HISTORICAL RECORDS
OF
AUSTRALIA.
COMMONWEALTH OF AUSTRALIA.

HISTORICAL RECORDS

OF

AUSTRALIA.

Series III.

Despatches and Papers relating to the
Settlement of the States.

Volume IV.

Tasmania, 1821—December, 1825.

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1921.
EDITORIAL NOTE.

A SLIGHT departure from previous practice has been made in this volume. The papers relating to the settlement of the northern territory of the Commonwealth of Australia, although belonging to the years 1823-1825, have been transferred to volume V in this series, in order that all the papers relating to the abortive settlement at Melville island might be printed together.

FREDK. WATSON.
GENERAL SYNOPSIS.

The papers in this volume are classified as follows:

Despatches to and from the lieut.-governors of Tasmania (page 1 et seq.).

Section A (page 389 et seq.).—Despatches to and from the commandants at Port Dalrymple.

Section B (page 397 et seq.).—Miscellaneous papers relating to the administration of the government in the island of Tasmania.

Section C (page 627 et seq.).—Correspondence of, and exhibits tendered to the commission of inquiry, held by J. T. Bigge.

Section D (page 679 et seq.).—Reports submitted to Earl Bathurst by J. T. Bigge.

The Appendix (page 705 et seq.) contains memorials to, special exhibits tendered to, and special inquiries conducted by J. T. Bigge.
INTRODUCTION.

LIEUTENANT-GOVERNOR GEORGE ARTHUR.

George Arthur was the third lieutenant-governor of united Tasmania, and the first lieutenant-governor to administer the government independent of the administration at Sydney. He was one of the long line of British proconsuls, who served their country in many parts of the world, and helped to lay the foundations of the empire. He was successively superintendent and commandant of British Honduras, lieutenant-governor of Tasmania and of Upper Canada, and governor of the Indian presidency of Bombay; and finally he received the nomination as governor-general of India in the event of the death or departure from India of Sir Henry Hardinge. Each of his administrations coincided with a period of crisis in the respective governments. In Honduras, the liberation of the slaves was under consideration; in Tasmania, a new system of administration was introduced, and the agitation for responsible government was commenced; in Upper Canada, a rebellion occurred, Upper Canada was united with Lower Canada, and responsible government was established; and, in Bombay, the increase in the powers of the governor-general of India and his council required a readjustment of the administrative details, and the government had not recovered from the blow of great military losses in Afghanistan. In each of his administrations, with the exception of that at Bombay, Arthur provoked the most bitter opposition by his autocratic methods; but he possessed such great administrative ability as to retain the continued support and confidence of the British government.

Arthur was stern, haughty and dictatorial. His military career proved him to be brave and unflinching. He was a strict disciplinarian, not only with those whom he had to govern, but with himself as well. He was intolerant of all opposition, and used the great powers of his various offices to suppress all attempts to obtain any extension of the liberty of the subject. In Tasmania, he was a bitter opponent of the freedom of the press and of the agitation for trial by jury; in Canada, of the agitation for
union and responsible government. He was almost unapproachable, and considered that those, whom he governed, had only to obey. He was a humanitarian in Honduras, where he was a staunch advocate for the liberation of the slaves; but, in Tasmania, his treatment of the convicts was stern and drastic. He was a born administrator, and introduced many able reforms in all his governments. His arbitrary methods brought him great personal unpopularity; and his success as an administrator was probably due to the fact that a benevolent despotism was the necessity of the moment in each of his governments.

George Arthur was born in the year 1784, and was the youngest son of John Arthur, of Norley house, Plymouth. On the 25th of August, 1804, he entered the army as an ensign in the 91st or Argyllshire Highlanders. Ten months later, on the 24th of June, he was gazetted a lieutenant in the 35th or Sussex regiment of foot. With this regiment, he served under Sir James Craig in Italy in the year 1806, and in the following year under General Fraser in Egypt. He took part in the attack on Rosetta, when he was wounded severely in the right arm. On the 5th of May, 1808, he was gazetted to the rank of captain in the 35th regiment. In that year (1808), he served under Sir James Kempt in Sicily. In the year 1809, he participated in the ill-fated expedition to Walcheren. He took part in the attack on Flushing, when he greatly distinguished himself. He was again wounded; but, with a single light company of his regiment, he made prisoners of five officers and three hundred men. For these services, he was thanked in general orders and appointed deputy assistant adjutant-general on the field. On his return to England, he received the freedom of the city of London and a sword, and similar honours from his native town of Plymouth. For some time, he was employed as military secretary to Sir George Don, the governor of Jersey. On the 5th of November, 1812, he obtained his majority in the 7th West India regiment, which was then stationed in Jamaica. Shortly after his arrival in the island, he was appointed assistant quartermaster-general to the forces.

In the year 1814, George Arthur married Eliza Orde Usher, the second daughter of lieut.-general Sir John Frederick Sigismund Smith, K.C.B.

In July of the same year (1814), George Arthur was appointed superintendent and commandant of British Honduras with a local
rank of colonel, holding the military as well as the civil command. He administered this government for eight years. During this period, he was granted the rank of lieutenant-colonel in the army on the 1st of June, 1815; he was appointed lieutenant-colonel of the York chasseurs on the 8th of May, 1817; and he was placed on half pay in the York chasseurs on the 25th of October, 1819.

In British Honduras, Arthur governed with determination and vigour. He suppressed a serious revolt of the slave population. He experienced great opposition from the merchants, whose interests were affected by the abolition of slavery. In 1820, his right to the military command was impugned by lieut.-colonel Bradley on the ground that his regiment, the York chasseurs, was disbanded. Arthur thereupon placed Bradley under an arrest. Bradley, on his return to England, brought an action for false imprisonment against Arthur, and obtained a verdict with £100 damages.

Arthur espoused the cause of the negroes, and wrote many despatches on the inner workings of West India slavery. These despatches attracted the attention of William Wilberforce, the reformer, and James Stephen, of the colonial department. The information given by Arthur was of great value to Wilberforce and the anti-slavery advocates in exposing the enormities and inhuman practices of the slave masters. In the year 1822, he was granted leave of absence to visit England and to advise the government on the problems connected with the liberation of the slaves.

In the year 1823, after receiving the reports of J. T. Bigge, Earl Bathurst decided to recall William Sorell from the government of Tasmania. At this period, the necessity for many changes, both in New South Wales and Tasmania, had been realised. The colonies were no longer mere penal settlements, consisting of convicts, and the military and officials necessary to control them. They contained a large number of free settlers, who were increasing annually; and administrative, social and commercial problems required solution. The two principal problems were the reorganisation of the system for the treatment of convicts, and the modification of the administration to meet the desires of the free settlers. In the first, it was necessary to restore some of the terrors of transportation, if the punishment was to act as a deterrent of crime, for, in the previous decade, the dread of the
punishment had almost vanished. In the second, if the immigra-
tion of free settlers was encouraged, whilst the free population
in the colony itself increased by births, and by the emancipation
or the expiration of the sentences of convicts, it was recognised
that the old semi-military administration would no longer be
tolerated, an administration in which the governor or lieut.-
governor were autocrats and unquestioned lawmakers through
their power of issuing general orders and making proclamations.
The English government had received the reports of J. T. Bigge
as royal commissioner to inquire into the administration of the
colonies. He had recommended many radical reforms. He had
pointed out the disabilities, under which residents in Tasmania
laboured owing principally to their dependence on the administra-
tion at Sydney and to the want of law courts in the island.
Realising the necessity for change, the English government had
passed the statute, 4 Geo. IV, cap. xcvi, for the better government
of New South Wales and Tasmania, by which the King-in-council
was empowered to make large administrative and legal reforms.
The introduction of these reforms required a shrewd and capable
administrator. The colonists in Tasmania realised this necessity;
and a petition was forwarded to H.M. the King, praying that
William Sorell should be continued in the lieut.-government as
his tact and capacity were tried and proven. But the secretary
of state had decided to recall Sorell, and he selected George
Arthur as his successor, Arthur's commission being dated 2nd
August, 1823.

With the appointment of Arthur, the island of Tasmania was
for the first time recognised as an entity, which required special
rights and special privileges. The reforms were detailed in in-
structions, which were transmitted* to Sir Thomas Brisbane, the
governor of New South Wales, and given to Arthur. They were
somewhat tentative and experimental, as if the secretary of state
was uncertain of the limits, to which the increased powers should
extend. It will be noted that this experimental stage was brief,
extending from May, 1824, the date of Arthur's arrival in the
colony, to December, 1825, the date of the proclamation of
independence.

The reforms granted or the changes introduced were numerous.
A council was appointed to sit at Sydney, and pass laws for the
government of New South Wales and its dependencies, which

*See page 109 et seq., volume XI, series I.
INTRODUCTION.

included Tasmania. But instructions were also given that all laws, relating to or affecting Tasmania, should be approved by the lieut.-governor before submission to the council. Further, the lieut.-governor was authorised to submit drafts of all such laws, as he might think necessary for the better government of Tasmania. The drafts were ordered to be prepared by the attorney-general at Hobart town, and laid before the chief justice of New South Wales. If the chief justice certified that they were not repugnant to the laws of England, the governor was ordered to lay them before the council and promote their enactment.

Responsible executive powers were vested in the lieut.-governor. He was given full powers to make land grants; but, as it was necessary to attach the seal of the colony to a deed of grant, he was ordered to transmit an exact transcript of the registration of the grant to the governor, who in turn was directed to issue the deed without further investigation. The lieut.-governor was given full power to control the finances of the island. All appointments were made by the governor solely on the nomination of the lieut.-governor. Pardons and reprieves were granted similarly by the governor entirely on the recommendation of the lieut.-governor. The lieut.-governor was authorised to correspond direct with the colonial department. Public works and buildings were placed under the control of the lieut.-governor; but, at the same time, he was ordered to obtain the approval of the governor before commencing any new undertakings.

These administrative reforms were entirely new to the colony. In addition, a supreme court was established and a chief justice and all necessary officers appointed. The first sittings of this court were held two days before Arthur's arrival in the colony.

After his appointment, Arthur devoted some weeks in London to a study of the problems of his then intended government, before he embarked on the ship Adrian. He arrived at Hobart town in that ship on the 12th of May, 1824, and assumed the administration two days later.

Arthur's administration in Tasmania may be divided into two periods. The first was from the date of his arrival to the 3rd of December, 1825, during which term he acted as lieut.-governor, subordinate to the governor at Sydney; and the second from the 3rd of December, 1825, to his departure in 1836, when he acted as lieut.-governor, administering an independent government.
INTRODUCTION.

The status of Arthur as lieut.-governor during this second period is of interest. When it was decided to grant an independent government to Tasmania, lieut.-general Ralph Darling was given a commission as "captain-general and governor-in-chief in and over our Island of Van Diemen's Land," etc. This commission was dated 16th July, 1825, being the same date as the commission for Ralph Darling for the same offices "in and over our territory called New South Wales." In the first commission, it was provided that the duly appointed lieut.-governor should administer the government in case of the death or absence of Darling "out of our said island and its dependencies." On his voyage to Sydney, Darling arrived at Hobart town on the 24th of November, 1825. On the 3rd of December following, Darling proclaimed the independence of the government and took the oaths of office as governor of the island. Three days later, he sailed for Sydney. The administration thereupon devolved upon Arthur as lieut.-governor, administering the government in the absence of the governor, Ralph Darling. On the 10th of December, Arthur took the prescribed oaths of office at a meeting of the executive council, and assumed the full powers conferred on Darling in the said commission.*

During the first period of his administration, Arthur made few changes and devoted himself to a study of the problems of his government. Soon after his arrival, he realised the limitation of the largely extended administrative powers granted to him, and he became an advocate for further reforms. But Arthur was an autocrat, and these intended reforms tended to centralise greater powers in himself. It is probable that he was intolerant of the limited control exercised by the governor at Sydney, who, in the first struggle with the press, gave the decision against him. Arthur adversely criticised the council at Sydney, and advocated the formation of a council† in Tasmania for the enactment of all local laws. He pointed out the differences‡ between New South Wales and Tasmania, that a system of land grants proposed for the former, though beneficial and practical in that colony, was injurious and impractical in the latter.

During this period, he initiated only one big reform; he re-organised the finances and appointed a colonial treasurer.§

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* See page 1 et seq., volume V of this series.
† See page 227.
‡ See page 312 et seq.
§ See page 208.
INTRODUCTION.

But he gave a striking example of his autocratic methods, which was only a forerunner of many others. At the time of Arthur's arrival, there was one newspaper, the Hobart Town Gazette, published at Hobart town. This paper was printed by Andrew Bent and had been subjected to a censorship; but the latter was removed by Sir Thomas Brisbane in 1824. Certain articles were published in this paper adversely commenting on Arthur's administration. Arthur resented the criticism and endeavoured to exercise control by claiming a property in the paper on behalf of the government. This claim was denied by Bent. An appeal was made to Sir Thomas Brisbane, the governor of New South Wales, who decided against Arthur and declared Bent the sole owner of the paper. Arthur thereupon appointed James Ross and G. T. Howe government printers, and gave them instructions to produce a newspaper. The first number appeared in June, 1825, bearing the title and the serial number next to the number on the previous issue of Bent's paper. For some weeks, two papers of the same name were published at Hobart town, each paper purporting to be a continuation of the original Gazette commenced in 1816. Correspondence intended for Bent's paper was received and opened by the editor of Arthur's paper. Bent soon realised that he was unable to fight such an unequal struggle, and was forced to change the name of his paper.* In this action, Arthur undoubtedly instigated an act of literary piracy and breach of copyright.

The story of Arthur's administration after the 3rd of December, 1825, and of his recall, will be found in the introductions to succeeding volumes, which contain the records of the period.

Arthur's administration terminated on the 30th of October, 1836, and he returned to England in March, 1837. For his services in Tasmania, he was created a knight commander of the Hanoverian order.

Sir George Arthur was not destined to be long idle. In December, 1837, he was appointed lieut.-governor of Upper Canada with the military rank and command of a major-general on the staff. At this period, the dominion of Canada was divided into two provinces at the Ottawa river, and, in both provinces, there had recently been a rebellion against the British government. This had been suppressed by Lord Durham, but the loyal subjects were greatly dissatisfied with the lenity shown to the rebels.

* See note 89.
shortly after Arthur's arrival, the rebellion broke out again. Arthur adopted stern measures of repression. A number of rebels were captured, tried and convicted of treason, and sentenced to death. Amongst these, there were Samuel Lount, formerly a member of the house of assembly, and P. Mathews, a prosperous farmer. Thousands of residents petitioned Arthur for a reprieve without result, and the two prisoners were executed in April, 1838. These executions caused a great outcry against Arthur.

The agitation for the union of the two provinces and the introduction of responsible government received large support, but Arthur strenuously opposed both reforms. His extreme measures for the repression of rebellion and for the defence of the province against invasion by bands of American sympathisers, and his opposition to administrative reforms, raised a popular clamour against his government.

Notwithstanding the struggles of these years, Arthur paid attention to the details of his administration. He developed the system of education, and appointed a commission of inquiry into the common schools.

Arthur administered the government of Upper Canada, until the union of the two provinces in 1841 under Lord Sydenham as governor-general, when he returned to England. For his services in Canada, Arthur was created a baronet on the 5th of June, 1841.

On his return to England, a general election for the house of commons was in progress, and two constituencies were offered to Arthur, but were declined by him. A few months later, he accepted the appointment as governor of the presidency of Bombay, and he assumed office on the 8th of June, 1842, as successor to Sir Robert Grant. His administration at Bombay was brief, and, in 1846, he was forced to resign on account of ill health; but, during these few years, he governed with great ability.

Sir George Arthur arrived at Bombay at a time of crisis in the British rule of India. By the East India company's act of 1833, the powers of the governor-general and council had been increased at the expense of the governments of Bombay and Madras. Lord Ellenborough was governor-general, and he interfered with minor administrative details in the two governments. The government
at Bombay was responsible for the armies in Afghanistan, Beluchistan and Scinde. Shortly before Arthur's arrival, the greater portion of the army in Afghanistan had been lost. Lord Ellenborough proposed to withdraw the garrisons from Kandahar and Jalalabad without attempting to recover the prisoners in the hands of the Afghans or to restore British prestige. Arthur strenuously opposed such a policy. Finally Kabul was reoccupied, the prisoners released, the beleaguered garrison at Jalalabad was relieved, and Afghanistan was evacuated without total loss of British prestige.

Soon after the withdrawal of troops from Kandahar, the province of Scinde was annexed. Sir Charles Napier, a major-general in the Bombay army, was chosen by Lord Ellenborough to command the army engaged in the necessary military operations. Ellenborough then adopted the practice of communicating directly with Napier instead of through Arthur as governor of Bombay, which had been the former practice.

Throughout these and other changes and policies introduced by Lord Ellenborough, Arthur avoided all friction with the central government by maintaining a strict loyalty for the governor-general, by ignoring his irregularities, and by avoiding all partisanship. As the result, Arthur received the unstinted thanks of the court of directors and of Lord Ellenborough.

Lord Ellenborough was recalled by the board of directors, and was succeeded by Sir Henry Hardinge. When British India was invaded by the Sikhs, Hardinge considered it his duty to volunteer his services as second in command to the commander-in-chief. At the same time, he nominated Sir George Arthur as provisional governor-general. This nomination was approved by the government and the court of directors, and Arthur was appointed to succeed Hardinge in the event of the latter's death or absence from India. Arthur, however, never succeeded to the office of governor-general, as he left India before Hardinge's vacation of that office.

Whilst governor at Bombay, Arthur initiated or elaborated many important measures. Before his arrival, the Deccan survey had been commenced; but Arthur elaborated the plan and framed the rules, whereby the agriculturists were relieved of excessive and
arbitrary taxation. He employed an engineer to advise on problems of irrigation, and of improvement of the means of communication, and adopted many of the proposals. He caused reports to be submitted on the drainage of the city of Bombay, and on the reclamation of the foreshores of the island.

Sir George Arthur resigned from the Bombay government in 1846, on account of ill health.

After his return to England, Sir George Arthur was made a member of the privy council in the year 1847, and in the following year he was granted the honorary degree of D.C.L. by the university of Oxford. On the 28th of February, 1853, he was appointed colonel of the 50th or Queen's Own regiment, and, shortly before his death, he attained the rank of lieut.-general.

Sir George Arthur died on the 19th of September, 1854, in Gloucester square, Hyde park, London, at the age of seventy years. He had five daughters and seven sons, of whom five survived him.

*September, 1921.*

FREDK. WATSON.
DESPATCHES
ASSIGNMENTS OF CONVICTS.

During the year 1821, letters, which enclosed the assignments of convicts per the ships named, were sent to lieutenant-governor Sorell, bearing dates as under:

<table>
<thead>
<tr>
<th>Date of Letter</th>
<th>Ship</th>
<th>Number of Convicts</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 January</td>
<td>Lady Ridley</td>
<td>138 Male</td>
</tr>
<tr>
<td>20 June</td>
<td>Malabar</td>
<td>171 do.</td>
</tr>
<tr>
<td>3 August</td>
<td>Lord Hungerford</td>
<td>228 do.</td>
</tr>
<tr>
<td>23 August</td>
<td>Claudine</td>
<td>160 do.</td>
</tr>
</tbody>
</table>

RECOMMENDATIONS OF SETTLERS.

During the year 1821, the following persons were given letters of recommendation as settlers, bearing dates as under:

<table>
<thead>
<tr>
<th>Date of Letter</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 February</td>
<td>Robert Rymill Judd</td>
</tr>
<tr>
<td>9 February</td>
<td>B. Smart Fowler</td>
</tr>
<tr>
<td>10 February</td>
<td>Josiah Spode</td>
</tr>
<tr>
<td>8 March</td>
<td>Charles Robertson, wife and family</td>
</tr>
<tr>
<td>8 March</td>
<td>Duncan Ballantine, do.</td>
</tr>
<tr>
<td>13 March</td>
<td>Horatio and Charles Rowcroft</td>
</tr>
<tr>
<td>14 March</td>
<td>James Evans</td>
</tr>
<tr>
<td>15 March</td>
<td>George Langford</td>
</tr>
<tr>
<td>21 March</td>
<td>George Rankine and wife</td>
</tr>
<tr>
<td>26 March</td>
<td>Matthew Corney</td>
</tr>
<tr>
<td>6 April</td>
<td>Hew Stevenson</td>
</tr>
<tr>
<td>6 April</td>
<td>Frederick Meyer</td>
</tr>
<tr>
<td>12 April</td>
<td>Alexr. McNab</td>
</tr>
<tr>
<td>12 April</td>
<td>George Alston</td>
</tr>
<tr>
<td>16 April</td>
<td>Wm. Bagster and family</td>
</tr>
<tr>
<td>17 April</td>
<td>Jas. Robertson</td>
</tr>
<tr>
<td>30 April</td>
<td>Robert Maskelyne</td>
</tr>
<tr>
<td>6 May</td>
<td>Charles Chatfield</td>
</tr>
</tbody>
</table>

Note 1.
**HISTORICAL RECORDS OF AUSTRALIA.**

**Recommendations of Settlers—continued.**

<table>
<thead>
<tr>
<th>Date of Letter</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 May</td>
<td>Archibald Thomson.</td>
</tr>
<tr>
<td>16 May</td>
<td>W. R. Mott.</td>
</tr>
<tr>
<td>16 May</td>
<td>Alex. Reid, wife and family.</td>
</tr>
<tr>
<td>19 June</td>
<td>John Dunn.</td>
</tr>
<tr>
<td>21 June</td>
<td>Peter Degraves.</td>
</tr>
<tr>
<td>21 June</td>
<td>Joseph Williamson.</td>
</tr>
<tr>
<td>21 June</td>
<td>George Page.</td>
</tr>
<tr>
<td>22 June</td>
<td>Martin Mowbray Stephenson.</td>
</tr>
<tr>
<td>22 June</td>
<td>James Stephenson.</td>
</tr>
<tr>
<td>22 June</td>
<td>John Gibson.</td>
</tr>
<tr>
<td>22 June</td>
<td>Thos. Chapman.</td>
</tr>
<tr>
<td>22 June</td>
<td>John Field.</td>
</tr>
<tr>
<td>22 June</td>
<td>John Turner.</td>
</tr>
<tr>
<td>2 July</td>
<td>Joseph Pennington.</td>
</tr>
<tr>
<td>2 July</td>
<td>Alex. Keith.</td>
</tr>
<tr>
<td>3 July</td>
<td>Maurice Smith.</td>
</tr>
<tr>
<td>6 July</td>
<td>R. Brooke.</td>
</tr>
<tr>
<td>12 July</td>
<td>H. McIntosh.</td>
</tr>
<tr>
<td>13 July</td>
<td>Alex. Paterson.</td>
</tr>
<tr>
<td>13 July</td>
<td>Francis Allison.</td>
</tr>
<tr>
<td>16 July</td>
<td>Thos. Haigh Midwood.</td>
</tr>
<tr>
<td>17 July</td>
<td>John Burridge.</td>
</tr>
<tr>
<td>25 July</td>
<td>George Owen.</td>
</tr>
<tr>
<td>25 July</td>
<td>Lieut. Steele.</td>
</tr>
<tr>
<td>31 July</td>
<td>John Dunn, Junr., and Mrs. Catherine Colville.</td>
</tr>
<tr>
<td>8 August</td>
<td>Wm. Tassell.</td>
</tr>
<tr>
<td>8 August</td>
<td>John George Smith.</td>
</tr>
<tr>
<td>24 August</td>
<td>James Newington.</td>
</tr>
<tr>
<td>24 August</td>
<td>James Wright.</td>
</tr>
<tr>
<td>31 August</td>
<td>Emanuel Wellard.</td>
</tr>
<tr>
<td>4 September</td>
<td>John Hiddleston.</td>
</tr>
<tr>
<td>5 September</td>
<td>Jonathan Greaves.</td>
</tr>
<tr>
<td>8 September</td>
<td>Samuel Carter.</td>
</tr>
<tr>
<td>12 September</td>
<td>Thos. Smith.</td>
</tr>
<tr>
<td>12 September</td>
<td>George Smith.</td>
</tr>
<tr>
<td>12 September</td>
<td>Wm. Robinson.</td>
</tr>
<tr>
<td>19 September</td>
<td>John Hays.</td>
</tr>
<tr>
<td>24 September</td>
<td>Edmund Hodgson.</td>
</tr>
<tr>
<td>24 September</td>
<td>John Dean.</td>
</tr>
<tr>
<td>24 September</td>
<td>Robt. Mather.</td>
</tr>
<tr>
<td>26 September</td>
<td>Wm. Shoobridge.</td>
</tr>
<tr>
<td>26 September</td>
<td>J. Welch.</td>
</tr>
<tr>
<td>3 October</td>
<td>Wm. Cape.</td>
</tr>
<tr>
<td>3 October</td>
<td>Charles Barnard.</td>
</tr>
<tr>
<td>22 October</td>
<td>Robert Bethune.</td>
</tr>
<tr>
<td>29 October</td>
<td>Anthony Williams.</td>
</tr>
<tr>
<td>31 October</td>
<td>John Maule Hudspeth.</td>
</tr>
<tr>
<td>6 November</td>
<td>Anthony Horder.</td>
</tr>
<tr>
<td>8 November</td>
<td>John Hill Blanchard.</td>
</tr>
<tr>
<td>29 November</td>
<td>Henry Lowless.</td>
</tr>
<tr>
<td>20 December</td>
<td>James Greig.</td>
</tr>
<tr>
<td>24 December</td>
<td>Robt. Stodart.</td>
</tr>
<tr>
<td>26 December</td>
<td>John Deane.</td>
</tr>
</tbody>
</table>
MACQUARIE TO SORELL.

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY GOULBURN. 1821.

Hobart Town, Van Diemen’s Land, 2nd January, 1821.

Sir,

I do myself the honor to acknowledge the receipt of your Despatches Letters of date 6th and 25th July and August last, with the Assignment Lists of the Male Convicts by the several Ships, Caledonia, Maria and Juliana.

I have the satisfaction to acquaint you that those Convicts arrived generally in a healthy and orderly State, one only, by convicts-the Juliana, having died on the passage,* and they have been distributed in the two Settlements on this Island.

The Assignment Lists, being directed to Governor Macquarie, I have forwarded the originals to him, keeping attested Copies.

I have, &c,

WM. SORELL.

