.
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the south-western and western coasts were explored by James Kelly and T. W. Birch, and Port Davey and Macquarie harbour were discovered. These discoveries opened the trade in that valuable timber, the Huon pine, and T. W. Birch, as a reward, was granted a monopoly for one year in the supply of this timber from Macquarie harbour. In the year 1810, an attempt had been made to establish a newspaper without success; a second attempt in the year 1814 met with a like fate; but, in the year 1816, Andrew Bent made a third and successful attempt, and, on the 1st of June, the first number of the *Hobart Town Gazette* and *Southern Reporter* was issued under the official supervision of lieut.-governor Davey.

In the beginning of the third year of Davey's administration, Governor Macquarie wrote a "private and confidential" despatch* to Earl Bathurst, in which he commented severely on Davey's dissipation and profligacy and the effects of such conduct on the colony. He also charged Davey with abuse of power in sanctioning the importation of large quantities of spirits and with dishonesty in his finances. Davey's reply† to these last two charges largely justifies his actions, but there is no doubt about the truth of the report on his dissipation and profligacy. In the same despatch, Governor Macquarie recommended Davey's removal. In his despatch‡ in reply, dated 18th April, 1816, Earl Bathurst announced Davey's removal from office on account of his licentious conduct, and the appointment of William Sorell as his successor. At the same time, Earl Bathurst stated his desire "to carry his (Davey's) supercession into effect in the way least hurtful to his Feelings and to those of his Family," and Governor Macquarie was instructed to submit to Davey "the propriety of resigning his Situation either previous to or on the arrival of Colonel Sorell," and to give Davey a grant of land and indulgences of live stock and convict labour suitable to his rank.

When he received Earl Bathurst's despatch, Governor Macquarie communicated its contents to Davey and offered him a grant of two thousand acres of land in addition to the three thousand acres already granted.§ Davey decided to continue the administration at Hobart town until relieved by the arrival of his successor, and

* See page 458, volume VIII, series I. † See pages 636 and 645.
‡ See page 113, volume IX, series I.
§ The grant of three thousand acres was named Carrington plains, and was situated on the west side of the Coal river. The deed was dated 20th September, 1813.
refused to accept the land offered, as he considered it insufficient. At the same time he claimed compensation for losses sustained by the capture of H.M. brig *Emu* in 1812.

Lieut.-governor Sorell arrived in the Derwent on the 8th of April, 1817, and assumed the government from Davey on the following day. In the month of October following, Davey visited Sydney, where he remained until June, 1818. During this visit, he negotiated with Governor Macquarie for additional land, and requested a grant in the district of Illawarra or in the neighbourhood of Port Jackson, as ordered by Earl Bathurst. Governor Macquarie refused the requests, and offered Davey a grant in Tasmania only. During his visit to Sydney, Davey contracted debts, and, at the end of May, prior to his departure for Hobart town, he requested Governor Macquarie to deposit his grant for two thousand acres in the hands of his creditors. Governor Macquarie submitted Davey’s requests to Earl Bathurst, who, in a despatch dated 24th July, 1818, ordered Davey a grant of one thousand acres in addition to the five thousand already granted or ordered; this additional grant was in full compensation for losses sustained by the capture of H.M. brig *Emu*. As part of this one thousand acres, Davey was granted two hundred acres at New town. Finally by a deed dated 9th January, 1821, Governor Macquarie granted Davey two thousand acres in the district of Illawarra, N.S.W.

Davey returned to Hobart town in June, 1818, but was not successful as a settler. A notice, dated 24th January, 1819, was published, announcing that he had been granted two years’ leave of absence by the lords commissioners of the admiralty to adjust public and private affairs in New South Wales; and it is evident that he intended to return to England. On the 1st of September, 1814, he had been placed on permanent half pay in the peace establishment.

On the 11th of May, 1821, Davey sailed from Hobart town for Sydney in the ship *Regalia*, and in the same ship sailed from Sydney for England on the 15th of August. His only daughter, Lucy Margaretta, remained at Hobart town, and, on the 25th of June, 1821, was married to Thomas Scott, a surgeon. As a marriage settlement, Davey gave her two small farms.

Thomas Davey died in England on the 2nd of May, 1823.

*February, 1921:*  

FREDK. WATSON.
DESPATCHES.
HISTORICAL RECORDS
OF
AUSTRALIA.

SERIES III.

UNDER SECRETARY GOULBURN TO LIEUT.-GOVERNOR DAVEY.*
(Despatch per H.M. brig Emu.)
19th Octr., 1812.
[A copy of this despatch will be found on page 524, volume VII, series I.]

MAJOR GEILS TO GOVERNOR MACQUARIE.
(Despatches per ships Frederick, Indefatigable, and Spring Grove; acknowledged by Governor Macquarie, 28th January, 1813.)
12th and 22nd November, 1812.
26th December, 1812.
[Copies of these three despatches are not available.]

GOVERNOR MACQUARIE TO MAJOR GEILS.
(Despatch per ship Frederick.)
Sir,
Sydney, 25th Jany., 1813.
1. It was with no small degree of surprise and concern I was lately informed by Mr. Wentworth, the Treasurer of the Colonial Police Fund, that Bills to a very large amount had been drawn on him by your directions in favor of different individuals for very considerable sums of Money, purporting to have been paid at the Derwent for various Purchases made there on account of Government by your authority, including a variety of other charges of minor importance.

2. As no part of my Instructions to you could warrant your drawing on the Police Fund of the Colony to such a large amount, especially for Purchases of Stores for the use of Government, I was under the painful necessity of ordering

* Note 1.
1818.
25 Jan.

Instructions re drafts on police fund.

Criticisms of purchases.

Explanations required.

Accounts and vouchers.

Mr. Wentworth not to honor any of the Bills drawn on him by either Mr. Fosbrook or Mr. Campbell, and I conclude the holders of those Bills have Protested them.

3. By a reference to my Instructions* you will find that it is only for Salaries of Officers and others, appointed in the Colony and not provided for in the Parliamentary Estimate, that you are authorized to draw on the Colonial Police Fund, and that only when the Police Fund† of your own Settlement is unequal to the discharge of such Salaries. It was therefore highly irregular and improper to draw on the Colonial Police Fund here for Stores, etc., etc., Purchased for the use of Government at the Derwent, the amount of which ought to have been drawn on the Commissary, as has always hitherto been the custom to do, and which your Depy. Commissary could have informed you of, had you consulted him on this occasion.

4. It does not appear to me that the Purchases, drawn for in these Bills, were at the time absolutely necessary; and they ought not, at all events, to have been made at such exorbitant rates, without first knowing whether the articles could be supplied from the King's Stores at Head Quarters. Several of the items in the Vouchers that have been received are highly exceptionable and irregularly charged. These consequently require explanation, and I have accordingly selected them under their respective heads and dates, in a separate Paper of Queries, to be answered by you, so as to enable me to judge how far I can finally sanction their Payment here by the Acting Commissary and Treasurer of the Police Fund, as well as to enable me to explain to the Lords of the Treasury, in drawing on them for their amount, the real cause of such charges. I now send you this Paper of Queries, which I request you will answer and return to me again by the first opportunity.

5. Herewith you will receive the whole of the Accounts and Vouchers lately transmitted by Mr. Fosbrook and Lieut. Campbell‡ to the Treasurer of the Police Fund here, who delivered them to me on his receiving them, not being authorized to make any Payment from the Police Fund without my express authority. These Accounts and Vouchers having been referred to the Acting Commissary here, he has examined and made his remarks upon them; adding on the back thereof directions for making them up properly, and accompanying them with the necessary Forms; by which Forms I have to desire they may be made up and then transmitted to Head Quarters for Payment.

I have, &c.,

L. MACQUARIE.

* Note 2. † Note 3. ‡ Note 4.
1813.

25 Jan.

Explanations required re Vouchers.

STATEMENT of Items in the Vouchers lately transmitted by Depy. Comy. Fosbrook, and Lieut. Campbell, Naval Officer at Hobart Town, to the Treasurer of the Police Fund at Sydney, which are considered exceptionable and require explanation; the Total amount of the Vouchers received being £1,259 3s. 2d.

Queries, etc.

First. In Voucher No. 1, There are two charges for Gun Powder amounting to £56 5s.; which appears to be quite a sufficient quantity for so small a Settlement for 12 months; and as Demands have lately been made on Head Quarters for more Powder, an account must be sent to the Govr. explaining in what manner the Quantity thus Purchased has been expended.

2dly. In the same Voucher there appears a charge for Six Reams of Writing Paper, which being a large Quantity, the Governor wishes to be informed how it has been expended; whether by the Commandant or Dy. Comy., or both?

3dly. In Voucher No. 2, There are 12 Cordovar Hides charged at £21, and 4,000 Brass Nails at £6; Query—for what purposes were these Hydes and Brass Nails Purchased?

4thly. In Voucher No. 3, There is a charge on the 17th of March for 10½ gallons of Spirits at £17 16s. 6d.; Query—for what Purpose were these Spirits Purchased at so exorbitant a rate?

There is another charge in the same Voucher for 3 Reams of Writing Paper for the I.P.W.* from 4th March to 2d May, 1812, being only 2 Mos. and 2 days, amounting to £9 stg., and also for one Ream of coarse Paper for the use of the Comg. Officer, amounting to £3 stg. The former of these two charges for Writing Paper for the I.P.W. appears most extraordinary and unaccountable; as, it is impossible he could have had occasion for a tenth part of the Quantity in so short a time, the more especially as Stationary has lately been demanded from Head Quarters. Query, therefore, how has all this Stationary been expended?

5thly. In Voucher No. 4, There is a charge of £21 7s. 6d. for 12½ gallons of Spirits Purchased on 20th Feb'y., 1812; Query—for what purpose were these Spirits Purchased at so exorbitant a rate?

6thly. In Voucher No. 5, There are charges for House Rent for Lieuts. Gunning and Campbell amounting to £5 14s. for each. As these two Officers occupied Government Houses or Barracks, when the Govr. was at the Derwent in Decr. 1811, it is necessary to explain the cause of this charge, and to state by whom these two Barracks are now occupied?

* Note 5.
HISTORICAL RECORDS OF AUSTRALIA.

Queries, etc.

7thly, In Voucher No. 1, There are charges of £16 5s. for House Rent for part of the Commandant’s Family; £2 4s. 6d. for Office Rent for the Insr. of Pub. Works; and £7 12s. for House Rent for W. Nichols Supdt. and for Tool-keeper’s Hut. The two last are highly irregular and improper charges, nothing of the kind being allowed at Head Quarters, and must therefore be discontinued from the date of that Voucher; as must also the charge of House Rent for the Commandant’s Family, unless satisfactorily explained to be indispensably necessary.

L. MACQUARIE.


Answers.

Legal opinions by judge-advocate.

28 Jan.

Despatches acknowledged.

Proceedings of bench of magistrates.

GOVERNOR MACQUARIE TO MAJOR GEILS.

(Despatch per ship Frederick.)

Sir,

Government House, Sydney, 28th Jany., 1813.

1. I have the honor to acknowledge the receipt of your Letters P’r the Ships Frederick, Indefatigable, and Spring Grove, under dates 12th and 22d November, and 26th December last, together with their several enclosures and accompaniments.

2. The Several Proceedings of the Benches of Magistrates,* held by your orders at Hobart-Town, have been, as far as was deemed necessary, referred to the Judge Advocate here for his legal advice and opinion. I have myself perused those several Proceedings and Papers with particular attention, and, after serious and mature consideration, have given my decisions thereon, and which I have accordingly written and Signed on each of these Proceedings and Papers respectively. I therefore now return you herewith the whole of those Proceedings to enable you to notify to the several Parties concerned my decisions on the several Points referred by you for my consideration.

3. I also transmit you herewith a Copy of the Judge Advocate’s Opinions on the charges brought forward by Mr. Ingle against Mr. McCarty; and on the claim of Mr. Loane on his late Clerk John Simpson. You will be pleased to communicate the Judge Advocate’s opinions on these Points to all the Persons concerned, together with my opinion on the very malicious and vindictive charges brought forward by Mr. Ingle against Mr. McCarty. I consider the latter extremely ill-used by the former; as, in my view of all the circumstances, no improper or dishonest motive ought to have been attributed to Mr. McCarty’s conduct. You will accordingly discharge him from his Bail, and leave him at liberty to pursue his former avocations and Private affairs. I approve of your having appointed Bryan Cullen to act as Supdt. of Govt. Stock at the Derwent, during the time charges of so

* Note 6.
serious a nature were pending against Mr. McCarty; and, as
Lieut. Govr. Davey is about taking his departure for the Der-
went, he will appoint such Person as he may think proper to be
Supdt. of Govt. Stock on his arrival there, Bryan Cullen con-
tinuing in charge thereof for the present. In my opinion Mr.
McCarty has too many Private concerns of his own to attend to
to render him a fit Person for this appointment; and, on this
ground alone, I do not wish him to be reinstated in it.
I have ordered the Detachment of Royal Marines* to be
disbanded on the 6th March next, paying them one month's
subsistence in advance and then to be permitted to go to settle on
their Farms, with all the indulgences formerly allowed to the
Men of this Corps, who were permitted to become Settlers in this
Colony; a List of which indulgences I have furnished Lt. Govr.
Davey with, for him to act upon.
4. I do hope none of the Norfolk Island Settlers have con-
tinued to be Victualled from the King's Stores at the Derwent
after the 31st of December last, that being the period I limited
for their being victualed up to at the expence of the Crown. I
left a Public Order† to this effect with your Predecessor, Capt.
Murray, who ought to have handed it over to you with the other
Public Documents of the Settlement; but at all events I conclude
you must have received my last Orders on this subject in sufficient
time to prevent the Norfolk Island Settlers being victualled
beyond the prescribed period.
5. I approve of the measures you have pursued in respect to Condemnation
of the condemning the Contract Wheat brought from Bengal for
the use of Government in the Ships Frederick and Hope on
account of the bad quality thereof. As you say so, I conclude
the Contract Spirits and Sugar, brought by these two Ships for
Government, are both of good quality. I trust you have directed
the Dy. Commissary to be extremely careful of both the Spirits
and Sugar thus received, and to keep an exact account of the
manner of disposing of the former and how appropriated, as I
shall require an exact Quarterly Account of the expenditure of
all Spirits thus Purchased for the use of Government to be
regularly transmitted by him to the Comy. General at Head
Quarters for my information.
6. The Spirits seized by the Naval Officer,‡ belonging to Mr. Williams,
on the Beach at Hobart Town, I authorize you to
restore again to that gentleman, provided you are satisfied in your
own mind that they were not intended to be smuggled or clan-
destinely landed. In case the Hope should still be at the Der-
went, these seized Spirits landed from her must be reshipped
again; but, if she has left the Derwent before you receive this

* Note 7. † Note 8. ‡ Note 9.
1813.
28 Jan.

Appointment of treasurer to police fund.

Returns to be transmitted.

Convicts per ship Indefatigable.

Detention of detachment of 73rd regt.

Return of J. M. Dermott and soldiers to the Derwent.

HISTORICAL RECORDS OF AUSTRALIA.

Letter, the Spirits must be delivered to Mr. Williams' Agent there, on paying the newly ordered Duty of Five Shillings per Gallon for the same to the Naval Officer for the Police Fund.

7. I approve of your having appointed Lieut. Campbell to act as Treasurer of the Police Fund in room of Mr. Fosbrook, who very improperly resigned that office; as it was more regular that he should hold it than any other Person. I cannot however sanction any Salary being paid to Mr. Campbell as Treasurer of the Police Fund, and therefore you are not to pay him any. He has very little to do as Naval Officer, and can very easily discharge the Duties of both offices. In case Mr. Campbell makes any objection to do so, I shall appoint some other Person Naval Officer, who will undertake to execute all the Duties of both these offices.

8. No regular Return or Statement of the Police Fund of Hobart Town has been sent to me for some time past, which I cannot help expressing my surprise and displeasure at. Neither have I received for a great length of time past any Returns of Public Labour and appropriation of Government Artificers and Labourers, which ought to have been made up Quarterly by the Inspector, of Public Works, and transmitted to me by you along with your other Returns of the Settlement. I request therefore that the Inspector of Public Works may be called upon by you to account for this neglect and omission, and to be admonished to pay more attention to his Duty in future.

9. I approve of your having sent Eighty of the Male Convicts, arrived in the Indefatigable Transport, for the use of the Settlement of Port Dalrymple; but you omitted to send me a Return of those you retained at the Derwent, which you ought to have done, specifying to whom they were assigned. I hope most of them were given to the Settlers, and that you retained very few of them for Government excepting the real Mechanics.

10. You ought not to have detained the Detachment of the 73rd Regt. arrived in the Indefatigable at the Derwent, the Force there before being amply sufficient for the Protection and various Duties of that Settlement. I am glad however to find you saw the propriety afterwards of sending that Detachment up to Head Quarters in the Ship Hope; but had you permitted the officers and men to come up in the Indefatigable, a considerable expence for Freight or Passage Money would have been thereby saved to Government.

11. Assistant Surgeon Dermott returns by this Opportunity to his duty at the Derwent; as do likewise Sergt. Towse and four Men of the Party that came up as an Escort with the Prisoners lately sent up from the Derwent.
12. The three Soldiers and the two Convicts* McCabe and Townsend have all been tried and found guilty at two separate criminal Courts here. One of the Soldiers (Gorrie) and McCabe and Townsend have been executed pursuant to their Sentence. I have commuted the Sentence of Death passed on the other two Soldiers (Connor and Poney) to Transportation for Life. I have directed the Soldier (James Connor), who came up as an Evidence, to be detained at Head Quarters agreeably to your request. I intend to give the three Bush Rangers, who apprehended McCabe and Townsend, their Emancipations in the course of a few days, in fulfilment of the promise you made to them.

13. You will receive herewith from the Secretary the several Free and Conditional Pardons I promised some time since to different Convicts at the Derwent, which I request you will deliver to them. I have included in this List a free Pardon for Charles Holden, whom you recommend so strongly in your last Dispatch; and I have excluded the names of Ankers and Holsgrove in consequence of your representing them as unworthy of this great indulgence.

14. I much approve of your having ordered a correct and complete Survey of all the Provisions and Stores belonging to the Crown at the Derwent, under the charge of Depy. Commissary Fosbrook, as taken in Sept. last; and the explanatory Letter and Papers you have sent me lately on this Subject are very satisfactory; and prove at least gross neglect, if not fraud and Peculation, on the part of Mr. Fosbrook and his assistants in the Store. As it is impossible at present to select here any fit Person to replace Mr. Fosbrook, he must be allowed to continue at the head of the office until the arrival of Mr. Allan,† the new Comy. Genl., who brings out some young men with him in the Commissariat Department, one of whom will be appointed on his arrival here to replace Mr. Fosbrook, against whom charges will then be exhibited for Peculation, etc., etc., and for which he will be tried either before a Genl. Court Martial, or a Criminal Court. In the meantime he must be strictly watched, and his friend and assistant Boothman† must not be allowed to resign his Situation, but must be continued likewise in office until a new Depy. Commissary and new Storekeeper shall be appointed from Head Quarters. Maum† may be told that he will succeed Boothman, in case he gives useful information, respecting the Depredations committed on the King's Stores by Fosbrook and his assistants.

15. I have given Colonel Davey particular Instructions respecting the Debts due from Individuals at the Derwent to the Crown, which they must be compelled to pay by law, in case they do not immediately liquidate them. When those Debts are recovered,
1813.
28 Jan.
Accounts to be credited with moneys received.

Land grants.

Miscellaneous instructions.

their amount must be credited to the Crown by the Depy. Comy. in his Accounts Current with the Comy. General at Head Quarters, and not, as you propose, to the Police Fund; no such credit having ever been intended to be given to that Fund which was meant to be formed only from Duties, Taxes, and Fines levied and collected within the Colony. The Cattle also issued from the Government Herds to Individuals for Payment are credited, when paid for, in the Public Accounts transmitted home to England, and never are credited to the Police Fund.

16. You will receive herewith a Copy of a List of Persons' Names, to whom I have ordered Grants of Land to be located at the Derwent. In this List is included all those Persons from whom you lately forwarded Memorials to me applying for Lands. You will observe Messrs. Thos. Wm. Birch and Walter Colquhoun are included in this List for Lands. The Secry. has written to Mr. Birch granting him my Permission to complete and launch the Vessel he has now on the Stocks at Hobart Town. The Secretary has also written to Messrs. Knopwood and Fosbrook in reply to their complaint against you respecting the Constable Reardon, signifying to them my disapprobation of the Sentence they passed on him. Mr. Loane has likewise been written to by the Secretary to signify to him my decision on his claim on Govt. for the Fresh Meat he intended turning into the King's Stores in Decr., 1811, and which claim I now consider as unjust and groundless.

17. I believe I have now replied to all the principal points contained in your last Dispatch of 22d Novr. and Letter of 26th December, 1812; and I have in addition only to request, that, you will afford every information and assistance in your power to Lieut. Governor Davey on his arrival at the Derwent respecting the affairs of that Settlement. I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

[A copy of these proceedings is not available.]

[Enclosure No. 2.]

EXTRACTS from a Letter addressed to His Excellency the Governor from Ellis Bent, Esqre., Deputy Judge Advocate, Dated Sydney, 19th January, 1813.

"I beg leave to return to you the papers transmitted to you from Hobart town relative to the charge against Mr. McArdy; and also those relative to the Controversy between Mr. Loane and Mr. Simpson. I have perused both with much attention. The first set of Papers affords room for much and various observation; but I will Content myself with merely offering my opinion
that, in the existing Circumstances of that case, rendered so
obscure, and exposed to such suspicion by the very extraordinary
and I must add improper Conduct of Mr. Ingle, it is by no
means adviseable to continue any prosecution against Mr.
McArti, and I should therefore recommend that all proceedings
against him be dropt.”

“As to the papers relative to the Disputes between Mr. Loane
and Mr. Simpson, I must observe that I consider them as merely
of a private nature, and I do not think any tribunal would be
able to render the Parties Complete justice without much diffi­
culty and delay as long as such violent personal Animosities
subsist between them.”

True Extracts:—JNO. THOS. CAMPBELL, Secy.

[Enclosure No. 3.]

[A copy of this list is not available.]
DESPATCHES
TO AND FROM
lieutenant-governor Thomas Davey.

Lieutenant-governor Thomas Davey arrived at Hobart town in the ship Frederick, and administered the government from the 20th of February, 1813, to the 8th of April, 1817.
LIEUTENANT-GOVERNOR DAVEY'S COMMISSION.*

In the Name and on the Behalf of His Majesty, George, P.R.
George the Third, by the Grace of God of the United Kingdom
of Great Britain and Ireland, King, Defender of the Faith,
To Our Trusty and Well-beloved Thomas Davey, Esquire,—

Greeting:—

We, reposing especial Trust and Confidence in your Loyalty, Courage, and Experience, do by these Presents constitute and appoint you to be Lieutenant-Governor of Our Settlements in Van Dieman's Land, on the Southern Coast of New South Wales. You are therefore, as Lieutenant-Governor, to take the said Settlements into your Care and Charge, and carefully and diligently to discharge the Duty of Lieutenant-Governor thereof, by doing and performing all and all manner of things thereunto belonging. And we do hereby strictly charge and require all Our Officers and Soldiers who shall be in Our said Settlements, and all others whom it may concern, to obey you as Our Lieutenant-Governor thereof. And You are to observe and follow such Orders and Instructions from time to time as you shall receive from Us, Our Governor of Our Territory of New South Wales and the Islands adjacent for the time-being, or any other your superior Officer according to the Rules and discipline of War, in pursuance of the trust hereby reposed in you.

Given at our Court at Carlton House, the First day of September, 1811, In the Fifty-first Year Our Reign.

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

INSTRUCTIONS* TO LIEUT.-GOVERNOR DAVEY.

(Despatch No. 1.)

30th January, 1813.

[A copy of these instructions will be found on page 730 et seq., volume VII, series I.]

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.

(Despatch No. 2.)

Sir,

Government House, Sydney, 30th Jany., 1813.

1. Herewith you will receive my Instructions of this day's date for your information and guidance as Lieutenant Governor

* Note 12.
1813. 30 Jan.
Transmission of general instructions.

Public buildings to be erected at Hobart town.

Annual issues of spirits.

Spirits to be imported.

Price of spirits.

Duty on spirits.

of the Settlements on Van Diemen's Land, and to which I must generally refer, confining myself in this Letter to calling your attention to some Points of minor importance, which are not particularly noticed in your General Instructions above adverted to.

2. Having in my Letter of Instructions* to Major Geils, the present Commandant of Hobart Town, under date 8th Feby. last, given him orders respecting the different new Public Buildings, including Barracks and Hospital for the Troops, required to be erected at that Settlement with as little delay as possible, I now enclose you Extracts from that Letter fully explanatory of my wishes and sentiments on those important points, and to which Extracts I have to request your particular attention, and that you will carry the orders therein contained into execution within as short a period as the means you possess will admit, commencing immediately to erect the Barracks and Hospital for the accommodation of the Troops, who are at present suffering much inconvenience from the want of Suitable Quarters, besides it being highly prejudicial to their Discipline and the good of the Public Service, their being dispersed in different straggling Huts throughout Hobart Town.

3. The same Quantity of Spirits, as the Civil and Military Officers and other Persons in the Service of Government are indulged with at Head Quarters annually at the Government Price, will be allowed to Persons of similar ranks and descriptions at the Settlements under your Command, including the Licensed Publicans. You are therefore hereby authorized, when Ships or Vessels laden with Spirits happen to touch at the Derwent or Port Dalrymple, to permit to be landed from them annually a quantity of Spirits sufficient to serve out to each Person entitled to receive them, the proportion specified in the accompanying Schedule,† at the Government Price, adding thereunto the Duty due to the Crown of Five Shillings Per gallon; but you are enjoined not to permit more Spirits to be landed, on any account, than is sufficient for the purpose herein stated. The Government Price for good Spirits, either Bengal or West India Rum, is fixed for the present at Seven Shillings and Six pence Pr. Gallon to the Importer; the Purchaser or consumer paying in addition thereto the Duty of Five Shillings Pr. Gallon due to the Crown, and which is to be credited to the Police Fund of Van Diemen's Land. The Officers, Civil and Military, and other Persons receiving annually the Proportions of Spirits herein adverted to, are invariably to pay the above-mentioned Duty at the time of receiving their Spirits. You will observe that the Duty now fixed on all Spirits imported into any

* Note 13. † Note 14.
part of the Territory, since the 31st of last month, is Five Shillings Per Gallon; which you are accordingly directed to have levied and collected on all Spirits that you may have occasion to permit to be imported into the Settlements under your command.

4. On the Birth Days of His Majesty, the Queen, and Prince of Wales, on New Years-day, and on the two annual Inspection Days, you are hereby authorized to issue from His Majesty's Stores a Donation of half a Pint of Spirits to each of the Non-commissioned Officers and Soldiers; together with an extra Ration of one Pound of Fresh Beef on the four former days; the Mechanics and Labourers in the immediate Service of Government receiving also an extra Ration of one Pound of Fresh Beef on the three Birth-Days and New Year's day. No Donation of Spirits, or extra Rations of Fresh Meat are to be given to the Troops on any other Days in the Year than those herein Specified; excepting only the Day of your assuming the Command of the Settlements on Van Diemen's Land, on which occasion you are authorised to order the prescribed Donation of Half a Pint of Spirits to be issued from the King's Stores to each Non-commissioned Officer and Soldier Stationed at Hobart Town and Port Dalrymple.

5. Having observed, by the Accounts and Returns recently received from the Derwent, that a very large expenditure of Gun Powder and Stationary has taken place at that Settlement, I must recommend to you the greatest frugality in both these articles after you assume the Command. The Supplies of those two articles sent out from Home are very scanty for the Public use, and they are Purchased here at a very great expense to the Crown. I must therefore request that you will be as moderate as possible in your expenditure of them. No Morning or Evening Gun must be fired at the Settlements under your Command; and no Salutes are to be fired at either Place excepting on the three Birth-Days of the King, Queen, and Prince of Wales, or on extraordinary occasions of Particular Public Rejoicings. The Salutes of Merchant Ships must not be returned, as it wastes unnecessarily a great deal of Powder.

6. When Gun-Powder, Stationary, or any other description of Stores are required for the use of the Settlements under your Command, application must be made for them to Head Quarters, from whence only they are to be furnished, and never to be Purchased from Private Merchants or Traders residing in Van Diemen's Land, excepting on very pressing necessity and urgent occasions, when such urgent necessity must be clearly explained and stated at the time of transmitting the Vouchers of such Purchases to the Commissary General at Head Quarters.
7. No Person must be victualled from His Majesty's Stores who is not strictly and justly entitled to that indulgence; and you must be particularly cautious not to permit new Settlers to be victualled at the expense of the Crown beyond the Regulations of Government, namely, Eighteen Months. As a particular favor and indulgence to the Norfolk Island Settlers, who were removed from thence some few years ago to the Derwent, and in consideration of their claims on Government remaining so long unsettled, I authorized their continuing to be victualled from the King's Stores at Hobart Town up to the 31st December last inclusive, when they were all to cease receiving any Provisions at the expense of the Crown. You will accordingly take care to see that my orders on this head have been duly attended to by the present Commandant and Depy. Commissary at Hobart Town.

8. There are a few of the Norfolk Island Settlers now at the Derwent, who have still unadjusted claims on Government on account of Live Stock and Houses which they left on the Island when they removed from it. I have referred these claims to the Commandant of Norfolk Island to report upon, and, as soon as I receive his answer, I shall authorize you to liquidate them.

9. Having deemed it advisable, when at the Derwent in Decr., 1811, and on my visit of Inspection to the District of New Norfolk, to mark out a very eligible situation for a Township for that District, naming it "Elizabeth-Town," I have to request that you will afford every facility and encouragement in your power to sober, honest, industrious Tradesmen to go to reside and settle there as soon as the Township has been subdivided into regular allotments, which I have ordered the Deputy Surveyor to do. Elizabeth Town is beautifully situated on the Right Bank of the River Derwent in a fertile country; and the River, being Navigable for large Boats so far, renders it in all points of view a very commodious and desirable Situation for a Township for the accommodation of the Settlers in that particular part of the Country for the sale of the various Productions of their Farms, and for sending their Children to be educated at, when a School is established there.

10. From the Negligence and ignorance of the late Depy. Surveyor of Lands* at the Derwent, great and frequent disputes have arisen between the Settlers respecting the Boundaries of their respective Farms, which were so inaccurately measured and described by him that it has been found impossible to adjust these Disputes to the satisfaction of any of the Parties. I therefore deemed it necessary to send Mr. Meehan, then the Acting Surveyor General of Lands, some months ago to Van Diemen's Land, with orders to re-measure and newly describe the whole

* Note 15.
of the Farms at both the Settlements of the Derwent and Port Dalrymple. He is now employed on this duty at the former Place, and I hope will nearly have completed it by the time you arrive at Hobart Town.

11. Having some time since received Instructions* from His Majesty's Ministers to evacuate Norfolk Island entirely, and to remove the whole of the Settlers and their Property from thence with the least possible delay, I have lately, in pursuance of these Instructions, sent the Govt. Brig Lady Nelson and the Ship Minstrel, hired Transport, to Norfolk Island to carry these orders into effect. I have directed the whole of the People now at Norfolk Island to be removed to, and landed at Port Dalrymple, where the Acting Surveyor Genl. has already marked out and measured Farms for those, entitled to them, in a very fertile well-watered Tract of country on the Banks of the South Esk River, about Eight Miles from Launceston, and which I have named the District of "Norfolk Plains." The Officer now Commanding at Port Dalrymple has already received orders to send all the People from Norfolk Island, on their arrival at Port Dalrymple, to their respective Farms at Norfolk Plains, and I intend to furnish him with further Instructions respecting their accommodation there, and the liquidation of their several claims on Government for Land and Stock; I expect the Evacuation of Norfolk Island will be effected about the middle of February, and that the People will be landed at Port Dalrymple about the latter end of that Month. In case Mr. Meehan should have entirely completed the Duty he is now employed on at the Derwent by the time the Norfolk Island People arrive at Port Dalrymple, you will be so good as to direct him to proceed thither, overland, in order to Shew the Settlers from Norfolk Island the Farms he has marked out for them in Norfolk Plains, according to their respective claims and my instructions to him on that head.

12. The Lords Commissioners of the Admiralty having signified Permission for his Majestys Secretary of State for the Colonies their approbation of such of the Marine Soldiers,† who have been for some years past doing Duty in Van Diemen's Land and who wish to remain in the Colony instead of returning to England, to become Settlers, and Twenty Eight Noncommissioned Officers and Soldiers of the Detachment of Marines having made their election to remain and become Settlers in the Country, I have acquiesced in their request, and have forwarded a Return of their Names to the Lords of the Admiralty, requesting that regular Discharges may be sent out for them. These Twenty Eight men continue still embodied and doing duty at the Derwent; the rest of the detachment, Fourteen‡ in number, having made their
1813. 30 Jan.

Marines to be disbanded.

Farms to be surveyed for marines.

Indulgences for settlers from marines.

Cattle to be removed from Port Dalrymple to the Derwent.

election to return to England, were accordingly sent thither on board the Private Ship Isabella early in last month. As it will be a long time before the Discharges for these Twenty Eight Marines can be received from England, and as I understand they are very anxious to go to settle on the Lands to be assigned to them, you are hereby authorized and directed to disband them on the 6th of the Month of March next, and to strike them off duty from that date, paying one Month’s subsistence to them in advance from the 6th of March, previous to your disbanding and striking them off all further Military Duties. Mr. Meehan the Surveyor must be directed to locate and measure out Farms for them at the Coal River, or at any other part of the Settlement they may prefer. Lands are to be assigned to them in the following Proportions. Vizt.—To each Noncommissioned Officer, if single, 130 Acres, and if Married 150 Acres; To every Private Soldier, if single 50 acres, and if married 100 Acres; with an addition of Ten acres of Land for every child they may have at the time of the Allotment taking place. They are to be victualled and clothed for Eighteen Months from the King’s Stores, and to receive gratis Seed Grain, and such agricultural Tools and Implements as can conveniently be furnished to them from the King’s Stores. Each Marine Settler is also to be allowed one Male Convict labourer, clothed and victualled from the King’s Stores for Twelve Months, which Government Servants are to be assigned to them as soon as they can conveniently be spared from the Government Public Gangs at Hobart Town. The Marine Settlers are also to receive one Cow each from the Government Herds, on a Credit of Eighteen Months, granting their Bonds for the payment of the Cows so delivered to them. With these indulgencies, it is hoped they will soon become wealthy and useful Settlers. You will therefore direct them to go to reside on, and proceed immediately to the Cultivation of their Farms, as soon as they are disbanded; the indulgence of one Month’s Pay in advance being allowed them on account of their meritorious conduct, and to enable them to fit themselves out with such Necessaries as they immediately require on becoming Settlers.

13. In order to enable you to Supply the Marine Settlers and other Persons, who may obtain Permission to become Settlers at the Derwent, with Horned Cattle, it will be adviseable to make a Draught from the Government Herds at Port Dalrymple to strengthen and increase those at the Derwent, which have been greatly reduced of late in consequence of the large Distribution I directed to be made from them in the course of the last Year. You are accordingly authorized to draw One Hundred Young
MACQUARIE TO DAVEY.

Cows from the Government Herds at Port Dalrymple to add to the few remaining young Cattle belonging to the Crown now at the Derwent; but no Cattle are to be issued to any new Settler, or other Person, without my permission being previously obtained in writing.

14. Herewith you will receive a List of the names of certain Persons, to whom I have granted permission to become Settlers at the Derwent, and in which List is specified the quantity of Land which is to be assigned to each of these Persons, and which you are accordingly directed to order the Surveyor to locate and mark out for them in such parts of the Settlement as Lands can most conveniently be spared at. None of those Persons inserted in the abovementioned List are to receive any Cattle from Government Herds at present, nor any other indulgence as New Settlers, until they go to reside permanently on their Farms; when they are to commence to be victualled from the King’s Stores for Eighteen Months; and, as soon as I receive a report from you that they have proceeded to Cultivate their respective Farms, I shall authorize you to make a Distribution of Cattle to them. I wish you however to make an exception in this instance in favor of Mr. John Beamont,* to whom I have directed a Grant of 300 Acres of Land to be made at the Derwent. You are accordingly authorized to order three Cows to be delivered to him from the Government Herds, taking his Bond for the Payment of the same in two years; himself to be victualled from the Stores for Eighteen Months, and to have two Convict Labourers assigned to him, when they can be spared, Victualled and Clothed at the expense of the Crown for the same space of time.

15. In consequence of your requisition to me for a Grant of Land to be made to yourself at the Derwent, I enclose you herewith an order to the Depy. Surveyor General, Mr. Meehan, directing him to locate and measure out for you in any part of the Settlement you may prefer (which may not however interfere with Lands reserved for the purposes of the Crown or Crown Grazing Farms) three Thousand Acres of Land, of which I shall send you a Grant as soon as I receive the delineation and description thereof from the Dy. Surveyor General. You are also authorized to take Fifteen young Cows from the Govt. Herds for your own use for Payment, and on a credit of three years, granting your Bond to the Depy. Commissary for Payment of the same on the terms herein prescribed. You will likewise be entitled to Six Convict Labourers assigned to you, clothed and victualled for Eighteen Months at the expense of the Crown for the purpose of Cultivating your Farm. You are accordingly

* Note 18.
HISTORICAL RECORDS OF AUSTRALIA.

1813. hereby authorized to take Six Male Convicts from the Govern-
m ent Gangs for the above purpose, as soon as your Land has been
measured out and described by the Depy. Surveyor General.

16. The number of Magistrates in the Settlement of the Der-
went and its immediate Dependencies must be restricted to Five
including yourself; four being deemed quite sufficient for Hobart
Town, and one for the Districts of Newton and New Norfolk.
The present Magistrates, besides Major Geils, are Capt. Murray,
the Revd. Mr. Knopwood, Mr. Fosbrook, Mr. Humphry, and
Lieut. Gunning. The two latter gentlemen are only acting, and
have never been confirmed by me, which, it is necessary they
should be in case they were to be continued as permanent Magis-
trates. Lieut. Gunning, however, having other essential Public
Civil and Military Duties to perform, that must necessarily
occupy the greater part of his time, you are to direct his dis-
continuing to act as a Magistrate from the date of your assuming
the Command of Van Diemen's Land; and the four Government
Men assigned to him as a Magistrate must be immediately re-
turned to the Government Gangs again. I shall have no objection
to confirm Mr. Humphry as one of the Five Magistrates at the
Derwent, in the event of your finding him, on further acquaint-
ance to be properly qualified for filling that situation with credit
to himself and advantage to the Public. There have generally
been three Magistrates allowed at the Settlement of Port Dal-
rymple, and that number will still be continued there after
Major Geils assumes the command of that Settlement, himself of
course being considered as one of the three.

17. It being essentially necessary for the preservation of the
Peace and tranquillity of the Settlements under your command,
as well as for establishing a good system of Police, and adjusting
petty disputes and differences, and settling petty Debts, that a
regular Bench of Magistrates should be assembled weekly at
Hobart Town, you are hereby strictly enjoined and directed to do
so, presiding yourself invariably at the Bench of Magistrates thus
ordered. You will be pleased to direct a Bench of Magistrates to
be assembled in like manner and for the same purposes at Port
Dalrymple.

18. A number of Male Convicts having, at different times
within the last few years, absconded from the Settlements of the
Derwent and Port Dalrymple, and betaken themselves to the
Woods, or Bush, where they continually molest the Natives of the
Country, and from whence they carry on Predatory incursions on
the European Settlers and other Inhabitants of the Country, to
the danger of their lives and great injury and destruction of
MACQUARIE TO DAVEY.

their Cattle and other Property, you are hereby directed to en-
devour to ascertain the number and Names of these Runaways
and Depredators, sending me a List of them by the first oppor-
tunity, in order that the necessary measures may be adopted for
apprehending or destroying them, in case they do not surrender
themselves to justice at the expiration of such period of time as
may be hereafter fixed upon in a Proclamation intended to be
issued by me for this purpose. As the Purchasing of Kangaroo
Flesh for the use of Government is a great encouragement to
these Bush Rangers, who are in the habit of supplying the In-
habitants with it, I have to request that the Purchasing of this
vile sort of meat for the use of His Majesty's Stores may be
entirely discontinued excepting on very urgent occasions of
scarcity of other Animal Food for supplying the Stores.

19. I have long had it in contemplation to establish a few
Military Posts along the Route between the two Settlements of
Hobart Town and Port Dalrymple for the Protection of
Travellers, and in order to facilitate the Conveyance of Public
Dispatches from the one Settlement to the other overland; and
as soon as I receive the Surveyor's Report on this Subject, agree-
ably to instructions given him on it, I shall send you orders to
establish them.

20. Having lately received reports from various Quarters that
large quantities of Spirits have been Smuggled and Clandestinely
landed at the Derwent from various Ships and Vessels that have
lately touched there; I have to direct and command that you will
use every means in your power to prevent a further continuance
of this illegal, shameful, and injurious Practice; and when any
Persons are detected in carrying on such illegal Practices to have
them prosecuted and severely Punished according to the Colonial
Regulations established on this Subject.

21. You will receive herewith a Copy of the Invoice of sundry Stores sent Per the Brig Eagle in June last for the use of the
Settlement of the Derwent, being as large a supply as the State
of the Public Stores here could then afford, and it is hoped will
prove sufficient until further supplies are received from Eng-
land. Understanding however that there is at present no
Stationary at the Derwent for the use of the Public Officers there,
I have directed the Commissary to Purchase some here and to
deliver it to you on your embarkation on board the Frederick.

22. You are hereby directed to call on Depy. Commissary
Fosbrook, as soon as you have assumed the Command of the
Settlements on Van Diemen's Land, to furnish you immediately
with regular Accounts made out (in Triplicate) from his Books
of all Out-standing Debts owing to the Crown from Individuals,
22. HISTORICAL RECORDS OF AUSTRALIA.

1813.
30 Jan.
Accounts to be furnished by L. Fosbrook.

Debts to be recovered.

whether present, absent, or dead, during the time he has acted as Dy. Comy. at the Derwent, under the several administrations of Colonel Collins, Lieut. Lord, Capt. Murray, and Major Geils, respectively; one set of these accounts is to be transmitted to me by the first opportunity, one to remain with yourself, and one is to be transmitted by Mr. Fosbrook to the Actg. Com. General at Head Quarters. From such officers Civil and Military, and other Persons as are now alive and residing on Van Diemen's Land, Mr. Fosbrook must be instructed to demand and receive Payment of their respective accounts forthwith; and the accounts of those Persons, who are absent or are dead, will be transmitted home by me to His Majesty's Secretary of State for the Colonies, to be recovered Payment of in England. All Officers and other Persons, indebted to the Crown, must be ordered by you to pay their respective Debts immediately into the hands of the Depy. Commy, on pain of being prosecuted for the same. Such as are unable to pay their Debts at present must be required to sign their accounts, and grant their Notes of Hand for the several amounts thereof payable in Six Months after date.

23. Such Debts as are thus due to the Crown, and recovered by the Depy. Commissary, are to be credited in his Public Quarterly Acct. Currt. with the Actg. Comy. General at Head Quarters, and not to the Police Fund.

24. Herewith you will receive a Copy of the General orders* issued by me, under date 3d Novr., 1812, which relate to the Settlements under your Command for your further information and guidance.

25. You will not fail to write to me, by every opportunity that may offer, to apprise me of the State of the Settlements now placed under your Government in Van Diemen's Land.

I have, &c.,

L. MACQUARIE.

P.S.—
1. I omitted in the body of this Letter to request you will, as soon as practicable after you assume the Command of the Settlements on Van Diemen's Land, direct a general muster to be taken at both the Settlements of the Derwent and Port Dalrymple of all the Inhabitants in these Settlements respectively, Male and Female, whether Free Persons or Convicts, according to the usual Form hitherto observed in taking such Musters; Copies of which are to be transmitted to me by the earliest opportunity, along with your other Returns and Statements of the two Settlements, after you have had a correct survey of the Provisions and Stores taken at both those Places.

2. Similar general Musters of all the Inhabitants in the two Settlements of the Derwent and Port Dalrymple must in future

* Note 19.
be taken annually, early in the Months of September in every succeeding year; The said annual Musters commencing with the month of Septr. next, being the time fixed on for taking the general Muster at Head Quarters.

3. Herewith you will receive a copy of an account of Sundry Tools and Implements and other Stores Purchased by Major Geils for the use of Government, some little time since, at the Derwent, amounting to £396 4s. Those Stores, together with what were sent in June last Pr. the Brig Eagle, ought to be sufficient for the use of that Settlement for Twelve Months to come.

4. In case, on your assuming the Command of the Settlements on Van Diemen's Land, you find that the Orders of H.R.H. The Comr. in Chief, Published here on the 3d of Novr. last, a copy of which you will receive herewith, have not yet been carried into effect at the Derwent and Port Dalrymple, you are hereby directed and enjoined to carry the said orders into execution forthwith, and not permit any more Soldiers' wives to be victualled than the exact number prescribed in the said Orders.

L.M.

[Enclosures.]
[Copies of these papers are not available.]

COLONIAL SECRETARY CAMPBELL TO MAJOR GEILS.
(Despatch per ship Frederick.)

4 Feb., 1813.

There is a small Fee† on each of these Pardons of five shillings and sixpence, Half-due to Mr. Robinson, the Principal Clerk in this Office, which I am directed by His Excellency the Governor to request that you will receive on Delivery of the Pardons, and transmit with the amended List to my Care.


1. Herewith he will receive in a small Box the Governor's Transmission of General Instructions and addl. ones, with their several accompaniments; all which the Govr. recommends to the Lt. Govr. to read and peruse frequently, in order that they may always be in his recollection.

2. The Lt. Govr. ought to be very much on his guard on his arrival at the Derwent against some designing characters there, who will endeavour to impose upon him and mislead his judgment by artful insinuations and plausible but interested projects and Speculations. Messrs. Knopwood, Fosbrook, Humphry,
1813.
6 Feb.

Warning against residents at Hobart town.

Economy to be practised.

Recommendations of convicts.

Salary for T. Fitzgerald.

Hack for Mrs. Geils.

Loane, Bowden, and Kent,* all come less or more under this description; and, having generally opposed the measures of the present Commandant, the Lt. Govr. cannot be too much on his guard against their machinations. The Chaplain is a man of very loose morals, by report, and ought to be severely admonished when guilty of any impropriety of conduct, and such reported to me. The Dy. Comy. is, I fear, a corrupt man, and must therefore be very narrowly watched as long as he remains in office. His Storekeeper and Confident, Boothman,+ must also be narrowly watched as he is considered a bad and corrupt character; but must not nevertheless be removed from his office or suffered to resign, until a new Dy. Comy. is appointed from Hd. Qrs., when a successor will also be appointed to Boothman’s situation.

3. It is strongly recommended to the Lt. Governor to observe the strictest economy in every Department, and to make no Purchases whatever without leave from Head Quarters. He is particularly requested to be as frugal as possible in the expenditure of the Government Stores of all descriptions, especially of Gun Powder and Stationary, neither of which articles are ever to be given away or sold to Individuals. The Victualling Books ought frequently to be examined and no Person suffered to be victualled at the expence of the Crown who is not strictly and justly entitled to that indulgence.

4. Lt. Govr. Davey will receive herewith a memorandum from the Govr. respecting some Convicts now at the Derwent, which he is requested to pay attention to on his arrival there. He will also receive herewith a Meml. from Thos. Fitzgerald, wt. the Governor’s answer thereto, granting him a Salary of £15 pr. annum from the Police Fund of Van Diemen’s Land in remuneration for his services as Clerk to the Bench of Magistrates, and which he is accordingly to receive.

5. Mrs. Geils occasionally rides a mare belonging to Govt., which the Govr. has promised her the use of as long as Major Geils holds any command in Van Ds. Land. The Lt. Governor will therefore be so good as to permit her to retain the use of the said mare till further orders.

6th. The Govr. recommends that George Salter, Free Settler, now proceeding to the Derwent may be appointed Supdt. of the Government Herds there, wt. a Salary of Fifty Pounds Pr. annum, being a very honest sober man.

7th. Mr. Saml. Bate, nominally Dy. Judge Advocate, at Hobart Town, but totally unfit for that important office, is not to be employed in any Public Situation whatever.

L.M.

* Note 21. † Note 11. ‡ Note 22.
MACQUARIE TO DAVEY.

Memorandum for Lt. Govr. Davey of Names of Convicts arrived lately at the Derwent in the Indefatigable Transport, who are strongly recommended to the Governor's favor and Protection by Persons of respectability in England: vizt.

1st. William Jemmott.—This man has brought his wife and Family with him. He is to be permitted to go on his own hands immediately; and in case he has not the means to maintain himself and Family, they are to be victualled from the Store till further orders. In case Mr. Jemmott wishes it, he may be allowed some Land to cultivate, say 30 acres.

2d. John Francis.—This man is by Profession a Surgeon, and is to be sent up to Port Jackson by the first good opportunity, where something will be done for him.

3d. Walter Redpath.—This man bore formerly an excellent character. He is to be allowed to go on his own hands and to have Twenty Acres of Land to cultivate, in case he wishes it.

4th. Samuel Smith.—This man served several years in the Royal Marine Corps, and bore an excellent character. He is to be permitted to go on his own hands after being six months in the colony, in case he conducts himself properly for that time.

5th. George Garrett.—This man is strongly recommended by Mr. Wilberforce, M.P. He is to be sent up to Sydney by the first opportunity, the Revd. Mr. Marsden wishing to take him into his Service.

Govt. House, Sydney, 6 Febry., 1813.

L.M.

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.

(Despatch No. 3.)

Sir,

Govt. House, Sydney, 6 Febry., 1813.

Herewith you will receive for your information and guidance copy of a Letter of this day's date I have written to the Officer commanding at Port Dalrymple respecting the Settlers and other Persons ordered thither from Norfolk Island on the final Evacuation thereof, the execution of which service is now in progress. You will accordingly take care to enforce the orders and Instructions conveyed to the Officer commanding at Port Dalrymple in the Dispatch to his address, of which the enclosure is a copy.

In case Ensign Pooke and the Detachment of the 73d Regt., should still be there on your arrival; you are hereby directed to send that Officer wt. his Detachment to Head Quarters by the first good opportunity. I have, &c.,

L. Macquarie.
GOVERNOR MACQUARIE TO CAPTAIN RITCHIE OR OFFICER COMMANDING AT PORT DALRYMPE.

Sir, Govt. House, Sydney, 6th Feb., 1813.

Having on the 14th of last month dispatched from hence to Norfolk Island the hired Transport Ship Minstrel for the purpose of evacuating entirely that Settlement, and having ordered the whole of the Settlers and other Inhabitants now residing in Norfolk Island to be removed to Port Dalrymple, which is to become their future residence, you are hereby accordingly directed to make immediately the necessary preparations for their reception and accommodation at that Settlement, and in so doing to be generally guided by the following Instructions.

1. On the arrival of the Minstrel at Port Dalrymple, the whole of the Passengers (the Detachment of Troops excepted) and Live Stock must be landed immediately in order to prevent the Ship coming on Demurrage, which would be a great expence to Government, and which, as you will see by the Charter Party, (to be delivered you on her arrival at Port Dalrymple in a Dispatch I transmitted to you by her), will take place in Twelve days from the date of her arrival. If therefore the People and Live Stock cannot conveniently be landed and conveyed to Launceston within that time, you will land the former in the meantime at York-Town, and the latter on the East side of the River Tamer, at some convenient place, so as to be driven up at once to Launceston, and incorporated with the Government Live Stock, the whole of the Horses and Asses (with one or two exceptions) being the Property of the Crown. In case you are obliged to land the Norfolk Island People in the first instance at York-Town, no time must be lost in removing them afterwards to Launceston, and from thence to their respective Farms in the District* of "Norfolk Plains," where Lands have already been located and measured out for them by Mr. Meehan,† the Depy. Surveyor General.

2. Previous however to the Norfolk Island Settlers, etc., being sent to occupy their Farms, they must all be paid and settled with by you at Launceston for their Claims on Government for the Cattle and Houses they may have left behind them on the Island and delivered over to Government. In liquidating these claims, you will be guided by a Schedule or Statement of them, which will be delivered to you by Lieut. Crane, the present Commandant of Norfolk Island, on his arrival at Port Dalrymple, paying them in Money for their Houses and Implements.

* Note 23. † Note 24.
of Husbandry only, and making them payment for their Cattle left behind, in kind at Port Dalrymple, head for head and according to their respective ages and sexes from the Government Herds. They will wish to be paid in money for their Horses, settlers from Asses, and other Live Stock left behind on the Island; but this, you are to explain to them cannot possibly be done. The whole of them are of course to be Victualled at the expence of the Crown for the periods prescribed by Secry. Windham's Dispatch,* namely; the Settlers of the 1st class with their respective Families are to be victualled and clothed for two years at the Public expence; to be allowed the labour of Four Convicts for the first nine months, and of two for fifteen months longer, also clothed and victualled by the Crown; the Settlers of the 2d class, with their respective Families, are to be clothed and Victualled for two years at the Public expence, and to be allowed the labour of two Convicts for the same period, also clothed and Victualled by the Crown; the Settlers of the 3d Class are to be victualled and clothed at the Public expence, as well as their Families, for one year, and to be allowed the labour of two Convicts, clothed and victualled by the Crown for the same period.

3. The few Convicts, that may arrive in the Minstrel and in the Lady Nelson at Port Dalrymple, are to be as equally as possible distributed amongst the Norfolk Island Settlers, and as many other Convicts are to be assigned to them, according to the foregoing Orders, as you can conveniently spare to them from the number of Male Convicts now at Port Dalrymple. The Settlers and other Persons from Norfolk Island, who may arrive in the Lady Nelson at Port Dalrymple, are to be treated and accommodated exactly in the same manner as is herein directed for those arriving on board the Minstrel. The Farms already located for them all at Norfolk Plains, far exceeding in quantity what they can be strictly entitled to receive by Secry. Windham's Dispatch, you will have no trouble with them on this score, more than merely pointing out their respective Farms to them.

In case Mr. Meehan can conveniently be there at that time, I shall order him to return early in next month to Port Dalrymple, in order that he may point out to each Settler his own Farm in Norfolk Plains. I conclude the Minstrel will arrive at Port Dalrymple in all the present month or early in the next.

4. You will instruct the Depy. Comy. at Port Dalrymple to make out proper and regular Accounts and Vouchers of the Pecuniary Claims of the Norfolk Island Settlers, previous to their being paid, drawing Bills on the Comy. Genl. at Head Quarters

* Note 25.
for the amount of said Pecuniary Claims, and transmitting to
him at the same time a regular detailed separate account Current
thereof.

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

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Lieut.-Governor Davey to Governor Macquarie.
23rd March, 1813.

Major Geils to Governor Macquarie.
4th April, 1813.

Lieut.-Governor Davey to Governor Macquarie.
5th April, 1813.

[Copies of these three despatches are not available; they were
transmitted per brig James Hay and ship Frederick, and acknow­
ledged by Governor Macquarie, 30th April, 1813.]

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Lieut.-Governor Davey to Governor Macquarie.
(Despatch per ship Frederick; acknowledged by Governor Macquarie,
30th April, 1813.)
7th April, 1813.

[A copy of this despatch will be found on page 788, volume VII,
series I.]

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Governor Macquarie to Lieut.-Governor Davey.
(Despatch per brig Cumberland.)
30th April, 1813.

Sir,

Head Quarters, Sydney, 30th April, 1813.

1. I have now the honor to acknowledge the receipt of your
Letters under dates 23d March (Pr. Brig James Hay) and 5th
Instant (Pr. Ship Frederick) with their respective accompany­
ments. By the first of those Letters, I was very happy to hear
of your safe arrival at the Derwent, and of your having assumed
the Government of the Settlement on Van Diemen's Land, now
placed under your immediate command.

2. It is with peculiar satisfaction that I seize this opportunity,
being the first that has offered since the receipt of your Letters,
of conveying to you my entire and fullest approbation of the
several Orders you have issued and of the several measures you
have deemed it advisable to pursue and adopt on your assuming
the command of the Settlements in Van Diemen's Land; which
appear to me to be well calculated to promote the welfare and
prosperity of those Settlements, as well as to rectify the great
abuses that have existed and been practiced in the several Public
Departments in those Settlements for a great length of time
past.
3. The Measure of Publishing a Proclamation promising a Pardon to those Bush Rangers, who should deliver themselves up on or before the 4th Instant, was highly proper and judicious; and I am happy to find it has been attended with some good effects already, altho' the number who have given themselves up is less than might have been reasonably expected. I am to request, however, that you will not issue any further Proclamations on this head, until you receive further instructions from me on this Subject, after having advised with Mr. Bent the Judge Advocate upon it, previous to any stronger or more coercive measures being adopted for the apprehension and extirpation of this dangerous Banditti of Bush Rangers. Previous to my coming to any final decision on this important point, it is necessary I should be furnished with the names of all such Men as have absconded from either of the Settlements for the last four years, which I have to request you will procure accordingly, if possible, and transmit to me by the first opportunity.

4. By this conveyance per the Colonial Brig Cumberland, I have directed the Commissary to send a considerable supply of salt Provisions for the use of the Settlement of the Derwent; but I am sorry to say it is impossible to send you any Slop Clothing or Stores at present, as the state of the Public Stores here will not admit of it. I expect a Supply from England soon of these Articles, and, when they arrive, I shall not fail to send you a proportion of them. When the last supplies were received from England, a full Proportion of them was sent for the use of the Settlement at the Derwent, and, besides these, Major Geils Purchased a large Supply of all kinds of Stores, Tools and Implements, so that if both these Supplies had been reserved exclusively for the use of Government (as they ought assuredly to have been), you would now have more Tools and Implements and Stores than the Public Works at Hobart Town could possibly require.

5. In looking over the Report of the Survey of the Commissariat Department, I was greatly astonished to find that only 88 Gallons of Spirits remained in the King's Store, out of 2,000 gallons received for the use of Government from the Ships Frederick and Hope. This appears very extraordinary, and I have directed the Actg. Comy. Genl. here to call on Dy. Comy. Fosbrook for an explanation of this circumstance.

6. As soon as Major Geils closes his Public Accpts., and has sufficiently recovered his Health to be able to travel, I request you will be so good as to order him to proceed to assume the command of the settlement of Port Dalrymple.
7. For the reasons stated in your last Dispatch, I shall postpone the intended relief of Capt. Murray's Company till the new Barracks are built for the Troops at Hobart Town.

8. I am sorry I cannot send a supply of Bedding for Capt. Murray's Company from hence, there being neither Beds nor Blankets in the Public Stores here at present. In case the State of the Stores at Hobart Town will admit thereof, I have no objection to one Blanket being issued from them to each Non-commd. Officer and Soldier of Capt. Murray's Company.

9. John Francis and James Richardson (the latter a Deserter from Sydney) have both arrived here in the Ship Frederick.

10. The Lady Nelson, with Lt. Greenshields and Ens. Pooke's Detachment, has not yet arrived here from Port Dalrymple.

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO MAJOR GEILS.

(Despach per brig Cumberland.)

Dear Major,

Sydney, 30th Apl., 1813.

I have been favored with your Private Letter of the 4th Instant, Pr. Ship Frederick, with its enclosures, which last I now return agreeably to your request.

I am extremely sorry that it is not in my power to sanction or confirm your assumption of the 300 acres of Land belonging to George Guest at Reisdon Cove, that Land having been regularly assigned to and taken possession of by him in part Payment of his Norfolk Island Claims on Government and which of course was guaranteed to him by Government. It consequently follows that no power whatever can deprive him of those Lands without his own free will and consent, which, he solemnly assures me, he never gave either verbally or in writing to any one, and positively denies having ever authorized his son-in-law Mr. Birch, or any other Agent, to sell or alienate those Lands. Indeed, I believe, Mr. Birch himself disclaims having ever made any sale or transfer of them in his Father-in-law's name. As to Capt. Murray's pretending to say they had reverted to the Crown, it is quite ridiculous, as he had no authority for saying so and still less for granting or locating them to any other Person. I certainly did not possess any such Power as Govr. in Chief, and surely Capt. Murray, as a Subordinate Officer of my appointment, could not possibly have been vested with any such arbitrary Power as to deprive any man of Lands regularly granted to him by Government. George Guest was promised by me to receive part of his Lands here, but he never signified the smallest wish or
intention to relinquish his 300 acres at Reisdon Cove, to which of course he has still a fair and most undoubted right, and of which no Power can legally deprive him. Under all these circumstances it certainly was unguarded and irregular in you to take possession of Guest’s Lands without a written authority from himself for so doing, or at least waiting for a reference to me on this Subject before you had taken possession of the Land. I regret exceedingly that you did not pursue these steps as it would have saved yourself a great deal of trouble, expense, and litigation. The only alternative, that I see you have now left, is to make the best bargain you can with George Guest, who, I should suppose would have no objection to sell you his 300 acres of Land at Reisdon Cove at a fair and adequate Price. It is but doing justice to Guest to inform you that he never yet has received any Lands at Port Jackson in liquidation of his Norfolk Claims, whatever idle reports you may have heard to the contrary.

I am sorry to observe that you are prejudiced against Mr. Meehan on account of his interference in George Guest’s business; but I think you do him great injustice in suspecting or accusing him of any improper or unfair conduct on this occasion, as I am convinced he is a man of strict honor and integrity and incapable of doing anything mean, low, or unjust. Indeed I do not know of a more correct or upright man in all the Colony of N. S. Wales than Mr. Meehan is.

I remain, &c.,
L. Macquarie.

Governor Macquarie to Lieut.-Governor Davey.

Sir, Govt. House, Sydney, 17th May, 1813.