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR SORELL.

(Despatch per ship Caledonia.)

Government House, Sydney, 9 Jan., 1821.

Sir, 9 Jan.

I have the honor to transmit herewith, for your information and guidance, Copy of a Letter from the Under-Secry. of State to my address, enclosing copy of one from the Victualling Office in London, giving cover to an account of Medical Comforts, etc., delivered by Masters of certain Ships, therein specified, to Mr. Edward Luttrell Surgeon in charge of the Medical Department at Hobart Town; and I have to request, in pursuance of the commands conveyed to me in the Letter from the Under Secry. of State, you will be pleased to call immediately on Mr. Luttrell to deliver in to you, for the purpose of being transmitted forthwith to me, a detailed Statement or account of the appropriation of the Medical Stores and Comforts Specified in the Account herewith Transmitted from the Victualling Office.

I have, &c,

L. MACQUARIE.

[Enclosure.]

[A copy of this letter will be found on page 317, volume X, series I.]

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR SORELL.

9th January, 1821.

[A copy of this letter was submitted as an exhibit† to J. T. Bigge.]

* Marginal note.—John Bollands.  † Note 7.
LIEUT.-GOVERNOR SORELL TO EARL BATHURST.

(Despatch per H.M. storeship Dromedary.)

Government House, Hobart Town, Van Diemen’s Land,

My Lord,

16th Jan., 1821.

I do myself the honour of transmitting to Your Lordship in the Charge of Mr. Scott, Secretary to The Commissioner of Enquiry, a Sett of Charts* of Van Diemen’s Land, comprizing all the Information which is yet authenticated.

1. A General Chart of the Island in which are embodied The Two Ports on The West Coast, “Macquarie Harbour,” and “Port Davey.” The former of which was first surveyed by a Person sent from hence, and was subsequently verified, as to its Entrance and Soundings, by Lieutenant King, R.N., Commander of His Majesty’s Cutter The Mermaid. The other, Port Davey, was surveyed by Mr. Oxley Surveyor General. In this Chart also, The Part of The East Coast, Called Oyster Bay and Swan Port, has been introduced, The Survey being Copied from The French Charts,* which were in the hands of Lieutenant King.

2. Chart of The Settlements upon The Derwent and Adjacents, in which The District and Grants of Land are described.

3. a similar Chart of The Settlement of Port Dalrymple.

4 and 5. Charts of Macquarie Harbour and Port Davey. This last Port, being situated on the part of the Coast which Convict Ships most usually make upon their approach, I beg leave to point it out to Your Lordship as a resource for Ships, making the Voyage without touching at any Port, which might be under pressure for Water or Shelter; The Ingress and Egress being easy, the Wood and Water of ready access, and the anchorage secure.

In submitting to Your Lordship these Charts, It appears to be my duty to account for the delay that has attended their preparation, and for the large portion of information which yet remains to be acquired.

It is known to Your Lordship that Mr. Evans, The Deputy Surveyor of Lands, has been employed since my succession to the Charge of these Settlements, upon two Missions† of examination, in the Interior of Port Jackson; which occasioned his absence for a Year and a half, his Time here also having been much required to assist in preparing Charts connected with those Services. Mr. Evans is now employed in surveying some Ranges of This Country, which may be available for new Settlers.

The pay of the Deputy Surveyor of Lands having been under the observation of the Commissioner of Enquiry, It may be improper for me now to solicit Your Lordship’s attention to the

* Note 2. † Note 3.
Subject. I can only hope that the Commissioner’s opinion may coincide with that which I presume to Offer to Your Lordship, that to secure Integrity, and even to afford Subsistence, an advance of pay to the Deputy Surveyor is indispensable.

I have, &c.,

WM. SORELL.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*

Sir,

In obedience to the desire expressed by Your Exo’y that 20,000 Bs. of Wheat should be purchased in the Sett’ for the Service of Port Jackson, I lost no time in communicating to the Comm’t officer the necessity of taking suitable Measures; and I found that he had received detailed Instructions from the Head of his department.

From a view of all the Circum’s connected with the Supply of Grain, the Comparison of the Cultivation per Muster, and the large accession of population, with the Harvest and export of Wheat last Year, considering also the relative situation of the Merchants and Settlers, and adverting specially to the pressing demand, which at the advanced period of the Season the late disastrous floods at Port Jackson must probably occasion; I felt convinced that no security either as to the quantum of supply, pointed out by Your Excell’y, or the price fixed by Govt., could be found by depending upon the Growers only to furnish it.

Since the Muster of 1819, full fifteen hundred people have been received; and, though the increase of Wheat Cultivation this Muster is fourteen Hundred Acres, I have reason to believe that the present Crop is inferior to that of last Year, owing to a long course of dry Spring Weather, by which the late sown Wheats suffered.

I cannot, therefore, estimate that our Surplus this Season will be equal to the last, especially looking to the prospect of further increased population.

Under these impressions and a deep sense of the necessity of insuring to Govt. the supply required on this Exigency, I called upon the Comm’ Officer in charge for his official opinion and report; and he stated his Conviction, in support of which he assigned his reasons at length, that the Growers could not be relied upon for the large supply required, and that the only mode of effecting the object was the making an arrangement with the most responsible Individual upon Bonds of adequate security.

I have now the honor to acquaint Your Excellency that an arrangement has been made with Mr. Edward Lord, who has

* Copied from original letter-book in Mitchell library, Sydney.
undertaken, under Bonds of penalty of £5,000, to supply 20,000 Bushels of Wheat at the times and in the manner prescribed by the Comm't Instructions at 10s. pr. Bu., which price Mr. Lord some time before notified his desire to give to the Settlers.

Upon the subject of shipping the Wheat, I hope to be honored with Your Excellency’s orders in due time.

I have, &c.,

WM. SORELL.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*
(Despatch per ship Juliana.)

Sir,

17th Jany., 1821.

I have the honor to transmit to Your Excellency Copies of Letters, which have been addressed to me by Captn. Ogilvie, Commander of the Juliana, and Mr. Graham, Surg’n Sup’t of that Ship, expressive of their desire to become Settlers in V. D. Land. I have naturally felt desirous to afford any facility, that might depend upon me, to the views of these Gent’ns; and I accordingly stated to them my readiness to reserve Land in such situation as they might point out, until their application could receive Your Excellency’s decision.

In the event of their request being sanctioned by your Excellency, I understand it to be their intention to fix upon the lower parts of the Macquarie River, not far from where that stream joins the Lake River, which last joins the South Esk in Norfolk plains about fifteen Miles from Launceston.

I have, &c.,

WM. SORELL.

[Enclosures.]

[Copies of these letters are not available.]

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*
(Despatch per ship Juliana.)

Sir,

18th January, 1821.

I have the honor to acquaint Your Excellency that the Ship Juliana arrived on the 28 Ulto. with 159 Male Convicts, one having died on the passage, and that they were landed on the 2 Inst’ in a healthy and orderly state.

I beg leave to transmit to Your Excellency the Assignment List. of which I have kept an attested Copy; also the Charter party of the Ship.

The Juliana proceeds to Sydney with the Stores for Colon’l Vessels, the prison, all spare Stores, etc., being taken down and landed here.

I beg leave to transmit a Letter concerning the passage of Lieut. Christian, officer comm'g Guard on board the Juliana. Sixty of the Male Convicts from this Ship have been sent to Port Dalrymple. The residue have been chiefly assigned to the service of Settlers.

WM. SORELL.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*
(Despatch per ship Juliana.)

Sir, 18th January, 1821.
I do myself the honor to forward to Your Excellency the Transmission of Muster Lists of the Settlements on Van Diemen's Land, Those of the Settlement of the Derwent having been taken in October, and those of Port Dalrymple in November last, both under my personal Inspection.

I have, &c.,
WM. SORELL.

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

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*
(Despatch per ship Midas.)

Sir, 28 January, 1821.
I beg leave to forward to Your Excellency a Letter Resignation of received from Mr. Espie for transmission, in which that Gent'n submits his resignation as Surgeon of Pt. Dal. I had previously received a report from Mr. Espie of his insufficiency of undertaking the duties of his office.

I have, &c.,
WM. SORELL.

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

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*
(Despatch per ship Midas.)

Sir, 30 January, 1821.
I beg leave to lay before Your Exc'y a Letter addressed to me by Lt. Col. Cimetiere with its two inclosures. It will appear to Your Exc'y that the clothing, sent to Pt. Dal. by Major Druitt, does not suffice to supply much more than half (including Constables) the persons, entitled to Slop Clothing from Govt.; a large portion of which have been for many Months in a state bordering upon nakedness, with only pieces of Blankets tied round them for covering. The greater part of the slops in question are Colon'l Cloth, the durability of which is much less

* Copied from original letter-book in Mitchell library, Sydney.
HISTORICAL RECORDS OF AUSTRALIA.

1821.
30 Jan.

Want of stores for public works.

Glass purchased for parsonage.

1 Feb.

Period of administration of W. Sorell.

Reasons for submitting report.

Charges made by A. F. Kemp.

than that of England; and I beg leave to remark to Your Excellency that the Convicts at George Town can by no possibility procure any extra clothing by their Industry, there being no employment for them.

With regard to Stores for the Public Works, it will appear to Your Excellency from the Invoice that, excepting Iron, nothing has been sent by Major Druitt, and therefore the Works are or must be shortly at a stand.

In order to enable the Parsonage House to be finished, which I found wanted Glass only, I caused Major Bell to purchase a suff’ry quant’y in time to be shipped by a Brig, now on her passage, since which Col. C. informs me that, for want of Pitch, the Govt. Boats will soon be unfit to convey the provisions to Geo. Town.

I have, &c.,

Wm. Sorell.

[Enclosure.]

[A copy of this letter is not available.]

LIEUT.-GOVERNOR SORELL TO EARL BATHURST.

Government House, Hobart Town, Van Diemen’s Land,

My Lord,

4th Feb., 1821.

Four Years have nearly expired since I took upon me the charge of these Settlements, which I had the honor of receiving at Your Lordship’s hand, and during the period Governor Macquarie’s Approbation of my Conduct has been Constantly testified to me. It is now upon the Conclusion of the special Enquiry into the Administration of these Colonies, and upon the occasion of the result going before Your Lordship, and in the consciousness that the Discharge of my duty will not be found to have discredited the recommendation of Those who brought me to Your Lordship’s Notice, that I request permission to address you.

I am aware, My Lord, that I have been called in question before Your Lordship by an Accuser, who has been incessantly employed in traducing my acts and my administration, and The Judges, The Magistracy and public Functionaries of The Settlement. But the presence of The Commissioner of Enquiry afforded an opportunity of bringing Mr. Anthony Fenn Kemp’s complaints to the test of truth, and of repelling his falsehoods and Calumnies, and of shewing his Character and Motives, and of laying open to The Organ of His Majesty’s Government every part of my Administration and My Demeanour.

To the Report of The Commissioner I am well Content to Confide my reputation, and any pretensions to Your Lordship’s favorable Consideration; but I feel that I should omit a duty,
SORELL TO BATHURST.

1821.
1 Feb.

The Character of Mr. Kemp as developed in the Early Annals of New South Wales, especially in the transactions attendant upon the arrest of Governor Bligh, and the General Court Martial upon Colonel Johnstone, left me no room for surprise at finding him in the Year 1818 commencing the same career towards The Government of this Settlement, as He had uniformly pursued. Mr. Kemp was then a Magistrate, and, as amongst other things He avowed an intention of calling a meeting of The Settlers to discuss my acts, upon Statements wholly false made by himself, I felt it my duty to suspend him; and Governor Macquarie was then pleased to dismiss Mr. Kemp from The Magistracy† by a publick order, and to convey to him in the strongest terms his Sentiments on the occasion.

These Circumstances and this dismissal Mr. Kemp forbore to make ground of Appeal or Complaint before The Commissioner of Enquiry, but such Allegations, as He did adduce, underwent full investigation; And whether as attaching to me, or to The Judge of The Supreme Court, I trust that It may not be improper for me to bring under Your Lordship's special Notice, that part of The Enquiry, And to express my hope, that pointed out as I doubt not Mr. Kemp's Conduct will be to Your Lordship, both by The Commissioner of Enquiry and The Judge of The Supreme Court, It may not be unworthy of Your Lordship's Consideration, how far his Condition and Claims as a Colonist, and especially (as a Resident), with regard to any participation in benefit or Indulgence from Government, may be thereby affected. It is not, I beg leave to assure Your Lordship, from any disposition to impede just Complaints, or from any indifference to meeting them, that I address Your Lordship on this Subject; far from feeling or indicating in any instance a desire to pursue such a Course, I have invariably stated my wish that, in any Case where My Decision may be questioned, The Appeal and my reply may at once be pleaded before Higher Authority. But the peculiar Character of Mr. Kemp's proceedings, in promulgating in solemn Evidence charges equally false and injurious to the accused and to the publick Service; While He never once addressed a Complaint to the Party Whose Conduct He arraigned; the atrocious Nature of those Charges, which, without a shadow of truth, tended to vilify the principal Colonial Officers and even The Judicial Seat, have imposed upon me the duty of thus addressing Your Lordship.

* Note  

† Note 5.
With regard to myself, My Lord, I am conscious that, if on the one hand I can lay claim to unimpeachable Conduct in the discharge of my publick duty, and to guarded and prudent Demeanour, I have yet to interest Your Lordship's indulgent Consideration because I did in one instance incur the Censure of The World. I had twenty Years of previous Character, not only unblemished, but I trust I may say esteemed, having received during that period Many proofs of the good opinion of some of the most distinguished Persons of the time. My Atone­ment was the Sacrifice of professional prospects when I held a rank and reputation that gave me fair hopes of attaining ultimate rank and fame, and a perfect devotion to alleviate the Conse­quences of my error during Nine Years, which have since elapsed.

Thus, My Lord, I shall appear before Your Lordship, after an Enquiry into my Administration and Conduct; And I ven­ture only to cherish a hope that, if Your Lordship shall find me to have executed the Duties of The Office, to which You were pleased to appoint me, with Integrity and Zeal, and to have upheld in this remote, and till lately little known Settlement, the honour and dignity of my Appointment, Your Lordship may still deem me worthy of publick Employment; and that my Situation with respect to the very heavy Claims which a Numerous family and other Circumstances attach to me, and the Consequences which the loss of official Appointment would occasion to me, may receive Your Lordship's kind and favourable Consideration.

With the highest respect and gratitude.

I have, &c,

WM. SORELL.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.†

(Despatch per ship Midas.) 3rd Feb'y, 1821.

Sir,

I do myself the honor to acquaint Your Ex'cy that, in concurrence with the opinion of Mr. Judge Adv'te Wylde, a large portion of the offenders, who have been tried before the Court of Criminal Jurisdiction, some under sentence to Newcastle, others intended to be recommended to Your Ex'y for commutation of Capital Punishment, are embarked on board the Midas with a Non-Commissioned Officer and 18 Soldiers, part of the Guard which was landed here from the Juliana for the purpose.

I beg further to report to Your Excellency that the passage Money of the Guard and prisoners has been paid to Mr. Under­wood, and that 21 days provisions have been embarked for fifty men.

I have, &c,

WM. SORELL.

* Note 6. † Copied from original letter-book in Mitchell library, Sydney.
GOULBURN TO SORELL.

UNDER SECRETARY GOULBURN TO LIEUT.-GOVERNOR SORELL.

Sir,
Downing Street, 10th February, 1821.

Lord Bathurst having received very strong recommendations in favor of Mr. Josiah and Mr. Samuel Spode (the Bearers of this Letter) has already given to them the usual Letters for Grants of Land in Van Diemen's Land; but I am directed by his Lordship to introduce them to your notice, as Settlers whose respectability will entitle them to every reasonable Indulgence, and I am therefore to request that you will afford them Assistance towards accomplishing the Objects they have in view.

I am, &c.,
HENRY GOULBURN.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*
(Despatch per brig Campbell Macquarie.)

Sir,
3 March, 1821.

I have the honor to acquaint Your Excellency that by the Brig Campbell Macquarie proceed to Sydney two prisoners of the Crown, names as pr. margin, who have been admitted approvers on late trials before the Court of Criminal Jurisdiction, and who it has been deemed proper should be removed from this Settlement.

Twenty one days provisions for these Men have been put on board the Campbell Macquarie to be accounted for at Sydney, and the passage Money has been paid here.

I have, &c.,
WM. SORELL.

UNDER SECRETARY GOULBURN TO LIEUT.-GOVERNOR SORELL.
(Despatch per ship Adamant; acknowledged by lieut.-governor Sorell, 12th August, 1821.)

Sir,
Downing Street, 14th March, 1821.

I am directed by Lord Bathurst to acquaint you that he has given permission to the bearer Mr. Evan Rees, One of The Society of Friends, to proceed to New South Wales. As the object of Mr. Rees in visiting the Colony is chiefly with a view to make observations and obtain Information as to the advantages, which it holds out to himself and others of the same Society for fixing themselves as Settlers, I am to request you will furnish him with any Information in your power on this subject.

I am, &c.,
HENRY GOULBURN.

* Copied from original letter-book in Mitchell library, Sydney.
† The margin is blank.
GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR SORELL.

21st March, 1821.

[ A copy of this despatch is not available. ]

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR SORELL.

(Despatch per brig Prince Leopold.)


Departure of The Government Brig Prince Leopold having undergone a thorough repair here and being now ready equipped for Sea, she will take her departure to-morrow for the Derwent with Stores and Passengers.

Causes of delay. I regret that so great a delay should have taken place in dispatching back this Vessel, but it was unavoidable. Her repair was indispensably necessary, and some of the most useful and necessary articles of Slop Clothing were only received by the Dick Transport, recently arrived from England.

Shipment of Herewith I have the pleasure to forward to you an Invoice or Return of all the Stores and Slop Clothing shipped on board the Prince Leopold for the use of the Settlements in Van Diemen's Land, those for Port Dalrymple being included.

I have taken care to send you on this occasion, conformably to a former promise, a full proportion of the Stores and Slop Clothing received this year from England; and, in case you should not receive as large a proportion as you require or as you may have expected, you must take the will for the Deed; for certainly a larger proportion than that now sent you could not possibly be spared from hence.

The Brig being so crowded with the Stores and with the Provisions and Water for the Passengers, I have not been able to send the whole of the Detachment of Soldiers intended to reinforce Major Bell's Company, Ten of them only going now in the Leopold as a Guard; but the remaining Twenty will be sent in the Govt. Brig Elizabeth Henrietta, which will leave this in about three weeks hence for the Derwent.

I have given Major Macleod and his Family and Servants, Mr. Talbot and his Servants, The Revd. Mr. Conolly, Roman Catholic Priest, and Five Pensioner Settlers with their Families, Passages on the Leopold to the Derwent, Government also supplying them with Rations during the Passage.

I have, &c.,

L. MACQUARIE.
Lieut.-Governor Sorell to Governor Macquarie.*
(Despatch per ship Medway.)

Sir, 9 April, 1821.

I have the honor to transmit the Assignment List and Copy of Charter Party of the Ship Medway, by which 156 Male Convicts arrived on the 13 Ulto. with Instructions for their being landed in this Settlement.

The Medway has landed her spare Provisions, Stores, and prison here, and has received the Certificates subject to proceeding to Sydney to land the Guard, etc.

I have, &c.,
WM. Sorell.

Lieut.-Governor Sorell to Governor Macquarie.*
(Despatch per ship Medway.)

Sir, 9th April, 1821.

I have the honor to transmit to Your Excellency a List of Convicts sent Prisoners under sentence of transportation to the Coal River from the Court of Criminal Jurisdiction and the Bench of Magistrates, to which are added three Convicts of a very dangerous character, and who I have deemed it necessary to forward to a place of security, none such being at present on this Island in Govt. occupation. On board the Medway also proceed two Convicts, names as per Margin,† runaways from Port Jackson under a former Sentence, and now transported for a new Crime. Considering their case as one that demanded special Notice, and having here no place of secondary transportation, I have felt it my duty to forward them that they may be subject to Your Excellency's disposal.

I have also the honor to enclose a return of Articles shipped from hence from the Engineer's depart't for the security of the Prisoners on board the Medway.

I have, &c.,
WM. Sorell.

[Enclosures.]

[Copies of these papers are not available.]

Under Secretary Goulburn to Lieut.-Governor Sorell.

Sir, Downing Street, 12th April, 1821.

I am directed by Lord Bathurst to acquaint you that he has given permission to Anne Magill accompanied by her sisters Eliza and Margaret Magill to proceed to Van Diemen's Land to join their Father, a Special Constable at Hobart Town.

I am, &c.,
HENRY GOULBURN.

* Copied from original letter-book in Mitchell library, Sydney.
† The margin is blank.
1821.
17 April.

Contiguous land grants for J. Robertson and Rankine.

1821.
18 April.

Under Secretary Goulburn to Lieut.-Governor Sorell.

(Despatch marked "Private.")

Downing Street, 17th April, 1821.

Sir,

This Letter will be delivered to you by Mr. James Robertson who is about to proceed to Van Diemen's Land in company with Mr. Rankine with the view of establishing himself as a Settler. As it appears to be material to his Interest that his Grant should be contiguous to that of Mr. Rankine, I have been directed by Lord Bathurst to make this Communication to you in a private Note in order that such an arrangement may be entered into, provided it can be accomplished without inconvenience to the existing regulations. I am, &c,

HENRY Goulburn.

25 April.

Lieut.-Governor Sorell to Governor Macquarie.*

25 April, 1821.

Sir,

I do myself the honor, upon the earliest moment of Your Excellency's arrival,† to report to you that there are nine runaway Convicts at present in Gaol, who were apprehended in the Settlement of Port Dalrymple, some with Arms and after having committed various robberies.

From the present state of Port Dal., Ten or twelve Convicts are still at large and in a state of resistance to the Laws; and, the Judge‡ of the Court of Criminal Jurisdiction being still upon the spot, I am induced to represent to Your Excellency the benefit to the public service, which would arise from the assembly of the Criminal Court at Launceston or George Town; and I beg leave to submit that Measure for Your Excy's consideration, should the duties of the Judge Advocate permit his Continuance in the Colony for the time required to carry it into effect.

I have, &c,

W.M. SORELL.

30 April.

Earl Bathurst to Lieut.-Governor Sorell.

(Despatch marked "Private.")

Downing Street, 30th April, 1821.

Sir,

This Letter will be delivered to you by Mr. Robert Masekelyne, who is already in possession of a letter for a Grant of Land. As I have received the most satisfactory Testimony of the respectability of this Gentleman as well as of his qualifications as an Agriculturist, I am anxious to recommend him more particularly to your Notice and Attention as a person whom I cannot but consider calculated to become a useful and valuable Settler in the Colony.

I have, &c,

BATHURST.

* Copied from original letter-book in Mitchell library, Sydney.
† Note 7. ‡ Note 8.
SORELL TO MACQUARIE.

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR SORELL.

3rd May, 1821.

3rd May, 1821.

[A copy of this despatch was submitted as an exhibit to the commission of inquiry.*]

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR SORELL.

Sir, Hobart-Town, 11 June, 1821.

Mr. James Scott, Surgeon in the Royal Navy, having obtained my permission to become a Settler in New South Wales, with an Order for a Grant of Eight Hundred Acres of Land in the Month of June last, and having subsequently signified his desire to have the same located to him in Van Diemen's Land in preference to Port Jackson, I have to request you will be so good as to direct the Depy. Surveyor of Lands to mark out and locate the above mentioned Quantity of Land for Mr. Scott at this Settlement.

I have, &c.,

L. MACQUARIE.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.†

Sir, Hobart Town, 13 June, 1821.

I do myself the honor to submit to Your Excellency the propriety of nominating a Receiver of Quit Rents upon the Land held in this Dependency, and which the Impending Issue of Titles to the Town Property seemed to me to render more urgent.

Should Your Excy. think proper to unite that office with the Inspectorship of Roads, I beg leave to recommend Mr. Evans, Depy. Surveyor of Lands, for the Appointment. The addition of pay, which would thus accrue to the small Salary attached to the Dy. Surveyor's office, would conduce materially to the Independence and respectability of the person holding the situation.

I feel it my duty also to submit to Your Excy. the greatly increased and increasing business and duty in the Depy. Surveyor's Office, arising from the great influx of New Settlers and the rapid occupation of the Country; and, as the duties of that depart't are very pressing in both Settlements, and the farther examination and survey of the interior Country and Coast become indispensable, I beg leave to recommend the nomination of an assist't in the office of The Dy. Surveyor.

Mr. Scott, lately arrived in this Settlement, appearing to be qualified for the Employ't, I beg to recommend him to Your Excellency.

I have, &c.,

WM. SORELL.

* Note 7. † Copied from original letter-book in Mitchell library, Sydney.
1821.
18 June.

Governor Macquarie to Lieut.-Governor Sorell.

18th June, 1821.

[A copy of this despatch and its enclosures will be found on page 569 et seq., volume X, series I.]

Lieut.-Governor Sorell to Governor Macquarie.*

25 June, 1821.

I do myself the honor to lay before Your Excy. a Letter addressed to me by Mr. Edwd. Lord.

Mr. Lord some time since stated his intention to bring the matter before you, and upon it, the transaction having commenced before my arrival, I have only to state that the practice here has been to levy the duty only on the Quantity of Spirits, released from Bond, Leakage being allowed on regular examination to relieve the Bonder from the duty, so far as difference should be found between the Gauge on the Cask being received into Store and that borne on its delivery.

Your Excellency is, I believe, aware that Mr. Lord landed about 15,000 Gallons of Mauritius Rum, which, there being no King's Store at all adequate to receive the whole, was stored in his private Cellars, the then Naval Officer taking a Bond for payment of the duties. In this state, the matter stood on my arrival; and it was soon after settled (to avoid the trouble of frequent inspection of the private Store, moving the Casks, etc.) that an average of the consumption of the spirit so placed under Bond should be taken, and that a fixed quarterly payment should be made to the Naval Officer until the whole should be liquidated.

The statements in Mr. Lord's Letter, with reference to transactions during my command and known to me, are quite correct. Mr. Beamont, then Actg. Naval Officer, made an arrangement with Mrs. Lord, when managing Mr. Lord's affairs, to cancel the Bond on receiving Notes of hand for the balance, and the Naval Officer now holds them to the extent named in Mr. Lord's Letter. Mr. Lord would himself afford Explanation to Your Excy. of any points, on which it might be required.

I have, &c.,

Wm. Sorell.

[Enclosure.]

[A copy of this letter is not available.]

* Copied from original letter-book in Mitchell library, Sydney.
MACQUARIE TO SORELL.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.

25th June, 1821.

[25th June, 1821. Proposed settlement at Macquarie harbour.]

[A copy of this despatch will be found on page 528, volume X, series I.]

25th June, 1821.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*

Sir,

Having in conformity to Your Excellency's Instructions verbally communicated convened a Committee to consider and report upon the unadjusted Claim on the part of the Estate of the late Mr. D. McCarty under an agreement to form a Road from Hobart Town to Elizabeth Town,† New Norfolk, I now do myself the honor to transmit the Report to Your Exc'y, which the Committee have just given in.

The whole of the Documents connected with the subject, from the first proposal to the Paper of remarks which I laid before the Comm'r of Enquiry, when he addressed me on the Claim, were laid before the Committee.

I have not now transmitted them to Your Exc'y., least it might occasion unnecessary trouble; but they are ready, should you be pleased to call for them.

I have, &c.,

WM. SORELL.

[Enclosure.]

[A copy of this report is not available.]

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR SORELL.

Sir, Hobart Town, Van Diemen's Land, 30th June, 1821.

1. I do myself the honor to enclose herewith for your information and guidance three separate Memorandas, marked No. 1, 2 and 3, on the subject of certain Buildings and improvements, which I beg leave strongly to recommend for your consideration and adoption.

2. The first contains a List of the Public Buildings, which appear to me to be necessary to erect in the three principal Towns in the Island; the second contains the names of the several Townships that I am of opinion ought to be established in the Interior between Launceston and Hobart Town; and the third Memoranda only contains the names I have given to certain remarkable Places on my late route from George Town to Hobart Town, and which I have directed the Deputy Surveyor (Mr. Evans) to insert in the general Map of the Island.

* Copied from original letter-book in Mitchell library, Sydney. † Note 3.
3. In marking out the New Townships, the Surveyor should be instructed to allot 400 acres of Land for the Site of the Township itself, 400 acres as a Glebe for the Clergyman, 200 Acres for a Schoolmaster, and One Thousand Acres of Land for the depasturing of the Cattle belonging to the Inhabitants of each Township.

4. As in my opinion nothing can conduce to the rapid Improvement of a new Colony so much as the construction of good public Roads and Bridges for the more easy conveyance of the Produce of the Several Farms to the Market, and for the greater Security and convenience of Travellers, I strongly recommend that the construction of the roads and Bridges, already commenced between Launceston and Hobart Town, should be prosecuted with the utmost vigour and dispatch, placing a working Party of at least 30 Labourers under a competent Overseer to commence at Launceston, and a Working Party of the same strength to commence at Constitution Hill to work towards each other.

5. The road some time since made between George Town and Launceston being very bad and impassable for Carriages, I beg strongly to recommend that it may be remade and put in good repair. I therefore advise that a Working Party of Twenty Men, under a Competent Overseer and properly instructed, should, as soon as practicable, begin at George Town, and a Party of the same strength should begin at Launceston, to work on towards the other Party, until the Road from thence to George Town shall be completely finished and rendered a safe good road.

6. I also strongly recommend that the Tract of Land lately discovered near George-Town, and which I have called "Cimitiere Valley" shall be settled and small Farms of 30 Acres given to industrious Ticket of Leave Men to be cultivated.

I have, &c.,
L. MACQUARIE.

[Enclosure No. 1.]

MEMORANDA of Public Buildings recommended to be erected, as soon as practicable, at Hobart-Town, Launceston, and George-Town, in Van Diemen's Land; Vizt.

At Hobart Town.
1st. A Court House.
2d. A House for the Dy. Judge Advocate or Judge of the Court.
3d. A Glebe House for the Chaplain.
5th. A Barrack for one assistant Surgeon.
6th. A Barrack for the Naval Officer.
7th. A Female Convict Barrack and Factory.
8th. A Barrack for Four Superintendents.
9th. A New Lumber Yard near the Water.
10. A Dock-Yard, adjoining the Lumber Yard.

* Note 10.
[Enclosure No. 1]—continued.

MEMORANDA of Public Buildings recommended to be erected as soon as practicable—continued.

At Launceston.

1st. A new Jail—with a high strong Enclosure.
2d. An Hospital.
3d. A Military Barrack for 50 Men.
4th. A Barrack for 1 Subaltern Officer.
5th. A Barrack for 1 Asst. Surgeon.
6th. A new Commissariat Store.
7th. A Barrack for Storekeeper.
8th. A Barrack for Fifty Male Convicts.
9th. A Bridge over the North Esk River.

At George-Town.

1st. A New Commissariat Store.
2d. A Barrack for the Commissariat Officer in Charge.
3d. A Barrack for the Surgeon.
4th. An Hospital.
5th. A Military Barrack for 100 Men.
6th. A Barrack for 1 Captain and 2 Subalterns.
7th. A Barrack for 100 convicts.
8th. A Barrack for Two Superintendents.

Hobart Town, 29 June, 1821.

[Enclosure No. 2.]

MEMORANDA of Sites of Townships* fixed on by the Govr. between sites for Launceston and Hobart Town, on his Tour of Inspection in Van Diemen's Land, in May and June 1821: Vizt.

1st. "Perth," on the South Bank of the South Esk River, where the River forms a fine extensive Basin, about 3 Miles lower down than Gibson's, and where the Ferry (by a Punt) is to be established; dis'ce from Launceston 14 Miles and about 3 miles from Norfolk Plains.

2d. "Campbell-Town," on the North Bank of the Elizabeth River, at the Southern extremity of Macquarie Plains (a very extensive, rich, and fertile Tract of Country), being 38 miles distant from "Perth."

3d. "Oatlands," On the Banks of the Great or Jerico Lagoon, south side of the High Road, and in Westmoreland-Plains, about 6 Miles from Wright's in York-Plains, and about 50 Miles from "Campbell-Town," well watered, and in the midst of a fine rich Country.

4th. "Brighton," on that Peninsula in Bagdad Plains, formed by the "River Jordan" and "Strathallan Creek," in the midst of a fine fertile rich Country, and well watered. Brighton is distant from "Oatlands" 35 Miles, and about 15 Miles from Hobart Town.

Hobart Town, 29th June, 1821.

* Note 11.
[Enclosure No. 3.]

Names given to certain Places on the Governor’s route between Launceston and Hobart-Town in Months of May and June, 1821, Vizt.

1st. "Perth" on South Esk.
2d. "Campbell" - Town Elizabeth River.
5th. "Sorell-Springs" Do.
6th. "Meadow Banks" Wright’s Farm on York Plains.
7th. "Mount Robeck" on do.
8th. "Mount Stewart" on do.
9th. "Wylde’s Hill" on do.
10th. "Oatlands" Westmoreland Plains.
11th. "Gordon-Valley."
12th. "Woodford Plains."
13th. "Curzon Downs."
14th. "Meredith Forest."
15th. "Lachlan’s Craig."
16th. Meredith-Peak.
17th. Curzon-Peak.
18th. Brighton on Bagdad Plains.
19th. Strathallan Creek in do.
20th. Harcourt Hill in do.
21st. Stonefield Plains Melville District.
22d. "Roseneath" Austin’s Ferry.
23d. "Sorell River" formerly called the 1st River.
24th. "Lachlan’s River" formerly called the Thames at Elizabeth Town.
26th. "Mount Bell" do.
27th. "Taylor’s Peak" do.

At and near George-Town.

29th. "Appin-Forest" a rich Tract of Land at the Eastern Arm, on River Tamar.
30th. "Wylde’s Plains" formerly called Jacob’s Plains.

Hobart Town, 29th June, 1821.

Lieut.-Governor Sorell to Governor Macquarie.

2nd July, 1821.

[ A copy of this despatch will be found on page 526, volume X, series I. ]

Governor Macquarie to Lieut.-Governor Sorell.

Sir,

On board the Ship Caroline, Oyster Bay, Van Diemen’s Land, 4th July, 1821.

Referring to the hurried Letter I addressed to you on the 30th Ultimo, the day of my departure from Hobart Town, on the subject of Public Buildings and other Improvements in Van
MACQUARIE TO SORELL.

Diemen's Land, I now beg leave to suggest some additional ones for your consideration and adoption.

1. In the List of New Public Buildings recommended to be erected at Hobart Town, I omitted to mention a Public Charity School-House, as well as a House for the Principal School-Master, or Supdt. of Schools; and, as Mr. Mulgrave* has been recently appointed from Home to be Supdt. of the Schools in Van Diemen's Land to instruct the Scholars according to Doctr. Bell's excellent system, and as he is already arrived at the Derwent, I would strongly recommend these two Buildings to be erected at Hobart Town with the least possible delay.

2. I have already recommended in my Letter of the 30th Ultimo, that the Tract of good Land some time since discovered within Four Miles of George-Town, and which I named "Cimitiere-Valley," should be located in Small Farms of 30 acres each to industrious Ticket of Leave Men in the first instance, but of course not to receive any grant or Title of their Farms till they shall become free by Servitude or Emancipations, deriving however the same benefit and advantages from their Farms thus occupied, as if they were actually free; and, as a further Stimulus to their industry and exertions to cultivate these farms, I recommend they should be victualled for Twelve Months from the King's Stores after they take possession of their Farms. I would further recommend that, by way of experiment, a small Government Farm should be established in the immediate vicinity of George-Town to the North East of the Town, where there are between two and three Hundred Acres of very good Land fit for Cultivation. I therefore would suggest that instructions may forthwith be given to Lt. Col. Cimitiere to direct One Hundred Acres of the best of that Land to be enclosed, in two Separate Fields or Paddocks, and Cultivated, on Government account, with Crops of Wheat and Potatoes as soon as practicable.

4. As the want of good and fit Land for Tillage and Pasturage in the Neighbourhood of George-Town appears to be the chief, if not the only objection, made by those Persons who condemn the situation, and establishment of that Town, it would be desirable to remove that objection to Persons going to reside there, if possible, by finding out good Land within a short distance of it fit for the purposes of Cultivation and grazing, so as to induce Settlers to take their Lands in the vicinity of George-Town. It has been reported to me, and I have reason to believe the report to be well founded, that there are extensive Tracts of very good Land at the Eastern Arm (on the River Tamer), Ten Miles from George-Town, at Currey's River Seven Miles from that Town, and at Piper's River about fifteen Miles from the same Town.

* Note 12. † Note 10.
1821.
4 July.
Land to be examined.

Guard-house to be erected on road to George town.

Town allotments for G. Cimitiere.

Garden and cottage at signal station.

Chaplain and commissariat officer to reside at George town.

Chaplain to visit Launceston.

therefore request you will be pleased to instruct the Deputy Surveyor of Lands, as soon as the Season will admit, to proceed to examine and survey the three Tracts of Land above enumerated, and to send to me a written Report of their respective extents and Qualities, after his examination and Survey of them. In the event of his report proving favorable, I beg to recommend that these Tracts of Land may be settled as soon as practicable, in order that the Settlement at George-Town may not be altogether dependent for its subsistence on the distant Districts of Launceston, from which it at present derives its chief resources.

5. With the view of rendering the Road between George-Town and Launceston more safe for Travellers, and in some degree to prevent the Prisoners of the Crown from absconding from the former Town and running into the Bush, I have to request you will be so good as to instruct Lieut. Col. Cimitiere to order a suitable Hut or Barrack to be forthwith erected at the foot of "Mount Macquarie" where there is a stream of good fresh water, and which is Half way between George-Town and Launceston, and, as soon as this Barrack is constructed, to station a small Guard of a Corporal and 4 or 5 Soldiers there.

6. When lately at George-Town, Lt. Colonel Cimitiere, having made application to me for two separate Town Allotments there, and for one Town Allotment at Launceston, I acceded to both his requests, and desired the Deputy Surveyor to mark these three separate Allotments for him accordingly in the Plans of those Towns respectively. I also agreed to sanction Lt. Col. Cimitiere's enclosing a pretty little Piece of Ground at "Low-Head" near the Signal-Post for a Government Domain and Garden and to build a small Government Cottage there. It was my intention to have mentioned this circumstance to you on my return from George-Town, but I believe I forgot it.

7. Considering it highly necessary that the Heads of the several Departments belonging to the Settlement of Port Dalrymple should reside at the Head Quarters of it. I have given orders to the Assistant Chaplain to repair to and reside permanently at George-Town on or before the 1st of September next ensuing, and to the Depy. Asst. Comy. Genl. to repair thither on or before the 25th of the same month, leaving only a Storekeeper at Launceston. Those two officers being married men and having Families, I did not wish to put them to the inconvenience of moving during the Winter Season. The Surgeon (Mr. Priest) I ordered to proceed forthwith to George-Town, directing his assistant (Mr. Owen) to be stationed at Launceston. I have directed the Revd. Mr. Youl to come to perform Divine Worship and the other Clerical Duties at Launceston, once every two months.
during the Summer, Autumn and Spring Season. I have also directed the Commandant to visit Launceston regularly once every two months during the same Season, to perform such Duties as belong to this Station. The present Government House at Launceston will serve as Quarters for the accommodation of those two Officers when they come thither for the performance of their respective Duties.

8. As I consider a general Superintendence and occasional inspection of all the distant subordinate authorities in the Island by yourself most essentially necessary for the welfare and Prosperity of the Colony entrusted to your administration, I strongly recommend that you should Personally visit Launceston and George-Town, and the Districts in their respective Vicinities once every Six Months, to remedy abuses, and to enforce the general Colonial Regulations; and I am of opinion that your actual extra expenses, incurred on such Tours of Inspection, ought to be paid from the Police Fund.

9. Having, in concurrence with the opinion and recommendations of the Commissr. of Enquiry, directed the Glebe Lands of all the Chaplains in the Parent Colony to be enclosed and well fenced in, and that one fourth part of each Glebe should be cleared of all Trees and Stumps at the expence of the Crown, it is my wish to extend the same indulgence to the Chaplains in Van Diemen's Land. You will accordingly be pleased to direct their Glebes to be enclosed and cleared, as above described, at the expence of Government.

10. As those extensive fertile Plains lying between the Derwent and Port Dalrymple must necessarily soon be located and settled from want of other Lands and the great influx of Free Settlers from England, I strongly recommend that every reasonable encouragement should forthwith be given to such useful Mechanics as feel disposed to settle and take their Lands at the four Townships, I have pointed out the Sites of, on the Road between Port Dalrymple and the Derwent, namely, Perth, Campbell-Town, Oatlands, and Brighton; more particularly Wheelwrights, Black-smiths, Horse- Shoers, House Carpenters, and Bricklayers. Liberal encouragement should also be given to Persons able and willing to keep Inns at these four Townships or stages for the accommodation of Travellers.

I have, &c.,

L. MACQUARIE.

P.S.—I beg leave to recommend that the Names of all the Streets in Hobart-Town should be painted on Boards, and nailed on strong Posts to be erected at the extreme ends of each Street.

L.M.
HISTORICAL RECORDS OF AUSTRALIA.

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY GOULBURN.

Government House, Hobart Town, Van Diemen's Land, 14th July, 1821.

I have the honour to acquaint you that the Male Convict Lady Ridley arrived here on the 27th Ulto. bringing one Hundred and thirty Seven Prisoners. None had died on the Passage, and They were landed in a healthy and orderly Condition, The chief part of them having been apportioned to the Service of the free Settlers, who have lately arrived.

I have, &c.,

WM. SORELL.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*

(Despatch per ship Duchess of York.)

Sir, Hobart Town, 14 July, 1821.

I request Your Excellency may be pleased to signify the usage as to Soldiers coming into Civil Courts taking off their Caps.

The question arose here as to Soldiers coming to give Evidence before the Magistrates; and Major Bell, Command'g the Detach't of the 48 Regt., considered it his duty to direct the Soldiers to conform to the orders of H.M.'s Service as to wearing their Caps, in which my own opinions led me to acquiesce, having, as far as my recollections served, been under the Impression that Caps were worn except when the Soldier appeared as a Criminal; but Mr. Judge Adv'te Wylde, I am informed, stated to the Magistrates here that the contrary was the proper usage, and that Caps were never worn by Soldiers in any Court at Sydney except when they were on duty and Acting as a Guard.

I have, &c.,

WM. SORELL.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*

(Despatch per ship Duchess of York.)

Sir, 14 July, 1821.

I have the honor to transmit to Your Exc'y certain Letters from Mr. Wells, connected with the claim advanced by Mr. Robt. Campbell to an allotment of Ground in this Town, as desired to be forwarded to you when on the spot. I have, &c.,

WM. SORELL.

[Enclosures.]

[Copies of these letters are not available.]

* Copied from original letter-book in Mitchell library, Sydney.
LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*

(Despatch per ship Duchess of York.)

Sir,

14 July, 1821.

I have the honor to acquaint Your Excy that Mr. Weir, Master of the Convict Ship Lady Ridley, has represented that he labors under a disadvantage in carrying on the Guard to Port Jackson in two respects:—first, that, his Provisions List ceasing here on landing the Convicts, he is liable to a loss on the issue of provisions (embarked for the passage to Sydney) for the Guard; secondly, that he is subject to loss or expence, the allowance for supplying Fuel, etc., ceasing with the Victualling List.

Several Convict Ships, as I informed Mr. Weir, have delivered their Convicts here and conveyed the Guard on board to Pt. Jackson; but I felt it my duty, upon Mr. Weir's representations, to assure him that I would submit them to Yr. Excellency.

It is also my duty to acquaint Your Excy. that Complaints Dispute between have been preferred by the Surgeon Supt., Mr. Wilson, and the Master, Mr. Weir, against each other, into which I have made some enquiry and have forwarded to the Navy Board the result; copy of which I beg leave to forward to Your Excellency.

The Convicts by the Lady Ridley were landed in a very healthy Condition of and orderly state without any Complaint; and I lament that the Officers in Charge shd. have brought their differences to Public Issue.

I have, &c.,

WM. SORELL.

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

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*

(Despatch per ship Midas.) 18th July, 1821.

Mr. John Meredith, Nephew of Mr. George Meredith, has addressed to me the enclosed Letter, which I beg leave to submit to Your Excy. This Young Gentn. stated his Capital at £3,000; but it was then considered as blended with his Uncle's, and his Grant was settled at 1,000 Acres. His present declaration is that his Capital is quite unconnected with his Uncle's, and he claims the Grant which by the Scale was allowed to his Statement.

As this Case arose prior to the present Regulation, and as the Grant of 1,000 Acres was approved by Your Excellency, I felt it my duty to lay Mr. J. Meredith's Letters before you, and to solicit your Instructions as to a revision of the former order.

I have, &c.,

WM. SORELL.

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

* Copied from original letter-book in Mitchell library, Sydney.
1821.
23 July.

Lieut.-Governor Sorell to Governor Macquarie.*
(Despatch per ship Midas.)

Sir, 23rd July, 1821.

Convicts sent to Sydney per ship Midas.

I have the honor to transmit to your Exc'y a List of Convicts now sent up by the Ship Midas under the Circ's and sentences therein stated.

I have, &c.,

WM. Sorell.

[Enclosure.]

A copy of this list is not available.}

8 Aug.

Arrival of ship Countess of Harcourt with convicts.

Inferior type of convicts.

Distribution of convicts.

9 Aug.

Death of H.M. the Queen.

Earl Bathurst to Lieut.-Governor Sorell.
(A circular despatch per ship Mary.)

Sir,

Downing Street, 9th August, 1821.

It is my Duty to communicate to you the Intelligence of the Decease of The Queen, who departed this Life yesterday Evening at Twenty five Minutes past ten o'Clock after a short but painful Illness.

I am, &c.,

Bathurst.

* Copied from original letter-book in Mitchell library, Sydney.
SORELL TO MACQUARIE.

DEP. COMMISSARY-GENERAL WEMYSS TO LIEUT.-GOVERNOR SORELL. 10th August, 1821.

[A copy of this despatch is not available.]

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*

(Despatch per ship Countess of Harcourt.)

Sir, 11th August, 1821.

I beg leave to submit, to Your Excellency some few Memorials for Land under Circumstances, which demand that proceeding on my part, and in the hope that Your Excellency will pardon the omission, which prevented their coming before you when on the spot, and which arose, with respect to some, from the necessity of referring for fuller information.

Mr. Edwd. Curr, to whom a Grant of 1,500 Acres was ordered last year, has requested me to submit to Your Excellency his desire to be allowed to change the location, which he chose, and of which I fear the description has been forwarded by Mr. Evans to the Surveyor Genl., for one in some other situation.

Should the Grant not have been issued, I beg to recommend Mr. Curr's request to Your Excellency's attention, and that the Grant may be suspended until a new description be prepared and sent up.

I have, &c.,

WM. SORELL.

[Enclosures.]

[Copies of these memorials are not available.]

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*

(Despatch per ship Countess of Harcourt.)

Sir, 11 August, 1821.

Your Excellency having been pleased to sanction the Establishment of a penal Settlement at Macquarie Harbour, it is my intention to carry that measure into effect at the earliest favorable period of the approaching summer after Dy. Surveyor Evans shall have visited the port.

When I had the honor of conferring with you on this subject, Your Excellency was pleased to approve of a small Military party being allotted to the duty of Macqu. Harbour, and of an officer being employed as Commandant, which indeed is the only arrangement that I conceive it would be possible to adopt.

Under these Circumstances, I should beg leave to submit to Your Excellency Lt. Cuthbertson of the 48 Regt. as an officer fitted for this charge; and, in the event of the Corps remaining (or any detached portion of it) on the duty of these Colonies, he will be willing to undertake the Command.

* Copied from original letter-book in Mitchell library, Sydney.  
† Note 13.
HISTORICAL RECORDS OF AUSTRALIA.

With my present information as to the possibility of the 48
(or a part of the Regt.) being likely to be relieved, I can pre-
sume to offer nothing further on the subject, submitting only,
which I feel it my duty now to do, an application that the
detach’t at this Station may be reinforced by a Subaltern Offr
upon Lt. Cuthbertson proceeding to his destined station, which
I hope he may be able to do in January. I have, &c.,

Wm. Sorell.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*
(Despatch per ship Countess of Harcourt.)

Sir, 11th August, 1821.

I do myself the honor to acquaint Your Excellency that
Mr. Thornton presented to the Treasurer of the Police Fund a
Certificate, signed by Captn. Piper, Naval Officer, and Dy. Corny.
Genl. Wemyss, to the effect that a certain Quantity of Spirits,
which had been re-shipped for Pt. Jackson after Mr. Thornton
had paid the duties upon it here, had been purchased by Govt.
and claiming thereupon a return of the Money paid for such
Duties.

The Certificate in question not being accompanied by an order
from Your Excellency, I did not feel it in my power to order the
Sum to be refunded; but, as the Certif’te has been sent by Mr.
Thornton to his Agent at Port Jackson, in order to obtain Your
Excellency’s signature, and as he represents that it would be
beneficial to him if the Money could be received by his agent
there, I have to submit that Your Excy. would be pleased to cause
the sum claimed upon the Certificate to be issued to Mr. Thoro-
nton’s Agent at Sydney, and to direct that Mr. Wentworth may
draw upon Dr. Bromley for the Amount. I have, &c.,

Wm. Sorell.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*
(Despatch per ship Countess of Harcourt.)

Sir, 11th August, 1821.

I have the honor to acquaint Your Excellency that the
Ship Countess of Harcourt with 172 Male Convicts arrived on
the 27 Ulto., and that the Convicts were landed in a very clean
and healthy state on the 1 Inst. A large portion of them were
distributed to the Settlers on this side; Thirty were sent to Pt.
D.; and those, which remained disposeable, have been sent to
the Pt. Dal. road.

I have, &c.,

Wm. Sorell.

* Copied from original letter-book in Mitchell library, Sydney.
SORELL TO GOULBURN.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*
(Despatch per ship Countess of Harcourt.)

Sir,

Mr. Kimberly Jnr. of Clarence Plains having tendered a proposed Grant, his property, of Forty Acres in the Centre of that Settlement for Govt. purposes, and it appearing very desirable that the Crown should acquire the Land for a future place of Divine Worship, School, etc., I have felt it my duty to submit the Tender to Your Excy., the object of Kimberley being to exchange that location for an addition of Land to his Farm near Bagdad.

Should Your Excellency approve of the proposal and be pleased to authorize me to arrange the Exchange, I shall take care to do so upon equitable Terms.

I have, &c.,
WM. SORELL.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*
(Despatch per ship Countess of Harcourt.)

Sir,

I have the honor to forward to Your Excellency the Transmission Quarterly Reports and Returns of the Settlement to the 30 June last.

I have, &c.,
WM. SORELL.

[Enclosures.]

[Copies of these papers are not available.]

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY GOULBURN.

Government House, Hobart Town, Van Diemen's Land,

Sir,

I have had the honour of receiving Your Letter of the 14th March last, recommending Mr. Evan Rees of The Society of Friends for such Information as I might be enabled to afford, with a view to the future establishment of Settlers, belonging to that Sect, in this Colony; I regret to inform you that Mr. Rees, who is Stated to have commenced his Passage in an indifferent State of health, died during the Voyage from the Cape of Good Hope to this Port. The Letter was delivered to me by Mr. Letheridge Master of The Ship.

I have, &c.,
WM. SORELL.

GOVERNOR MACQUARIE TO LIEUT.-GOVERNOR SORELL.

21st August, 1821.

[A copy of this despatch is not available.]

* Copied from original letter-book in Mitchell library, Sydney.
Applications from convicts for passages for families.

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY GOULBURN.

Hobart Town, Van Diemen's Land, 4th September, 1821.

Sir,

I do myself the honor to transmit applications in number Twenty three, for the families of Male Convicts now in this Settlement to be allowed a passage to join them.

The Capability of the Applicants to support their families is duly certified and their character is good; and from the favorable impression which the hope of receiving their Wives and families excites in this class of people, I am induced to recommend the applications to favorable consideration.

I have, &c.,

WM. SORELL.

15 Sept.

Instructions re discharge of convict ships.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*

(Despatch per ship Grace.)

Sir, 15 September, 1821.

I have had the honor of receiving Your Excellency's Letter of 25th Ulto., signifying Your Commands that, in order to obviate any charge of Demurrage upon Convict Ships landing their prisoners here, They should be required to proceed at once to Port Jackson with their remains of Stores. Your Excellency is at the same time pleased to leave to my discretion to land with the Convicts such Stores as the public Service may require.