1. I did myself the pleasure of writing you last on the 30th Ult. per the Colonial Brig Cumberland (which sailed hence on the 5th Instant), in reply to your several Letters of dates 23d March, and 5th and 7th of last month.

2. I enclose herewith a Letter addressed to Capt. Ritchie, or Officer commanding at Port Dalrymple, leaving it open for your perusal and information, and requesting you will afterwards forward it to Port Dalrymple, with as little delay as possible.

3. The Contractors for the General Hospital at Sydney, Messrs. Wentworth, Riley and Blaxcell, having some little time ago applied to me for permission to allow a Vessel belonging to them, which they expect soon from Bengal ladened with Spirits for them as part of their Contract, to touch and break bulk at the Derwent for the purpose of selling part of the said Spirits at that Settlement, I am now to signify to you that I have acquiesced

* Note 24. † Note 26. ‡ Note 27.
in their request, and have to desire that you will accordingly be pleased to permit the Commander or Supercargo of the said Vessel, on her arrival at the Derwent, to enter at that Port, and to dispose there of such part of her Spirits and other Goods and Merchandize as the Merchants and Inhabitants of that Settlement may require, transmitting to me an exact account of the Quantity of Spirits so landed on account of the Contractors, referring the Duty thereon to be paid at Head Quarters, agreeably to the terms of their Contract.

4. The Government Brig Lady Nelson (which only arrived here from Port Dalrymple on the 7th Inst.) sails again to-morrow for Norfolk Island, with Casks and Salt, in order to enable the Supdt. there to slaughter and salt down the whole of the Govt. Cattle as soon as possible.

5. I send orders to the Supdt. to lade the Lady Nelson immediately on her arrival at Norfolk Island with such Salted Provisions as he has ready, and to dispatch her therewith as soon as possible for the Derwent. On her arrival there, I am to request you will immediately order her Cargo of Salted Meat to be landed and deposited in His Majesty's Stores for the use of that Settlement, dispatching the Lady Nelson immediately afterwards back to Norfolk Island to bring another Cargo of Salt Meat thence to the Derwent.

6. As the Mutton, Beef and Pork Salted at Norfolk Island, more especially the former, will not keep so long good as Salted Meat received from England, I have to request you will not fail to give orders to the Dy. Comy. at the Derwent to issue the Salt Meat from Norfolk Island first, particularly the Mutton, until the whole is expended, before he issues any English Salt Provisions; and, during his issues of the Norfolk Island Salted Provisions, not to receive any fresh Animal Food into the King's Stores at the Derwent, excepting what may be actually required for the purpose of Serving the Troops half their Rations in Fresh Meat Weekly.

7. I request you will be so good as to direct Twelve Casks of the Salted Meat sent from Norfolk Island, namely, 4 of Beef, 4 of Pork, and 4 of Mutton, to be opened, examined, and weighed by the Depy. Comy. in presence of a Committee of Officers immediately on the said Provisions being landed at the Derwent, with the view of ascertaining whether the Weight corresponds with the marked contents, as well as to ascertain the quality of the said Provisions.

I have, &c.,

L. MACQUARIE.
MACQUARIE TO DAVEY.

LIEUT.-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.

(Despatches per schooner Henrietta Packet and brig Campbell Macquarie; acknowledged by Governor Macquarie, 10th September, 1813.)

—, 16th, and 21st August, 1813.

[Copies of these three despatches are not available.]

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.

(Despatch per ship Eliza.)

Sir, Government House, Sydney, 10th Septr., 1813.

1. I have the honor to acknowledge the receipt of your Dispatch (without a date) Pr. Mr. Meehan, the Depy. Surveyor Genl., who arrived here in the Henrietta Packet on the 19th of last month, together with the several Papers and Documents that accompanied that Dispatch.

2. I have also the honor to acknowledge the receipt of your Public Letters under dates 16th and 21st of last month, together with their several enclosures and accompaniments, Per Ensign Lascelles; who arrived here on the 5th Instant, on board the Brig Campbell Macquarie.

3. I am sorry to find from an attentive perusal of the Returns of the General Muster, lately taken by you, that there are so many Persons still victualled by the Crown; and that notwithstanding the number of Mechanics and Labourers in the immediate Service of Government, that so little progress has been made in the Public Works at Hobart Town. I must therefore request you will endeavour to strike off as many Persons as you can from the Victualling Books; and that you will insist on the Inspector of Public Works paying more attention to his Duty, and applying all the means he possesses to get the Military Barracks and Hospital Completed as soon as possible. If it should appear that the Inspector of Public Works neglects his duty, and does not apply all the means he possesses to the forwarding and completing those Public Works, I authorise you to suspend him and to appoint a more competent Person in his room until my pleasure is known.

I approve of the Plans you have sent me for a Church and Jail; but I cannot sanction your commencing to erect them until the new Barracks and Hospital for the Military are first completed.

I was much disappointed to find that even the Government House had not yet been put in sufficient repair to enable you to occupy it; but I hope to hear that you have removed into it by your next Dispatch.
4. I was much pleased to learn that George Salter had been so very useful and active in recovering so many of the Government Cattle, that had either been lost or run wild through the shameful neglect of former Superintendents of Government Stock. The conduct of Dennis McCarty in this instance, as well as in many others, appears highly culpable and improper, but I apprehend the Law will not Subject him to any Punishment for such Neglects of Duty or even for Purchasing the Provisions and Cattle from the New Norfolk Settlers, as it appears they voluntarily sold them. But if they signed Bonds for the Cattle they received from the Government Herds, with the restrictions enjoined by me to be inserted in the said Bonds, the cattle remain in that case the Property of the Crown for three years, and they can be legally seized as such in whosoever's Possession they may be found. If therefore such Bonds have been signed, McCarty can be Criminally prosecuted for Purchasing the Cattle thus delivered, and they ought to be seized immediately, wherever found, as the Property of the Crown. This however does not lessen the crime of the Settlers themselves for selling or parting with the Cattle so given them; and I am therefore to direct that you will, on no account, allow any Cattle to be ever again given from the Government Herds to any Settlers, who have either sold or parted with any of the Cattle they formerly received from Government; as they have thereby forfeited all claim to any further indulgence from the Crown. As the Government Herds have of late been so much reduced by the issues made from them to Individuals at the Derwent, and to the Norfolk Island Settlers recently arrived at Port Dalrymple in payment of their Debts, I must request you will not authorize any further issues to be made from them till further orders, excepting by a written order from me to that effect. The Memorials you sent me from Persons requiring Lands and Cattle will be taken into consideration at some future period; but at present I do not deem it expedient to comply with the requests contained in these Memorials. The Memorials from Persons soliciting Pardons and Emancipations must also lie over for at least twelve months to come, as I do not consider myself at liberty to grant any more than I have already done for Convicts in Van Diemen's Land, for some time to come.

I herewith beg leave to enclose you a Sydney Gazette containing my Regulations* on these very important Points, and by which I request you will be governed in future in transmitting to me Applications for Free and Conditional Pardons and for Lands and Cattle. By these Regulations, you will observe that Tickets.

* Note 28.
MACQUARIE TO DAVEY.

1813.

of Leave ought not to be given to Convicts (excepting in very particular cases) until after they have served Government or Individuals for three years; and I must request you will be so good as to pay particular attention to this part of the Regulations in question.

5. It will likewise prevent a great deal of confusion and unnecessary correspondence, if you would make it a rule not to order any Land to be located or measured for any Person whatsoever, until you receive my sanction for so doing; and I therefore strongly recommend this Rule for your adoption, and you may rely on my paying every attention to your recommendation, when the Parties recommended are deserving of indulgences of this description. I am sorry however to inform you that I cannot sanction nor confirm some of the Locations you directed Mr. MeÉhan to make lately at the Derwent, namely Mr. Beamont, Wade the Chief Constable, Maum the Commissary’s Clerk, Mrs. Jemott, and Redpath the Convict; what I ordered for them in the List with which you were furnished, being as much as I think those Persons are entitled to at present. At some future period, it may perhaps be advisable to give some of those Persons more Land; but in the meantime they must be informed that I cannot approve of their retaining Possession of the Land thus located for them. You must be aware that no Convict can hold a grant of Land legally and therefore it appears irregular your ordering 120 acres of Land to be located for Redpath. He may cultivate Thirty or Forty acres, and Jemott the same Quantity, till they are Emancipated, which I shall be happy to do after they are a reasonable time in the Country, in case they continue to conduct themselves properly; but I cannot on any account authorize Mrs. Jemott to receive Lands in her own right, it being against the rules I have laid down for my own conduct without a positive order from Home.

6. I shall not confirm the Land measured out for Major Geils at the Coal River, on account of the very proper objection made by you thereto, as the Coal Mine must be exclusively reserved for the Crown. Major Geils must therefore take up his Land somewhere else. I am not aware that any reasonable objection can be made to Mr. Gunning’s receiving a Confirmation of the Land lately measured out for him between Hobart Town and Newton, Government having no occasion for retaining that Land. Besides the Land that Mr. Gunning has relinquished contiguous to Macquarie Point is more than an equivalent for that which has been measured for him near Newton.

As you appear to wish it, I shall not confirm at present the Lands lately located for Stynes and Troy, but, in the Proceedings

* Note 29.
1813.
10 Sept.
Land grants to
Troy and
Stynes
withheld.

Disapproval
of conduct of
A. Geils.

Land and
convicts for
Mrs. Geils.

Convicts to be
assigned to
A. Geils.

you sent me respecting those two men, there does not appear any
proof of their having committed a Robbery, your own Servants
(the Sawyers) having acknowledged that they sold them the
Timber found on their Premises. I should therefore be glad to
have your Sentiments more fully on this point previous to my
deciding on the propriety of withholding their Grants from these
two Persons.

7. I have perused your correspondence with Major Geils with
great attention, and I am sorry to observe therefrom that that
Officer's conduct is highly reprehensible in many instances. His
quitting his Station without your leave was very unmilitary and
irregular. His employing so many Government Men on his own
account, and drawing such a variety of Articles and such very
large quantities of Spirits from the King's Stores for his own
use, was highly improper and unjustifiable, and has justly in­
curred my displeasure and, disapprobation.

At the time I agreed to give Mrs. Geils a Grant of Land* for
herself and her Children (for I was restrained from giving it in
the name of her Husband), I never intended that the Quantity
of Land should have exceeded Twelve Hundred Acres. With
that quantity of Land, I promised to give her Twelve Cows
(including two she received at Port Jackson) with a few Govern­
ment Men on the Store for Eighteen Months. What I meant by
a few men (and what I believe I specified) was Six men at most.
I am therefore totally at a loss to know how Major Geils could
have supposed his wife to be entitled to have Eighteen Men
victualled and clothed for 18 months at the expense of the Crown;
for I am as yet unacquainted with any rules or Scale for appro­
priating Government Men to Male or Female Settlers, excepting
the Governor's pleasure, and in all similar cases I have not
exceeded Six Govt. Men.

I have therefore now to direct that Major Geils may be
immediately limited to that number on account of the Lands
located for his Wife; and that, as it appears that at least double
that number have been victualled already for upwards of Twelve
Months, they are no longer to be continued on the Stores. You
will therefore be so good as to order the Commissary to dis­
continue Victualling them from the date of your receipt of this
Dispatch. Major Geils will then be entitled only to his four
Men as a Magistrate and two men more as Commandant (being
a Field Officer) of Port Dalrymple, making in all six men to be
continued on the Store in his own right; and you will be so
good as to give strict orders that he draws Provisions for no
more than that number. I must also particularly enjoin that
you will not locate any more Land for Mrs. Geils, or for her

*Note 30.
children; for, I observe, from the correspondence with the Major that you once had such a Measure in contemplation, which, I must confess, surprised me a good deal, considering the nature of my Instructions to you; and of which Instructions I have transmitted a Copy to His Majesty's Ministers. I trust, however, you will see the propriety of not entering into any similar engagements in future as they cannot possibly be confirmed by me. You will observe, from the accompanying general orders* recently issued by me here, that the Commandant of Port Dalrymple is strictly enjoined never to quit his station without your permission, and that he is also directed to send all his official Returns and Reports intended for Head Quarters through you. The small Box you allude to from Capt. Ritchie to my address ought certainly to have been directed to you in the first instance. It did contain, however, only the Returns reported to you by Major Geils.

8. I am sorry I must for the present withhold my confirmation of your appointment of Mr. Humphreys as a Magistrate at Hobart Town, until I am better acquainted with that Gentleman's fitness for so important and respectable a situation, some of the reports I have lately heard of him being very unfavorable to his character. A long time since it was decided by a Bench of Magistrates, and approved by me afterwards, that Mr. Humphreys should pay James Hannaway for 12 Cwt. of Potatoes and a Breeding Sow, which Decision Mr. Humphreys has hitherto very daringly resisted and neglected to comply with. I have therefore to desire that you will call upon him to comply forthwith with that decision, and to inform him that, in the event of any further resistance to the Decision herein alluded to, he will be Publicly dismissed from his present acting situation of Magistrate, and deprived of any further indulgence from Government. In my opinion a man who dares to resist the Law is a most unfit Person to dispence Laws to others. The man, who was injured by Mr. Humphreys, has lately sent a complaint to me stating that his grievances still remain unredressed, which compels me to address you now on the subject in the manner I have done.

9. I am very glad to find you are so much pleased with Ensign Lascelles in his capacity as your Acting Secretary, and I hope he will continue to give you satisfaction in that capacity. I understand however that he is generally very much disliked at the Derwent, on account of his petulance, domineering manner, and assuming a degree of consequence quite incompatible with his subordinate situation. I would therefore recommend to you

* Note 31.
to check him, whenever this appears to be the case, and to admonish him to be more modest and more conciliating in transacting Public Business as your Secretary. I am sorry you thought it necessary to send Mr. Lascelles up to Head Quarters, as I do not conceive there was any necessity for so doing. Mr. Lascelles has made application to me to pay for his Passage, but which I have been obliged to decline doing, on the ground of his not coming hither on any real Duty or Public Business. I therefore cannot possibly sanction any charge being made for Ensign Lascelles’s Passage either to or from Head Quarters, and must accordingly enjoin you not to make any charge of this kind in your Public accounts. I have perused the Depositions and Proceedings of the Court of Enquiry respecting Dennis McCarty’s charge against Ensign Lascelles, and I concur in the decision of the Court of Enquiry. At the same time, I think the Conduct of Ensign Lascelles was unguarded and irregular in making use of McCarty’s name unauthorized, which it appears he did by Mr. Ayres’ Deposition and Evidence. But, as Ensign Lascelles assures me that he did not make use of McCarty’s name, in the case in question, I am willing to believe that Mr. Ayres was mistaken. The mistake, however, if it is such, ought to have been rectified on the Proceedings of the Court of Enquiry, in order that Mr. Lascelles’s disavowal thereof might appear on record. Mr. Lascelles returns again to his Duty at the Derwent in a few days on board the Ship Eliza.

10. I have attentively perused all the Memorials, Petitions, Letters, and voluminous Depositions, you have thought proper to transmit for my information and decisions. On such of them as require any reply or decision from me, I have noted my answer or decision, and now return them to you again. I must however strongly recommend to you in future to have all complaints of a serious nature investigated by a Full Bench of Magistrates, presiding thereat yourself. On these occasions the Parties implicated should be confronted in open Court. It has always a bad appearance taking Depositions secretly and by one Magistrate only, excepting on very particular occasions; and therefore Depositions of any consequence ought to be taken either in open Court, or at least before two Magistrates.

11. I approve of the Proclamation you Published at the Derwent respecting the Bush Rangers, and hope it will have the desired effect. I shall follow it up by one of my own soon, after having taken the Judge Advocate’s legal opinion on the subject, it being one of great importance, and consequently requiring serious consideration.
12. It gave me great concern to hear of the Piratical seizure of the Unity, Colonial Schooner,* by seven Convicts in the Harbour of Hobart Town. The loss, Mr. Mansell has sustained by this daring capture, falls very heavy upon him poor man and is much to be regretted. I have lately transmitted an account of this disagreeable occurrence Home to His Majesty's Ministers, and I hope these daring Villains will yet be apprehended at Home, or Picked up in those Seas by some of the Whalers, so as to be brought to condign Punishment. In the meantime I trust you will not fail to take every possible precaution to guard against a similar occurrence.

13. The Five Delinquents sent for Trial here, and the poor Lunatic, together with the Evidences you ordered up, all arrived safe on the 5th Inst. on board Mr. Loane's new Vessel. The Felons will be Tried by a Criminal Court as soon as possible. I intend ordering back the guard that came up with these Prisoners in the Eliza, in case Capt. Murray can accommodate them with a Passage on board of that Ship.

14. I am glad to find that the Soldiers of the Marine Detachment, after being disbanded, were so comfortably settled, and I trust they will turn out good and useful Members of Society and industrious Settlers. There are no Agricultural Tools remaining in Store here, or I would have ordered some to be sent to them. They must therefore do the best they can without them.

15. I have no objection to the Treasurer of the Police Fund being allowed a Clerk, who may be paid Twelve Pounds a year out of the Police Fund. This Clerk, however, will be quite sufficient for doing all the necessary writing in both the offices of Naval Officer and Treasurer of the Police Fund, while these two offices are held by one Person; and I should imagine that old Warriner, tho' so much superannuated, is still equal to the Duties of Clerk in the two offices adverted to, as there is so very little writing required in either at present. At all events I cannot sanction any Pecuniary allowance being made to Warriner from the Police Fund excepting he be fit for the Situation now alluded to. If not, you may still continue him on the Stores, which is all the indulgence he can reasonably expect.

16. The very heavy and most unreasonable Drafts, drawn by your Predecessors on the Police Fund of the Colony established at the Seat of Government, render it necessary to put a complete stop to such Drafts in future. I am therefore now to direct that you will not allow or give your sanction to any Drafts being drawn on the Police Fund at Head Quarters in future, excepting for the actual Salaries of Persons holding official situations

* Note 32.  † Note 7.  ‡ Note 33.
1813.
10 Sept.
Instructions re
drafts on police
fund and
expenditure.

by my authority, who are not included in the regular Annual
Parliamentary Estimate. Any other Drafts that may be drawn
will be Protested, and I have therefore to request you will not
allow any others than those specified to be drawn on the Police
Fund at Head Quarters. All Purchases of Materials for carry­
ing on the Public Works, and extra Labour when necessary, as
well as Rent of Dwelling Houses, Barracks, and Offices, must be
charged in future in the Public accounts in the Commissariat
Department and not to the Police Fund as heretofore. Now
that the Ports of the Derwent and Port Dalrymple are opened, I
hope you will soon have a rich Police Fund of your own or Van
Diemen's Land. But I must once for all strongly recommend to
you to make as few Purchases, and employ as few free Persons
on your Public Works, as possible, the wages of Free Persons coming
very high.

17. In order to enable the Master of the Lady Nelson to con­
tinue plying between the Derwent and Norfolk Island, until the
Service that Vessel is now employed on shall be completed, I
have ordered a Supply of Naval Stores (including a Cable and
Anchor) to be sent for her use to the Derwent on the Ship
Eliza. But I hope she has been able to return to Norfolk Island
again without waiting for these Stores by your borrowing such
as she immediately wanted from some of the Whalers at the
Derwent.

18. I have also directed the Deputy Commissary General to
send you a supply of Stationary, Gun Powder, and Artificers'
Tools, for the use of the two Settlements on Van Diemen's Land;
and you will accordingly receive these Supplies by the Ship
Eliza. Our means here at present do not admit of sending you
a larger Supply of these Articles, and therefore you must use all
possible economy in their Expenditure so as to make them go as
far as you can.

19. I observe with surprise the great deficiency in the Return
of Spirits you lately sent me; and it is apparent that great
frauds must have been practiced by the Storekeeper, if not by the
Commissary himself. I entirely approve of your having ordered
the Salary of the former to be stopped to pay for the deficiency
of Spirits lately ascertained in the King's Stores at Hobart
Town.

20. The Specimens of Lime, Coals, and Hemp of Van Die­
men's Land, which you sent me per Mr. Meehan, have come safe
to hand, and will no doubt in time prove valuable acquisitions
to the Colony in general, as well as to the settlement of the
Derwent in particular. When it is more clearly ascertained that
the Lime Quarry, lately discovered by Mccoy, is really useful,
and that no Trick or imposition has been practiced by him, I shall have no objection to grant him an Emancipation as a reward for this very important discovery. In the mean time, you may indulge him with a Ticket of Leave to go to work on his own hands.

21. Capt. Ritchie, the late Commandant of Port Dalrymple, having officially reported to me that he has had a Road opened and cleared between *Norfolk Plains* (where the People lately removed from Norfolk Island have received their Land) and the Town of Launceston at the expense of Government, the Road-maker charging Thirty Pounds for doing it, but offering to receive one Cow in lieu thereof, I have approved of Capt. Ritchie's conduct on this occasion, and have to request you will authorize him to direct the Supdt. of Stock at Port Dalrymple to issue one Cow from the Government Herds there to the man who made the new Road alluded to.

22. Herewith you will receive a List of Persons' names at Port Dalrymple, to whom I long since promised Free or Conditional Pardons, and which are to be transmitted direct to the Officer Commanding there, to be by him delivered to Persons they are designed for. These Free and Conditional Pardons go down by Capt. Townson, who proceeds to Port Dalrymple in a day or two hence in the Brig Trial. I have written you a separate Letter by Capt. Townson respecting himself.

23. By this opportunity, Mr. Hogan, Deputy assistant Commissary General, and Mr. Thomas Archer, Clerk in the Commissariat Department, proceed to the Derwent, the former officer to take charge of the Commissariat Department at that Place, and the latter of that at the Settlement of Port Dalrymple. On the arrival of these officers at the Derwent, you will be so good as to place them in their respective situations at Hobart Town and Port Dalrymple, calling upon Mr. Fosbrook at the former and Mr. Williams at the latter to deliver over charge of their respective offices to their successors, with the necessary Books and Papers for their information and guidance. On these Officers taking charge, a regular survey of all Provisions and Stores on hand, at each Settlement, must be taken by a competent Committee. As soon as ever Messrs. Fosbrook and Williams have delivered over charge of their offices to their respective Successors, they are to be ordered to proceed to Port Jackson by the earliest opportunity that may offer from either Settlement for this Place, for the purpose of finally settling their accounts with the Deputy Commissary General.

24. Some charges† of a serious nature having been sent out some time since by His Majesty's Ministers against Deputy

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* Note 23. † Note 34.
1813.
10 Sept.
L. Fosbrook to be tried by court martial.

Commissary Fosbrook for malversation and Peculation in Office, with orders to have his conduct investigated, you will be pleased to apprize Mr. Fosbrook thereof accordingly, in order that he may be prepared to stand his Trial before a General Court Martial on his arrival at Port Jackson. You will also be pleased to apprize Depy. Commissary Fosbrook that, besides those charges preferred against him from England, there will be some additional ones preferred against him by this Government, at the instance of Major Geils, for Peculation and Embezzlement of Provisions and Stores during the Period of the administration of the Settlement of Hobart Town by that Officer, and for some little time antecedent thereto. You will of course direct Mr. Fosbrook to bring up with him such Books, Papers, and Documents as he may deem necessary for his justification, and also such Evidences as he may have occasion to call for in the course of His Trial. I have also to direct that you will send up Boothman the Storekeeper to stand his Trial along with Mr. Fosbrook for Peculation and Fraudulent conduct in his capacity of Storekeeper. You will likewise not fail to send up Maum, the late Clerk in the Commissariat Department, along with Mr. Fosbrook, he being a very material Evidence on the part of the Crown.

25. It becomes absolutely necessary that Major Geils should come up to Head Quarters, as being the principal Evidence against Depy. Commissary Fosbrook. You are therefore to direct them to proceed to Port Jackson together by the earliest opportunity that may offer; and I have further to desire that you will order any other Persons to proceed to Head Quarters, along with Major Geils, that he may name and point out to you as Material Evidences on the part of the Crown against Deputy Commissary Fosbrook.

26. Herewith you will receive two General Orders issued by me here on 28th Augt. and 1st Instant, which you will be so good as to Publish immediately on receipt at Hobart Town and Port Dalrymple, taking especial care that these orders are strictly enforced.

I have, &c.,
L. Macquarie.

P.S.—I enclose herewith for your perusal and information an open Letter I have directed the Secretary to write to the Civil Officers at the Derwent in reply to the one they addressed to me on the Subject of the Debts they owe to the Crown, and which they solicited to be remitted. I have negatived their application as being unreasonable and unjust, and have consequently called upon them to pay their Debts without further loss of time on pain of being regularly sued for them.

* Note 11. † Note 31. ‡ Note 35.
Messrs. Hogan and Archer being furnished with full and particular Instructions from the Depy. Comy. General respecting the mode of carrying on the Duties of their respective offices and manner of making up and transmitting their Accounts to Head Quarters, I have to request you will be so good as to afford them every facility in your power to enable them to do so, without interfering with the Details of their offices; each being independent of the other in respect to the making up and transmission of their Accounts.

[Enclosures.]

[Copies of these lists are not available.]

LIEUT.-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.

(Despatches per ship King George; acknowledged by Governor Macquarie, 26th October, 1813.)

21st and 23rd September, 1813. _ Sept.

[Copies of these two despatches are not available.]

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.

(Despatch per brig Active.)


1. By the arrival of the Colonial Ship King George from the Derwent on the 9th Instant, I have been favored with your Letters under dates 21st and 23d of last month, with their respective enclosures and accompanyments. I was also favored by the same conveyance with Duplicates of two Letters you addressed to me in Augt. last, the originals of which I answered some time since by Ensn. Lascelles. That officer sailed from hence for the Derwent on board the Ship Eliza of Bengal on the 15th of last month, and I presume has joined you again long ere this.

2. I have perused the Proceedings of the Bench of Magistrates you assembled at Hobart Town for the purpose of investigating the legality of the Seizure made by the Naval Officer of the Spirits belonging to Messrs. Collins and Williams landed from the Ship Hope without a Permit, and entirely approve of the Decision of the Bench in this case, as well as of the mode you adopted of distributing the Spirits in question. I now return you the Proceedings of the Bench approved by me.

3. I am concerned to find that the Government Brig Lady Nelson was so much in want of Stores as to occasion her remaining so long at the Derwent for the purpose of procuring them; but I am very glad to find that you did not submit to the
very exorbitant demands made by the merchants there for some of those articles she required, and that she was able to proceed on her voyage to Norfolk Island without them. By the time she returns from thence again to the Derwent, you will be able to supply her wants from those Stores I sent you down for her in the Eliza.

4. In the event of no other favorable opportunity offering in the intermediate time, by any Private Vessel, of sending Major Geils, Mr. Fosbrook, and the other Persons I directed you in my last Dispatch to send up to Head Quarters with the least possible delay, I have now to request you will order them to embark and proceed to Port Jackson on board the Government Brig Lady Nelson, immediately on her return from Norfolk Island, as soon as she has landed her Cargo from thence at the Derwent, it being my intention to dispatch the Kangaroo to Norfolk Island, as soon as she arrives here from England (from whence she is now daily expected), for the purpose of effecting the final Evacuation of that Settlement.

5. In reply to your Letter respecting the arrest of Major Geils for Debt, you must be aware that the Civil Law of England has no respect to Persons, and that it is entirely optional with the Provost Marshal, or the Person who executes the Writ in his name, to give you any previous intimation of the circumstance. It would however be highly necessary that the Provost Marshal's Deputy should first apprise you of his intention before he executes a writ on any Officer or Soldier under your Command, and I shall not fail to instruct Mr. Gore the Provost Marshal for the Territory to this effect.

6. I was unacquainted, till I received your last letter, with the circumstance of Two Bullocks having been issued from the Government Herds on Van Diemen's Land to each of the Officers of the 73d Regt. stationed there. This having been done without my authority, I have to desire that you will be so good as to call immediately on these officers for Payment of the Cattle so delivered to them, in money at the Government price, or to repay them in kind if more convenient and agreeable to them.

7. As I consider it yet too early to impose any Duty on Timber exported from this Colony, and as it would be desirable to make first an experiment how the Timber of Van Diemen's Land will sell in other Countries, I request you will permit Messrs. Collins and Co. to Ship the Eighteen Hundred Spars they have already cut down for a Foreign Market as an experiment, without imposing any Duty thereon. At the same time I very much approve of your having ordered those Spars to be seized in the first instance for the Crown, as they had not obtained any regular
permission to cut them down; and you will be so good as to have it made known Publickly that no Timber is to be cut down in Van Diemen's Land for Exportation without your permission.

8. The Prisoner Richard Johnson,* whom you sent up in the King George, is now in Jail here, and will be brought to Trial as soon as a Criminal Court can be conveniently assembled.

9. George Watts* is the only one of the Prisoners whom you formerly sent up for Trial that has been convicted. He has been sentenced to be Transported to the Coal River† for Seven years. The rest of the Prisoners who were tried at the same time having been acquitted are now, returned again to the Derwent by the present opportunity, together with the Evidences who came up hither with them, excepting only John Uran (Convict) who having recently committed a crime here, he has been sentenced to work in the Coal-Mines at Newcastle for some time. You will also receive, along with the other men now alluded to, John Jones (alias Gibber Jack) a notorious offender as an illicit Distiller, whom I have ordered down to the Derwent during the period of his Sentence of Transportation, namely, two years from this date. This man must be well looked after, and worked in your Gaol-Gang, being a very bad character.

10. I never gave Mr. Loane any Promise of an allotment of Ground on "Macquarie Point" (erroneously called Fosbrook's Point). His assertion therefore to that effect is unfounded, and I should suppose the man could only have said so in joke.

11. I now transmit you herewith a List of the Public Offices in Van Diemen's Land entitled to receive Stationary at the expense of the Crown, and I am to desire that no others shall be supplied with Stationary in future. The other Officers and Offices, heretofore improperly supplied by Government, must furnish stationary at their own expense or out of their Salaries. The Stationary required for the use of the Court House ought to be supplied from the Fines levied by the Court. Herewith I now return you the Specimen of the high-Priced Writing Paper you sent me in your last Dispatch, with my remarks thereon.

12. As it would be a very great saving of Writing Paper (which instructions is at present both very scarce and very dear), and also greatly simplify your correspondence with me, I have now to request that, instead of writing a separate Letter on every distinct subject, you will be so good, in future, as to compress as many subjects into one Public Letter or Dispatch as possible, dividing each Subject or information into distinct Paragraphs in one general Letter. This mode will save yourself a great deal of unnecessary writing, prove easier to me to answer, and be the means of saving a great deal of Stationary to the Crown.

* Note 36. † Note 37. ‡ Note 38.
1813.
26 Oct.
Letter to commandant at Port Dalrymple.

1813.
26 Oct.
I transmit herewith the Duplicate of a Letter I had occasion lately to write to the Comdt. of Port Dalrymple, and which I leave open for your perusal and information, requesting you will afterwards transmit it to Port Dalrymple.

I have, &c.,
L. MACQUARIE.

[Enclosures.]
[Copies of these papers are not available.]

LIEUT.-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.
(Despatch per cutter Elizabeth; acknowledged by Governor Macquarie, 3rd February, 1814.)

3rd January, 1814

[ A copy of this despatch is not available.]

LIEUT.-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.
(Despatches per brig Lady Nelson; acknowledged by Governor Macquarie, 9th March, 1814.)

20th and 24th January, 1814

[Copies of these two despatches are not available.]

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.

Sir,
Government house, Sydney, 3 Feby., 1814.

1. By the Elizabeth Cutter, which arrived here on the 20th Ulto., I received your Letter of the 3rd Ulto. with the several accompanying Papers referred to therein. By this opportunity, Mr. Depy. Commissary Fosbrook and Ensign Holmes have also arrived here. The Brig Active from the Derwent having Major Geils and several other Passengers on board arrived on the 29th Ulto. The Lady Nelson has not yet arrived, and I begin to entertain apprehensions for her safety, as the weather has been of late very boisterous and the Winds contrary.

2. It is with much concern that I feel compelled to express to you my disapprobation of and astonishment at the sentiments expressed in the 3rd paragraph of your Letter above acknowledged, relative to the administration of Justice in Van Diemen's Land, and questioning the jurisdiction of the Courts established here by Patent* over those Settlements. On giving this subject a moment's further reflection, I trust you will be sensible how injurious and unjust it would prove to the interests of the Public at large were I to adopt the sentiments you have expressed on this subject, and accede to your recommendation by prohibiting the execution of any Writs, emanating from the Courts of Justice here, from being executed in Van Diemen's Land.

* Note 39.
MACQUARIE TO DAVEY.

I must decline following you thro' the arguments you have urged in support of this novel and extraordinary Innovation on the establishments, which H.M. Ministers have deemed wise and provident for this Colony, as I do not by any means consider them conclusive even in favor of the expediency of the measure; whilst on the other hand it is completely at variance with the Laws and Regulations uniformly observed under the Patent, since the original establishment of the Colony. It may be sufficient therefore to say that, in the present state of the Population and constitution of the Courts, the sanctioning of this Measure would not only impede but absolutely defeat the entire administration of Justice by leaving every man, who had entrusted Money or property of any kind, totally at the mercy of his fraudulent Debtors who might happen to reside in Van Diemen's Land; and, were such an exemption from legal control to take place, all the fraudulent Debtors of this part of the Territory of New South Wales would also immediately resort to Van Diemen's Land for security against their Creditors. Whilst I thus maintain the paramount authority of the Courts of Justice established here, I am however fully aware of the difficulties, inconvenience and expense attendant on persons residing in Van Diemen's Land being sued for Debts in the Courts here, and consequently compelled to attend them; but this is a circumstance for which there is no Remedy yet at hand, and it must therefore as the less evil be submitted to patiently, until such time as District Courts shall be established by competent authority for the administration of Justice in both Civil and Criminal Cases in Van Diemen's Land, independent of those here. This is a Subject which has by no means escaped my most serious consideration and warmest attention, the best evidence of which is, that the establishment of such Courts with you has been long since recommended by me to the consideration of His Majesty's Ministers. Until such time however as these Courts shall be established by Patent or other competent Authority, the Laws must continue to be executed in Van Diemen's Land as they have been heretofore; and, to this established order of things, I must demand and shall expect from you not only an implicit and respectful compliance but also a zealous and hearty co-operation. With regard to the appointment of Mr. Dennis McCarty by Mr. Provost Marshal Gore to be his Depy. to perform his Duties in Van Diemen's Land, I have to apprise you that I was not at all concerned in it, that right altogether resting with the Provost Marshal himself, who has to be answerable for the conduct of his Deputies in the several Subordinate Settlements. This being the case, it rests not either with you or me to interfere with those
appointments; and therefore it was not by any means necessary that you should be Officially apprized of Mr. McCarty's being appointed Deputy to Mr. Provost Marshal Gore. As the Provost Marshal cannot be possibly supposed or expected to perform all the Duties attached to that Office in his own person throughout every part of this extensive Territory, He is of course necessarily obliged to appoint Deputies, and there is no further restraint on his nominations than that they must be Free Men. The person lately appointed his Deputy for Van Diemen's Land happening to be under criminal charges, on which he was to be prosecuted at the time of his nomination, it was very proper that you should suspend the exercise of his Authority, until by Trial he should be acquitted, if innocent, or otherwise rendered incompetent to the situation by Conviction on the charges. I now conclude that the Provost Marshal will now appoint some other person in the room of Mr. McCarty whom no similar objections can be made; and He must be permitted to execute Writs and perform all the other Duties of his Deputy in Van Diemen's Land.

Having thus, Sir, very fully expressed to you my Sentiments on this very important and Delicate point, I hope and trust that you will not further agitate it, nor throw any further obstruction in the way of the due administration of Justice at the Settlements over which you preside in Van Diemen's Land. On the contrary, I trust in your own sense of propriety and duty for an effectual support to the legal administration of the Colonial Laws so far as your Authority extends.

3. I approve of your having authorized Capn. Ritchie to lend, from the Govt. Herds at Port Dalrymple, two working Oxen to each of the new Settlers from Norfolk Island, to enable them to plough their Lands, and have no objection to their being permitted to retain the Cattle so lent them, if they wish to become their purchasers, provided that they enter into the prescribed Bonds for the payment to Govt. of the purchase Money on the usual Credits.

4. I am happy to find that the late Harvest at the Settlements of Hobart town and Port Dalrymple promised to yield abundant Crops; and I have therefore to hope that you will find no difficulty in supplying the Govt. Stores at both those Settlements with as much Wheat as you will have occasion for until the following Harvest time. If you should not be able to procure the necessary quantity at the present price, I authorize you to increase it to ten shillings per Bushel for the present Season; and if any determined combination should exist among the Settlers to keep back their Grain at this liberal advance, and should
the necessity of the case demand it, you are at liberty to extend
the price even beyond Ten Shillings, so as to enable you to
procure the quantity necessary for the purposes of Government.
It will be however proper on your part to apprise the Settlers, if
any spirit of combination should appear to you to exist among
them on this subject, that such conduct will render them un­
worthy of and totally debar them from deserving any future favor
from Government.

5. I am sorry I cannot comply with your requisition for Bed-
ding for the Troops and Slops for the Convicts in Van Diemen's
Land, there being none in the King's Stores here at present;
but, having reason to expect a Store Ship from England in the
course of a few months with a supply of those Articles, a pro­
portion of them will be sent to you as soon as possible for the
use of the Settlements under your Command. Neither have I
it in my power to send you a File Cutter or Wheelwright, there
being none of the former in the service of Government and so
few of the latter that none can be spared at present. I shall not
omit however to send you one, when any shall arrive from
home. Instructions shall be given to the Depy. Comr. Genl. to
send you, if procurable, a small quantity of stationary by the
present opportunity; but that article is just now so scarce and
consequently dear that I am apprehensive he will not be able to
send you beyond a very limited Supply.

6. I have no objection to your furnishing on the usual credits
two working Oxen from the Govt. herds to such of the Marine
Settlers as you may consider worthy of that Indulgence; and, if
it shall appear that their present Farms at North West Bay are
of such inferior quality of soil as not to afford them a due
subsistence and recompense for their industry, I authorize you
to instruct the Depy. Surveyor on his return to Van Diemen's
Land to measure out and assign to them other farms of equal
extent to their present in some more favorable District. In con­
sideration of your favorable report of John Staples (late of the
Royal Marines) and of my own knowledge of his industry and
good conduct, I authorize you to direct the Depy. Surveyor to
measure and assign to him Sixty acres of Land in addition to
that already granted him.

7. As you state your opinion to be that the Price hitherto
charged by Government for cattle issued on Credit to private
persons (namely £26 per Head) is too much, and that you think
it ought to be reduced to Twenty pounds per Head, I accede to
your suggestion therein and authorize you to make the charge on
all future issues to Individuals £20 per Head to be secured in
the usual way.

MACQUARIE TO DAVEY. 49

1814. 3 Feb.

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8. I shall not fail to adopt such strong measures for the breaking up and totally dispersing the Banditti of Bush Rangers, which you complain of as infesting the Settlements under your Command; and, so soon as the Judge Advocate shall have leisure from the other important duties of his Office, I shall require him to frame a strong legal Instrument on that subject; his time is at the present so fully employed that I will not be enabled to transmit you this Instrument by the present opportunity.

9. I am glad to receive such favorable accounts from you of Mr. Humphreys; and, in consideration of them and the explanation you have given of his conduct on a late occasion, I now confirm your appointment of him as a Magistrate at the Derwent, trusting that he will execute the duties of that important office with impartiality and strict justice, and so as to reflect honor on himself and on your recommendation of him; I am sorry however to find that there are reports here with respect to his conduct as a Magistrate which do not reflect credit on his impartiality and justice, and I have only to hope that they are not well founded.

10. The appointment of Naval Officer at the Derwent has been long since promised (when vacant) to Mr. James Gordon, a Gentleman of great respectability and strongly recommended to me from home. He will consequently succeed Lieut. Duncan Campbell on his Departure with his Corps for Ceylon, whence I have to regret that I cannot comply with your request in favor of Mr. Beamont. I am also extremely sorry I cannot approve of your appointing Mr. Beamont* to act as a Magistrate at the Derwent, as I do not consider him to be of sufficient respectability to exercise with public advantage the duties of so high and important an Office. Neither his Rank or Situation in Life entitles him to this pre-eminence, whilst his being a perfect stranger in the country and consequently totally destitute of the necessary local knowledge are in themselves sufficiently strong objections to his filling that Situation. I have therefore to desire that Mr. Beamont shall not further act as a Magistrate after your receipt of the present Dispatch.

11. The Letter of Mr. MacNeelam, addressed to you and forwarded for my perusal, I now return to you with my Determination written on the back of it. Mr. MacNeelam's highly improper and insolent conduct to myself as Governor and to my Secretary here have been such as that I never will sanction his becoming a Settler either in Van Diemen's Land or in any other part of the Territory, I have the honor to govern. I must therefore request that you will on no account locate or permit any Lands or Town Allotment to be assigned to him in Van

* Note 18.
MACQUARIE TO DAVEY.

Diemen's Land. In consideration however of the circumstances stated in his Letter to you, I grant my permission for his remaining in Van Diemen's Land until the 1st of January next for the settlement of his private affairs, but will not on any account extend permission for his residence there beyond that period.

12. I shall transmit you with my next Dispatch Conditional Rewards for Pardons for James McCoy and John Boon, whom you recommend in consequence of their having discovered a quarry of Lime Stone in the neighbourhood of Hobart Town. The very short time these men have been in the Country would not justify my granting them Absolute Pardons. With my next I shall also send you my answers to the several Memorials you lately transmitted me from Port Dalrymple.

I have, &c.,

L. MACQUARIE.

LIEUT.-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.

(Despatches per brig Spring and schooner Derwent; acknowledged by Governor Macquarie, 9th March, 1814.)

24th and 28th February, 1814. Feb.

1st March, 1814. March.

[Copies of these three despatches are not available.]

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.

(Despatch per schooner Estremina.)

Sir, Government house, Sydney, 9 March, 1814.

1. Since the date of my last Dispatch (the 3rd Ulto.), the Duplicate of which I transmit you herewith, I have to acknowledge the receipt of your several Letters by the Lady Nelson, the Brig Spring and Schooner Derwent, under the Dates of the 20 and 24 Jany., 24th and 28 Ulto., and 1st Instant.

2. I have to regret that I cannot supply you at present with one article of your late Demand for Sundries, namely Shingling Nails, there not being any in the Government Stores. All the other articles of your Demand, Viz. Iron, Steel and Tools, will be sent you by the Windham Transport, which is to sail in the course of 14 Days.

3. The Windham is to carry a Division of the 73rd Regt. from hence for Ceylon, and also a Company of the 46 Regt., which is to be landed at the Derwent for the relief of the Company of the 73rd, now with you; and the relief for Port Dalrymple is to proceed thither by the Estramina on the 12th Instant.

4. You will receive herewith three separate Parcels of Petitions and Memorials, transmitted to me by you from Persons residing
at the Derwent and Port Dalrymple, with my Answers written on the backs of them, while I have to request that you will communicate respectively to them.

5. Having found it necessary to limit the periods for the receiving of Memorials and Applications to the Months of June and December in each year, I have to apprise you of that circumstance and to request that you will in future transmit me none but at those fixed periods, agreeably to the Orders and Regulations* published by me on that subject in the Sydney Gazette on the 9th of Jan., 1813, a copy whereof I now send for your Observation and guidance.

6. I have no objection to your issuing to Mr. Wade, the Chief Constable at the Derwent, Two bullocks from the Govt. herds agreeably to your application on the usual credit and security.

7. As you conceive that the neck of Land called "the South Arm" should be reserved for the purposes of Government itself, I shall not give any Locations or orders for Land on it.

8. The Landing and depositing the Spirits from the Schooner Derwent and the Alligator from India in the Government Stores, conformably with the system here to prevent smuggling and illicit trade, I fully approve of, and also of your having made the usual annual issue of Spirits to the Civil and Military Officers of Government at the Settlements of Hobart-town and Port Dalrymple; but, on this Subject, I must caution and enjoin you on no account whatever to permit any part of that now in the Bonded Store to be bartered or sold from thence during the continuance of the Contract† for the General Hospital here, which will remain in force until the first of January in the ensuing year 1815.

I have, &c.,

L. MACQUARIE.

P.S.—You will receive from the Secry. the Conditional Pardons for the two men, who discovered the Lime-Stone Quarry at Hobart Town, and also a few other conditional Pardons for deserving Convicts at the Derwent and Port Dalrymple.

L.M.

GOVERNOR MACQUARIE TO MAJOR GEILS.


Notwithstanding the Court of Enquiry, which was lately assembled by my Order to investigate the Charges exhibited against you by Deputy Commissary Fosbrook, has given it as their opinion "that there is no matter furnished, whereon to found charges to require the investigation of a General Court Martial"; Yet, acquainted as I am with a variety of circumstances,

* Note 28. † Note 27.
connected with these Charges, during the period of your
holding the situation of Commandant of the Derwent, which
were not brought forward in Evidence before that Court, I can-
not consistently with my Public Duty forbear to express to you
in this Official manner my decided disapprobation of your con-
duct in many instances during your command, it having been
highly reprehensible and incompatible with those strict Military
Principles, which an Officer of your high Rank and experience
ought to have been governed by in the discharge of the Public
Trust reposed in you.

The following are instances of that line of conduct, which
meets my censure, namely:—

1st. Your having taken large quantities of Spirits from the
King’s Stores at Government price, beyond what you were
entitled to receive, to the manifest prejudice of the Interest of
the Crown.

2ndly. Your having taken very large quantities of Sugar and
different descriptions of Grain and other Provisions from the
King’s Stores without Authority.

3rdly. Your having taken great quantities of Iron, Tin, Tools
of all sorts, Nails, Sawn timber, Shingles, Laths, etc., etc., the
property of Government, to your own use, as appears from the
returns made by the Inspector of Public Works; and

4thly. Your having appropriated the Services of no less a
number than twenty nine Convicts at one time to your own
private use, although they were clothed and victualled at the
expence of the Crown.

You must have been fully aware that such proceedings, as those now mentioned, were in direct contradiction both to the
Tenor and Spirit of the Instructions, which you received from
me in being appointed Commandant at the Derwent, and which
must have been the more fully before you from the circum-
cstance of your Predecessor having been superceded by you, in
consequence of his having taken some similar unwarrantable
liberties; but I could not have supposed that you would have
pursued so bad an example, otherwise I should never have
appointed you to so important a Command.

The high opinion, I had formed of your honor and integrity,
led me to consider it unnecessary to lay any particular restric-
tions on you Personally as Commandant of Hobart Town, con-
cluding that you would have acted up to the true meaning and
Spirit of my Instructions. In this respect, I am sorry to say I
have been greatly disappointed.

I have much reason also to be dissatisfied with the very trifling
progress you made in the erection of Barracks and other Public
Buildings, which I had ordered to be built during the time of your Command. If you had paid due attention to that important part of your Duty, instead of devoting your attention to the improvement of your private Estate, and appropriating so many Government Men to that Service, the Troops would not now be without the suitable and necessary accommodation, to which they are so justly entitled.

How you can account for the appropriation of so many Government Men to your own private purposes, I am at a loss to conjecture; and I am not less at a loss to imagine on what grounds you can justify your having taken such large quantities of Spirits from the King's Stores for your own emolument at Government price, knowing, as you must have done, that you had no right to do so, and that it was a complete abuse of the Authority vested in you. Your receiving large quantities of Tools, Iron, Nails, Timber, etc., etc., was equally such an abuse of power, as that I know not how you can justify it, those Articles being most essentially necessary for the carrying on the Public Works of Government, and purchased at a weighty expense expressly for those services; your having paid for them at the Government price can certainly never excuse this misappropriation of them at any time, and still much less at that particular time when they were with much difficulty procured at all and at a most exorbitant price.

It is with sincere regret that I find myself compelled to make such strictures on the conduct of an Officer of your rank and experience; but a sense of Public Duty, paramount to all other considerations, forces me thus to communicate my sentiments to you, in order that you may be fully apprized of the light, in which I view part of your conduct during the time of your commanding the Settlement of the Derwent.*

I have, &c.

L. MACQUARIE.

LIEUT.-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.

(Despatch per schooner Henrietta Packet; acknowledged by Governor Macquarie, 24th May, 1814.)

2nd April, 1814.

[A copy of this despatch is not available.]

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.

(Despatch per ship Windham.)

April, 1814.

[A copy of this despatch is not available.]

* Note 41.
MACQUARIE TO DAVEY.

LIEUT.-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.
(Despatches per ships Eliza and Frederick; acknowledged by Governor Macquarie, 18th August, 1814.)

13th and 23rd May, 1814.

[Copies of these two despatches are not available.]

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.
(Despatch per H.M. brig Kangaroo.)

24th May, 1814.

[A copy of this despatch is not available. The following was the draft of it prepared by Governor Macquarie:—]

HEADS of Dispatch for Lt. Govr. Davey, to bear date 24th May, 1814, to be signed by the Govr. himself.

1st. The Govr. has already acknowledged the receipt of his several Dispatches under dates 3d Jany., and 2d Apl. last, recd. Pr. Elizabeth Cutter and Henrietta Packet some time since, and which were answered per the Schooner Estramina and Ship Windham in March and April last.

2d. In consequence of his own frequent representations on that Proclamation subject, and the late alarming increase of the Banditties of Runaway Convicts in Van Diemen's Land, and their violence and depredations on the Persons and Property of the Inhabitants in that Country, the Govr. has deemed it necessary to issue a strong Proclamation on this Subject, holding out indemnity for the past to these deluded People, in case they deliver themselves up within the time limited in the said Proclamation, and if not, they must be hunted down and taken dead or alive.

3d. Herewith he will receive 38 Printed Proclamations, which he is to circulate immediately on receipt, and give every possible degree of Publicity to throughout the whole of Van Diemen's Land, and direct several of them to be pasted up on Trees in those parts of the Country, near the Derwent and Port Dalrymple, where the Bush Rangers usually hunt and reside occasionally at, so that they may not be able to plead ignorance hereafter of an indemnity being held out to each of them as chose to avail themselves of this act of lenity and mercy. The Governor heard lately, with great indignation and surprise, that Peter Mills, late Actg. Dy. Surveyor, and George Williams,* late Actg. Dy. Comy. at Port Dalrymple, had absconded from that Settlement, and placed themselves at the head of different Parties of these Runaway Convict Banditties. These two Persons are therefore in a more particular manner mentioned in the Proclamation.

* Note 42.
4. The Govr. having information, which he can depend upon, that Mr. Mountgarrett Surgeon at Port Dalrymple, to his eternal disgrace and infamy not only as a Magistrate but as an Officer of Government, connived at both these Persons (Mills and Williams) making their escape from that Settlement, with a view to defraud their just creditors, he has deemed it his duty to remove Mr. Mountgarrett from the honorable office of a Magistrate as being totally unworthy of any longer retaining so respectable and important a situation. Herewith the Govr. transmits a copy of the Genl. Order* dismissing Mr. Mountgarrett, and appointing Mr. Archer to succeed him as Magistrate at Port Dalrymple.

5. The Govr. having laid the Examinations taken some time since at the Derwent, respecting the alleged criminal conduct of Dennis McCarthy there, before the Judge Advocate for the purpose of his naming such of the Witnesses as he might deem necessary for his conviction, with the view of my ordering them up to Head Quarters, along with McCarthy to stand his Trial here for these alleged crimes, the Govr. received a Letter from the Judge Advocate on this Subject, of which a copy is now herewith transmitted for Lt. Govr. Davey's information and guidance. Lt. Govr. Davey will observe, from the opinion given by the Judge Advocate in the Letter alluded to, that all further Proceedings against McCarthy are useless and unavailing. The Govr. therefore advises all further Prosecution against this Person to be dropt, unless better and more decided proofs of his guilt can be adduced than those already brought forward, and which have been greatly weakened by the illegal and very improper manner the Examinations were taken in secret by Mr. Humphrey.

6. In consequence of the very small proportion† of Females there are in the two Settlements on Van Diemen's Land in proportion to the Male Population of those Settlements, the Govr. has deemed it advisable to send down Sixty of the Female Convicts, recently arrived here from Ireland in the Catherine Transport, on board the Government Brig Kangaroo to the Derwent, for which Place they are already embarked on board that Vessel; and Lt. Govr. Davey will receive herewith a List of their names and Sentences. Forty of those Female Convicts are to be retained for to be assigned to the Settlers at the Derwent, and the remaining Twenty are to be sent overland to Port Dalrymple to be assigned to the Settlers there.

7. On the Kangaroo also proceed some of those Persons, who came lately from Norfolk Island with the view to become Settlers at the Derwent and Port Dalrymple, of whose names Lt. Govr. Davey will herewith receive a List, specifying the quantity

* Note 43. † Note 44.
of Land and other indulgencies each Person is to receive from Government at these respective Settlements. By the Kangaroo likewise, the Govr. has ordered a Passage for a man named George Waller, a Convict, who came up here some time since as an Evidence; and three male Convicts, named Widdowson, Byrne and Roache, are sent down to the Derwent in the same Vessel, to be assigned to Settlers there or kept in the Govt. Gangs. They are sent from hence as very bad characters, and for the purpose of breaking up a dangerous chain of connection they had formed here.

8. Mr. Geo. Wm. Evans, the Dy. Land Surveyor* of Van Diemen's Land, with his Family, proceeds by this opportunity to Kangaroo. He assume his Duties on that Island. He is furnished wt. Instructions for his guidance from the Governor, which he will be directed to submit to Lt. Govr. Davey. Mr. Evans will carry down wt. him the Sketches or Charts of Mr. Meehan's late Surveys and measurement of Farms, etc., in Van Diemen's Land, approved by the Govr., and by which Lt. Govr. Davey will direct the Several Settlers and other Persons concerned to be implicitly governed. All the new grants will be made out immediately here, and sent down as soon as possible.

L.M.

[Enclosure.]

[A copy of the proclamation re bushrangers will be found on page 264, volume VIII, series I.]

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.
(Despatch per H.M. brig Kangaroo.)

Sir,

Govt. House, Sydney, 25th May, 1814.

1. I beg leave to inform you that, in consideration of the very important discovery* recently made by the Bearer hereof, Mr. George Wm. Evans, of a very valuable Tract of Land to the westward of the Blue Mountains, I have promised to give him a Grant of One Thousand acres of Land at the Derwent, as a remuneration, in part, for his useful Services on the occasion alluded to. You are accordingly to permit Mr. Evans to mark out for himself, in some eligible situation not already appropriated or required for the use of the Crown, One Thousand Acres of Land, exclusive of Three Hundred Acres which I had formerly given him a promise of on his going down with Mr. Meehan to Van Diemen's Land in 1812, and which last 300 Acres he has chosen near and adjoining to Stanfield's Farm.

2. You will also be pleased to let Mr. Evans have four Govt. men (when they can be spared) for Eighteen months on the

* Note 45.
Store, and Six Cows and four working Oxen from the Govt. Herds, on a credit of three years, to be paid for in money or in kind at the expiration of that period.

3. As Mr. Evans’s Salary as Dy. Surveyor of Lands in Van Diemen’s Land is very small, and totally inadequate to defray the Expences he must necessarily incur in Travelling from One Settlement to another in making his Surveys, I have to desire that you will be so good as to order him to be supplied with the loan of one of the Government Horses from those now at the Derwent or Port Dalrymple. Mr. Evans himself defraying the expence of keeping and feeding the said Horse.

4. In case Mr. Evans should require an allotment of ground to build a House on at Hobart Town, you will be so good to permit him to take possession of the same in some convenient situation.

I have, &c.,
L. MACQUARIE.

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.
(Despatch per H.M. brig Kangaroo.)

Sir,
Government House, Sydney, 27th May, 1814.

1. I find, on looking over the Papers I received from you in your last Dispatches from the Derwent, that I omitted to return you a Memorial you transmitted to me from William Collins and David Wakefield, Settlers there, containing a complaint against Major Geils. I now return you the said Memorial with my answer on the back thereof, to be communicated to these two men, Major Geils’s answer to their complaint having been transmitted to you in a former Dispatch; from which it would appear that the Major had fulfilled his agreement with Collins and Wakefield. But whether he did so or not, these men deserve no pity, as they ought not to have sold or parted with their Farms to him or any one.

2. Being particularly anxious that no new paltry common Buildings should in future be erected at Hobart Town, and particularly in the area marked out by me as a Public Square* in December, 1811, but on the contrary that all future Buildings in the Town, as well in the Square as in the other parts of the Town, should be built of Stone or Brick, and that all Houses built in the Square shall be two stories high, I must call your attention to this point, and request that you will not allow any deviation to be made by any Person whatever from the orders* I issued on this Subject in Novr. and Decr., 1811, a Printed Copy of which you have in your Possession. It is also highly essential for the order, regularity, and ornament of the Town, that the streets

* Note 46.
BATHURST TO DAVEY.

I had then marked out, and the others since marked out by Mr. Meehan in 1813, should be opened and preserved so in the manner marked out in the Plan of the Town approved by me, and delivered to Mr. Evans, the Dy. Surveyor of Lands; and on which Plan I must request you will not permit any encroachments to be made by any one whatever.

3. I enclose you herewith copy of a Letter addressed to me by Mr. Meehan on the foregoing subject, pointing out some irregularities that have already taken place at Hobart Town by Persons occupying allotments of Ground in the Square and other Places contrary to my orders and Regulations on this head. These Persons must be immediately directed to remove from the allotments they have thus occupied contrary to my orders. Mr. Fitzgerald, the Clerk, and a Constable of the name of Hayes, are of this description and are to be compelled to quit the Premises they have occupied unauthorized, as specified in Mr. Meehan’s Letter, and to which I must request your attention. I shall most probably visit Hobart Town in the course of the ensuing year; and, should I find any Houses erected in the Square or in other parts of the Town contrary to my orders, I shall most certainly have them all pulled down, without allowing any compensation to those who have erected them without proper authority.

4. His Majesty’s Colonial Brig Kangaroo, commanded by Lieut. Jeffreys, sails early to-morrow morning for the Derwent, as already communicated to you in my Letter of the 24th Instant. As soon as she has landed the Female Convicts, and other Passengers on board of her, at the Derwent, you will be so good as to order Lieut. Jeffreys to return to Port Jackson, allowing him a reasonable time at the Derwent for wooding and watering his Vessel. In case you should have any Prisoners or other Passengers to send to Sydney, you may order them to be provided with a Passage on board the Kangaroo. If you should have any Wheat to spare for the use of Government, it may also be embarked on the Kangaroo for this Place.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

[A copy of J. Meehan’s letter is not available.]

EARL BATHURST TO LIEUT.-GOVERNOR DAVEY.

(Despatch per H.M. brig Emu.)

Sir,

Downing Street, 1st June, 1814.

A Patent* for a Court at Van Diemens Land having passed the Great Seal of the United Kingdom, and Mr. Abbott† having been appointed Deputy Judge Advocate to preside therein, you

* Note 47. † Note 48.
will receive from Governor Macquarie Instructions for the due
constitution of the Court, which is to be held at Hobarts Town.
In the mean time, as Mr. Abbott takes his Passage direct for
the Derwent in the Colonial Brig "Emu," with his Family, I am
to desire that you will appropriate to him such Quarters as may
be convenient, and issue to him such Rations as are enjoyed by
the other Colonial Officers.
I have, &c,

BATHURST.

LIEUT.-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.
(Despatches per brig Spring and schooners Derwent and Alligator;
acknowledged by Governor Macquarie, 18th August, 1814.)

3rd June, 1814.
11th and 13th July, 1814.
[Copies of these three despatches are not available.]

LIEUT.-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.
(Despatch per schooner Estremina; acknowledged by Governor
Macquarie, 21st and 23rd September, 1814.)

5th, 14th, and 15th August, 1814.
[Copies of these three despatches are not available.]

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.
(Despatch per H.M. brig Kangaroo.)

Sir, Government House, Sydney, 18th Augt., 1814.

1. Since closing my Dispatch to you under date 27th May
last Pr. the Kangaroo, I have had the honor to receive your
several Letters, as specified in the Margin,* with their respective
Enclosures and accompanyments, per the Ships Eliza and Fre­
drick, Brig Spring, and Schooners Derwent and Alligator.
2. Having written to you already so very fully by the Kan­
garoo, very little remains for me to say in reply to your Letters
which have come to hand since her first departure, further than
noticing those parts of them, which are new and were unknown

to me at the date of my former Dispatch herein alluded to.
3. The Kangaroo sailed from hence on the 29th of May for the
Derwent, with Male and Female Prisoners and other Passengers,
including Mr. Evans the Deputy Surveyor and his Family; and,
after an unsuccessful attempt to make good her Passage, she was

Inability of
brig Kangaroo
to reach the
Derwent.

Despatches
acknowledged.

18 Aug.

* Marginal note.—13th and 23d May; 3d June; 11th and 13th July, 1814.
MACQUARIE TO DAVEY.

on the 4th Instant for a further supply of Provisions and water as well as to repair her Damages. Being now again fitted out for Sea, she will prosecute her voyage for the Derwent to-morrow.

4. The Culprits* Turner and Foley, who were sent up from the Derwent and Port Dalrymple respectively, to take their Trial here for their respective offences, were accordingly Tried by the Criminal Court, found guilty, and executed pursuant to their Sentences.

5. Dennis McCarty arrived here from the Derwent on board the Alligator Schooner on the 23d of last month, under a Sentence of Twelve Months’ imprisonment in Sydney Jail, where he was accordingly lodged pursuant to the Sentence passed upon him at the Derwent. I cannot, however, refrain from expressing to you my very great surprise that so invidious a distinction should have been made between Dennis McCarty and Andrew Whitehead; it appearing that the Sentence passed on the latter is entirely remitted, altho’ guilty in a much greater degree than the former; at least he appears to be so in my estimation from an attentive perusal of both their Trials and of the other Documents you forwarded to me. There certainly appears to me not only a great inconsistency in this distinction but a glaring partiality; for, tho’ I have no doubt of Dennis McCarty’s guilt, yet the Evidence adduced against him is by no means so clear and satisfactory as that against Andrew Whitehead, whose guilt does not admit of a shadow of doubt.