With reference to the suggestion of the Deputy C'y General, from which the implication would seem to arise that charges for demurrage had arisen by the discharge of Convict Ships here, I beg leave to observe to Your Excellency that I am not aware of any Ship, except the Lady Ridley, on which demurrage has arisen from landing her Stores here, and this Ship had commenced Demurrage before she Sailed from England. All others, which have discharged here, have sailed under Orders to deliver the Guard, the only duty which required their proceeding to Port Jackson with time remaining under their Charter party for that Service. I have taken the liberty of submitting this explanation, least any omission or neglect, as to guarding against unnecessary expense, may have been supposed.

With respect to the remains of provisions on board Convict Ships, the Commiss't Officer had it left always to him to forward them, if so instructed; and they were sent on by most of the Ships preceeding the Lady Ridley; great pressure having existed here as to Supplies of Meat from the low condition of Stocks and extra demand, The Meat from the Lady Ridley and Countess of Harcourt was landed here.

* Copied from original letter-book in Mitchell library, Sydney.
I beg leave to represent to Your Excellency that many Articles of Hospital Stores are essential to be landed with the Convicts, Sickness being always more or less prevalent, and Hospital occupation increased after a long Voyage, for which these Supplies are essential, as are also the Materials of the Prisons for various purposes in the Works. I, therefore, trust that Your Excellency may be pleased to approve of Stores being landed with the Convicts, except in Cases when the Ship is coming on demurrage, when she will be discharged as to her duty in this Port on the day of the Convicts’ landing.

It being of the greatest importance that a sufficient supply of Salt provisions to make a Depot at Macquarie Harbour should be ready, and that it should be cured so as to obviate all possible risk of spoiling, which time would scarcely now allow to be done in the Store here, and the State of the Cattle prevented it sooner, I hope that Your Excellency will approve of the Salt provisions being taken out of one Convict Ship early arriving in Order to insure that Supply.

I have, &c.,

Wm. Sorell.
1821.
15 Sept.

No demurrage due to delay at the Derwent.

32 HISTORICAL RECORDS OF AUSTRALIA.

I have stated this lest any omission with respect to this branch of Duty had been supposed, or any misrepresentation on the subject had been received by you.

I have, &c.,

WM. SOBEL.

LIEUT.-GOVERNOR SOBELL TO GOVERNOR MACQUARIE.*

Sir,

September, 1821.

The Establishment of a Settlement for the penal Transportation of incorrigible Convicts at Macquarie Harbour on the West Coast of Van Diemen's Land having been sanctioned by Your Excellency, I beg leave now to address Your Excellency upon some points essential to the carrying into effect the measure, which you have approved, and which I consider as one of the highest importance to the Security and Order of these Settlements.

A Military Detachment at first from 16 to 20 will be required for Macquarie Harbour, which it will be impossible to furnish from the Detachment at this Station. From Major Bell's Company are at present detached a party at New Norfolk and another at the Govt. Post at Jerico, and these will be speedily required in consequence of the locations at Oyster Bay and Swan Port; and the Escort parties on board Vessels with Convicts to and from Macquarie Harbour would have to be furnished from hence; at the same time it is known to Your Excellency that this Town now contains 3,000 people, much the greater part of which are Convicts, and the population of the Settlements I believe to be about 5,500. I beg leave, therefore, to submit to Your Excellency that the Detachment for Macquarie Harbour can only be furnished from Port Dalrymple. The population of that Settlement is in the proportion of 1 to 3 in this, and no Mass collected in one place exceeding 3 or 400. I beg leave at the same time to submit to Your Excellency that, under the increasing Population and Stations in this Dependency, you may be pleased to order the Company of the 48th at Port Dalrymple to be completed to its Establishment of 100, which would enable it to furnish the Detachm't for Macquarie Harbour without affecting its present Distribution; for, in the event of Your Excellency approving of it, I should beg most urgently to solicit and to recommend that the Detachment at this Station, being the Seat of the Local Government and the place where the Criminals from

* Copied from original letter-book in Mitchell library, Sydney.
the Settlements on both sides must be collected for transporta-
tion (the benefit of which would be received by Port Dalrymple
in equal proportion), might be augmented to 120, that at Port
Dalrymple remaining at 80. This being, I submit with all
defereence and respect, the distribution best and most justly
apportioned to the population, the Security and the interest of
the Dependency.

I have, &c,

WM. SORELL.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*
(Despatch per brig Campbell Macquarie.)

Sir,

2d October, 1821.

I do myself the honor to acquaint Your Excellency that the
Brig Campbell Macquarie now Sails for Port Jackson in
Ballast, and that my requisition to the Owner, Mr. Crammond,
to provide passage for a number of Convicts under Sentence of
transportation has been positively refused; under the impression
that the Colonial Vessels are especially bound to perform such
Services, when called upon unless sufficient cause of refusal be
shewn, I have doubted whether I should not be justified in
refusing a Clearance to the Brig Campbell Macquarie for Port
Jackson. But, not feeling perfectly confident as to my Authority
in this respect, I consider it my Duty to acquaint Your Excel­
lency of the circumstance, as the very crowded state of the Gaol
of this Settlement and the absence of a Criminal Tribunal
rendered it a matter of essential consequence that the Prisoners
for transportation should have been removed.

I have, &c,

WM. SORELL.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*
(Despatch per ship Jane.)

Sir,

8th October, 1821.

I do myself the honor to transmit to Your Excellency a
Memorial from Mr. W. Crammond for a Grant of the Upper
Mill on the Town Rivulet, which he represents himself to hold in
succession from the late Mr. Nash, to whom originally that spot
of Ten Acres is represented to have been located, with an assur­
ance of a future Grant, as compensation for Mills given up by
him at the evacuation of Norfolk Island.

Mr. Crammond stated to me that he had submitted the claim
to Your Excellency, and therefore I consider it unnecessary to
trouble you further on the subject.

I have, &c,

WM. SORELL.

* Copied from original letter-book in Mitchell library, Sydney.
LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*

8 Oct. (Despatch per ship Jane.) 8 Octo., 1821.

Suggested extra allowances for military at Macquarie Harbour.

I have the honor to request that Your Excellency may be pleased to forward a Commission constituting Lieut't John Cuthbertson of the 48 Regt. a Magistrate for the Settlement at Macquarie Harbour and on the West Coast of Van Diemen's Land, in order to his being enabled to proceed thither in charge of the establishment destined to be fixed there.

I have, &c.,

WM. SORELL.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*

10 Oct. (Despatch per ship Jane.) 10 Oct., 1821.

Transmission of memorials.

Request for free pardon from J. Prestage;

and from R. Lawrence.

I am extremely sorry to trouble Your Excy. respecting any Memorials from this Dependency at present, but the particular Circ's of those which I now beg leave to submit will, I trust, plead my apology.

The one is from John Prestage of Pitwater, to whom Your Excellency was pleased to promise a free pardon; and his Memorial was received here; but, owing to some neglect, it either did not come to my hand from Mr. Gordon, or it was lost on the Journey; the result was his being omitted in my former List.

The other case is that of Robert Lawrence, whose Name appears in my List as shewing that his Memorial was forwarded from me in the general Bundle. How any mistake arose respecting him, I am at a loss to conjecture; but, under the Circumstances, I trust Your Excy. will be pleased to grant the application, both indeed having been fully in your own Contemplation.

I have, &c.,

WM. SORELL.

[Enclosures.]

Copies of these memorials are not available.

* Copied from original letter-book in Mitchell library, Sydney.
† Note 14.
SORELL TO GOULBURN.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*
(Sent from Sydney per ship Jane.) 10 Oct., 1821.

Sir,

I have the honor to acquaint Your Excellency that, by the
Ship Jane, are forwarded Thirty two Persons under Committal
and under Sentence of Transportation, with a Guard of a Ser­
jeant and Six Soldiers of the 48 Regt., a return of which with the
several Sentences is transmitted to the Colonial Secretary.

The very crowded state of the Gaol of this Settlement, the
absence of any early prospect of a Criminal Court on the spot,
and the delay which must elapse before the intended Establish't
at Macquarie Harbour can afford an opening for the relief of
this place, there being at present a Gaol Gang and other incor­
rigible offenders more than equal to the Number, which can first
be sent thither; These Considerations operating on my own mind,
I have felt it my duty, the Magistracy being strongly impressed
with the necessity of the measure, to take the present opportunity
of forwarding the Men, at this moment under sentence for Port
Macquarie,† New So. Wales, with Two free Men and 1 Male
Conv’t committed for trial.

I have, &c.

WM. SORELL.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*
(Sent from Sydney per ship Jane.)

Sir,

I had the honor of submitting to Your Excellency, when Compensation
on the spot, an application‡ from Mr. Hobbs for renewal of the
Lease of a piece of Land, amounting to Two Acres, on the ground
near the premises lately purchased for Govern’t from Mr. Lord
on Macquarie Point; but, upon examination, I find that it would
greatly encroach on the Govt. domain. I have, therefore, pro­
posed, through the Dy. Surveyor Genl., to compensate Mr. Hobbs
for the promise and for a small House, which stands on the
ground, in Land, and he has consented.

Mr. Evans concurs in thinking that Three Hundred Acres
would be a liberal compensation, and I, therefore, hope for Your
Excellency’s sanction thereto.

I have, &c.

WM. SORELL.

LIEUT.-GOVERNOR SORELL* to COLONIAL SECRETARY GOULBURN.§
(Despatch per ship Jane.)

Sir,

I have the honor to transmit a List of persons, who are
embarked on board the ship Jane, vizt. three free Men under
Committal for trial before the Courts of Criminal Jurisdiction.

* Copied from original letter-book in Mitchell library, Sydney.
† Note 14. ‡ Note 15. § Note 16.
HISTORICAL RECORDS OF AUSTRALIA.

1821.
10 Oct.

and Twenty Nine Convicts under Sentence of transportation, with a Guard of the 48 Regt., for the whole of which 21 days provisions have been put on board. I have, &c.,

WM. SORELL.

[The despatch, dated 10th October, 1822, on page 62, was probably dated in error for 10th October, 1821.]

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*
(Despatch per ship Malabar.)

Sir, 9th November, 1821.

I do myself the honor to acquaint Your Excellency that I have given directions for the necessary preparations to be made for transporting to Macquarie Harbour the Guard, Stores and Convicts,† destined to form the first Settlement at that place, so that they may proceed the first Week in next Month.

In pursuance of Your Excellency’s sanction, I have required the Commandant of Port Dalrymple to hold in readiness a Detachment of a Non-commissioned Officer and 15 Soldiers for the Station at Macquarie Harbour; and, as Lt. Cuthbertson is approved of by Your Excellency for the Command, and I may hope to receive his appointment as a Magistrate by the earliest arrival, I beg leave to represent to Your Excellency the urgent necessity of an additional Subaltern Officer to the Detachment at this Station, which you were already pleased to inform me it was your intention to Order.

The Government Brig Prince Leopold being of too great Draft of Water to go into Macquarie Harbour, Mr. Birch’s Brig will be necessarily hired for that Service upon the Establishment of the Settlement; and, as the only prospect of a Vessel fitted for carrying on the communication with that Port rests upon a Vessel, which is at present on the Stocks, I trust that an early opportunity for purchasing a Vessel of light Draught of Water will occur, of which Your Excellency signified your approval when lately in Van Diemen’s Land. I have, &c.,

WM. SORELL.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*
(Despatch per ship Malabar.)

Sir, 9th November, 1821.

I have the honor to acquaint Your Excellency that the Ship Malabar arrived on the 21st Utto., bringing 171 Male Convicts, which have been landed in an Orderly and healthy State, one of very advanced Age excepted, who has since died.

* Copied from original letter-book in Mitchell library, Sydney. † Note 17.
The Ship Malabar being chartered for Van Diemen's Land only, her Voyage terminated at this place; and I have accordingly granted a final discharge for the Voyage from Europe, and the Ship has been cleared of all remains of Stores; but, there being 50 Tons of Stores on board the Malabar for Port Jackson, and Captain Ascough the Master having tendered to carry them on at the Coll' regulated freight, as also the Guard, I have thought it expedient to forward them accordingly, having no prospect of a cheaper mode of Conveyance; of this proceeding, I trust that Your Excellency will approve. I have, &c.

WM. SORELL.

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY GOULBURN.

Government House, Hobart Town, Van Diemen's Land,

Sir,

20th Novr., 1821.

I have the honour to acquaint you that The Ship Malabar arrived on the Ultro. bringing one Hundred and Seventy one Male Convicts (the total Number Embarked), in a healthy and orderly State; one only, who was of advanced age having died since He landed.

The Prisoners by The Malabar Comprized an unusual Number of useful Men of the agricultural Class, which has enabled me to distribute generally assistance in farming labour, a point So essential When The Emigrant Settlers are proceeding to the occupation of their Lands.

I have, &c.

WM. SORELL.

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*

(Despatch per ship Lusitania.)

Sir,

20th November, 1821.

I do myself the honor to forward to Your Excellency two Reports from persons dispatched by the Commandant of Port Dalrymple to ascertain the sort and extent of Country upon Currie's and Piper's Rivers, to the Eastward of George Town, and at the spot called Appin Forest on the Tamar.

This latter Tract, from its proximity to George Town, and being between this place and Launceston, promises to be of important benefit, though the Spots adapted for Grazing or Cultivation are, as I am informed, very limited.

There appears to be no Land upon Currie's River 10 Miles from George Town; but, upon Piper's River, the Report states the Country to be good from its outlet into Bass's Strait to a considerable distance on both Sides, especially on the East Bank. The distance, however, being 25 Miles, no immediate advantage can be expected from the tract of Land in question; but, at a future period, it will no Doubt be occupied.

* Copied from original letter-book in Mitchell library, Sydney.
Intending to visit Port Dalrymple in January, I propose then to adopt measures for rendering Appin Forest more useful or for location to Settlements.

[Enclosures.]

WM. SORELL.

[Copies of these reports are not available.]

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*
(Despatch per ship Mariner.)

Sir, 27th November, 1821.

I beg leave to refer Your Excellency to a requisition for Slop Clothing and Stores for these Settlements, which I had the honor of forwarding p. Ship Grace, and to add that the urgency with respect to Bedding is considerable on account of the Male Prisoners' Barracks being just ready for occupation. I venture to hope that Your Excellency may be pleased to order such a portion of Stores and Slops and Bedding, from the Supplies lately arrived per Ship Malabar, as the Service may admit for the numerous Convicts on this Island.

I have, &c.

WM. SORELL.

[Enclosure.]

[A copy of this requisition is not available.]

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*
(Despatch per ship Mariner.)

Sir, 27th November, 1821.

I do myself the honor to transmit to Your Excellency several Quarterly Returns and Reports of the Settlement up to the 30th September last.

I have, &c.

WM. SORELL.

[Copies of these papers are not available.]

LIEUT.-GOVERNOR SORELL TO GOVERNOR MACQUARIE.*
(Despatch per ship Mariner.)

Sir, 27th Novr., 1821.

I beg leave to trouble Your Excellency with a Copy of the Police Fund Account of the Quarter, ending 30th June last, of which you have already approved a Copy; but, it having been found prior to its publication that a Clerical error of £299, a Correction took place, and the Copy now transmitted places the Account in a perfectly correct State.

I have, &c.

WM. SORELL.

[Copies of these accounts are not available.]

* Copied from original letter-book in Mitchell library, Sydney.
SORELL TO GOULBURN.

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY GOULBURN.

Government House, Hobart Town,
10th Decemr., 1821.

Sir,

I do myself the honor to transmit a Report upon the state of Schools for Youth in Van Diemen's Land, which has been made to me by Mr. P. A. Mulgrave,* Superintendent of Colonial Schools.

In this Report are shewn those Schools which I had established in the Town and Districts prior to his arrival, and the number of Children instructed at each, and those additional Schools which are now in course of establishment.

I have, &c,

WM. SORELL.

[Enclosure No. 1.]

MR. P. A. MULGRAVE TO LIEUT.-GOVERNOR SORELL.

Hobart Town, Van Diemen's Land,
14th December, 1821.

Sir,

I beg leave to report that, in obedience to Your Honor's Commands, I have procured Returns of the State of Education in this Settlement, Abstract of which I have the honor to enclose. In performing this duty I have conversed with all the Parents or Guardians of the Children therein enumerated (four or five only excepted), and have the high satisfaction to state that, upon my explaining the beneficent intentions of His Majesty's Government touching the establishment of Public Schools, the information has been uniformly received with unequivocal demonstrations of gratitude, and assurance been given that their Children should avail themselves of the promised advantages; indeed the importance, that they professed to attach to the improvement of the Morals of their Offspring, together with the results of that anxiety for their general Education which, the enclosed Document proves, has eminently distinguished the System of Government latterly pursued in this Island, encourage me to hope that, when Dr. Bell's method of instruction shall have been fairly introduced in the Public Schools, it will be found to complete the superstructure of intelligence, the foundation of which has, considering the nature of the Colony, been so admirably well laid and widely extended.

I have, &c,

P. A. MULGRAVE.

* Note 12.
[Enclosure No. 2.]

Abstract of Returns showing the State of Education in Van Diemen's Land.

<table>
<thead>
<tr>
<th>Description</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hobart Town</td>
<td>125</td>
<td>62</td>
<td>187</td>
<td></td>
</tr>
<tr>
<td>Clarence Plains</td>
<td>24</td>
<td>4</td>
<td>28</td>
<td></td>
</tr>
<tr>
<td>Norwell Township</td>
<td>24</td>
<td>4</td>
<td>28</td>
<td></td>
</tr>
<tr>
<td>Coal River</td>
<td>14</td>
<td>4</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Blackstone</td>
<td>14</td>
<td>4</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>New Norfolk</td>
<td>14</td>
<td>4</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Black Brush, etc.</td>
<td>14</td>
<td>4</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Battle</td>
<td>14</td>
<td>4</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Launceston</td>
<td>14</td>
<td>4</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Paterson's Plains, N.W.</td>
<td>14</td>
<td>4</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Norwell Plains, N.W.</td>
<td>14</td>
<td>4</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>George Town</td>
<td>14</td>
<td>4</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Plains detached</td>
<td>14</td>
<td>4</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Environ of Launceston</td>
<td>14</td>
<td>4</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>611</td>
<td>318</td>
<td>929</td>
<td></td>
</tr>
</tbody>
</table>

Hobart Town, 14th December, 1821.

P. A. Mulgrave.
SORELL TO GOULBURN.

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY GOULBURN.

Government House, Hobart Town, Van Diemen’s Land,

Sir,

From the discussions* which have taken place within the last two years on the Subject of transportation of Convicts, as connected with the Criminal Law of the Realm, as well as with the discipline, conduct and condition of the Convicts within the Colony, and from the conflicting opinions and statements which have appeared, especially on the latter part of the question, I have been induced to think that it might be useful to lay before Lord Bathurst a Document, exhibiting in a detailed form, from the official Records, a general view of the Convicts in Van Diemen’s Land.

I am aware that Commissioner Bigge obtained a large portion of Information on this subject during his residence here; but it did not go the length of affording a Comparative view, so as to shew the proportions in which the behaviour of the Convicts gave reasonable expectation of reform, or left cause to fear that they were irreclaimable. To afford this view in the clearest way, it has been thought best to make out Lists of the Convicts by Ships, so that the conduct of each Prisoner since his arrival, is traced, his time in the Colony seen, and his present condition shewn.

These Lists comprize all the Male Convicts received direct from home from the period of my taking charge of the settlement in April, 1817, to the close of last year; the number being 2,551. Similar Lists, as far as they can be made up, will follow, of the Convicts which were in the Colony on my arrival and of those which have been received from Port Jackson since April, 1817.

In submitting these Lists to Lord Bathurst, it may be proper to admit also some Circumstances attaching to Van Diemen’s Land, as materially affecting the Discipline and State of the Convicts.

On my assumption of Command in April, 1817, there were in the Colony

<table>
<thead>
<tr>
<th></th>
<th>Number of Convicts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Derwent</td>
<td>420</td>
</tr>
<tr>
<td>Port Dalrymple</td>
<td>180</td>
</tr>
<tr>
<td>Received, re-transported from Sydney since my arrival</td>
<td>450</td>
</tr>
<tr>
<td>From England direct to the close of 1820</td>
<td>2,551</td>
</tr>
<tr>
<td>Ditto in 1821</td>
<td>779</td>
</tr>
</tbody>
</table>

Total .. 4,380

With reference to this great and rapid Influx of Convicts, it may be allowed to me to say that there could be no body of

* Note 18.
People less fitted to aid Reform in such a Mass, than those which composed the Population; on the Contrary (with Several Exceptions unquestionably of Integrity and Industry), it surely contained a larger portion, than perhaps ever fell to the same number in any Country, of the most depraved and unprincipled people in the universe.

This original state of the Colony being considered, and that prospects of amendment in that respect are of recent date, its long disordered state from a Banditti which had subsisted for years, with connections ramified throughout the Country; the re-transportation of the worst Convicts from Sydney; the great influx of Convicts to a Colony of such limited Institutions, and their diffusion over the Island; the difficulty attending the punishment of serious Offences, and the loss of Example from the want of a Court of Criminal Judicature; and, the Insufficiency of the lower Police, in which (from the difficulty of obtaining with the present rate of payment the service of reputable people), Convicts are unavoidably too largely employed.

All these Considerations I beg leave to suggest as affecting the general result, and therefore as important to be held in view, with the Lists which I now do myself the honor to transmit, shewing what portion of 2,551 Male Convicts, received direct from England or Ireland since April, 1817, have remained free from Offence in the Colony, and are generally orderly and industrious; and what number have persevered in Crime, and are considered more or less irreclaimable.

Having felt it my duty to a Just view of the subject to advert to the principal Circumstances which have had a disadvantageous operation, respecting the Convicts, I ought to add that from the Emigration now directed to this Island, and the knowledge and Industry which it may be expected to bring into the Colony, and which will be diffused amongst the population, assisted I trust by Example and Residence, I entertain sanguine hopes of future Improvement; but their limited means in most Cases, and the difficulties with which Settlers have to contend in occupying lands in a New Country, necessarily create so much anxiety and absorb so entirely their thoughts, that they cannot at first be supposed to give that attention and to feel that interest in the Conduct of the People, which, as their Circumstances become more easy, will naturally arise from their own habits, and the feeling of Security to themselves which they might expect from moral improvement.

The Settlement at Macquarie Harbour on the West Coast, as a place for rigorous restraint and punishment being established,
and a Building calculated for 200 Convicts being now so far advanced as to be ready for the reception of 100 here, I trust that the control over their conduct will be found greatly strengthened, and that, from the means of Classification now afforded, material improvement will result.

I have, &c,
WM. SORELL.

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

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY GOUlBURN.

Government House, Hobart Town, Van Diemen's Land,
10th December, 1821.

I do myself the honor of transmitting Returns and Requisitions for Slop Clothing for the Convicts in the Service of the Crown in Van Diemen's Land; also of Stores required for carrying on the Several Public Works, roads, and Buildings now in progress.

The great increase in the Works of various kinds carried on by Convict labour for the Crown, and the uncertainty of receiving Supplies of Stores, Tools, etc., from Port Jackson, together with the frequent difficulty and occasional impossibility of procuring in the Settlement the Stores, Tools and Materials, which are indispensable for carrying on the various convict Labours, induce me to submit these Returns and requisitions by a Ship now under dispatch from hence, in the hope that you may be pleased to move Lord Bathurst to order Supplies by one of the Transport Ships destined for Van Diemen's Land.

I have, &c.,
WM. SORELL.

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

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY GOUlBURN.

Government House, Hobart Town,
13th December, 1821.

I have the honor to acquaint you that, in pursuance of authority received from Governor Macquarie to form an Establishment at Macquarie Harbour, on the West Coast of Van Diemen's Land, for the Employment of Convicts of incorrigible conduct and character in working the Coal and Timber, and for
1921.
13 Dec.

Departure of establishment for Macquarie harbour.

—

HISTORICAL RECORDS OF AUSTRALIA.

a place of secondary Transportation, the preparations being completed, the Detachment of Troops and the Convicts with the necessary Stores, on board The Government Brig of the Colony, and a hired Vessel, sailed from hence for their destination on the 12th Instant.

I beg leave to annex a Return of the Persons composing the Establishment.

I have, &c.,
WM. SORELL.

[Enclosure.]

RETURN of Persons composing the Establishment at Macquarie Harbour on the West Coast of Van Diemen’s Land, December, 1821.

Lieut’t John Cuthbertson 48th Regt. Commandant and Magistrate 1
Assist’t Surgeon James Spence ................................. 1
Harbour Master and Pilot, Mr. James Lucas ........................ 1
Actg. Storekeeper, Serjt. Waddie, 48 Regt. ........................ 1
Detach’t Rank and File, 48 Regt. .................................. 16
  Women of do. ....................................................... 4
  Children of do. ................................................... 11
Superintendent and Constable ....................................... 1
Convict Artificers and Mechanics of good character, intended to receive indulgence after a period ................................. 11
Other Convicts of useful avocations not under Punishment, including Pilot’s Boat’s Crew ........................................ 11
Convicts under Sentence and of bad Character and incorrigible conduct .............................................................. 44
Female Convicts .......................................................... 8

Total .. 110

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY GOULBURN.

Government House, Hobart Town, Van Diemen’s Land,

15th Dec., 1821.

Sir,

I do myself the honor to transmit forty five applications for the Families of Convicts now in Van Diemen’s Land to be permitted to join them. Ample Enquiry has been made as to the Capability of Each Convict to maintain his family, and, as The presence of their Wives and Children so much Contributes to the commencement or The confirmation of reform, and habits of Industry; and even the acceptance of the Petition and the expectation thereby created that the prayer would be successful has in some instances caused an immediate change of conduct, I beg leave to recommend these applications to the favorable Decision of Lord Bathurst.

I have, &c.,
WM. SORELL.

15 Dec.

Applications from convicts for passages for families.
BATHURST TO SORELL.

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY GOULBURN.  
Hobart Town, Van Diemen's Land,  
20th Dec., 1821.

I have the honour to acquaint you that the Ship Claudine arrived on the 17th Inst. with One Hundred and fifty Nine Male Convicts, one having died on the passage. The remainder have been landed in a healthy and orderly State, and have been generally distributed to the Service of the Settlers.  
I have, &c.,  
W. SORELL.

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY GOULBURN.  
Hobart Town, Van Diemen's Land,  
20th Dec., 1821.

I have the honour to acquaint you that the Ship Providence with Female Convicts arrived here on the 18th Inst., and in pursuance of Instructions to The Surgeon Superintendant, Fifty one, being the Moiety of The Women on board, have been landed here.  
I have, &c.,  
W. SORELL.

EARL BATHURST TO LIEUT.-GOVERNOR SORELL.  
(Despatch No. 10 per ship Seringapatam.)  
20th December, 1821.

Sir,  
I have received an application from the Friends of Mr. Meredith, who lately proceeded as a Settler to Van Diemen's Land, the object of which is to obtain for him a Grant of Land beyond what Governor Macquarie felt himself at liberty to grant to him in the first instance. Although I entirely approve of the Governor's refusal to make to any Individual on his arrival as a Settler a Grant exceeding 2,000 Acres, and although that extent appears even too large to be conferred on any one not possessing a very great Extent of Capital and a Determination to embark it in agriculture, yet as I am satisfied of Mr. Meredith's qualifications as an Agriculturist, of his Intention to reside permanently in the Colony, and of the unusual Extent of Capital which he has embarked and which he proposes to embark in the Cultivation of Land, and as he appears to be located in a quarter where he cannot interfere with other settlers, I am disposed to consider that he may hereafter be entitled to the further Grant of 2,000 Acres, which he has solicited. I have therefore entirely to approve of Governor Macquarie's having set apart a certain quantity of Land adjoining that on which he is settled, so as to give you the power of
HISTORICAL RECORDS OF AUSTRALIA.

1821.
20 Dec.

Land to be held in reserve.

hereafter adding to the Grant which has now been made to him; and I have to authorize the continued reservation of this Land for the next five Years in order that, if, during that period, Mr. Meredith shall have satisfied the expectations which I am led to entertain of him by duly cultivating a proper proportion of the Land now granted to him, he may receive a further Grant of 2,000 Acres adjoining that which he now possesses.

I have, &c.,

BATHURST.

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY GOULBURN.

Hobart Town, 24 Dec., 1821.

Sir,

I beg leave to recommend to Lord Bathurst's favorable attention the application made by The Parents of John Bonney, for a free passage to Van Diemen's Land. The Father is a Convict holding a Ticket of Leave, The Mother came out free and they have a large family.

The reference to the above mentioned John Bonney and who is stated to be Twenty Years of age is annexed.

I have, &c.,

W. SORELL, Lt. Govt.

John Bonney, Shoemaker, Gregory Street, Sudbury, Suffolk.

1822.

Letters transmitting assignments of convicts.

ASSIGNMENTS OF CONVICTS.*

During the year 1822, letters, which enclosed the assignments of convicts per the ships named, were sent to lieutenant-governor Sorell, bearing dates as under:

<table>
<thead>
<tr>
<th>Date of Letter</th>
<th>Ship</th>
<th>Number of Convicts</th>
</tr>
</thead>
<tbody>
<tr>
<td>22 March</td>
<td>Prince of Orange</td>
<td>136 Male</td>
</tr>
<tr>
<td>20 June</td>
<td>Caledonia</td>
<td>150 do.</td>
</tr>
<tr>
<td>9 July</td>
<td>Arab</td>
<td>156 do.</td>
</tr>
<tr>
<td>19 September</td>
<td>Morley</td>
<td>172 do.</td>
</tr>
</tbody>
</table>

RECOMMENDATIONS OF SETTLERS.*

During the year 1822, the following persons were given letters of recommendation as settlers, bearing dates as under:

<table>
<thead>
<tr>
<th>Date of Letter</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 January</td>
<td>George Hepworth.</td>
</tr>
<tr>
<td>5 January</td>
<td>Colin Urquhart.</td>
</tr>
<tr>
<td>15 January</td>
<td>Richard Holmes.</td>
</tr>
<tr>
<td>15 January</td>
<td>Henry Hall.</td>
</tr>
<tr>
<td>15 January</td>
<td>Thomas Greenwood.</td>
</tr>
<tr>
<td>15 January</td>
<td>Matthew Paine.</td>
</tr>
</tbody>
</table>

* Note 1.
## Recommendations of Settlers—continued.

<table>
<thead>
<tr>
<th>Date of Letter</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 January</td>
<td>Wm. Allardyce.</td>
</tr>
<tr>
<td>22 January</td>
<td>Thos. Hooper.</td>
</tr>
<tr>
<td>22 January</td>
<td>Peter Harrison.</td>
</tr>
<tr>
<td>22 January</td>
<td>Walter Reeding.</td>
</tr>
<tr>
<td>22 January</td>
<td>John Wilson.</td>
</tr>
<tr>
<td>29 January</td>
<td>George Taylor.</td>
</tr>
<tr>
<td>29 January</td>
<td>George Taylor, Jr.</td>
</tr>
<tr>
<td>29 January</td>
<td>Robt. Taylor.</td>
</tr>
<tr>
<td>29 January</td>
<td>David Taylor.</td>
</tr>
<tr>
<td>1 February</td>
<td>James Reid.</td>
</tr>
<tr>
<td>1 February</td>
<td>Hugh Murray.</td>
</tr>
<tr>
<td>1 February</td>
<td>James Thomson.</td>
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<tr>
<td>1 February</td>
<td>Thomas Young.</td>
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<tr>
<td>1 February</td>
<td>David Murray.</td>
</tr>
<tr>
<td>1 February</td>
<td>James Hume.</td>
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<tr>
<td>1 February</td>
<td>William Oliver.</td>
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<tr>
<td>8 February</td>
<td>Richard Brownlow.</td>
</tr>
<tr>
<td>13 February</td>
<td>Fredk. Champion.</td>
</tr>
<tr>
<td>13 February</td>
<td>John Smith.</td>
</tr>
<tr>
<td>16 February</td>
<td>Richard Bradley, Junr.</td>
</tr>
<tr>
<td>16 February</td>
<td>Lieut. Von Bibra.</td>
</tr>
<tr>
<td>16 February</td>
<td>John Paul.</td>
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<tr>
<td>16 February</td>
<td>John Oliver.</td>
</tr>
<tr>
<td>21 February</td>
<td>Josh. Allen.</td>
</tr>
<tr>
<td>21 February</td>
<td>Wm. Ostler.</td>
</tr>
<tr>
<td>25 February</td>
<td>Thos. Scott.</td>
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<tr>
<td>25 February</td>
<td>Wm. Tighe.</td>
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<tr>
<td>6 March</td>
<td>Samuel Bryan.</td>
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<tr>
<td>7 March</td>
<td>John Stirling.</td>
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<tr>
<td>7 March</td>
<td>John Faber.</td>
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<tr>
<td>7 March</td>
<td>Wm. Holdstirling.</td>
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<tr>
<td>8 March</td>
<td>Thos. Axford.</td>
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<tr>
<td>8 March</td>
<td>Lieut. Fredk. Slade.</td>
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<tr>
<td>9 March</td>
<td>Robt. Strachan.</td>
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<tr>
<td>9 March</td>
<td>Edwd. Moule Griffith.</td>
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<tr>
<td>15 March</td>
<td>G. Wise.</td>
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<td>15 March</td>
<td>Wm. Paton.</td>
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<tr>
<td>19 March</td>
<td>Abraham Walker.</td>
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<tr>
<td>19 March</td>
<td>A. H. Oliver.</td>
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<tr>
<td>19 March</td>
<td>G. McCraw.</td>
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<tr>
<td>20 March</td>
<td>Henry Crocket.</td>
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<tr>
<td>23 March</td>
<td>Geo. Dixon.</td>
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<tr>
<td>23 March</td>
<td>Robt. Dixon.</td>
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<tr>
<td>25 March</td>
<td>John James Dawson.</td>
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<tr>
<td>29 March</td>
<td>Robert Taylor.</td>
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<tr>
<td>2 April</td>
<td>Walter Macqueen.</td>
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<tr>
<td>2 April</td>
<td>George Aylwin.</td>
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<tr>
<td>6 April</td>
<td>Geo. Jackson Frankland.</td>
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<tr>
<td>6 April</td>
<td>Joseph Bradbury.</td>
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<tr>
<td>16 April</td>
<td>John Trenholm.</td>
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<tr>
<td>17 April</td>
<td>George Wood.</td>
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<tr>
<td>19 April</td>
<td>Lessie Duguid.</td>
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<tr>
<td>20 April</td>
<td>Standish Harris.</td>
</tr>
<tr>
<td>24 April</td>
<td>Samuel Guy.</td>
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<tr>
<td>Date of Letter</td>
<td>Name</td>
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<tr>
<td>3 May</td>
<td>Lewis William Gibbes</td>
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<tr>
<td>7 May</td>
<td>John Espie</td>
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<tr>
<td>11 May</td>
<td>Charles Young</td>
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<td>13 May</td>
<td>John Grant</td>
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<td>13 May</td>
<td>Alexr. Ferguson</td>
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<tr>
<td>20 May</td>
<td>Walter Davidson</td>
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<tr>
<td>3 June</td>
<td>Thomas Yardley Lowe</td>
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<tr>
<td>3 June</td>
<td>Wm. Thompson</td>
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<tr>
<td>3 June</td>
<td>James Bayntum</td>
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<tr>
<td>7 June</td>
<td>Thos. Sharp</td>
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<tr>
<td>11 June</td>
<td>Anthony Fox</td>
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<td>11 June</td>
<td>Miss Agnes Cundall</td>
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<tr>
<td>11 June</td>
<td>Robert Young</td>
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<td>Geo. Falconer</td>
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<td>13 June</td>
<td>Geo. Innes</td>
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<td>20 June</td>
<td>Wm. Kneale</td>
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<td>20 June</td>
<td>Chas. Seal</td>
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<td>20 June</td>
<td>Francis Atkinson</td>
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<td>27 June</td>
<td>Wm. Manson</td>
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<td>27 June</td>
<td>Wm. Stude</td>
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<td>27 June</td>
<td>Duncan Forbes</td>
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<td>27 June</td>
<td>Thos. Fletcher</td>
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<td>1 July</td>
<td>James Whyte</td>
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<td>10 July</td>
<td>Rev. Archibald McArthur</td>
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<td>John Hawden</td>
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<td>15 July</td>
<td>Thos. James Lempriere</td>
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<td>22 July</td>
<td>Dr. James Ross</td>
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<tr>
<td>22 July</td>
<td>Mrs. Sarah Smith</td>
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<td>25 July</td>
<td>John Tbbett</td>
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<td>John Lewis Perriman</td>
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<td>26 July</td>
<td>Wm. Robertson</td>
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<td>26 July</td>
<td>John Robertson</td>
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<td>26 July</td>
<td>Samuel Lanceter</td>
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<td>Thos. Collins</td>
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<td>30 July</td>
<td>John Weavell</td>
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<td>30 July</td>
<td>Hugh Robertson</td>
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<tr>
<td>2 August</td>
<td>John Gresley</td>
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<td>2 August</td>
<td>Wm. Till</td>
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<tr>
<td>13 August</td>
<td>Arthur Buist</td>
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<td>13 August</td>
<td>Fredk. Dawes</td>
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<td>20 August</td>
<td>John Swan</td>
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<td>23 August</td>
<td>John Leake</td>
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<td>23 August</td>
<td>Anthony Geiss</td>
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<td>26 August</td>
<td>John Sherwin</td>
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<tr>
<td>26 August</td>
<td>A. B. Spark</td>
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<td>29 August</td>
<td>Niels Bastian</td>
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<tr>
<td>29 August</td>
<td>R. Davidson</td>
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<tr>
<td>29 August</td>
<td>Thos. Austey</td>
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<tr>
<td>4 September</td>
<td>Andrew Gatenby</td>
</tr>
<tr>
<td>4 September</td>
<td>Alex. Macrae</td>
</tr>
<tr>
<td>4 September</td>
<td>Henry Bineham</td>
</tr>
<tr>
<td>7 October</td>
<td>Lewis W. Gibbes</td>
</tr>
<tr>
<td>23 October</td>
<td>Thos. Depoise</td>
</tr>
</tbody>
</table>
SORELL TO GOULBURN.

UNDER SECRETARY WILMOT TO LIEUT.-GOVERNOR SORELL.  
(Despatch marked "Private.")

Sir,  
Downing Street, 20th March, 1822.

In consequence of the very strong recommendations which Lord Bathurst has received of Mr. Anthony Williams, the Bearer of this Letter, who is about to proceed as a Free Settler to Van Diemen's Land, I am directed by his Lordship to bring him more particularly under your notice as very deserving of any protection, which you may have it in your power to afford him on his arrival in the Colony.

I am, &c.,

R. WILMOT.

UNDER SECRETARY WILMOT TO LIEUT.-GOVERNOR SORELL.  
(Despatch marked "Private.")

Sir,  
Downing Street, 2d April, 1822.

Mr. Walter Macqueen, who is the Bearer of this Letter, having been recommended to Lord Bathurst as a person likely to become a very useful Settler, I am directed by his Lordship to state to you that he has received very satisfactory testimony of Mr. Macqueen's respectability and I am therefore to introduce him more particularly to your Notice.

I am, &c.,

R. WILMOT.

UNDER SECRETARY WILMOT TO LIEUT.-GOVERNOR SORELL.  
(Despatch marked "Private.")

Sir,  
Downing Street, 4th April, 1822.

Mr. Thomas Smith, who is the Bearer of this Letter, being about to proceed with his Brother as a Free Settler to Van Diemen's Land, I am directed by Lord Bathurst to recommend Mr. Smith and his Brother to your Notice and Protection as his Lordship has received very satisfactory testimony of the respectability of their Character.

I am, &c.,

R. WILMOT.

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY GOUldbURN.  
(Despatch marked "Private," per ship Royal George.)

Government House, Hobart Town, Van Diemen's Land,  
Dear Sir,  
20 April, 1822.

Captain Wood, bearer of your introductory Letter of August last, arrived last Month, and is now engaged in Settling upon his Land, which has been located.

I have endeavoured to render him all the attention and assistance in my power, and I beg to assure you that nothing in my power shall be omitted to aid Captain Wood's establishment.
The Magistracy has much needed augmentation and the Measure has only been delayed until respectable Settlers should fix themselves. I am happy to add that Capt. Wood has chosen his grant so as to admit of my proposing him for The Commission, which will I doubt not conduce to the publick benefit, and add much to his own weight and comfort in The Colony.

I have, &c.,
W. SORELL.

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY GOUKBURN.

26 April.
Hobart Town, Van Diemen's Land
Sir,

I have the honor to transmit applications for the Families of certain Convicts now in Van Diemen's Land to be sent out to them.

The Convicts in question are certified to have the means of supporting their families, and nothing appearing to conduce more to the reform of that Class of People than the prospect of receiving and the arrival of their Families, I beg leave to recommend those applications to the favor of Lord Bathurst through you.

I have, &c.,
W. SORELL.

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY GOUKBURN.

26 April.
Hobart Town, Van Diemen's Land
Sir,

With reference to the Letter which I had the honour of addressing to you under date 10th December last (1821), accompanying Lists of Convicts which had been received into The Settlements in Van Diemen's Land, and shewing their Conduct and present condition, I now beg leave to transmit the farther Lists, which I then stated to be in preparation, in order to Complete a general Return of the Convicts which had arrived in these Settlements from their formation (so far as Records could be found) up to the end of the year 1820, shewing their conduct and present situation.

These Lists embrace separately The Convicts, who were in the Colony at my arrival, and those which have been imported from Port Jackson, making with the Lists before forwarded the most complete Return that can be procured up to end of 1820.

I have also transmitted Lists of two Importations of Female Convicts, with similar Explanatory Information.

I have, &c.,
W. SORELL.

[Enclosures.]

[Copies of these lists are not available.]
BATHURST TO SORELL.

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY GOULBURN.
(Despatch per ship Royal George.)

Hobart Town, Van Diemen's Land,

Sir, 29th April, 1822.

I have the honour to request that you will submit to Earl Bathurst the advantage, which would arise to The Colony of Van Diemen's Land from having a separate Mail made up for it from England. At present, as heretofore, The principal part of The Letters for this Colony are sent on to Port Jackson, in the Mails for New South Wales, and a delay, frequently very injurious, arises in the receipt of the Correspondence from home by that route.

The increased population of this Island, and the Capital imported by the Emigrant Settlers, will I trust appear to Lord Bathurst a sufficient plea in support of this application; and as nearly all the Merchant Ships from home, touch at this Port, on their passage to Port Jackson, and a Portion of the Convict Ships are dispatched hither direct, I venture to hope that no positive Impediment to the arrangement has been overlooked by me. I am sure that the Colony would gratefully appreciate His Lordship's Consideration, should it be granted.

I have, &c,

W. SORELL.

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY GOULBURN.
(Despatch per ship Royal George.)

Sir, Hobart Town, 29th April, 1822.

I have the honour to acquaint you that The Ship Richmond, with Male Convicts, has this day entered The Derwent. No particular Event having attended her Voyage, and The Ship Royal George which conveys these Letters being under dispatch, I have not felt it necessary to detain her, reserving my Report upon The Convicts for the next opportunity.

I have, &c,

W. SORELL.

EARL BATHURST TO LIEUT.-GOVERNOR SORELL.
(Despatch per ship Mangles.)

Sir, Downing Street, 30th April, 1822.

This Letter will be delivered to you by Mr. Timothy Nowlan, who proceeds from Ireland to Van Diemen's Land in the Mangles, Convict ship, with the view of forming an Establishment for rearing Merino Sheep and for the Growth of Fine Wool. Mr. Nowlan takes out with him Two Wool sorters, Two Shepherds and Fifty Merino Sheep selected from his Flocks in
Ireland, and it is his Intention to add to this Stock by successive Importations into Van Diemen's Land, if the opinion, he may form on his arrival, holds out to him the prospect of ultimate Success.

Documents have been laid before me from The Farming Society of Ireland, in which very satisfactory Evidence is produced of Mr. Nowlan's Success as a Grower and Manufacturer of Fine Wool, and the Testimony, I have received from many Gentlemen of the first Respectability, is a sufficient Guarantee that his Character as a Settler in other respects will do credit to their recommendation of him. In addition to the advantages that are likely to result from this Establishment, it will not be among the least, the Benefit that will be conferred upon the Settlement, if he is enabled to introduce among his Workmen and Servants the habits of Industry, regularity and Good Conduct, by which his Establishments in Ireland were regulated.

Under these circumstances, I have not felt any hesitation in giving Encouragement to Mr. Nowlan's proposals; and I have therefore to desire that you will make to him a Grant of Land on his arrival at the Derwent, consulting his wishes as far as possible in the selection of it, and reserving a Tract of Land adjoining in order that he may look forward to the period that, when he shall have complied with the Terms of his first Grant, or shall have an increase of Capital, he may receive an Additional Allotment.

I have, &c.,

BATHURST.

EARL BATHURST TO LIEUT.-GOVERNOR SORELL.

30th April, 1822.

[A copy of this circular despatch will be found on page 300, volume X, series I.]

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY GOULBURN.

Sir, Hobart Town, 25th May, 1822.

I have the honor to acquaint you that the Ship Phoenix with One Hundred and Eighty two Male Convicts, two having died on the Voyage, arrived on the 21st Instant; and this day the Convicts have been landed in a very orderly and healthy state, and have been nearly all appropriated to the Service of the Settlers.

The Stores for this Colony by the Phoenix are in course of being landed.

I beg leave to add that no Indent or official Letter respecting these Convicts has been received by The Phoenix in which they arrived; but the Master having exhibited to me a Letter from
the Commissioners of The Navy to himself, by which he is 

instructed to deliver the Convicts to the Lt. Governor of Van 

Diemen's Land, I have acted upon that communication in re-

ceiving them, as supposing it to be the intention of Earl Bathurst 

that they should be allotted to Van Diemen's Land; a course of 

proceeding which I had the less hesitation in adopting as, from 

the late considerable arrivals of Emigrant Settlers, the demand 

for Servants has exceeded the whole of the Convicts lately 

arrived per Ships Richmond and Phoenix.

I have, &c.,

W. SORELL.

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY GOULBURN.

Sir,

Hobart Town, 25th May, 1822.

1. I have the honor to acquaint you that the Ship Rich-

mond arrived here on the 30th Ultimo with 159 Male Convicts,

one of the number embarked having died two days prior to the 

Ship's sailing from England.

These Convicts were landed in a very healthy and orderly 

state, and were distributed to the Service of the Settlers.

2. I have also the honor to acquaint you that the Ship Mary 

Ann with Female Convicts arrived here on the 2nd Inst't, and in 

pursuance of Instructions to the Surgeon Superintendant Forty 

of the number embarked were landed here; also four, whose 

health had suffered by the Voyage, and one by special appli-

cation.

These Female Convicts were generally in a healthy and orderly 

state.

I have, &c.,

W. SORELL.

LIEUT.-GOVERNOR SORELL TO COLONIAL SECRETARY GOULBURN.*

Government House, Hobart Town,

8th June, 1822.

I had the honor of receiving your letter of the 10th Ulto.

transmitting the letter of the Surveyor General on the Subject 

of the disputed Claim† to Land between Messrs. Talbot and 

Meredith, which with the Governor in Chief's approval, pre-

viously notified by the opinion therein conveyed, has been com-

municated to the Parties.

Considering that the Statement of the Original Case in my 

letter to you of the 24th January last was very cursory (the 

appeal being then chiefly directed to the proposition of relin-

quishment on the part of Mr. Talbot upon Compensation for 

loss), and that the rejection of that Proposition has rendered 

it my duty to place before His Excellency Sir Thomas Brisbane

* Note 16. † Note 19.
1822.
8 June.
Statement of claims.

Practice adopted to decide priority of claim to selection of land.

the fullest Elucidation of the origin of the Claims of each party and of the Steps taken by them respectively concerning their land from the Commencement. These Considerations with the appeal, which Mr. Meredith has sent in, oblige me now to submit the whole Correspondence and Documents connected with the Claim to first Choice of land between Messrs. Meredith and Talbot together with the former Gentleman's appeal; with reference to the Grounds on which the Surveyor General founds his opinion, I feel it my duty to state that the placing a Hut upon a particular Spot in a large Tract of Country upon an Authority to occupy land of a general tenor, which contained no description or Specification of limit, has not ever been here assumed as giving a right to Choice or possession of the Spots fixed upon.

Amongst the numerous Settlers, who have been located in this Island during the last two years, it has more than once occurred that several Settlers arriving at short intervals from each other have given Notice to settle on the same Tract. Their written Notices to the Deputy Surveyor General have then been taken as founding the right of each in Succession to Choice of Ground, where it should be laid out and measured; for in these Instances, had the erection of a Sod or Log Hut, the work perhaps of a few days, in the midst of an extensive Tract of Country, been deemed to give the Erector a Title so to appropriate the preferable Spot to the Prejudice of those of earlier arrival and preceeding application, the course of right must have been often inverted and the Settler of latest date and last application might by that means have outrun the Older Claimants, who did not feel called upon to hazard the Commencement of any building or Improvement, until the Surveying Officer went to locate the Ground and to assign the Boundaries. I state this to shew the Impression taken by me from Mr. Meredith's letter of Notice to the Depy. Surveyor General, dated 2 June, 1821 (one of the Series enclosed), which according to the System notifies to all Settlers arriving here gave him prior right of choice on the locations being measured, and on which I founded my opinion in his favor, He being with his Relations and followers the only Settlers who had applied for and obtained permission to settle at Swan Port.

The Authorities given by me to occupy land in that District bear date the , and I beg to enclose a Copy. These having been issued shortly after Mr. Talbot applied to settle there.

In Mr. Meredith's letter to me dated 16th Novem. (also one of the enclosed Series), a full and correct detail of the Original application and Admission for his Settlement at Swan Port is
SORELL TO GOULBURN.

found, that admission having been in May, 1821, when Governor Macquarie was on the Spot.

Having thus performed what Justice required of me in soliciting His Excellency The Governor in Chief's perusal of the whole Documents, it remains only for me to solicit, should the Surveyor General's opinion appear to His Excellency to be borne out by them, as it reverses the opinion given and entertained by me, His Excellency may be pleased to cause his Instructions on this point to be made Specific, and that the measurement of the Grants to Messrs. Talbot and Meredith may be marked by the Surveyor General under His Excellency's Authority; for which purpose as well as to serve for reference and elucidation to the Case, a Map of the Country around Swan Port is herewith enclosed, on which the features of the land and the points occupied, when the Deputy Surveyor General went thither to measure the Grants, are shewn.

I also beg to transmit for His Excellency's Perusal Copy of a letter* from Lord Bathurst under date 20 Decem. last, received under your Cover by the Seringapatam a few days ago, ordering a reserve of 2,000 Acres to Mr. Meredith adjoining his own Grant; and on that head I beg to explain that, in Consequence of Mr. Meredith's Representations when the late Governor in Chief was on the Spot in May last year, an order to reserve 1,000 Acres adjoining his Grant was given pending an Application, which he notified his Intention to make to His Majesty's Government; but, in Consequence of the Collision between him and Mr. Talbot, the execution of it was rendered impracticable, if both were located on a Tract, which, stretched to the utmost, could only afford Two Grants of 2,000 Acres each, as the Map will shew. Mr. Meredith, as stated in his letter to Mr. Evans of the 15 November, proposed then to waive his Claim to the reserve adjoining his Grant provided the Claims of himself and Mr. Talbot could be reconciled so as to admit of the Tract in dispute being divided between them.

The failure of that attempt, as announced to you in my letter of 24 Jany., is more fully explained in the Correspondence now transmitted.

The Reference in Lord Bathurst's letter to Mr. Meredith being located in a Country apart from other Settlers applies to his notice of settling at Swan Port as given to the Depy. Surveyor General in his letter June 2d, 1821, and then reported home; and in soliciting His Excellency's Decision on this Case, on the fuller Materials now submitted, I beg leave to request that these Instructions from Lord Bathurst, as so essentially bearing on the Question, may be under His Excellency's Consideration.

* Note 20.

1822.
8 June.

Request for specific instructions.

Proposed reserve of land for G. Meredith.
1822.
8 June.
Proposal for settlement of claims.