6. In respect to your wish that Dennis McCarty should not be allowed to return to the Derwent after the expiration of his present Sentence, it will not be consistent with my ideas of justice or propriety to prevent his returning thither unless some new Crime should be brought forward and proved against him before a Criminal Court here. The Man is free, has Property at the Derwent, and therefore cannot legally be prevented from returning thither on the expiration of his present Sentence, in case he should wish it.

7. The series of notorious, disgraceful, and daring instances of Smuggling, which have recently taken place at the Derwent, far exceed anything that has ever yet occurred there or at any of the other Dependencies of this Territory. This Traffick has arrived at a most alarming Pitch of late in Van Diemen’s Land, and requires a commensurate degree of vigilance and activity in the Police of your Settlements to restrain and prevent it. I hope that the late Seizures will in some degree check that extraordinary propensity to smuggling, which appears to pervade all ranks and descriptions of People at the Two Settlements in Van Diemen’s Land. I cannot therefore too strongly impress on your

* Note 49.
mind the necessity for your directing your most Zealous efforts to restrain and prevent, by every means in your power, this illegal and disgraceful contraband Traffick in Spirits.

8. I never credited entirely the reports, which were in circulation here, respecting your having permitted Fifteen Thousand Gallons of Spirits to be landed within the last Twelve Months at the Derwent; but even the Quantity you acknowledge you have permitted to be landed, namely Five Thousand Gallons, is by far a larger Quantity than you were warranted by my Instructions either to permit to be landed or distributed to the description of Persons specified in the Schedule,* which accompanied those Instructions. I must therefore express my decided disapprobation of your conduct in this instance, more especially as it is a breach of the General Hospital Contract, which you well know I am strictly bound to make good and to fulfil. No Civil Officers at Head Quarters have yet received an issue of Spirits for the present year; and I think you ought first to have obtained my permission before you issued the full allowance of Spirits for the present year to the officers, Civil and Military, in Van Diemen's Land in advance, for which you certainly had no legal authority; added to which, you have committed another very great irregularity in giving a regular issue of Spirits to two Convicts (Messrs. Randall and Bland) equal to what is issued to officers of the highest rank. You must be sensible how very improper and indecorous such very misplaced indulgence is, it being unprecedented at the Seat of Government.

The Contractors will no doubt call upon me, in consequence of this breach of their contract, for an indemnification,† to which they are justly entitled; and thus you have entailed an additional expence on the Crown, besides placing me in a most awkward predicament. The Smuggled Spirits seized, amounting to 2,800 gallons, ought to have been retained in the Bonded Store, until you could receive a communication from me on so important a subject, and not have been sold or thrown into the Market; for, by their being so disposed of, no less than 7,800 Gallons of Spirits have been distributed at Hobart Town within a few months, by your own Statements to me; but I greatly fear that the evil has not even rested here, as it would appear, from Capt. Murray's own confession, that large quantities of Spirits have been landed at Hobart Town from his Ship the Eliza, with regular Permits; which, I am sorry to say, corroborate in some degree the reports circulated here by Dennis McCarty, and which I considered as malicious and unfounded until I read Capt. Murray's Letter and conversed with him on this subject. For your further information, I transmit you herewith an attested Copy of Capt. Murray's.

* Note 14. † Note 27.
Letter addressed to Mr. Wentworth, one of the Contractors for the General Hospital. This transaction certainly requires some explanation on your part, which I hope you will not fail to afford me.

9. The Piratical escape and illegal departure of the Ship Argo from the Derwent is much to be lamented, and is of so atrocious and daring a nature, when coupled with the other circumstances attending that Transaction, as to call for the most severe and exemplary Punishment being inflicted on the Perpetrators whenever they can be found or apprehended. All, however, that I can do at present is to forward a statement of the Circumstances to the Government of Bengal, to which Place the Argo belongs, and request of it to apprehend and send Capt. Dixon back here to be tried for Piracy and seducing away Convicts from this Territory. I have little doubt of Messrs. Loane and Carr having been deeply concerned in this atrocious transaction, as well as in the smuggling of Spirits from the Argo; but as there was no positive proof of this being the case, I could not legally detain them here on mere suspicion.

10. It is always painful to me to Censure the conduct of any officer under my Command, more especially one of your very high rank and Station in the Territory I have the honor to command; but it would be a complete compromise of my own authority, were I to pass over unnoticed the breach of Military Discipline you have been guilty of in detaining Ensign Lascelles of the 73d Regt. as your Secretary at Hobart Town, in direct violation of my positive orders for his proceeding along with his Corps on board the Ship Windham to Ceylon. Your having taken upon yourself the responsibility of suspending this order was highly irregular, unjustifiable, and subversive of all Military Discipline; which you must be fully aware every officer in Command is bound to support and strictly to enforce in every instance for the good of the Public Service. I have therefore to express to you my most decided disapprobation of your conduct in this instance; and, tho' I shall forbear to take any further Public Notice of the disrespect you have so openly manifested on this occasion to my orders and authority, as Governor in Chief and Commander of His Majesty's Forces in this Territory, yet I deem it my duty to apprise you that, should any similar instance occur during the continuance of my command in this Country, I shall be under the painful necessity of taking most serious notice of it in support of my own authority. But, as you attach so much importance to the services of Ensign Lascelles, I have granted him permission to remain with you in Van Diemen's Land, until such time as I shall be honored with the pleasure.
of His Royal Highness the Commander in Chief respecting him, it being my intention to transmit Home by the earliest opportunity for England Ensign Lascelles' resignation lately received here from him by the Major of Brigade.

11. You observe to me, in one of your Public Dispatches, that you conceive it an act of injustice my depriving you of the services of Ensign Lascelles. This is rather strong language, and not very becoming or sufficiently respectful from an inferior to a superior officer, independent of its evident inconsistency; for you certainly cannot forget that you wrote to me some time ago expressing your hope that Ensign Lascelles should "be obliged to proceed with his Regiment." I have still in my possession your original Letter to this effect, and in order to refresh your memory I beg leave to send you a Copy of it herewith. I do not recollect having informed you that I had recommended Ensign Lascelles to the Secretary of State as a fit Person to be your Secretary; if I did, it must have been a mistake or oversight in the hurry of writing you on that occasion. I remember having strongly recommended that you should be allowed a Secretary, because you required the assistance of one; but I did not at all conceive it necessary to mention the name of Ensign Lascelles, as it must be a matter of perfect indifference to the Secretary of State who or what Person you would employ in that capacity, so long as he was adequate to the duties of such an office. At the time I ordered Ensign Lascelles to proceed to Ceylon with his Regiment, I had no reason to suppose that you would have taken upon yourself so serious a responsibility as that of detaining him contrary to my orders, and of course concluded that he would certainly go with his Corps agreeably to these orders. On this principle, I promised Capt. Clarke the Appointment of Inspector of Govt. Public Works at Hobart-Town, on the resignation of that office by Lieut. Gunning. I have accordingly appointed Captain Clarke to that office, and have no doubt of his capability for the discharging of the Duties of it with credit to himself and advantage to the Publick. Indeed I should suppose that Ensign Lascelles's time must be too much occupied, in the discharge of his Duties as your Secretary, to admit of his executing those of Inspector of Publick Works in so efficient a manner as they ought to be; and consequently I conceive it would not be doing justice to the Publick Service to allow him to hold both offices.

12. I have attentively perused the correspondence, which took place between you and Capt. Clarke of the 46th Regiment, on the subject of the claim set up by him for himself and his Detachment to share in the moiety of the smuggled Spirits recently seized and condemned at Hobart Town. I enclose for...
your information a Copy of a Letter I lately wrote to Lieut. Colonel Molle, Commanding the 46th Regt. here, on this subject, in reply to a reference he thought proper to make to me upon it. But, altho' I have decided that Capt. Clarke himself, and those Men of his Detachment who were not employed on this Service, have no right to share, I am at the same time of opinion that all those Persons who were actually present at the Seizure, whatever their rank may have been, have an undoubted right to share equally in the capture of the Smuggled Spirits alluded to. On this principle, the Soldiers of Capt. Clarke's Detachment, who were actually employed in Seizing the smuggled Spirits at Andrew Whitehead's House, have a right to share equally with the other Persons employed on that Service. If, however, the Soldiers employed on that occasion are contented with the remunerations that have been made to them, I shall be satisfied; but, if not, this business must come to a Publick hearing before the Supreme Court at Sydney. I take this occasion to observe that, in my opinion, it was highly improper, irregular, and indecorous to employ your own Confidential Secretary on a service of this description; as it must be evident to every one that his principal object in being employed on such a Service was for his own personal pecuniary advantage. The Chief Constable with some other Constables (and a few Soldiers if deemed necessary) would have been the proper People, and quite sufficient to make the seizure in question, which would have saved Mr. Lascelles from the strong suspicion of acting principally on this occasion from sordid selfish motives. If it had been deemed necessary to employ a Military Commissioned Officer, one of those of the Detachment of the 46th Regt. ought certainly to have been selected in preference to Ensign Lascelles. Under these circumstances I cannot allow that there is any particular merit due to his exertions on the occasion of Seizing the Smuggled Spirits at Andrew Whitehead's House and Premises.

13. I have confirmed your nominations of Messrs. Humphrey and Williams as Magistrates at the Derwent, and herewith you will receive the usual Precepts appointing them to these respectable offices. I must at the same time desire that no more Magistrates may be appointed to act in any part of Van Diemen's Land, without my previous sanction being obtained thereto.

14. I was much concerned to find that the Windham Transport had been so long detained at the Derwent by the unaccountable delay that took place in the Government Schooner Estramina coming round from Port Dalrymple with the Women and Children and heavy Baggage of Capt. Kenny's company, which can only be imputed to the gross neglect and laziness of Mr. Overand...
1814.
18 Aug.

Detachment left at Hobart town.

Men of 73rd regt. to be sent to Sydney.

Inadequacy of military force.

15. I am fully aware that the present Military Force in Van Diemen's Land is very inadequate to the Defence of the Country and the necessary Duties to be performed at the two Settlements; but, until the 46th Regt. shall be increased, or a stronger Corps sent out to this Country, it will be out of my power to reinforce your Military Strength, having already detached to Van Diemen's Land a full proportion of the small Force I have at my disposal.

16. I observe from your late Dispatches that the Bush Rangers still continue their Depredations in the neighbourhood of both the Settlements in Van Diemen's Land. I hope the recent example made here of Foley* (one of their number), which they cannot fail of hearing, will have a good effect; and I also trust, when my late Proclamation† is properly circulated and made known to these deluded Wretches, that they will surrender themselves and return to a proper sense of their Duty.

17. In a recent Dispatch‡ from Home, it is announced to me by Earl Bathurst, the Secry. of State for the Colonies, that Mr. Abbott (late Major of the 102d Regt.) has been appointed Judge Advocate of Van Diemen's Land with a Salary of Six Hundred Pounds per Annum, and that he is to come out immediately in the Government Brig Emu to assume his office; and it is probable he may arrive at the Derwent even before you receive this Letter. Mr. Bate§ is consequently superseded, and I am directed to announce to him that the Prince Regent has no further occasion for his Services, which I shall accordingly do by the present conveyance. I herewith enclose you an Extract from the Secretary of State's Letter, relative to the new Civil Court and

* Note 50. † Note 43. ‡ Note 47. § Note 45.
Mr. Bate, for your information and guidance. Mr. Bate must be compelled to give up to Mr. Abbott all the Government Law-Books in his possession, before you allow him to quit the Settlement.

18. The Ships Boxbornebury and Surry have arrived here lately from England with Male and Female Convicts and some Stores for Government; but, a great part of the most essential Stores not being yet arrived, I am unable to send you any by the present conveyance from those now come to hand. I expect, however, that the remainder of the Stores, I wrote for, will arrive in the course of a month hence on board the *Somersetshire* Transport; and, when she arrives, a proportion of all necessary stores (including Bedding for the Troops and Slops for the Convicts) will be sent to the Derwent and Port Dalrymple.

19. As Lieuts. Gunning and Rose of the 73d Regiment have long since sent Home their Resignations, and have consequently been permitted by me to become Settlers in Van Diemen's Land, they are to be permitted to occupy and cultivate the Lands some time since located and measured out for them by the Dy. Surveyor General, by my orders, at the Derwent and Port Dalrymple respectively. They are also to be victualled themselves for Eighteen Months from the King's Store as Settlers, and have each Six Government Men assigned to them on the Store for Eighteen Months, as soon as that number can be conveniently assigned to them; and, if they should wish it, you are to direct the issue of Six Cows to be made to each of them from the Government Herds on three years credit. These are the indulgences I always intended to extend to Lieuts. Rose and Gunning, whatever time they should become regular Settlers and ceased doing Military Duty.

20. I have observed with much surprise and displeasure that you have sanctioned the name* of the Town you now reside at to be changed from that originally given it by Lieut. Governor Collins, and approved and confirmed by his Majesty's Ministers; and which consequently no inferior power can possibly assume the right of changing. It is therefore my positive orders and commands that you do immediately on receipt of this Letter direct the late adopted change of "Hobart" to be discontinued in all your Public Orders and Gazettes, and that the Town shall be on all future occasions named and written as heretofore "Hobart-Town" and not simply Hobart.

I have, &c.,

L. MACQUARIE.

P.S.—I enclose herewith a Letter addressed by my Secry. to Mr. Bate, which is left open for your perusal and information;

* Note 51.
and I have to request that you will be so good as to send for Mr. Bate and have the Letter delivered to him in your own presence, taking down a note of the date on which it is delivered to him at Hobart Town.

18th Augt., 1814.

L.M.

[Enclosures.]

[Copies of these six papers are not available.]

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.

(Despatch per schooner Henrietta Packet.)

Sir,

Government House, Sydney, 21st Sept., 1814.

1. I have been honored with your letters of the 14th and 15th ulto. accompanied by the papers respectively referred to in them, and shall by a future opportunity reply more particularly to them than on the present occasion.

2. As the Public Service does not by any means require, so I cannot at all approve your having given Capt. Clarke of the 46th Regt. the use of a Government Horse; and I can now only sanction his retaining him for such limited time as may enable him to provide himself with one at his own convenience, and further on the express condition that Government shall not be taxed with the expence of keeping him during that time. I cannot avoid expressing my surprize at the applications made to you by Lieut. Cox and Asst. Surgeon Bush of the same Regiment for the use of Government Horses to be extended to them also; such applications being highly irregular and improper, you will please to inform Mr. Cox and Mr. Bush that they are totally inadmissible and of course cannot be complied with.

3. The last arrivals from the Derwent are the Estramina, which came in on the 25th and the Henrietta Packet on the 28th Ult.

4. On the 21st Ult., the Govt. Coll. Brig Kangaroo, Lieut. Jeffreys Commander, sailed hence for the 2nd time for the Derwent and by her you will receive two Dispatches from me. Mr. Evans, the Depy. Surveyor for Van Diemen's Land with his wife and family, are Passengers in her. By this Vessel, I have sent a number of Male and Female Convicts for the benefit of the Settlement under your Command. The Extracts from the Indents forwarded from my Secretary with them will inform you of their names and periods of Transportation.

5. The quantity of Wheat, now in H.M. Stores here, being scarcely sufficient to supply our wants until the next Harvest, and that which I had commissioned from India a considerable time ago not having yet arrived, I hope you will not fail to lade as much Wheat on board of the Kangaroo, as can be conveniently spared from the Derwent and Port Dalrymple. And,
in the event of this Vessel having sailed on her return hither without a Cargo of Wheat before you receive this letter, I request you to avail yourself of the opportunity of the Govt. Brig Emu in the probable event of her touching at the Derwent on her way hither from England to put as much Wheat on board her as you can spare from the supply at the Derwent, and that you will also direct her Commander to proceed with her round to Port Dalrymple and to take in there all the Wheat, which that Settlement can also spare, enjoining Him to proceed from thence to Head Quarters with the least possible Delay.

I have, &c.,
L. MACQUARIE.

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.
(Despatch per schooner Henrietta Packet.)


In my letter of the 21st Inst. having accidentally omitted acknowledging your letter of the 5th Ulto. enclosing me some proceedings of a Bench of Magistrates in the case of John Hangan at Hobart town, I have now the honor to do so, and to return you those proceedings with my remarks written thereon.

You will also receive herewith the Petitions and Memorials from Hobart town and Port Dalrymple, which I received with your last Dispatch with my answers also written on them. When on this subject, I feel the necessity of again calling your attention to my Government and General Orders* of the 9th Jany., 1813, from whence you will please to observe that All Petitions or Memorials for Pardons, Emancipations and Tickets of Leave, are only to be presented in the month of December in each year; and those for Lands and Cattle in the month of June only in each Year.

These Regulations, being established both for the convenience of the Applicants and for my own ease in the Dispatch of my various Public Duties, must be invariably complied with; and I have therefore to request that you will not in future transmit me Memorials on those subjects at any other times than those prescribed in those General Orders, as the Persons applying at irregular times will have their Memorials returned unanswered.

This consideration I hope will induce you to check the practice by refusing to forward them at any other than the regular periods.

I have, &c.,
L. MACQUARIE.

* Note 28.
GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.
(Despatch per schooner Henrietta Packet.)


I have the honor to transmit you an attested Copy of my Government and General Orders of the 3rd Inst. for your future information and guidance, and I have to express my desire that you will render them the most implicit compliance, and cause them to be carried into the fullest effect at the different Settlements under your command in Van Diemen's Land in the same manner as is in them directed for this part of the Territory.

As your distance from Head Quarters must necessarily prevent these orders from being put into effect so early in Van Diemen's Land as the 1st of next month (the time prescribed for their operation to commence here), it is my desire that they shall commence in Van Diemen's Land from and after the 30th of November next.

I do not mean to extend these Regulations at the present time either here or in Van Diemen's Land to Superintendents, Overseers, Clerks, Schoolmasters, Jailors or Constables, or their families, who are now victualled at the Expence of the Crown; and you will please to regulate your conduct in the application of these orders by the same principle.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

A copy of these orders will be found on page 319, volume VIII, series I.

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.
(Despatch per schooner Estremina.)


1. Since the Receipt of Your Letters under date the 15th of August last (which I have already replied to by the Henrietta Packet under date the 23rd of the following month of September), I have not been favored with any Communication from You, which from various Circumstances has given me much Surprize and Regret, not being at all Enabled to account for so long a time Elapsing without receiving any Information from You respecting the Settlements under Your Command.

2. Having finally dispatched His Majesty's Colonial Brig Kangaroo, Lieut. Jeffreys Commander, for the Derwent on the 21st of August last, and no account respecting her having yet reached this thro' any Channel whatever, I begin to feel extremely anxious in regard to her, and apprehensive that some
Unfortunate Calamity has befallen her. These Apprehensions are Enhanced in no Slight Degree from the Consideration that my Orders to you were express and absolute to send her back hither immediately, without permitting her to make any unnecessary Delay at the Derwent or at Port Dalrymple, in the Event of your having dispatched her thither for such Wheat as Could be spared from that Settlement for the Use of the Stores here. Having given Instructions to the same Effect to Lieutenant Jeffreys, I am at a loss to account for this extraordinary Delay otherwise than by the distressing supposition that she has been either entirely lost or at least so damaged as to preclude the Possibility of her returning hither.

3. Entertaining these Apprehensions, I have now deemed it Expedient to order the Government Schooner Estramina to the Derwent, under the Command of Mr. Ross, to bear you the present Dispatch, principally with the View of Obtaining from you a Detail of the Circumstances respecting the Kangaroo, or of what may have reached you from any other Quarter in regard to her; and, being particularly anxious to be Informed on those points as soon as possible, I have to Convey to you my positive order and Command that you do not detain the present Vessel from returning hither beyond the time that may be absolutely necessary for the Discharge of her Cargo and the preparing of your Dispatches, but that you send her hither with all possible Dispatch, as my uneasiness will be Increased until she returns.

4. Aware of your being in want of Slop Clothing for the Convicts and Bedding for the Troops at Hobart Town and Port Dalrymple, I have ordered to be Embarked by the present occasion a Proportion of both and also some Stationary and other Stores. You will likewise receive two months' full Rations of Salt Meat for the Number of Persons victualled from the Stores at Hobart Town; the Casks Containing this Meat appearing to be rather leaky, I request you to give orders for it to be Issued immediately in the proportion of half Salt Meat in each Ration until the Supply shall be expended. The Regulation of Issuing half Salt and half fresh Meat in the Ration, now recommended to you, has been for some time adopted here, and will be Continued during the hot weather. All the Articles of Slop Clothing, Bedding, Stationary, etc., which are directed for Port Dalrymple, You will please to send thither by Land Carriage; and I must request that you will give particular orders that none of the Articles directed to and destined for that Settlement shall be broken in upon, or opened at Hobart Town, but that they shall be sent in their present State and form to the Settlement for which they have been assigned.
1815.
25 Jan.

Survey of cargo per schooner Estremina.
Requisitions to be transmitted.

1. Immediately on the Arrival of the Estramina at Hobart Town, You will please to have some Careful and Trust-Worthy Person of the Commissariat Department on board to Inspect and report on the several Articles sent from hence in her, previous to their being Landed at Hobart Town; and, when they shall be discharged, which I have to repeat the Hope will be the Case with the least possible Delay, it will be requisite that Mr. Ross should get a Receipt for the Articles delivered in good Condition by him.

6. Whatever Articles, additional to the present Shipment, you may still require for the Settlements of Hobart Town and Port Dalrymple, you will please to Inform me of by the Return of the Estramina, and they shall be forwarded by the earliest opportunity so far as the Stores here will admit. At present I am unable to send you any Iron, Steel, Nails, Powder, Canvas, etc., there being a great Scarcity of them in the Store; but I have every Reason to expect a Store-Ship from England in the Course of two months hence with a plentiful supply of those and several other Useful Articles, whereby I shall be enabled to furnish those required for the Settlements in Van Diemen’s Land.

7. The Contract* for the Erection of the General Hospital here having Expired on the 31st Ulto., this Port, and those of the Derwent and Port Dalrymple, have been Declared in my Government and General Orders of that Date, Open and free Ports from the 1st instant for the Importation of Spirits and every other kind of Merchandize from all Countries in amity with Great Britain. You will receive herewith an attested Copy of the Orders above Alluded to for your fuller Information and Guidance on this Subject, and I have to Direct that you shall cause them to be made Public and most strictly Enforced at the Settlements under your Command. The Duty to be levied in future on Spirits being fixed at Seven Shillings Sterling per Gallon, You will be particularly Careful in Causing it to be paid on all Spirits, which shall arrive in Van Diemen’s Land after the date of your receiving the present Communication.

The orders of the 31st Ulto. prohibiting the Issue of any Articles from the King’s Stores to private Persons, or for other than the public Service throughout this Territory, you are also to have Enforced and most strictly obeyed within the Limits of your Command in Van Diemen’s Land.

8. By orders† lately received from Home, All further Issue of Spirits from the King’s Stores to the Civil and Military Officers, Superintendents, Overseers, Publicans, etc., at a Government Price is strictly forbidden; and I have hereon to Enjoin you not

* Note 27. † Note 52.
to permit any Issue of Spirits to take place in future throughout Van Diemen's Land from the King's Stores to any Person what­ever, whether in or out of the Service of Government.

9. Desirous of availing myself of the local Knowledge and Experience of Mr. Evans,* the Deputy Surveyor of Lands, in my Intended Tour into the newly discovered Country to the Westward of the Blue Mountains, which I mean to undertake about the 15th of March next, I have to request that you will allow him to Come hither by the Return of the Estramina, so as to be in time to proceed with me.

The Government and General Orders and Notice now transmitted you are three in number, and all dated the 31st of December, 1814; the first announces the opening of the Ports here and in Van Diemen's Land; The Second specifies the Rate of Duty to be paid on Spirits from and after the 1st inst.; and the third prohibits the Distribution of Government Stores to any Individual whatever, all which I have had Reference to in the Course of the present Dispatch. I have, &c.,

L. MACQUARIE.

P.S., 26th January, 1815.—On further Consideration, I have deemed it Expedient to send you by this Conveyance, for the Use of the two Settlements in Van Diemen's Land, a proportion of every Description of Artificers' Tools, as well as of Nails. Bullock Harness, a Lathe, etc., etc., in order to enable you the easier to complete the Barracks for the Troops and other neces­sary Public Buildings at Hobart Town, which I hope to hear are in great forwardness.

Invoices of the Stores, etc., etc., now sent in the Estramina have been transmitted to the Deputy Assistant Commissary General at Hobart Town, who will submit the same for your Inspection.

I request you will not fail to send me by the Return of the Estramina the Result of Your last Annual Musters at the Derwent and Port Dalrymple, and also the Usual Quarterly Returns of those Settlements.

[Enclosures.]

These three enclosures will be found on page 470 et seq., volume VIII, series I, numbered 2, 3, and 4.]

LIEUT.-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.
8th, 11th, 12th, and 14th March, 1815. —March.

[Copies of these four despatches are not available. Some of their subject matter is probably mentioned on pages 108 and 109.]

* Note 45.
Enclosures.

Return of the Settlers Musters at His Majesty's Settlements, Hobart Town, River Derwent, and Launceston, Port Dalrymple, of Land held and in Cultivation and Live Stock, taken by Order of His Honor Thomas Davey, Esquire, Lieut. Governor of Van Dieman's Land, the 22nd day of November, 1814.

Commissary's Office, Hobart Town.

<table>
<thead>
<tr>
<th>Number of Acres of Land in</th>
<th>Number of</th>
<th>Victualled or not Victualled by the Crown.</th>
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<tbody>
<tr>
<td></td>
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<td>Prop'r.</td>
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<tr>
<td>Belonging to the Crown...</td>
<td>1,485</td>
<td>1544</td>
</tr>
<tr>
<td>.. to Individuals.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>At Hobart Town...</td>
<td>1,485</td>
<td>1544</td>
</tr>
<tr>
<td>Belonging to the Crown...</td>
<td>1,485</td>
<td>1544</td>
</tr>
<tr>
<td>.. to Individuals.</td>
<td>1,485</td>
<td>1544</td>
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<tr>
<td>At Launceston...</td>
<td>1,485</td>
<td>1544</td>
</tr>
<tr>
<td>Total</td>
<td>2,425</td>
<td>1031</td>
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</table>

Commissary's Office, Hobart Town.

P. G. Hogan, D.A.C. Gen'l.
Davey to Macquarie.

Result of the General Musters of the Whole of the Inhabitants of His Majesty's Settlements at Hobart Town, River Derwent, and Launceston, Port Dalrymple, taken in the presence and by Order of His Honor Thomas Davey, Esquire, Lieut. Governor of Van Diemen's Land.

<table>
<thead>
<tr>
<th>Establishments</th>
<th>Male Prisoners</th>
<th>Female Prisoners and Wives of Prisoners and Children</th>
<th>Total Number of People including Women and Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>At Hobart Town</td>
<td></td>
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<tr>
<td>Launceston</td>
<td></td>
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<td>38</td>
<td>4</td>
<td>128</td>
<td></td>
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<tr>
<td>8</td>
<td>50</td>
<td>178</td>
<td>94</td>
</tr>
<tr>
<td>46</td>
<td>178</td>
<td>525</td>
<td>646</td>
</tr>
</tbody>
</table>

P. G. Hogan, D.A.C. G'I.
Commissary's Office, Hobart Town, 22d Novr., 1814.

Depositions.

Hobart Town.
County of Buckinghamshire, Island of Van Diemen, 22nd August, 1814.

Present:—Revd. Robt. Knopwood; Francis Williams, Esquire; James Gordon, Esquire.

Information on Oath of Theophilus Fentrill, Corporal in His Majesty's 73d Regt. deposes, On Wednesday last, the seventeenth instant, on my road from Port Dalrymple to Hobart Town, in company with my son and five other persons, after we had passed Epping Forest, some of the party were in front of me. I saw my son lift up his hand for me to advance; directly I came up to my party, I saw five men, who immediately ran, on seeing the rest of my party advance; My son and Self threw off our knapsacks and pursued them; I called to my Son to follow me and we would cut them off; we did so; My Son got a head of me, when I got up to him he had his musket to his Shoulder, and a Man laying at the Foot of a Tree; to my great surprise, I found it to be Mackallister, private in H.M. 73d Regt.; directly I got up, my Son proceeded in pursuit of the others, leaving Mackallister in my charge; my Son afterwards came up with another Bushranger, whom he secured (Robinson); Mackallister delivered himself up as a deserter from the 17th light dragoons, the rest of the Bushrangers made their escape; My party proceeded that night to Blackman's River, at which place my party staid all night; next morning my party proceeded to the Tin dish holes, and took Breakfast; two of Mr. Edward Lord's Servants joined us; one of the Servants had a bright Musket with Mr. Lord's name on it; after Breakfast, my party went on to York Plains, at which place Mr. Lord has two Tents pitched with several Stockmen in charge of his Cattle; the overseer of the Stockmen told my party he would
1815.
— March.
Depositions re capture of arms from corporal and private and release of prisoners by M. Howe and gang.

 accompany us to Hobart Town, and that he would overtake my party, as the next day I told him, I and my party should halt at the Ovens at Jericho, which place my party reached that Evening; About Midnight the dogs began to bark and instantly Six Muskets were presented at us, Swearing an Oath that if we did not immediately hand out our Muskets, they would blow us to pieces; Howe, Geary, and Mills, I noticed amongst their party particularly active; Howe appeared to be the Captain of their Gang; they called Mackcallister out, saying he was a free Man again as soon as he was out; they gave him a Musket; they then called Thomas Howard, who was obliged to go out; they then called out Robinson, saying that he was a free Man again, they also gave him a Musket; they then called Craig, after this they made my party deliver up their Arms, and told us to hand them out with the Butts foremost, or they would fire on us. Mackcallister received all the Arms, they then called my party out, one by one, and tied our hands behind our backs, they continued with us till day light; about an hour after my party and Self were secured, they untied our hands; when they left us in the morning, Mackcallister Robinson and Craig accompanied them; about the middle of the day Craig returned to us, with my Musket which had been given to him, and which he immediately delivered up to me.

THEOPHILUS X. FENTRILL.

Mark

Sworn before us, this 22nd of August, 1814:—REVD. ROBT. KNOPWOOD, J.P.; FRANCIS WILLS, J.P.; JAMES GORDON, J.P.

INFORMATION on Oath of William Merry, a private in His Majesty's 73d Regt. of foot, deposes, On Monday last, 15th of August instant, I left Port Dalrymple, with Corporal Fentrill and others, and on Wednesday the 17th instant, being close by Ireland's lagoon, I saw five Men, whom I judged from their appearance to be Bushrangers, about half a Mile off, coming towards us; as soon as they saw my Party they ran; my party pursued them and took two of them, "Mackcallister and Robinson"; Mackcallister said, he was on his way to Port Dalrymple to get his Wife's wearing Apparel, that he then intended to return to Hobart Town to surrender himself; My party proceeded on our journey. At the Tin dish holes, whilst my party were at Breakfast, two of Mr. Lord's Stockmen joined us; they were both armed; one of the muskets I examined; it was a Light Musket with the Letter L. on the butt of it, and appeared to have been cut with a knife, proceeded on our journey to York plains, at which place Mr. Lord has Tents pitched for his Stockmen; while we were at the Tents we mentioned to Mr. Lord's Overseer "Yorke," that we intended to Sleep at the Ovens; at which place my party reached that Evening; about Midnight and at the time my party were asleep, our Dogs awoke Corporal Fentrill; when I awoke I felt the Muzzle of a musket at my Ear, and heard a number of voices, exclaiming lay still you Buggers, with many horrid imprecations; My party were ordered to hand out the Muskets but foremost; the Bush rangers took seven Muskets and two pistols and the greater part of our Ammunition; they released Mackcallister and gave him a musket; they called out Robinson, and gave him a musket; they then tied our hands behind our backs, but at the request of Beagent, one of their party, they untied our hands, after we had been secured about an hour; Michael Howe appeared to be the person in
DAVEY TO MACQUARIE.

Command, they remained with us until daylight, when they left us; Mackellister, Robinson and Craig accompanied them, they gave Craig a musket; during the night, I particularly noticed in Michael Howe's hand, the musket marked L, which I had seen with Mr. Lord's Man at the Tin dish holes; it was quite light from the Fire, that was burning, at the point of the Oven; I am positive it was the same Musket. Before Howe left us "he said he wished the old Colonel (meaning Lieutenant Governor Davey) was here, he would not believe that the Bush rangers could do such things, but that he would shew him how those things were done, and if he was here, he would send some of the Buck shot through his old Paunch." Craig returned to my party about 12 o'Clock same day, and brought a Musket, which he delivered to Corporal Fentrill, as well as some Ball Cartridges, which had been given him by the Bush rangers. My party then proceeded on to Hobart Town.

WILLIAM X MERRY.

Sworn before us this 22d of August, 1814:—REV. ROBT. KNOPWOOD, J.P.; FRANCIS WILLIAMS, J.P.; JAMES GORDON, J.P.

INFORMATION on Oath of Joseph Fentrill, private in His Majesty's 73d Regt., corroborates the whole of the Proceeding Informations of Theophilus Fentrill and William Merry, and more particularly states, that Michael Howe had the Musket mark'd L, which he had seen with Mr. Lord's Stock keepers the day before.

JOSPH X FENTRILL.

Sworn before us this 22d of August, 1814:—REV. ROBT. KNOPWOOD, J.P.; FRANCIS WILLIAMS, J.P.; JAMES GORDON, J.P.

THOMAS HOWARDS, a convict, called in, corroborates the preceding Information and is positive that the Musket mark'd L, he saw in the possession of Mich'l Howe on the night of the Attack.

THOMAS X HOWARD.

Sworn before us this 22d of August, 1814:—REV. ROBT. KNOPWOOD, J.P.; FRANCIS WILLIAMS, J.P.; JAMES GORDON, J.P.

INFORMATION on Oath of William Harrison Craig, a prisoner;—I left Port Dalrymple, in company with Merry and Howard, on Monday last the 15th of August instant; On our Journey, a little on the other side of Epping Forest, we fell in with five Bushrangers, pursued and took two of them; next day, We Breakfasted at the Tin Dish holes, during our Stay, two of Mr. Lord's Men joined us; I particularly noticed a Musket which one of them had, and Should know it again. We accompanied Mr. Lord's Men to the Huts on York Plains; while we were at the Huts, we mentioned where we should halt that night; we went on to the Ovens that night; we all laid down and fell asleep; about Midnight I was awoke by the Dogs, and in an instant, the place was surrounded by a party of Armed Men; they presented their Muskets into the Mouth of the Oven and threaten'd to blow off the head of any that should move; they then demanded all the Muskets to be handed out, they told us they knew what Arms we had with us; they tied the Soldiers and called out the Prisoners, and told them they
1815.

— March.

Depositions re capture of arms from corporal and private prisoners by M. Howe and gang.

were free again, gave each of them a Musket. I particularly noticed the Musket that I had seen at the Tin Dish holes in the hands of one of the party that had made the Attack; about day light the party went away, taking Mackallister, Robinson and myself with them to Mr. Lord's Tent Huts, where a breakfast had been prepared for the Bushrangers by Mr. Lord's people. On our way to Mr. Lord's Tent Huts, Michael Howe whistled and his party were immediately joined by six Bush rangers, one of them commonly known by the name of Fat Jack; he observed to Howe it seems you had no occasion to fire the second Shot. "the meaning they told me, was, that if our party had offered any resistance, they were to fire two Shots and the Six were then to join them." Howe told me, I was the Man that they had been long looking for, that they intended to go to the Schouten Islands to lay wait for a vessel, and that I was to Navigate her; whilst we were all at breakfast at Mr. Lord's Tent Huts, the whole of Mr. Lord's Men seemed much pleased at the defeat of the Soldiers, and Trim observed that the Oven Hut should no longer be called by that Name, but should be called the Soldiers downfall; after breakfast while Howe was shooting at a Mark, I made my escape and joined my first party "the soldiers," during my short stay at the Tents it was determined that the party should return and take from the Soldiers their Kangaroo Rugs and wearing Apparel, and to flog Joseph Pentrill with the Sinews of the Kangaroo tail; one of Mr. Lord's Servants said, why did you not take the rugs from them and tear the orders, we had given them, on our Master (Mr. Lord); when I joined the Soldiers party, I told them it was the intention of the Bush-rangers to return and robbery them, when they immediately proceeded on their journey across the country off the beaten road; Howe had also told me before I left his party, I might either go or stay, that I might remain with his Party or join Mr. Williams, late Commissary at Port Dalrymple, 'till his party were ready for the Schoutens; that he was to be found at a stock yard at the Fat Doe river; that if I went there and fired a shot and Hallow'd, Williams would make his appearance, I told Howe that I had heard that Williams had made his escape in the Ship Argus; Howe said he had not, for he had seen him within two days; Howe told me that his party had heard of the intended proclamation of His Excellency Governor Macquarie, for that nothing passed in Hobart Town, but what he and his party had immediate information of; but that he had no intention of availing himself of the Proclamation as his party were gaining strength every day, and he had not done half mischief enough, and that he was just going to begin; he added that if Peter Mills was worth the risk, they would go to Launceston and take him out of the Guard House; that Foley should have been rescued, only, that he was not deserving of it; Mackallister and Robinson were not allowed to remain with Howe's Party, but were detached to join three other Bushrangers at the Lake River, with directions to lay by the side of Mr. Mountgarrett's Stock Yard, until the Proclamation was made Public; there were about eighteen Bush rangers assembled at Mr. Lord's Hut, all armed, I heard the names of Michael Howe, Regent, Richardson, John Mills, and Fat Jack.

W. H. Craig.

Sworn before us this 22d of August, 1814:—REVD. ROBT. KNOPWOOD, J.P.; FRANCIS WILLIAMS, J.P.; JAMES GORDON, J.P.

"A true Copy from the Court Records":—T. Davey, Lt.-Govt.
DAVEY TO MACQUARIE.

MEETING OF BENCH OF MAGISTRATES.

Hobart Town, 30th August, 1814. At a Meeting of a Bench of Magistrates.

Present:—Reverend Robert Knopwood; Francis Williams, Esquire; James Gordon, Esquire.

The Following Letter, written and addressed to His Honor Lieutenant Colonel Davey, Lieut. Governor, Van Diemen's Land.

Sir,

We have the honor to acquaint you that during the last week Theophilus Fentrill, a corporal, William Merry and Joseph Fentrill, private Soldiers in His Majesty's 73rd Regt., appeared before us and gave Information on Oath, that on their way from Port Dalrymple to this Settlement having three Prisoners in their Custody, they were surprized on the night of the 18th instant by a party of Armed Men, who released the prisoners and possessed themselves of their fire Arms and Ammunition, accompanying these Violent Acts with horrid threats against your person and Government. This of itself does, in our opinion, call for the immediate adoption of the most decided and Severe measures for apprehending those daring Miscreants. But it is painful to add, that an Outrage of a more Atrocious nature has since been committed at Mr. Ingle's farm, on Saturday last, by a Banditti consisting of fourteen, all well Armed, who forcibly entered his dwelling House, and, having secured the Servants there, plundered it of property of the Value of Seven Hundred pounds Sterling, and then most cruelly abused the person of a female residing on the Spot. We can easily conceive the regret and astonishment Your Honor must naturally feel, that such an abominable Scene Should have occurred, and that within twelve miles of the Seat of Government; And we are confident the most decisive Steps will be resorted to without loss of time to bring the perpetrators of it to that punishment they so deservedly Merit. We therefore take the liberty strongly to recommend that Military force be ordered out in aid of the Civil authority, and that they be directed to bring by force of Arms all Bushrangers they may fall in with, Lenity "towards Villains of this description" would be ill applied, and in the present instance ought not to be thought of. We venture to predict that unless a Speedy Stop is put to the System of Bushranging, on the approach of Summer the greater part of the prisoners of both the Settlements on this Island will join the Lawless Band now in the Woods, and many valuable Lives will be lost 'Ere they are subdued. It has been intimated to us, that if the Bush rangers are not speedily suppressed, the Inhabitants will be under the necessity of conciliating them, by supplying them with such necessaries as they may require, in order to prevent their Property from being Plundered.

Forming as we do a part of your Honor's Government, We feel it our duty thus to lay our Sentiments before you, and to submit to your consideration the disgrace that must fall on every part of the Police of this Settlement, should the actors of these unprecedented depredations be allowed to escape with impunity. We are anxious to receive your Honor's directions on the subject, and we beg to assure you that no exertions on our part shall be spared to give Effect to them.

We have, &c,

REVD. RT. KNOPWOOD, J.P.  JAMES GORDON, J.P.
FRANCIS WILLIAMS, J.P.
HISTORICAL RECORDS OF AUSTRALIA.

1815.
— March.

Measures to be taken against bushrangers.

1815.
— March.

Gentlemen,

I have to acknowledge the receipt of your letter of yesterday's date, and it would be needless for me to comment on the Opinions of Gentlemen, whose sentiments claim my highest respect.

And Gentlemen be assured that it is my immediate intention to adopt such measures, as will enable me to discover and bring to Public Justice the disgraceful Banditti, now at large on this Island to the terror of His Majesty's Subjects. I have, &c.,

T. DAVEY, Lieut.-Gov.

The Worshipful Bench of Magistrates, Hobart Town.

"a true Copy."

Hobart Town, County of Buckinghamshire, Island of Van Diemen, 26th October, 1814.

Present:— A. W. H. Humphrey, Esquire; James Gordon, Esquire.

Information on Oath of William Holsgrove, who deposes, "That, being at the house of Mrs. McCarty at New Norfolk on Sunday evening, the 23rd instant, about the hour of Nine, I sat in the parlour with Mrs. McCarty. I heard a noise in the kitchen. Mrs. McCarty observed to Mrs. Hibbins and another female, "who were present," that it was only the Servants playing; upon which Mrs. Hibbins, with her infant in her Arms, left the room to proceed to the Kitchen; instantly I heard a voice saying down and lay there. I observed to Mrs. McCarty that the Servant Girl (having screamed out) was in fits or all was not right"; upon inclining to rise from my Chair, I observed an Armed Man presenting a Musket much disguised, his face being blacked with soot, who commanded me to lay down or he would blow my brains out. I said I was down; he then said down on your knees; upon which I fell on the Ground; two armed men then came up to me. I told them I knew their design, and gave them my Pockethandkerchief; they said down further with you. I went upon my Arms, and I was desired to give but one Arm at a time; having fastened my hands with my Handkerchief, one of the Men attempted to put his hand on Mrs. McCarty, who was under the Table where she had secreted herself. I observed that, as they had got possession of the house, that I hoped they would not violate the persons of the women. I desired Mrs. McCarty to come from under the Table, as the Men had said they would not hurt her person; she accordingly came from under the table, and they then tied her hands also; after they had so tied Mrs. McCarty and me, they brought into the parlor from the Kitchen the persons tied in the Kitchen, one by one, "Lucas and Whitehouse." A third Armed Man came in with them; after remaining some time, they enquired where the other Women were, who had secreted themselves and remained so some time; they then said, We have come here for fire Armes, Ammunition, and particularly mentioned a barrel of Gunpowder, Tea, Tobacco, and provisions, and to take Mrs. McCarty and her Sister, or Mrs. McCarty's Sister, or both, "I cannot speak positively," away; they called on Mrs. McCarty to go with them and shew them where the arms were first; I then observed that I did not like to suffer Mrs. McCarty to go out of my presence; upon which the Captain of the Gang, "as they called him," called upon me to go with Mrs. McCarty, as I was her friend, and that no violence should be committed
DAVEY TO MACQUARIE.

whatever; they then said that they were the protectors of Mrs. McCarty as well as myself against any of their own people who might attempt to molest her and Self. After we were in the Bed Room, they untied Mrs. McCarty's hands and asked her for the fire Arms. Mrs. McCarty gave them a double barrel'd pistol from her Book case and a Gun; they then commenced to pack up the contents of all the drawers and boxes in the Room, consisting of wearing Apparel, Silver Spoons, and several Gold trinkets, together with Bed and table Linen; they then took a barrel, containing about Seventy or Eighty pound weight of Gunpowder; they then took the contents of two Chests of Green Tea; and put it into Sheets, leaving the Black Tea behind, observing that Mrs. McCarty had drank Green Tea long enough; they then went into the Store Room and brought out two Telescopes and some other property, which I did not particularly see; about this time, they observed to Mrs. McCarty they would let her know who were her Enemies; they produced a paper to her, which was afterwards shewn to me; it contained a list of the property which was in Mrs. McCarty's house (mentioning Money and Rum in the list), and from which list they demanded the things, all of which they found with the exception of the Money and Rum, and Signed with the Signature of Michael Downes; and the same was directed to J. Mills. They further observed that the Robbery was to have been accomplished two months before; but, if it had, that the Stone Mason Doran was to have assisted them, if they required it. This information they said they also received from Downes; they then enquired for a chest of Tea with Dollars concealed in it; being assured that there was no such thing, They observed that it was time to have Tea, and insisted upon Mrs. McCarty and myself making Tea and waiting upon them; they took Tea with us; at this time, Mrs. Hibbins and Mrs. McCarty's Sister and the Servant Girl were discovered, and came into the same Room. It might be then 12 o'Clock. I requested to go out of the house; they observed it was dangerous and they had better go out first; one of them went out, and turned towards; when I went out, they told me to go without my Hat, and, if I saw a big fellow, not to go near him, as he did not wish to be seen by me. I went out and observed a Man standing by the Shed. I returned into the house; whilst taking Tea, they observed that their Gang consisted of Sixteen, but only Nine were employed on that Service. In the course of conversation, one of them observed that the Proclamation of the Old Gentleman was a very favourable one for them, if they wished to Embrace it; for, if they returned on the first of December next, what they were then doing would be done away with, unless that they were then secured and taken to Camp, which there was little fear of. After taking Tea, they proceeded to pack up the Property to a very considerable amount, I should suppose little short of Six hundred pounds, which they took away with them in Mr. McCarty's large Boat; previous to their leaving the House, they retired my hands behind me, likewise Whitehouse and Lucas, and placed us in an inner Store Room. Mrs. McCarty and the rest of the family were left in another Room; they then locked the outer Door and laid the Key on the threshold. We heard them about the House some time, and just at the Break of day I passed through the Kitchen door to fetch some wood for the fire, Lucas was with me. We heard a Noise in the Straw Shed, and, as I was proceeding towards it, "Lucas said do not you see it is a Man there. You may as well come in." Upon looking, I observed it was a Man. I returned in. In about half an hour after, I went to the wharfe and observed a Boat and the Oars
1815.
— March.
Depositions re robbery of house of D. McCarty by bushrangers at New Norfolk.

Description of the Bushrangers.
A Short Man, 5 foot high; No Jacket, in his Shirt Sleeves, Waistcoat and Cloth Trousers; from his Dialect, I supposed him born in London; said that he had been in the Commissary's Office, and that he knew me in the Commissary's Office at Sydney.

A tall Man, 5 foot 7 or 5 foot 8 high; Dressed in a Cloth Jacket, Cloth Trousers, dark hair and spoke in a north Country Dialect; thin lips and was called the Captain of the Gang.

The Third Man was in complete Kangaroo Dress, constantly wearing his Cap over his Eyes.

The fourth Man was a big man, standing by the side of the Shed.

A. W. H. HUMPHREY, J.P.; JAMES GORDON, J.P.

Hobart Town, 28th October, 1814.

INFORMATION on Oath of JOHN WHITEHOUSE, states: That, on Sunday evening 23d instant about Nine o'Clock in the evening, I was sitting in the Kitchen appertaining to the house of Dennis McCarty at New Norfolk, together with William Lucas and Ann Jones, when I heard a gentle knock at the outside Door. Lucas called out "whose there," and, no one answering, he got up and went to the Door; on opening it, the Muzzels of three or four Muskets were presented into the Kitchen. Lucas attempted to close the Door on them, when three men with their Faces blacked rushed upon the Door and forced their way in; they called out to him and Deponent to lay down, and Lucas remaining on his Feet, a musket was snapped at him, which flashed in the Pan, and he then laid down, and they tied Lucas' hands behind him, and then tied Deponent's; on the Men entering the Kitchen, Ann Jones screamed out, which alarmed the Men, and they instantly cried out to some of their Comrades to Guard the Front door, as they perceived the Persons sitting in the Parlour looking out to see what was the matter to occasion the Scream. As soon as Lucas and deponent were secured, they proceeded to the Parlour, where they secured the persons there, Viz. Wm. Holsgrove and Mrs. McCarty, by tying their hands; they then came into the Kitchen and removed Lucas and Deponent into the Parlour, and then placed a Watch on the Kitchen Door; after they were all secured in the Room, the first demand made by the Robbers was for a Bill of £100 Sterling and a Gold watch, which they stated they had particular information of; then they demanded the Fire Arms and a Keg of Gunpowder, which they got going directly to the places where these Articles were, as they had a List of the Articles in the house and where they were placed; the only Arms Deponent saw them take were one Double Barrel'd Pistol: they then un tied the hands of Mrs. McCarty and insisted on her going into the other Rooms to give them the different Articles out of her Drawers, etc.; they went into the Bedroom several times, and this Deponent states that he saw them bring out several Bundles, apparently
DAVEY TO MACQUARIE.

containing Linen and wearing Apparel, Tea, Sugar, and other Articles, which they placed by the front door in the passage. The Robbers then insisted on a Fire being made to prepare Tea for them, and insisted on Mrs. McCarty attending them; this was to the best of Depo. recollection about 12 o'Clock; during the conversation while at Tea, they informed Mrs. McCarty that a List of the Articles, which List they had shewn her, was obtained from Michael Downes, and that he “Downes” was the person from whom they had got all their Information; one of the Robbers who called himself Mills shewed the List again to Mrs. McCarty, which List was signed with Downes' name; but Mrs. McCarty said she did not think it was his writing; but the Robbers insisted that it was his writing; shortly afterwards they enquired for a Man of the name of Doran, saying they expected he was there, as he knew them coming and was to have assisted them, and that they had appointed to come two months before, but they had brought good Cats to punish him as much as he could bear, had they found him, because he had deceived them; one of them also said that had Downes been there (who they found on Enquiry was not) that he would have put a ball thro' his head as he had deceived them. On hearing the Cock crow two or three times, they proposed to be off, one of them observing that they had to go and do that Fellow Bob Hay, for, if they went and took his Sugar and Nankeen, they could sell cheaper than he did. Deponent further states that they had untied the hands of himself, Lucas and Holsgrove, to relieve them, having at first been tied very tight, and that, previous to their going away, they retired their hands and locked the Three Men in the Store Room, leaving the Family in the Parlour, warning them not to stir out of the house, as there would be some one about the House till Daylight; after being locked up, Deponent saw them no more; further states that, during the Time the Robbers were there (it might be about five hours), they frequently went out one at a time as if to speak with some one outside, and to see if the Kitchen Door was Guarded. And further states that on the Robbers first entering the Kitchen, the Man, who afterwards called himself Mills, said that they were not come to hurt the person of any one in the house except that "Damned Whore Mrs. McCarty and she they would f——, afterwards they would plunder the house and then set fire to it"; and Deponent says further that he heard him (Mills) afterwards make use of the same words or words to the same purport to Mrs. McCarty in the Parlour, and verily believes they would have done it, but for the interference of William Holsgrove. Dept. was that morning sent in Company with four others in a Boat to search for the Boat, which the Robbers had taken away with the property, which they found at the Entrance of Herdsman Cove unhurt, and all the Oars in her.

JOHN X WHITEHOUSE.

A. W. H. HUMPHREY, J.P.; JAMES GORDON, J.P.

WM. LUCAS, living in the House of Mrs. McCarty, corroborates the foregoing informations and adds that, on the Robbers entering the Kitchen, the Man who called himself Mills and was called by the Men present their Chief, he is certain was not the Mills that came out with him in the Ship Indefatigable. He also knows Ellis Beagent very well, and is positively certain that he was not one of the Men in the House; the tall Man was very much marked with the Small pox, dark hair and whiskers, well featured, a very active Man, as he danced several Jigs.
HISTORICAL RECORDS OF AUSTRALIA.

1815.
— March.

Depositions re robbery of house of D. McCarty by bushrangers at New Norfolk.

in the Parlor very neatly; he also knows Michael Howe very well, and is certain that Howe was not one of them in the House. The person, who first entered the Kitchen and Snapped a musket at him, said “he was very sorry that he had Snapped it, for that it was Ten thousand chances to one that he had been a dead Man”; and further adds that he afterwards saw the same Man draw the contents of the same Musket, Viz. One ball and 14 buck Shot with plenty of Powder. That, during the conversation at Tea, one of the Robbers ridiculed the idea of any fear on Account of what they had to apprehend for the Crime, they were then committing, for, he said, the Old Gentleman had given them a fine Chance to do just as they liked; and, on Deponent's asking them if they did not intend to deliver themselves up before the Term allowed them by the Proclamation expired, they replied No! they would be damned if they would, as they were going out of the Country in 10 or 12 days, and said as he was a Prisoner he might go with them, and that he should share a part of their Booty, as they were worth Four thousand Pounds Sterling. his WM. X LUCAS.

A. W. H. HUMPHREY, J.P.; JAMES GORDON, J.P. mark

A true Copy.

List of articles stolen from house of D. McCarty.

A LIST of Articles stolen from the House of Mr. Denis McCarty, New Norfolk, 23d October, 1814.

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Three Silk Dresses trimmed with French Lace</td>
<td>£26 0 0</td>
<td></td>
</tr>
<tr>
<td>Three Silk Pelisses (one trimmed with Lace)</td>
<td>£26 0 0</td>
<td></td>
</tr>
<tr>
<td>Seven yards Pink Silk</td>
<td>£6 0 0</td>
<td></td>
</tr>
<tr>
<td>Six yards flowered Do.</td>
<td>£6 0 0</td>
<td></td>
</tr>
<tr>
<td>One Silk Mantle</td>
<td>£4 10 0</td>
<td></td>
</tr>
<tr>
<td>One black Lace Shawl</td>
<td>£10 10 0</td>
<td></td>
</tr>
<tr>
<td>One white do. do.</td>
<td>£10 10 0</td>
<td></td>
</tr>
<tr>
<td>Forty Yards Black and white Lace</td>
<td>£32 0 0</td>
<td></td>
</tr>
<tr>
<td>One black Lace Tippet</td>
<td>£3 15 0</td>
<td></td>
</tr>
<tr>
<td>One purple Velvet do trimmed with Lace</td>
<td>£2 0 0</td>
<td></td>
</tr>
<tr>
<td>One white feather Tippet</td>
<td>£3 0 0</td>
<td></td>
</tr>
<tr>
<td>Two Silk Scarfs</td>
<td>£2 10 0</td>
<td></td>
</tr>
<tr>
<td>One yellow Silk handkerchief</td>
<td>£1 0 0</td>
<td></td>
</tr>
<tr>
<td>One blue Cloth Mantle</td>
<td>£4 0 0</td>
<td></td>
</tr>
<tr>
<td>One white Dimity Do.</td>
<td>£1 15 0</td>
<td></td>
</tr>
<tr>
<td>Twelve white Cambric Muslin dresses Seven trimmed with Lace</td>
<td>£37 0 0</td>
<td></td>
</tr>
<tr>
<td>Five Muslin Dresses with Lace</td>
<td>£25 0 0</td>
<td></td>
</tr>
<tr>
<td>Four Colour'd Do.</td>
<td>£10 0 0</td>
<td></td>
</tr>
<tr>
<td>Four Cambric Muslin petticoats</td>
<td>£7 0 0</td>
<td></td>
</tr>
<tr>
<td>Three common Do.</td>
<td>£3 0 0</td>
<td></td>
</tr>
<tr>
<td>Eight Chemises</td>
<td>£6 0 0</td>
<td></td>
</tr>
<tr>
<td>Nine Pairs White Silk Stockings</td>
<td>£15 0 0</td>
<td></td>
</tr>
<tr>
<td>Two pair black Stockings</td>
<td>£4 0 0</td>
<td></td>
</tr>
<tr>
<td>Eleven Yards black Lustre 26s.</td>
<td>£11 0 0</td>
<td></td>
</tr>
<tr>
<td>One Pelisse</td>
<td>£8 10 0</td>
<td></td>
</tr>
<tr>
<td>One pair Gold Claps</td>
<td>£8 8 0</td>
<td></td>
</tr>
<tr>
<td>Two pairs Silver do.</td>
<td>£6 0 0</td>
<td></td>
</tr>
<tr>
<td>Two pairs Gold Ear Rings</td>
<td>£4 0 0</td>
<td></td>
</tr>
<tr>
<td>One Gold Ring</td>
<td>£1 0 0</td>
<td></td>
</tr>
<tr>
<td>One large Topaz (Gold Seal)</td>
<td>£10 10 0</td>
<td></td>
</tr>
<tr>
<td>Three Neck Laces with Clasps</td>
<td>£10 0 0</td>
<td></td>
</tr>
<tr>
<td>One pair Bracelets</td>
<td>£11 0 0</td>
<td></td>
</tr>
<tr>
<td>One Scarlet Spencer</td>
<td>£4 0 0</td>
<td></td>
</tr>
<tr>
<td>One common Shawl</td>
<td>£5 0 0</td>
<td></td>
</tr>
<tr>
<td>Five pairs Dress Shoes</td>
<td>£9 0 0</td>
<td></td>
</tr>
<tr>
<td>Ten pairs Common Do.</td>
<td>£10 0 0</td>
<td></td>
</tr>
<tr>
<td>One pair Sheets</td>
<td>£2 0 0</td>
<td></td>
</tr>
<tr>
<td>Three table Cloths</td>
<td>£3 0 0</td>
<td></td>
</tr>
<tr>
<td>One Quilt</td>
<td>£1 0 0</td>
<td></td>
</tr>
<tr>
<td>Twelve Silver Tea Spoons</td>
<td>£4 0 0</td>
<td></td>
</tr>
<tr>
<td>Three Silver Salt Spoons</td>
<td>£1 15 0</td>
<td></td>
</tr>
<tr>
<td>One Silver large Spoon</td>
<td>£2 0 0</td>
<td></td>
</tr>
<tr>
<td>One red Morocco Work Box</td>
<td>£3 0 0</td>
<td></td>
</tr>
</tbody>
</table>
DAVEY TO MACQUARIE.

A List of Articles stolen from the House of Mr. Denis McCarty, 1815.

One Thread Case with Needles ........................................ £0 15 0
Two Silver Thimbles .................................................... 1 5 0
Sixteen Pieces tape 5s. ................................................ 4 0 0
A quantity of Thread and Pins ........................................ 3 0 0
Three Straw Bonnets .................................................... 6 10 0
Two dress Caps with Laces ............................................ 8 0 0
Sixteen Yards Ribband 3s. ............................................ 2 8 0
Two pieces Calico ....................................................... 5 0 0
Four Waistcoats .......................................................... 5 2 0
One Great Coat ........................................................... 4 0 0
Six Pairs Pantalons ..................................................... 4 10 0
One Sentant Coat ...................................................... 2 0 0
Eight yards printed Calico 5s. ...................................... 2 0 0
One Chest Tea ............................................................ 30 0 0
One hundred pounds Sugar 15d. ..................................... 6 5 0
One Cask containing 56 lbs. Powder 15s. .......................... 45 0 0
Twenty eight Pounds Shot 2s. 6d. ................................... 3 10 0
Ten pounds tobacco 10s. ............................................... 5 0 0
One Iron pot .............................................................. 1 0 0
Sixteen Muslin Handkerchiefs ........................................ 4 16 0
One dimity Sofa Case ................................................... 4 0 0
Two Telescopes ........................................................... 30 0 0
One Pocket Compass .................................................... 1 10 0
Two yards Cambric Muslin ............................................. 2 0 0
One yard Muslin .......................................................... 0 14 0
Six and half Yards trimming 8s. .................................... 2 12 0
Three dozen Buttons 18d. ea. ....................................... 2 14 0
Three do. do. 2s. 6d. doz. ........................................... 0 7 6
One Gold Breast Pin .................................................... 2 0 0

£546 7 6

One double barrelled Pistol (the Pair cost 30 Guineas).
Quantity of Articles taken out of a dressing Case.

Informations of three bushrangers' escape.

Hobart Town, County of Buckinghamshire, Island of Van Diemen, 14th January, 1815.

Present:—Reverend Robt. Knopwood; James Gordon, Esqr.

George Nelson, Prisoner Servant to George Weston Gunning, Esquire, On Oath:—That, on Wednesday the 11th instant in the afternoon, John Johnson, Mr. Gunning's Shepherd, in looking after his Sheep discovered two Bushrangers with a dead Sheep on their backs; he returned to the Hut and Deponent with a Musket accompanying him; on deponent's perceiving they were armed with two Muskets, went back for more help; he returned accompanied by Johnson, Whitehead and White, all Servants to Mr. Gunning, and came up with the Bushrangers, from whom they took two Sheep, one Skinned and the other not skinned but dead; they desired them to go away and never let themselves be seen in that Quarter again. On the Thursday 12th instant, William Austin, another Servant of Mr. Gunning's, on looking for his horned cattle, met with three Bushrangers. On Austin's coming to the Hut with his Cattle, informed Deponent, who went to the House of Richard Tray for assistance. Deponent accompanied by others went in search, but could not meet with them. On the same Evening, Deponent, coming up to Hobart Town, on passing the Hut at the Opening (called Campbell's Hut) discovered the dogs belonging to the Bushrangers lying at the door; he returned for assistance and accompanied by Simon White, William Austin and a Servant of Mr. Hogan (called
William Hearty) proceeded to the Hut, where they made Prisoners, Hugh Burne, Richard McGuyre, and another Man, whose name he does not recollect, but believes it was Collyer, three noted Bushrangers. They, the Deponent and the others, tied their hands and taking one of their Muskets proceeded to the house of Richard Tray, arrived between 9 and 10 o’Clock in the Evening; it was agreed among the Men, who took the Prisoners that Deponent should go to his own Hut to take care of it, and that White and Austin should remain at Tray’s to guard the Prisoners. Deponent further states that, on the Road from Campbell’s Hut to Tray’s, he asked the Prisoners if they had seen any stray Sheep in the Bush; they replied that they had seen none but a few they had been taking care of for Whitehead, by whom the Deponent understood to be James Whitehead, a Prisoner who had lately returned from the Bush by virtue of the Proclamation; also declares that they were the same Men they had taken the dead Sheep from, the day before they apprehended them, at the Hut, which Sheep belonging to Mr. Gunning and had been butchered as they had their Throats cut.