And I beg leave respectfully to submit to His Excellency whether, under the present Difficulty of this Case, especially under the Directions signified by Lord Bathurst upon a Report of Mr. Meredith having been the first Settler of Swan Port, it may not under all the Circumstances (though liable to objection as stated by the Surveyor General on the Score of Precedent) be best susceptible of the adjustment, before recommended by me, as satisfying the Claims of both parties; an Increase of land to Mr. Talbot with his Grant in a part of the Country still open to select, which, under the expectation of that arrangement taking place, he had some time since applied his Intention.

I have, &c.,
W. SORELL.

[Enclosures.]

[Copies of these papers,* as enclosed, are not available.]

11 June.
Recommendation of R. Downward.

UNDER SECRETARY WILMOT TO LIEUT.-GOVERNOR SORELL.

Sir, Downing Street, 11 June, 1822.

This Letter will be delivered to you by Mr. Richard Downward, who proceeds as a Free Settler to Van Diemen's Land. He is already in possession of a Letter for a Grant of Land, but having been recommended to Lord Bathurst by The Earl of Lonsdale as a person of respectability, I am directed to introduce him to your favorable Notice and Protection.

I am, &c.,
R. WILMOT.

EARL BATHURST TO LIEUT.-GOVERNOR SORELL.

Salutes to be fired in colony.

12 June.

[Note 19.

LIEUT.-GOVERNOR SORELL TO COLONIAL SECRETARY GOULBURN.

(Despatch per brig Jupiter.)

Sir, Government House, Hobart Town, 19th June, 1822.

I have the honor to acquaint you, for the Information of His Excellency The Governor in Chief, that by the Brig Jupiter proceed four Convicts under Committal for trial before the Court of Criminal Jurisdiction upon the Capital Charge of a robbery in Arms in this Settlement.

The Prosecutor Captain Patrick Wood also goes up by the Jupiter, together with Witnesses and Prisoners in other Cases; and I earnestly hope that this Vessel will arrive in good time for the Sittings of the Court.

* A copy of this circular despatch will be found on page 501, volume X, series I.]
WILMOT TO SORELL.

Should, however, any unfavorable course of Weather delay her arrival, I trust that His Excellency The Governor in Chief may be pleased to consider the critical situation of this colony, wanting a Court of Criminal Judicature, and its exposure in consequence to Crimes of which the perpetrators reckon upon impunity from that cause; and that, from the Number of persons which it has become necessary to send for Trial, and which are now accumulated at Port Jackson, the ruinous effects of delay to prosecutors and Witnesses, and the additional impression which punishment acquires from promptitude of Execution, His Excellency may be pleased to authorize the trial of the Prisoners from this Island in the conclusion or extension of the present Sittings of the Court.

Deputy Judge Advocate Abbott having notified to Judge Advocate Wylde, by the Denmark Hill which sailed some days ago, the intention of forwarding several Witnesses and prisoners, who could not be got ready for that Ship, in the hope that the present Sitting of the Court might be allowed to embrace their Cases, I am the more induced to prefer to His Excellency this request and representation, and to add the further one that, for the benefit of Example, the Execution of these Criminals who may be convicted may take place in this Settlement.

I beg to transmit a List of the Passengers on Government Account by The Jupiter, the charges of which are settled for here.

I have, &c.,

WM. SORELL.

[Enclosure.]

LIST of Evidences, and Prisoners for Trial, Proceeding on the Witnesses and prisoners for trial.

Brig Jupiter from Hobart Town to Port Jackson, June 19th, 1822.

Evidences.—Patrick Wood, Esquire; Mr. William Cape; District Constable Ambridge; Corporal Douglass; Constable John Cassidy, Convict; M. Brewing (servant to Capt'n Wood), do.

For Trial.—G. Harrison, Convict; Francis Bodenham, Free; Wife of ditto, Convict; James Parker, Convict; Michael York, do.; Robert Grant, do.; Patrick Brown, do.

Secretary's Office, Hobart Town, 19th June, 1822.

UNDER SECRETARY WILMOT TO LIEUT.-GOVERNOR SORELL.

Sir,

Downing Street, 24th June, 1822.

This Letter will be delivered to you by Mr. William Paton, who has already received a recommendation for a Grant of Land, and is now about to proceed with his Family as a Free Settler to Van Diemen's Land. It is the Intention of Mr. Paton to practise as a Surgeon on his arrival at Hobart Town, as he has received a complete Medical Education at Edinburgh, and has
produced the most satisfactory Testimonials of his proficiency from Dr. Abercrombie of that place. In consequence of the strong application which has been made to Lord Bathurst in favor of this Gentleman, I am directed by His Lordship to recommend him to your notice and protection in promoting his views in establishing himself in the Colony. I am, &c.,
R. WILMOT.

UNDER SECRETARY WILMOT TO LIEUT.-GOVERNOR SORELL.

Sir, Downing Street, 24th June, 1822.

I am directed by Lord Bathurst to recommend to your Notice and Protection Mr. Thomas Axford, who proceeds to Van Diemen's Land with his Family to establish himself as a Settler, and in whose favor an application has been made to his Lordship that he might be furnished with a private Introduction bearing Testimony to the respectability of his Character.

I am, &c.,
R. WILMOT.

UNDER SECRETARY WILMOT TO LIEUT.-GOVERNOR SORELL.

Sir, Downing Street, 26 June, 1822.

An Application having been made to Lord Bathurst by Sir Thomas Farquhar in favor of Mr. John Peevor, who has already received a Grant of Land, and is settled in Van Diemen's Land, I am directed by his Lordship to request, in the event of your having had reason to be satisfied with the Conduct of Mr. Peevor during his residence there, that you will extend to him your protection and Assistance in forwarding his views in emigrating to the Colony.

I am, &c.,
R. WILMOT.

EARL BATHURST TO LIEUT.-GOVERNOR SORELL.

Sir, Downing Street, 3d July, 1822.

I have received so many satisfactory Recommendations of Mr. George Paramore, who is the Bearer of this Letter, and proceeds as a Settler to Van Diemen's Land, not only as to his Private Character and Integrity but also as an Agriculturist, that I have no hesitation in introducing him to your notice and Protection. He has also the advantage of understanding the Management of Estates and of Collieries, having been extensively engaged as an Agent and Engineer, which will, I trust, render him an acquisition to the Colony, and ensure his Success in the Attainment of the Objects he has in view in emigrating from this Country.
I have therefore to desire that you will make to Mr. Parramore a Grant of Land on his arrival in proportion to his Capital, and extend to him the Indulgences usually granted to Settlers of his Class.

I have, &c.,
Bathurst.

UNDER SECRETARY WILMOT TO LIEUT.-GOVERNOR SORELL.

Sir,
Downing Street, 9th July, 1822.

Mr. Hanky having interested himself in the Welfare of Mr. Thomas Monds, who has already by my letter of the 11th of May received a letter for a Grant of Land in Van Diemen’s Land, I beg leave to recommend to your Protection and Notice this Young Man, of whose Respectability the Letter of Mr. Hankey is a sufficient and satisfactory Testimony.

I am, &c.,
R. Wilmot.

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY WILMOT.

Government House, Hobart Town, Van Diemen’s Land,
23d July, 1822.

I have the honour to acquaint you that The Ship Prince of Orange, with Male Convicts for these Settlements, has just arrived. The immediate Departure of The Ship, by which This Letter is dispatched, compels me to defer the particular Report respecting The Convicts by the Prince of Orange to the next opportunity.

I have, &c.,
Wm. Soarell.

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY WILMOT.

Hobart Town, Van Diemen’s Land,
26th July, 1822.

I have the honor to transmit, for the favorable consideration of Lord Bathurst, Applications and recommendations for the Wives and Children of Ten Convicts now in Van Diemen’s Land, to be sent out to join their Husbands.

I have, &c.,
W. Soarell.

UNDER SECRETARY WILMOT TO LIEUT.-GOVERNOR SORELL.

Sir,
Downing Street, 26th July, 1822.

I am directed by Lord Bathurst to introduce to your Notice Mr. Benjamin Horne, the Bearer of this Letter, who
Proceeds with his Family as a Settler to Van Diemen’s Land. The great Respectability of this Gentleman’s Character and Connexions and the strong Testimonials, which Lord Bathurst has received in his favor, are so very satisfactory to his Lordship that he is anxious that Mr. Horne should derive every advantage on his arrival in Van Diemen’s Land that may tend to render his situation as comfortable as possible, and that may hold out to him the prospect of Success in the undertaking in which he is engaged.

I am, &c,

R. WILMOT.

UNIVERS WILMOT TO LIEUT.-GOVERNOR SORELL.

6 Aug. Sir,

Downing Street, 6th August, 1822.

Mr. Joseph Dixon who is the Bearer of this Letter having been recommended to me as a Young Man of respectable Character and Connexions I beg leave to recommend him to your favorable Notice and Protection.

I am, &c,

R. WILMOT.

UNIVERS WILMOT TO LIEUT.-GOVERNOR SORELL.

15 Aug. Sir,

Downing Street, 15 August, 1822.

This Letter will be delivered to you by Mr. F. Dawes, who is already in possession of a recommendation for a Grant of Land in Van Diemen’s Land, but of whose Character and Respectability I have received such satisfactory Testimonials that I beg leave to introduce him to your favorable Notice and Protection.

I am, &c,

R. WILMOT.

UNIVERS WILMOT TO LIEUT.-GOVERNOR SORELL.

7 Sept. Sir,

Downing Street, 7 September, 1822.

Lord Bathurst has received from Mr. Canning very strong recommendations in favor of Mr. William Kermode, who is the Bearer of this Letter, and is about to return to Van Diemen’s Land in a Vessel which he has freighted to the Colony. As this Gentleman proposes to take with him additional Capital with which he intends to settle in the Colony, he has made an application for an addition to the Grant which he already possesses there; I am directed therefore by Lord Bathurst to desire, in the event of Mr. Kermode having brought into Cultivation a
fair proportion of his original Grant and being able to satisfy you that he has an increase of Capital to stock and improve any fresh Allotment, that you make to him such moderate Addition to his present property as you may consider under all circumstances expedient. I am also to recommend Mr. Kermode to your Notice and Protection in forwarding his views in settling in Van Diemen's Land as far as is consistent with the usual regulations for those who have become resident in the Colony.

I am, &c.,
R. WILMOT.

UNDER SECRETARY WILMOT TO LIEUT.-GOVERNOR SORELL.
(Despatch per ship Surrey; acknowledged by lieut.-governor Sorell, 30th May, 1823.)

Sir, Downing Street, 7th September, 1822.

I herewith transmit to you, by the direction of Lord Bathurst, a Copy of the First part of the Report* of the Commissioner of Enquiry into the State of New South Wales and its Dependencies, and I am to acquaint you that you will receive from Sir Thomas Brisbane, with whom his Lordship has communicated on the subject, the necessary Instructions upon those points to which your Attention should be particularly directed.

I am, &c.,
R. WILMOT.

UNDER SECRETARY WILMOT TO LIEUT.-GOVERNOR SORELL.
(Despatch per ship Surrey; acknowledged by lieut.-governor Sorell, 30th May, 1823.)

Sir, Downing Street, 9th Septr., 1822.

I am directed by Earl Bathurst to transmit to you here- with the Copy of an Act of Parliament passed during the last Session respecting the imposing and levying duties in New South Wales, also the Copy of a Dispatch which his Lordship has addressed to Sir Thomas Brisbane on the subject; and I am to desire, as some time would elapse before you could receive any instructions from Sydney, that you will, upon the receipt of this Letter, take such Measures as you may judge necessary for carrying the Intentions of the Legislature into Effect.

I am, &c.,
R. WILMOT.

[Enclosures.]

[The statute was 3 George IV, cap. 96, and the despatch was numbered 10 and dated 9th September, 1822; see page 792, volume X, series I.]

* Note 21.
1822.
7 Oct.
Recommendation of L. W. Gibbes.

Under Secretary Wilmot to Lieut.-Governor Sorell.

Sir,      Downing Street, 7th Octr., 1822.

I beg leave to introduce to your notice Mr. Lewis W. Gibbes, who is the bearer of this letter and who proceeds to Van Diemen's Land as a Settler.

Having received very satisfactory recommendations of the Character and respectability of this Gentleman, I am directed by Lord Bathurst to recommend him more particularly to your favor and protection in forwarding his views in proceeding to Van Diemen's Land.

I am, &c.,
R. WILMOT.

Lieut.-Governor Sorell to Governor Macquarie.

Sir,      Hobart Town, 10th Octr., 1822.

I beg leave to submit to Your Excellency that Two of the Convicts, to whom upon my recommendation you were pleased to grant Conditional Pardons, have, during the interval since they received Your Assent and the Arrival of the Instrument of Pardon, committed offences to lead to a Criminal Trial.

Conceiving that Your Excellency's intention in these Men's behalf had not taken effect, until the Instrument was delivered, I have with held them in both cases until your commands are received; but at the same time I have suspended the punishment awarded, in order that, should it be your Excellency's intention to have the mitigation of sentence considered complete upon its issue from you, and prior to its delivery to the object of it, the Convict so situated may be in the same state as he would have been placed, had the Emancipation taken effect before His Trial.

I have, &c.,
WM. SORELL.

22 Oct.
Recommendation of Mrs. C. Garratt for land grant.

Under Secretary Wilmot to Lieut.-Governor Sorell.

Sir,      Downing Street, 22d October, 1822.

I am directed by Earl Bathurst to introduce to your Notice and Protection Mrs. Catherine Garratt, who is the Bearer of this Letter and proceeds with her Family to Van Diemen's Land for the purpose of settling in the Colony.

As his Lordship has received the most satisfactory Testimonials of the Character and respectability of this Lady, I am to desire that you will make to her on her arrival a Grant of Land in proportion to the means she may possess of bringing the same into Cultivation, and extend to her the Indulgencies usually granted to Settlers of her Class.

I am, &c.,
R. WILMOT.

* Note 22.
SORELL TO WILMOT.

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY WILMOT.

Government House, Hobart Town,

Sir,

The Master of the Merchant Ship Lusitania, Mr. William Langdon, a Lieut't of the Royal Navy, having committed a gross Breach of the Colonial Port Regulations, by conveying clandestinely on board and carrying away from this Settlement without authority or clearance a Mr. Thomas Kent, who was at the time greatly indebted to various persons in Van Diemen's Land, I have felt it my duty to request that you will be pleased to submit the transaction to Earl Bathurst; and I beg leave to enclose a Copy of the Port Regulations, and the Bonds taken under them, which subject Mr. Langdon to forfeiture of Eight Hundred Pounds on carrying away any person not regularly cleared out and entered in the Ship's Port Clearance; and also the depositions on Oath of several Persons, who saw Mr. Thomas Kent on board the Lusitania after she was cleared out and had quitted the Port, and subsequently at Macquarie Island on her passage home.

I have, &c.,

W. SORELL.

[Enclosure No. 1.]

PORT REGULATIONS.

Government House, Hobart Town,

Van Diemen's Land, 3d April, 1819.

HIS EXCELLENCY the GOVERNOR in CHIEF having been pleased to order and direct, by Proclamation prefixed to the Port Regulations, bearing date Government House, Sydney, 6th February, 1819, that the said Port Regulations shall extend to and be in Force in all the Ports and Harbours within the Territory and its Dependencies, as far as local Circumstances will admit; all Owners and Masters of Ships and Vessels, entering the Ports of Van Diemen's Land, will take Notice thereof and govern themselves accordingly. And for the due Regulation of the landing of Boats with Persons or with Merchandize, within the Harbours of the Derwent and Port Dalrymple, the following additional Articles are to be considered as a local Regulation, to be observed by all Masters and Commanders of Vessels in the said Ports.

Additional Articles of local Port Regulation for the Port and Harbour of The Derwent.

I. No Persons are to land in any Part of Sullivan’s Cove, but at the Government and Colonial Wharfs on the Pier, except from the Government or other Boats belonging to the King's Ships or Vessels, or by and under the special permission and Authority of the LIEUTENANT GOVERNOR, on pain of prosecution for the Misdemeanour in that Respect, and Forfeiture of the Boats in such and every Case.

II. All Goods, Packages, and Commodities whatever, brought and discharged from any Ship or Vessel in the Harbour, shall be landed at

* Note 23.
the Government (the Stone) Wharf; all Colonial Produce, at the
Colonial (the Wooden) Wharf, and at no other place whatever, or the
same shall be liable to be seized and taken as smuggled, and to
Forfeiture by Order of the Magistrates in that Respect.

III. All Boats from which any Persons shall be found or detected
to land, or have been landed, without the Lieutenant Governor’s per-
mission, on Macquarie Point, or on the Shore extending to the Point,
usually called Hangans’s Point, on that Side, or between Mulgrave
Battery and Sandy Bay Creek on the other, shall be liable to Seizure
and Forfeiture to the Crown; and such person or persons shall be
liable to be prosecuted for the Misdemeanour in that Respect so
done and committed.

Port Dalrymple.

I. No Persons are to land in any Part of York Cove, George Town,
except at the Beach in front of the Military Guard House, adjoining
His Majesty’s Store-houses; and from Vessels lying at Launceston at
the Beach below Mr. Reibey’s Store-houses, excepting only from
Government Boats, or Boats belonging to the King’s Ships or Vessels,
or by and under the special Permission or Authority of the Com-
mandant.

II. All Goods, Packages, and Commodities whatever, brought or dis-
charged from any Ship or Vessel in the Harbour of Port Dalrymple
shall be landed, if at George Town, at the Beach in front of the
Military Guard House as before, and at Launceston at the Beach
below Mr. Reibey’s Store-houses, and at no other Place whatever, or
the same shall be considered liable to be seized as smuggled, and to
Forfeiture by Order of the Magistrates in that Respect.

III. All Boats from which any Persons shall be found or detected to
land, or have been landed without the Commandant’s Permission,
shall be liable to be seized, and the Owner of said Boat or Boats
prosecuted before a Bench of Magistrates for Breach of Orders.

By Command of His Honor the Lieutenant Governor,
HENRY EDWARD ROBINSON, Secretary.

[Enclosure No. 2.]

DEPOSITION OF ROBERT BLINKWORTH.

THIS Day Came before me George Frederic Read, Esqr., One of His
Majesty’s Justices of the Peace in and for Van Diemen’s Land, Robert
Blinkworth, lately belonging to a Sealing Gang at Macquarie Island,
who being first duly Sworn, Deposeth and Sayeth:—that, on or about
the fourteenth Day of March in the year of Our Lord 1822, the
British Ship Lusitania, Capt’n. William Langdon from Hobart Town,
Van Diemen’s Land, Arrived at Macquarie Island; that he knew
Mr. Thomas Kent well at Hobart Town, whom he saw on Shore at
Macquarie Island and who arrived on the said Ship Lusitania; that he knew
Mr. Thomas Kent well at Hobart Town, whom he saw on Shore at
Macquarie Island and who arrived on the said Ship Lusitania; that he knew
Mr. Thomas Kent well at Hobart Town, whom he saw on Shore at
Macquarie Island and who arrived on the said Ship Lusitania; that he knew
Mr. Thomas Kent well at Hobart Town, whom he saw on Shore at
Macquarie Island and who arrived on the said Ship Lusitania; that he knew

Sworn before me at Hobart Town, the thirteenth Novr., 1822:—

GEO. FREDK. READ, J.P.
SORELL TO WILMOT.

Under Secretary Wilmot to Lieut.-Governor Sorell.

Dear Sir,

Downing Street, 22d Novr., 1822.

I beg leave to introduce to your notice Mr. Gatenby, who is the bearer of this letter and proceeds with his family to Van Diemen's Land for the purpose of Settling in the Colony.

As Lord Bathurst has received the strongest testimonials of the character and respectability of this Gentleman, I am directed to request that you will make to him on his arrival a Grant of Land in proportion to the means he may possess of bringing the same into cultivation, and extend to him any indulgencies which may lay in your power.

I am, &c.

R. WILMOT.

Under Secretary Wilmot to Lieut.-Governor Sorell.

Dear Sir,

Downing Street, 22d Novr., 1822.

Mr. William Bathurst Shand, who has received Lord Bathurst's permission to proceed as a Settler to Van Diemen's Land, will have the honor of delivering this letter to you, and, as he has been strongly recommended to me, I take the liberty of introducing him to your favorable consideration and of recommending him for any reasonable indulgence in the location of his land.

I am, &c.

R. WILMOT.

Lieut.-Governor Sorell to Under Secretary Wilmot.

Government House, Hobart Town, Van Diemen's Land,

Sir,

25th November, 1822.

I have the honor to acquaint you that the Convict Ships Caledonia and Arab arrived here on the 5th and 6th Instant, and that the Convicts have been landed and for the most part assigned to the Settlers.

I am sorry to report that the Caledonia lost Six and the Arab three Men on the Voyage; but, on careful examination, I could not find ground to suppose that every degree of attention and care had not been paid to the management of the Convicts.

The Stores, shipped on board The Arab and consigned to the Senior Commissi. Officer at this station, were landed and received into the King's Magazine.

The Ships Caledonia and Arab were discharged and dispatched, the former after four, and the latter after five days detention here, to deliver the Guards and Stores at Port Jackson.

I have, &c.,

W. SORELL.
1822.
25 Nov.
Arrival of ship Prince of Orange with convicts.

Lieut.-Governor Sorell to Under Secretary Wilmot.
Government House, Hobart Town, Van Diemen's Land,
25th November, 1822.

Sir,

I have the honor to acquaint you that the Ship Prince of Orange arrived here on the 23rd of July with 132 Male Convicts, four having died on the Voyage.

They were for the most part distributed to the Settlers.

No earlier opportunity of reporting this Ship has offered.

I have, &c.,

W. Sorell.

Colonial Secretary Goulburn to Lieut.-Governor Sorell.
(Despatch per brig Elizabeth Henrietta.)
Colonial Secretary's Office,
27th November, 1822.

Sir,

In acknowledging the receipt of your letter of the 4th inst., transmitting an Appeal from Mr. Meredith against His Excellency the Governor in Chief's Decision, as Communicated in my letter of the 29th July last, upon the Measurement of the Grants of Land to that Gentleman and Mr. Talbot, I am directed to have the honor to Convey to you the Instruction of Sir Thomas Brisbane that the Decision* should be Considered as final.

I have, &c.,

F. Goulburn.

28 Nov.
Dispute between G. Meredith and W. Talbot re priority in choice of land.

Lieut.-Governor Sorell to Under Secretary Wilmot.
Government House, Hobart Town, Van Diemen's Land,
28th November, 1822.

Sir,

I have the honor to acquaint you that an Appeal,* concerning priority of choice to Land, has arisen in this Settlement, Mr. George Meredith on the one side, and Mr. William Talbot on the other.

It was my opinion that the right lay with the former, and the latter gave notice of appeal to His Majesty; but considering the injurious effect which the delay attending an appeal home would occasion to the parties, and that the Supreme Colonial authority was the first resort in cases of objection to my decisions, I submitted the matter to His Excellency Sir Thomas Brisbane, who was pleased to refer it to The Surveyor General Mr. Oxley, whose opinion was that the claim was in Mr. Talbot.

The Land has been accordingly measured under the special award of Sir Thomas Brisbane upon Mr. Oxley's opinion, but Mr. Meredith has given me notice of his submitting an appeal to Lord Bathurst on the whole merits.

The Award of the Governor in Chief having been put in execution no farther instrumentality in the affair belongs to

* Note 19.
me; but I felt it my duty under the Circumstances, and the probability of reference in this appeal to my Correspondence or opinions, to state thus briefly the course which it had taken, especially as the opinion delivered by me differed from that given by Mr. Oxley, which the Governor in Chief confirmed, the ground of which difference appears fully in parts of the Correspondence.

I cannot but at the same time express my regret that one cause of this nature should have arisen, though I have on the other hand the consolation to reflect that, of the Mass of Settlers who have been located in Van Diemen's Land during the last two Years, this is the only instance of dispute or objection; and it originated from the parties chusing to settle in a new and unexamined part of the Country, which, to prevent delay to them and from a desire to facilitate their views, they were allowed to proceed and occupy prior to the Surveyor measuring it.

I have, &c,
W. SORELL.

ASSIGNMENTS OF CONVICTS.* 1823.

During the year 1823, letters, which enclosed the assignments of convicts (not available) per the ships named, were sent to lieutenant-governor Sorell, bearing dates as under:

<table>
<thead>
<tr>
<th>Date of Letter</th>
<th>Ship</th>
<th>Number of Convicts</th>
</tr>
</thead>
<tbody>
<tr>
<td>19 March</td>
<td>Competitor</td>
<td>160 Male</td>
</tr>
<tr>
<td>18 April</td>
<td>Commodore Hayes</td>
<td>219 Male</td>
</tr>
<tr>
<td>19 May</td>
<td>Albion</td>
<td>200 Male</td>
</tr>
<tr>
<td>5 August</td>
<td>Sir Godfrey Webster</td>
<td>180 Male</td>
</tr>
</tbody>
</table>

* Note 1.
Recommendations of Settlers.*

During the year 1823, letters of recommendation from the under-secretary were forwarded to lieutenant-governor Sorell on behalf of the following settlers:—

<table>
<thead>
<tr>
<th>Date of Letter</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1823.</td>
<td></td>
</tr>
<tr>
<td>22 January</td>
<td>Mr. Edward Boulthbee.</td>
</tr>
<tr>
<td>22 February</td>
<td>Mr. Henry Jellicoe and Mr. Thomas Currey.</td>
</tr>
<tr>
<td>10 March</td>
<td>Mr. Lockyer Walton.</td>
</tr>
<tr>
<td>20 March</td>
<td>Mr. John Sharland.</td>
</tr>
<tr>
<td>5 May</td>
<td>Mr. Thomas.</td>
</tr>
<tr>
<td>8 May</td>
<td>Mr. John Wylde.</td>
</tr>
<tr>
<td>29 May</td>
<td>Mr. Wm. Barnes.</td>
</tr>
<tr>
<td>29 May</td>
<td>Mr. John James.</td>
</tr>
<tr>
<td>31 May</td>
<td>Mr. Richd. Willis.</td>
</tr>
<tr>
<td>20 June</td>
<td>Mr. Adam Wood.</td>
</tr>
<tr>
<td>21 June</td>
<td>Major Wm. De Gillern.</td>
</tr>
<tr>
<td>2 August</td>
<td>Mr. Ree.</td>
</tr>
<tr>
<td>2 August</td>
<td>Mr. Wm. Barnes.</td>
</tr>
</tbody>
</table>

and to lieutenant-governor Arthur†:—

<table>
<thead>
<tr>
<th>Date of Letter</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 September</td>
<td>Mr. John Sandford.</td>
</tr>
<tr>
<td>20 September</td>
<td>Mr. Rawstorne.</td>
</tr>
<tr>
<td>7 October</td>
<td>Mr. James Jackson.</td>
</tr>
<tr>
<td>24 October</td>
<td>Mr. Henry Oakes.</td>
</tr>
<tr>
<td>10 December</td>
<td>Mr. Moore.</td>
</tr>
<tr>
<td>31 December</td>
<td>Mr. T. Dickenson.</td>
</tr>
</tbody>
</table>

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**Note 1:**

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**Note 24:**
SORELL TO GOULBURN.