GEORGE X NELSON.

Sworn before us, this 14th January, 1815:—REVD. R. KNOPWOOD, J.P.; JAMES GORDON, J.P.
A true Copy.

17th January, 1815.
FRANCIS AUSTIN, Prisoner, Servant to George Weston Gunning, Esquire, duly Sworn, states, That, on Wednesday the 11th instant, John Johnson, Shepherd to Mr. Gunning, and Mr. Whitehead, came up to Mr. Gunning’s Hut at the Coal River and took out George Nelson, and informed him that he had seen Three Bushrangers take two Sheep upon their Shoulders and carry them towards the Brick Kiln; and then Nelson came back into the Hut and called Deponent, Simon White and James Whitehead to follow him; they armed themselves and went with him; when they had proceeded about ¼ of a Mile from the house, Deponent saw John Johnson standing on the Top of a Hill, pointing out the way they were to go to apprehend the Bushrangers; they then proceeded on in the direction pointed out, and, on Nelson having discovered them, they ran away, but Deponent, having gone round the opposite way, met them and levelling his Musket ordered them to stand; they did and Deponent then went up and took a Musket from a Man of the Name of Collier; he then perceived McGuyre to have a Musket, which Deponent desired some of the others to take from him, but they did not. Whitehead then came up to Deponent, and taking the Musket from him, which he had taken from Collier, said this is my Musket, which I gave them; let me see if it is broke, here give it them. Deponent did not immediately give it him, but after taking the Mutton from which Johnson found concealed in their Knapsacks, at the Bushrangers showing them where another Sheep was, which they had killed, he at the desire of the rest of his Party gave back the Musket. On Nelson calling them Villains for destroying Sheep so wantonly, they replied they would have come to the House, but were afraid to meet with Mr. Gunning, and they only wanted to see Whitehead to get an Iron pot to Cook in, as they had plenty of Ammunition which they had procured by selling some Kangaroo Skins, which they brought from Jericho. Whitehead, having the Sheep on his Back, after proceeding about 4 or 500 yards, lay it down, and coming up to the rest of the party called them on one side, and said if you take them up to
the house that Old Cat (meaning Mr. Gunning's Servant Woman) will tell her Master, so had best give them their Muskets and let them go, and we can say that they run away, only bring up one Napsack and the one Sheep; they then let them go, first warning them never to come near that Place again. On the next morning (Thursday 12th instant), Deponent went out towards Mr. Hogan's farm to bring up the Horn'd Cattle, and, being afraid he should meet with the Bushrangers, he took a loaded Musket with him. On his return home with the Cattle, he met the Bushrangers near Mr. Hogan's farm House, and Collier and McGuyre came up to him, Hugh Burn remaining at a little distance. Collier said, I never thought that you Austin would have been the Man to take my Musket from me, as you did Yesterday, but never mind we'll meet again. Deponent then said he would have taken it from his Father in a like case, and was under the necessity of cocking his Musket as they were approaching him, and Swore he would blow out the Brains of one of them, if they did not go away. Hugh Burn then called them and they went away. Deponent then went home and reported to Nelson and White what had passed. Nelson said don't mention it to Whitehead, and he would go down to Stynes and Tray to get them to assist them; he (Nelson) did and Richard Tray came up with him. White and Nelson was away for Tray. Whitehead came up and asked where Nelson was, and, on Deponent not giving him a direct Answer, said he knew very well where he was gone, but that it would be no good to them. Whitehead then packed up every thing he had in his Master's house, and put them in the Cart and proceeded to Hobart Town, where he was coming on his Master's business. Tray, Nelson and White and Dept. then Armed themselves and proceeded in search of the Bush Rangers; did not find them, but found a Sheep, which had been killed by the Dogs and thrown into a Pond; they also found another whole Sheep and five Sheep Skins; the Skins were thrown into the Water also and Stones thrown on them to Sink them. On coming home, they dispatched Nelson to inform their Master. About 4 o'Clock in the afternoon, Nelson came back to the House and informed Deponent and Simon White that he had seen the Bushrangers in Campbell's Hutt; they then armed themselves and accompanied Wm. Harty (a Servant of Mr. Hogan), proceeded to Stynes, and there got another Pistol, and from thence to Campbell's Hutt; but, before they left Stynes, White asked Stynes and Tray to accompany them, but they both refused; and White then Swore that he would not go, as he was no Constable but a Prisoner, and that it was not their business, they being free Men and Settlers. However, White did accompany them, and on the Road they agreed that Harty should enter the House first, and, if they were there, to inform them by his remaining; but, if they were not there, to come and shew himself. Harty had scarcely entered the house, when Deponent saw their Dogs, and he rushed forward, and two of the Bushrangers on his Entering run under the Bed Place and the other under a canvas Tent, which was laying in the Hut. Nelson and White then came in, and Nelson seized a Musket which was laying on the Bed. Downes, the Stock keeper who lives at the Hut, snatched at it and Swore it was his. Nelson would not give it to him, but gave it in charge to Harty. They then seized on James Collier, Richard McGwyre, and Hugh Burn, three noted Bushrangers, and tied their hands and then lashed them together. Downes was cooking some dinner and had some Salt Pork and Dough Boys in an Iron Pot, and he requested they would let the Men remain a little while 'till they could have something to Eat; and he gave the Bushrangers all he
1815.
— March.

Deposition as to capture and escape of three bushrangers.

had in the Pot, which they Eat; the party then took them and marched them from Campbell's Hut to the house of Stynes and Tray; but, before they went from the Hutt, the Bushranger McGwyre told Downes, that when Whitehead should return, to inform him that they had left his Musket and Dogs at the Hut, and that the other Man (meaning another Bushranger) was at the back of the Sugar loaf with the Sheep and that he (Whitehead) knew very well where to find them. It was between 9 and 10 o'Clock at Night when they arrived at Stynes and Tray's House, who were in Bed; they got up on the Dogs making a Noise and let them in, and Tray lit a Candle for them and then went to bed; but, on being asked if they would assist them to guard the prisoners, they said that, as Deponent and Party had taken them, it was none of their business, and told them to take care of them themselves. Soon after a woman of the name of Margaret Jones, who came down here in the Kangaroo and who cohabits with Richard Tray, came into the Room and made a Bed for the Bushrangers to Sleep upon and then retired. It was agreed among the Men, who took them, that Deponent and White should remain to guard them, and that Nelson should go home to take care of their own House; and, about an hour after Nelson was gone, White called Deponent out of the House and said, "Now, Austin, consider what you are doing; here are two of our Country Men among them, and, if they are taken down to the Town, they are as Dead as if a House should fall on them, and we don't know how soon it may be our own case; and Nelson and I have agreed to let them go; so don't have any Person's blood upon your hands to be called a Rogue among the Prisoners, your comrades, for the sake of 4 or 5 Lousy Sheep, for Mr. Gunning would not go to Sydney to prosecute them for all the Sheep he had." Deponent replied that Mr. Gunning was the best Judge of that, but that he was determined they should not escape from him, if he could possibly prevent them. Deponent and White then went into the house and sat down White close by the Prisoners and Deponent at the opposite side of the Room. In about 5 Minutes, White got up and called McGwyre to him; they went outside the Door. Deponent could not hear the conversation between them, but in about two or three minutes they returned and McGwyre and Burn came up to Deponent and offered him Five pounds, if he would lay down and go to Sleep, as White would loose their hands and let them go. Deponent replied that he should neither loose their hands, or should they escape if he could prevent it. Deponent then went and sat down by the Prisoners and Deponent at the opposite side of the Room. In about 5 Minutes, White got up and called McGwyre to him; they went outside the Door. Deponent could not hear the conversation between them, but in about two or three minutes they returned and McGwyre and Burn came up to Deponent and offered him Five pounds, if he would lay down and go to Sleep, as White would loose their hands and let them go. Deponent replied that he should neither loose their hands, or should they escape if he could prevent it. Deponent then went and sat down by the door with his pistol in his hand, and in a little while White said, "Austin, why don't you lay down and take some rest, as you will be very much fatigued going to Town to-morrow"; he replied he would not. White then said, if you are twice as knowing as you are, they will get from you after all. Deponent then called to James Stynes and Richard Tray to take charge of them; they said that they had been reaping all day and were tired and would take no charge. Dep't then asked if they would take charge of them, 'till he went to fetch Nelson; they said they would take no charge of them. White then took the Stool on which he sat, and threw it along the floor in a violent manner to make a noise, but Deponent does not know for what purpose. Shortly after this, Deponent asked White if he would assist him to take them up to their own house; this was about twelve o'Clock at night. White answered he would. Dep't then said, as we shall all have charge of them and they should escape, they would be all equally to blame; but states that he knew if he could get them there that Nelson and Johnson would
DAVEY TO MACQUARIE.

not suffer them to escape. The prisoners answered they would not go, as they were nearer to Hobart Town where they were; but deponent insisted on their going, as he saw that White was disposed to let them escape, and that Stynes and Tray would not assist him. Before leaving the house, one of the Prisoners complained that his hands were tied too tight, and White immediately Slacked the Cord to ease him and also the hands of another. On the Road to their house, and not far from Stynes and Trays, Hugh Burn run to the left to gain the Hills. Dep’t followed leaving the other two in charge of White; he had not run above Fifteen paces, when White called to him that the other two had also run; he then run after the other two; on calling to them to stand and not obeying him, he fired his pistol at McGwyre, who he saw fall, and returned to White for the other loaded Pistol; but, before he got up to him, he fired it in the Air, saying now that's enough, for Stynes and Tray must have heard both reports, as also Mr. Lord's people and Ankers', who live at no great distance; having no Ammunition, Deponent went home and called Nelson to go with him to where the Dogs were left; but, being very dark and 5 or 6 miles from their house, they did not go. Depon't further states that, while he was at Campbell's Hut, he observed Whitehead's Rug, and Nelson asking Downes if Whitehead had been there; he said that he had and left all his Things as he went past with the Cart.

FRANCIS X AUSTIN.

Sworn before me:—James Gordon, J.P.

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.

(Despatch per schooner Geordy; acknowledged by lieut.-governor Davey, 30th April, 1815.)

13th March, 1815.

[A copy of this despatch is not available.]

LIEUT.-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.

(Despatch per schooner Henrietta Packet; acknowledged by Governor Macquarie, 18th July, 1815.)

13th March, 1815.

[A copy of this despatch will be found on page 472, volume VIII, series I.]

[Enclosure No. 1.]

[A copy of this proclamation will be found on page 473, volume VIII, series I.]

[Enclosure No. 2.]

DEPOSITIONS.

10th March, 1815. Informations respecting the Stacks of Wheat set on fire by the Bush Rangers. A. W. H. Humphrey, Esq., etc., etc.

Hobart Town, 10th March, 1815.

Present:—James Gordon, Esquire.

Information of Adolarius William Henry Humphrey, Esquire, on Oath states:—that about three week ago, while engaged in getting in his Harvest at Pitt Water, he received a letter from His Honor the Lieutenant Governor, requiring his immediate attendance in Hobart Town, in consequence of which he came to Town and hath since that
time been discharging his duties as Justice of the Peace in the Court House. About Eleven o'Clock this morning, as he was passing down towards the Wharf, he was met by a Constable of the name of Bingham, who informed him that he left Pitt Water about daylight this morning, having Slept at the House of Robert Nash, Settler, last night; at about twelve o'Clock at Night, while he was at Nash's House, a Man came in great haste to inform Nash that all the Corn Ricks and Barn belonging to Barlohomew Reardon, one of the district Constables at Pitt Water, had been set fire to by some malicious persons and entirely consumed; and that the wheat and barley Ricks, belonging to this Informant, were then on fire. Bingham and Mrs. Nash then went on the rising Ground, from whence they could see his premises, when they perceived them all in a blaze; the Ricks of Informant contained the whole of the Grain grown on his farm; the Wheat was the greatest Crop Informant had ever seen and was averaged by every one, who had seen it not only before it was cut but after it was Stacked, to have yielded from 35 to 40 Bushels pr. Acre. Informant has not been able to learn whether his Dwelling house and out buildings have been destroyed.

A. W. H. HUMPHREY.

Taken and Sworn before me, one of His Majesty's Justices of the peace, at Hobart town, this 10th day of March, 1815:—JAMES GORDON, J.P.

a true Copy:—T. DAVEY.

John Bingham, free man and Constable at Pitt Water, states on Oath:—Yesterday about two o'Clock in the afternoon, a man of the name of Hunnaway came to his place with two Bullocks and a Cart with some Sugar and Tea, Flour, etc., etc., who requested Informant to take the Articles in the Cart over Pitt Water in his Boat to Hunnaway's house or Nash's House, where he lives; he did and, it being late, he stoped at Nash's house all Night. About two o'Clock in the Morning (10th March, 1815), a man on Horse back came to Nash's house, who desired him to look to his Wheat Stacks, as Bartholomew Reardon's Stacks and Barn were totally burnt, having been set fire to by some Malicious Persons, and that Mr. Humphrey's Stacks were then in a blaze; the Man, who came on Horseback, was a Servant of Bartholomew Reardon's. Informant then went upon the rising Ground between Nash's house and Reardon's, accompanied by Mr. Nash, who desired him to look to his Wheat Stacks, as Bartholomew Reardon's Stacks and Barn were totally burnt, having been set fire to by some Malicious Persons, that Mr. Humphrey's Stacks were then in a blaze; the Man, who came on Horseback, was a Servant of Bartholomew Reardon's. Informant then went upon the rising Ground between Nash's house and Reardon's, accompanied by Mr. Nash, from whence he could see Mr. Humphrey's Premises, and he saw them all on fire, but, as he did not go to the house, does not know whether the Dwelling House is burnt; he returned to Nash's House, and from thence immediately took his Boat and came across Pitt Water, and proceeded to Town to give Information. The Man, who came to Nash's House, told Informant that, the Night before the Stacks were burnt, they were alarmed at Bartle Reardon's by the barking of his Dogs; that Reardon and his Servants went all round the Premises, and he supposes they had been prevented committing the act the night before.

JOHN BINGHAM.

Taken and Sworn before me, one of His Majesty's Justices of the peace, at Hobart town, this 10th day of March, 1815:—JAMES GORDON, J.P.

a true Copy:—T. DAVEY.

Information on Oath of John Broughton states:—That, on Saturday morning early, the Eleventh March instant, he received orders to go to Pitt Water; that he accompanied John Huxley and George
Ashton, Constables, who with him arrived on Saturday Evening; went to Bartholomew Reardon's house; enquired about the fire and burning of the Stacks of Wheat; in the course of conversation with Bartholomew Reardon, he understand that the paper (which he now delivers into Court) was found near to the Stacks burnt belonging to Mr. Humphrey, "Copy of which is as follows."

[This paper had the words "For in justes and we begin the next is B R'eardonby for you all." Between the words "is" and "for" was a sketch of a musket pointed at a man's head.]

Informant received the paper from John Berehall, one of the district Constables at Pitt Water, who told him that his boy (Billett) had found it near to Mr. Humphrey's Stacks, which were burnt. Huxley and himself traced the feet of two horses both coming from and going to Mr. Humphrey's Farm. Huxley observed "that he could take his Oath" that the prints had been made by the feet of the Horses, which were stolen from his place at Kangaroo point, belonging to James Gordon, Esqr., and Wm. Maum, Storekeeper.

JOHN BROUGHTON.

Taken and Sworn before me, one of His Majesty's Justices of the Peace, at Hobart Town, this 13th March, 1815:—A. W. H. HUMPHREY, J.P.

a true Copy:—T. DAVEY.

Information on Oath of Nathaniel Ayers, Settler, states:—that on Thursday night last he slept at the house of Bartholomew Reardon's at Pitt Water, and about one o'Clock in the Morning had occasion to go out, when he discovered one of the Corn Stacks on fire; he immediately return'd into the house to alarm Reardon and his Servants, who instantly got up, but, before they could get to the fire, it had communicated to the roof of the Stacks and also to the Barn, which was immediately contiguous, and, with all their Exertions, were not able to save more than 40 or 50 Bushels of Wheat, which was threshed and about a dozen Sheaves, as the fire then became so hot, the people could not get near it; about \( \frac{1}{4} \) of an hour after Deponent had given the Alarm, on looking towards Mr. Humphrey's House, "which is near a mile distant," he discovered a very bright light; and, as soon as a Man could be spared (in 10 Minutes or less), he sent one to inform Mr. Humphrey's Servants and to see if they were up, supposing his Stacks were on fire. Deponent further states that there was no fire in the Stubble or Grass any where in the Neighbourhood, and that it was very evident the Stacks had been set fire to Maliciously.

N. AYERS.

Sworn before me, this 13th March, 1815:—James Gordon, J.P.

Hobart Town, 13th of March, 1815.

Present:—James Gordon, Esqr.

Information on Oath of Bartholomew Reardon, Settler in the district of Pitt Water, deposes:—About One o'Clock in the morning of Friday last, I was alarmed by Mr. N. Ayers informing me that my Corn Stacks were on fire. I instantly called my Servants, but, before I and my Servants could get to the Barn, the whole of my Stacks and Barn were completely on fire. I with my Servants used every exertion, but could not save more than about a Dozen Sheaves and forty or fifty Bushels of threshed Wheat. I sent a Servant to see if Mr. Humphrey's Servants were up, as I perceived a bright light at his house
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13 March.

Depositions re burning of stacks of A. W. H. Humphrey and B. Reardon by bushrangers.

65 Acres of Wheat; 10 Barley; 2 Pease, which were entirely consumed except Fifty Bushels of Wheat for the consumption of my family, and the forty or fifty Sheaves saved from the Fire. Also my Barn, which I was then on the point of completing, on which I had expended from Four to Five hundred pounds Sterling; and I am positive there was no fire in either the Stubble or Grass in the Neighbourhood, and that it must have been Maliciously Set fire to.

BARTHOLOMEW REARDON. Sworn before me this 13th day of March, 1815:—JAMES GORDON, J.P.

A true Copy from the Court Record.

9 April.

LIEUT.-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.

9th April, 1815.

[A copy of this despatch is not available.]

30 April.

Proclamation of martial law.

INFORMATIONS, D. McCarty and Christopher Hacking, on Charles Carlisle's Death.

Hobart Town, 29th April, 1815.


DENNIS McCARTY, Settler at New Norfolk, on Oath states:—That, about 9 o’Clock on Monday morning last, while at breakfast, a Man, "Servant to Charles Carlisle," came running in and informed me that a large party of Bush Rangers were plundering the Settlement, and that they were coming to my house. I called all my Servants into the House immediately, and distributed them about the house to wait their Attack. Mr. Jemott was there in the House, who took charge of part of the Servants at one end of the House, and myself with the other Servants at the other part of the House; after waiting some time in expectation of their coming up, Charles Carlisle and Thomas Murphy came to the House and informed me that the Bush Rangers had taken a different rout, as if they were afraid to attack my House. I then made Enquiry into their Strength and the manner in which they were armed, and, finding them very strong, I nevertheless thought that, with the proper Assistance of the Neighbouring Settlers, we might take them. I, therefore, ordered a Horse to be Saddled and sent Thomas Newby amongst the Settlers to desire them to Muster all the Arms, which the Banditti had left, or all that could be got, and to meet at the Rear of Hay's House, where I conjectured they were

* Note 53.
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gone, and that I would, with the Party I had, attack them in front; at the same time to make all the Noise they could, when I commenced the Attack in front; when Newby returned, I sent him to look out for the Bush rangers, being apprehensive they would secret themselves; and, when I was out with the Party return and load my Boats with their Plunder and make their Escape. Newby returned and informed me they were at Hay’s house with a Sentry walking in front of it. I then took and Armed my Servant, and went towards Hayes’s; when we got near the house, we were informed they had left, and were gone to James Triffit’s. I then pursued, sending to Hay’s to collect all the Force he could and follow; on my Arrival at Triffit’s, they were gone, and I was informed they had just left the House after stripping it of every necessary, and that they had taken George King along with them with the intent, as was supposed, to Murder him. I enquired the Rout they had taken, and found they had gone toward Macquarie Plains. I then consulted with the Party with me, and, they promising to support me when I found the opportunity to rush on them, I pursued, tho’ I was fearful we were not strong enough, for I had been informed they were Nine in Number with Twelve Muskets, two double Barrel’d Guns, and a number of Pistols, and my party had only Five Fowling Pieces and three Pistols; about two Miles from Triffits, I came up with them; they were sitting, and, before I saw them, I was within twenty yards of them; they were just on the Edge of a Plain among the Trees, and I in the open Ground; wishing to gain the Trees, I with the Party rushed forward to gain the Shelter of the Trees also, and, when I had got within Fifteen yards of them, I saw two of them seize their Muskets and stand; the rest run. I immediately fired and a Man fell; they then perceiving that only one man rush’d on with me, they returned and took up the Arms they had left in their Hurry, and commenced firing on me. I was, therefore, under the necessity to retreat to the nearest Shelter; they had then got themselves placed behind a hollow Tree with holes in it, thro’ which they fired, and, as my party came up to support me, they were all wounded except one young Man, who supplied me with Ammunition. Mr. Jamott, I believe, was the Man who fell first, and, in less than five Minutes, the rest dropped; and, finding myself with only one Young Man by me, I prepared to retreat, when the Bush rangers called out to me to lay down my Gun and give myself up. I replied, I would not, but would have another Shot, and then see who could run fastest. As soon as I got down to my house, I sent out my Cart to bring in the Wounded, and sent Newby down to Hobart Town with a Letter to the Lieutenant Governor to inform him of the circumstance.

DENNIS McCARTY.

Sworn before us, this 29th day of April, 1815.—A. W. H. HUMPHREY, J.P.; JAMES GORDON, J.P.

CHRISTOPHER HACKING, free man, on Oath states:—that he was out with McCarty’s Party, and was present during the whole of the Transaction, and was the only Person who remained with the People after they were wounded; states that he was armed with one Pistol, and, after McCarty had retreated, the Bushrangers called out to rush, and Three ran up the Hill after McCarty, and the rest stood behind to keep a look out, fearing there were more people to attack them. One of the Bushrangers, Peter Geary, formerly a fifer in the 73d Regt., then ran up to Thomas Murphy, who was laying Wounded and bleeding much through his Clothes, and, putting the Muzzle of his Musket to his
1815.
30 April.

Depositions re murder of C. Carlisle by bushrangers.

breast, Swore he would shoot him. Deponent then was standing by Carlisle, and heard another Man call out to Geary not to Shoot him; then Geary said, let us flog him. Murphy replied, for God’s sake don’t use me ill, for I am a dead Man already; the Bushrangers then gathered up all the Arms, which belonged to the wounded, taking the pistol and Ammunition he “ this Deponent ” had; they then asked him how many there were of McCarty’s Party; he told them. After consulting among themselves, he asked them if he might go for a Cart; they told him to go, and one of the Bush Rangers took off his handkerchief and gave it to Deponent to tie up Carlisle’s Wound; they spoke to Carlisle, and said they were very sorry for his fate; he replied that he forgave them, and begged they would not destroy his Stock, which one of them promised they would not, and shook him by the hand. Geary then went up to O’Burn, who was laying on his face and with his foot pushed him over, saying, “ what fellow is this.” Deponent told him he belonged to McCarty’s Schooner, and he then left him. Deponent then went for a Cart, and on the way met with some people coming out with a Wheelbarrow, saying they could not get a Cart, and had brought a barrow; he returned and they took in the Wounded to James Triffit’s, where a Cart came from McCarty’s. When Deponent returned to the wounded, the Bushrangers had left them, taking all the Arms there were. Three of the Men, who Deponent knew, Viz. Geary, Hugh Burn, and Collyer; he further states that there was a Man among them, who had a large lump or Swelling over his right Eye.

C. HACKING.

Sworn before us, this 29th of April, 1815:—A. W. H. HUMPHREY, J.P.; JAMES GORDON, J.P.

Inquest on body 25th April, 1815. Depositions on the body 25th day of April, 1815, on view of the body of Charles Carlisle, Prisoner. now lying dead, before Adolarius William Henry Humphrey, Gentleman, Coroner for the County aforesaid.

GEORGE BUSH, assistant Surgeon in His Majesty’s 46th Regt. of foot, called and duly sworn, deposes:—I have examined the Body of Charles Carlisle here lying dead. Am of opinion that his Death was caused by loss of blood in consequence of the division of the principal Artery of the Thigh, and the wound appears to me to have been caused by a Musket Ball,—or several Balls together, as the Orifice is very large.

GEORGE KING, Prisoner, duly Sworn deposes:—About 8 o’Clock yesterday morning (24th inst.), a party of Bushrangers, consisting of Eight Men and one Black Girl, Viz. Whitehead, Peter Septon, Michael Howe, Hugh Burn, Richard Collyer, and the fifer belonging to the 73d Regt., also Richard McGwyre, came to the River Plenty, as I was informed by Thomas Francis, and that they had killed a Government Cow. I also heard that they went to Thomas Gay’s, a constable, and took possession of the Articles which the party (of which Gay was one) had taken from them a short time before; the Bushrangers then proceeded to Barnes’ house, asked for fire Arms, as I was told, then went to William Able’s and equired for fire Arms and also for me: they afterwards went to Charles Carlisle’s house, from whose house they took some property, Viz. a Gold watch, etc., with other Articles as I was told by Flaherty. They then proceeded to Thomas Humphrey’s house, asked for his Arms; they then went to Bryant Cullen’s house
DAVEY TO MACQUARIE.

when they got a Musket and a Cutlash. ("Whitehead told me this, when I was with his party"); they then went to Robert Hay’s, a Constable for the district of New Norfolk. George Porter, Thomas Francis and Self were there (Robert Hay was at this time from home); they had taken him at a stream called the front River. Porter, Self and Francis went out of the House, when I saw the Bushrangers coming. I had a brace of pistols, George Porter had a Musket, as also Francis’ one. I with Porter and Francis advanced, when one of the Bushrangers fired a Musket at Francis. I do not know the Man that fired. It was not one of the Men, whose Names I have mentioned. Robert Hay held up his hand as a Signal for me to retire. I then ran from them. Thomas Francis put down his Musket and waited until the Bushrangers came up. Porter also laid down his Arms and stood still; the Bush-rangers pursued me and fired Three Shots at me; the Men who fired were Collyer, Howe and Geary; when I could not run any further, being quite exhausted, they came up, two of them laid down their Arms in order to tie my hands behind me, which they did; they made me walk ahead of them, Geary holding a pistol cocked at my back; Peter Septon had a Musket with the Muzzle close to my head and desired me to walk on; they took me to Robert Hay’s house and there untied my hands, and four of them, Viz. Howe, Septon, Burn and Collyer stood Sentry over me; the Black Girl, who is a Native of the Island, was placed to watch Robert Hay’s front Door; three of the Men then went to Triffitts, Whitehead was one; it is almost a Mile distant from Hay’s House; after they had been gone some time, they returned with property, which they had stole from Triffitt, viz. Shoes, Jackets, etc., etc. After this party had returned to Hay’s, the whole party went up to Triffitts, as they said to get some Sugar, taking me along with them; as soon as they entered to Triffitt’s house, Mrs. Triffitt entreated they would give her back some of the things. Whitehead took off his hat and gave her a Bed Gown not made up. Septon and Howe went into the Room and filled their Knapsacks with Sugar. They all left Triffitt’s and proceeded on towards the Stony Hut planes, taking me along with them. At about a Mile and a half from Triffitt’s, they sat down to rest and gave me a piece of Green Cow Hide to make a pair of Morgazeens for myself. I had not sat down long, when Dennis McCarty and Brown (alias Kitchme) came running up. Brown ran in among the Bushrangers before any one saw him with a Cutlash. Brown made a Cut with it, but I can’t say whether he cut one of them. McCarty called to me and told me to hold down my head. I did so and he (McCarty) then fired off his fowling piece at the party of Bushrangers. I did not observe any one fall; the Bush rangers then ran, but did not go far before they stopped, and again returned. McCarty fired a second time. The Bush rangers then went to a large Hollow tree, some of them got into it in order to fire through holes in the Tree, while the others stood behind it. I then saw Carlisle, Jamott, O’Burne, Thomas Murphy, James Triffitt, Thomas Triffitt, Christopher Haking, Tooms and another Man, whose Name I do not know, along with McCarty; the party with McCarty had but five Muskets and two or three pistols. I then went behind a Tree and distinctly saw Whitehead fire the first. One Man fell, I am not sure whether it was Jamott or Carlisle. I then saw Michael Howe fire from behind the Tree; one Man then fell, it was either Jamott or Carlisle; they were the two first that fell; there were only two Shots fired, first by Whitehead, second by Howe. I then heard a third Shot fire from behind the Tree, but can’t say who fired it. I saw O’Burne fall. I was at this time...
behind a Tree, when McCarty told me to run back. I went a little way and stopped. I saw Thomas Triffitt fall; can't say who fired the Shot at him, I was running from them at the time and the Bush-rangers were firing at me. I saw three Balls fall near me. Thomas Triffitt got up and ran from them; such of McCarty's party, who had no Arms, retreated back leaving McCarty and the wounded Men at the Spot where the Men were Shot. I heard the Bush rangers call out to McCarty to drop his Arms and give himself up to them. McCarty's party that were retreating stopped and heard McCarty say, he would be damned if he would, for that he would have another shot at them. McCarty then fired and ran with his party towards the Settlement at New Norfolk; the Inhabitants at the Settlement went in search of the wounded, Crochan was one. In about three hours after, Crochan and others brought Carlisle (the deceased) in a wheelbarrow to his own house, and, as they brought him to his own door, he died. I afterwards saw Triffitt, Jamott and O'Burne brought to McCarty's wounded; O'Burne was wounded through the Jaw; he could not speak; Jamott was wounded in the upper part of his thigh; Triffitt was also wounded in the thigh. Murphy I did not see, I was informed he was wounded in three places. After this I came from New Norfolk to Hobart Town, at which place I arrived about Three o’Clock (25th instant) in the Morning.

Question. Were the Bush rangers anywise disguised, when you saw them?
Answer. No! they were all armed with a Musket Each, and some with a brace of pistols as well as Cutlashes.

JOHN BROWN (alias Kitehme), a free man, duly sworn: About 12 o’Clock yesterday (24th instant), hearing that there was a party of Bushrangers committing Depredations in the Neighbourhood of New Norfolk, Robbing from House to House, Mr. McCarty, Jamott, Carlisle, O’Burne, Murphy, Triffitt, Thomas Triffitt, and two Men belonging to Mr. McCarty went in search of them. On starting, it was agreed to take them or Die in the attempt; to our great surprize, we overtook them about ¼ of a Mile at the back of Triffitts; they were sitting down making a pair of Morgazeens for George King. McCarty and I went first. McCarty got within 40 yards of them and then fired; one Man fell but got up again; I do not know who he was. I then ran in among the Bush rangers, who left their Arms and went a small distance, looked back, and, observing no other persons but myself and McCarty, they returned and took up such of their Arms, as they in their hurry had left behind them. McCarty then retreated back to a Tree, where his party were and loaded again. McCarty then said, Now you Dogs, if you are Men, face us like Men. I had no Musket only a Cutlash, with which I struck at several Men, but did not wound any one; finding there was no one close to me, I retreated and joined my own party. I do not know the Names of the Bush rangers; there was Eight Men and one Native Black woman. The Bush rangers got behind a Tree and commenced firing. I saw Three of McCarty's party fall, Carlisle, Jamott and O’Burne. Upon McCarty looking round and seeing the Three Men fall and laying on the Ground, McCarty then ran; the Bush rangers run after him, calling to him, saying, “McCarty, Stop, You Scoundrell, it is you we want, or we will blow your brains out.” McCarty replied, I will have a run for it! I returned to the Settlement.

PATRICK FLAHERTY, a prisoner holding a ticket of leave, Servant to Charles Carlisle, the deceased, called and duly Sworn, deposes:—

Yesterday morning (24th instant), I was cooking breakfast for my
DAVEY TO MACQUARIE.

Master about 8 o'Clock as near as I can recollect, when Three Men came into the Hut of the deceased, Charles Carlisle, and each presented a Musket at me, and charged me not to Stir on pain of death. I told them there was nothing in the house worth their troubling their heads about; they then attempted to burst the Door of the Room, where my Master was laying, but my Master got up and opened the Door; they forced him out of his room into the kitchen, he having only his Shirt on. My Master asked permission to put his trousers on, which they granted. My Master desired to know what they had taken; they replied only a little Tea and Sugar, his Musket and what Ammunition that was in the house. They then went away, after which I searched his room, found his pocket book gone, his Watch, a pocket pistol, several pairs of Stockings, together with two pair of Silk Stockings. The first Man that Entered the house was Collyer, who formerly went in the Government boats; Second Man was Richard McGwyre; third Man was Hugh Burn; fourth Man was the Fifer of the 73d Regt.; fifth Man, I did not know. Outside of the House stood Michael Howe with a pistol, a Musket and a Sword, who had Command of the party, directing the party what to do. Howe directed them to put some flour out of their knapsacks, and put Tea and Sugar in, which they stole from my Master. I also observed Whitehead, who spoke to me through the Window, asked me if there was not two or three party's of Soldiers out, adding, if another party came out, they would then come and Attack the Town and see what they would do then; they took the property and went off; when the Men left my Master's house, I went through the Bush to McCarty's house and informed McCarty, who immediately prepared his Arms; the Bushrangers did not come to McCarty's. The deceased, Charles Carlisle, came down to McCarty's. I left McCarty's and went down to the back River. I saw two Bush rangers, standing in front of Robert Hay's house, and two at the back. I then returned to McCarty's in order to inform him what I had seen, but found McCarty, Jamott, O'Burne and others were gone out in search of the Bushrangers; as soon as I got some refreshment, I went after them, but did not proceed any further than Robert Hay's house, being unarmed; while I was at Robert Hay's house, I heard that my Master was wounded. I then went out in search of him. I found him with four Men, who had got him on a Wheelbarrow bringing him to James Triffitt's house; and, on coming up to My Master who was bleeding very much and who said it was a bad job, that he was not long for this world, which he repeated more than once, I went on a little distance and met with two Men, who had O'Burne under their Care. I took O'Burne on my back and carried him to James Triffitt's; to which House My Master was also carried, where he remained for ¾ of an hour, during which time they Endeavoured to stop the bleeding, but could not with any thing they tied round his thigh. My Master was then put on a Wheelbarrow and conveyed home. I went with the Cart, which Mr. O'Burne was conveyed in to Mr. McCarty's house. On arriving at McCarty's house, I heard that my master was Dead. I then came down to Hobart Town.

JAMES TRIFFITT, Settler at New Norfolk, called and duly Sworn, deposes:—I was one of the party, who went out with the Deceased in quest of the Bush-rangers. Yesterday I saw the deceased fall, but do not know the Name of the Man that shot him, nor can I say whether he was the first Man that fell; but I think he was the Second that fell. I do not know the Names of the Bushrangers.
Robert Hay, Constable for the district of New Norfolk, Sworn, deposes:—I saw the Bush rangers but not the whole of the banditti at the house of John Barnes; there were Eight Men and a Native Girl. I knew Whitehead, Howe, Geary, McGwyre, Burn and Collyer; the other two Men I did not know their Names, but one of them had a lump on his Eye; to the best of my recollection the other Man I have seen in the Town, but did not know his Name. I should know him again, if I was to see him. I do not know the Man that went first to pick up the Wounded. I heard the deceased (Charles Carlisle) say more than once, I am a dead Man.

Verdict. The Jury declare that Charles Carlisle was Murdered on the 24th day of April, 1815, by James Whitehead, Peter Septon, Michael Howe, Richard Collyer, Richard McGwyre, Hugh Burn, Peter Geary, together with another Man whose Name is at present unknown, and a Black Woman, Native of this Island.

A. W. H. Humphrey, Coroner.
New Norfolk. On the Friday morning, the constable (Thomas Gay) and I, having the Prisoner in charge, sent the other four Men of our Party in search of the Sheep. I went down to the Brink of the River to wash myself and returned to Gay and the Prisoner, and then Gay went to wash himself when I guards the Prisoner. I set the Prisoner to make a Cake, and on my looking round the Man made his Escape. I presented my musket, which miss’d fire, and, the Man gaining the Brush Wood and a very thick fog on at the Time, I lost sight of him. The four Men, who went in search of the Sheep, joined me and Gay about 10 o’Clock with Sixty two of the Sheep. We then proceeded together to New Norfolk, where we arrived on Saturday the 16th instant. When the Prisoner made his Escape both the Dogs followed him; while the Prisoner (Hugh Burn) was in our Custody, he told me that the other three Men, who had escaped were James Whitehead, Richard McGuire and William Martin, and that Richard Collyer had charge of the Sheep at a little distance from the Hut; the Party did not see him.

Sworn before me, this 19th day of April, 1815, in the Court House, Hobart Town:—JAMES GORDON, J.P.

THOMAS GAY, District Constable at New Norfolk, on Oath deposes in every particular to the Information given by James Triffit, and, as he was one of the Party who accompanied him, can say no further.

Sworn before me, this 19th day of April, 1815:—JAMES GORDON, J.P.

GEORGE KING, Ticket of Leave, Servant to William Abel at New Norfolk, on Oath deposes, that, on Saturday the 8th instant about 3 o’Clock in the afternoon, I, with William Abel, Richard Hutchinson, Stockman to George Salter, and William Davis, Stockman to James Triffit, were in the Hut we live in. We were surprized by four Men with their faces and Hands black’d, and well armed with a good Musket each; the Bush rangers made me and the other Three Men lay down under the Bed Place, and cover’d us over with a Kangaroo Rug to prevent our seeing them; two of the Bush rangers stood Sentry over us; the Bush rangers stop’d all Night and made Hutchinson Cook for them, and, on the Sunday morning about 7 o’Clock, they left the Hut, taking with them a Musket belonging to Triffit, an Ax, two Tin Dishes, a Bag containing about 15 lb. of Flour, two Tin pots, about 1 lb. of Gunpowder and Ten Musket Balls, some Onion and Cabbage Seed, and one Gimblet; before they left, they enquired how far they were from the nearest Houses; they were told about five Miles; they (the Bush-rangers) then went to the Sheep, which were lying on the Plain about 1/4 mile from the Hut, and drove off 79 Sheep, which they took away with them. On the Monday Morning (10th instant), I accompanied Thos. Gay and four Men in search of the Bushrangers, and on the Thursday We fell in with them about Six or Eight Miles from where they crossed the River; and after several Shots were fired, first from the Bush-rangers (Whitehead was the first who fired). We succeeded in taking Hugh Burn; We then came back to their Hut, when we took away every thing which could be of Service, at least I believe so; for, at the time, I and Three of the Men went in search of the Sheep, leaving Hugh Burn in Custody of Gay and Triffit. On the Friday, I and the three Men found 62 Sheep, which we brought to the Banks of the River, where we met Gay and Triffit and found the Man (Hugh Burn) had Effect his Escape.
I was so near the Bush rangers, when they fired, as to know that they were the same Men who had robbed the Hut on Stoney Hut Plains the Sunday previous; their Names were Whitehead, Collyer, Burn and Willm. Martin, known by the name of the Fidler. Burn, when first taken, informed us and my party where the Sheep were; one dog followed Burn, which (as I was told) ran after him when he made his Escape.

GEORGE X KING.

Sworn before me, this 19th day of April, 1815, in the Court House, Hobart Town:—JAMES GORDON, J.P.

A true Copy from the Court Record:—T. DAVEY.

Court House, Hobart Town, 21st April, 1815.

Present:—A. W. H. Humphrey, Esquire; James Gordon, Esquire.

PETER GALLAGHER, Prisoner, Servant to Abraham Hands, On Oath States, I, with Thomas Gay, James Triffit, Thomas Triffit, George King and William Davis went out on Monday the 10th instant in search of the Bush rangers and Sheep, which they stole from the Stoney Hut Plains. We tracked the Sheep across the Fat Doe River, and from thence to the Big River, and about Seven Miles on the South side. On Thursday the 13th instant, we fell in with a temporary Hut and Five Men near it. My party rushed down upon the Men, and, when we came within about one hundred yards, the Bush rangers fired one Musket, and immediately three Muskets were fired, and shortly after another Musket; the Bush rangers then ran away; my party was so near to them that I know the party of the Bush rangers very well; their Names were James Whitehead, John Jones, Richard McGuyre, William Martin and Hugh Burn. We pursued them and made Prisoner Hugh Burn; we then returned to the Hut, where we found two Fore quarters of Mutton roasting at the Fire, and two hind quarters and part of another Sheep and three Kangaroos hanging up. In the Hut was found a loaded Musket, five tin Pots, two Tin Dishes, a kedgeree Pot, about fifteen pound weight of Flour, some Powder, Balls and Lead; immediately after our coming up to the Hut, I with George King went in search of the Sheep; we found Sixty two Sheep, and brought them to the Bank of the River to join the rest of the Party with the Prisoner; on our Arrival, found that Hugh Burn had made his Escape; after that we came down to New Norfolk and arrived on Friday Night about 9 o’Clock. I am positive that the Prisoner (William Martin) now before the Court is one of the Men who fired upon my party.

PETER GALLAGHER.

Sworn before us, this 21st day of April, 1815:—A. W. H. HUMPHREY, J.P.; JAMES GORDON, J.P.

INFORMATION of WILLIAM MARTIN, Bush ranger, states that he, with Jones, Collier and McGuyre, were the persons who robbed the house of David Gibson at Port Dalrymple of two Gown Pieces of Muslin, one Silver Tea spoon, and two Silver Table Spoons, two Sheets, one handkerchief containing some Tea, 1 Pistol and one Musket, two pieces of Nankeen and one Pair of Pantaloons. The pistol was left at Mr. Fisk’s house the night of the robbery by Hugh Burn. That Burrell, a Stock keeper to Mr. Ingle at the Cross Marsh, supplied him and his Party with Gunpowder, for which they gave him the Fowling Piece, Silver spoons, Ladle and a Child’s Silver Pap Spoon, which was stolen from Mr. Fisk. That it is now about three weeks or a Month since
Whitehead joined the party he was with; that Whitehead was brought to their Hut in Abyssinia by Burrell. Whitehead there informed him of the Stacks and Barns being set fire to at Pitt Water; also informed them that it was done by George Watts and Thomas Garland, and that it was those two Men, who stole Mr. Gordon's horse and Maum's Mare. Whitehead further told them that, in consequence of Watts and Garland having committed such atrocious outrages, he had left them, not conceiving himself safe with them, for he had seen the horses in their Possession, and they (Watts and Garland) had told him (Whitehead) it was them who burnt the Wheat; further says that Burrell was of the Party who took the Arms from the Soldiers in the Stoney Hut on their way from Port Dalrymple; that Howe and Geary were in the Party, which robbed Haward's Cart, when Lieutenant Carne lost his property; and that it is the intention of the party, with which he was, to rob the Houses of Mr. Kent and Daniel Stanfield some time during this Winter, for they had determined on the matter among themselves; also that it was his Party who stole the Sheep from Richard Pitt at the Green water holes, of which only Six were killed, and the rest they turned back; they were very poor; also states that one of his party Jones was frequently supplied by William Williams with Gunpowder and Slugs at the Coal River. The Information given by this Man, William Martin, was voluntary, in the hope of his being Accepted a King's Evidence, and also his Information to Corporal Miller respecting the Robbery at Mr. Fisk's was Voluntary, for without the discovery could not have been made at the time.

Taken before us, this 21st April, 1815.

A. W. H. Humphrey, J.P.; James Gordon, J.P.

INFORMATIONS of Mr. Arnold Fisk and others respecting the Burglary at his House.

Court House, Hobart Town, 1st March, 1815.


INFORMATION on Oath of Mr. Arnold Fisk of the district of Pitt Water, states: That yesterday morning I had occasion to come to Hobart Town on business. I left home about Ten o'Clock. About one o'Clock this day, My Servant (Richard Clark) came to Hobart Town, Informed me that my House had been robbed of all my wearing Apparel, Plate, and Jewellery, and also the wearing Apparel belonging to Mrs. Fisk and my Children, and that by a banditti with their faces disguised, and that they had wantonly destroyed many Articles which they could not take away.

Sworn before us, this 1st day of March, 1815:—Rev. R. Knopwood, J.P.; A. W. H. Humphrey, J.P.

INFORMATION on Oath of Richard Clarke, Prisoner, Servant to Mr. Arnold Fisk, states: That between 2 and 3 o'Clock this morning a party of Men came to Mr. Fisk's house (four of the Men I saw), who rapped at Mr. Fisk's parlor door, desiring Mr. Fisk to get up. I heard the words as I was laying in the kitchen. I got up and came to the Kitchen door, asked who was that, and what did they want. I strove to open the kitchen door; they said they had a letter for Captain Fisk. When I went out at the Door, a man stepped up and pointed a pistol at my head, and seized me by the Shirt, and took me to the back Yard, and there tied me with a cord (produces a piece of Bullock's Hide about two Yards long); after tying me, they put me into the Kitchen and Shut the Door; after this, I heard a knocking at the
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Parlor Door with an Axe (by the sound); after knocking some time, I heard the door give way; they entered the house, took all the Articles of wearing Apparel, Jewellery, etc., they could find, "as I am informed." I saw the Men take away four parcels of Goods by looking through the Weather boarding of the Kitchen. A Man of the Name of Grimes, "Mr. Kent's Stock-keeper who sleeps in the house," was at first put into the Kitchen with me untied, but, before the Robbers went away, they came and took him "Grimes" to another part of the premises. When I thought the Men were gone, I called to Grimes to come and release me. Grimes said, "as well as Quinby, one of Mr. Humphrey's Shepherds, who happened to Sleep in the house last Night," they were also tied; but Grimes with the assistance of Quinby soon came and untied me, and to convince me that they were tied, Grimes took me to Quinby, who I found tied with his hands behind him, laying on the Bed. Some time after I said to Grimes, it would be proper to send to Mrs. Fisk at Mr. Humphrey's, and inform her of what had happened. Quinby said he would go, if I and Grimes thought proper. Grimes contradicted him saying he would go himself; accordingly Grimes went. At daylight this morning, Grimes returned with Mrs. Fisk, Mrs. Humphreys, and also a Constable of the name of Batholomew Reardon. The Men were well armed with Muskets and pistols, and had Kangaroo Dresses on, their Faces blacked. The Man that put the pistol to my breast was a Short Man; there were two men rather taller; the fourth Man was a tall Man.

Sworn before us this 1st day of March, 1815:—REVD. R. KNOPWOOD, J.P.; A. W. H. HUMPHREY, J.P.

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Court House, Hobart Town, 20th April, 1815.

Present:—A. W. H. Humphrey, Esquire; James Gordon, Esquire.

INFORMATION of THOMAS MILLER, Corporal in His Majesty's 73d Regt., on Oath, deposes: That about the 25th Ulto. I was sent out by my Commanding Officer in search of the Bush-rangers; that, after being out in the Woods for upwards of Three weeks without meeting with any of them, I with my Party fell in with two Men at a temporary Hut about Eight Miles to the Eastward of the Fat Doe River; on coming near the hut, the dogs gave the Alarm, when I and my Party rush'd down upon the two Men; they immediately run, and, upon one of my party firing a Shot over the Head of one of them, he stop'd; in about a minute afterwards, I took him in Custody and found him to be William Martin, a Bushranger; the other Man made his Escape, never having been seen except by one of the party at a considerable distance; this was about 10 o'Clock in the morning of Monday the 17th instant; after securing the Prisoner, I returned to the Hut, where I found a Musket (produces), half stock'd with the wood of the Country, and which has a tin pipe solder'd on the Barrel to hold the Ramrod, and a Steel Guard for the Trigger, a Powder Horn with about ½ lb. of Gunpowder; Three tin pots (one a half Gallon and two Quarts); the musket found in the Hut, Prisoner (Martin) owned as his, and also the Powder Horn. At a little distance from the Hut, Deponent found about 30 or 40 Kangaroo Skins, two rugs made of Skins, and Three knapsacks, one containing flour, one Beef Suet rendered, the third contained Sundry Articles as Scissors, a Razor, a Tomahawk, and a few Needles and a Thimble; on the opposite side of the Hut at a little distance from it, William Merry one of the party found a loaded Musket, which I was informed was carried by Richard McGwyre, the Man who had escaped. I and the Party having
the Prisoner then proceeded to the Sweet Water Hills, about Forty
Miles from where We were, and stop'd on the Road at Blinkworth's
Farm at Bagdad, where We slept that night; on Tuesday about 2 or 3
o'Clock arrived at the Sweet Water Hills; the Prisoner (Martin) took
me to the Places, where the Property stolen from Mr. A. Fisk had been
secreted. Produces the Property as follows:

No. 1 Bundle containing:—1 Vol. of the Memoirs of Lord Nelson;
1 Vol. of Storen's Sermons; 1 Bible; 2 Vols. Tom Jones; 1 Vol. Turn-
bull's Voyage; 1 Vol. Practical discourse on future judgment; 1 Sheet;
1 Table Cloth; One 4 Set of Bed Curtains; 5 Waistcoats, one of which
is a Black Sattin Waistcoat, marked A. Fisk No. 21; 3 Pair of Stockings;
4 Pair of linen pantaloons; 1 Hand Towel; 6 Shirts, 2 of which are
not marked, 4 marked A' No. 18, 26, 29 and 47; 1 Pair China Cotton
Draws: 1 Tablecloth.

No. 2 Bundle containing:—1 Black Sattin Waistcoat, Marked A.
Fisk No. 22; 1 Silk handkerchief; 1 China Velvet color'd Waistcoat,
marked A. Fisk No. 4; 1 White linen waistcoat, No Mark; 3 Shirts
not marked; 4 Shirts marked A. No. 10, 31, 23, 1; a lady's Silk
tippet; 2 pair of Linen pantaloons; 1 New Table Cloth; 1 Pair of
Cloth Pantaloons; 1 Brown 1 Blue cloth Jacket. No. 4 Bundle con-
taining:—a New Piece of Damask Tablecloth; 2 Shirts not Marked;
4 Shirts Marked A. No. 40, 13, 19, 46; 3 Pair of Pantaloons, 'linen'
and a Table Cloth.

The latter three Bundles found in a hollow Tree together with a Spy
Glass and a Brass hanging Compass at the Sweet Water Hills.

No. 5 a flannel Petticoat containing 15 lb. to 16 lb. of Tea and a
small bag containing a little sugar found at the Sweet Water Hills
with the above mentioned Three Bundles.

After I had got Possession of the above Property, I was informed
by William Martin that a Man of the Name of William Stevens was
one of the Party, who had robbed Mr. Fisk. I then went in search of
him, and took him Prisoner about 5 o'Clock the same Evening at a
Hut on the Neck of Land, which runs out into Pitt Water at Robert
Nash's Stock Yard. I then proceeded with the Prisoners Martin and
Stevens to Robert Nash's house at Pitt Water, taking along with me
Thomas Smith, who was at the Hut with Stevens; and, at Nash's
house the same Evening, I took a Young Man of the name of George
Kirby, from an information I had of Kirby's having a knowledge of
the Robbery and where the Jewellery, which was stolen, had been
secreted. I then took Martin, Stevens and Kirby down to Mr. Hum-
phrey, the Magistrate at Pitt Water; and on the same evening Kirby
took me to where some more of the Stolen Property was concealed,
which Kirby stated he had been forced to take from the Men, who
committed the Robbery, as they threatened to shoot Kirby if he did not
take them, and which Kirby had afterwards concealed on the bank of
the Creek, which runs past Nash's house. I found the following
Articles:—one Shirt marked A. No. 17; two linen Waistcoats not
marked; two Pair of Nankeen Trousers, and one Pair of Linen Panta-
oons. I then returned to Mr. Humphrey's house, where I was in-
formed that Thomas Smith, who was at the Hut the night the Robbery
was committed, had also several Articles of the Stolen Property given
to him. I went in search of Thomas Smith but could not find him that
Night. I informed Robert Nash that I wanted Thomas Smith, and on
the next Morning (Wednesday) Nash brought Smith up to Mr. Hum-
phrey's, and there he (Smith) informed Mr. Humphrey in my hearing
that he knew of the Robbery, and had several Articles forced upon

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him, at the same time the Robbers forced Kirby to take some, and that he had concealed them in a hollow Tree near the Hut on the Neck of Land, where I found the following Articles:—2 Shirts marked JF No. 35, 37; two linen Waistcoats not marked: one Pair of Nankeen Pantaloons; one Pair of linen Pantaloons (White) and one Grey Cloth Jacket. I then went to search the Hut, as the Lad Smith had informed me that only three days before he saw Stevens have the Jewellery, which had been stolen from Mr. Fisk, and would shew me the Place where he saw Stevens conceal them; on my entering the Hut, the Lad (Smith) pointed out the Hole, where he saw Stevens put them, but did not find them; he then shewed me another Hole at a little distance from the Hut near the Stock Yard, but did not find anything in it; at an Old Stock Yard at a little distance farther off, I found a musket concealed among some branches of Trees; while I was searching the Hut, I found a Pair of Scissors and a knife in a Skin Pauch; the knife Stevens claimed as his, but denied any knowledge of the Scissors. I afterwards proceeded to Hobart Town, where I arrived with the Prisoners, Stevens, Martin, Smith and Kirby, about 5 o’Clock in the evening, and gave them in charge of the Constables. My Party took six dogs, three of which they shot, one escaped, and two We kept to supply ourselves with Shoes and fresh Meat.

THOS. MILLER, Corp’l 73 Regt.

Sworn before us, this 20th day of April, 1815, at the Court House, Hobart Town:—A. W. H. HUMPHREY, J.P.; JAMES GORDON, J.P.

ARNOLD FISK, Settler at Pitt Water, on Oath, states:—that the property produced by Corporal Miller, now before the Court, is the same which was stolen from his house early in March last, with the Exception of One Shirt, which he does not recollect: and tho’ the Tea is of the same description as the Tea he lost, yet cannot Swear to it; that one of the Three Tin pots, stated by Corporal Miller to have been found in the Bushrangers’ Hut (the half Gallon Pot), He believe to be his property and to have been stolen at the same time with the other things; he knows nothing of the Muskets; he believes the Scissors found in Stevens Hut to be his Property, and that they were stolen at the same time.

A. FISK.

Sworn before us this 20th day of April, 1815, at the Court House in Hobart Town:—A. W. H. HUMPHREY, J.P.; JAMES GORDON, J.P.

Examination of William Martin, a Felon.

WILLIAM MARTIN, Prisoner, Bushranger, states:—I, with Collier, Burn, McGwyre, all Bushrangers, had been in the habit of frequenting Stevens's Hut, where We were supplied by him with sundry Necessaries as Sugar, Flour, Gunpowder, etc.; and, on the evening previous to the Robbery at Mr. Fisk’s, I, with the persons whose names I have mentioned, went by appointment to meet Stevens at his Hut for supplies, which he was to give for a quantity of Kangaroo Skins he had from us; on joining him at the Hut, Stevens produced a Bottle of Rum, which when Drank Stevens proposed to Rob Mr. Fisk’s House: we disguised ourselves by blacking our faces and hands with Charcoal and Water. Stevens the more to disguise himself put on an Old Shirt over his other dress and a Skin Cap; on the road, it was proposed that I should remain on the Hills with the Dogs, whilst the rest, Viz. Stevens, McGwyre, Collier and Burn went to the House; that, in the morning a little before daylight, I joined them at the Hut on the Neck, where they produced the property stolen from Mr. Fisk’s house.
which was divided, to each a Part; and some of the property also divided between the two Young Lads (Kirby and Smith), who were in the Hut. We concealed the part which the Bush rangers, McGryre, Collyer, Burn and myself, had among the hollow trees and places, where they were found by Miller; as it was then quite daylight, they went farther up the Country, keeping as much as possible out of the way of meeting with the Settlers; further states Stevens had part of the Silver Spoons and all the Jewellery.

W. MILLS MARTIN.

Taken before us, this 20th day of April, 1815:—A. W. H. HUMPHREY, J.P.; JAMES GORDON, J.P.

Examination of George Kirby.

GEORGE KIRBY, an Apprentice to Robert Nash, Settler, states:—Two days before the Robbery was committed at Mr. Fisk's house, Stevens, Stock-keeper to Nash, asked permission of his Master to go to Town. I was sent to the Hut on the Neck of Land to take care of the Stock in the absence of Stevens; in the Middle of the night previous to the Robbery, Stevens returned from Town; in the morning having lost a pair of Bullocks, I went in search of them, and was out all day; in the evening returned to the Hut very much fatigued, when Stevens told me the Bullocks were gone home. Smith and myself went to bed together. About 8 or 9 o'Clock, four Men came to the Hut. I did not know any of them. I saw Stevens, when he went to Town, take some Kangaroo Skins, which, when the four Men came to the Hut, I understood were their property, which he Stevens had taken to Town to Sell. Stevens produced a bottle of Spirits, of which those Men drank, giving me a little; it was then proposed in my hearing that the four Men with Stevens should go and rob Mr. Fisk's house; they all disguised themselves by blacking their faces with Charcoal and Water, and went away; they returned in about three hours. Stevens came into the Hut first and awoke me, and I saw Stevens put something into Smith's Hat, which I believe was Jewellry. Stevens then called the rest into the Hut (there were only three) and produced the property they had stolen; they parted the property, giving some part to myself. telling me never to mention the circumstance, for, if I did, they would certainly shoot me, or if not someone else would; it was hardly daylight when I left the Hut to go to Nash's house, and was there before Sunrise.

Taken before us, this 20th day of April, 1815:—A. W. H. HUMPHREY, J.P.; JAMES GORDON, J.P.

THOMAS SMITH, a Young Lad who takes care of some Sheep belonging to his Father, and Slept at the Hut with Stevens, relates:—About a month or more before the robbery at Mr. Fisk's House, two Bush Rangers came to the Hut, which I knew to be Collyer and Jones. Stevens gave them something to Eat; they stopped all night; about two or three days afterwards, two other bush-rangers, Hugh Burn and Wm. Martin, came to the Hut and stopped one Night. About five or Six days before the Robbery, Collyer and Jones brought Twenty Kangaroo Skins to the Hut, and also some Property, consisting of one Sheet and three Pair of Nankeen Trousers, one blue Jacket, two Gown pieces of Cambric cut out, two Silver table Spoons and one Tea Spoon, which they left with Stevens to Sell for them; this Property they said they had stolen from a Person of the name of Gibson at Port Dalrymple. Stevens went next morning to his Master (Mr. Nash), procured Two pounds from him and a pass to Hobart Town, and the
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30 April.
Depositions re robbery at house of A. Fisk by bushrangers.

Subsequent Morning went to Town and took the Kangaroo Skins with him. Whilst Stevens was away, Kirby came to mind the Stock, and, on the night previous to the Robbery, Stevens returned from Town about the Middle of the Night. The next morning Stevens went to Nash’s house, Kirby went in search of a pair of Bullocks, and I went to attend my Sheep and Cattle; at Night about 8 or 9 o’Clock three Men came to the Hpt, Collyer, Martin and Burn. Stevens then produced a bottle of Rum, and they drank it, giving a little to me; while they were drinking the Rum, Stevens said, “My Lads, I can tell you how to do a clean thing”; they asked him what it was, Stevens replied, “I know a place where we could go and get what we want, and that as clean as any thing,” observing that he had seen a cart go down with plenty of Tea and Sugar and also Spirits; they all joined Hands and said they would go with all their Hearts, if they lost their lives by it; they then disfigured themselves by blacking their Faces, and told me and Kirby they would be back in about two or three hours; about that time they came back, all a little drunk. Stevens came first into the Hut, and took something out of his Bosom, which he put into my Hat; the rest of the Men then came in and brought the Stolen Property, which they divided, and Hugh Burn came and gave some to me and Kirby, which we refused; but Collyer said, if we did not take them, he would blow our Brains out, and went to take his Musket; when we, being frightened, said we would take them. Afterwards the Bushrangers went away, taking with them their part; and, shortly after they were gone, Jones, a Bush ranger, came to the Hut and enquired for them; finding they were gone, he put his Musket into my hand and desired me to fire it at a bird, which I did. Jones then said “that’s enough, they will soon be here.” I then went to look for my Cattle, some of which had strayed to the Coal River, and I was out all the day; when I came home in the evening, Stevens told me that the other Bushrangers had returned about half an hour after I was gone. I have never seen them since at the Hut, but Stevens has told me that he has seen them in the Woods. I know that Stevens gave part of the property, which had been stolen at Port Dalrymple, to Charles Rantley’s wife to make up for him, for which he was to pay her; and that, when Stevens returned from committing the Robbery at Mr. Fisk’s, he brought a Fowling Piece, which he exchanged with Collier for the Musket now before the Court; and I also saw in Stevens’ possession several Articles of Jewellery, such as Rings, Necklaces, a cross, and Hair Chain with Gold Claps, also a large Piece of Money with two Heads on one side, three Table Spoons and one Tea spoon, and a Silver knife, all which Stevens told me were part of the property he got the night of the Robbery at Mr. Fisk’s.