Lieut.-Governor Sorell to Colonial Secretary Goulburn.
(Despatch per H.M. brig Satellite.)

Government House, Hobart Town,

1st March, 1823.

Sir,

I have now the honor to transmit to the Governor in Chief a general list of all Persons, to whom Land has been ordered by me, and the quantities to each, since I received Authority* to locate Land, dated 24 July, 1820, from His Majesty’s Secretary of State for the Colonies, of which I transmitted a copy to you.

I received from General Macquarie at that time a Letter* of Instructions respecting granting Land with a scale of property, by which the Quantity was to be regulated, and a form of Affidavit which was to be required of any one as to his Capital.

I continued to govern myself by these Instructions and to pursue that System for a considerable period; when, having learned by an unofficial communication from you that the Affidavit System had been disapproved and discontinued at Port Jackson, I immediately abandoned it; but I have still considered the scale before laid down, in the absence of any other Instructions, as the Basis of my Proceedings; and I have required in lieu of an affidavit Satisfactory Proof of the Capital brought into the Colony.

I have not felt myself at liberty to deny land to any one bearing Earl Bathurst’s Order, if accompanied by Capital to entitle him; but I have taken upon me, since the Affidavit System ceased, to exact most Satisfactory proofs of the means imported by each Person, and to grant more or less liberally according to the pretensions and circumstances of the Party.

In cases of respectable Settlers, especially with Families intending expressly to commence and to abide by agricultural Pursuits, or of old Officers, or others, having peculiar claims, I have made the Order liberal; in others, I have curtailed it to the smallest that I considered myself warranted in restricting it, and in many Instances much within the Scale.

Whenever I have learned that Land, ordered under the Authority of the Secretary of State, has been sold, conditions totally unperformed, I have notified to the Deputy Surveyor General that the Grant is suspended or cancelled, and that the same should be held as unlocated.

You are aware that no Grant† for any land ordered in Van Diemen’s Land since November, 1820, and consequently no Grant for any land ordered by me, has been received. It was my intention, had they been transmitted to me, to have ascertained prior to the issue or delivery of them, whether the original grantee had

* Note 25.  † Note 26.
Inquiry proposed re fulfilment of conditions of grants.

Recognition of legitimate exchanges of land grants.

Proposed extensions of grants.

Temporary occupation orders granted.

divested himself of right by entire nonperformance of conditions, either on the land ordered to him, or on any other land; but a further matter would arise in cases where Land, ordered to a Person under the Secretary of State's authority, had been conveyed to another, and the latter had built, improved and fully performed all the Conditions.

I have in the present circumstances only taken cognizance of such cases of base sales, the land untouched, and remaining unimproved, as have become known; but in cases where an exchange of original land has been made, and where both parties occupy and improve the Land which they respectively hold, I have not interfered. I have indeed considered such Exchanges (upon the principle that each Party fulfills the conditions upon the Land that He takes) beneficial, inasmuch as some who receive large Grants in remote parts of the Island, where Stock farming only can at present be pursued, by exchanging to Smaller Grants, Situated favourably for Cultivation, are enabled to follow their own lines, and to improve where the other would not do so. The Stock proprietor who finds his smaller grant inadequate to support his increasing Stock (bounded as it generally now is on all sides), and who cannot in this Island of limited Sizes, obtain the grazing permission which more expanded country allows of, is enabled to depasture his Stock to advantage, where He finds larger scope.

I have lately submitted several recommendations for an addition to original grants, some to persons long residents, who originally received very small portions of land, and whose property in Stock, of Colonial Improvements give them a claim to consideration in Land, as compared with persons of recent arrival; others for an extension of grants to early Emigrant Settlers, whose orders were, in the first instance, very limited, with an assurance of extension on adequate Improvements, or whose capital has increased, so that their first grant seemed in justice to require amendment.

I have set aside four fifths of the applications which have been addressed to me at this time in consequence of my quitting the Administration,* and have only recommended such as had claims that I felt bound to admit and to support whenever brought forward.

The General List contains also all those persons, who, though not provided with Earl Bathurst's special authority for land, have been admitted to settle, and whose applications for Land I have transmitted duly recommended to you in separate Communications; in which I stated to you that, in cases where the

* Note 24.
Party was anxious to proceed to immediate occupation and improvement, I had granted an Order for occupation of the quantity to which I considered him entitled.

I have in almost every instance required persons not bearing Lord Bathurst's Authority to reside in the Colony some time before they could be recommended for land; and I have not only explained to them, but have so worded the order of occupation, to the Deputy Surveyor General, that the land is ordered to them provisionally, subject to confirmation only upon adequate outlay of capital and improvement.

You have already intimated to me that I might anticipate His Excellency Sir Thomas Brisbane's approval of the occupations so authorized; and I should only further request concerning them that, whenever the Lieutenant Governor of this Colony should consider the condition fulfilled of adequate application of capital and improvement, in stock, cultivation, building, fencing, or any other agricultural branches, the occupation might be confirmed by a grant.

All the authorities for land which I have received from the Colonial department, together with the returns of capital, recommendations and certificates of the parties will be left in the Secretary's Office for my successor. I take with me a copy of the general list, herewith transmitted, annexing to it the returns of capital as shown in the official records, and as it will be incumbent upon me on my arrival at home to make a report to Earl Bathurst upon the execution of this branch of my duty, I propose to submit to His Lordship a copy of this letter and of the list enclosed containing the report, which, on the conclusion of my administration, I have transmitted to the Governor in Chief.

I have only to add that in the performance of this part of my duty, though occasional discussions have arisen where parties have viewed their pretensions in a different light from that in which they appeared to me, I am not aware of any case (that of Messrs. Meredith and Talbot excepted) in which they have not acquiesced in my decision, and I have endeavoured to act towards all with the most conscientious justice, impartiality, and consideration. I have, &c.,

Wm. Sorell.

Lieut.-Governor Sorell to Colonial Secretary Goulburn.
(Despatch per brig Minerva.)

Sir, Hobart Town, 10th March, 1823.

I have the honour to acquaint you that the judge advocate, at the conclusion of the criminal session, recommended that certain convicts, who had appeared as approvers or witnesses...
or who had been acquitted of Charges, Should be removed to one of the Northern Settlements on account of the Connexions and Combinations which appeared to attach to them here.

I have accordingly left Instructions with the Senior Military Officer, in case of any Government Ship with a Guard putting into this Port, during my absence at Port Dalrymple, to forward the Prisoners Accordingly.

I have, &c.,
WM. SORELL.

LIEUT.-GOVERNOR SORELL TO COLONIAL SECRETARY GOULBURN.
(Despatch per ship John Bull.)

12 April. Sir, Government House, Hobart Town, 12th April, 1823.

I have the honor to transmit a List of Prisoners, under Sentence by the Court of Criminal Jurisdiction, and of Witnesses who appeared before it, who are now sent up by the Ship "John Bull," the former under a recommendation of the Judge to be transported to the Northern Settlements, and the latter to be removed from this Island, on account of Combination and Connexions discovered on the Trials.

A Guard of seven Rank and File of the 48th Regt., three of them Invalids, are embarked with them; and the passage of the whole at £2 pr. Man has been paid here.

Captain Orman not being able to provision them, a supply of provisions is embarked by the Commissariat.

I have, &c.,
WM. SORELL.

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

LIEUT.-GOVERNOR SORELL TO COLONIAL SECRETARY GOULBURN.
Sir, Hobart Town, 1st May, 1823.

It having been represented to me by The Colonial Surgeon that Mrs. Cape, the wife of Mr. Will. Cape now at Sydney, was here in a State of Mental Derangement and destitute of Clothing and support, I directed an official Medical report to be made, and on receipt thereof I gave orders for a passage to be provided for Mrs. Cape to Sydney, where her Husband and Children now are.

I am aware, from references that were made to me by the Parties, that Mr. and Mrs. Cape had exhibited articles of the Peace, and had separated; but, there appearing no Provision made here for Mrs. Cape, who has been received into the House of an Inhabitant from humanity, I have felt it my duty, in her present unhappy Circumstances, to facilitate her removal to her Husband, and to a place where she may be treated as her condition requires, there being no place for lunatics yet established here.
I beg to enclose Memorandum of expence incurred here by The Colonial Surgeon on her Account, also a Mem. of the agreement made for her passage together with a female Convict Servant, who has been sent to attend her, which I conclude Mr. Cape will be required to discharge. I have, &c.,

WM. SORELL.

[Enclosure.]

[A copy of this paper is not available.]

LIEUT.-GOVERNOR SORELL to EARL BATHURST.
(Despatch No. 1.)

Government House, Hobart Town, Van Diemen's Land,
My Lord, 30th May, 1823.

I have the honour to acquaint Your Lordship that His Imperial Russian Majesty's Ships, The Creuzer and Ladoga, commanded by Captain Lazaroff, arrived here a few days ago; last from Rio Janeiro, and bound upon Discovery.* I shall not fail to shew them all the attention, and hospitality in my power. I have, &c.,

WM. SORELL.

LIEUT.-GOVERNOR SORELL to EARL BATHURST.
(Despatch No. 2.)

Government House, Hobart Town, Van Diemen's Land,
My Lord, 30th May, 1823.

I have the honor to acquaint Your Lordship that the Ship "Lord Sidmouth" arrived on the 10th of February and dis embarked here Fifty Female Convicts. From the Enquiries and Observations that I was enabled to make, every attention appeared to have been given to the care of these Females, and those which were landed here were in a healthy and orderly state, very creditable to the Officers in Charge. I have, &c.,

WM. SORELL.

LIEUT.-GOVERNOR SORELL to EARL BATHURST.
(Despatch No. 3.)

Government House, Hobart Town, Van Diemen's Land,
My Lord, 30th May, 1823.

I have the honor to acquaint Your Lordship that, in consequence of an accumulation of Offenders upon Criminal Charges, Chiefly Robberies of Stock, in this Settlement, and the impossibility of the number of Witnesses which their Trials

* Note 28.
would have required, being conveyed to Port Jackson, I felt it my duty to address to His Excellency The Governor in Chief, in November last, an Appeal on the part of the Colony for a Circuit of the Court of Criminal Jurisdiction; near Two Years having elapsed since the Criminal Court was last convened at this place, during which period the Population and property of the Colony had largely increased and had been greatly diffused.

In this application, I received the most prompt acquiescence on the part of His Excellency Sir Thomas Brisbane, and The Honble. Mr. Judge Advocate Wylde upon His Excellency's suggestion acceded most readily to the performance of a duty so important to this Settlement.

The result of this Circuit, no Case of Murder or extraordinary atrocity being on the Calendar, has not been so severe as from the number of charges might have been anticipated; Five Criminals having been executed, and the remainder of the Capital Sentences having been commuted for Transportation for Life.

I beg leave to acknowledge to Your Lordship the obligation which I feel to His Excellency, Sir Thomas Brisbane, for the readiness with which he used the influence of his high Authority to promote the measure which my duty obliged me to propose, and to Mr. Judge Advocate Wylde for his prompt attention to the urgency which demanded his presence in this Colony.

Having before, on occasion of The Criminal Circuit in 1821, had reason to be sensible of the value of Mr. Judge Advocate Wylde's Services to this Colony as Judge of the Criminal Court of the Territory, of which General Macquarie, then on the spot, made a report to Your Lordship, I beg leave to certify to Your Lordship a similar Sentiment with regard to the Circuit lately closed, and to assure Your Lordship that to the fullest Extent that the Circuit of the Criminal Court from Port Jackson could be made available to the Emergencies of this Colony, it has been affected by the Zeal and Judgement of Mr. Judge Advocate Wylde.

I have, &c,

Wm. Sorell.

LIEUT.-GOVERNOR SORELL TO EARL BATHURST.
(Despatch No. 4.)

Government House, Hobart Town, Van Diemen's Land,
My Lord, 30th May, 1823.

I have the honor to acquaint Your Lordship that the Ship "Morley" arrived on the 10th of January with 170 Male Convicts, two having died on the passage.
These Convicts were landed in a very healthy and orderly state and were generally assigned to the Service of the Settlers.

I have, &c.,

WM. SORELL.

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY WILMOT.

(Despatch No. 1.)

Government House, Hobart Town, Van Diemen's Land,

Sir,

The Circumstances of this Colony with respect to its Youth rendering it necessary at the earliest possible moment to arrange an Establishment capable of receiving the Orphan Children, and the Children of such as from their remoteness of residence from the District Schools cannot provide for their Instruction similar to the Institution for those purposes now in preparation in New South Wales, I have the honor to acquaint you that it is my intention to submit for the sanction of His Excellency The Governor in Chief the expediency of preparing a Building upon a piece of Government Land in the vicinity of Hobart Town, for this purpose; and for appropriating to its support a portion of the Colonial Revenue upon the principle adopted at Port Jackson.

In order to carry into effect this Plan it becomes a primary consideration to provide a Person qualified in all respects to superintend it, and one, now resident in England, has been suggested by The Revd. Mr. Bedford, Colonial Chaplain and Superintendent of the Schools on this Side of the Island, as peculiarly fitted for such a situation. The name of the Person so recommended I have thought it my duty to lay before Earl Bathurst, Mr. Gilbert Picket, who Mr. Bedford informs me will produce ample testimonials to His Lordship as to his moral Character, his respectability in Life and his qualifications.

Should these appear to Earl Bathurst to warrant the approval of Mr. Picket, I beg leave to submit to His Lordship my request that he might be allowed a passage on board a Convict Transport; and as his arrival could not be looked for under twelve or fifteen Months, it may be expected that by that time all things would be in readiness to commence the Institution upon a Scale Suited to immediate Circumstances, and Capable of Extension as it might be found necessary.

I have, &c.,

WM. SORELL.
1823.
30 May.

Government House, Hobart Town, Van Diemen’s Land,
Sir,
I beg leave to recommend to the favorable consideration of Earl Bathurst the application of Mrs. Frances Bonney, the Wife of a Prisoner with a large family in this Settlement.

This Person now returns to England, where, upon coming out (free) to join her Husband, She left a Son and Daughter, in order to bring out these, her remaining Children. She has the opportunity of a Passage as Attendant upon a respectable family going home, and I venture to solicit that Lord Bathurst might be pleased to consider Mrs. Bonney for a passage to Van Diemen’s Land with her two Children, by any Female Convict Transport bound to This Colony.

I am the more induced to recommend this application to Lord Bathurst, as Mrs. Bonney has two Sons grown up, and respectably established here, bearing an excellent Character; The one having been for the last three years Storekeeper in the Commissariat Department at Port Dalrymple.

I have, &c,
WM. SORELL.

1823.
30 May.

Government House, Hobart Town, Van Diemen’s Land,
Sir,
I do myself the honor of transmitting a List of Articles required for the Department of the Engineer and Inspector of Public Works, at the Several Stations in this Colony, the requisition being estimated for Twelve Months. Also a Requisition for Slop Clothing, etc., so that it may arrive before the Supply now on hand shall be entirely exhausted.

There being two Vessels of from Seventy to Eighty Tons constantly employed in the Communication with the Penal Settlement at Macquarie Harbour, I beg leave to represent the necessity of the Supply of Nautical Stores submitted in the Requisition, as such supplies are seldom attainable by purchase here, and are always of very high price.

The Completion of The Court House at this place, of which the Walls (of Stone) are far advanced; the Building of a School House of adequate Size; and of residences for the Chaplain, The Judge Advocate, etc., and of a Church at Launceston will require considerable Supplies of Stores, and I therefore beg
leave to Submit to Earl Bathurst the accompanying Requisition as one of urgent necessity for the accomplishment of these essential objects.

I also beg leave to state the urgent want of a Small Supply of Fire Arms, for the purposes of arming occasionally The Police, the Officers of which are frequently employed in Situations to require Arms.

I have added to the requisition prepared by the Acting Engineer a Return of the Supply which I consider adequate to these purposes; and to hold in reserve for any Emergency which might render it necessary to employ the Inhabitants in preserving the Public Peace.

No Supply of Stationery has been granted to this Colony, except what has been purchased on the Spot, and that generally at high prices and of inferior quality, except in one Instance, to a very trifling extent and Some years ago, from Port Jackson. I have therefore noted that Article of Supply, which the increasing business and Correspondence of my Office and of the Departments now renders very important.

I have, &c.,

WM. SORELL.

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

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY WILMOT.
(Despatch No. 4.)
Government House, Hobart Town,

Sir,

I have had the honour of receiving the following Dispatches and orders.

Dated 30 April 1822 prohibiting the removal of official correspondence.

Dated June 1822 with order approved by His Majesty for Salutes to certain Functionaries in The Colonies.

Dated 7 Sepr. 1822 with Copy of the first part of The Report of The Commissioner of Enquiry, and apprising me that I should receive Instructions thereupon from The Governor in Chief.

Dated 9 Sepr. 1822 With the Act of Parliament of the Session 1821-2, authorizing The Levy of certain Duties in these Colonies; and Copy of a Dispatch addressed by Earl Bathurst to Sir Thomas Brisbane.

I have, &c.,

WM. SORELL.
LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY WILMOT.

Hobart Town, Van Diemen's Land,
30 May, 1823.

Sir,

I have the honour to transmit Applications for the families of Twenty five Convicts to be sent out to join them. These Men are all duly certified to me to be competent to the support of their families, and from the uniformly beneficial and reformatory influence which I have observed to arise from the expectation that The Convict is permitted to entertain, of being joined by his family, from the extreme inequality in the Numbers of The Sexes, and the paucity of Females in this Colony, I beg leave to recommend these applications most strongly to the favorable Consideration of Earl Bathurst.

I have, &c.,

WM. SORELL.

LIEUT.-GOVERNOR ARTHUR* TO UNDER SECRETARY HORTON.

(Acknowledged by Earl Bathurst, 9th September, 1823.)


Referring to my Communication of the 12th inst., I do myself the honor to acquaint you that, finding there is no suitable accommodation in any of the Government Transports, I have taken my Passage in the Adrian, and, as this Ship sails towards the latter end of the next Month, it becomes necessary that I should trouble you on the subject of my Commission and Instructions.

In the Conversation with which you favored me some weeks since, I think I understood from you that, if not entirely separated, it was intended Van Diemen's Land should be placed in relation to New South Wales on the same footing with the two Canadas; and as I find, from the information which I have since obtained, that, under the existing system, there is much perplexity and considerable difficulty (which Colonel Sorrel mentions is exceedingly and increasingly embarrassing) I hope you will have the kindness to consider them with a view to their removal by my Commission and Instructions from Home. If Van Dieman's Land were to be erected into a distinct Colony, I presume that the Instruments would be drawn out in the form hitherto adopted in the Case of New South Wales; but, assuming that it is not intended to erect Van Dieman's Land into a distinct Colony, I venture to submit to your Consideration the following suggestions as to the powers with which it seems very necessary the Lieutenant Governor should be invested to discharge his duty in a faithful and efficient manner.

* Note 24. † Note 29. ‡ Note 30.
1. In the first place I submit that the Lieut. Governor's Commission should delegate to him the duty of making Grants of Land, within Van Dieman's Land, without any right of interference being left to the Governor of New South Wales.

2. A similar power should, I conceive, be also committed with respect to the grant of escheated property.

3. The administration of the Revenues of the Island, I submit, should be placed in the hands of the Lieut. Governor with responsibility to account for them only to His Majesty's Government.

4. The exercise of the Royal prerogative of suspending the execution of Sentences of the Criminal Court, until the Royal Pleasure can be known, I submit, is most essential to be placed in the hands of the Lieut. Governor of Van Dieman's Land.

5. The appointment and removal of Magistrates, and generally the Appointment of all those Officers, who are in the Colonies usually nominated by the Governor, until the pleasure of the Crown is known, I submit, should be committed in Van Dieman's Land to the Lieut. Governor.

6. The Correspondence between the Colonial Department and the Lieutenant Governor of Van Dieman's Land, I submit, should take place by direct Communication, and not circuitously through the Governor of New South Wales.

7. The recent Act of Parliament has given to the Members of the Legislative Council precedence within the Colony generally over all Persons except the Governor or Acting Governor and Judges. Now, I submit, that it could not have been intended to make the Lieut. Governor of Van Dieman's Land take rank within his own Government after the Members of Council; yet, it seems to me this consequence will certainly follow unless some means of obviating it are devised.

8. On the assumption that the two Governments are to continue to form one united Colony, I would further suggest, as a point of the utmost importance, if it is admissible consistent with the provisions of the Act, that the power of granting Tickets of Leave and remission of Sentences be vested with the Lieut. Governor of the Island, the remission of Punishment, as the reward of good conduct, being perhaps the strongest incentive to the amendment of the general bad habits of Convicts.

In addition to these points, for which the Commission would provide, there are several subjects respecting which, as I collect from Mr. Bigge's report, it will be necessary that special Instructions should be given.

* Note 81.
10. Under this head, I would first bring under your Consideration the existing practice, which Mr. Bigge states to be illegal, of collecting and appropriating to the Police Fund at Sydney the Duties on goods, etc., etc., imported into Van Dieman's Land.

11. I would submit that Authority should be given to the Lieut. Governor to proceed with the several Public Buildings, which Mr. Bigge states to be necessary, on his own responsibility. They are enumerated in the annexed Memoranda, and, with a view to the erection of these Buildings, I would suggest that an Architect should be sent out who is a good practical Builder.

12. In pursuance of Mr. Bigge's recommendations it may be thought right to send out to the Colony persons qualified to discharge the Duties of the several Departments particularised in the Memoranda.

13. I would also submit, that the Colonial Agent may be authorised to purchase for the use of the Colony the Books, Church Plate, and Live Stock mentioned in the Report of the Commissioner.

14. Finally—considering, the rivalry which subsists and is gradually gaining strength between the two Settlements, the distance which separates them, the delay attendant on communications between Hobart Town and Sydney, the misconceptions which Persons in authority at New South Wales are liable to form respecting the affairs of an Island far more remote from them than any one Island in the West Indies is from any other West India Island (the actual distance from Hobart Town to Sydney is not I understand less than a 1,000 Miles); Considering, also, the difficulty of maintaining among the Convict Population the respect and authority of the local Government, while it is understood that there is a double Appeal from its decisions, first to the Governor of New South Wales and then to England; and, lastly, considering the growing wealth of the Settlement of Van Dieman's Land, and the respectability of many of the recent Settlers, I must very anxiously submit, if it is not deemed advisable that the Island should at present enjoy the privilege and advantage of a Legislature of its own, that my Commission and Instructions should be framed in such a Manner as to render the administration of the Government, as far as possible, independent, as by this means much inconvenience and controversy between the two local Governments might be prevented.

I trust, Sir, there will be no appearance of presumption in the Suggestions which I have thus taken the liberty of offering, and
ARTHUR TO HORTON.

I would excuse myself by assuring you, I have reason to believe that the Powers, vested by the Act in the Council* of New South Wales (which must be mainly composed of Merchants whose Personal interest is directly opposed to the local interest of Van Dieman's Land), will be a severe disappointment to the Colonists of the latter, whose prosperity and welfare you will perhaps consider it my duty to regard.

I have, &c.,

GEO. ARTHUR.

[Enclosure.]

MEMORANDA.

PUBLIC GRANARIES at Hobart Town or Port Dalrymple. Chapel at Pitt Water. Central School for 100 Boys. Central School for 100 Girls. Residence for the Chaplain at Hobart Town. Barrack for the reception of Convicts. Barrack as a place of Employment and punishment for Females. Goal at Launceston. Goal at Hobart Town—the present is much too limited. Residence for the Chief Justice. Residence for the Attorney General. Residence for the Chaplain at Pitt Water. These three Buildings are not mentioned by Mr. Bigge. The Commissioner complains of the want of Architectural knowledge in designing and Conducting the Buildings; would it not be advisable to send out an Architect who is a good practical Builder?

SCHOOLS.

Mr. Bigge remarks that the attainments and progress of the Scholars, and the qualifications of the Instructors at Van Dieman's Land appear'd inferior to those in New South Wales, and considers it equally advisable to augment the number of competent Teachers, as well as to establish Two Central Schools on the system of the National Establishment, for the reception and maintenance of not less than 100 Boys and the same number of Girls, the expence to be defrayed out of the Public Fund of the Colony. Mr. Bigge assigns reasons for recommending that a Farm should be established at a short distance from the Boys' School to be conducted by a respectable Person possessing a competent knowledge of Agriculture.

CHAPLAINS.

It seems very important that there should be an efficient resident Chaplains. Chaplain at Hobart Town, Pitt Water, Launceston, and George Town, by which means Divine Service may be performed and the Convicts requir'd to attend on the Sunday afternoon as well as in the Morning. One of the Chaplains might be more particularly charged with the care of the Central School.

SURGEONS.

As very great irregularity appears to have prevailed in this Department would it not be advisable to appoint a Surgeon, whose superior rank and experience would render his authority indisputable, without reference to the senior Medical Officer at New South Wales. An Apothecary and Hospital Storekeeper seem also much required at Hobart Town for the due preservation of the Stores.

SURVEYOR'S DEPARTMENT.

From the extreme inconvenience and prejudicial consequences to New Settlers from the present system, it is recommended by Mr. department.
Bigge that an entire separation should take place in the Offices of Surveyor's Department in New South Wales and Van Dieman's Land, and that a Surveyor General should be appointed for the latter; and, as the Commissioner also recommends an accurate examination of the Eastern and Northern Coasts of Van Dieman's Land (which, from the great increase of Population has since become still more important), another Assistant Surveyor might be most beneficially employed for two or three Years.

Stock.

The Commissioner recommends that some Sheep of the purest Merino Flocks should be sent out, likewise a Stallion Colt of one of the heavier Breeds of English Horses.