Taken before us, this 20th day of April, 1815:—A. W. H. Humphrey, J.P.; James Gordon, J.P.

PROCEEDINGS OF BENCH OF MAGISTRATES.
Hobart Town, 22nd March, 1815.
Present:—A. W. H. Humphrey, Esquire; James Gordon, Esquire.
Information on Oath of Thomas Miller, Corporal in His Majesty’s 73rd regiment, states:—That he was sent out by the Commanding Officer with a party to apprehend the Bushrangers; that he left Hobart Town the 13th instant, and proceeded direct to Jericho to the Stock yard of Mr. Macneale, and from thence across Scantluss plains to the Eastward; and on Monday the 20th, about 10 o’Clock in the morning, going towards the Eastern Marshes, he saw two Men close by a
small Hut, erected near a Pond of water; he with his party went down upon them and Secured them; they proved to be John Smith and William Elliott, two noted Bush rangers; they had only one Musket and two dogs.

John Smith states that he took the Musket forcibly from Jonas Martin at John Scott's at the Tea Tree Brush about Six weeks since, at the time that Martin’s and Scott’s Sheep were at Kangaroo point to be examined by the Magistrates; it was about 12 o’Clock in the day; they found no person in the Hut but Stanley, who had charge; there were two Muskets in the Hut, both hanging up inside; he asked Stanley for them, who refused the Musket; he then took it by force. Stanley said he hoped he (John Smith) was not going to take both Muskets. He replied, No that he would return the one, as soon as he could get another; acknowledges Stanley knows him very well, he having lived at Norfolk Island; further states that at the time he took the musket, Elliott was in company with him.

William Elliott examined, relates the same story as Smith has done with regard to them taking the Musket, and that he was present with him.

Remanded.

27th March, 1815.
John Smith and William Elliott brought up for further Examination.

William Stanley, a Marine Settler from Norfolk Island, Sworn:—I knew John Smith at Norfolk Island. I do not know the other man Elliott. The two men that came to the Hut I live in demanded a Musket; one of them said he would have the Musket; there were two muskets in the Hut; one they took which hung over the Chimney. I cannot say whether the men before the Court were the two men that came to the Hut.

The Prisoners state that Stanley appeared very much frightened at their coming up to the Hut; that they staid no time, but demanded the Musket (John Smith); upon Stanley being asked if they demanded ("by the Prisoner Smith and Elliott") or took anything else, Stanley replied, No, but that they threatened to tie his hands if he did not deliver the Musket and then took it by force.

William X Stanley.

1st April, 1815.
John Smith and William Elliott, Bush rangers, brought up for Examination.

Thomas Bristol Crowder, Principal Superintendent, on Oath deposes:—That John Smith prisoner ran from the Settlement at Port Dalrymple to this Settlement; he was immediately confined in the Guard House; after a short time was directed to work with the Gaol Gang in Irons. On the 24th day of November, 1814, the Gaol Gang was ordered out to the Lime Burners to work, consisting of several Men, when the prisoner John Smith absented himself from the Overseer and Gang; did not see the prisoner Smith, until he was apprehended by a Party of the 73d Regiment; with regard to William Elliott, he has repeatedly absented himself from Government Employ and gone into the Bush; the Last time he absconded from the Settlement was on the 29th day of November last; he was then Employed as a Stock keeper.

T. R. Crowder, Principal Superintendent.
JOHN SCOTT residing at the Tea Tree Brush called and Sworn. At the time my Sheep were ordered by a warrant from a Magistrate to be brought up to Kangaroo Bay, and I were in attendance at Court, there was a Musket stolen from my Hut, as I was informed by William Stanley, who was in charge of my Hut, by two Bush Rangers, who forcibly entered the Hut and took the Musket by force. Stanley told me that he did not know the Men who stole the musket. The Musket was the joint property of myself and Jonas Martin.

JOHN SMITH and WILLIAM ELLIOTT, prisoners, brought up and fully committed to take their Tryal before a Court of Criminal Jurisdiction at Sydney, New South Wales, for stealing one musket from the Hut of Jonas Martin and John Scott at Tea Tree Brush in the district of the Coal River between the 8th and 16th February last, the property of said Jonas Martin and John Scott.

A. W. H. HUMPHREY, J.P. JAMES GORDON, J.P.

LIEUTENANT-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.

3rd May, 1815.

3d. Arrival of Messrs. Thos. and Wm. Salmon, wt. their Families, as Free Settlers at the Derwent, wt. Letter by them from Earl Bathurst ordering Lands etc. for them.

4th. His intention of Building a New Genl. Hospl. on an eligible situation—Not the one fixed on by the Governor.

5th. His great want of Stationary, for the Public Offices, and being obliged to pay 7s. 6d. and 10s. pr. Quire for Paper!!!

6th. Doct Dr. Luttrell, etc., etc., Evidences in the case of Mrs. Clarke sent up to Sydney in the Kangaroo; but Mr. Belbin another Evidence declined coming up.

7th. Desiring to be informed officially of Genl. Dy. Surveyor Evans leave to take for his own use the Materials of the Govt. old Barn at New-Town. Leave was given to Mr. Evans to take it.

8th. His giving Mr. Humphrey a lease of the Govt. Farm at Newtown for 5 years at £50 Pr. annum! Not approved.

9th. Dy. Asst. Comy. Genl. Hogan a Defaulter to Govt. in the sum of £2,297 15s. 9d. Mr. Hogan has obtained Leave of absence from the Govr. to remain at the Derwent for 3 Months from 1st Inst. (Decr.) to settle his Private concerns there.
10th. Several applications made to him for Lands on the Island of Brune. There can be no objection thereto, making the usual reservation for Townships and Batteries thereon for Government.

11th. Transmitting Reports and Statements, and also Memo- rials from deserving Prisoners.

12th. Applying for a Pair of Mill Stones for Robt. Nash, who has erected a Windmill at Pitt Water at his own expence. A Pair of Mill Stones will be sent down in the Kangaroo, for which Nash is to grant his Bond, engaging to pay the amount by grinding Wheat for Govt. at 1s. per Bushel, when required so to do, until the Price of said Mill Stones is paid; otherwise to forfeit them.

13th. His orders of date 23d Ocr. last to Mr. Gordon to refund the £383 17s. 9½d. paid him erroneously as Commission at 5 Pr. Ct. on the Duties collected by him as Naval Officer and passing thro' his Hands as Treasurer of Police Fund. This order to be followed up, and Mr. Gordon to be compelled to refund that money forthwith.

14th. Recommending Surgeon Noble for a Grant of Land. A Grant of 400 acres to be given him, wt. some small indulgencies.

15th. Stating that Asst. Surgeon Younge has sold the Lands, etc., etc., granted him by Govt.; and also stating that he (Lt. Govr. Davey) has granted 100 acres of Land to Roger Gavin, which is claimed by Danl. Ankers. This appears to be very irregular.

16th. His recommendation in behalf of Six Male Convicts for Mitigation of Sentences. My own Regulations, as well as recent orders from Home, preclude my granting his request in this instance.

17th. His being employed in taking the Genl. Muster since departure of Kangaroo on 4th Novr. last. The high price of Stationary at Derwent rendering a Speedy Supply of that article highly necessary. Slops and Bedding also much wanted. Reports a fine appearance of abundant Crops. His intension of going soon to Port Dalrymple to take Genl. Muster there, and when completed to forward the results thereof to Hq. Quarters.

18th. No Person to be put on the Store after the 31st of this Month for a longer period than six Months.

19th. No more than Sixpence Pr. Pound is to be paid for Meat or Animal Food of any kind turned into Store after the 24th of the Month of January next ensuing.

20th. Henry Rice to be put in Possession of his Land at the Coal River.

21. Return of Names, etc., Victualled since 1st Jany. last.
Sir, Government House, Sydney, 25th May, 1815.

1. Since my last Dispatch to you under date the 13th of March, I have been favored with the receipt of your several Letters, as specified in the Margin* with their respective accompanyments.

2. My time at present will not admit of my replying so fully to your last Dispatches as I could wish; and therefore I must defer doing so till another opportunity offers.

3. I observe with infinite regret that the disturbances in Van Diemen’s Land continue still to increase instead of diminishing. But, altho’ the daring atrocities of the Bush Rangers have arrived at so alarming a height as to demand the most coercive Measures for apprehending these Banditties, I cannot approve of the very strong step you have recently adopted of declaring Martial Law† in Van Diemen’s land, the authority for so doing resting alone in the Governor in Chief; for you must surely be fully aware that neither your Commission as Lieut. Governor, nor the Article of War you quote, give you any such authority, the 4th Article of the 24th Section‡ of the Articles of War not being at all applicable to the present case, there being Courts of Justice in this Territory, of which Van Diemen’s Land forms a part. You must therefore take the whole responsibility and consequences of this strong and unwarrantable measure on yourself. I trust however there will be no bad consequences resulting from it, and that it will have the desired effect, altho’ I must still think that, had you only adopted the suggestions of Mr. Judge Advocate Bent, they would have produced equally good effects as the proclaiming of Martial Law.

4. Having already some time since signified to you that the highest Price given for Wheat at Head Quarters for the present Season was Ten Shillings Pr. Bushel, and limiting you to give only the same Price at Van Diemen’s Land, I cannot approve of the Contract you have lately entered into with Mr. Edward Lord to pay him Twelve Shillings per Bushel, the more especially as I find the Crops at Port Dalrymple this last Season have proved so very favorable and abundant. I shall therefore expect that you

* Marginal note.—8th, 11th, 12th and 14th March; 9th and 30th April; and 3d May, 1815.
† Note 53. ‡ Note 63.
will revoke and cancel your Contract with Mr. Lord, and neither
pay him nor any other Person more than Ten Shillings Sterling
per Bushel without further authority from me.

5. I cannot approve of your having detained and assigned to
Mr. Abbott as a Servant the Convict John Studley, who absconded
from hence some time since and was sent back from the Isle of
France on board the Ship Eliza. This Man having, with the
other Runaways, committed a serious Crime in absconding, I am
surprised you would allow yourself for a moment to view his
conduct so lightly as to detain him at the Derwent. I must
therefore desire that he may be sent up hither in the first Govern­
ment Vessel, that may touch at Hobart Town, to be Punished
here as he deserves.

6. It is my intention to relieve the two Companies of the 46th
Regt. now doing Duty on Van Diemen’s Land, as soon as I can
spare the Government Vessels to carry that measure into effect;
and therefore Capt. Clarke must remain in the command of his
Company till the regular relief of it shall take place. The Cap­
tain of the 46th Regt. whoever he may be, will be appointed to
succeed Capt. Clarke as Inspector of Govt. Public Works at the
Derwent; and I therefore cannot comply with your recommenda­
tion in favor of Lieut. Cox.

7. In the course of a few weeks, and as soon as the now daily
expected two Convict Ships shall have arrived from Ireland to
enable me to send you a supply of Artificers and Labourers, it
is my intention to send down the Emu with these men and a
further supply of Stores and Slop Clothing for the two Settle­
ments of Hobart Town and Port Dalrymple.

I have, &c,
L. MACQUARIE.

LIEUT.-GOVERNOR DAVEY TO EARL BATHURST.
My Lord,

In order to prevent bad Men having the same indulgencies of good ones, I beg leave to lay before Your Lordship the in­
formation on this paper* which I received, During Martial Law,
from the Commandant at Port Dalrymple; and I pray that such
a Character might not be suffered to inherit a further extent of
Land on this Island; he is at present in possession of a consider­
able quantity of Land and came to this country, as a superin­
tendent of convicts with the late Lt. Govr. Collins; and, as a fur­
ther mark of this man’s bad conduct, I beg leave also to lay
before Your Lordship a letter, I have received from Captn.
Jones of the Brig Bridgewater from India.

I have, &c,
T. DAVEY, Lt. Govr.

* Note 55.
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HISTORICAL RECORDS OF AUSTRALIA.

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.

(Despatch per H.M. Brig Emu.)

Sir, Government House, Sydney, 18th July, 1815.

1. By the Henrietta Packet, which sailed from hence for the Derwent on the 28th of May, I did myself the honor of writing you a Short Dispatch under date the 25th of that month in reply to your last received Letters of dates 30th April and 3d of May Pr. Ships Frederick and Cochin. Since then I have not been favored with any Letters from you.

2. You will receive this Dispatch by Lieut. Forster, Comr. of H.M. Colonial Brig Emu, which Vessel will sail to-morrow or the next day at farthest for the Derwent. By her I send you 18 very useful Artificers, and also a large Supply of Artificers’ Tools and Implements, Iron, Steel, Paints, Locks, Hinges, Nails of Sorts, etc., etc., for enabling you to carry on your Public Works at Hobart Town; and likewise a large Supply of Bedding, Slop Clothing, Stationary, and a variety of other useful Stores for the use of the two Settlements of the Derwent and Port Dalrymple. Herewith you will receive a List of the Names and Trades of the 18 Artificers now sent, and also a List of the Names, etc., of the Male and Female Convicts proceeding now in the Emu to the Derwent. The Depy. Comy. Genl. will transmit you an Invoice of the Stores, etc., etc., sent now in the Emu for the use of the two Settlements. One Third of all the Stores thus sent, with the exception of Slops, is intended for Port Dalrymple and must be forwarded to that Settlement overland; but only One Fourth part of the Slop Clothing is to be sent thither, that being more than a full proportion for the number of Convicts now at Port Dalrymple. No Persons of any description, excepting Male and Female Convicts, are to receive Slop Clothing (with the exception of the Military for whom Bedding is now sent); and no Slops are to be issued to any Convict who receives a Salary of upwards of £25 per annum, whatever his Office may be.

3. I regret I could not send you any Labourers at this time along with the Artificers, having been disappointed of receiving a large Supply of Men of that Class by the two Convict Ships expected from Ireland for a long time past, but which have not yet arrived here. I shall, however, not fail to send you some Labourers as soon as I can spare them from hence. In the mean time, I trust and hope you will make use of the means, you will by this conveyance be furnished with, for carrying on your Public Works at Hobart Town, especially those Public Buildings more immediately necessary, namely, a Church, an Hospital, and a Gaol; for, I take it for granted that the Barracks for the
MACQUARIE TO DAVEY.

Military Officers and Men have been long before this time all completed. With the reinforcement of Government Mechanics now sent you, together with those you have already, a great deal may be done; and I must enjoin you to make every possible exertion to get the three principal Public Buildings above mentioned erected and completed as soon as possible, by the Government Mechanics and Labourers, without hiring any Free Men for this purpose.

4. I must call your attention to the enforcing of my orders and regulations* respecting the erecting of Private Buildings in Hobart Town, and to insist on those Buildings being erected in a regular proper manner, according to the new Plan of the Town approved by me and in the possession of the Deputy Surveyor of Lands. I am sorry to learn that Bricks still continue to be made in Liverpool Street, which must entirely destroy the passage through it. I therefore request you will immediately on receipt of this Letter direct the making of Bricks in that Street to be discontinued, and that another Piece of suitable ground, without the limits of the Town, may be appropriated for that purpose.

In order that room may be made for opening the new proposed Streets in Hobart Town, I have to request you will direct the Houses, valued there in June, 1813, to be paid for immediately from the Police Fund according to the valuation then put upon them, and order the Proprietors to remove the said Houses forthwith.

The present Govt. Garden Fence not being in the proper Line, I request it may be removed and erected in the Line to be pointed out by the Deputy Surveyor of Lands.

5. I fervently hope that, long ere now, Tranquility, Peace, and order have been restored in the Settlements of Van Diemen’s Land, in consequence of the Measures you lately adopted, and which I trust have been attended with the successful effect you so sanguinely expected from them. However much I may wish this to be the ultimate result of the measure alluded to, I can never admit the propriety of your having adopted it without first obtaining my approbation for your so doing. The proclaiming of Martial Law† by you, I must ever consider as not only illegal and irregular, but also as highly derogatory of my authority as Governor in Chief of this Territory. I have therefore deemed it my indispensable Duty to refer this Strong and extraordinary step of yours to the consideration‡ and animadversion of His Majesty’s Ministers.

6. There being several charges made in the Accot. of the Police Fund you sent me lately, made up to the 31st of Decr.
1815.
18 July.

Irregular charges made on police fund.

1814, which appear to me to be very irregular and improper, I have had them extracted and now send you a List of them with my remarks on the several objectionable items; some of which are totally inadmissible, and consequently never can be sanctioned by me. It is therefore my intention to send Home the Police Fund Account of Van Diemen's Land for the consideration of His Majesty's Ministers, unless you can furnish me with satisfactory answers to and explanations of the remarks annexed to the objectionable Items, which answers and explanations I have to request you will be so good as to send me by the return of the Emu to Sydney. No charge, excepting for the allowed Salaries of the Superior and Subordinate Officers of Government paid from that Fund, ought ever to be made in the Police Fund Account, without first submitting the same to me and obtaining my concurrence thereto; and I have now to direct that this rule may be attended to in future in all Disbursements, you may have occasion to make from the Colonial Revenue Collected at the two Settlements in Van Diemen's Land. The Accounts of the Police Fund must in future be regularly made out at the end of every Quarter, and transmitted Quarterly to me for my information and approval, together with the Quarterly Returns of Port Duties Collected at the Derwent by the Naval Officer of that Settlement.

Promissory notes given by J. Murray.

I was not a little surprised to receive, along with the Police Fund Account, no less than £162 10s. in Capt. Murray's Promissory Notes, which were received from the late Naval Officer in payment of the Balance due by him as Acting Treasurer. These Notes ought not to have been received by Mr. Gordon, as they are only so much waste Paper; and it was your Duty to have detained Capt. Murray, until he had redeemed these Notes and paid the amount of them to Mr. Gordon. By your not taking this step, Government will most probably lose the sum in question, as there can now be very little hope entertained of Government ever recovering so large a sum from Capt. Murray. I shall however send Home an account of his Debt to the Secy. at War, in the hope it may be recovered from the sale of his Commission, in case he should be permitted to sell it to pay his numerous other Debts.

Probable loss to government.

Contract with E. Lord for supply of wheat.

7. In my last Dispatch of date 25th May, I signified to you that I had disapproved of a Contract you had entered into with Mr. Edward Lord for supplying the Govt. Stores at Hobart Town with Wheat at so high and extravagant a Price, when, by your own information to me, the last Crops in both the Settlements in Van Diemen's Land had proved so abundant, at the same
time directing that the Contract so entered into might be rescinded and cancelled by you, as you have no right* to make such Contracts, or to enter into any Contract on the part of Government without my special permission. The highest Price paid at Head Quarters this current season for Wheat for the King's Stores being Ten Shillings, you are again Strictly enjoined and commanded not to pay, or allow to be paid, a higher Price than Ten Shillings Sterling per Bushel for Wheat Purchased for the use of Government in any part of Van Diemen's Land.

8. Deputy Commissary Genl. Allan having frequently of late reported to me that he has great reason to be much dissatisfied with the irregular manner in which Dy. Asst. Comy. Genl. Hogan at the Derwent makes up his accots. of that Settlement, being neither made up conformably to the prescribed Forms nor transmitted at the regular periods to Head Quarters; I have now to desire that you will admonish Mr. Hogan on the impropriety of his negligence of these Duties, and require of him to be more correct and punctual in future in making up and transmitting his Accounts to the Head of the Commissariat Department at Head Quarters. I have also frequently heard, with much regret, from different Persons that Mr. Hogan has given himself up very much to intemperance and Drunkenness, so as to render him totally unfit for doing his Duty. If these reports be well founded, you ought to have placed him in arrest and reported the circumstances to me; but, tho' these reports are very general, I trust they are rather exaggerated. If however I should find them confirmed, I shall immediately have Mr. Hogan removed from Hobart Town to Head Quarters and tried by a General Court Martial here, appointing another Person to replace him. I therefore request you will be so good as to warn Mr. Hogan of the serious consequences of his continuing in these low vicious courses, as disgraceful to his own honor and character and essentially ruinous to his poor unfortunate Family.

9. In a Paragraph of your Letter dated 13th March last (which it escaped my memory to reply to in my former Letters), you recommend that Mr. Humphrey and a man named Barholomew Reardon should be indemnified by Government for the losses they respectively sustained by the destruction of their Wheat by the Bush Rangers. You surely could not have seriously considered this subject in making such a recommendation, and what a vast expence you would entail upon Government by admitting such a Claim. For, if Messrs. Humphreys and Reardon are entitled to be indemnified by Government for their losses,
1815.
18 July.

Refusal of all claims for compensation.
Emancipations granted.
Rejection of petitions.
Return of G. W. Evans per brig Emu.

Appointment of J. Drummond as naval officer; and of H. St. J. Younge as assistant surgeon.

Superintendent of live stock.

so are Capt. Townson, Mr. McCarty, and every other Person who has been robbed or Plundered by the Bush Rangers for the last three years in Van Diemen's Land. You must therefore disregard all claims of this Nature, as being totally inadmissible, and not recommend in future any such to me.

10. I have directed the Secretary to transmit to you by this Conveyance Nine Conditional Pardons, which I have granted to Convicts at the Derwent in consequence of your recommendations in their favour. I could not with any degree of Justice or propriety grant an absolute Pardon to John Pitchey, that Person not being yet sufficiently long in the Colony to entitle him to so very great an indulgence. The Memorials of those Persons, whose applications for Absolute Pardons or other Favors have been rejected, are returned to you herewith with my answers on the face of the said Memorials, for the information of the Applicants.

11. Mr. Evans, the Deputy Land Surveyor of Van Diemen's Land, returns now to the Derwent on the Emu, after rendering this Colony very important Services by his more recent discoveries* in the Country to the Westward of the Blue Mountains. He will deliver you a Letter from Secretary Campbell relative to some assistance necessary to be afforded him to enable him to execute with more facility his extensive Duties as Depy. Surveyor of the two Settlements in Van Diemen's Land, and which I request you will accordingly grant to him when required.

12. The new Naval Officer† Mr. Drummond, with his Family, proceeds also by the present conveyance to the Derwent, to assume the Duties of his office, which you will accordingly place him in possession of immediately on his arrival at Hobart Town. He has been paid his Salary (in consideration of being so long detained at Head Quarters) here up to the 31st of the present month of July; so that his Salary at the Derwent will have to commence from the 1st of the ensuing Month of August, from which date he is to receive it from the Police Fund of Van Diemen's Land.

13. Having deemed it advisable to appoint Asst. Surgeon Younge to fill the vacancy of 1st Asst. Surgeon at the Settlement of the Derwent in room of Mr. Hopley, lately promoted to be Surgeon, Mr. Younge, with his Family, now proceeds to the Derwent in the Emu to assume the Duties of the Situation he has thus been appointed to at that Settlement. George Salter, Supdt. of Govt. Stock at the Derwent, returns to his Duty there in the Emu, no good opportunity having offered of his returning sooner.

* Note 59. † Note 9.
14. In consequence of Major Mackenzie's not having sent up the necessary Evidence to convict the Bush Ranger Peter Mills* of the Crimes charged upon him, he has been discharged by order of the Criminal Court, which assembled here lately; and, being now at large, I have agreed, from mere motives of Humanity, to permit him to return to his Family at Port Dalrymple, and he now proceeds in the Emu to the Derwent. I have also permitted John Thomas, a Convict, who was sent up as an Evidence from Port Dalrymple, to return again thither to his Family. Both these Persons have promised to behave well in future; but I confess I have little hopes of the reformation of Peter Mills. A Convict Woman, named Mary Martin, strongly recommended by Mr. Marsden, now proceeds to the Derwent in the Emu, at her own request, to be employed there as a School-Mistress, for which I believe her to be very fit, and therefore recommend that she may be employed in that capacity at Hobart Town. A Convict Man, named Robert Rennea, is sent to the Derwent by this conveyance on account of his making use of some threatening violent language to his late Master, the Revd. Mr. Cartwright, at Windsor, who expressed therefore a particular desire to have the man removed to some considerable distance from him, which is the only reason for sending this man to the Derwent, where probably he will be found an useful Labourer.

15. I once more have to repeat my former orders that the remainder of the 73d Detachment still at the Derwent may be sent up to Head Quarters in the Brig Emu on her return hither; and I trust this order will be paid more attention to than my former orders on the same subject have experienced from you.

16. There being some few Soldiers of the 46th Regt. now at Hobart Town, whose terms of Enlistment have lately expired, and whom therefore Colonel Molle is desirous to have sent up to Head Quarters, you will be so good as to order a Passage for them on the Emu on her return hither. Capt. Clarke has been instructed by Colonel Molle respecting the men to be sent to Head Quarters, and he will accordingly furnish you with a List of their Names.

17. I must also request you will not fail to send up in the Emu to Sydney, the Convict John Studley, whom you allowed to remain at the Derwent as a Servant to Mr. Abbott, and of which I expressed my disapprobation in a former Letter.

18. In case Charles Routhley and John Mills, Convicts Pr. Ship 1st Indefatigable, respecting whom a Separate Letter has been addressed to you by Secretary Campbell, should prefer coming to Port Jackson to remaining in Van Diemen's Land, you will be so good as to send them up hither in the Emu.

* Note 42.
By the Emu, Asst. Surgeon Hood of the 46th Regt. proceeds to Hobart Town to relieve Asst. Surgeon Bush of the same Corps; for which latter officer, you will be pleased to order a Passage on the Emu to Head Quarters.

I was in hopes of being able to send you, by this conveyance, the several renewed Grants* of Land of Settlers in Van Diemen’s Land; but the other various important Duties, the Surveyors have had to perform, have prevented them from giving the corrected Descriptions in to the Secretary to enable him to make out the whole of the Grants. A great number are however already made out, and I hope the remainder will be completed in a few weeks hence, when I shall not fail to have them transmitted to you for delivery.

As soon as I can spare a sufficient Gang of Government Artificers and Labourers for that purpose, I intend removing the Settlement of Port Dalrymple from Launceston to George-Town, and I have written by this conveyance to Major Mackenzie directing him to send as large a Gang of Men as he can spare from the former to the latter Place, to fell and burn off the Timber on the Ground intended to erect the Public Buildings on at George Town, and to make Bricks for the said Buildings. In case you should be able to spare any Brick-makers from Hobart Town, I request you will be so good as to send them to Major Mackenzie to be employed at George-Town, as a great number of Bricks will be required.

As the Emu will be immediately required here for other Services, I have to desire that she may not be detained at the Derwent a moment longer than is absolutely necessary. You will therefore be so good as to have her Cargo of Stores, etc., landed as soon after her arrival at Hobart Town as possible, instructing her Commander, Lieut. Forster, to return again to this Port with the least possible delay after he has taken on board his Passengers, Wood, and Water, for the voyage back hither.
DAVEY TO MACQUARIE.

[Enclosure No. 1.]

Proceedings* of a General Court Martial held at Hobart Town, 26th June, 1815, by Virtue of a Warrant under the Hand and Seal of His Honor Thomas Davey, Esquire, Lieutenant Governor of His Majesty's Settlements on Van Dieman's Land, and Lieutenant Colonel in His Majesty's Royal Marine Forces, bearing date 21st June, 1815.

President:—Major John McKenzie, 46th Regiment, President; Captain Andrew Clarke, 46th Regt.; Lieutenant Thomas Allen Lascelles, 73d Do.; Lieutenant Douglas Leith Cox, 46th Reg.; Ensign John Skelton, 46th Do., Members; and Edward Abbott, Esqr., officiating as Deputy Judge Advocate. The Warrant appointing the President and Deputy Judge Advocate was read, and the Court and Deputy Judge Advocate being sworn.

Charge:—The Prisoner Hugh Burn was brought before the Court and charged with, That he the said Hugh Burn, not having the fear of God before his eyes, but being moved and seduced by the instigation of the Devil, on the twenty fourth day of April, in the year of our Lord, One Thousand, Eight Hundred and Fifteen, about the eleventh hour in the day, in company with divers others, now at large, with force and arms in the district of New Norfolk, in the County of Buckingham, in and upon one, Charles Carlisle, then and there being in the peace of God and of our Sovereign Lord the King, feloniously, voluntarily, and of his malice aforethought, made an Assault; and that the aforesaid Hugh Burn, in company with divers others then and there, with a certain Instrument, called a Musket, which one of them then and there held in his hands, in and upon the left thigh of the said Charles Carlisle, then and there violently, feloniously, voluntarily, and of his malice aforethought, caused a wound, or struck and pierced, and gave to the said Charles Carlisle, then and there, with a Ball or Balls fired from a Musket, in and upon the aforesaid left thigh, one mortal wound of the breadth of one inch and of the depth of six inches, of which said mortal wound Charles Carlisle then and there died; and so the said Hugh Burn, in company with divers others, then and there, feloniously Killed and murdered the said Charles Carlisle; and further That he the said Hugh Burn, not having also the fear of God before his eyes, but being moved and seduced by the instigation of the Devil, on the twenty fourth day of April in the year of our Lord One Thousand, Eight Hundred and Fifteen, about the eleventh hour in the day, in company with divers others, now at large, with force and arms, in the district of New Norfolk, in the County of Buckingham, in and upon one, James O'Burne, then and there being in the peace of God and of our Sovereign Lord the King, feloniously, voluntarily, and of his malice aforethought, made an Assault, and that the aforesaid Hugh Burn, in company with divers others then and there with a Ball or Balls fired from a certain Instrument, called a Musket, which one of them then and there held in his hands, in and upon the left side of the head of the said James O'Burne, then and there, voluntarily, feloniously, violently, and of his malice aforethought, caused a wound, or struck and pierced and gave to the said James O'Burne, then and there with a Ball, or Balls fired from a Musket, in and upon the aforesaid left side of the head, one mortal wound of the breadth of the third of one inch and of the depth of

* Note 61.
HISTORICAL RECORDS OF AUSTRALIA.

1815.
16 Aug.

Proceedings of general court martial for trial of H. Burn.

three inches, of which said Mortal wound the said James O'Burne languished, and languishing lived from the said twenty fourth day of April, in the year aforesaid to the twentieth day of May in the said year, and then the said James O'Burne on the twentieth day of May aforesaid, at Hobart Town, in the County aforesaid, of that mortal wound died, and so the said Hugh Burn, in company with divers others, then and there feloniously, killed, and murdered the said James O'Burne against the peace of our said Lord the King, his Crown and dignity.

Charge Second:—That he the said Hugh Burn, with divers others, did feloniously and burglariously break and enter the dwelling house of Arnold Fisk, yeoman at the New Plains in the district of Pitt Water, before daylight between the hours of one and six O'Clock on the morning of the first day of May last, and steal therein six table spoons, mark'd O M B, one silver table spoon, mark'd E.M.B., six desert silver spoons, mark'd A.M.F., and six silver teaspoons mark'd A.M.F, one silver soup ladle, no mark, one small azimuth compass, one spy Glass, and divers other Articles of great value, the property of the aforesaid Arnold Fisk, against the peace of our Sovereign Lord the King, his Crown, and dignity.

To the First Charge, the Prisoner Pleaded Guilty.
To the Second Charge, the Prisoner Pleaded Guilty.
The Deputy Judge Advocate Prosecutes.
Here the Prosecution was closed.
The prisoner has no defence to make.

Sentence.—The Court, having maturely and deliberately heard the charges against the Prisoner, to which he pleads guilty, is of opinion that he is Guilty of the charges preferred against him, being a breach of the Articles of War, by virtue of which do sentence him to suffer Death by being hung by the neck until he is dead, at such time and place as His Honor Thomas Davey Esquire, Lieutenant Governor of His Majesty's Settlements on Van Dieman's Land, and Lieutenant Colonel in His Majesty's Royal Marine Forces, shall direct, and his body given over to the Surgeons to be dissected and Anatomised.

J. MCKENZIE, Major, 46th Regt. and President.
E. ABBOTT, Actg. D. Judge Advocate.
Government House, Hobart Town, 26th June, 1815.

Approved:—THOMAS DAVEY, Lieutenant Governor, &c.

[Enclosure No. 2.]

DEPOSITIONS.

Hobart Town, V.D.L., 11th May, 1815.

Information of Ned Gallagher, Prisoner, Servant to A. W. H. Humphrey, Esquire, relates as follows:—about Seven o'Clock last Night, a party of Men rushed into the house, where I live (Mr. Humphrey's Kitchen), and swore they would blow out the brains of the first Man who moved; they then first Enquired for Charley, "meaning Charles Baxter," who is out with the party of Soldiers in search of the Bush rangers; when informed he was not there, they said it was very well for him, or they would have made an object of him by cutting off his Nose and Ears and otherwise Mutilating him; previous to this, they (the Men who rushed in) had tied myself and Six other Men who were in the House; after they found that Charley was not there, they enquired for my Master and Mr. Gordon, who they
expected were there, and, finding that Mr. Humphrey was not at home, said that, if he had, he should not have had the opportunity of flogging any more Men; after placing a Guard over us, they proceeded to ransack the Dwelling House, taking out every thing which could be useful to them; they destroyed all that remained by breaking every thing that they could; while the party were plundering the House, those who were Guarding us made Tea, and the whole of the party by turns drank of it; they filled their Sacks with such Articles as they thought could be useful to them as flour, knives, three pistols, one Musket, Blankets, Wearing Apparel, etc., etc., etc. I should have stated that my Master and Mistress were both from home and the dwelling House locked up; they Enquired if we knew whether Mr. Ayers a Settler had any tobacco, as they wanted some very much; after stopping about an hour, they went away, desiring us not to Stir for some time as their would be some left behind to Shoot any one, who might attempt to go out. I was informed that the party consisted of Eight persons, but I saw only Six, whose names were Michael Howe, James Whitehead, Peter Septon, Peter Geary, Collyer and McGwyrre. In conversation, these Men said they knew their doom, and, tho' they were only Eight, they were not afraid of Sixteen of the best Men in the Colony.

NED GALLAGHER.

Sworn before me, 11th May, 1815:—JAMES GORDON, J.P.

Information on Oath of WILLIAM QUIEMBY, Prisoner, Servant to A. W. H. Humphrey, Esquire, at Pitt Water, who states:—On the tenth day of the present Month, myself together with the other Servants and James Fudden, Servant of Mr. Gordon, were sitting in the Kitchen occupied by Mr. Humphrey's Servants between the hours of Six and Seven in the evening, when the door was burst open, and three Armed Men rushed in; they were James Whitehead, Peter Septon and Thomas Collyer armed as follows:—Viz. Whitehead with a Musket and a brace of pistols; Septon with a Musket and two pistols, one of which was a double Baril'd one, which pistol he said “he got the last engagement”; Collyer with a Musket and one Pistol, but, before he left the premises, he got another pistol belonging to my Master. On their entering, Collyer gave his Musket to Septon, who with Whitehead stood over us with their Muskets Cocked, while Collyer made us take the handkerchiefs off our Necks and bound our hands across behind our backs, threatening, if we moved from our Seats, to shoot us; while Collyer was binding us, Michael Howe came in and took the lamp out of the place, and went with others, who were outside, into the dwelling house, occupied by my Master and Mistress, which I found they had broken open, leaving Whitehead, Septon and Collyer to guard us; while Howe and the rest were plundering the House, George Green, a fellow Servant of mine, observed to Whitehead that he was sorry to see him in the situation he was. He replied he was sorry to find himself so, but it never would have been the case but for his late Master “Mr. Gunning,” saying I know I am a dead Man and must make the best of it, and such Articles as they wanted they must seek them, were they could find them and must have them. During this time, Collyer went out, and I heard someone outside desiring him to put on the Kettle and make Tea, which he did and boiled the Tea in the Hut, and then took it into the Dwelling house, and those two Men, who were Sentry over us, were relieved by other two to take Tea.
time occupied by them at the premises might be from $\frac{1}{2}$ of an hour to an hour, during which time we had conversation with six different men, five of whom I knew, viz. Michael Howe, James Whitehead, Peter Septon, Richard McGwyre and Thomas Collyer; the other man I heard called by the name of Geary. Septon said he was sorry that my master and Mr. Gordon were not there, as he would have prevented them serving out slops any more; and that, if my mistress had been at home, they would have made my master stand bye, while they did as they thought proper with her, and afterwards done as they liked with him, which I concluded was that they would take away his life, as they said they would prevent him ever flogging another man; both Whitehead and Septon said, if they could fall in with my master or Mr. Gordon, they would put them on one side; they inquired for Charles Baxter, a fellow servant of mine, as they said they had heard he had gone out with a party in search of bushrangers, and being told he was not at home, they said they would do their utmost to get hold of him but said they would not kill him, only take the nose of his face, cut his ears off, and hock him; they inquired for his brother, John Baxter, who they were told were gone to town in a cart, which satisfied them they inquired if we knew if Carlisle was dead; and, being informed that he was and buried, they particularly asked if we knew the persons, who sat on the inquest, as they were certain the jury could not give a verdict of wilful murder as they were fired upon first; they then packed up every thing they found useful for them, and broke and destroyed every thing, which remained in the house, which last act they said they would not have committed, had they not found two pair of leg irons in the house. McGwyre then called James Fudden towards the door, and told him to inform us that, if any person stirred out of the place, he would be shot, as sentries would be left to guard us till the others had got a sufficient distance with their plunder.

Sworn before me, this 24th May, 1815:—James Gordon, J.P.

[Enclosure No. 3.]

INQUEST ON JAMES O'BURNE.

Hobart Town, County of Buckinghamshire, Island of Van Diemen.

Depositions taken on an inquisition, held this twentieth day of May, 1815, upon the view of the body of James O'Burne, then and there lying dead, before Adolarius William Henry Humphrey, Esquire, coroner of the aforesaid county.

Mr. Dennis McCarthy on oath deposed:—I knew James O'Burne; he was in my employ three weeks ago as a sailor. A banditti of bushrangers, who are in the woods disturbing the settlements, came to the district of New Norfolk where I reside. I knew McGwyre to be one of the party of bushrangers. I was informed by those persons who knew them that James Whitehead, Michael Howe, Hugh Burn, Richard Collyer, I also heard the name of Jones who had a bump on his eye, together with Peter Septon and Peter Geary, were of the party; that, about nine o'clock in the morning of the day this happened, word was brought to me that the bushrangers were plundering, robbing, and had fired at some of the inhabitants of the settlement at New Norfolk. I waited some time, judging that they would attack my house, and did therefore prepare for the attack; finding they did not come
and having been informed that the Robbers had gone to the back River, I sent to see if they were there. I was told that they were, and had a Centry on one of the Houses. I then mustered what force I could and proceeded to Robert Hayes' House. My party consisted of James O'Burne, deceased, who had volunteered his Services, with a great many other persons. The Bushrangers were gone from Hays’s House, before I could get to it with my Party. I then went on to James Triffitt’s; they had also left there and gone in the direction of Macquarie district. I and my Party continued the pursuit and came up with the Bush Rangers about a Mile from Triffitt’s, when an Action took place, and James O’Brien, here lying dead, received a Musket Shot from one of the Banditti. After the Engagement, I returned home and sent out my Cart to bring in the Wounded, and that this Morning the said James O’Burne died.

DENNIS McCARTY.

Theophilius Mitchell, a Surgeon, called upon, who saith on Oath:— About three weeks ago, I was called upon to go to New Norfolk to attend some persons, who had been wounded by a Banditti of Bush Rangers and Robbers from the Woods. On my Arrival at Mr. D. McCarty’s House, I found James O’Burne, the deceased, dangerously Wounded in the face. I had him immediately removed down to Hobart Town. I have attended him ever since. This Morning he died. On dissection found some Slugs, which had (produced) passed through the integuments of his Cheek and lodged in the neighbourhood of some large Arteries, which had occasioned them to Colapse, and frequently cause great hemorrhage, which occasioned Death.

VERDICT. That James O’Burne was Murdered wilfully by James Whitehead, Peter Septon, Michael Howe, Richard Collyer, Richard McGwyre, Hugh Burn, Peter Geary, George Jones, and a Woman Native of this Island who is called Mary.

A. W. H. Humphrey, Coroner.

a true Copy:—Thomas Fitzgerald, Clk.
Geary, together with a Man of the name of Jones and a Black woman Native of this Island, then and there, with a Ball or Balls fired from a certain instrument called a Musket, which one of them then and there held in his hands, in and upon the left side of the Head of the said James O'Burne, then and there, voluntarily, feloniously, violently, and of their Malice aforethought, caused a wound, or struck and pierced, and gave to the said James O'Burne, then and there, with a Ball or Balls, fired from a Musket, in and upon the aforesaid left side of the Head, one Mortal wound of the breadth of the third of an inch, and of the depth of Three inches, of which said Mortal wound, the said James O'Burne languished, and languishing lived from the said Twenty fourth day of April in the year aforesaid to the Twentieth day of May in the said Year; and then the said James O'Burne on the Twentieth day of May aforesaid in the year aforesaid at Hobart Town in the County aforesaid of that Mortal Wound Died. And so the said James Whitehead, Peter Septon, Michael Howe, Richard Collyer, Richard McGwyre, Hugh Burn, Peter Geary, together with a man of the name of Jones and a black woman native of this Island, then and there, feloniously killed and murdered the said James O'Burne against the peace of our Lord the King, his Crown and dignity. In Witness whereof, as well the aforesaid Coroner, as the Jurors aforesaid, have to this inquisition put their Seals on the day and Year, and at the place first above mentioned.

A. W. H. HUMPHREY, Coroner.

THOMAS CLARK, Foreman L.S.    PETER DILLON L.S.
JAMES MITCHELL L.S.    WM. WILSON L.S.
JOHN MCBNAB L.S.    WILLIAM COLLQUHOUN L.S.
JOHN LAKELAND L.S.    THOMAS NEWBY L.S.

his

THOMAS X PETERS L.S.    JOHN INGLE L.S.

mark

ARNOLD FISK L.S.

A true Copy:—T. DAVEY, Lt. Govr.

LIEUT.-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.

(Despatch per schooner Geordy; acknowledged by Governor Macquarie, 30th October, 1815.)

31st August, 1815.

[As copy of this despatch is not available.]

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.

(Despatch per H.M. brig Emu.)

16 Sept.

Sir,

Government House, Sydney, 16th Septr., 1815.

1. In the event of Mr. Abbott, the Depy. Judge Advocate of Van Diemen's Land, having occasion to come to Sydney for the Settlement of his Private affairs, and providing his Public Duties do not interfere therewith, I have to desire that he may have permission to come to Port Jackson by the return of the Brig Emu hither.
MACQUARIE TO DAVEY.

2. I have further to desire that Mr. Abbott, as a Settler, may be supplied with three Working Oxen from the Government Herds, on a credit of three years, he paying for them at the expiration of that period in Money or in Wheat.

I have, &c.,
L. MACQUARIE.

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.
(Despatch per H.M. brig Emu.)
Sir,
Government House, Sydney, 18th Sepr., 1815.

1. I have now the honor to acknowledge the receipt of your last Dispatch under date the 16th Ultimo, with its several accompanyments and enclosures, per the Govt. Colonial Brig Emu, which arrived here from Hobart-Town on the 30th of last Month.

2. I am concerned to learn from you that the Outrages and Depredations of the Bush Rangers in Van Diemen's Land still continue to exist, notwithstanding the very strong measures you have thought proper to adopt for the Suppression of the Banditti.

3. As you thought proper to do me the honor to transmit me Copies of the General Courts Martial held by your authority at the Derwent, I perused them; but, it was quite unnecessary for you to take the trouble of sending them to me at all, as I had no part in ordering them to be assembled, and consequently the whole responsibility of doing so must rest exclusively with yourself. For, notwithstanding I was of opinion for a long time past that strong coercive measures were necessary for the apprehension of the Bush Rangers, such as I formerly suggested to you after a consultation here with Mr. Judge Advocate Bent, I certainly never thought it was necessary for you to resort to Martial Law, and much less did I think that you would have adopted so illegal and unwarrantable a measure without my previous concurrence thereto.

4. Under these circumstances, you cannot reasonably expect that I should involve myself in so serious a responsibility as that of granting my Warrant for the assembling of a General Court Martial for the Trial of Michael Howe and the other Bush Rangers not yet apprehended. This would be virtually approving of your having declared Martial Law, which I cannot in my conscience do, and therefore you must excuse my not granting the Warrant required in your last Dispatch.

5. Having in my former Dispatch expressed to you my most decided disapprobation of your having declared Martial Law in
Van Diemen's Land, I can only now repeat the same decided disapprobation of that measure, as insulting and highly derogatory to my authority as Governor in Chief of this Territory, with whom alone rests the power of declaring Martial Law. I have therefore to desire and command that you will immediately, on receipt of this Dispatch, revoke and annul Martial Law in Van Diemen's Land, and Publish in a Proclamation your orders to that effect.

6. I have attentively perused your Correspondence with Mr. Abbott, the Depy. Judge Advocate of Van Diemen's Land, on the subject of his opening the Civil Court* at the Derwent, and I cannot but approve of his reasons for declining to do so under present circumstances, it being totally irregular, unusual, and incompatible for Civil and Martial Law to exist at the same moment in the same Country.

7. I am sorry I cannot consistently with my Public Duty sanction or permit the Depy. Comy. Genl. here to honor your Bills for the Freight of the Wheat you purchased from Mr. Edward Lord at Port Dalrymple, Ten Shillings per Bushel being all that I can possibly allow to be paid for Wheat purchased for the use of Government in any part of Van Diemen's Land. By a reference to your Instructions you will see that you are not authorized† by them to enter into any contract without my sanction first obtained; and, as you have acted in this case without that sanction and without any apparent necessity for such a measure, you must take the responsibility of it entirely on yourself.

8. Deputy Assistant Comy. Genl. Hogan continues still extremely negligent in forwarding his Public Accounts to the Depy. Comy. Genl. at Head Quarters, who has of late frequently complained of his great neglect of Duty. In case therefore this officer does not pay the most Strict attention in future to the orders and Instructions he shall receive from the head of the Commissariat Department at Head Quarters, I shall be under the necessity of removing him from his situation and preferring charges against him; and I request you will be so good as to apprize Mr. Hogan of this being my intention.

9. Under the circumstances stated in your last Letter, I approve of your hiring the House therein mentioned for the double purpose of a residence for Mr. Abbott and holding the Civil Courts in, until the pleasure of His Majesty's Ministers shall be received on this Point, altho' I still think the Rent you have agreed to pay for that House much too high.

10. I have not as yet received any answer from His Majesty's Secretary of State for the Colonies to my application for your being allowed a Secretary; but, as soon as I do, I shall not fail.

* Note 39. † Note 58.
MACQUARIE TO DAVEY.

1815.
18 Sept.

11. I approve of your Purchasing the Black Colt belonging to Government, which Miss Davey has rode for some time past, at such valuation as may be put upon it by a Competent Committee.

12. At the particular request of Mrs. Abbott, I have remitted the Punishment I intended to have had inflicted here on John Studley, the Runaway Convict, and have assigned him again to her as a Servant.

13. The several Petitions and Memorials for Lands and Cattle from Individuals residing at the Derwent and Port Dalrymple, which you lately transmitted to me, will be considered in due time, and answered by the next favourable opportunity that offers after I have had sufficient time to consider the Claims of the several Applicants.

14. I am sorry I cannot, consistently with the good of the Service, acquiesce in your recommendation relative to the mode of relieving the Two Companies of the 46th Regt. now in Van Diemen's Land, by changing the one at the Derwent for that at Port Dalrymple. The regular Relief originally proposed accordingly now takes place, and by this conveyance Capt. Nairn with his Company proceeds to relieve Capt. Clarke and his Company at the Derwent. It is intended to relieve the Company at Port Dalrymple also in the same way, as soon as the Emu returns hither from the Derwent with Capt. Clarke's Company. I have therefore to desire that not a moment may be lost in disembarking Capt. Nairn's Company after its arrival at the Derwent, relieving all the Out-Posts immediately, and embarking Capt. Clarke's Company on board the Emu as soon afterwards as possible, together with the small Detachment still at the Derwent belonging to the 73d Regiment.

15. You will doubtless see the propriety of not detaining the Emu at the Derwent a moment longer than is absolutely necessary for executing the important Public Duty she is now sent upon; and I have therefore to desire that you will use every exertion in your power to dispatch her back to Port Jackson as soon as possible, her Services being again immediately required here.

16. Mr. Martin Tims, Provost Marshal of Van Diemen's Land, who some time since arrived here from England, now proceeds on board the Emu to the Derwent to assume his Public Duties as Provost Marshal, which you will accordingly direct him to do on his arrival there.

17. I have appointed Capt. Nairn of the 46th Regt. to succeed Capt. Clarke of the same Corps as Inspector of Govt. Public

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to communicate it to you. In the meantime, I cannot sanction any Salary or House Rent being drawn for or paid to Lt. Lascelles as your Secretary.
Works at the Derwent, Capt. Nairn’s appointment taking place immediately on and from the date of the embarkation of Captain Clarke’s Company on board the Emu. The Major of Brigade has been directed to transmit you a Copy of the Genl. Order appointing Captain Nairn Inspector of Govt. Public Works at the Derwent.

18. I cannot help conveying to you my decided disapprobation of your lavishing such very large sums of the Public Money as rewards to the Military for apprehending Bush Rangers in Van Diemen’s Land, as being highly injurious to the Public Service, to the Discipline of the Troops, and throwing away Public Money that might be otherwise more usefully expended. I have therefore to desire that this very bad practice may be immediately discontinued after the receipt of this Dispatch, and that no greater reward may be offered or paid in future to any Person for apprehending a Bush Ranger than Twenty Pounds Sterling on any account whatsoever. Your giving any greater rewards will not only ruin the Discipline of the Troops, but will also excite a Collusion between the Parties themselves.

19. Being desirous that the General annual Muster should take place regularly at the same time at the Several Settlements of the Territory, I have to request that you will take the Musters at the Derwent and Port Dalrymple in the ensuing Month of October, so as to be able to transmit to me the usual Returns and Statements thereof in the following Month of November for transmission to England.

P.S.—I must request that you will not, on any account whatsoever, detain the Emu from sailing for Port Jackson, more than Twenty four Hours after the Embarkation of Capt. Clarke’s Company takes place at Hobart Town.

There are Eighty Seven Iron Pots (which there were not sufficient room for when she made her last Trip) now sent on board the Brig Emu for the use of the Settlements in Van Diemen’s Land, which you will order to be received into the Commissary’s Store accordingly.

Sydney, 18 Septr., 1815.

L.M.
and property, I beg leave to recommend to your Lordship that David Lord, his Wife and family, and Mrs. Davis and three Daughters may be permitted to proceed to this Settlement by the earliest opportunity, as Settlers, in a Government Transport, agreeable to the prayer of Memorialists.

I have, &c.,

THOMAS DAVEY.

[Enclosure No. 1.]

THE MEMORIAL OF JAMES LORD OF HOBART TOWN.

To His Honor Lieut. Governor Davey, etc., etc., etc.

Most respectfully sheweth:

That Memorialist has a Son, with a Wife and a family of five Children, residing at Halifax in Yorkshire, and is desirous of their coming to Settle on this Island.

That, from your Honor's Memorialist's extensive Property and concerns being situated so as to prevent his returning to England for the purpose of bringing them, having nearly Two Thousand pounds out in Mortgages, above that Sum in book Debts, a heavy Stock in Trade and in Live Stock, One Thousand two hundred Sheep, and upwards of One hundred head of horned Cattle, and having lately entered into a Bond to erect a Dwelling House of the first class in this Settlement, which will Cost him upwards of £2,000, Your Memorialist, being upwards of 57 Years of Age, intends the whole for their benefit, all of which he has acquired by his honest Industry since the first establishment of this Settlement under the late Lieutenant Governor Collins.

That your Honor's Memorialist being aware of the very great uncertainty of Such a family obtaining a passage in any other Vessel than a Transport, there being so few sailing from England for any Port in these Territories;

Therefore, Memorialist respectfully Solicits that your Honor will be pleased to recommend to His Majesty's Secretary of State for the Colonies that my Son, David Lord of Halifax, and Family, may be permitted to proceed from England to this Settlement in a Transport as a Settler.

And Memorialist will, as in duty bound, ever pray,

JAMES LORD.

Hobart town, Van Diemen's Land, 5th September, 1815.

IN consideration of the very excellent Character of James Lord, who, by persevering and unremitting Industry, has realised an extensive property in this Settlement, I, therefore, strongly recommending to your Lordship that

1815. 21 Sept.

T. Davey.
1815.
21 Sept.
Memorial of J. Mitchell soliciting passages in transport.

Recommendation by T. Davey.

THOMAS DAVEY.

[Enclosure No. 2.]

Memorial of J. Mitchell of Hobart Town,
To his Honor Lieut. Governor Davey, etc., etc., etc.

Most respectfully sheweth:

That your Honor's Memorialist has been a resident at Norfolk Island and this Settlement upwards of Fifteen years, and Settled Free; by his Industry, has realized property to a large Amount; has nearly One Hundred Head of Horned Cattle, and has lately built a Commodious Dwelling house, which will cost Memorialist upwards of Two Thousand Five Hundred pounds to Complete it; is married and his Mother in Law, Mrs. Davis, formerly of Norfolk Island, now residing in London, being left a Widow with three Children, without any provision for their support in England, is desirous of coming to this Settlement, where she has upwards of Eleven hundred Pounds due to her and ten head of horned Cattle; and, from the great difficulty of procuring a passage in any other Vessel than a Transport,

Your Memorialist presumes to Solicit that your Honor will be pleased to recommend to His Majesty's Ministers that Mrs. Davis, of Green Street, Rathbone place, Widow of Aron Davis, late of Norfolk Island, and three Daughters, be permitted to proceed from England to New South Wales in a Government Transport as a Free Settler, she having no property but what is in this Settlement.

And Memorialist, as in Duty bound, will ever pray,

JAMES MITCHELL.

Hobart town, Van Diemen's Land, 11th day of Sept., 1815.

HAVING examined into the within Memorialist's Application in behalf of Mrs. Davis and three Daughters, I find them to be true, and therefore recommend that they may be allowed to come out as Settlers in a Government Transport.

THOMAS DAVEY.

LIEUT.-GOVERNOR DAVEY TO EARL BATHURST.
(Despatch per ship Jefferson.)

Government House, Hobart town, Van Diemen's Land,
My Lord,

30th September, 1815.

Anxious for the prosperity of His Majestys' Settlements entrusted to my care on this Island, I beg leave, with every sentiment of respect, to solicit Your Lordship's attention to the following particulars.
DAVEY TO BATHURST.

On my arrival here, I found that a great many of the Convicts had fled from the occupations, to which they had been assigned, and, forming themselves into Bandittis in the Woods, were in the daily commission of the most dreadful excesses upon the property of the Crown and private individuals; and, being anxious to adopt such measures as appeared most conducive to their effectual suppression, I accordingly issued a Proclamation, a Copy of which I now have the honor to transmit for Your Lordship's perusal; experience having, however, shewn that this description of persons is not to be reclaimed by mild measures, and there not being any Courts of criminal Jurisdiction on this Island, I have lately felt it my duty to proclaim Martial Law as the only alternative in my power to restore peace and tranquility, the happy effects of which will be made apparent to Your Lordship from a perusal of the accompanying address, and which I trust will be met by Your Lordship's approbation.

The depositions,* which I have now the honor to accompany for Your Lordship's perusal, will I trust afford ample conviction of the necessity of the measure, which I have felt myself empowered to adopt by the 4th article of the 24th section[f] of the Articles of War.

Having, therefore, furnished Your Lordship with the accompanying documents, I shall forbear, for the present, to make any comments upon them, though I cannot help particularly calling Your Lordship's attention to the latter Article of His Excellency Governor Macquarie's Proclamation; from which, it will appear to Your Lordship that a latitude was given for the Commission of crime for no less a period than six Months, and which I cannot help ascribing as the great cause of all the distresses and difficulties, with which these Settlements have lately had to contend, and which surely must have escaped His Excellency's observation, when he sent it forth.

I beg leave to call Your Lordship's most serious attention to the great difficulties, under which this Colony labors, in consequence of there being no Supreme Court or Court of Criminal Jurisdiction established in this Island, and the Deputy Assistant Commissary at this Settlement not having the power of drawing Bills direct on England.

Should Your Lordship deem it expedient to send out annually a few Ships with Provisions and Stores direct to this place, they would be of the utmost advantage to the Colony.

I have, &c.,

THOMAS DAVEY, Lt. Govr., Van Diemen's Land.

* Note 62. † Note 63. ‡ Note 64.
By Thomas Davey, Esquire, Lieutenant Governor of His Majesty's Settlements on Van Diemen's Land and Lieutenant Colonel in the Royal Marine Forces, etc., etc.

WHEREAS it is absolutely necessary that some measures should be immediately adopted to guard the well disposed Inhabitants of this Island and their property against the Evils, which do, and may hereafter accrue to them, from their existing in the Woods of this Island "a set of Dangerous Miscreants," who have for a considerable time past been at large therein, committing the most atrocious depredations upon the property of Government and private Individuals; the Lieutenant Governor is pleased to declare that, if those deluded Persons will surrender themselves at Hobart Town on or before the Fourth Day of April next, bringing in with them their Dogs, Arms, Ammunition, Iron pots, Tools, and whatever else they may have with them in the Woods, He will not proceed against them for the several Offences, they may have committed from the Date of their absconding from either of the Settlements of Hobart Town, Port Dalrymple and their Dependencies, to that of their Surrender. But, if they are so blind to their own safety and immediate Interests as not to listen to this Offer of Pardon, which the Lieutenant Governor is anxious to extend to them upon his assuming the Command of the Settlements on this Island, and are resolved to persevere in their predatory and dishonest mode of living, he hereby declares that all and every one of them, who shall not have surrendered himself or themselves on or before the Fourth Day of April next, he or they will be considered Outlawed and dealt with accordingly.

Provided and nevertheless it is to be clearly understood that this Offer of Pardon does not extend to any Person or Persons, who may have been Principals, Aiders or Abettors in any Act or attempt of the Crime of Murder.

Given under my Hand at Government House, Hobart Town, the Eleventh Day of March in the Fifty third Year of the Reign of Our Sovereign Lord George the Third, and in the Year of Our Lord One Thousand, Eight hundred and Thirteen.

THOMAS DAVEY.

God Save the King.

By Command of His Honor The Lieutenant Governor,
THOMAS A. LASCELLES, Secretary.
[B] Proclamation.

[A copy of this proclamation, dated 11th March, 1815, will be found on page 478, volume VIII, series I.]

An Address to His Honor Lieutenant Governor Davey, Presented by the Inhabitants of His Majesty's Settlements on Van Diemen's Land, Dated the Fifteenth Day of September, In the Year of Our Lord, One thousand, Eight hundred and Fifteen.

At a Numerous and most respectable Meeting of the Inhabitants of Hobart Town and the adjacent Settlements, convened by public Advertisement, Edward Lord, Esq., in the Chair, to Take into their Consideration the Salutary effects derived from the Proclamation of Martial Law on Van Diemen's Land, an Address was unanimously Voted to His Honor The Lieutenant Governor on the Subject; and the following Gentlemen were appointed to form a Committee to prepare the same:—

Edward Lord, Esquire.
Samuel Bate, Esquire.
William Collins, Esquire.
Thomas Kent, Esquire.
George Weston Gunning, Esquire.
John Ingle, Esquire.
Thomas Macneelance, Esquire.
John Beamont, Esquire.
William Maum, Secretary.

To His Honor Thomas Davey, Esquire, Lieutenant Governor of His Majesty's Settlements on Van Diemen's Land, etc., etc., etc.,

We, the Undersigned, Inhabitants of Van Diemen's Land, beg leave to offer to Your Honor our unfeigned thanks for the wise, firm and energetic measures, which You have been pleased to adopt, at a Time when the lives and properties of every individual, residing under Your Government, were attacked and exposed to the greatest dangers by a Bloodthirsty Banditti of Wretches, who betook themselves to the inland Wilds, setting at defiance all power and controul, under an impression that this Government had not the Authority to punish crimes, however shocking to humanity or distressing to the industrious part of the Community, there being no Court of Criminal Judicature established on this Island; these detestable Monsters having Murdered many of our fellow Colonists and wantonly destroyed
1815.
30 Sept.
Address of thanks to
T. Davey for
promulgation of
martial law.

HISTORICAL RECORDS OF AUSTRALIA.
a great portion of their Live Stock and Corn, destined for the
Support and maintenance of us all, You wisely and humanely
caused Martial Law to be Proclaimed, the only means in Your
Honor's power of preventing the repetition of Outrages, and
affording us that protection so essentially necessary to the Wel­
fare and Interest of the Colony, the happy Effects of which are
felt and acknowledged by us all.

Murderers and Robbers having suffered the Punishment de­
creed by our just and wise Government at Home for those
heinous Crimes, and by the measures now adopted here, the
pleasing hope of Security and protection of our Lives and pro­
properties is restored and cherished by every Person under Your
Government.

But the grand object, for which Martial Law has been Pro­
claimed, is not as yet fully obtained, several of these Miscreants
being still at large. We, therefore, humbly beg Your Honor will
be pleased to Continue in force this Law, and adopt such other
measures as may appear best calculated to apprehend and bring
to condign Punishment, as well, those who have hitherto fled from
Justice, as those who may hereafter commit similar Crimes, until
it may please His Majesty's Ministers to Take into their Con­
sideration the truly alarming, difficult and ruinous Situation, in
which we are placed, in thus being necessitated to recommend
the Continuance of a measure so universally repugnant to the
feelings of all Englishmen.

We, therefore, most earnestly pray Your Honor will be pleased
to submit to His Majesty's Ministers the imperious necessity of
the establishment of a Court of Criminal Judicature for this
Island, and the appointment of a Law Officer to so important
and arduous a Situation.

We beg leave to repeat our acknowledgements for the signal
Services You have rendered us, the beneficial Effects of which
will long continue to be felt and enjoyed.

Here followed the names of those present at the meeting,
which occupied six pages in double columns of print, when the
address was published by Andrew Bent in 1815.

ANSWER TO THE ANNEXED ADDRESS.

Gentlemen,

It affords me pleasure to find that the measures, which I
have lately adopted, are in unison with the wishes of so respect­
able a part of the free Inhabitants residing under my Govern­
ment.

It is my intention to continue Martial Law, until the object,
for which it was Proclaimed, shall have been accomplished.
MACQUARIE TO DAVEY.

I shall not fail to communicate to His Majesty's Ministers the distresses and difficulties, which the Colonists on Van Diemen's Land have so long suffered owing to the absence of Courts of Civil and Criminal Jurisdiction.

Gentlemen,

My inclination as well as my Duty will ever deeply interest me in the Prosperity and Happiness of Van Diemen's Land.

LIEUT.-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.

(Despatch per brig Emu; acknowledged by Governor Macquarie, 30th October, 1815.)

6th October, 1815.

[A copy of this despatch is not available.]

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.

(Despatch per H.M. brig Emu.)

Sir, Government House, Sydney, 30th Octr., 1815.

1. I have the honor to acknowledge the receipt of your last Dispatch under date 6th Instant, Per Brig Emu, which arrived here from the Derwent on the 14th Instant. I have also to acknowledge the receipt of your Letter of date 31st Augt. last, Per Schooner Geordy, which only arrived here on the 30th of last Month.

2. The Emu sails again to-morrow with the Relief for Port Dalrymple, conveying Brevet Major Stewart and his Company thither, to relieve Major Mackenzie and the Company now stationed there, which is to return forthwith to Head Quarters on board the Emu, together with the 3 Soldiers belonging to the R. Veteran Company now at Port Dalrymple, and such other Passengers as there may be occasion to send up to Port Jackson. By the Emu, Mr. Abbott returns to his Duty at the Derwent.

3. By this conveyance, I also send Twenty one Convict Artificers and Ten Labourers to Port Dalrymple, to be employed exclusively in preparing for the gradual removal of the Principal Settlement from Launceston to George-Town in York-Cove, Major Stewart being furnished with my Instructions* to that effect, and which he will shew you when he waits on you at Hobart-Town. The Secretary will transmit you a List of the names and Sentences of the Thirty one Convicts now proceeding to Port Dalrymple; and the Major of Brigade will transmit you a Copy of the Govt. and Genl. Orders of the 28th Inst., on the subject of the Relief of Port Dalrymple.

4. Immediately on the arrival of the Emu at Port Dalrymple, I have directed an Express to be sent to you overland to apprize

* Note 65.
you thereof; but I have directed both Majors Mackenzie and
Stewart not to detain her at Port Dalrymple beyond Fourteen
days after her arrival there on any account whatsoever; so that I
must request you will not fail to send any Public Dispatches
you may wish to be conveyed by her hither, over to Port Dal­
rymple within that time.

5. I regret it has not yet been in my power to send you a
Supply of Government Labourers from any of the late arrivals
for the services of the Settlements on Van Diemen's Land, the
demands here for Men being too pressing to admit of the possi­
bility of my complying with your wishes or my own inclination
on this head; but you may rely on my sending you a supply of
Men immediately on the arrival from England of the next Male
Convict Ship, one being expected here in about two months
hence. I shall send them down in either the Emu or the Kangaroo,
should she have returned by that time from Ceylon.

6. In case you have not already sent over to Port Dalrymple
one third of the Artificers' Tools and Implements and other
Stores, which were sent to the Derwent in July last for the use
of the two Settlements agreeably to my orders, I request you will
not lose any time in doing so after the receipt of this Letter, as,
I cannot spare any more Tools or Implements for Port Dal­
rymple at present from Head Quarters.

7. Having referred your Letter on the Subject of Stationary
to the Depy. Comy. General, I now send you Copy of his Letter
in reply to mine on this head, from which you will observe the
Box containing the Cartridge Paper was sent to the Derwent
through mistake, and, if not required there, you had better send
the Box back to Sydney by the first Govt. Vessel coming hither.

8. I am glad to find you have revoked Martial Law in Van
Diemen's Land, and sincerely regret that you should ever have
resorted to so unwarrantable and illegal a measure.

9. I authorize you to pay Mr. Lascelles a Salary of Five Shil­
lings Sterling per Diem from the Police Fund, as your Secretary,
from the Day of your appointing him such, trusting that the
same will be approved of by His Majesty's Ministers.

I have, &c,

L. MACQUARIE.

LIEUT.-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.
(Despatch per brig Emu; acknowledged by Governor Macquarie,
27th January, 1816.)

18th November, 1815.

[A copy of this despatch is not available.]
[Enclosure.]

RESULT of a General Muster of the Inhabitants of His Majesty's Settlements on Van Diemen's Land. Taken by Order of His Honor Lieutenant Governor Davey 30th of October 1815.

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil</td>
<td>Military</td>
<td>Civil</td>
<td>Military</td>
<td>Civil</td>
</tr>
<tr>
<td>Off Store</td>
<td>Off Store</td>
<td>Off Store</td>
<td>Off Store</td>
<td>Off Store</td>
</tr>
<tr>
<td>At Hobart Town, River Derwent</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>89</td>
<td>384</td>
<td>542</td>
<td>283</td>
</tr>
<tr>
<td>Launceston, Port Dalrymple</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>58</td>
<td>147</td>
<td>151</td>
<td>94</td>
</tr>
<tr>
<td>Total</td>
<td>61</td>
<td>147</td>
<td>531</td>
<td>673</td>
</tr>
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Account of Settlers and Numbers of Live Stock &c. &c.

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<thead>
<tr>
<th>Belonging to the Crown</th>
<th>Acres of Land in</th>
<th>Number of</th>
</tr>
</thead>
<tbody>
<tr>
<td>to Individuals</td>
<td>Wheat</td>
<td>Oats</td>
</tr>
<tr>
<td>At Hobart Town</td>
<td>1,884</td>
<td>25</td>
</tr>
<tr>
<td>Belonging to the Crown</td>
<td>to Individuals</td>
<td>913</td>
</tr>
<tr>
<td>At Launceston</td>
<td>913</td>
<td>67</td>
</tr>
<tr>
<td>Total number on Van Diemen's Land</td>
<td>2,797</td>
<td>25</td>
</tr>
</tbody>
</table>

Hobart Town, Van Diemen's Land, 30th October, 1815. 

P. G. HOGAN, D.A.C. Gt.
HISTORICAL RECORDS OF AUSTRALIA.

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.

(Despatch per H.M. brig Emu.)


1. I have the honor to acknowledge the receipt of your Letter of the 18th of Novr. last, which I received here by the Emu on the 17th of the following Month.

2. I now dispatch the Emu to the Derwent with Sixty Male and Sixteen Female Convicts for the use of that Settlement. The Secretary will transmit you by this same conveyance correct Lists of the Names and Sentences now proceeding in the Emu to the Derwent.

3. The obstacles, which have hitherto opposed themselves to your carrying on and Completing the several necessary Government Public Buildings at Hobart Town from want of Artificers and Labourers, being now effectually removed by the Draught of Artificers I sent you some time since, and the Draught of Government Men now proceeding in the Emu, I indulge a hope that the Public Buildings will go on rapidly and be soon completed.

4. As the Settlers at the Derwent must be very much in want of Labourers, I have to request you will assign them as many of those now sent in the Emu as can conveniently be spared from the Public Works. I shall endeavour to send you a further supply of Government Men in two or three Months hence for the use of the two Settlements on Van Diemen’s Land.

5. In the event of your having any considerable quantity of really good Salt Provisions remaining in the King's Store at Hobart Town, I request you will order one Half or three fourths thereof to be shipped on board the Emu for Head Quarters, there being rather a scarcity of Salt Provisions in the Stores here, and a considerable quantity being required for the use of the Emu on her intended Voyage to England.

6. Surgeon Luttrell* and his Family proceed by this conveyance to the Derwent for the purpose of his assuming his Duties as Surgeon of that Settlement. I have once more to desire that the few Soldiers of the 73d Regt., still remaining at the Derwent, may be sent up to Sydney by the return hither of the Brig Emu, and I trust I shall not have occasion to repeat this order again.

7. It having always been my intention that the Naval Officer, for the time being at the Derwent, should also act as the Treasurer of the Police Fund of Van Diemen’s Land, I expected that Mr. Gordon the late Naval Officer would have been directed to hand over the charge of that Fund to his Successor, Mr. Drummond together with all the Books and Documents connected.

* Note 66.
MACQUARIE TO DAVEY.

with the Naval Officer's Department. I have now accordingly to desire that you will be pleased to order the amount of the Balance due Government, on the Police Fund of Van Diemen's Land, up to the 31st of December last inclusive, to be paid forthwith into the Hands of Mr. Drummond the present Naval Officer; and that you will in future consider him as the Acting Treasurer of the Police Fund of Van Diemen's Land. It is however to be clearly understood that he is not entitled to receive any additional Salary in consequence of his so Acting as Treasurer.

8. In consideration of the smallness of the Salary of Mr. Drummond as Naval Officer, I have now to request that you will be so good as to direct that he shall be paid the weekly Lodging Money of a Captain from the Police Fund of Van Diemen's Land, commencing from the date of his arrival at Hobart Town.

9. Mr. Secretary Campbell will transmit you by this conveyance the Grant of your Land at the Derwent, which I have directed to be made out without the usual Clauses and Conditions.* By the next opportunity, I hope to be able to forward you all the renewed Grants† for the several Settlers in Van Diemen's Land.

10. I enclose for your information and guidance a Copy of a Government Order appointing Mr. William E. Leith to be Prinl. Supdt. and Inspector of Public Works at Port Dalrymple.

11. It being my intention to dispatch the Emu from hence to England the moment she returns from the Derwent, I have now to desire that she may not be detained at the latter Place above 48 Hours, or three days at farthest, on any account whatever; it being of the utmost consequence that she should sail from hence for England some time in the Month of February.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

GOVERNMENT AND GENERAL ORDERS.

Secretary's Office, Sydney, Saturday, 20th January, 1816.

Civil Department.

His Excellency the Governor has been pleased to appoint Mr. William Elliott Leith to be inspector of Government Public Works and Principal Superintendent of Convicts at the Settlement of Port Dalrymple on Van Diemen's Land, With a Salary of Seventy five Pounds Sterling per Annum, Commencing from the first of this present Month of January and to be paid from the Colonial Fund of Van Diemen's Land.

By command of His Excellency,

JNO. THOS. CAMPBELL, Secretary.

True Copy:—JNO. THOS. CAMPBELL, Secy.

Orders re appointment of inspector of public works and supt. of convicts at Port Dalrymple.

* Note 67. † Note 68.
LIEUT.-GOVERNOR DAVEY to GOVERNOR MACQUARIE.
7th, 9th and 10th February, 1816.
[Copies of these despatches are not available.]

GOVERNOR MACQUARIE to LIEUT.-GOVERNOR DAVEY.
(Despatch per schooner John Palmer.)

Sir,
Govt. House, Sydney, 13th Feb., 1816.

1. Having received certain information that the undermentioned Male Convicts, who some time since made their escape from Sydney and Newcastle, are now and have been for some time past at the Derwent, I have to desire that they may be apprehended and sent back to Sydney by the first good opportunity: Vizt.

2. Joseph Boney, late Servt. to Capt. Piper, Naval Officer.
3. George Watts, from Newcastle, whither he had been sent under a Colonial Sentence, and from whence he escaped to the Derwent a long time ago.

2. In future, on occasions of Convicts arriving from hence at the Derwent without regular Passports, and on the same coming by any means to your knowledge, I have to desire that they may be immediately apprehended and kept in confinement until an opportunity shall offer of sending them back to Sydney, which I am to request may be done invariably.

3. Whenever any Ship or Vessel from Port Jackson arrives at the Derwent, I have to request you will be pleased to direct the Naval Officer there to muster her Crew and Passengers, and confine in Jail all Persons whom he may find on board that are not included in the Ship or Vessel’s Clearance, in order to guard as much as possible against the escape of Convicts.

I have, &c,

L. MACQUARIE.

LIEUT.-GOVERNOR DAVEY to GOVERNOR MACQUARIE.
20th, 21st, 22nd, 24th, and 26th February, 1816.
[Copies of these despatches are not available.]

GOVERNOR MACQUARIE to LIEUT.-GOVERNOR DAVEY.
(Despatch per H.M. brig Kangaroo.)

Sir,
Government House, Sydney, 12th April, 1816.

1. I have the honor to acknowledge the receipt of your several Letters, as specified in the Margin,* with their respective Enclosures, and accompaniments; but, being at present much occupied by a variety of very important affairs connected with

* Marginal note.—7th, 9th, 10th, 20th, 21st, 22d, 24th and 26th of Feb., 1816.
the general welfare and prosperity of the Colony, it is not in my power to reply now so fully to your late numerous Letters, as I could wish to do, and their importance demand. I must, therefore, for the present, content myself with briefly replying to the more important parts of them.

2. As Mr. Hacking was become superannuated and useless as a Pilot from Drunkenness and other infirmities, it became necessary to remove him from that situation and appoint a proper Person to succeed him; but I cannot by any means sanction your paying so high a Pension as £50 Pr. annum from the Police Fund. I consequently disapprove entirely of this part of the arrangement, and have to desire that Mr. Hacking shall only be paid Twenty five Pounds per Annum as a Pension from the Police Fund after your receipt of this Letter. I approve of your having appointed Mr. Wilson to succeed Mr. Hacking as Pilot; but no Salary should be at all attached to this situation at the Derwent, the Pilots here not being allowed any as they are of course paid by all Vessels Pilotage; and Mr. Wilson must be placed on the same footing, only being Victualled from the King's Store as a remuneration for Piloting the Government Vessels in and out of Port.

3. I regret that it is totally out of my power to afford any relief to the Farmers of Van Diemen's Land, in respect to receiving any part of their Wheat for the present Season into the King's Stores, which are at present so full of this article that I have been obliged lately to order them to be shut against receiving any more for some months; and I fear I shall not be able to receive even the surplus Wheat of the Farmers in this part of the Colony. The Farmers in Van Diemen's Land can therefore look only to the King's Stores at the Derwent and Port Dalrymple for turning in what grain may be required for the use of Government at these Settlements.

4. I am truly sorry that you should propose so many new appointments in the Settlements under your more immediate Government, that must appear to yourself on a moment's cool reflection as not only totally unnecessary, but even absurd; and, of this number, I consider your proposing to appoint a Superintendant of Police at Hobart Town. Your anxiety to serve your friends, Mr. Humphrey and Mr. Lascelles, I fear influences you principally on this occasion; as there can be no necessity whatever for a Supdt. of Police at Hobart-Town with so very small a Population, and where there are already no less than Five Magistrates including yourself. I cannot therefore sanction any such appointment as Supdt. of Police, nor additional Magistrates.

MACQUARIE TO DAVEY.

1816.
12 April.
1816.  
12 April.

Number of population and magistrates.

Proposed abolition of government herds.

Irregularity of suspension of M. Tims.

Reinstatement of M. Tims by L. Macquarie.

HISTORICAL RECORDS OF AUSTRALIA.

for the Districts, for the best reason in the World, because they are totally unnecessary; and the Crown would be put to a great expence without the Community being benefited by these useless appointments. The whole Population of Van Diemen’s Land was not quite Two Thousand by the last general Muster, and for that number there are no less than Seven Magistrates already who have each four Government men on the Store; and this number must suffice for the present.

5. I by no means concur with you in opinion as to the expediency and propriety of doing away entirely the Government Stock in the Settlements on Van Diemen’s Land, and selling off the whole at Public auction. It would prove a very convenient and advantageous measure for all the great graziers on that Island, as there would then remain no competition, and they might charge Government and Individuals as high a Price as they chose for their Cattle; but, as it is a fixed principle with me to study the interests of the poor as well as of the Rich, I wish to keep up the Government Herds for the benefit of the former for a few years longer, and consequently must decline acceding to your Proposal on this point.

6. In respect to the suspension of Mr. Tims from his office as Provost Marshal of Van Diemen’s Land, you have certainly very far exceeded your authority in adopting so strong a measure. Mr. Tims holds a Commission from His Majesty as well as yourself, and cannot be deprived thereof but by the King himself, or the Sentence of a Court Martial; Consequently all that you could legally do was to place Mr. Tims under arrest, and give in charges against him, to be tried by a General Court Martial, in the event of his having been guilty of any crime that required such investigation. But the fact is he has not been guilty of any crime, and Mr. Abbott’s complaint against this officer was frivolous and unjust, having required of him to do a Duty which he could not legally compel him to do, namely attending the Bench of Magistrates, which is no part of the Provost Marshal’s Duty, unless he voluntarily chuses to perform it. Under these circumstances, I highly disapprove of your having suspended Mr. Tims from his office. I have accordingly directed him to return to his Duty as Provost Marshal at the Derwent, as you will see by the Govt. and Genl. Orders which will be forwarded to you herewith by the Major of Brigade; and have to desire that Mr. Tims may be permitted to resume and exercise the Duties of his office from the date of his arrival at the Derwent. I have also to desire that he may receive the whole of his Pay for the period he has been so unjustly suspended. As Mr. Lakeland.
MACQUARIE TO DAVEY.

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has however acted in the capacity of Provost Marshal, I authorize you to pay him at the rate of Five Shillings per diem from the Police Fund for the time he has performed the Duties of this office; at the same time, I cannot help remarking that it is very hard that the Crown should be put to this double expense owing to your own and Mr. Abbott's inconsiderate and irregular conduct.

7. As Mr. Riley did not demand Freight for his Wheat, I approve of your having permitted him to send up the 1,000 Bushels of that article in the Brig Guide for Government use, and I accordingly authorized it to be received into the King's Store here. This Gentleman has never made any complaint to me against Mr. Wilson, the Pilot at Hobart Town; consequently it is unnecessary for me to make any further comment on the Papers you enclosed to me on that subject.

8. You state to me your surprise at my ordering the New Naval Officer at the Derwent to take charge of the Police Fund as you had never been apprized that he was to act as Treasurer of that Fund. Perhaps I omitted to do so on Mr. Drummond's first going down to that Station; but, surely you were well aware that his Predecessor Mr. Gordon acted as Treasurer of the Police Fund merely because he was Naval Officer and not by any Separate appointment; Lieut. Campbell, the former Naval Officer, having also acted as Treasurer of the Police Fund, without ever receiving any other Salary than that of Naval Officer; and my reason for directing the two Duties to be performed by the same Person was to save Government any additional Salary for acting as Treasurer. You are therefore henceforth to consider these two offices of Naval Officer and Treasurer of the Police Fund as blended, and always to be held by the same Person until further orders.

9. You request of me to send you a List of the Names of such Civil Officers at the Derwent as are entitled to receive Lodging Money; but, as I do not consider any of them to be strictly entitled to that allowance, I cannot comply with your request in this instance. I must therefore strictly enjoin you not to pay any Lodging Money, or allowance for House-Rent to either the Revd. Mr. Knopwood, or any other Civil Officer residing in Van Dieman's Land, without a written order from me for that purpose, as I shall not sanction any such charge being made in the account of the Police Fund. If you should, however, after this prohibition, take upon yourself the serious responsibility of making any such Payments from the Police Fund contrary to my orders, I shall consider it my Duty (however painful) to state the same to His Majesty's Principal Secretary of State for...
Irregular payments from police fund.

Criticism of payments to G. Bush and T. Mitchell.

Permission to be obtained for all appointments.

T. Mitchell to be sent to Sydney.

Convicts per brig Kangaroo.

the Colonies, Submitting to him the propriety of making such unauthorized Payments an imprest against your Salary as Lt. Governor.

10. In perusing the accounts of the Police Fund of Van Diemen's Land, I observe many very improper and objectionable charges, but which I have not now time to remark on so fully as the importance of the subject requires. I cannot, however, pass over two charges that appear to me to be most unjust, namely £38 10s. paid to Mr. Bush as Actg. Colonial Surgeon, and £34 17s. 6d. paid to a convict named Theophilus Mitchell as Actg. 2d Asst. Colonial Surgeon.

Both these charges stand unauthorized by me, and never can receive my sanction, as I consider them to be most absurd, unnecessary, and a gross imposition on the Crown.

On the death of the late Colonial Surgeon,* his duties of course devolved on the Assistant Surgeon, who is bound to do all the Medical Duties of the Civil Department without receiving any additional Pay until the Vacancy is regularly filled up; and consequently there could be no necessity for appointing asst. Surgeon Bush to act as Colonial Surgeon at all. The allowance of 7s. 6d. per day paid to Theophilus Mitchell as 2d asst. Colonial Surgeon, there being now only one Assistant Surgeon allowed for each of the Settlements on Van Diemen's Land; but, even if a second assistant were allowed, it appears most extraordinary to pay a Common Convict for doing that Duty the same Pay as a first assistant Surgeon holding His Majesty's Commission, as such receives at Head Quarters, where he has ten times the Duty to perform that the Surgeon or asst. Surgeon has at either Hobart-Town or Port Dalrymple. I consequently very highly disapprove of both the charges alluded to, and must ever withhold my Sanction of them.

I must therefore once for all positively enjoin you not to make any appointments, of whatsoever nature, that are likely to entail any expense to the Crown, without first obtaining my permission so to do. In the event of your disregarding this order, I shall be under the painful necessity of preferring a regular complaint against you to His Majesty's Minister for disobedience of orders and contempt of my authority. The Services of Theophilus Mitchell, Convict, above adverted to, being required at Sydney, it is my positive orders that he shall be sent up to Sydney on the return of the Brig Kangaroo hither.

11. His Majesty's Colonial Brig Kangaroo sails on Sunday morning for the Derwent with Forty Male and Sixty Female Convicts for the use of that Settlement; but, in case there should be more Women than are required for the Derwent, you will be

* Note 69.
so good as to send a proportion of them to Port Dalrymple for the use of that Settlement. On board the Kangaroo, I have also ordered Philip Macklin (the Prisoner whom you lately sent up here to be tried by a Criminal Court) and all the Evidences who came here along with him, to be sent back to the Derwent, to be there tried by a Bench of Magistrates; as it appears, on an attentive perusal by the Judge Advocate of the Depositories sent up against him, that he could not be capitally convicted here, and therefore, after consulting with the Judge Advocate on the subject, I have deemed it expedient to order him back to the Derwent, and have to desire that he may be there tried in a summary manner by a Full Bench of Magistrates. You must be well aware of the very great expence to Government, and the serious loss and inconvenience to Private Individuals, who are compelled to leave their Homes and come up to Sydney as Evidences and to remain here for so long a time waiting for the sitting of a Criminal Court, which expence and great inconvenience to Individuals may on most occasions be avoided; and I have therefore now to desire that no Persons, who are Convicts, shall ever be sent up to Sydney for Trial, excepting for the crime of Murder; and that all other crimes and offences, committed by Convicts in any part of Van Diemen's Land, shall be tried in a summary manner by a Full Bench of Magistrates at Hobart-Town, thereby saving a great deal of money to the Crown, as well as loss of time and great Personal inconvenience to Individuals.

12. As soon as I have a little more leisure, I shall pay all due attention to the several Petitions, Memorials, and applications you have lately sent me in favor of Persons applying for mitigations of their Sentences, or for leave to become Settlers and for receiving Lands and other indulgencies as such; and, by some other early opportunity, I shall send you my answers to all these applications.

13. It being my intention to visit the Settlements on Van Diemen's Land, in Person, as soon as my more serious and important avocations here will admit of my doing so, I must decline coming to any decision till then as to the expediency of erecting a Township* at Pitt Water, which I must see and examine in Person before any such important measure can be decided upon. For the same reason, I must decline acceding to your recommendation relative to the Lands some time since promised to Peter McGuire and other Persons.

14. The Services of the Kangaroo being again immediately required, I am to desire that you direct the Commander of her to

* Note 70.
HISTORICAL RECORDS OF AUSTRALIA.

1816.
12 April.
Brig Kangaroo to return promptly.

return to Port Jackson as soon as possible after landing her Passengers and taking in her Wood and Water; and that you will not on any account permit her to remain above Ten days at farthest at the Derwent.

I have, &c.,
L. Macquarie.

LIEUT.-GOVERNOR DAVEY TO EARL BATHURST.
(Despatch per H.M. brig Emu.)

Government House, Hobart Town,
My Lord, 13th April, 1816.

His Majesty's Colonial Brig, Emu, under orders from His Excellency Governor Macquarie to proceed to England, having put into this Port a few days back on her way thither for the purpose of procuring certain Articles of refreshment necessary for the Voyage, which the Colony at Port Jackson could not afford, but which are produced in the most luxuriant abundance upon this Island, I embrace the opportunity thus offered of communicating to Your Lordship.

The Letter,* which I had the honor to forward to Your Lordship in September last by the Jefferson South Seaman, would inform Your Lordship of the disturbed and embarrassed state in which the Settlements under my command had for some time been placed owing principally to the want of Courts of Criminal and Civil Jurisdiction, together with the measures which I had thought it my duty to adopt as likely in some degree to supply the absence thereof, and I do not entertain any doubt if those measures had been allowed to remain in force that perfect tranquility would long Ere this have been established; but I lament to inform Your Lordship that at the time when the most beneficial Effects were resulting from the operation of the tribunal which I had felt myself authorized in establishing, I received the most positive order* from His Excellency Governor Macquarie to revoke and annul Martial Law, which order coming from him my Superior Officer, I could not do otherwise than Obey, notwithstanding it was in direct opposition to the wishes of the most respectable and numerous part of the inhabitants of His Majesty's Settlement under my charge, as will have appeared to Your Lordship by the address which was presented to me upon that Subject in September last, a copy of which was forwarded to Your Lordship by the address which was presented to me upon that Subject in September last, a copy of which was forwarded to Your Lordship by the Jefferson, as is also another by the present opportunity:—And it is now with the deepest regret, I have to report to Your Lordship that by my being thus deprived of the means of bringing Offenders to Justice, the commission of offences has again become frequent; I therefore most earnestly entreat Your

* Note 71.
Lordship to take into Your consideration the alarming state of His Majesty's Settlements on this Island, and the arduous and perplexed situation in which I am placed occasioned by the want of Courts of Criminal and Civil Jurisdiction; it having been found by experience that the present mode of conducting prosecutions by sending Offenders to Port Jackson for trial (a distance of Eight hundred Miles by sea) is altogether ineffectual, it being so distressing and ruinous to the parties concerned that the greatest sufferers have been deterred from complaining of injuries of the most Enormous magnitude, knowing that by so doing they must be transported from their families to prosecute the offenders in a far distant Country, and thereby expose their affairs to neglect and total ruin.

Another great Evil under which His Majesty's Settlements on this Island labor, and to which I beg leave to solicit Your Lordship's attention, is occasioned by the Lieutenant Governor not being Empowered to draw Bills for the necessary Supplies of Government direct upon His Majesty's Treasury, as was done in the time of the late Lieutenant Governor Collins,* the present mode being to draw all Bills of the above nature on the Commissary at Port Jackson, by which the Settlers here, who are surely Entitled to equal advantages with those of the Sister Settlement, are compelled to pay considerably more for their imported articles, in consequence of the Expences which occur to Shipping, that have made Sales here, being obliged to make a Voyage to Port Jackson for the Sole purpose of getting the Bills drawn by the Commissary here, redrawn by the Commissary at that Place on England.

I earnestly request that Your Lordship will be pleased to order that a proportion of the convicts, who are from time to time sent from England for the Settlements in Terra Australis, may be hereafter forwarded direct to this Island, and Your Lordship will not wonder at my making this application, when I state that it has hitherto been a practice to select the worst and most profligate characters from the Gangs at Port Jackson for the Settlements, which, added to the want of Courts as before stated, will account to your Lordship for the numerous Crimes and depredations which have been committed in this Island; Your Lordship will, I have no doubt, learn with surprize that since my arrival here in February, 1813, not more than one hundred and Seventy five Prisoners have been sent to Van Diemen's Land, although some thousands† have been received at Port Jackson; I have frequently in my Public letters to His Excellency Governor Macquarie made application both for people and Stores to enable me to carry on the necessary Public Buildings and furnish those

*Note 72. †Note 73.
1816.
13 April.

Futility of applications for convicts from Sydney.

Erection of barrack, gaol and church.

Request for organ, clock, bells and communion plate for church.

Prospects of the colony.

Export of wheat to Sydney prevented by imports from India.

Settlers with Men, who have been ordered them by Government and particularly those from Norfolk Island, as I cannot but consider it extremely hard that the claims, which those People have upon Government, should not have long since been satisfied, to meet the whole of which it would require at least one thousand Men; But, my Lord, I have found it in vain to look for assistance from that quarter, it having been my misfortune to experience the futility of such dependence, and therefore feel it a duty, I owe to Your Lordship and the Settlements over which I preside, unreservedly to make it known to Your Lordship. Notwithstanding the confined means I have already possessed I have the satisfaction to state that I have been enabled to erect an Extensive, handsome and commodious Barrack for the Troops which they now occupy; A spacious Gaol is in considerable forwardness, and will be finished in two months; a Church is commenced, but I am fearful, unless my means are augmented, it will be some time before it is completed. I respectfully solicit an Organ, a clock, and a sett of Bells for this latter Building may be sent out by the first Transport that may leave England; And as His Majesty graciously condescended to present this Settlement on its first formation with an Eligant service of Communion Plate, I hope Your Lordship will not have any objection to recommend to His Royal Highness the Prince Regent, that the Articles above solicited may be sent out at the Expence of Government.

I can assure Your Lordship that this Island, from its affording in this River and adjacent Bays an extensive Whale Fishery, is well worthy the attention of Government; and I have great pleasure in reporting to Your Lordship that the abundant Crops of Grain and the numerous Herds and flocks of Horned Cattle and Sheep, which it now affords, render it fully capable of maintaining any increase of Population that could be poured into it; and I am happy further to state that I have already been enabled to releive the Settlement at Port Jackson with large Supplies of these necessaries of life, which, from the inferiority of the Climate and Soil to the Northward, they are themselves unable to raise in sufficient quantities for their present population; I am nevertheless concerned to observe to Your Lordship that, in consequence of His Excellency Governor Macquarie having imported a large quantity of Grain by Contract from India, the Settlers on this Island will this Year be deprived of the Market, which they would otherwise have found in that Settlement for a surplus of at least Fifty thousand Bushels of wheat, the Growth of this Season, and which Your Lordship will see must greatly damp the Agricultural exertions of this Island; I therefore anxiously hope your Lordship will be pleased to give instructions
GOULBURN TO DAVEY.

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My Lord, His Majesty's Settlement at this place has been established only Twelve years, and notwithstanding it has been cramped in all its exertions and deprived of many advantages which the Sister Settlement has enjoyed, it is now rising superior to it in a most pre-Eminent degree, and I pledge myself that in the event of Your Lordship so far honoring it with Your Patronage as to grant the indulgencies, which I have taken the liberty to solicit, that every general and individual exertion shall be made to relieve the Mother country from the burthen of its support, and answer every purpose which His Majesty's Government has in view from its Establishment; I am happy to inform Your Lordship that Private Buildings are rising rapidly, and the Town of Hobart has already assumed an Appearance from Individual Exertions, which does not reflect discredit on the Country which gave it Birth. And Public Buildings would have Kept pace with Private, had not the Settlements on this Island been prohibited for Four years from importing Spirituous liquors from which Article the principal Revenue of these Colonies had theretofore arisen, in consequence of His Excellency Governor Macquarie having Entered into a contract* for Erecting a General Hospital at Sydney, which gave the exclusive Privilege of importing Spirits to Three persons at that place during that Period, and whereby I was deprived of the means which would in a great Measure have Enabled me to accomplish the objects which are yet to be performed.

This letter will be delivered to Your Lordship by Captain Andrew Clarke of His Majesty's, 46th Regiment, who resided for nearly two Years under my Command on this Island, who I beg most particularly to recommend to Your Lordship's favorable notice and consideration and who is fully qualified to answer any questions that Your Lordship may require of him respecting His Majesty's Settlements on Van Diemen's Land.

I have, &c.,

THOMAS DAVEY, Lt.-Govr., V.D.L.

UNDER SECRETARY GOULBURN TO LIEUT.-GOVERNOR DAVEY.

(Despatch per ship Surrey.)

Sir,

Downing Street, 21st May, 1816.

I am directed by Earl Bathurst to acquaint you, in reply to your letter of the 21st September last, requesting that Free Passages might be provided to Hobart Town for Mr. David Lord, his Wife and Family, and for Mrs. Davis and her three

* Note 27.
Daughters, that Government have for some time been under the necessity of discontinuing the practice of giving Free Passages, except in very particular cases, in consequence of the variety of applications of a similar Nature and the Ex pense thereby incurred.

I am, &c.,

HENRY GOULBURN.

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LIEUT.-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.

(Despatch per brig Ontario; acknowledged by Governor Macquarie, 31st July, 1816.)

5 July, 1816.

[5th July, 1816.]

[A copy of this despatch is not available.]

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LIEUT.-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.

(Despatch per brig Ontario; acknowledged by Governor Macquarie, 31st July, 1816.)

9 July, 1816.

Sir, Government House, Hobart town, 9th July, 1816.

Complaints of shipping masters against P. G. Hogan.

Whereas the Masters of Vessels have for a considerable time past complained to me of Deputy Assistant Commissary General Hogan’s irregularities by neglecting to consolidate the Store checks at the end of every Quarter in conformity to his Instructions.

It appears in my Judgment great neglect of Public Duty, and no excuse can be admitted on the part of Deputy Assistant Commissary General Hogan, but signal incapacity, or the necessity of competent Clerks to carry on the public Business in the Commissariat Department according to the usual Forms and Practices of the Service, which I am fearful at the present moment suffers from his neglect; and, as I am totally unacquainted with the Form and Duties of the Commissariat Department, I earnestly request that your Excellency will he pleased to adopt such measures, as you may think necessary for the better regulation of that Department. I herewith enclose you a copy of Captn. Dorr’s Letter of Complaint.

I have, &c.,

THOMAS DAVEY, Lt. Govr.

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GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.

(Despatch per H.M. brig Kangaroo.)

31 July, 1816.


1. I have the honor to acknowledge the receipt of your Letters under dates 5th and 9th Instant, with their respective Enclosures and accompaniments, these Dispatches having come...
MACQUARIE TO DAVEY.

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2. It is extremely painful to my feelings to be compelled from a sense of Public Duty to censure some part of your Public Conduct in almost every Dispatch that I have occasion to write to you, and I do so with the utmost reluctance to an officer of your high rank and experience in the Service; but, however painful to my own feelings and disagreeable to you to find such frequent fault with an officer of your high rank, I cannot shrink from the performance of my Public Duty, when circumstances occur which necessarily call for censure and animadversion.

3. In pursuance of these sentiments, I must decidedly disapprove and censure your conduct in paying to Mr. James Gordon, the late Naval Officer and Acting Treasurer of the Police Fund at Hobart Town, the sum of £383 17s. 9d., being the amount of Commission at 5 Pr. Cent. allowed him by you on the Money passing through his Hands as Naval Officer. You must be perfectly aware that this charge is highly irregular and unwarrantable, as never having received my sanction for making it, and Mr. Gordon himself must be fully sensible that he had no right whatever to any such allowance, none such having ever been promised him; it being always perfectly well understood that the Naval Officer at the Derwent was also to act as the Treasurer of the Police Fund there without receiving any Commission or any extra allowance whatsoever besides his Salary as Naval Officer. You say a similar Commission was allowed by me to Lieut. Duncan Campbell, the Predecessor of Mr. Gordon as Naval Officer at Hobart-Town. I have not, however, the smallest recollection of having sanctioned such a charge; but I have a perfect recollection of refusing that Officer any Commission on his making application for it at two different times, whilst Capt. Murray and Major Geils were Commandants of the Derwent; so that, if such a Charge was ever made by Mr. Campbell in his Accounts, it must entirely have escaped my notice, or have been sanctioned (if it ever was) under very peculiar circumstances and qualified restrictions as to the amount to be allowed and charged, the amount of Duties then collected there being so very small that the Acting Treasurer of the Police Fund at Hobart Town was in the constant habit of Drawing Bills on the Treasurer of the Police Fund at Head Quarters for the Salaries, etc., of extra offices at the Derwent; and, when I remind you that Mr. Wentworth, who has ten times the trouble as Treasurer of the Police Fund here that ever Mr. Gordon has had at the Derwent, and that He receives no Salary or Commission whatever
as Treasurer of the Police Fund of the Colony, you will surely admit that it would be highly unjust to make so odious a distinction in favor of Mr. Gordon. I therefore totally disapprove of your admitting this charge, as a very unnecessary and highly improper expenditure of the Public Money, and have consequently to command and desire that Mr. Gordon shall immediately refund the Commission you have allowed him, and that the same may be forthwith recredited to the Police Fund.

4. The charge you have allowed to be made in the last Police Account transmitted to me of £300 for the Freight from Port Dalrymple to the Derwent of Mr. Edward Lord's Wheat is at least equally if not more exceptionable than that you have allowed to be made for Mr. Gordon's Commission just adverted to. I cannot help expressing my Surprise and displeasure at this most unwarrantable and very unjust Charge being now made, after having before signified to you that I could not possibly sanction it, it being well known that you could have Purchased plenty of Wheat at the Derwent for the use of the King's Stores at Ten Shillings per Bushel, without having recourse at all to Port Dalrymple for Wheat, for which you were to pay Mr. Lord Freight at the rate of Two shillings per Bushel in addition to the prescribed Price; and your making such allowance to this Gentleman is the more extraordinary and unaccountable, when you know that Wheat has been sent up from both the Derwent and Port Dalrymple for the use of the Government Stores at Sydney for Ten Shillings per Bushel without any Demand having ever been made for Freight. I must therefore consider your admitting this charge to be made and paid to Mr. Lord as evidently founded in partiality for the purpose of serving a favored Individual; but your paying him this Freight, after its having been disapproved of and prohibited by me, is highly improper and unjustifiable. I must therefore desire that you will call upon Mr. Lord immediately to refund this money, in case it has actually been paid him, and have the same recredited to the Police Fund. In case of non-compliance with this order, on your own part or Mr. Lord's, I shall feel it my duty to lay a statement of this Transaction before His Majesty's Principal Secretary of State, as well as a Statement of the Commission you have allowed to Mr. Gordon, in case that Gentleman does not immediately refund the same; and you must expect that His Majesty's Ministers will highly disapprove of such lavish and prodigal expenditure being made of the Public Money entrusted more immediately to your Management.

5. However desirable it might be to obtain Possession of the Point of Land belonging to Mr. Edward Lord for the purpose of
erecting a House and Offices for the Lieut. Governor on it, it would be making rather too great a sacrifice to pay that Gentle-
£1,750 stg. for a spot of ground, without a single Building of any sort upon it, not exceeding Twelve Acres of Land. I conse-
sequently highly disapprove of your having agreed to allow Mr. Lord to land 5,000 Gallons of Spirits Duty free, as a remunera-
tion and Payment for the said Trifling Portion of Land; the Duties at 7s. Per Gallon on the said 5,000 Gallons of Spirits amounting to the above mentioned sum of £1,750 sterling. All idea of Purchasing this spot of Land for Government at so very exorbitant a Price must be entirely relinquished, and some other eligible Place will be hereafter Pitched upon in or near Hobart Town for the Site for the House of the Lieut. Governor, when the Funds of the Settlement over which he presides will afford the erection thereof. In the mean time the conditional agree­ment, you have entered into with Mr. Lord for the Purchase of the Piece of Land alluded to, must be immediately rescinded and cancelled; and he must grant his Bond or Security for the due Payment of the Duties due to the Crown on the 5,000 Gallons of Spirits you allowed him to land, which Duties he must be required to pay by regular Instalments within reason­able periods as he obtains sale for his Spirits. I return you here­with the correspondence you sent for my perusal, and which took place on this subject between yourself and Mr. Lord.

6. In a former Dispatch, I signified to you my disapprobation of the measure of your having sent up 2,500 Bushels of Wheat from Hobart Town for the use of the King’s Stores here on board the Brig Bridgewater in May last, entirely unasked and unauthorized by me, no supplies of that article being required for the Stores here at that time. I have now to inform you that no less a quantity than 572 Bushels of that Wheat was landed here in so damaged a state as to be totally unfit for the use of Man, and was consequently condemned some time since by a regular Committee of Survey; so that Government will lose the sum of £285 Stg. by this unauthorized measure of yours, unless it should be deemed advisable by His Majesty’s Ministers to stop that sum from your Salary as Lieut. Governor, which I think it not unlikely they will do, as I shall certainly consider it my Duty to lay a statement before them of the loss the Government has sustained by this transaction.

7. In consequence of your own recent unfavorable report of the conduct of Mr. Deputy Asst. Comy. Genl. Hogan at the Derwent, and the numerous complaints formerly made to me by individuals of that officer’s very improper and irregular conduct as Head of the Commissariat Department at the Derwent, I have
1816.
31 July.

P. G. Hogan to be removed to Sydney.

Appointment of W. Broughton to charge of commissariat department.

Deemed it advisable, and absolutely necessary for the good of the Public Service, to relieve Mr. Hogan immediately and remove him from the Derwent entirely to Head Quarters. For this purpose, William Broughton, Esqr., Acting Assistant Commissary General has been Selected, and ordered to proceed to the Derwent on board the Kangaroo, now under dispatch, to relieve Mr. Hogan and take charge of the Commissariat Department at that Settlement. Herewith I transmit for your own guidance and observance, and for that of all other Persons concerned in Van Diemen's Land, an attested Copy of the Orders and Regulations, which I have deemed it necessary to frame and Publish under date of the 27th Inst. for conducting the Duties of the Commissariat Department at the Derwent in future, including the increase and expenditure of the Government Stock there, and also relative to the manner of making up and Management of the Police Fund of Van Diemen's Land henceforward. To all which Orders and Regulations I have now to request your particular attention to see that they are strictly complied with by all Persons concerned within the two Settlements under your immediate Government; and I trust it is unnecessary for me to attempt to impress on your mind the necessity of your causing these Orders and Regulations to be most Strictly enforced. I shall expect you will afford Mr. Broughton every aid and support in your power in carrying his Instructions into complete effect, and in remedying the shameful abuses that have so long disgraced the Commissariat Department at the Derwent. Without your support and cordial Co-operation, it will be utterly impossible for Mr. Broughton to effect the radical reform in the Commissariat Department at the Derwent, which he is instructed to do and which is so obviously necessary to be effected. I therefore indulge a hope you will readily afford Mr. Broughton your cordial support and co-operation in carrying his orders and Instructions into effect.

8. It having been stated to me that the present office used by the Commissariat Department at Hobart Town is very inadequate for that purpose from its very small size and other Defects, I have to desire that you will direct the Inspector of Public Works to make such addition to the office alluded to as Mr. Broughton may deem necessary to render it useful and more comfortable for himself and his Clerks; and I have to request that you will order this addition to be made immediately on the arrival of Mr. Broughton at Hobart-Town.

9. Whilst on the subject of Buildings, I beg to observe that it will have an extremely awkward appearance to have the intended New Church* erected in the manner you propose in the angle of

* Note 74.
MACQUARIE TO DAVEY.

George's Square, namely, in directing that it shall *Stand due East and West*. This, tho' commonly the case, is by no means necessary or required by the Cannon Laws; and, as it would not conform to nor correspond with the adjacent Buildings, but, relatively to them and the Streets opening into the Square, would appear a great deformity to build the intended Church due East and West in the Angle pointed out for it in George's Square, I have to request you will wave this Point, and order the Church to be erected in such a site and manner as to correspond with the adjoining Buildings, according to my original intention and Plan of the Town, which Mr. Evans the Deputy Surveyor will more fully explain to you.

10. Having been informed by Mr. Evans, the Deputy Surveyor, that Mr. (late Capt.) Kemp has applied to him to locate and mark out the Lands intended for him in the Interior at a place called Cross Marsh about 40 miles distant from Hobart-Town, I see no good reason why he should not have his Lands there since he prefers that Place, as it would be very desirable to settle the whole of the Country in the vicinity of the Road, leading from Hobart Town to Launceston, as soon as possible, so as to render the communication between the two Settlements more safe and commodious for Travellers.

11. Wishing that all the new streets should be opened and completed according to the Plan which I had made out of Hobart-Town in the year 1811, I now enclose you a Copy of the Return or Report of the valuation of the several Houses and Buildings in that Town, as taken by a Committee of Survey by your own order in June, 1813, and which was delivered to me by Mr. Meehan here lately, in order that the Houses, etc., therein specified may be paid for agreeably to the said Valuation, and then immediately removed by the owners thereof. You will therefore be so good as to issue the necessary orders on this head, and you are authorized to order the amount of the accompanying Account of the Valuation of these Buildings, necessary to be removed, to be charged in the current Quarterly Account of the Police Fund of Van Diemen's Land.

12. Enclosed herewith you will receive a List of the Names of the Witnesses required here at the impending Trial of William Clarke, charged with the Crime of Murder at the Derwent, and who was sent up here some time since without any Witnesses to give evidence to the facts. You must surely be fully aware how useless and absurd it is to send up any Prisoners to be tried here without the necessary Evidences to prove the facts; and I must beg that, in future, when you have occasion to send Prisoners to Head Quarters, you will at the same time send up along
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HISTORICAL RECORDS OF AUSTRALIA.

1816.
31 July.
Witnesses required for trial of W. Clarke.

P. G. Hogan to return in brig Kangaroo.

Convicts per brig Kangaroo.

Voyage of brig Kangaroo.

Inability to send stores and clothing.

with them all such Evidences as may be deemed necessary for the Prosecution and Defence of all Such Delinquents. I am now to desire that you will not fail to send up to Sydney, by the return of the Kangaroo, Doctor Luttrell and Mr. Gordon as well as the other Witnesses specified in the accompanying List, required by the Judge Advocate at the Trial of the Prisoner William Clarke, it being my intention to order a Criminal Court to be assembled here for his Trial the moment the necessary Witnesses arrive from Hobart Town, so as to detain them at Sydney as short a time as possible. In case Mr. Hogan should be able to settle and close all his Public accounts before the Kangaroo sails from Hobart Town for Sydney, you are to order him to proceed in her hither; but, in case he cannot adjust and close all his Public accounts in time to come up in the Kangaroo, you must order him to avail himself of the next good opportunity that may offer for Sydney.

13. By the Kangaroo, I now send Fifty Male Convicts to Port Dalrymple, and the same number to the Derwent. In these numbers for the two Settlements are included a large proportion of Artificers for the Public Works, as specified in the Lists which you will receive of the Convicts thus sent from the Secretary, including their respective Sentences of Transportation.

I intended sending Twelve men more to the Derwent, but the Kangaroo could not accommodate this additional number, which were actually embarked but were obliged to be relanded again this morning. The Kangaroo first touches at Port Dalrymple to land her Passengers there, and from thence she is ordered to proceed with as little delay as possible to the Derwent, where I have to request she may not be detained longer than is absolutely necessary, but to be ordered to return to Sydney immediately after she has landed her Passengers and taken in her Wood and Water at Hobart town with the required Evidences and such other Passengers, as you may have occasion to order on board of her for Sydney. I am extremely sorry I have it not in my power to send you now in the Kangaroo a supply of Stores and Slop Clothing for the Derwent, there being very few of the former, and none at all of the latter now remaining in the King's Stores here, nor are there any of the latter to be had to Purchase from the Shops in this Place. But I have every reason to expect a ship will arrive here from England in the course of a month with all kinds of Stores and Slops for the use of the Colony; and you may rest assured I shall not fail to send a liberal Proportion of both those articles for the use of the two Settlements in Van Diemen's Land by the Kangaroo, the moment the expected Store-ship arrives here.
MACQUARIE TO DAVEY.

14. Herewith you will receive the Lists of the names of those Persons residing either at the Derwent or Port Dalrymple for whom I have signed Absolute or Conditional Pardons, or for whom I have ordered Grants of Land at either Settlement. You will also receive herewith several rejected Memorials, with my answers on them to be made known to the Applicants. Mr. Secretary Campbell will send by Mr. Broughton the new made out Grants of Land of the several old Settlers at the Derwent and Port Dalrymple, so long promised them, and which Mr. Broughton will deliver to them on their paying him the prescribed Fees. The last Memorials for Lands and Cattle, which you forwarded to me along with your Dispatch per the American Brig Ontario, I have not now time to take into consideration or to answer, but shall do so by the next good opportunity that offers from hence for Hobart Town.

15. On Mr. Humphrey's sending me a Memorial stating what Lands and Indulgencies he has already received from Government since his first arrival in the Colony, I shall then consider his claims for a further Grant of Land and for the usual indulgencies annexed thereto.

16. I have to regret that Major Stewart should have entered into such very unpleasant Disputes at Port Dalrymple as he appears to have done lately with the officers serving under his command there. It is my intention to write to him on this subject by the present opportunity.

17. If you conceive you have any claim for Bat and Forage, you should make application for it at Home, as it is not in my power to sanction your receiving it here without an order from the Secretary at War.

L. MACQUARIE.

[Enclosure.]

INSTRUCTIONS FOR REORGANISATION AND ADMINISTRATION OF
COMMISSARIAT DEPARTMENT.

1816.

27th July, 1816.

1. In consequence of very great neglect and irregularity having for a length of time prevailed in the manner of conducting the duties in the Commissariat department at Hobart Town in Van Diemen's Land, it is now become necessary that the officer at the head of that department should be forthwith relieved, and his situation supplied by another officer of the Commissariat Department.

For this purpose, William Broughton, Esqr., Acting Assistant Commissary General at this station, is ordered to hold himself in readiness to proceed on the shortest notice from hence in His Majesty's Colonial Brig Kangaroo to Hobart Town, and there to relieve Mr. Deputy Assistant Commissary General Hogan, the officer now in Charge of the Commissariat department there, and to Enter upon the execution of the duties of that Department.
2nd. Complaints (but too well founded) having been made by the Masters of Vessels from India and elsewhere, trading to Hobart Town, that they have experienced much delay and suffered very serious injury in consequence of their having been refused consolidated or other regular payment for the Store Receipts, which they had received in Payments in the regular course of Trade, although presented at the prescribed Periods;

It is now ordered that in future all Store Receipts or Promissory notes, which shall be issued for the Public Service, shall be regularly called in for consolidation or other legal payment on the 24th of each succeeding Month; and further that all such Store Receipts or Promissory notes issued for the Public Service shall express in clear and distinct terms to whom issued and for what consideration. And a highly improper practice having crept into the Commissariat department at Hobart Town, namely, that of issuing Promissory notes bearing the Official signature of the Officer at the head of that Department, whereby the Public have been erroneously lead to consider those Notes as issued for Government Purposes, and consequently that Government was responsible for their Payment, under which Idea much injury may be sustained to the Public, it being well known that such notes have been put into Circulation for private Purposes, totally unconnected with and altogether foreign to the Public Service:

It is ordered that no officer in the Commissariat Department at Hobart Town shall in future issue any Promissory note, bearing his Official signature, unless the same shall be bona fide for the Public Service, and as above directed have the consideration, for which it shall be issued, expressed thereon.

3rd. Immediately on the arrival of Mr. Assistant Deputy Commissary General Broughton at Hobart Town, and previous to his taking charge of the Commissariat department from Mr. Deputy Assistant Commissary General Hogan, His Honor, or the Lieut. Governor, or officer in command there, will please to order, direct and appoint a General Muster, agreeably to the prescribed form, to take place with the least possible delay of all Persons, who are victualled or receive rations from the Public Stores there, which Muster is to be taken by Mr. Broughton assisted by the Inspector of Public Works and the Principal Superintendent of Convicts, whereby he will be Enabled to make out regular victualling Lists for his own use in the department he is about to take charge of, and also to check the returns made for the Rations which may be drawn from the Public Stores under his direction.

4th. The Lieutenant Governor, or officer in Command, is also to order a committee of survey to assemble at Hobart Town on the 25th of the Month, in which Mr. Assistant Deputy Commissary Genl. Broughton shall arrive there, which Committee is to examine and ascertain minutely the quantity of Provisions, Spirits, Stores and every other Article of whatever nature or kind, at that time remaining in His Majesty's Stores there and belonging to the Crown, in order that Mr. Broughton may be thereby enabled to commence his Accounts from that date, and, to avoid broken Periods appearing either in his Accounts or in those of the Officer, whom he is to relieve and who will of Course be expected to make up his Accounts to that date, and to deliver over the Entire charge to his Successor at that time.

In the Event of their being Spirits belonging to Private Persons deposited or Bonded in the King's Magazines at Hobart town, on account of the duties due thereon, a separate survey shall be made out on them by the said committee, and the Spirits so deposited are to be
reguaged in order to the ascertaining correctly the Quantity contained in each Cask, and samples are to be taken from Each to ascertain the quality thereof, which Samples are to be delivered in Bottles sealed with wax to the Individuals to whom the Spirits may belong.

5th. Mr. Hogan, when delivering over the charge of the Commissariat department at present under his charge to Mr. Broughton, is to furnish him with a Correct Schedule or list of all debts owing to the Crown, reciting the particular Circumstances under which they had been Contracted; and he is farther to hand over to him all such Bonds or other Securities from Individuals as he may be officially possessed of belonging to the Crown, for which he is to require and Mr. Broughton is to give a receipt in due form. In case of any debts being owing to the Crown, for which Mr. Hogan has not already procured regular written Securities by Bond or otherwise, he is hereby directed to call upon and demand of the Persons owing such debts to pass forthwith to him the necessary Securities for their final payment in the regular prescribed time; and, when obtained, he is to deliver them also in like manner with the others to his Successor Mr. Broughton.

6. As Mr. Broughton cannot be held responsible either for debts on Arrears of Provisions, which may be owing to Individuals by the Crown, previous to his taking charge of the Commissariat department at Hobart Town, Mr. Hogan is ordered to discharge and Settle all accounts of this description previous to his giving up the charge of the department; and he is in like manner also to call in all the outstanding debts, Receipts or Promissory Notes, issued by him bona fide for the Public Service, and to grant thereon Consolidations or Bills on the Deputy Commissary General at Head Quarters here.

In the performance of this duty Mr. Hogan is to be particularly careful to avoid including, in such Consolidations or Bills, any Store Receipts or Promissory notes which have been already included in former Payments.

7th. It being deemed adviseable for the benefit of the Public Service that the official account of the increase, decrease, expenditure and distribution of the Government Cattle at the Derwent should be kept in future by the officer in charge of the Commissariat department, It is now ordered that, immediately on the Arrival of Mr. Broughton at Hobart Town, a Committee of Survey shall be appointed by the Lieutenant Governor or Officer in Command to view and ascertain the number, Age and description of all the Government Cattle at that Settlement; and that all orders for the future delivery of Cattle from thence shall be addressed to the officer at the head of the Commissariat department, who is thereon to affile and register such Orders in his office and to issue Counter Orders thereon, addressed to the Superintendent of the Government Herds for the delivery of the Cattle agreeably to the Original Orders from the Lieutenant Governor.

It is further hereby ordered that the Superintendent of the Government Stock at the Derwent shall send in correct weekly returns thereof on Each Monday, agreeably to the prescribed form to the said officer in charge of the Commissariat, specifying therein the increase, decrease and Remains of the said Stock up to the day on which the said Return shall be made; and, for the more effectual prevention of frauds and Collusions among the Persons Employed to herd and take care of the said Cattle, a Committee of respectable Persons is to be appointed to Survey and report Quarterly in the aforesaid manner on the state of said Herds and Flocks.
8th. Returns for Rations are to be sent to the officer in charge of the Commissariat Department, signed by the Proper Officers and to be delivered on each Thursday Morning, so as to Enable the Commy. to Examine and compare them with his own victualling Lists, previous to his issuing the Rations thereon on the Ensuing Saturdays. Any neglect of this Order on the part of the proper officers is to be reported by the Commissary in suitable terms to the Lieutenant Governor or Officer in Command.

All those Persons, who have been already victualled for Eighteen Months from His Majesty's Stores at Hobart Town, not including those Officers or Persons necessarily on the Stores, are immediately to be struck off from obtaining further Rations as soon as Mr. Commissary Broughton shall have taken the Charge of the Commissariat department on him.

The Civil and Military Officers, the Government Artificers and Labourers, and those Government Labourers, allowed officially to the Magistrates and subordinate Civil officers, are to be continued on the Stores as heretofore. The Officer at the head of the Commissariat will be held highly responsible for the due Execution of this Order; and it is to be here understood that the several orders herein expressed, relative to the future conduct of the Commissariat Department at Hobart Town, are to be considered equally to include the Branch of the Commissariat Department at Port Dalrymple, so far as local Circumstances will admit, for which purpose Mr. Commissary Broughton is to furnish the Commissariat officer in charge at Port Dalrymple with a Copy hereof and with such further Explanatory Instructions as may appear to him necessary to give the whole the fullest Effect.

9th. William Maum* and William Holgrove, the former Store Keeper and the latter Subordinate Clerk in the Commissariat Department at Hobart Town, being deemed most Improper Persons to hold their respective Confidential and important Offices are to be discharged from those Offices immediately on Mr. Broughton taking charge of the Commissariat department; and in their room His Excellency is pleased to appoint Mr. William Raynor to be Store Keeper, and Mr. John Flood to be subordinate Clerk, which Appointments are to take place from the date of their Predecessors being dismissed.

10th. When Mr. Assistant deputy Commissary Hogan shall have delivered over the Charge, and finally wound up and settled all the Public Accounts of the Commissariat Department under his Direction, up to the date of his being relieved by Mr. Assistant Deputy Commissary Broughton, he is hereby ordered to return as soon afterwards as possible, embracing the Earliest Opportunity which may offer for that Purpose.

11th. Many irregular and unauthorized demands having been made for some time past on the Police fund at Hobart Town, whereby it has been unnecessarily impoverished, the Governor deems it necessary to Order and direct that the following Rules and Regulations shall be strictly and undeviatingly adhered to in the future Management and Disposal of said Police fund, Namely:—

12th. The Police fund Accounts of Van Diemen's land shall be made up regularly at the End of Every three Months, as heretofore by the Acting Treasurer for the time being; and, when so made up, they are to be submitted to and Examined by a Committee consisting of the three following Persons, namely, the Deputy Judge Advocate, the Officer Commanding the Detachment of Troops, and the Officer in Charge of the Commissariat at Hobart town, all for the time Being,
who are hereby authorized and directed to act as a Committee for the Purpose of Examining and auditing the said Account, and Certifying them, when found correct, previous to their being submitted to the Lieutenant Governor or Officer in Command for his approval. These quarterly accounts are to be forwarded by the Lieutenant Governor or Officer in Command by the Earliest Opportunity to the Governor in Chief at Head Quarters for his final Examination and Sanction, and for their Eventual publication in the Sydney Gazette, in like manner as the Accounts of the Sydney Police Fund.

2. As no charge on the Police fund can be considered correct, unless supported by a regular Voucher, the Committee of Examination will attend to this Circumstance, and on no account permit any charge on the fund to pass unless fully warranted by the Vouchers. And the Treasurer is hereby directed not to pay any extra Charge or demand thereon for any sum exceeding ten pounds sterling, unless it shall have previously received the written sanction of the Governor in chief.

The Permanent Authorized Salaries of the Civil Officers, not being Extra Charges, are to be paid as heretofore.

12th. On any occasion, when it may be necessary that the Convicts, whether Artificers or Labourers in the Service of Government, shall be required to work for Government in what is usually termed their own time, the allowance or wages to be paid each Person so employed is never to Exceed the Sum of two Shillings per diem; And it is further Ordered that, if it should be absolutely necessary to Employ free Men at any time as Artificers or Labourers on Government duty, they shall be Each paid a Sum not Exceeding Five Shillings per diem and not more on any Account whatever.

13. It is further Ordered that free Men shall not be Employed in Government Service either as Artificers or Labourers, unless on the most pressing Emergencies, and that the Extra time of the Convicts in the Employ of Government shall not be interfered with, but on occasions of absolute necessity.

14th. The Naval Officer at Hobart Town is to continue to act as the Treasurer of the Police fund of Van Diemen’s Land, and to make up the Quarterly Accounts of it as already directed; but it is here to be fully understood that, as the funds result chiefly from the duties collected by the said Acting Treasurer in his Capacity of Naval Officer, whereby no additional trouble is given to him, that he is not to receive any additional Salary or Per centage Commission for thus acting as the Treasurer of the fund. And, the present circumscribed state of the Colonial funds of this Colony and its dependencies requiring the utmost Economy in the General expenditure, it is required that the fullest Consideration shall be given to this Circumstance by all those in the Service of Government at Hobart Town.

15th. The Lieutenant Governor of Van Diemen’s land or Officer in Command will make out with all Expedition and forward forthwith to the Governor in Chief a Correct Schedule of all the Colonial Salaries now paid from the Police fund at Hobart town, in order to his Examining and Approving the same, when found Correct or not on a higher Scale than the necessity of the Case may require.

16. It being of the utmost Importance to the Public Service that these Orders should be strictly attended to and Obeyed, All persons concerned are hereby strictly Enjoined and commanded to render the strictest Obedience thereto.
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HISTORICAL RECORDS OF AUSTRALIA.

1816.
6 Aug.

LIEUT.-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.
(Despatch per brig Spring; acknowledged by Governor Macquarie, 30th September, 1816.)

6th August, 1816.

[Enclosure.]

DEPOSITION BY T. SEALS.

Hobart Town, County of Buckinghamshire, Island of Van Diemen, 10th July, 1816.

-Present:—His Honor Thomas Davey, Esquire, Lieutenant Governor, Van Diemen's Land, etc., etc., etc., and A. W. H. Humphrey, Esquire, Justice of Peace.

Information on Oath of THOMAS SEALS, a freeman, who deposes:—

On Thursday the fifth instant, about one o'clock in the day, a Banditti of Bushrangers, consisting of Michael Howe, Peter Septon, Richard Collyer, George Jones and Dennis Geary, came to the Hut in which I live at the Broad Marsh, which is about Forty Miles from Herdsman Cove in the direction to Port Dalrymple Settlement. Michael Howe was the first who presented his Musket to my breast, and directed me to go out into my Hut, asking me who was there. I replied there was no person in the Hut; they then asked me what provisions I had, and if I had any Bread; they observed a piece of Bread on a Shelf, which they took down, and asked me if I had any more; they took some flour out of the box and made some cakes, which they baked in the ashes; they then went to the harness cask and overhauling it to see what meat I had in it; and if I had any Bread; they observed a piece of Bread on a Shelf, which they took down, and asked me if I had any more; they took some flour out of the box and made some cakes, which they baked in the ashes; they then went to the harness cask and overhauling it to see what meat I had in it; they took all they could find; they then said they must kill a young Heifer. I begged of them not, but they insisted they would, and made me drive the Cattle into the Yard, when Peter Septon fired at a young Bullock but missed it; they then made me put a rope on the young Bullock, and tie it to a post. Howe discharged his piece at the Beast, and shot it, and afterwards knocked its Brains out; they then skinned the Beast and roasted some of it, and the remainder they gave to their Dogs. After they had killed the Beast, they stopped with me from Thursday Afternoon until Saturday morning; during the time they remained with me, Jones requested me to procure for him one hundred needles, two clasp knives, two Shirts, two lb. Tobacco and one lb. Gunpowder, for which he said he would give me the watch belonging to the Captain that they shot at the Falls (meaning James O'Burn, Master of the Geordy Sloop), which had a Gold Seal to it, also a pea Jacket with other things, which he said would be of great service to me, but none to him or his party, which I agreed to do; and Jones said he would call in the course of a fortnight but did not mention the exact day. They most particularly cautioned me not to give any information of what they had agreed to do, stating that, if I did, they would be certain of hearing it, and then I must stand clear for they would have my life. They also said, if any parties were sent out after them, they would distress the whole Island by burning the crops and killing the Cattle and Sheep throughout the Country. They exhulted in what they intended to do to Mr. Humphrey, saying that they had not begun with him Yet, for what had been done by Watts and Garland was only a flea bite, but they meant to serve him out. Michael Howe had in his fob pocket-Mr. Humphrey's compass, which he showed me; they also threatened...
Mr. Beamont and long Jones, saying that they would kill them and were sorry they had not done it before now. On Saturday morning, the 7th instant, when they were about to leave my Hut, they said they should take me with them towards Mr. Whitehead's Stockyard. They did so, and, when they came within about a mile or a mile and a half from Mr. Whitehead's Stockyard, the Banditti divided, leaving me in custody of two of the Banditti; they had not been gone more than one hour, when they returned, bringing with them Johnson (Mr. Whitehead's Stockman), an Iron Pot, a Knife and all the provision, they could find in Johnson's Hut, with one Dog. The evening before they left my place, Michael Howe sat down and tore a leaf out of my Stock book, and wrote a letter directed to Colonel Davey, which he read to me, and, as well as I can recollect, was as follows:—

"I have called at Mr. Stanfield's Stockyard, and been under the necessity of Killing a Bullock about Three hundred weight, which I hope you will pay for, as we have been off the Store a long while, but not in the same manner as you had defrayed the Blood Hunter's Expences, for, if the Blood Hunters comes into my Territory, I will feed them with force meat balls.

"I am, Yours, &c.,
"MICHAEL HOWE,
"Lieut. Governor of the Woods, etc., etc.

"Lt. Govr. Davey, etc., etc., etc., etc."

This note they read to me and said, if I did not deliver it to the Lieutenant Governor, they would kill me; but afterwards they took it from me and burnt it.

When the Banditti proceeded on to New Norfolk with Johnson and me, at which place we arrived about two hours before sundown, and the Banditti placed themselves on a high Hill to watch, who went in and came out of Jillett's house in the district of New Norfolk; about Sunset, the Banditti tied my hands to Johnson and left us in charge of Richard Collyer, while the others consisting of five went down to Jillett's house. Richard Collyer held in one hand a Pistol and in the other held a knife, with which he said he should cut the strings that tied me and Johnson, and let us loose, provided that the party fired a shot from Jillett's house. Shortly after the men had been in Jillett's house, they called to Richard Collyer to bring down Johnson and me to the house, where we remained all night Eating and drinking; they robbed Jillett's house of what they thought proper and went away about 5 o'clock Sunday morning.

They said that, if I would be a friend to them, they would reward me well, and that there would be no danger in what they would give me, for they were fully determined to be like Turpin to rob from the rich to give to the Poor.

THOMAS SEALS.


GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.

(Despatch per brig Spring.)

Sir,

Government House, Sydney, 30th Sept., 1816.

1. I have the honor to acknowledge the receipt of your Despatches Letters under dates 8th and 9th of July and 6th of Augt. last, acknowledged, received some time since per Brig Spring.
2. I am concerned to find by your Letter of the 6th of August that so many of the Men I sent to you some time since by the Kangaroo have absconded and gone into the Bush. This must certainly be chiefly owing to the neglect and remissness of your overseers and constables in not more narrowly watching these men for some time after their arrival; and I must request you will order and instruct them to be more attentive to their Duty in future, when Men of this description are received at the Derwent from Head Quarters; for you must always expect that a proportion of the bad men as well as of the good will be continued to be sent from hence to the Settlements in Van Diemen's Land. From the extravagant demand you make in your Letter of the 6th of last month for Two Hundred Prisoners being sent from hence for the use of the Public Works at the Derwent, it would appear that you suppose an immense Depot of some Thousand Prisoners are kept here constantly for supplying the Out Settlements; but this is not the case, no more men being ever kept at Sydney than are actually required for the use of the Govt. Public Works going on here. But at all events I must remind you that, including those men landed at the Derwent from the Indefatigable three years ago, and the several Draughts sent before and subsequent to that period from hence to Van Diemen's Land, you have received more than a full Proportion of Male Convicts for the use of Government and the free Population in the two Settlements in Van Diemen's Land, had they been fairly and impartially distributed amongst the Settlers, which I have good reason to believe has been too little attended to by yourself and your Predecessors.

3. In respect to your Demand for Slop Clothing, Stationary, Tools and Implements, I have already, in former Dispatches, informed you that none of these articles are in the King's Stores, nor to be had from Private Merchants; but I expect a Store-ship soon from England, and, as soon as she arrives here, I shall not fail to send a Proportion of all these articles for the use of the Settlements in Van Diemen's Land.

4. As early as practicable after the receipt of this Letter, I have to desire that you will take a General Muster of all the Inhabitants, etc., etc., on Van Diemen's Land, agreeably to the prescribed Form; and, as His Majesty's Govt. now requires an annual Alphabetical Nominal Return to be sent Home of all Persons who are now or have formerly been Convicts, you will be so good as to transmit to me the original Books, you take down the Names in at the General Muster in Van Diemen's Land, besides the usual Returns termed the Results of the said
MACQUARIE TO DAVEY.

Musters. It is necessary that these Muster Books and Results should be forwarded to me as early in the Month of December next as possible.

5. I regret it is out of my power to comply with your request in behalf of Mr. Bunster for a Grant of Land, it being contrary to my Regulations to give Lands to any Sea-faring Person without an order from Home.

6. In compliance with your recommendation in favor of Free Persons now residing in Van Diemen's Land for permission to become Settlers, I now enclose herewith a List of the Names of such Persons, as I have deemed it advisable to give new Grants of Land or additions to former Grants, and have to request you will order the Depy. Surveyor to locate and mark out the Lands intended for those Persons, as specified against their respective names in the accompanying List.

7. I return you some few Memorials from the Derwent and Port Dalrymple with my answers on the backs thereof, not being able to grant the requests of the Applicants.

8. Altho' it is now almost Two Months since I dispatched the Kangaroo last to Van Diemen's Land, I am sorry to say she is not yet returned from thence.

I have, &c.,

L. MACQUARIE.

LIEUT.-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.

13th and 24th October, 1816. — Oct.
2nd, 4th, and 18th November, 1816. — Nov.

[Copies of these five despatches are not available.]

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.

(Despatch per ship Sophia; acknowledged by lieutenant-governor Davey, 26th December, 1816.)

Sir, Govt. House, Parramatta, 27th Novr., 1816.

I have the honor to enclose you herewith a Letter* to your address from the Under Secretary of State, which came enclosed to me in my last Dispatches from Earl Bathurst. It conveys to you the official intelligence of the resolution His Majesty's Government have adopted of removing you from your present Command, as Lieut. Governor of Van Diemen's Land, very shortly, and of appointing Colonel Sorrell to succeed you as Lieut. Governor; and, from what Lord Bathurst writes to me on this subject, there is every reason to expect that Colonel Sorrell will arrive here, or at the Derwent, in the course of a few weeks, as he was to sail from England shortly after the date of my last Dispatches. I therefore embrace the present opportunity of giving you this intelligence, but which you are perhaps already...

* Note 75.
in possession of thro' the medium of your Private Correspondents in England.

It must of course be fresh in your recollection that, on the occasion of your declaring Martial Law in Van Diemen's Land some time since, contrary to my orders and in contempt of my authority as Governor in Chief, that I signified to you my intention of stating your conduct on that occasion to His Majesty's Ministers. I did so accordingly, adding thereto your almost total disregard to the Instructions I had furnished you with on your proceeding from hence to Van Diemen's Land, as well as to my subsequent orders and commands on very important Points deeply connected with the Government of those Settlements placed under your immediate command, more especially in your lavish expenditure of the Public Money and your injudicious and extravagant Purchases and Contracts made and entered into on the behalf of Government. The performance of such a disagreeable task was most painful to me, but you left me no alternative, as my Public Duty as Govr. in Chief, paramount to every consideration of Private feeling, imperiously demanded my resorting to the only step left me of supporting my own authority by an appeal to His Majesty's Government in England. If the result of such appeal should ultimately prove a disappoint to you, or injurious to your future views and prospects in this country, you have only yourself and your bad advisers to blame and not me; at the same time that I must ever regret, both on your own account and that of your amiable Family, that I should have been compelled to be in any way instrumental in removing you from a situation of so much respectability and comfort.

Earl Bathurst having authorized me in his last Dispatch to give you a suitable Grant of Land, not knowing that I had done so already, I beg now to inform you that I have no objection to add Two Thousand acres to the three Thousand already granted to you some time since, and that you may choose this additional Two Thousand acres either immediately adjoining your present Grant, or in any other part of Van Diemen's Land you may prefer, where your doing so will not interfere with the interests of the Crown or with that of Individuals.

I have to acknowledge the receipt of your numerous Dispatches by the Brig Sophia and H.M. Colonial Brig Kangaroo lately arrived from the Derwent, but which I have not now time to answer, but shall do so fully by the Kangaroo, which I intend dispatching direct for the Derwent in about a fortnight hence, with Government Men and Stores for the use of that Settlement.

I have, &c,

L. MACQUARIE.
MACQUARIE TO DAVEY.

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.

(Despatch per H.M. brig Kangaroo.)

Sir, Government House, Parramatta, 12th Decr., 1816.

1. I now have the honor to acknowledge the receipt of your Dispatches late several Dispatches Pr. the Brigs Kangaroo, Sophia, and Lynx, with their respective Enclosures and accompaniments, as specified in the Margin.*

2. I have perused the several Depositions you transmitted to me relative to the complaints made by Mr. Eddis, the Commander of the Brig Tweed, against yourself and other officers at the Derwent; and have much pleasure in observing that these complaints were generally unfounded.

3. I have also read the several Depositions you forwarded to me lately relative to the Depredations committed some little time ago by the Bandittis of Bush Rangers and others on Daniel Standfield and other Settlers at the Derwent, which I regret extremely, and cannot help expressing my surprise and displeasure at these Banditties being so long permitted to infest the Settlers in that Settlement, when it is well known that their whole number do no exceed Ten or Twelve Persons at most.

   Were you to order Six Soldiers and a few armed Constables to go out after these Marauders, to pursue the Bandittis in their lurking Places, with proper guides, and to remain out in search of them for about a month, I have not a doubt the whole of them might be apprehended in that time. You have already sufficient means in your hands to effect this purpose without my sending you any additional Military Force from hence; and, if you do not employ the means thus at your disposal to preserve the tranquillity and Peace of the Settlements committed to your charge, the responsibility must rest with you and not with me. In a former Dispatch, I pointed out the means to you to be adopted for suppressing these lawless Bandittis without resorting to the dangerous and ruinous measure of declaring Martial Law.

4. The Prisoner Clarke, whom you sent up hither some time since from the Derwent on a charge of wilful murder, has been tried and acquitted of that Crime. This Trial has put Government to a very great and heavy expence; and I have again, once for all, to desire that you will in future be extremely guarded and cautious in sending up any Prisoner to be Tried by the Courts here, without forwarding along with him the necessary Evidences for and against such Prisoner, and not to send any Person to be tried here for a trivial or slight offence. Colonial

* Marginal note.—13th Ocr., and 24th Do.; and 2d, 4th and 18th Novr., 1816.
Surgeon Luttrell and the other Evidences, who came up hither on the Trial of Clarke, now return to the Derwent on board the Kangaroo.

5. Mr. Gordon, the late Naval Officer at the Derwent, called on me here soon after his arrival from thence, but said nothing to me on the subject of the Money you so improperly paid him from the Police Fund, and which he must be compelled to refund, as nothing he himself or you can say can possibly justify your paying him that money without my authority for your so doing. I shall therefore most certainly hold you responsible to the Crown for the money thus paid by you to Mr. Gordon; and, if he does not immediately refund it, I shall write Home to H.M. Princ. Secr. of State for the Colonies, requesting that the sum of £333 17s. 9d. paid by you to Mr. Gordon, unauthorized by me, may be deducted from your Salary as Lt. Governor of Van Diemen’s Land.

6. I understand from the Depy. Surveyor of Lands that you have changed the Scite originally marked out and intended by me for erecting a New Hospital on. I must therefore desire that the Hospital shall not be erected on any other Scite than the one directed and approved of by me. I do not allow Surgeon Luttrell to interfere in cases of this kind, and I shall expect an implicit compliance with my orders on this Point.

7. Having lately received a Petition from Henry Rice, Free Settler at the Derwent, in which he states the great injustice done in depriving him of the Farm located for him at the Coal River some time since by my authority by the Surveyor of Lands, and that, by your order and a most unjust decision of the Bench of Magistrates at Hobart Town, this Land has been given to a Man named Gavin; I have enclosed the said Memorial to Mr. Evans, the Dy. Surveyor of Lands, in order that he may attest the Man’s Statement, in case he finds it well founded, and then present the Petition to you for the purpose of redressing the injury done to Henry Rice; and I have to desire that the order given by me on the face of the said Petition may be immediately on receipt carried into effect.

7. In the Return of the number of Persons victualled from the King’s Store at the Derwent recently received from thence, I am concerned to observe a great number of Govt. Men assigned to Persons, in and out of office, who have no right whatever to have Government Servants at all on the Store; and amongst the rest I am grieved to see you have no less than Twelve Men victualled on your own account. I am unwilling to make any unpleasant comment on your having this number of Men on the Store; but you know it is improper and that you are not entitled
to them, as the Men, you had assigned you with your Lands, must have been on the Store for the prescribed Period of Eighteen Months already much longer than that time. I must therefore desire that they may all be immediately struck off, as well as all other Government Men assigned on the Store to Civil and Military officers and other Persons who have no right to such indulgence.

8. I am greatly concerned to find that Mr. Hogan, the late Dy. Asst. Comy. Genl. at the Derwent, is a Defaulter in so large a Sum as £2,297 15s. 9d. Stg. to the Public, as, I fear, Government will ultimately suffer from his knavery and improper conduct; but I trust he will be able to liquidate the greater part of his Debts by the sale of his Property, which I fear he has acquired only by the embezzlement of the Public Money and Property with which he was entrusted. If he can liquidate all the claims on him on account of Government, I shall be willing to overlook his Delinquency in consideration of his having a wife and Family to provide for; but, in case I find Government is likely to incur any loss from his Delinquency, I must have his conduct investigated by a General Court Martial.

9. I have, to desire that, immediately on receipt of this Dispatch, you will be pleased to order to be made up by Mr. Hogan, and transmitted to me by the first opportunity that may offer, a Correct Nominal Return of all Persons (Male and Female), who were victualled from the King’s Store at the Derwent from the 1st of January, 1816, to the 24th of September last, both days inclusive, specifying the date of each Person’s being put on or struck off the Store, and distinguishing the names of such Persons as may have received an Extra-Half-Ration during that period.

10. I disapprove of the Lease you have given to Mr. Humphrey of the Government Farm at New Town, and desire that the same may be forthwith cancelled and rescinded by you.

11. I beg leave to inform you that I gave Mr. Evans, the Old barn given to C. W. Evans.

12. I do not see any objection to Lands being granted on Brune island.

Land grants on Brune island.
13. You will receive from Mr. Secretary Campbell a Letter enclosing a List of Names of Persons, to whom I have ordered Grants of Land to be located at the Derwent, and also apprising you of the nature and amount of the indulgencies to be granted to the said Persons along with their Lands. In the List so alluded to, you will find the names of Messrs. Thomas and James Salmon, the two free Settlers lately arrived at the Derwent from England, and also that of Mr. Noble, the Surgeon of the Kangaroo.

14. The several Petitions and Memorials transmitted to me in your recent Dispatches, I have perused and answered, and now return them to you. I am sorry I cannot comply with your request in behalf of the Six Convicts whose Memorials you forwarded to me lately, being unable to give any more Pardons in consequence of recent orders from Home, excepting in very particular cases of long servitude and great Merit.

15. I hope you have long ere now taken all the Musters for the present year at both the Settlements on Van Diemen’s Land, and that I shall receive the Results thereof, as well as the Muster Books themselves, by the return hither of the Kangaroo, agreeably to the orders I lately transmitted to you on this head.

16. I am happy to hear that there are such pleasing and flattering appearances of abundant Harvest this year in Van Diemen’s land. It may not be amiss, however, to apprise you that, in consequence of our having a very abundant Harvest this year in this part of the Colony, it will be impossible to receive any Wheat from Van Diemen’s Land for the use of the King’s Stores here, as, I shall not be able to take half the surplus grain the Settlers will have here this Season.

17. I have now to inform you that I have resolved that no higher Price than Sixpence per Pound for Butchers Meat, or animal Food of any description, required for the King’s Stores in any part of this Territory, shall be paid from and after the 24th of the next month of January, 1817; and I have accordingly to order and direct that you will make this determination known to all Persons concerned at the Settlements of the Derwent and Port Dalrymple; and that you will instruct the officers in charge of the Commissariat Departments at both those Stations not to pay more than Sixpence per Pound for any animal Food received by them on account of Government after the 24th of the ensuing month of January.

18. I have also to desire that you will give Public Notice at the Settlements of the Derwent and Port Dalrymple, that no Settler or other Person is to be victualled from the King’s Stores at those Settlements (with the exception of the Civil and
MACQUARIE TO DAVEY.

Military Officers of the Crown, the Govt. Mechanics and Labourers, and other Persons in the immediate service of the Crown) for a longer period than six months, from and after the 31st day of this present month of December, agreeably to orders recently received from His Majesty's Government at Home to this effect. All those Persons, however, for whom I have already given, or you may hereafter receive orders from me during the continuance of the present month to be put on the Store in virtue of their being allowed to become Settlers in Van Diemen's Land, are to be Victualled for the time specified in the said orders.

19. By the Kangaroo, I have sent a Pair of Mill-Stones, in compliance with your request, for the use of Robert Nash, on account of his having erected a Wind-Mill at Pitt Water at his own expense; and, as an encouragement to his future industry, he is not to be required to pay immediately for these Mill Stones, but to grant his Bond for their amount, engaging to pay the same in grinding Wheat for the use of Government whenever required so to do until their full Price is liquidated, charging at a rate not exceeding one Shilling per Bushel for the grinding of the said Wheat.

20. Mr. Richard Barker, Free Settler now at the Derwent, having lately applied to me to receive the Lands ordered there for him, in two distinct allotments, I have to signify to you my acquiescence in this Gentleman's request, and to desire you will instruct the Deputy Surveyor of Lands accordingly.

21. The Government Brig Kangaroo returned here from the Derwent on the 19th of last Month, after a long and unaccountable absence of three Months and a Half in performing a Voyage that is generally made in less than one third of that time by the Common Colonial Craft. I have been waiting impatiently for these last two months for the arrival here of the Surrey, Male Convict Ship, from Ireland, that Ship having also a great Quantity of Govt. Stores on board very much wanted at present both here and at all the Subordinate Settlements; and wishing to send you for the use of the Derwent not only a Proportion of men from those of the Surrey, but also a complete assortment of all sorts of Stores, I have hitherto detained the Kangaroo here to convey them to the Derwent as soon as the Surrey should arrive. She has not yet however made her appearance, and, it being quite uncertain when she will, I have resolved on dispatching the Kangaroo for the Derwent on Monday next, the 16th Instant, with such number of Male Convicts, Slop Clothing and Bedding, and other Stores for the use of that Settlement, as can conveniently be spared. You will accordingly receive by the Kangaroo a complete supply of Slop Clothing and Bedding for
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1816.
12 Dec.
Convicts and stores per brig Kangaroo.

Necessity for prompt return of brig Kangaroo.

G. W. Evans to return to Sydney.

Special shipments of convicts and stores.

the whole entitled to the same at the Derwent, together with a number of other Stores, including a good Supply of Stationery for yourself and the Public Offices at that Station. You will also receive Thirty two Male Convicts by the Kangaroo for the use of the Derwent, in which number however are included John Gregory, a Clerk for Asst. Comy. Genl. Broughton, and Ormsby Irwin, whom I send down as an Overseer in charge of those Men, and whom I have to desire may be continued an overseer of Convicts at the Derwent, being remarkably well qualified for that particular situation.

22. It being necessary, on account of the Public service generally, and particularly as she must be dispatched from hence direct for England early in February with Dispatches of the greatest importance, that the Kangaroo should be sent back hither with the least possible delay, I have to signify to you my positive orders and commands that she may not be detained at farthest more than Ten Days at the Derwent from the date of her arrival there, and that she may be dispatched at the expiration of that time without fail by you on her return Voyage direct to Port Jackson. I am also to desire that Mr. Geo. Wm. Evans, the Deputy Surveyor of Lands, may be ordered up to Sydney on board the Kangaroo.

I have, &c.,
L. MACQUARIE.

P.S.—A Separate Supply of Men, Slops, and Stores will be sent for the use of the Settlement of Port Dalrymple on the arrival of the Surrey from Ireland. There is a Separate Supply of Slop Clothing and Bedding Shipped on the Kangaroo for the use of the Old Norfolk Island Settlers now alive at the Derwent, and which I am to desire may be exclusively reserved for and issued to them. L.M.

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR DAVEY.
(Despatch marked “Private,” per H.M. brig Kangaroo.)

13 Dec.
Charges preferred against H. St. John Younge.

Sir,
Govt. House, Parramatta, 13th Decr., 1816.
I have the honor to acknowledge the receipt of your Letter of date 2d of last month with its several accompagnments, relative to the charge* you have preferred against Asst. Surgeon Henry St. John Younge, which officer arrived at Sydney from the Derwent on board the Kangaroo on the 19th Ultimo and remains there still under arrest.

Having referred all the Papers you sent me on this subject to Mr. Judge Advocate Wylde for his perusal and consideration, I now enclose you herewith a copy of his answer and opinion; from

* Note 78.
MACQUARIE TO DAVEY.

which you will observe that Mr. Younge cannot be Tried by a Genl. Court Martial without further Evidence or your being yourself on the spot to prosecute him. I therefore request to know, as soon as possible, what you wish to be done further in this case.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

JUDGE-ADVOCATE WYLDE TO GOVERNOR MACQUARIE.

Sir, Judge Advocate's Office, Sydney, 10th December, 1816.

According to your Instructions of the 9th Instant, I have duly considered the papers inclosed, relative to Charges* preferred by Lieut. Governor Davey against Assistant Surgeon Henry St. John Younge and beg leave to communicate, as suggested, my private Opinion how far the papers transmitted may go to substantiate the Charges in the absence of all other Evidence.

The mere production of Surgeon Younge's letter No. 6 will not of itself be sufficient to support the first Charge of making use of contemptuous and disrespectful words, unless the Letter be admitted or proved by competent Witnesses to be of the handwriting of Surgeon Younge. The production of it by the Lieut. Governor will prove the receipt and the Court, connecting and comparing the first, third and particularly the fourth paragraphs, will then have to pronounce upon the validity of the Charge as preferred.

With regard to the Second Charge of neglect of Duty, as "it is the first and most signal Rule in relation to Evidence that a prosecutor must produce the utmost Evidence that the nature of the fact is capable of, and there can be no demonstration of a fact without the best Evidence, and inasmuch as the Depositions even of a Witness taken ex parte before a Magistrate cannot be read in Evidence on the trial of the party, after the Death of the Deponent," there seems to be no legal or sufficient Evidence, as the Witnesses themselves must be adduced to be personally examined as to the facts stated, and it would not be competent to the Court to receive Depositions in that respect even formally attested, much less the mere written statements contained in No. 4 and No. 5; while it is to be observed that the only Evidence even if properly adduced, in support of this Charge, is the fact stated by John Wade not of refusal to come but as to the various excuses made by Surgeon Younge, all the other circumstances by no means amounting to the proof of Surgeon Younge being actually at home though denied, which alone could render it necessary for any answer on the part of Surgeon Younge in that respect.

* Note 78.
The paper No. 4 does not apply in circumstances to the Charges preferred, except as tending perhaps to explain the second paragraph of the Letter No. 6; but even in that View upon the principle already mentioned, the original correspondence itself must be produced by the respective parties, who would make them Evidence, or, if not the originals, authenticated Copies; when it would be for the Court to decide how far the Language used is to be considered under the Circumstances disrespectful and contemptuous towards a commanding officer.

The paper No. 3 resolves itself merely into statement. A charge of course might be raised on the facts stated, which might then be proved, but cannot be applied to the Charges specifically drawn up by the Lieut. Governor Davey.

Upon these grounds, it does not appear to me that the papers inclosed do furnish sufficient Evidence to substantiate the Charges preferred, as ‘the practice of the Courts of common law in England, not only upon the footing of Authority, but on principles of wisdom, is the standard for all Courts, civil and military, to resort to in matters of testimony, and Courts Martial must therefore most scrupulously attend to the legal rules of Evidence.”

I have, &c,

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

LIEUT.-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.

(Despatch per H.M. brig Kangaroo; acknowledged by Governor Macquarie, 7th March, 1817.)

28 Dec.

Sir, Government House, Hobart town, 28th Decr., 1816.

I have the honor to acknowledge the receipt of Your Excellency’s Letter under date the 27th Ultimo (with an enclosure from Mr. Goulburn, Under Secretary of State) apprizing me of the expectation of Colonel Sorell to relieve me on this Station; believe me, Sir, the pleasing intelligence affords me much satisfaction.

Your Excellency also informed me that Lord Bathurst has been pleased to authorize you to give me a suitable Grant of Land*; in compliance therewith, Your Excellency has thought fit to grant me two thousand Acres only, stating that the three thousand Acres, which has already been granted me, had not reached the knowledge of his Lordship; here I beg leave to impress on your Excellency’s mind that, early in the year 1814, I memorialized his Lordship for five thousand Acres as a compensation for the very heavy loss, I met with by the Capture of the Emu†; this five thousand Acres is a portion of Land, which I presume his Lordship intends I should possess independent of any former Grants; and I, therefore, cannot think that the Grant

* Note 77.  † Note 79.
of three thousand acres, which I at present possess, can bear the smallest relation with the good wishes of Lord Bathurst, and I trust and hope your Excellency will conceive it in the same light.*

I have, &c.,
T. DAVEY.

LIEUT.-GOVERNOR DAVEY TO GOVERNOR MACQUARIE.

SUMMARY, with Dates, of late Dispatches recd. from Lt. Govr. Davey, acknowledged by Governor Macquarie, 7th March, 1817.

1st Letter dated 28 Decr. 1816.

2d Letter, dated 30 Decr. 1816.
1st. Enclosing letter to his address from Mr. Edwd. Lord, Duty on Mercht. at Hobart-Town, on the subject of reducing the Duty on Isle of France Rum and Arrach to 5s. pr. Gallon instead of 7s. as levied on a superior description of Spirits.

3d Letter dated 7 Jany. 1817.
Relative to granting a free Passage from Sydney to the Derwent to Mary Beachey and her two sons.

4th Letter, dated 7 Jany. 17.
Expressing his determination to have Asst. Surgeon Younge H. St. John tried by a Genl. Court Martial at Sydney, and expressing his desire to be permitted to come up to Hd. Qrs. to prosecute him as soon as he is relieved by Colonel Sorrell.

5th Letter, dated 7 Jany. 1817.
1st. Relative to the Debt due by Mr. Jas. Gordon to Govt. of £383 17s. 3d., which was erroneously paid him from the Police Fund of Van Diemen's Land by order of Lt. Govr. Davey, and referring to have the same settled at Sydney with Mr. Gordon.
3d. Result of Genl. Muster promised to sent soon.

4th Letter, dated 8 Jany. 1817.
2d. Respecting Suspension of Mr. Justice Bent.
5th Letter, dated — Jany. 17.
1st. Respecting Lt. Jeffreys's unaccountable delay in not sailing from the Derwent.

* Note 80.
1817. 10 Jan.  
Illness of Revd. R. Knopwood.

11 Jan.  
Departure of brig Kangaroo.  
Police fund and general muster.  
Memorials.

2d. Relative to the continued illness of the Revd. Mr. Knopwood, and requiring a Chaplain to be sent from Sydney.  
6th Letter, dated 10 Jany. 17.  
1st. Respecting delay in sailing of Lt. Jeffreys.  
7th Do., dated 11 Jany. 17.  
1st. Respecting Revd. Mr. Knopwood's illness.  
8th Do., dated 11 Jany. 17.  
1st. Relative to delay of Kangaroo in sailing for Sydney.  
9th Do., dated 30 Jany. 17.  
10th Do., dated do. do. Enclosing sundry Memorials to answer.

7 March.  
Despatches acknowledged.  

Land grant offered to T. Davey.

Draft for money for T. Davey.

GOVERNOR MACQUARIE TO LIEUT. GOVERNOR DAVEY.  
(Despatch per brig Jupiter; acknowledged by lieutenant-governor Davey, 3rd May, 1817.)

Sir, Government House, Sydney, 7 March, 1817.  

1. I have the honor to acknowledge the receipt of your several Letters as per Margin* per the Govt. Brig Kangaroo and Bengal Brig Jupiter, with their respective Enclosures and accompaniments, all of which I have attentively perused, and shall pay due attention to such parts of their contents as are entitled to consideration.

2. I am sorry to find you are not satisfied with the additional Grant of Two Thousand acres of Land, I lately tendered you in consequence of the instructions I received from Earl Bathurst on that head; but as His Lordship's instructions† leave it entirely to my discretion what quantity of Land to give you, and as I conceive this last offered Grant of 2,000 acres, in addition to the 3,000 I formerly granted you, to be a most liberal handsome grant and fully equal to what you have any just claim to receive, I do not feel myself justified in making any further increase to it without the special orders of the Right Honble. the Secretary of State on the subject, and to whom it is my intention to make a communication upon it, not doubting he will approve of my conduct. In the mean time it is for you to consider as to the propriety of your accepting or rejecting the offer, which has already been made to you of the Two Thousand Acres.

3. Herewith I transmit for your information Copy of a Letter I lately received from Earl Bathurst by the Lord Melville Transport; and, in pursuance of His Lordship's Commands therein contained, I now do myself the pleasure of enclosing you a

* Marginal note.—28 and 30 Decr., 1816; 7, 8, 9, 10, 11 and 30 Jany., 1817.  
† Note 77.
MACQUARIE TO DAVEY.

Draft for One Hundred Pounds Sterling on the Acting Treasurer of the Police Fund of Van Diemen's Land, requesting you will grant him your receipt for the same on your receiving the Money.

4. I am truly concerned to learn that you have thought it necessary to order the Acting Asst. Comy. General at the Derwent to Purchase a Quantity of Hay for the use of the Govt. Working Oxen at that Station, as this is a prodigal and shameful waste of Public Money to serve some selfish interested Individuals, it being a sort of Purchase that was totally unnecessary, and one that has never yet been resorted to either at Port Jackson or at any of the subordinate Settlements. I have therefore to express my decided disapprobation of this very extraordinary Purchase; and it is my positive orders that no more Hay shall be Purchased on account of Government at any of the Settlements in Van Diemen's Land in future.

5. I am also much concerned to find, notwithstanding my orders to the contrary, that you still continue to retain a certain number of Government Men in your own Service Victualled at the expense of the Crown, on the plea of your being entitled to them as Lt. Governor and Magistrate. In the former capacity, you certainly can have no right to any Govt. Men to be Victualled more than myself, who have not a single Government Man Victualled, either about my Family or my Person. Neither has the Lt. Govr. of the Territory any Govt. Men assigned to him as such. As to your Claim for 4 Govt. Men as Justice of Peace, it is equally inadmissible, as you do not now preside at the Bench of Magistrates since the appointment of Mr. Abbott to be Judge Advocate, and on whom devolves that particular Duty. Lt. Govr. Molle and myself might with equal justice claim each Four Govt. Men on the Store from being Ex-officio Magistrates, but neither of us have ever thought of setting up so ridiculous a Claim. I must therefore once more call upon you to have all your Government men struck off the Store immediately on receipt of this Letter.

6. In reply to your Letter, enclosing one from Mr. Edward Lord Mercht. at Hobart Town, on the subject of your having taken upon yourself to reduce the Duties from 7s. to 5s. per Gallon on Arrach and Mauritius Rum, in consideration of the very inferior quality of these Spirits, I have to signify to you my Sanction in as far as relates to the Quantity of these Spirits already imported, and lodged in Mr. Lord's Warehouses at Hobart-Town. But it is my positive order that no more Spirits of this inferior description and base quality shall ever be allowed by you to be landed at the Derwent or in any other part of Van

1817. 7 March.
1817.
7 March.

Prohibition of importation of inferior spirits.

Diemen’s Land. It being deemed dangerous to the Health of the Inhabitants to be used, and consequently to import any Mauritius Spirits into any part of this Territory in future should be totally prohibited; and, if such bad inferior Spirits should by any chance arrive in any part of the Territory in future, they must either be re-exported or pay the full prescribed Duty of Seven Shillings per Gallon, as no future reduction of Duty can possibly be allowed.

7. It was owing to an oversight in the Major of Brigade that you were not officially informed of my having given Mr. Depy. Asst. Comy. Genl. Hogan three months leave of absence from the 1st of December last to settle his affairs at the Derwent. That time having now elapsed, you will be so good as to order Mr. Hogan to repair to Head Quarters by the earliest opportunity, that may offer after the receipt of this Letter, to answer here for the improper conduct, which has been imputed to him, and apprise him at the same time that he must prepare to take his Trial before a Genl. Court Martial,* unless he can immediately make good all his Defalcations and liquidate the several Claims against him, and due to Individuals on account of the Store Receipts he has granted and issued, in the name of Government, at the Derwent, which I am much concerned to find are so very heavy.

8. It being my intention to dispatch the Govt. Brig Elizabeth Henrietta for Port Dalrymple and the Derwent with Lieut. Govr. Sorrell immediately on his arrival here from England (now hourly looked for), you will be at liberty to repair to Head Quarters on the return of that Vessel hither, on being relieved by your Successor, for the purpose of prosecuting Mr. Asst. Surgeon Younge before a General Court Martial, which I shall order to be held immediately on your arrival at Sydney, where Mr. Younge continues still under arrest on the charges preferred by you against him.

9. I have adopted the necessary measures lately here to recover Payment from Mr. Jas. Gordon of the £383 17s. 9½d. you so improperly and irregularly took upon yourself to pay him from the Police Fund, and which he has agreed to refund, conscious that he had no right to it. I shall therefore not press you further on this subject.

10. I cannot help expressing to you my regret and displeasure at your neglecting to transmit me by the last opportunity the Results of the late Annual Musters taken by you in Van Diemen’s Land, and also the Accounts of the Police Fund for the last two Quarters. These are most unjustifiable and unaccountable neglects, as you have had such full and ample time to

* Note 81.
prepare and forward these Documents, and must prove a serious Disappointment to His Majesty's Ministers at Home, as I must transmit Home by the Kangaroo my Annual Returns, imperfect from the want of those of Van Diemen's Land, which will compell me to report to them your unjustifiable neglect in this instance.

11. I regret to find that the long and continued indisposition of the Revd. Mr. Knopwood necessarily prevents his performing his Clerical Duties at the Derwent; but I have it not in my power at present to spare a Clergyman from Head Quarters to go to do Duty at that Settlement.

12. In perusing the several Petitions and Memorials you have lately transmitted to me, I have not failed to pay particular attention to the recent application made to you by the discharged Marines at the Derwent, which on the whole appears to me to be most unreasonable, as they have already had all their just claims on Government liquidated, and have in every respect as Settlers been treated with particular kindness and liberality. They ought therefore to be perfectly satisfied with what has already been done for them as Settlers. It would be most unreasonable in them to expect that Government should make them a present of the Cattle delivered to them from the Government Herds for Payment and on so long a credit; but to convince them that I am disposed to accommodate them in any way I can without actually doing injustice to the interests of the Crown, I have no objection to your extending to them a further credit of Twelve Months for paying their Cattle in kind. The other Petitions and Memorials lately received from you, I now have with return you, with my answers noted down on the backs thereof.

[Enclosure No. 1.]

[A copy of Earl Bathurst's letter dated 20th July, 1816, will be found on page 147, volume IX, series I.]

[Enclosure No. 2.]

£100 Stg. Govt. House, Sydney, 7th March, 1817. Draft of money

On demand please to pay to His Honor Lieut. Governor Thomas Davey, by order of the Rt. Honble. Earl Bathurst, the sum of One Hundred Pounds Sterling, and charge the same in your accounts of the Police Fund of Van Dieman's Land.

To Jno. Drummond, Esq., Act. Treasurer,
Police Fund of Van Dieman's Land.

L. MACQUARIE.
DESPATCHES
TO AND FROM
LIEUTENANT-GOVERNOR WILLIAM SORELL.

LIEUTENANT-GOVERNOR WILLIAM SORELL arrived at Hobart town in the ship Cochín on the 8th of April, 1817, and administered the government from the 9th of April, 1817, to the 14th of May, 1824.
COMMISSION* OF LIEUTENANT-GOVERNOR SORELL.

In the Name and on the Behalf of His Majesty.

George P.R.

George the Third, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, To Our Trusty and Wellbeloved William Sorell, Esquire, Greeting; We reposing Especial Trust and Confidence in Your Loyalty, Courage, and Experience, Do by these Presents constitute and appoint you to be Lieutenant Governor of Our Settlements in Van Dieman's Land on the Southern Coast of New South Wales. You are therefore as Lieutenant Governor to take the said Settlements into your Care and Charge and carefully and diligently to discharge the Duty of Lieutenant Governor thereof by doing and performing all and all manner of Things thereunto belonging. And We do hereby strictly charge and require all Our Officers and Soldiers, who shall be in Our said Settlements and all others whom it may concern, to obey you as Our Lieutenant Governor thereof, and you are to observe and follow, such Orders and Instructions from time to time as you shall receive from Us Our Governor of Our Territory of New South Wales and the Islands Adjacent for the time being or any other your Superior Officer according to the Rules and Articles of War in pursuance of the Trust hereby reposed in you. Given at Our Court at Carlton House the Third day of April 1816 in the 56th Year of Our Reign.

By Command of H.R.H. The Prince Regent in the Name and on the Behalf of His Majesty.

(countersigned) BATHURST.

INSTRUCTIONS* for William Sorell, Esquire, Lieutenant Governor of the Settlements on Van Diemen's Land.

BY His Excellency Lachlan Macquarie, Esquire, Captain General and Governor in Chief of the Territory of New South Wales and its Dependencies, etc., etc., etc.

Sir,

His Royal Highness the Prince Regent, in the Name and on the Behalf of His Majesty, having been Graciously Pleased to Appoint You to be Lieutenant Governor of the Settlements on Van Diemen's Land, Subject to such Orders and Instructions as You may receive from Me, I have deemed it advisable to furnish

* Note 82.
1817.
20 March.
Instructions to W. Sorell.
Embarkation on ship Cochin.

You with the following Instructions for Your Guidance in discharging the Important Trust with which You are Vested.

1st. You will be pleased to Embark and proceed on board the Ship Cochin, now under Dispatch for the River Derwent in Van Diemen's Land, as soon as that Ship shall be reported ready to receive You.

2d. Immediately on Your arrival at Hobart-Town, You will be Pleased to announce the same to Colonel Davey, the present Lieutenant Governor of that Settlement, and, on the day following, have Your Commission as Lieutenant Governor of the Settlements on Van Diemen's Land Publickly read and announced at the Head of the Troops stationed there, and in the Presence of the Civil Officers and Principal Inhabitants of Hobart Town who must be Assembled for that purpose.

3. As soon as Your Commission has been Publickly read and You have assumed the Command of the Settlements in Van Diemen's Land as Lieutenant-Governor thereof, You are to Order a Committee of Officers to be immediately assembled for the purpose of taking a regular and exact Account and Survey of All Naval and Military Stores, Provisions, Spirits, Grain and Cattle, belonging to the Crown and now in the Settlement of Hobart Town and its immediate Dependencies; of which Survey and Account, You are hereby directed to transmit to Me Attested Copies by the earliest opportunity that may offer for Head Quarters.

4. You are to signify to the Officer, whom You relieve at Hobart Town, that He is to settle, liquidate and close all his Public Accounts, of whatsoever Description, up to the day of his delivering over to You the Charge of the Settlement; and You are consequently to give Public Notice to the Inhabitants that You will not hold Yourself responsible for any Debts or Demands whatsoever, which they may have against Government for Grain, Animal Food or other Articles delivered into the King's Stores, or for Work done for Government, prior to the Date of Your assuming the Command of the Settlement.

5. As the Increase of Live Stock and Grain is of the utmost Importance to the Settlements over which You are to Preside, You are to pursue and adopt such Measures as may appear to You best Calculated for producing this desireable Object, and particularly to restrain any wanton or extravagant Destruction or Waste of Live Stock or Grain.

6. For such Purchases of Grain and Animal Food as You may have occasion to make from the Settlers or other Individuals at either of the Settlements in Van Diemen's Land, the Commissariat Officers are to grant their Receipts until the End of the
Quarter, when they are to be Consolidated, and Bills drawn by them for their Amount on the Deputy Commissary General at Head-Quarters, which Bills must be Vouched and approved by You after You have Compared them with the Vouchers and Accounts of the several Purchases made by the Commissariat Officers at either Settlement.

But with the View of facilitating the making up of the General Commissariat Accounts at Head-Quarters as soon after the Expiration of each Quarter as possible, You are to authorize and direct the Commissariat Officer at Port Dalrymple to forward his Accounts, approved by the Commanding Officer there, to the Deputy Commissary General, as often as direct opportunities occur from Port Dalrymple to Head Quarters, without waiting for their being Examined and approved by You, but at the same time Instructing him to transmit You, through the Commanding Officer at Port Dalrymple, Duplicates of all his Accounts and Vouchers, which are likewise to be forwarded to Head Quarters by You, along with those of the Settlement of Hobart-Town, Quarterly; and Whether there be an opportunity of transmitting them or not at the proper time to Head-Quarters, the Accounts at both Settlements must be made up and Closed regularly at the End of each Quarter, ready for Transmission when an opportunity offers.

7. The Price of Animal Food having been lately reduced at Head Quarters, the same Prices must likewise Extend to all the Subordinate Settlements, the Prices now allowed being deemed abundantly liberal for the Encouragement of the Farmers and Graziers, considering the great and rapidly Increased Resources of the Colony. You are accordingly on no account to pay more than Six pence per pound for Beef, Mutton or Pork, nor more than four pence per pound for Kangaroo Flesh (when under the Necessity of purchasing Meat of that Description), for any Quantities of such Animal Food as You may have occasion to purchase for the use of Government at the Settlements in Van Diemen’s Land, from and after the date of Your assuming the Command thereof at Hobart Town; the purchasing of Kangaroo Flesh must never take place, as long as Beef, Mutton or Pork can be procured for the use of His Majesty’s Stores.

8. You are not to Engage Shipping or Enter into any Contracts for the Supply of Cattle, Grain, Provisions or Stores, from any distant place or foreign Market, without previously submitting the same to me and obtaining my approbation of such Engagements or Contracts; excepting only in Cases of the Utmost Emergency, which it is Expected will rarely occur, and then You are
to take especial Care to make such Contract(s) on fair and reasonable Terms, and not for a larger Supply than may be absolutely required.

9. You are on no Account to Draw, Yourself, nor permit the Commissariat Officer at either of the Settlements under Your Command to Draw Bills on the Lords of the Treasury for any Purchases You or they may have occasion to make on Account of Government; for all which Bills must be drawn on the Deputy Commissary General at Head Quarters, only, as already directed. Your own Salary as Lieutenant Governor, and the Salary of all Civil Officers, whose appointments have been Confirmed by His Majesty and are Included in the Annual Parliamentary Estimate of the Colony, are to be drawn for by You and them thro' the Commissariat Officer at Hobart Town on the Deputy Commissary General at Sydney. The Subsistence of the Detachments of Troops, Stationed at the Settlements of Hobart Town and Port Dalrymple, are to be drawn for Monthly by their respective Commanding Officers, by Bills on the Regimental Pay-Master at Head Quarters.

10. You will not fail by all proper Methods to enforce a due Observance of Religion, Morality and Good Order throughout the Settlements under Your Command; and You are to take the Necessary Steps to ensure the due and regular Celebration of Public Worship on Sundays at Hobart Town, and also at the Subordinate Settlements under Your Command, as often as Circumstances will permit the resident Chaplain to visit them, taking particular Care to prevent, by every possible means, any Profanation of the Sabbath by Idle and profligate People. You are to give every Encouragement and facility in Your power to the Celebration of Marriages; and You are to direct the whole of the Mechanics and Labourers in the Service of Government to be regularly Paraded and Mustered (as is now the Invariable Practice at Head Quarters) every Sunday Morning at Hobart-Town, and marched to Church under the Direction of the Inspector of Public Works, who must regularly attend these Musters' and report all Absentees to You, in order that they may be punished.

11. A Quarterly Return of all Marriages, Births and Deaths, which occur within the Settlements under Your Command, as also a Return of all such Male or female Convicts as may abscond or desert from thence, must be regularly transmitted to me along with your other reports.

12. On Your Arrival at Hobart Town, and during the Continuance of Your Command of the Settlements on Van Diemen's
MACQUARIE TO SORELL.

Land, You are to use every means in Your Power to Conciliate the Friendship and Good Will of the Natives of that Country, Enjoining all persons residing within Your Jurisdiction to live in Amity and Kindness with them, and all Acts of Violence against them, or Interruption given them in the Exercise of their Several Occupations, are to be punished according to the Degree of the Offence.

13. You are to pay particular attention to the State of the Public Works and Buildings of whatsoever Description belonging to the Crown in the Settlements under Your Command, taking care to keep them at all times in suitable good Repair. Whenever any additional Public Works or Buildings shall in Your Opinion become absolutely Necessary, You are Immediately to report the same to me with a full Description of their Use, Extent, and of the probable Expense of Erecting or Constructing them. But You are on no account to Commence Erecting any Public Buildings without previously obtaining my Sanction for so doing.

14. As the Power of making Grants and Leases of Crown Land and Grants of Government Cattle are exclusively Vested in the Governor in Chief of the Territory, all applications, made to You by Free Persons or Emancipated Convicts for Lands or Cattle, must be transmitted to me accompanied by Your own Observations on the Merits and Claims of the Applicants, Specifying whether Married or Unmarried, the Number of which their families consist, how long in the Colony, or any other well-founded Claim they may have for Indulgence from the Crown.

15. The Clandestine Introduction of Spirits into the Settlements under Your Command must be guarded against with the utmost Vigilance, as well as the Clandestine and destructive Practice of Distillation of Spirits; and You are to be Extremely cautious in granting Licences for retailing of Spirituous Liquors, Confining them to as few Persons as possible; and the first Instance of Irregularity in a Retailer should deprive him of his License, and forfeit every Claim to future Indulgence.

16. In the Event of any Ships or Vessels, belonging to Foreign Powers at Amity with His Majesty, being forced to touch at the Derwent or Port Dalrymple in Distress, You will direct their immediate Wants to be relieved and supplied In as far as Your Means will conveniently admit of, so as to enable them to come to Port Jackson for such Repairs and Supplies as they may stand in need of; but You are on no account whatever to spare to such Ships or Vessels a greater Quantity of the Provisions and Stores which may be at Your disposal than may be deemed sufficient for the above purpose.
17. You are to afford every Assistance and Protection in Your power to the private Colonial Vessels that have my Permission to Navigate in Bass's Straits, and on the Coasts of this Territory, Including Van Diemen's Land, for the purpose of procuring Seal Skins and Oil.

18. In order to prevent by every possible means the Escape of any of the Convicts from the Settlements in Van Diemen's Land, You are to take particular Care that all Clandestine Communication with the Possessions of the East India Company, as well as with China and the Islands in the South Sea, to which any Intercourse has been Established by any European Nation, should be prevented as far as Can be done.

19. You are also Expressly Commanded not to permit any Vessels or small Craft to be built at either of the Settlements of Hobart Town or Port Dalrymple, either by Individuals residing at these Settlements or by Foreigners, without previously obtaining from me a written License for that purpose.

20. As there is no Patent for Holding Courts of Criminal Jurisdiction on Van Diemen's Land, all Persons, who may be guilty of serious crimes or Misdemeanors, are to be sent to be tried by the Court of Criminal Jurisdiction established at Sydney by such Convenient opportunities as may offer for Conveying them to Head Quarters, accompanied by the Necessary Evidences. All Crimes not of a Capital Nature and all petty or slight offences and misdemeanors will of course be tried and punished by a Bench of Magistrates, which You are hereby Authorized to assemble as often as You may see occasion for so doing at either Hobart Town or Port Dalrymple.

21. You are Authorized by the Articles of War to try Soldiers for Petty Crimes and Offences, either by Garrison or Detachment Courts Martial, approve the Sentences thereof, and Carry the same into Execution, without making any Reference to me on the Subject. But, should any Officer or Soldier belonging to either of the Detachments stationed at Port Dalrymple and the Derwent commit any Serious Crime or Capital Offence, which you may deem a fit subject for the Investigation of a General Court Martial, he must be sent by the first Convenient opportunity to Head Quarters, accompanied by the Necessary Evidences, to take his Trial before a General Court Martial at Sydney.

22. You are to establish and Enforce as good a System of Internal Police within the Settlements under Your Command as Your Means and Resources Can admit of, in order to preserve the Peace and Tranquility of those Settlements respectively;
and You are to Exert Yourself to the utmost in Exciting the Inhabitants residing within Your Jurisdiction to Habits of Religion and Morality, Honesty, Sobriety and Industry.

23. You are not to fail to transmit to me, by all opportunities to Head Quarters, regular Quarterly Returns, States, and Reports of the Settlements under Your Command in Van Diemen's Land; in which must be specified the Quantities of Grain, Spirits and Stores of every Description, then remaining in Store, the Quantity and Quality of all Provisions or Stores purchased, and the Quantity and Quality of each Article Expended during the preceding three Months, and also the Number and Description of All persons, Civil and Military, Including Convicts, who are Victualled at the Expence of the Crown.

24. On the subject of the Horned Cattle, Sheep and Goats, and Horses and Asses, belonging to the Crown at the two Settlements of the Derwent and Port Dalrymple, I have only to observe, in addition to the Orders contained in the 6th and 15th Articles of these Instructions, that None can be alienated to Individuals, either by Sale or Gift, without my Permission in writing being previously obtained for that purpose, and that too much Attention Cannot be paid to the Increase and Preservation of the Horned Cattle in particular, as occasional Distribution from them will be made to Free Settlers and deserving Emancipated Convicts and other persons who may be permitted to become permanent Settlers in Van Diemen's Land. You are to transmit to me regular Quarterly Returns of the Live Stock of every Description belonging to the Crown at the Derwent and Port Dalrymple, along with Your other General Quarterly Reports and States of those Settlements.

25. In distributing Slop Clothing and Bedding to the Convicts in the Service of Government at the two Settlements under Your Command, it must be clearly Explained to them that they are liable to be punished for giving away or selling any part of them, and that they must be particularly Careful of all such Slop Clothing, Shoes and Bedding as may be Issued to them from the King's Store. The same Caution ought to be given to them in regard to their Provisions, and that they are equally liable to be punished for giving away or selling any part of them.

26. All such Duties and Taxes as may be Levied and Collected on Goods, Merchandize, Wines and Spirits, regularly authorized to be Imported and sold at the Settlements of the Derwent and Port Dalrymple, are to be formed into a Public Fund and to be denominated "The Police Fund of Van Diemen's Land."
Quarterly Return and Account of this Fund is to be made up and regularly transmitted to me along with Your other Quarterly Accounts of these Settlements, stating the Receipts and Disbursements during the preceding three Months. From this Fund are to be paid all fair and Necessary Expenses Incurred on Account of the Police Establishments of the two Settlements, and also the Salaries of all such Colonial Offices and Appointments as are not provided for in the Annual Parliamentary Estimate. But should the Police Fund, thus Established for Van Diemen's Land, prove Inadequate to pay the whole of the Salaries herein Alluded to, they will be paid from the General Police Fund of the Territory, on Your making a Requisition to me to that Effect, and giving me previous Notice of the Amount required, before any Bills are drawn on the Treasurer of the Police Fund at Sydney.

27. I must recommend to You in the strongest Manner to Observe the Strictest and Most rigid Economy in the Expenditure of the Public Money, Provisions, Stores, Spirits, and all other Articles, the Property of the Crown, at the two Settlements in Van Diemen's Land, Consolidated and now placed under your Immediate Command and Control; And You are hereby Strictly Enjoined and Commanded not to make any Purchases, or Incure any Expense whatsoever on Account of Government, that are not absolutely and Indispensably Necessary for the Use of the Settlements over which You preside, and which You may not be able to prove satisfactorily to me were really so. As it will not be in my power to sanction or approve of any purchases or other Expenses Incurred Contrary to the Tenor and true Spirit of these Instructions.

28. On the Death or Suspension of any Civil Officer or Magistrate on the Establishments of the Settlements under Your Command, You are hereby authorized to appoint a properly Qualified Person to fill the Vacancy and execute the Duties of such Office, until my Pleasure shall be known, reporting to me with the least possible Delay such Death or Suspension, with Your Reasons for resorting to the latter Measure, and transmitting me the Name of the Person whom You may deem best Qualified for filling the Vacancy.

29. I have now only to add that in the Event of Your Death or Absence from the Command of the Settlements in Van Diemen's Land, It is My Pleasure that the Command and Charge of them shall devolve upon the Senior Military Officer at either Settlement, at the Period of Your Death or Absence, until a regular successor to You shall be appointed by me.
MACQUARIE TO SORELL.

Vacancy shall have been Officially Notified to me, which the said Officer is hereby directed to do with the least possible Delay.

I have, &c.,

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

Head Quarters, Government House, Sydney, New South Wales, 20th March, 1817.

P.S.—I enclose herewith for your information and guidance a Printed Copy of the Port Regulations, and also Printed Copies of Govt. and Genl. Orders issued by me here under dates 9th Jan., 1813, and 27th July and 14th Decr., 1816; the two last Govt. and Genl. Orders relating exclusively to Van Diemen's Land. Having now fixed on the month of September in each year, as the best and most convenient time for the Settlers for taking the usual Annual Genl. Muster of the Inhabitants, Stock, Land in Cultivation, etc., etc., etc., in the Territory; you will be pleased to observe the same rule in taking the annual general musters of the Settlements in Van Diemen's Land, commencing the said Musters on the first Monday of every succeeding month of September in each year, so as exactly to correspond with the time of taking the Musters in this part of the Territory.

Govt. House, Sydney, 24th March, 1817.

L. MACQUARIE.

[Enclosure No. 1.]

[A copy of the port regulations will be found on page 656 et seq., volume VII, series I.]

[Enclosure No. 2.]

[This was a copy of the general orders relating to applications to the Governor for indulgences; see page 782 et seq., volume VII, series I.]

[Enclosure No. 3.]

[A copy of these orders will be found on page 155 et seq.]

[Enclosure No. 4.]

GENERAL ORDERS. 14th December, 1816.

Much irregularity having for some time past prevailed in the administration of the Civil Government of Van Diemen's Land, either through inadvertency or wilfully, by the Assumption of the Power of locating lands and granting Town Leases* to Settlers and others without previously obtaining the sanction of the Governor in chief of the Territory, which can alone render such locations or leases valid:

His Excellency the Governor therefore, with a view to the Guarding the rights of the Crown on the one hand, and securing the Property

* Note 83.
of individuals on the other, which by such irregular practices has become involved, is pleased thus publicly to notify, announce and declare that no Commandant or Lieutenant Governor in Van Diemen's Land either is or has been, by virtue of his Appointment, Commission or Instructions, vested with any Power whatever to make Grants or grants made by Lt.-governor. Leases and of any kind within the Dependence of Van Diemen's Land; neither are they authorized or justifiable in issuing of Cattle from the Government Herds to any Person or Persons whatever, unless by the Special sanction and Authority of the Governor in Chief.

And it is further notified and declared that all Grants or Leases of Lands or tenements, and issues of Cattle from the Government Herds, which may have been made by the present or any former Commandant or Lieutenant Governor in Van Diemen's land, or which shall hereafter be made by such incompetent authority, are and shall be deemed null and void to all intents and purposes whatever.

LACHLAN MACQUARIE.


1st. Herewith Lt. Govr. Sorell will receive the Plans of Hobart-Town, and George-Town, in Van Diemen's Land, as altered or designed by The Governor-in-Chief; and according to which Plans he wishes both those Towns to be laid out and completed.

2d. The Govr. in Chief, when he visited the Settlements in Van Diemen's Land in Novr. and Decr., 1811, having given names to all such remarkable Places and Parts of that Country as had not appropriate ones given to them before by any competent legal authorities, he has now the pleasure of handing on herewith to Lt. Govr. Sorell, for his information and guidance, a Schedule* of all the several Places so named by him.

3d. The Works, at George-Town, which were begun in Octr., 1815, soon after Major Stewart's being sent down to command at Port Dalrymple, having from various unaccountable causes made very slow progress ever since to the present time, Lt. Govr. Sorell will be so good, on his first visit to Port Dalrymple, as to institute an inquiry into the real causes of such slow progress having been made with the means Major Stewart possesses of carrying these Works on. It would appear that frivolous disputes frequently arise between the Commandant of Port Dalrymple and the Inspector of Public Works there, and they mutually throw blame on one another in interrupting the progress of the Works going on at George-Town. Herewith Lieut. Govr. Sorell will receive copy of a Letter* lately received by the Governor from Mr. Leith, the Inspector of Public Works, from which Lt. Govr. Sorell will observe that he complains of Major Stewart’s not giving him the necessary assistance and support. The Governor, being particularly anxious that the principal Settlement should at as early a period as possible be removed from Launceston to George Town, requests Lt. Govr. Sorell will be pleased to give

* Note 84.
the positive orders to both Major Stewart and Mr. Leith that this Service shall be carried on in future with more diligence, attention, and energy, not suffering any other Service of minor importance to interrupt the speedy completion of this important object.

4th. The Governor not intending to give or order any more new grants of Land to be made in any part of the Territory during the current year (with the exception of those already promised), he requests Lieut. Governor Sorell will not receive or forward to Head Quarters any applications, made to him by Persons residing in Van Diemen's Land, for either Lands or Cattle, until the next annual prescribed period in June 1818.

5th. Lieut. Govr. Sorell will be so good as to detain the Government Brig Elizabeth Henrietta at Hobart Town after her arrival there as short a time as possible, directing the asst. Comy. Genl. to load her with as much good Wheat for the use of the King's Stores here as she can safely convey hither, either in Bags or Bulk.

6th. It being necessary that Mr. Depy. Asst. Comy. Genl. P. G. Hogan (now on leave at the Derwent) should return immediately to Head Quarters to answer for his late improper conduct, Lt. Govr. Sorell will be so good as to order him to embark on the Elizabeth Henrietta for Sydney.

7th. In case Colonel Davey, the late Lt. Govr. of Van Diemen's Passage for Land, should express any desire to come up to Sydney, he is to be accommodated with a Passage on the Elizabeth Henrietta.

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

Lieut.-Governor Davey to Governor Macquarie.

(Despatch per ship Harriet.)

Sir, Hobart town, 3rd May, 1817.

I have the honor to acknowledge the receipt of your Excellency's Dispatch under date 7th March last.

I trust your Excellency has omitted the transmission of the Repudiation of 4th Paragraph of your Dispatch of the above date to His Majesty's Ministers, as it will hereafter appear a malicious and vile attack upon my public Character as an Officer, accusing me of a prodigal and shameful waste of Public Money by purchasing hay for Government Working oxen to serve some selfish interested Individual. I will not sacrifice to any selfish views that openness of candour, which can alone secure me the confidence and support of His Majesty's Ministers. I will, without reserve or disguise, speak the truth; the Act never existed; it is an obligation I owe to my Country, to my King, and above all to myself.

T. Davey.
LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.

(Despatch No. 1, per ship Harriet; acknowledged by Governor Macquarie, 24th May, 1817.)

Sir,

Hobart Town, 3rd May, 1817.

I have the honor to acquaint your Excellency that I arrived in the Derwent on the 8th and received the Government from Colonel Davey on the 9th ultimo.

The State of the Colony with regard to the Bush Rangers first naturally called for attention, and finding on my arrival that recent occurrences had changed the state of affairs which had governed opinions and measures when I took leave of your Excellency, I beg to trouble you with some detail of them. Upon coming into the River, I found from Capt'n. Nairn that, for some weeks, he had been allowed by Col'! Davey to use his discretion in Military efforts to capture or destroy the Banditti; that two parties (disguised) were constantly out and that one from Port Dalrymple was also in pursuit of them, all having good knowledge of the Country acquired in recent expeditions.

The party under Ensign Mahon of the 46 had just before killed two and wounded a third of the Rangers, and one of Capt. Nairn's parties had taken a native Girl, who had been long with them. Upon the whole, I thought there appeared hopes of success, and the number of the Banditti being now reduced to nine, five of whom were implicated in the Crime of Murder, I deemed it better not to issue an Exclusive proclamation to bring in the other four, which I conceived might render the five more mischievous and desperate, and would make them more difficult to be found. I hope your Excellency will approve of my proceeding in that respect. I at the same time caused it to be signified to Capt. Nairn's parties that, if any of the Minor Criminals should be met with, they might advise them to come in on hope of Mercy. The parties have been incessantly active and have much harassed the Rangers. At length on the 28th Ulto, a constable from the Country brought me a letter* from Howe, one of the leaders, Copy of which I have the honor to annex. I considered the acquisition of this Man of the first importance both with a view to taking the rest and to discoveries respecting their Abettors.

Capt. Nairn volunteered his services, and I took upon me to give him a conditional pardon for Howe, that is to say a pardon for all his Offences, Murder excepted, and a pledge that I would employ my strongest intercession with your Excellency in his behalf, with a hope of obtaining Your Excellency's favorable

*Note 85.
recommendation of his case for the Sovereign's Mercy, upon condition of his detailing all transactions, pointing out all accomplices and using his utmost efforts in aiding the Troops to find his Companions. His answers to me and the Deposition taken by the police Magistrate bear every mark of truth and agree with what has been before suspected or known. I am very sorry to say that some persons* are implicated, which render the matter most serious; but other testimony must of course be had before any proceedings can be founded. It is however assuredly necessary to sift this train of infamy to the bottom, and, though (as it is evident) half or more of the people may be concerned, the moment approaches for its extinction. Some extracts from Howe's deposition will be enclosed for your Excellency's information, upon which pressure of business in making these Reports to your Excellency, and the correspondence occasioned by the state of the Kangaroo, and Mr. Lord (as elsewhere explained), hardly allow me to make any remarks. As soon as Howe's examination is completed, some people, who can corroborate or contravert his statements, will be examined. In the meantime several Stock-keepers, the chief receivers of stolen Cattle and Goods, are sent for and will speedily be in prison. Through these and the information given by Howe, I trust to find who has supplied Ammunition, etc., to the Banditti.

Permit me most anxiously to solicit your Excellency's favorable consideration of the Case of Howe and to intreat in the strongest Terms that, in the event of his doing his utmost for the detection of his accomplices and abettors, you will be pleased to add to my urgent and pressing recommendation to your Excellency your powerful support in the transmission of his case to the Throne. Before Howe's surrender, I had placed a small party of Troops at Pitwater, where Mr. Gordon is gone to reside, and I have established a weekly communication with Port Dalrymple by parties meeting half-way. Whenever the Force will allow, the Establishment of a permanent party or two on the line of communication will greatly check improper intercourse, robberies of Cattle and other Offences, and will give confidence to the quiet and honest settler.

I shall be anxious to be honored with Your Excellency's Sentiments and Commands and I have, &c.,

Wm. Sorell.

[Enclosures.]

[ Copies of these two papers are not available.]
HISTORICAL RECORDS OF AUSTRALIA.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.

(Despatch No. 2, per ship Harriet; acknowledged by Governor Macquarie, 24th May, 1817.)

Sir, Hobart Town, 3rd May, 1817.

I have the Honor to address Your Excellency upon subjects arising from your Instructions or from events in this settlement.

1. Having issued, according to Your Excellency's Commands, a notice for all public accounts to the period of Colonel Davey's command, to be made up and closed, The Police Fund necessarily came under early consideration. I found from Mr. Drummond that there was no money, that Nine Months' Salaries to all the Civil officers were in arrear, and orders by my predecessor to a large amount outstanding and ready to come in when Funds should be provided. I desired Mr. Drummond to call in and ascertain all Demands, so that the Fund Account might come to an Audit as quickly as possible, and He is engaged in preparing it; but It cannot be ready for the present opportunity.

By a payment made by Mr. Lord and some other persons, who were indebted on account of duties, about £900 will now be credited to the Police Fund, of which, however, £500 and upwards will be required for the Salaries, and which must of course be paid prior to any other claim.

2. I have called for Returns of the Government Herds, in charge of Superintendents, and, by my own inspection with proper assistance, I shall ascertain their condition, and also the claims of Government upon Individuals for Cattle; at present the Government Herds are, I am informed, at a very low ebb, both as to numbers and quality.

3. With respect to the Public Works, every diligence and activity seem to me to be employed. The Gaol is far advanced and is in course of completion. The Church* is commenced and the Walls are going up, and Materials in abundance are prepared for continuing the Works.

The State of the Government House rendering it uninhabitable not only with regard to comfort, but even as to security and common decency, I have undertaken some addition and alterations, which can be done without any retardment of the public Works in hand, and I am at Mr. Birch's until the House can be occupied. No attention will be spared on my part to forward the public Buildings now in progress and yet to be undertaken, and I am sanguine in hoping that much will be accomplished in a few months.

4. I have written to Major Stewart recommending him to forward as far as possible the Works at George Town, and to

* Note 74.
SORELL TO MACQUARIE.

support the Superintendent of Works in the due discharge of his duty; and I have signified my intention of taking the earliest moment for visiting the Settlement. I am anxiously waiting a release from avocations here (elsewhere explained) to fix a time for crossing the Island; but the tardy arrival of the Elizabeth Henrietta has yet prevented my being able to do so. Should the season remain such as to give me hopes of getting over and back without detention by the Rains, I hope to be so situated as to set out in about a week.

5. Upon my arrival I found from Mr. Abbott, Depy. Judge Advocate, that he had declined to act under the Commission which the Judge of the Supreme Court had transmitted to him, to enable him to perform certain functions connected with the proceedings of that Court in this Colony; I forbear to offer any opinions upon this subject; but, as both Mr. Wylde and Mr. Field* considered that, in the arrangement proposed, they had adopted a measure to obviate trouble and to facilitate Justice, I cannot but regret that their intentions have not taken immediate effect.

6. In obedience to Your Excellency's commands, I directed Mr. Depy. Asst. Commy. General Hogan to hold himself in readiness to proceed to Sydney by the Elizabeth Henrietta. Some attempts have been made, or rather I believe professed by him, to settle his Accounts, and Mr. Maum, late Store-keeper, was called upon to furnish Victualling Lists for back periods; but I believe no progress has been made, and they have been twice before me in Mr. Broughton's presence only to accuse each other. Mr. Hogan is I believe so entirely addicted to drinking as to be incapable of business.

7. The State of this Settlement with regard to Medical Officers merits Your Excellency's consideration. The demands upon Mr. Luttrell are frequent, and some Complaints have been made respecting his neglect, upon which I have admonished him. Applications are on that account often made to Assistant Surgeon Hood of the 46th who I believe readily assists. His place and Neighbourhood would occupy a large portion of one Surgeon's time, and the bordering out Districts are wholly without assistance.

8. If Your Excellency had not mentioned that there were few or no arms in Store at Head Quarters, I should have solicited a small supply, there being none here. When Col. Davey proclaimed Martial Law, I understand the Crown servants were armed and sent against the Bush Rangers, and that, of sixty or seventy stand of arms then issued, very few were returned.

* Note 87.
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HISTORICAL RECORDS OF AUSTRALIA.

1817.
3 May.

Request for increase in military force.

Forty or Fifty Muskets might essentially contribute, in Emergency, to the preservation of good order and security in the Settlement.

9. Your Excellency gave me reason to hope that, on an arrival from Europe, the Companies of the 46th, serving here, should be strengthened thirty men. I venture to urge to Your Excellency the advantage which would now arise from such an addition; and I should feel myself eminently indebted for your acquiescence in this request, upon the success of which I believe the re-establishment of order in the Interior mainly depends.

10. The want of Magistrates in the Country is much felt in this Colony, which, with the deficiency of zealous active Men for Constables, renders it very difficult to get the common duties in maintenance of the Laws efficiently performed. Some of the recent Settlers, who have yet to fix their residence, seem respectable Men and might be useful. In the District of New Norfolk, a Magistrate is much needed, and I am told that a Mr. Thrup, brother of Capt. Piper's son-in-Law, lately came out and now proceeding to Sydney to attend Your Excellency, means to fix himself there by purchase or grant. Mr. Barker I believe has also views in that quarter.

11. Referring to the 19th Article of Your Excellency's Instructions, which prohibit the building of Craft here, I beg to state that one or two small vessels are licensed here, and, being necessary for the intercourse with Pitwater etc., I presume Your Excellency will approve of their continuing. Col'l Davey had given leave to a Man named Burchale, who I find is a respectable Farmer and Constable in Pitwater, to build a sloop; when I visited the District, I found her nearly completed, and, as the Man had gone so far, bears an excellent character and Cultivates a good Farm, I hope your Excellency will permit the Vessel to be licensed.

12. The Man, who is now Wharfinger here, is represented as entirely incapable from age, to which obstinacy and negligence are added to diminish his powers. Some retirement would probably be approved by your Excellency for him; and, as his Salary is £25 per Annum, and the fees make it up to near £100, perhaps a person might be found who would undertake the Office, receiving the Fees at first and the Salary in reversion. A prisoner I believe cannot hold the situation, and I know of no free person, to whom it would be an object and who would be fit for it.

13. I am reluctantly compelled to send three soldiers of the 46th to Sydney as witnesses in a case of Assault.* The Defendant named D. McCarty (who is also under a civil action for

* Note 88.
SORELL TO MACQUARIE. 199

a most scandalous Offence) is I find from all reports one of the most turbulent and insubordinate Men in the Settlement. And, as he has treated the Magistrate very lightly and seems to brave all power here, it was impossible without a sacrifice of authority to shrink from the prosecution. The accused handed in to the Bench a list of witnesses whom he means to require, in which all their names, Depy: Judge Advocate inclusive, appeared; but, as they know nothing of the matter except as it came officially before them, and as his manner had the air of bravado, and, also, as he on a former occasion gave in a similar paper, I conclude it to be merely an insolent attempt at intimidation. In any event the Criminal Court could alone subpoena them, or other Evidence; and, as the accused admits the assault, I presume such a demand upon all the Magistrates here, even if legally advanced and supported, could not find place.

14. The Kangaroo entered this Port on the 30th Ulto. Having been apprised of your Excellency's Instructions to Lt. Jefferys to proceed direct on his passage, and finding that He had no letters for me, I felt it my duty to enquire into the cause of his putting in here. He stated that he has lost a Boat and suffered some slight damage in a Gale of Wind, and, in reply to my enquiry whether he would be ready for Sea in forty eight Hours, he replied that he hoped that Time would nearly suffice. I have given him Carpenters and other assistance, and I have required him to get ready for Sea with all possible Dispatch. I am rather apprehensive that strong Measures will be necessary to enforce his execution of his Instructions, and, should I find it the case, I shall transmit Copies of the Correspondence to Your Excellency.

15. The Elizabeth Henrietta came in on the 1st Inst, after a seven days passage from Port Dalrymple, and bringing her prisoners all well. I have been happy to learn from Mr. White that they have behaved very well. Mr. White having stated He should be ready to receive Wheat in six or seven days, I hope the Brig may be prepared to sail about the 15 or 16 inst., when I shall have the honor of again addressing Your Excellency.

I have, &c,

WM. SORELL.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.

(Despatch per ship Harriet; acknowledged by Governor Macquarie, 24th May, 1817.)

Sir,

Hobart Town, 3rd May, 1817.

I have the honor to acquaint your Excellency that Three soldiers of Capt. Nairn's Company, 46th Regiment, are sent in
1817.  
3 May.  
Military witnesses per ship Harriet.

the ship Harriet, for the purpose of giving Evidence (already delivered here before a Bench of Magistrates) on the trial of Mr. D. McCarty of this Settlement, for assault.* The papers relative to this case are forwarded to the Honble. Mr. Judge Advocate Wylde, by the Depy. Judge Advocate of this Settlement. I should have forwarded these soldiers by the Government Brig; but, there being no certainty that she can be ready before the 20th Inst., and it is possible her stay might exceed a day or two, though every exertion will be used to get out her Ballast and prepare her for the Wheat, I did not think it safe to miss the present occasion. Mr. Underwood leaves it to your Excellency to order any allowance for the passage of the Men.

I beg to add my earnest request that your Excellency would be pleased to allow these three Men to rejoin their Company by the first opportunity, even their small number being important at this moment. Nothing but a sense of incumbent duty could have led me to send them up. 

I have, &c.,

WM. SORELL.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.  
(Despatch per ship Harriet; acknowledged by Governor Macquarie, 24th May, 1817.)

Sir, Hobart Town, 3rd May, 1817.

I have the honor to state to your Excellency that the undernamed Men, now Crown Servants in this Settlement, have claimed their freedom on the alleged expiration of their sentences of transportation:—

JOHN YORKE.—By Ship Duke of Portland (Spence Master), came to this settlement about four years ago as servant to Mr. Loane, states his period to have expired in March last.

CHS. MCQUEEN.—Tried at Edinburgh 1810, came by Ship Guildford (Johnson Master) in 1811, sentenced for 14 yrs., but asserts that a Mitigation of his Sentence to 7 years came out with him, and was known to him in Port Jackson and to Mr. Secy. Campbell about 25 Jan., 1812.

PATK. BURLEY.—By Ship Providence, Barclay Master, tried at Dublin in Nov. 1809, sentenced to 7 years.

I beg that your Excellency will be pleased to order Extracts from the Indents, or such information as may enable me to decide upon their claims, to be transmitted.

I have, &c.,

WM. SORELL.

* Note 88.
SORELL TO GOULBURN.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.

(Despatch per ship Harriet; acknowledged by Governor Macquarie, 24th May, 1817.)

Sir, Hobart Town, 3rd May, 1817.

I have the honor to transmit for your Excellency's information an attested Copy of the Depositions of Ensign Mahon, 46th Regt., and other persons, who, in pursuit of the Bush Rangers, were engaged in a skirmish* with the Banditti in Arms, which terminated in the death of two of them. The Depositions have been forwarded from Port Dalrymple to the Deputy Judge Advocate.

I have, &c.

WM. SORELL.

[Enclosures.]

*Copies of these depositions are not available.*

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY GOULBURN.

(Despatch per H.M. brig Kangaroo.)

Hobart Town, Van Diemen's Land.

Sir, 11th May, 1817.

I did myself the honor to state to you, under date the 6th Inst., the arrival of His Majesty's Colonial Brig The Kangaroo, Lieutenant Jeffreys, on her passage from Port Jackson to Europe, and that having repaired some slight injury, which she had sustained in a Gale of wind, she was immediately proceeding on her passage.

I am now under the necessity of reporting to you that the conduct of Lieut. Jeffreys, during the latter part of his stay in

* Note 89.
1817.
11 May.

Misconduct of
C. Jeffreys.

The Derwent, has been so entirely subversive of all law, order and authority, as to compel me to transmit to His Excellency the Governor in Chief a detailed Report thereon, which, with the attendant Correspondence and Documents, will be a foundation for specific Articles of accusation against Lieut. Jeffreys.

The continuance of the Kangaroo at anchor at the mouth of the Derwent in direct disobedience to Lieut. Jeffreys' Instructions affords an opportunity to submit to you, for Earl Bathurst's consideration, the substance of my charges against Lieut. Jeffreys. The pressure of time does not allow of my preparing a full Report with the necessary Documents and Depositions; but these will be transmitted to the Governor in Chief by the first Ship. In the mean time, feeling it my duty that a statement of Lieut. Jeffreys' proceeding should come under your notice upon that Officer's arrival in England, I have the honor to acquaint you that my charges against him are comprised in the following Articles.

"Direct disobedience and contempt of Lt. Governor Sorell's authority and orders in several Instances with respect to the Police and Regulations of the Port and River, while the Kangaroo was at anchor in the Derwent, thereby encouraging and facilitating the escape of Crown Prisoners, several having been concealed on board the Kangaroo, one man declaring that he had gone on board expressly by Lieut. Jeffreys' orders in direct breach of a standing Regulation of the Colony.

"An Act of hostile aggression, subversive of all Law and order, in attacking in the night, with a Boat full of armed men, a boat belonging to a ship in the Port, which was then acting under the Naval Officer by the Lt. Governor's authority for the maintenance of good order in the Port and River, Lieut. Jeffreys himself heading the Armed Seamen with his Sword drawn, cutting on the head, beating and abusing the Commander of the Boat, dragging him a Prisoner with his Boat's crew on board the Kangaroo, and after having first ordered him to be seized up for Corporal Punishment, placing him in double Irons on the Deck with his people, and keeping him in that situation for several hours even after the Lt. Governor's requisition for the release of Capt. Jones and his Boat's Crew had reached Lieut. Jeffreys.

"For remaining in the Derwent several days after he had reported himself ready, in direct disobedience of his Orders from the Governor in Chief, and in defiance of repeated requisitions from Lt. Governor Sorell to proceed to sea, without one pretence which could justify one hour's delay." I have, &c.,

WM. SORELL.
SORELL TO MACQUARIE.

Lieut.-Governor Sorell to Governor Macquarie.
(Despatch No. 1, per brig Elizabeth Henrietta; acknowledged by Governor Macquarie, 26th June, 1817.)

Sir, Hobart Town, 16th May, 1817.

I have the honor to transmit an account of the Wheat shipped by the Actg. Ast. Commy. General on board the Colonial Brig Elizabeth Henrietta; also an account of provisions furnished for the same Vessel from His Majesty's Store at this Port.

I have, &c.,

WM. SORRELL.

[Enclosures.]

[Copies of these two returns are not available.]

Lieut.-Governor Sorell to Governor Macquarie.
(Despatch No. 2, per brig Elizabeth Henrietta; acknowledged by Governor Macquarie, 26th June, 1817.)

Sir, 16 May, 1817.

I have the honor to transmit to your Excellency an account of articles required for the Public Service at this Station. In order to explain the latter article, viz. the demand for Stationary, I have annexed to the Return, for your Excellency's information, a memorandum of the quantity of stationary handed over to me by my predecessor.

I have, &c.,

WM. SORRELL.

[Enclosure.]

[A copy of this requisition is not available.]

Lieut.-Governor Sorell to Governor Macquarie.
(Despatch per brig Elizabeth Henrietta; acknowledged by Governor Macquarie, 26th June, 1817.)

Sir, Hobart Town, 16th May, 1817.

I have had the honor under date the 3rd Instant, by the Arrival of Ship Harriet, to report to your Excellency the arrival in this Port of His Majesty's Colonial Brig The Kangaroo, Lieutenant Jeffrey, and my intention, in Support of your Excellency's Instructions to that Officer, to expedite her departure in prosecution of her Voyage, as far as should be in my power.

I am now under the necessity of submitting to your Excellency a detailed report upon the conduct of Lieutenant Jeffrey, during the latter part of his stay, and upon his departure from this River; copies of correspondence, and depositions of various Persons who were employed upon, or who witnessed the different Acts stated in the Report, accompany it, specific articles of accusation* against Lieutenant Jeffrey, founded upon these

* Note 90.
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HISTORICAL RECORDS OF AUSTRALIA.

1817.
16 May.

Documentary evidence.

Reasons for not issuing warrant for arrest.

Transmission of charges to England.

I have endeavoured to combine all the evidence which could bear upon the different points of Lieut. Jeffreys' conduct; all my letters to him and his to me, are included, so that on my Side the case stands nearly as perfect as if I were present to establish it; unless Lieut't, Jeffreys can assign to the Authorities, to which He is accountable, more justifiable reasons for his proceedings than are exhibited in his letters to me, I feel confident that there can be but one opinion upon the Subject.

I lament that a Professional Prosecution was impracticable. I should have sent a Warrant against Lieut't Jeffreys for the atrocious assault that He has committed, had I not conceived that (even were he to yield obedience to it, a circumstance not likely, when he was acting in open and armed defiance of the Government), his detention would be to interfere with your Excellency's Instructions and intentions in sending him home, and might in some respect be adapted to his own views.

Under the conviction that it was indispensible both for the Service and myself (as Lieut't Jeffreys had avowed his intention of alleding complaints against me), that a general remark upon his conduct should go home by the Kangaroo, so that months might not elapse after his arrival in England before anything should appear against him when such serious charges were only waiting for conveyance, I have addressed a Letter to Mr. Goulburn, stating the outline of Lieut't Jeffreys' proceedings, and my intention of transmitting to your Excellency by the first ship a full report thereupon. I trust that your Excellency will approve of my having taken that step.

Upon the whole case your Excellency will judge, as it will now be before you fully on my part. I feel that I have done nothing beyond what the maintenance of my authority, the security of the Crown Prisoners, and a due regard to the good order and the revenue of the Settlement required. I have, &c.,

WM. SORELL.

[Enclosure No. 1.]

REPORT to His Excellency the Governor in Chief of New South Wales and its Dependencies etc. upon the conduct of Lieut. Chas. Jeffries, Commander of His Majesty's Colonial Brig The Kangaroo, when in the Port of the Derwent and adjoining water upon the Coast of Van Diemen's Land, from the 30th of April to the 13th of May, 1817.

On the 30th of April the Kangaroo came into the Harbour of Hobart Town, having sailed from Port Jackson on the 9th on her
passage to England. The Governor in Chief having Signified to
Lieutenant Governor Sorell, when at Sydney, that the Kangaroo,
then preparing for her Voyage to Europe, would not touch at
the Derwent, but would sail under instructions to proceed direct
to England, her coming into this Port appeared a positive devia-
tion. Thereupon, when Lieut. Jeffreys came to report his arrival
to the Lieutenant Governor, his reason for coming in was neces-
sarily asked; in reply he admitted himself to be acting under
Instructions from His Excellency the Governor in Chief of the
tenor above mentioned, but stated the loss of a Boat on his
passage from Port Jackson to have occasioned his coming into
this Port, which loss he should supply as quickly as possible.
Copies of the correspondence which took place upon this part of
the case accompany this report.*

On Monday 5th of May Lieutenant Governor Sorell received
a Report from Lieut't Jeffreys that the Kangaroo would be
ready to receive the Mail that evening, which was accordingly
sent on Board.†

Upon the following morning the 6th of May, the day on which
Lieut't Jeffreys was to proceed to Sea, The Lieutenant Governor
received a report from the Inspector of Public Works§ and the
Police Magistrate,§ that Several Crown Prisoners were absent,
and were supposed to be Secreted on board the Kangaroo, with
Some of the Crew of which the absentee were Known to have
been intimately connected, having been brought to this Settle-
ment in that Vessel. It being known that two Prisoners had
been found stowed away in the Kangaroo on her leaving Port
Jackson, the Chief Constable was sent on board with a note, re-
questing that he might be allowed to search.|| A man and a boy
were found, and there being certain grounds for believing that
others were stowed away, and that several more prisoners were
seeking an opportunity to embark at night, The Lieutenant
Governor deemed it necessary to restrict this intercourse by Intercourse
Boats, and wrote to Lieut't Jeffreys, letter of 6th May.¶ The
Lieut't Governor then also being informed that it was Lieut't
Jeffreys' intention not to proceed to Sea on leaving the Port,
but to anchor in the River for two or three days, a course of
proceeding calculated to excite hopes of escape amongst the

* Marginal note.—See Lieut't Governor Sorell's letter of 30th April marked A.
 and Lieut't Jeffrey's Letter marked B of May 1st and Lieut't Governor Sorell's answer
 of same date Marked C.
† Marginal note.—See Lieut. Jeffrey's letter of 5th May marked D.
‡ Marginal note.—See Capt. Nairn's Letter of 8th May, marked E.
§ Marginal note.—See Mr. Humphrey Police Magistrate Letter of 7th May,
marked F.
¶ Marginal note.—See Chief Constable's deposition on Oath, marked G.
|| Marginal note.—See Lieut. Governor's letter of May 6th, marked H.
Prisoners, and to facilitate their attempts, wrote to him expressly to prohibit* his anchoring in the River, as a measure highly improper and dangerous in a Port of this Settlement, and in direct disobedience of the Governor in Chief's Instructions to proceed directly on his Voyage.

No reply was returned to these letters, which the Chief Constable delivered† on board, except a disrespectful verbal one; but all the requisitions contained in both were directly disobeyed and set at defiance; Lieut't Jeffreys having ordered the Pilot‡ to anchor the Brig off the mouth of the Port, as if to facilitate the mal-practices in agitation, and in direct contradiction to the General Port Regulations of Port Jackson and of this Place.

At the same time that The Lieutenant Governor learnt this proceeding of Lieut't Jeffreys,§ intelligence reached him that the object of the movements of the Kangaroo was to land contraband, a large quantity of Spirits, which were on board for that purpose. Many concurrent reports had prevailed and had reached The Lieutenant Governor attributing proceedings of this nature to the Kangaroo on former missions to this Port; but believing it to be impossible that such insinuations should be well founded, when applied to a ship in His Majesty's Service, though generally credited and vouched here, The Lieutenant Governor confined himself to taking such precautions, as the danger of escape of Prisoners, either in Boats belonging to the Kangaroo or in Shore Boats authorized. The Lieutenant Governor accordingly directed the Naval Officer, in his Boat having therein a small party of Troops, and having also a Boat of a Merchant Ship in the Port under his Orders, to maintain the good order and the Police of the Port and River, and to state his object to Lieut't Jeffreys, and in the event of his being ordered by that Officer to quit the Kangaroo∥ he was instructed; to keep the two Boats under his command in the River during the Night, and to enforce a due obedience to the Port Regulations, and the particular orders which had been given respecting boat intercourse. About eleven o'clock at night of the 6th of May, the Auxiliary Boat under the Naval Officer's Orders, commanded by Captain Jones of the Ship Cochin, when rowing at some distance from the Kangaroo, was boarded by a Boat full of armed men from that Vessel, headed by Lieut't Jeffreys,
Sword in hand, who jumping on board Capt'n. Jones's Boat, after calling him by name, followed by several men with drawn cutlasses, Seized Capt'n. Jones, and with the most opprobrious language, after cutting him on the head, and beating him severely, dragged him with his boat's crew prisoners* on board the Kangaroo, where Lieut't Jeffreys gave orders that Capt'n. Jones should be seized up for corporal punishment, but afterwards ordered him into double irons on the Quarter Deck with all his men, where he remained for some hours, even after the requisition of The Lieutenant Governor (in consequence of a report of the event) had been delivered to Lieut't Jeffreys for the release of Capt'n. Jones and his people.

This act of aggression on the part of Lieut't Jeffreys in making an hostile attack, with his Ship's Company armed, upon those who were legally employed in maintaining the Lieutenant Governor's Orders, amounting to a perfect outrage upon all Law and Authority, it remained only for the Lieutenant Governor to issue an Order† prohibiting all communication between the Kangaroo and this Settlement, and to pursue suitable measures for enforcing obedience thereto. This Order was delivered to Lieut't Jeffreys by the Chief Constable‡ about two o'clock in the morning of the 7th of May, at the same time that he delivered to Lieut't Jeffreys' two letters of 7th May,§ one being the demand for the release of Capt'n. Jones and his boat's crew. At that time many Persons from the Shore were on board the Kangaroo, a Boat was allowed to proceed from her with an Inhabitant on board, probably to the Shore; and it is a proof that another Boat‖ was allowed to come on board from the Shore early on the morning of the 7th, Lieut't Jeffreys having then received the Order to prohibit all communication several hours before, vizt. at 2 o'clock very early on the morning of the 7th the Chief Constable delivered to the Lieutenant Governor a letter from Lieut't Jeffreys.§

* At daylight of that Same morning, the 7th May, The Kangaroo went down the River, stood out far into Storm Bay, with the wind at North West, and returned at Night and anchored in Storm Bay Passage. The Lieutenant Governor despatched the Naval Officer, accompanied by a Magistrate, and a party of Troops, in two Government Boats, on the 7th with orders to

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* Marginal note.—See depositions of Capt'n. Jones, N; Mr. Walsh, his first Officer, O; Chief Constable, paragraph G; The Pilot, Second part, R; and Letter of Mr. Drummond, Naval Officer, marked P, 16th May.
† Marginal note.—See Order 7th May marked Q.
‡ Marginal note.—See again Chief Constable's deposition marked G.
§ Marginal note.—See Lt. Governor Sorell's two letters of 7th May marked R.
‖ Marginal note.—See deposition of Young and another waterman marked S.
¶ Marginal note.—See letter from Lieut't Jeffreys of May 7th marked T.
maintain the regulations of the Port and River and its outlets; his remonstrances to Lieut't Jeffreys against further delaying his Voyage being repeated on the 8th.*

In the afternoon of the Same day (the 7th) the Waterman's Boat, which in defiance of the prohibitory Order, had been allowed to carry persons from the Shore on board the Kangaroo on the morning of the 7th, without The Lieutenant Governor's Authority, returned into the Port bringing three more Prisoners† who had been found on board the Kangaroo. It will not fail to be remarked as illustrative of the mischievous and destructive conduct pursued by Lieut't Jeffreys, that these men as their defence‡ pleaded having been conveyed on board the Kangaroo by one of the Boats belonging to that Vessel, one of them even expressly stating that he had been sent for by Lieut't Jeffreys, theré being at the Same time a standing Order against prisoners going on board Ship, and which, except in very extraordinary cases, is never deviated from, and then only by the Lieutenant Governor's Pass.

From the evening of the 7th when, as above stated, the Kangaroo returned to Storm Bay Passage, She remained at Anchor until the 13th of May. The letters which passed during Lieut't Jeffreys' continuance at that anchorage, after Lieutenant Governor Sorell's of the 8th, are annexed.§

And Lieutenant Governor Sorell has only to remark with regard to the pretences alledged for detaining the Kangaroo there, that, with respect to Wood and Water, that Vessel went out of the Port complete, and Lieut't Jeffreys only sent out to Supply the daily consumption which his own delay created; and as to his Time-Keepers, he had ample means and time for regulating them during Seven days which he remained in Harbour, the Captains of the Ships from England and India having taken their Sights, for regulating their Time-Keepers, behind the House which Lieutenant Governor Sorell inhabits. The Kangaroo having Stood to Sea on the 13th, is Supposed to have proceeded on her Voyage to Europe.

Sunday, 18th May.

[Sub-enclosures A to Y.]

[A] LIEUT.-GOVERNOR SORELL TO LIEUTENANT JEFFREYS.

Sir,

Government House; Hobart, 30th April, 1817.

His Excellency the Governor in Chief having Signified to me at Sydney that the Kangaroo under your Command was to

* Marginal note.—See Lt. Governor Sorell's letter of 8th May marked V.
† Marginal note.—See again deposition of Young and another Waterman marked S.
‡ Marginal note.—See Extract from Record Book marked W.
§ Marginal note.—See copies of two letters marked X Y.
Sail under Instructions to proceed direct to England; and it appearing from your report to-day that Such is the Tenor of your Orders from His Excellency, and that the deviation thereupon has arisen from the effects of a Gale of Wind which occasioned the loss of a Boat and other damage, it becomes my duty to state the necessity of your carrying forward with the least possible delay the measures necessary for you to proceed upon your voyage. Understanding from your report that little more than forty eight hours can be required for this purpose, I conclude that you will be prepared to proceed upon your Voyage, at furthest, on Sunday the 4th inst., and I shall give instructions to limit the time for making up the Mail accordingly on Saturday at 12.

I have, &c.,

WM. SORELL, Lt. Governor.

[B] LIEUT. JEFFREYS TO LIEUT.-GOVERNOR SORELL.
H.M. Brig Kangaroo, Derwent River, Sir, 1st May, 1817.

I had the honor to receive your Letter of yesterday's date, and beg to assure you every exertion in my power shall be used to forward the Service.

Enclosed I send you a List of Defects and have to request Repairs you will be pleased to order the Government Carpenters and Boat Builders to forward that Service, my own Carpenters being employed in caulking the Decks, a Service which was performed so ill at Sydney, that there is Scarce a part of the Vessel’s decks but leaks.

I have, &c.,

CHAS. JEFFREYS, Lieut. and Commander.

[C] LIEUT.-GOVERNOR SORELL TO LIEUTENANT JEFFREYS.
Sir, Government House, Hobart Town, 1st May, 1817.

I have to acknowledge the receipt of your letter of this date, with a list of Defects on board H.M.’s Colonial Brig Kangaroo, under your Command, and a demand that they should be Supplied.

With respect to a Boat, it is not possible for the Government of this Settlement to provide you with one, there being none at all fit for the purpose, and I presume you do not propose to remain here till a Boat could be built. It will be your Duty to supply your wants in this respect by a Purchase, and I believe you can find no difficulty in procuring a boat here. Indeed I am rather surprized at the Demand, as I understood you yesterday to state that you should immediately take measures to purchase a Boat.
I have desired the Inspector of Public Works to send on board to-morrow morning Two Carpenters who can be employed in repairing the Half Ports. The Studding Sail Booms I conceive can be made upon your Passage. There is no Government Boat at present in the Port which is capable of being used in Wooding and Watering, but as both articles are so easy of access, and as you have no considerable wants to Supply, having no doubt Sailed perfectly complete from Port Jackson, I can see no occasion for delay on these heads.

It being my duty equally to enjoin, as it is yours to carry into effect, the due execution of His Excellency the Governor in Chief's Instructions, which expressly required you to proceed direct to England, I trust you will see the necessity of preparing for Sea with the utmost expedition; for which I conceive the two ensuing days, with Suitable exertion, will afford Sufficient time.

I have, &c,

WM. SORELL, Lt. Governor.

N.B.—A note followed the foregoing Letter, in a quarter of an hour, to say that a Government Boat has just arrived, and would be given for Lieut't Jeffreys Wood and Watering the next day.

[D] LIEUT. JEFFREYS TO LIEUT.-GOVERNOR SORELL.

H.M. Brig Kangaroo, River Derwent,

Sir, 5th May, 1817.

I have the Honor to inform you that His Majesty's Brig under my Command will be ready to receive the Mail etc. this Evening.

I have, &c.,

CHAS. JEFFREYS, Lieut, and Commander.

[E] CAPTAIN NAIRN TO LIEUT.-GOVERNOR SORELL.

Sir, Hobart Town, 8th May, 1817.

Having reported to your Honor on Tuesday Morning the 6th Inst. the absence of three Crown Prisoners, and who upon the grounds which I then mentioned were supposed to be Secreted on board His Majesty's Colonial Brig The Kangaroo, I have now the honor to acquaint you that the Said three Prisoners were found on board that Vessel in the River, and are now in confinement.

I have, &c.,

WM. NAIRN, Captn. 46th Regt. and Inspector of Public Works.

[F] MR. A. W. H. HUMPHREY TO LIEUT.-GOVERNOR SORELL.

Sir, Hobart Town, 7th May, 1817.

The Substance of the report which I had yesterday the honor of making to you at Government House, and which I have
received your Instructions to communicate in writing, is the following:—

When Lieut't Jeffreys was last at this Port he left on his Farm at Pitt Water two Boys, prisoners for life, whose names were not in Mr. Secretary Campbell's List of the Convicts forwarded by the Kangaroo at that time; Soon after the departure of the Kangaroo, the Boys were brought to Hobart Town, and one of them, John Monice, was assigned to me by Lieutenant Governor Davey. This lad eloped from my House on Saturday last, and has since been seen on board The Kangaroo, and I have no doubt but that the three Prisoners, who have been reported absent from the Public Works, are there also.

The opinion, which I expressed that there was a peculiar probability and risk of Prisoners attempting to escape in the Kangaroo, was founded on these considerations. That she had often been employed in transporting Prisoners of that description from Sydney to this place, and during the passage many of them had contracted habits of intimacy and friendship with the Seamen, who would on that account be inclined to conceal them on board, and that being a Vessel in the King's Service her people would not be mustered nor would the constables be suffered to search her in the way prudent on board of merchantmen on their leaving this Port.

The three prisoners have since been found on board by Samuel Young, and are now in Gaol.

I have, &c,

A. W. H. Humphrey.

[Deposition of John Wade.]

John Wade, Chief Constable of the County of Buckinghamshire, Van Diemen's Land, maketh Oath and Sayeth:—that about twelve o'clock on the Sixth day of May Instant, he was sent by His Honor Lieutenant Governor Sorell on board His Majesty's Colonial Brig The Kangaroo, then at anchor in the Harbour with a note addressed to the Commanding Officer on board requesting that he this deponent might be allowed to search for three Crown Prisoners and a Boy who were absent, and supposed to be Secreted on board that Vessel; That he this Deponent, having searched accordingly, found a Crown Prisoner, but not one of the three for whom the Search was made; that he also found the Boy, and gave him in charge to an Officer, whilst he this deponent proceeded to search other parts of the Vessel, but on demanding the Said Boy after so doing, found that he had been suffered again to escape, and was not produced. And this deponent further Sayeth that at the hour of three on the Same day he returned on shore, and, having reported to His Honor The Lieutenant Governor the foregoing circumstances, was by His Honor again Sent on board the said Colonial Brig The Kangaroo charged with two letters addressed to Lieut't Jeffreys the Commander, and that this deponent delivered the said two letters to the Chief Officer on board, who took
1817.
16 May.

Deposition of J. Wade re search for convicts on brig Kangaroo:

and re armed assault by C. Jeffreys on patrol boat.

them below to Lieut't Jeffreys; that the said Lieut't Jeffreys presently came on Deck, and said that the Lieutenant Governor's two letters required consideration, and could not immediately be answered, and that this deponent might tell the Lieutenant Governor that as a King's Officer he Lieut't Jeffreys had no right to admit a Constable on board; that the said Lieut't Jeffreys gave orders for The Kangaroo to be got under weigh whilst this deponent was on board, between three and four o'clock; and that, the Boy not being then found, this deponent returned on Shore, bringing with him another Crown Prisoner who he had found on board on his Second visit to the Said Vessel, the Kangaroo.

And this deponent further Sayeth:—that he waited upon His Honor the Lieutenant Governor about half past eleven at night of the Same day with the Pilot, who brought intelligence that Lieut't Jeffreys had Seized and carried as prisoners on board The Kangaroo Captain Jones of the Cochin and his boat's crew when employed under The Naval Officer in the River; that this deponent then received Orders from His Honor The Lieutenant Governor to proceed on board The Kangaroo with two letters to Lieut't Jeffreys, and an open Order prohibiting all communication between that Vessel and the Shore; that this deponent was informed by His Honor that one of the Said two letters was to require the Surrender to him of Captain Jones and the boat's crew, if he this deponent should find them prisoners on board The Kangaroo; that this deponent accordingly went on board The Kangaroo, which vessel he found at anchor between the mouth of the Harbour and Hobart Town, and delivered the letters and orders above mentioned to Lieut't Jeffreys and Saw Capt'n Jones in Irons on the Quarter Deck of the Said Vessel The Kangaroo; that this deponent waited between two and three Hours, during which time Capt'n Jones remained in Irons, and at the end thereof was with his boat's crew discharged, and that this deponent then returned on Shore with a Letter from Lieut't Jeffreys to His Honor the Lieutenant Governor.

And this Deponent also further Sayeth that he had considered it necessary to report to His Honor The Lieutenant Governor, on the afternoon of the Sixth of May, the probability of Some of the Prisoners effecting their escape unless much vigilance were employed in preventing communication with Boats, and that he himself had cautioned the constables to be alert in case such attempt should be made, and had afterwards by Command of The Lieutenant Governor issued positive orders to the Constables to prevent Boats from going off.

JOHN WADE, Chief Constable.

Sworn at Hobart Town, this Tenth day of May in the year Of Our Lord one thousand eight hundred and Seventeen before me:—A. W. H. HUMPHREY, J.P.

[H] LIEUT.-GOVERNOR SORELL TO LIEUTENANT JEFFREYS.

Government House, Hobart Town,
6th May, 1817, ½ past 2 P.M.

The circumstances which have arisen respecting men absent from the Crown Works, and Seamen on Shore from the Kangaroo, render it indispensable to restrict the intercourse with Boats.
SORELL TO MACQUARIE. 213

You will be pleased to order that no Boats be Suffered to come alongside after five o'clock this afternoon, except one of your own Boats having an Officer on Boat, or a Government Boat dispatched expressly by my Orders. It will also be expedient to allow no more of your Ship's Company to remain on Shore, and to prevent any of your Boats leaving the ship after dusk, and on no account any boat to leave the Side without an Officer.

If these restrictions be not enforced You may have more men absent themselves, and it is of course an imperative duty at this Moment at any inconvenience, to prevent Such an occurrence.

The Police Magistrate has given orders to find the Seamen who were absent this morning; when they are recovered I trust that you are prepared forthwith to proceed to Sea.

I am, &c.,
WM. SORELL.

[I] EXTRACT from letters to Lieut. Jeffreys, commanding H.M.'s Col'll Brig The Kangaroo (Copy of the other part not kept), 6th May, 1817.

"I TAKE this opportunity to prohibit expressly, as highly improper in a colony of this description, His Majesty's Colonial Brig, under your Command, from again anchoring within the Heads of the Derwent, Sending out boats within the River, or allowing any to remain alongside after She moves from her present anchorage."

WM. SORELL.

Attested before me, as a true Copy of the Original, Hobart Town this Seventeenth Day of May, 1817:—Ed. Abbott, Deputy Judge Advocate.

[K] DEPOSITION OF MICHAEL MANSFIELD.

The Deposition of Michael Mansfield, who being first duly sworn, Sayeth:—I am Pilot at this Station; on Tuesday, the 6th of this present month of May, about two o'clock in the morning, I went on board His Majesty's Colonial Brig Kangaroo, commanded by Lieut't Jeffreys, in order to pilot her out of the River. I remained on board of her till about 3 o'clock in the afternoon, when I got the Vessel under weigh and stood on down the River, but the wind Scanting, and then coming foul, and Lieut't Jeffreys being desirous to wait for some Passengers who were on shore, directed me to bring the Vessel to, which I did, near Sandy Point, about three miles from Hobart Town; between eight and nine o'clock at night, Mr. Drummond came on board the Kangaroo, and Lieut't Jeffreys came on deck to him, when they appeared to have high words. Mr. Drummond told Lieut't Jeffreys he might see his instructions, and they both went down into the Cabin to read them. In about ten minutes after, Lieut't Jeffreys returned on Deck and told me I was not wanted, and Mr. Drummond
then directed me to go ashore to the Lieutenant Governor, and report what Lieut. Jeffreys had said. Mr. Drummond left the Kangaroo the same time as myself, and pulled off in his boat a short distance, in company with my boat, and told me, when I returned with instructions from The Lieutenant Governor, I should find him thereabouts. I reported to the Lieutenant Governor what Lieut’t Jeffreys had said to me on board, as Mr. Drummond had directed me.

Between ten and eleven o’clock on the night of the Sixth of May instant, the Lieutenant Governor gave me a letter to Mr. Drummond, and ordered me to go back and deliver it to him. I got into my boat, and pulled to the place where I had left Mr. Drummond in his boat about nine o’clock that night, but not finding him there, I pulled ahead of the Kangaroo, and off her starboard quarter fell in with Captain Jones in a boat belonging to his Vessel. Captn. Jones hailed me, and asked what boat is that. I told him the Pilot boat. I asked him if he had seen Mr. Drummond’s boat; he Captn. Jones told me she was in Shore. I pulled in shore and found Mr. Drummond’s boat; as I passed the stern of the Kangaroo, Lieut’t Jeffreys asked what boat is that. I told him a shore boat; pull ashore immediately, said he. Shortly after I heard Lieut’t Jeffreys hail Captn. Jones’s boat. Captn. Jones’s boat once or twice, but I did not hear Captain Jones answer; he pulled towards where Mr. Drummond and I were; presently I heard Lieut’t Jeffreys desire his men to man the boat; they did so, and Lieut’t Jeffreys and his men armed with Cutlasses came alongside and boarded Captn. Jones’s boat. I heard him order his men to take charge of Captn. Jones, and if he stirred to cut his head off, or words to that effect, and he would teach a Captain of a Merchantman not to row round a King’s Vessel; they towed Captn. Jones and his boat along side the Kangaroo cheering as they went; as they were towing Capt. Jones away, he called out Drummond, Drummond, I came here under your directions by order of the Lieutenant Governor and will you see me used in this manner. Mr. Drummond’s boat was very near Captn. Jones’s but he did not reply. I then pulled ashore and reported to the Lieutenant Governor that Captn. Jones was taken prisoner and carried on board The Kangaroo. The Lieutenant Governor then wrote a letter and gave it to Mr. Wade, and he and myself went on board The Kangaroo with the letter, when I saw Captn. Jones in Irons on the Quarter Deck. Mr. Wade sent the letter down to Lieut’t Jeffreys, and some time after he released Captn. Jones, who went away in his Boat, and Mr. Wade and myself came ashore. I have heard that Mr. Wade was drunk that night, but I beg leave to state that he was perfectly capable of doing his duty; when waiting for the answer to The Lieutenant Governor’s letter, I observed Mr. Wade was Sleepy, and leaned his head on the companion; it was between twelve and one o’clock at night.

MICHAEL MANSFIELD.

Sworn at Hobart Town, this Sixteenth day of May, one thousand Eight hundred and Seventeen before us:—A. W. H. HUMPHREY, J.P.; A. F. KEMP, J.P.

[L] CAPTAIN JONES TO LIEUT.-GOVERNOR SORELL.

Sir,

Hobart Town, 19th May, 1817.

Agreeable to your Wish that I should state in writing a Communication I had with you relative to some information given me by a passenger in the Brig Kangaroo, as to illicit
Trade in that Vessel; I have to acquaint You that, in a party, this Gentleman said he wished much to get a situation for Capn. Jeffreys' Steward, as in the event of his going to England he would certainly be hanged. I replied it was a pity not to have thought of that at Sydney, as the Vessel intended to have went there direct; upon which he said it was never intended to bring him beyond this place; when I said you this moment told me the intention of the Commander was to proceed direct to England you know, when he left the Company apparently much confused, and on my joining him in the Street, he said what a fool I am, I have Completely let the whole secret out in Consequence of that d——nd Steward, but that was not their sole inducement, for they have 2,000 Gallons and upwards of Rum to land. I said it was impossible to do it, on which he said by G—d they will, if they are obliged to plant it.

I have, &c.,

J. F. JONES.

Attested before me, as a true Copy of the Original, Hobart Town, this twenty first day of May, 1817:—Ed. Abbott, Depy. Judge Adv.

[N] DEPOSITION OF CAPTAIN JONES.

The Information and Complaint of John Francis Jones, Commander of the Ship Cochín, Lying at Anchor in Sullivan's Cove in the Derwent river, Who being first duly Sworn says:—On the Eve of the Eighth
Inst. The Lieutenant Governor finding himself deficient in a boat's Crew, I Voluntarily Offered any part of The Cochin's Ship's Company to supply this deficiency, which was Accepted; I immediately went down to the Wharf, hailed my Ship and got a boat, which I manned alongside My Ship and also sent My Gunner to assist in a Government Boat. I then Came to the Government Wharf, where I met the Lieut. Governor. I was then Ordered by him to proceed under Mr. Drummond's Orders, when I made the remark that I would Act in any Way as far as my Boat's Crew were Capable to execute any Order Mr. Drummond might give; upon which Lieutenant Governor Sorell decidedly said I was under the Orders of Mr. Drummond; I left the Cove in my own boat and Mr. Drummond did so in a Government boat; we pulled away together towards His Majesty's Colonial Brig Kangaroo and, on Coming near to that Vessel, I was ordered by Mr. Drummond to keep on the Starboard Bow, and prevent any Communication from the Ship to the Shore, or from the Shore to the Brig Kangaroo; soon after I took my Station, I was hailed by some person on board the brig to know what boat it was; my reply was that I was not coming on board and would keep outside of their Buoys; upon which I heard a Confused noise on board the brig, ordering her Sailors to jump into the boat; I am Confident it was Capn. Jeffreys' Voice in giving the Orders; I immediately pulled to join Mr. Drummond's Boat for Instructions, and nearly at the Moment I joined them, the Brig's boat came alongside us; Capn. Jeffreys, he was in his boat, exclaimed what Boat is that; I replied it's a boat under Mr. Drummond's orders, who is Close to You this Moment; upon which Capn. Jeffreys said, is that you Capn. Jones. I replied Yes, Sir, and I am on Government Duty; he immediately jumped on board my boat apparently quite amicable; but, on his Coming to the Stern sheets where I was standing, he drew his Sword and said You damned Scoundrel I'll cut you down. I replied if you lift your hand against me, I'll have you overboard, and could I have been aware that You would have Acted in this Hostile way, you should not have come on board My boat. I was immediately seized by two of his Sailors armed with Cutlasses, Muskets, and Pistols, who pinioned me, in the Stern Sheets of the boat, and Captain Jeffreys gave me several blows, one of which has made this severe bruize under my Eye; he said he would teach me how to call one of His Majesty's Officers a fool; at the time of my being boarded by the Kangaroo's boat, Mr. Drummond's boat was close alongside touching Mine, in which I think there were four or Six Soldiers with Muskets and Bayonets fixed, independant of the Men who pulled his boat. I called to Mr. Drummond to assist me repeatedly, but found that he pulled away from and left me. I was towed alongside the Kangaroo by her boat, and on my arrival Capn. Jeffreys said, You Damned Scoundrel, get up the Sides and I'll flog You. Quarter Master get the seizing and Cats ready, for I have caught a Damned Paltry Master of a Merchant Ship. I expostulated and said, Capn. Jeffreys I will not leave my boat; I am under the direction of Mr. Drummond, and you can have no right to force me out of my boat; upon which Capn. Jeffreys Collared me and said, You damned rascal! I'll show you what a Man of War's cat is; he tore my Coat under pulling me, broke my Shins over the Thwart, and, being much irritated by this Mal-treatment, I knocked Capn. Jeffreys down in my boat, at the same time declaring I would admit of no conduct that was derogatory to the character of a Gentleman. I was then by the
Orders of Capn. Jeffreys seized by his Sailors, a rope made fast round my body and hauled forcibly upon board the Kangaroo, when Captain Jeffreys exclaimed, the Scoundrel, put him and all his boat's Crew in Irons; I personally, as well as through the Medium of his Officers, remonstrated with Capn. Jeffreys, saying as a Gentleman I would obey any order he might give me, but I would not be put in Irons. I was seized by the Boatswain and two Quarter Masters and forced down on the deck, was put into a Shackie which ran on a long Iron bolt; in that Situation I remained four hours tho' continually requesting Capn. Jeffreys to allow me to walk on deck; it was so excessive cold, I was completely benumbed and I suffered more in this Situation from the Deprivation of my boat Cloak which was in my boat, and was together with my boat and various Articles, Vizt. A pistol, A bottle of Spirits, A bundle of Segars, My hat which was cut thro' by Capn. Jeffreys whilst on my head with his Cutlass, and my Chief Officer's hat, which were all sent on Shore by Capn. Jeffreys in my boat with Mr. Lord; these Articles have not yet been returned to me. About one o'Clock this Morning, the Chief Constable of the County, Mr. Wade, came on board The Kangaroo in Company with the pilot Mansfield, charged with a Letter from The Lieutenant Governor to Capn. Jeffreys, and Mr. Wade gave me to understand that the letter was for the purpose of Claiming my release. I told Mr. Wade, if I had Committed any Offence, I wished to be delivered up to the Civil power to Answer it, and not be kept ironed on board the Brig; Mr. Wade went below, and remained between one and two hours, and, on his return on Deck, he was so much intoxicated as to be unfit for his Duty; upon finding Myself so very much benumbed, I sent to Capn. Jeffreys to say, if he did not take me out of Irons, I should lose the use of my limbs, upon which after a Considerable time every person on board the Brig being Drunk, the Capn. not excepted, I was released from Irons, and after many Applications to the Chief Constable and to Capn. Jeffreys through his Officers on Deck, I was informed (as also My boat's Crew) I might Depart from on board the Brig in my own boat, which had returned from putting Mr. Edward Lord on Shore; My boat's Crew were released from Irons two or three hours before Me. A little prior to my Departure, I requested Capn. Jeffreys personally to return me the Articles which I have before enumerated; he said I had got what belonged to me, and ordered me to go about my business. I then left the Kangaroo.

J. F. JONES.

Sworn at Hobart Town, the seventh day of May, 1817, before Us:—

(Copy attested as above.)

[O] Deposition of John Walsh.

The Deposition of John Walsh, Chief Mate of the Ship Cochin, who being duly Sworn, Sayeth:—between the hours of Eight and Nine O'Clock last Evening, Capn. Jones hailed the Cochin, and I immediately sent him a boat and, when he came on board his Ship, I asked him if any thing was the Matter; he replied that there was, I must go with him; we put four Cutlasses and a brace of Pistols in our boat and a bottle of Spirits, and a bundle of Segars; I went with Capn. Jones and the Boat's Crew to the Government Wharf, where we found Mr. Drummond and four or five Soldiers; we took them...
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16 May.

Deposition of J. Walsh re armed assault on boat's crew by C. Jeffreys.

on board our boat and put them on board a Government Boat designed for Mr. Drummond, who also went on board of her with some of his boat's Crew; but, as the number of his Crew was insufficient, both boats pulled alongside the Cochin and there got one hand to Complete Mr. Drummond's boats Crew. Capn. Jones asked Mr. Drummond if he would have a brace of Pistols; Mr. Drummond accepted the Offer; the Pistols were handed into the Government Boat and then both Boats rowed off from the Ship. After we had left the Ship, Capn. Jones told Mr. Drummond we were under his Direction, and that we should not Act, but by his Orders. We then (both boats) pulled towards the Kangaroo. Mr. Drummond said, we were to pull on the Starboard bow, whilst he Drummond would go on the Larboard bow of the Kangaroo to prevent any Communication between that Vessel and the Shore; we were not long at our Station, when we were hailed by some person on board the Kangaroo. Capn. Jones answered, it was a boat under the orders of Government; then heard Capn. Jeffreys Call for a Musket and ordered his boat to be manned, and said he would soon know whether there was a Government Boat; we now pulled towards Mr. Drummond's Station on the Larboard bow, and had scarcely got alongside of it when Capn. Jeffreys and his boat Manned partly by some of the Brig Jupiter's Crew joined us. Capn. Jeffreys said what boat is that (meaning our boat); they have got some Prisoners on board, and ordered his Boat's Crew to board us and leaped in first himself, and going towards the Stern Sheets, he asked who that was. Capn. Jones answered it is Capn. Jones. I know it is, replied Capn. Jeffreys, You Damned Scoundrel and Curry favouring rascal; I'll learn you to pull round His Majesty's Vessel; he struck Capn. Jones with his fist, and drew his Sword and desired him to sit down, and after Capn. Jones sat down, he trampled on him; then another small boat belonging to the brig Jupiter with two Men in her, one of whom was the Boatswain of the Kangaroo, rowed off from the Kangaroo, and joined Captain Jeffreys; these two Men got into our boat with drawn Cutlasses and laid hold of Capn. Jones and said to him, You damned Scoundrel, if you Offer to move, we will Cut you down; seeing the Boatswain of the Kangaroo about to Offer Violence to my Captain, I attempted to disarm him of his Cutlass, upon which Capn. Jeffreys knocked me down, and then took all the Arms out of our boat and ordered his boats to tow us alongside the Kangaroo, and, when we came alongside, he Capn. Jeffreys ordered Capn. Jones on Deck, which Capn. Jones refused; on which the boatswain of the Kangaroo, and two or three more hauled Capn. Jones up by force; I and the Boat's Crew followed without making any resistance. Capn. Jeffreys then ordered My Captain, and his Boat's Crew to be put in Irons, and at the same time to get the Cats up, and he would give us all a damned good flogging. Capn. Jones and his Crew were put in Irons; previous to which Capn. Jeffreys knocked Capn. Jones down several times on the Quarter Deck. I was the only person who was not put in Irons. Capn. Jeffreys made use of abusive Language to Capn. Jones several times. Capn. Jeffreys went down below, and about an hour and half afterwards ordered the Prisoners to be released out of Irons, but immediately after ordered Capn. Jones alone to remain in Irons. I think Capn. Jones was in Irons nearly three or four hours; about one or two O'Clock this Morning Mr. Wade the Chief Constable and the Pilot arrived on board the Kangaroo charged with a letter from the Lieutenant Governor to Capn. Jeffreys, which I saw immediately
SORELL TO MACQUARIE.

delivered. The Pilot told me the purport of the letter was to demand Capn. Jones's release and his Boat's Crew; Capn. Jones asked the second Officer, who then had charge of the Deck, if he would be good enough to request Capn. Jeffreys to release him out of Irons, that he was getting quite benumbed with Cold, and was fearful he should lose the use of his limbs; the second Officer returned with an Answer from Capn. Jeffreys that he would do no such thing. A Considerable time after the letter brought by Mr. Wade was delivered, Capn. Jones requested Mr. Wade to go down to Capn. Jeffreys to know if himself and the Boat's Crew were to be released. Mr. Wade returned and said Capn. Jeffreys was writing a Letter. Capn. Jones repeatedly asked Mr. Wade afterwards to Communicate to Capn. Jeffreys his wish to be released with his Boat's Crew. Mr. Wade said it was a King's Vessel and he (Wade) had no Command on board 'till Capn. Jeffreys pleased; at the same time Mr. Wade was very much intoxicated, and I several times Cautioned him to be Careful, fearing he would fall down the Companion ladder. After repeated Messages to Capn. Jeffreys from Capn. Jones to release him out of Irons, an order was at length sent up to release Capn. Jones out of Irons, and shortly after a second Message was sent that Capn. Jones and his boat's Crew were at liberty to Depart; previous to our departure, Capn. Jones applied to Capn. Jeffreys for the Articles we left in our boat. Capn. Jeffreys delivered to us four Cutlasses, and one pistol; there is still one pistol, two hats, one bottle of Spirits, and a bundle of Segars, which has not been returned. We then quitted the Vessel.

At the time we Came on board the Kangaroo, Capn. Jones called upon Mr. Drummond for assistance and instructions how to Act, but received no reply and Mr. Drummond immediately pulled away from us.

John Walsh.

Sworn at Hobart Town the seventh day of May, One thousand eight hundred and Seventeen:—Ed. Abbott, Depy. Judge Adve.; A. W. H. Humphrey, J.P.

[P] Mr. J. Drummond to Lieut.-Governor Sorell.

Sir,

Naval Office, Hobart Town, 16th May, 1817.

I beg leave to lay before Your Honor the following detail of occurrences since the night of the 6th Inst. when I received Your Orders to proceed on Board H.M. Colonial Brig Kangaroo, which was lying about three Miles down the river, there to remain, if permitted by Lieut. Jeffreys her Commander, for the purpose of prohibiting all communication between that Vessel and the Shores of this Settlement.

At 9 P.M. of that day, I proceeded in a Boat with four Soldiers of the 46th Regt. Accompanied by Capn. Jones of the Ship Cochin in another boat, who was to give me intelligence of any Boats he might observe; I went on board the Kangaroo and informed Lieut. Jeffreys that I had Your Orders to remain there for the above purpose, and read to him the instructions
which specified that, if not permitted to remain on board, I was to row Guard round the Vessel; he said he could not allow me to remain on board, on which I left her, and proceeded to row Guard, when about 11 o'Clock P.M. a Boat was hailed from The Kangaroo and immediately the Pilot boat appeared. In a few minutes I heard them hail another Boat from The Kangaroo, which I found was Capn. Jones of the Cochin; directly after I observed a boat come from The Kangaroo towards me, which I hailed and was answered by Lieut. Jeffreys, who asked if it was my boat; I answered him, and he pulled close past me without speaking, towards another boat a head of his Vessel; I observed as he passed that he had a drawn Sabre in his hand; at that time I was laying on my Oars and, not knowing his intention, I pulled after him; on his Coming up to the other Boat (which I knew was the Cochin's), he immediately jumped into her followed by several of his Boat's Crew, who I perceived were armed with muskets. I heard Mr. Jeffreys make use of Violent Threats to Capn. Jones, and repeatedly struck on the Gunwale of the Boat with his Sabre, saying, "I'll teach a Damned fellow of a Capn. of a Merchant Ship to row round a Man of War," and Ordered Ross his Chief Mate to cut Capn. Jones down, if he attempted to stir; to which he (Ross) answered he would. Mr. J. then Called out "a Prize, a Prize pull her on board," and taking the Boat in tow took her alongside the Kangaroo; during this time I repeatedly desired Mr. Jeffreys to desist, telling him that the Boat was there Acting under my Orders, to which he paid no attention; but I heard him say that he supposed there was Prisoners in the Boat, and that he was determined to search her. I assured him there were no Prisoners in the Boat, but that she was there by the direction of Your Honor, and under my Orders; to that he made me no reply but said, if I attempted to come alongside his Vessel, he would fire into Me. I told him at his Peril to do so. I then dispatched the Pilot to town to inform Your Honor that Mr. Jeffreys had seized the Cochin's boat and held Capn. Jones Prisoner on board his Vessel. In about an hour and a half the Pilot returned with the Chief Constable in his Boat, who I learnt was the Bearer of a Letter from You to Mr. Jeffreys; they went on board The Kangaroo where they remained about Two hours; on their return they informed me that Capn. Jones had been in Irons, but was then released; soon afterwards I saw the Cochin's Boat with Capn. Jones and his Chief Mate in her proceeding to Town; I continued to row guard 'till day light, when I came on Shore; about half an hour before I left her she got under Weigh, and proceeded down the River, with a light breeze from the N.W.