Books.


UNDER SECRETARY HORTON TO LIEUT.-GOVERNOR SORELL.

Sir,

Downing Street, 18th August, 1823.

I herewith enclose to you the Copy of a letter from Mr. Downie forwarding an application from Messrs. James and Duncan McFarlane soliciting permission to proceed as Settlers to Van Diemen's Land; and I am directed by Lord Bathurst to desire that you will make to them on their arrival a Grant of land in proportion to the means they may possess of bringing the same into cultivation, and that you will also extend to them the Indulgence of Convict Labor.

I am, &c.,

R. WILMOT HORTON.

[Enclosures.]

[Copies of these letters, dated 5th and 8th August, 1823, are not available.]

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HORTON.

Sir,

Plymouth, 18th August, 1823.

I do myself the honor to represent to you that I find the small quantity of Furniture, which has hitherto been supplied for the Government House at Van Dieman's Land, consists chiefly of Tables and Chairs made in the Government Yard, and that much is required both for the comfort and respectability of the Dwelling. As a Transport is taken up for the purpose of conveying Stores to the Colony, I beg through your kindness to request that the Agent may be authorized to procure and ship those necessary Articles of Furniture, which are most required, and may be supplied from hence on much more advantageous terms than in the Colony.

The charge, I should conceive, need not exceed £500, and may be defrayed out of the Police Fund.

I have, &c.,

GEO. ARTHUR.
Lieut.-Governor Sorell to Under Secretary Wilmot.*

Government House, Hobart Town, 22 August, 1823.

Sir,

I have the honor to acquaint you that the Ship Competitor, with 157 Male Convicts arrived on the 3rd Instant, three having died on the passage.

The Surgeon Superintendent Mr. G. Clayton died during the Voyage from the Cape, but no Deaths occurred afterwards on board, and considering that event and its probable influence on the management of the Convicts, they arrived in a Satisfactory state of health and order.

I have also the honor to report the arrival on the 16th Instant of the Ship "Commodore Hayes," with 216 Male Convicts, three having died on the passage; these Convicts landed in a healthy and orderly State.

I have, &c.,

Wm. Sorell.

[Enclosure.]

Return of Male Convicts who died on board the Ships "Competitor" and "Commodore Hayes" during the Voyage to Van Diemen's Land 1823.

Ship "Competitor."

Moses Sweet, Tried at Gloucester Assizes 14th August, 1822; died off Plymouth 27 March, 1823.

George Foster, Tried at Northumberland Qr. Session, 18 July, 1822; died at Sea 24 April, 1823.

Patrick Gready, Tried at Sunderland Barrack, C.M. 11 Nov., 1822; died at Sea June 3rd, 1823.

Ship "Commodore Hayes."

Thomas Taylor, Tried at Kent Assizes 7th August, 1822; died at Sea July 25th, 1823.

William Drake, Tried at Lincoln/T of Louth Q.Sn. 15th Jany., 1822; died at Sea, July 16, 1823.

William Odell, Tried at London Gaol Delivery, 17 Feby., 1822; died at Sea May 9th, 1823.

W. Sorell, Lt. Govr.

Lieut.-Governor Sorell to Earl Bathurst.

(Acknowledged by under-secretary Horton, 18th March, 1824.)

Government House, Hobart Town, 26th August, 1823.

My Lord,

I beg leave to submit to Your Lordship that this Port and Settlement have at present no sufficient means of Sea Defence, or for repelling an Aggression of any Armed Vessel, there being only Six old Ship Guns in Battery at one extremity of the Harbour.

* Note 24.
During Commissioner Bigge's residence here, the Subject was adverted to, and I pointed out to him the facility of approach which the wide Waters and River afforded, and which, in the absence of Maritime protection or of sufficient Batteries to cover it, would admit of any Vessel being placed close to the Town.

It is not in contemplation of Defence against an Armament that I now do myself the honor to address Your Lordship, for that would involve very different and much more extended considerations, but to submit what I conceive necessary to place this Town, The Depot of the Colony, in a state of protection against any unforeseen or incidental insult or aggression from Sea, to preserve order, and to restrain in case of Emergency the Convict population.

I beg leave then to recommend to Your Lordship that Twelve Guns adapted for Sea Batteries be sent out, with Carriages, Ammunition, and all necessary Apparatus and Stores for a period.

Requesting permission to bring to Your Lordship's Notice a Letter and requisition for Arms, Stores, etc., which I had the honor of transmitting under date the 30th of May last, it will appear that I therein stated 50 Stand of Arms as necessary. In submitting that number, I had in view only the means of arm­ing the Police and Peace Officers of the Island; but reflecting that from the continued influx and diffusion over the Island of the free Settlers, and their Convict Servants, the increasing mass of People and of property in this and the other Towns; the probable extension of the Colonial Institutions and other contingent Circumstances attaching to so remote a Colony, I feel it my duty to request permission to amend that Requisition, and to submit to Your Lordship the expediency of affording to the Colony a Depot of Arms, sufficient to arm in case of emergency such a portion of the free Inhabitants as it might be found necessary to assemble in aid of the Troops, for the interior protection of the Towns, the preservation of the Public Peace and the effectual Control of the Convicts.

For this purpose I would submit to Your Lordship that Arms for a certain Number of mounted Inhabitants, as well as for Infantry should be sent here, there being a considerable number of Settlers of all Classes who would readily enrol themselves throughout the Districts mounted at their own Expense.

I have not thought it necessary to trouble Your Lordship at greater length in explaining the views and considerations upon which I have felt it my duty not to delay Submitting the enclosed Requisition.

I have, &c,

WM. SORELL.
HORTON TO ADMINISTRATOR.

[Enclosure.]

Requisition for Ordnance Arms etc. for Van Diemen's Land.
12 Battery Guns, with Carriages, all Apparatus, Stores and Ammunition.
200 Muskets—with Waist-belts, having a Sling for the Bayonet, and carrying a Pouch in front holding 12 rounds.
60 Swords and Belts for Yeomanry.
60 Brace of Pistols, and Pouches.

WM. SORELL, Lt. Govr.

EARL BATHURST TO LIEUT.-GOVERNOR SORELL.

Sir, Downing Street, 26th August, 1823.

In communicating to you the painful necessity, under which I have found myself placed, of appointing a Successor to you at Van Diemen's Land, I shall not feel it necessary to detail the reasons, which you will know, at once, have compelled me to a measure which, on other accounts, I should have wished to avoid, as I am not aware of any circumstances in your conduct as Administrator of the affairs of that Colony, which have not been entitled to claim my approbation. But having no other alternative left than to take this measure, and feeling that the delay, which has already occurred, has involved me in serious responsibility, I have only to request that you will give every facility to Colonel Arthur, who is appointed to succeed you, in the assumption of his duties; and he will inform you that I have instructed him to attend to your wishes, in conferring on you a Grant of Land, provided that the one, which I understand you have already received from Governor Macquarie, be not sufficient to employ that degree of Capital, which you may have to apply to its cultivation and improvement. I have, &c,

BATHURST.

UNDER SECRETARY HORTON TO THE OFFICER ADMINISTERING THE GOVERNMENT OF VAN DIEMEN'S LAND.

Sir, Downing Street, 28th Aug., 1823.

The Revd. Mr. Coote, a Catholic Clergyman, will have the honor of presenting this letter to you.

This Gentleman's object in proceeding to Van Diemen's Land is to undertake the Spiritual Care of such of His Majesty's Roman Catholic Subjects as reside in that Colony. He has been strongly recommended by Dr. Murray of Dublin to Dr. Poynter, the Vicar Apostolic of the London District, and by the latter to Earl Bathurst, and I am directed by his Lordship to recommend him accordingly to your protection.

I have, &c,

R. WILMOT HORTON.
Earl Bathurst to Lieut.-Governor Arthur.

(Despatch No. 1.)

Sir,

Downing Street, 29th August, 1823.

I transmit to you herewith a Commission under His Majesty's Sign Manual appointing you Lieut. Governor of Van Diemen's Land; and I send at the same time for your information and guidance the Copy of a Despatch which I have addressed to Major General Sir Thos. Brisbane, regarding the footing on which you are placed with respect to the Powers to be exercised by the Governor in Chief of New South Wales.

I have, &c.,

Bathurst.

[Enclosures.]

[A copy of the commission will be found on page 131 in this volume, and of the despatch on page 109, volume XI, series 1.]

Earl Bathurst to Lieut.-Governor Arthur.

30th August, 1823.

I send to you herewith a Copy of the letter, of which you are to be the Bearer to Lieut. Colonel Sorell, and I am at the same time desired by Lord Bathurst to convey to you his Lordship's authority for making to him the Grant of Land alluded to in the concluding part of Lord Bathurst's letter to Lieut. Colonel Sorell.

I remain, &c.,

R. W. Horton.

[Enclosure.]

[A copy of this letter will be found on page 85.]

Earl Bathurst to Lieut.-Governor Arthur.

(Despatch No. 3.)

1st September, 1823.

Referring to my Despatch to you, of the 29th Ult., I have the honor to transmit, herewith, for your information, and guidance, Copies of further Despatches which have been addressed to Major General Sir Thomas Brisbane, relating chiefly to measures which are to be adopted, in pursuance of the recommendations contained in the Report* of Mr. Commissioner Bigge.

I have, &c.,

Bathurst.

* Note 29.
BATHURST TO ARTHUR.

[Enclosures.]

These despatches from Earl Bathurst were numbered 10, 21, 23, 26, and 28, see pages 62, 83, 87, 91, and 95, volume XI, series I; also a letter from under secretary Horton, see page 85 in the same volume.

UNDER SECRETARY HORTON TO LIEUT.-GOVERNOR ARTHUR.

Sir, Downing Street, 4th September, 1823.

Having received, and laid before Earl Bathurst your letter of the 18th ulto., I am directed by his Lordship to acquaint you that he is by no means prepared, without more explicit information upon the state of the Government House at Van Diemen's Land, to decide whether in principle that House should be furnished at the public Charge; but under any circumstances His Lordship thinks that it would be far more expedient to make arrangements for manufacturing upon the Spot the additional Furniture, which may be considered necessary or desirable, and his Lordship is induced to suggest this arrangement not only in consideration of the heavy expence, which would attend the purchase of Furniture in this Country, and its conveyance to Van Diemen's Land, but because he considers it generally more expedient that wants of this nature should be supplied from the means which are at the disposal of the local Government.

I am, &c.,

R. WILMOT HORTON.

EARL BATHURST TO LIEUT.-GOVERNOR ARTHUR.

(Despatch No. 4.)

Sir, Downing Street, 9th September, 1823.

Having taken into consideration that part of your communication of the 28th of July last, which relates to the erection of Public Buildings for certain Public Officers to whom you have more particularly alluded, I have to instruct you to make such arrangements as you may consider most expedient for providing a proper place of residence for the Chief Justice of the Colony.

I have, &c.,

BATHURST.

EARL BATHURST TO LIEUT.-GOVERNOR ARTHUR.

18th Septr., 1823.

[This circular despatch was also sent to Sir Thomas Brisbane; see page 137, volume XI, series I.]
UNDER SECRETARY HORTON TO LIEUT.-GOVERNOR ARTHUR.

Dear Sir,

Downing Street, 23d Sept., 1823.

This letter will be delivered to you by Mr. E. Butler,* a gentleman on whom Lord Bathurst proposes to confer the appointment of Registrar, one of the Offices to be created by the Charter of Justice, which is about to be prepared for establishing a new system of Judicature† in New South Wales and Van Diemen's Land. As the state of Mrs. Butler's health renders it necessary that he should lose no time in proceeding to Van Diemen's Land, he will sail immediately without waiting for the appointment which is to proceed from the Charter, and on the arrival of which you will put him in possession of the Office to which he will be appointed. I remain, &c.,

R. WILMOT HORTON.

EARL BATHURST TO LIEUT.-GOVERNOR ARTHUR.

(Despatch No. 5.)

1 Oct.

Sir,

Downing Street, 1st Octr., 1823.

As I deem it expedient that the establishment of Colonial Surveyor of Lands should be maintained in a State of complete efficiency, I have to instruct you to appoint Mr. John Wedge to be Second Assistant Surveyor of Lands with an annual Salary of £100 to be provided for out of the Revenues of the Colony.

I have, &c.,

BATHURST.

EARL BATHURST TO LIEUT.-GOVERNOR ARTHUR.

(Despatch No. 6.)

2 Oct.

Sir,

Downing Street, 2d Octr., 1823.

In consequence of various circumstances connected with the Ship Hope, but to which I do not deem it necessary more particularly to advert upon this occasion, the late Owners of that Vessel Mr. Degraves and Major Macintosh have acquired some claim to the protection of His Majesty's Government. I have therefore been induced so far to assist Mr. Degraves and Major Macintosh in their individual arrangements of emigration to Van D. Land, by allowing to them the expense of conveying a Saw Mill which they propose to erect in the Colony; and I have further to desire that you will afford to Mr. Degraves the assistance of three Convict Carpenters and one Smith, together with rations, for the purpose of working the Mill during a period of Six months, provided such an arrangement can be made consistently with the exigencies of the Public Works.

* Note 32. † Note 33.
I have also to instruct you to grant rations for Six months to Mr. and Mrs. Degraves and 8 children, and to Major Macintosh and one child.

BATHURST.

LIEUT.-GOVERNOR SORELL TO EARL BATHURST.

Hobart Town, Van Diemen's Land, 10 Octr., 1823.

My Lord,

I have the honour to submit a Memorial to His Majesty Transmission of The King from certain Convicts, who were tried and found guilty of Treason at York in the year 1820, who, under the impression that Ten other Persons who were Convicted at the same time have received His Majesty’s Pardon, now pray a similar extension of the Royal Mercy.

I am enabled to bear testimony to your Lordship that the Conduct of these men has been generally unexceptionable; and, as some of their families have followed them, and the remainder are hoped for, I do not conceive that any alteration in their Condition would induce their removal from this Colony.

I have, &c.,

WM. SORELL.

[Enclosure.]

[A copy of the memorial is not available.]

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY HORTON.

(Hobart Town, Van Diemen’s Land, 10 Octr., 1823.)

Sir,

Several of The Emigrant Settlers lately arrived have delivered me your Letters of recommendation, and I have not failed to afford them all the assistance and attention in my power.

Though I have not the honour of being personally known to you, yet I have reason to hope that Your Impressions of me as an officer entrusted for a long period with an important Colonial appointment may excuse the liberty that I take in addressing you, at the moment of learning by a private communication that Lord Bathurst’s Decision upon my recall was known.

I am deeply sensible of the favour and consideration that I have received at Lord Bathurst’s hands, and, in putting forth very respectful but earnest Claim to a Continuance of His Lordship’s kindness, I have to rest upon his approval of my faithful, zealous and I trust useful Service during Seven years.

W. SORELL.
With an anxious desire to avoid any appearance of Impropriety, and the fullest reliance upon His Lordship's goodness, I have abstained from urging Solicitation in my support, from any quarter, at this Juncture; but, in the Confidence that my publick Conduct and administration have been honoured with his approval; having received the approval confidence and full support of The successive Governors in Chief under whom I have acted; Possessing I am bold to say the general respect and good will of the Colonists (for even Those very few who ever opposed me have avowed their regret at my removal), I permit myself to hope that Lord Bathurst's consideration may be extended to me in some other appointment, to my selection for which It would be my Care that no question as to Eligibility should in any Shape attach to me.

One point only farther I would at present touch upon, as connected with my past Service or Lord Bathurst's consideration of me. My Salary is known to you to have been so small as to have been barely sufficient in the early periods to support the official rank. The last two or three years, in the increased state of the Colony, It has not sufficed to do so. May I not hope, Sir, for your support also upon these grounds? It will confer a lasting obligation on me.

I have, &c.,

W.M. SORELL.

[Enclosures.]

CERTIFICATES OF SERVICE.

I HEREBY Certify that Lieutenant Governor William Sorell was in the actual discharge of his Duty as Lieutenant Governor of Van Diemen's Land, from the 25 day of June to the 24 Day of December 1822.

Given under my hand at Sydney New South Wales, this 27th day of January, 1823. THOS. BRISBANE.

I CERTIFY that Lieutenant Governor William Sorell has been in the actual discharge of his duty as Lieutenant Governor of Van Diemen's Land, from the twenty fifth of December 1822, to the twenty fourth June 1823.

Given under my hand at Hobart Town, Van Diemen's Land, Twenty fifth of June, 1823.

E. ABBOTT, Depy. Judge Advocate of Van Diemen's Land.

UNDER SECRETARY HORTON TO LIEUT.-GOVERNOR ARTHUR.

Sir,
Downing Street, 20th Octor., 1823.

I am directed by Lord Bathurst to acquaint you that he has granted permission to Mr. Joseph Williamson to return to Van D. Land; and, as it has been represented to his Lordship,
that his Brother Mr. Matthew Williamson has been unable to obtain a Grant of Land, from having omitted to provide himself with the usual letter, I am to request that you will make him an eligible Grant of Land proportioned to his means of Cultivation, and I beg to recommend these Gentlemen to your favorable consideration.

I have, &c.,

R. W. Horton.

EARL BATHURST to lieut.-GOVERNOR ARTHUR.

(Despatch No. 7.)

Sir, Downing Street, 24th Octr., 1823.

Mr. Peddef,* who has been appointed Chief Justice of Van D. Land, will have the honor of delivering this letter to you, and, as he is in possession of the Charter of Justice under the Great Seal, I trust you will find no difficulty in opening the Supreme Court of Justice immediately.

The Sheriff, Master, and Registrar may not possibly arrive so as to be in time for the opening of the Court; but you can appoint persons, who may be qualified to fill those situations, during the absence of the proper Officers, in order that the Establishment of the Court may not be further delayed.

I have, &c.,

Bathurst.

EARL BATHURST to lieut.-GOVERNOR ARTHUR.

(Despatch No. 8.)

Sir, Downing Street, 24th Octr., 1823.

Mr. Gellibrand,$ who has been appointed Attorney General of Van Diemen's Land, will have the honor of delivering this letter to you; and, as it is intended that he should receive a Nett Salary for his Services to Government of £700 per annum, you will direct the Chief Justice to draw out a Docket of Fees payable to the Attorney General to be calculated at such a rate as to produce on an average £400 a year, which with £300 voted by Parliament will make the desired amount. If however the Fees should exceed that Sum, Mr. Gellibrand will be required to pay the Surplus into the Police Fund, and, in the event of their not amounting to £400 per Annnum, you will cause the deficiency to be made good to the Attorney General from the Colonial Revenue.

With respect to the private practice, which the Attorney General may be permitted to perform, I think it necessary to signify to you by this opportunity my permission, that he may

*Note 34. †Note 33. ‡Note 35.
practice as a Barrister under the same restrictions as are observed in this Country, but he is by no means to be allowed to act as a Solicitor.

I have, &c.,

Bathurst.

Lieut.-Governor Sorell to Under Secretary Horton.

23rd Nov., 1823.

Sir,

I have the honour to transmit the following Papers connected with Van Diemen's Land:


A Return of the Government Publick Schools in the Colony, and the children attending them.

I have, &c.,

Wm. Sorell.

[Enclosure No. 1.]

[A copy of the muster returns is not available.]

[Enclosure No. 2.]

Return of Abstract of the Publick Schools, Van Diemen's Land,

Jany., 1824.

Hobart Town.—Male children, 40; Female Do., 29.
Sorell Town.—Male, 11; Female, 11.
Clarence Plains.—Male, 6; Female, 7.
New Norfolk.—Male, 8; Female, 9.
Black Snake.—Male, 10; Female, 13.
Launceston.—Male, 28; Female, 14.
Norfolk Plains.—Male, 11; Female, 16.

Other Schools in course of Establishment.

W. Sorell.

Earl Bathurst to Lieut.-Governor Arthur.

(Despatch No. 10, per ship Phoenix; acknowledged by lieut.-governor Arthur, 10th August, 1824.)

Sir,

I enclose you what appears to me to be a correct summary of the very complicated details, contained in the voluminous papers† submitted to this Department by Mr. Meredith and Mr. Talbot respectively; and I am of opinion that, with reference to the circumstances of the case as therein detailed, the priority of choice of situation must be assigned to Mr. Meredith. If however the following facts shall be satisfactorily

* Note 36.  † Note 19.
disproved you may consider yourself authorised to suspend the making out the Grant definitely in favor of Mr. Meredith; and you will, in that case, not only transmit home the evidence on those leading points, but will also proceed in a further investigation of the other points which will in that case require a more distinct statement than has been hitherto received, but which would not be of themselves sufficient, however explained, to deprive Mr. Meredith of his right to priority of choice so long as the four distinct points, which I am about to recapitulate, shall remain uncontradicted. These points are

First. That Mr. Meredith delivered at the Office of the Deputy Surveyor General, on the 2d of June, 1821, a written notice of his intention to settle at Great Swan Port, by which Act he was warranted in considering himself as having obtained a right of preference.

Secondly. That at the time when Mr. Meredith received the Official Grant of 2,000 Acres, in which the priority of choice was distinctly given to him, he did not know that, in a Grant of the same extent, in the same District given to Mr. Talbot, there was the very same priority of choice given and in the same identical words.

Thirdly. That the first application made to the Lieut. Governor by Mr. Talbot for a Grant of Land at Great Swan Port was subsequent to the 2d June, 1821.

Fourthly. That Mr. Talbot, in receiving the official Grant of 2,000 Acres abovementioned, was aware that Mr. Meredith's Grant was expressed in the same words equally giving to him a priority of choice, and that notwithstanding his knowledge of this concurrent Grant he gave no notice of this fact at that time to Mr. Meredith, nor adopted any measures to define their respective claims before either had proceeded to take possession of their respective Grants.

If any of these facts should be clearly and unequivocally disproved, you will (as I have already stated) consider yourself authorised to suspend the Grant in the manner I have mentioned.

I have, &c.,
Bathurst.

[Enclosure.]

Summary of the Case of Mr. Meredith and Mr. Talbot.

It appears that Mr. Meredith proceeded from England to Van Diemen's Land as a Settler in the Year 1820, carrying with him a letter from Lord Bathurst dated the 20th of July in that Year. In that letter, his Lordship directed Lieut. Governor
1823. Sorell to make a grant of Land to Mr. Meredith in proportion to the means which he might possess of bringing it into cultivation.

Immediately upon his arrival in the Colony, Mr. Meredith, under the express sanction of the Lieutenant Governor, proceeded to explore a distant part of the Country; and, at a place called Great Swan Port, he discovered a district in which he was desirous to make a settlement. In May, 1821, having then returned to Hobart Town, Mr. Meredith communicated his discovery to the Lieut. Governor and immediately received from him a Verbal assurance that, when the district at Great Swan Port should be divided by the Deputy Surveyor General into distinct allotments, he should have the privilege of chusing for his own settlement any one of those allotments which he might prefer. This arrangement was shortly afterwards communicated by the Lieutenant Governor to the Governor in Chief, who was then in Van Dieman's Land. Major General Macquarie expressed his approbation of it; and this circumstance was communicated by Lieutenant Governor Sorell to Mr. Meredith. It appears that on the 2nd of June, 1821, Mr. Meredith delivered at the Office of the Deputy Surveyor General a written notice of his intention to settle at Great Swan Port, in order that his priority of choice might not be defeated by the subsequent application of any other person. Mr. Meredith, the Lieutenant Governor, and the Deputy Surveyor General have all concurred in stating that, according to the established practice and usage of the Island, Mr. Meredith was entitled, from the time of delivering this notice, to consider himself as completely invested with the right of chusing, in preference to every other person, that allotment which he might prefer among the locations to be subsequently made at Great Swan Port; and the Deputy Surveyor General adds that he required this written notice for the express purpose of securing to Mr. Meredith this priority of claim.

It appears that, sometime in the same month of June, 1821, Mr. Meredith formed an acquaintance with Mr. Talbot. The latter Gentleman had recently arrived from New South Wales with the intention of settling at Van Dieman's Land. The conversations which took place between them are of considerable importance. Mr. Talbot, however, has made no allusion to this part of the subject in the documents transmitted by him. It is stated by Mr. Meredith that upon becoming acquainted with Mr. Talbot, he communicated to him his intention of settling at Great Swan Port, and informed him of the fertility and local advantages of that District. He adds that Mr. Talbot proposed to join the party, and that he, Mr. Meredith, acquiesced in the
BATHURST TO ARTHUR.

proposal, advising Mr. Talbot to follow his own example by delivering to the Deputy Surveyor General a written notice of his intentions to settle at Great Swan Port in order that he (Mr. Talbot) might secure to himself the second right of choice.

The absence of dates in the various statements made by the contending parties creates extreme difficulty in attaining a clear understanding of the transactions to which they refer. It appears that the first measure adopted by Mr. Talbot to secure to himself a Grant of Land at Great Swan Port was taken some time between the 2nd of June and the 6th of July, 1821.

On some day in this interval of time, Mr. Talbot made a personal application to Lieutenant Governor Sorell for land within the district of Great Swan Port. It appears by the statement of Mr. Talbot that he began by enquiring whether, if he should build a hut and stock-yard upon any particular spot of land, any person could dispossess him of it. Governor Sorell's answer was that no individual should interfere with him, and that, unless the situation was required for the use of Government, it should be secured to him; and that he would give him an assurance to that effect in writing. The Lieutenant Governor proceeded to say that he hoped there would be no collision between Mr. Meredith and Mr. Talbot. Upon this, Mr. Talbot observed that his motive for applying for an assurance as to his not being disturbed was that Mr. Meredith upon hearing of his determination to build a Stockyard at Great Swan Port had used this expression, "Mr. Talbot should be careful on whose land he is building," an expression which had determined him (Mr. Talbot) not to embark in so expensive an undertaking without a certainty of not being disturbed. Upon hearing this the Lieutenant Governor again assured Mr. Talbot that no individual should interfere with him, adding, "Can Mr. Meredith expect that everybody is to be at a stand still until it suits his convenience to choose his own land." At this point of the conversation Mr. Meredith entered the room, and Mr. Talbot did not pursue the discussion in his presence.

He says that on the entrance of Mr. Meredith the conversation ceased. Mr. Talbot however requested a private interview with the Lieutenant Governor on other business. They withdrew into a different apartment; and, having discussed that business, the conversation respecting the settlement at Great Swan Port was resumed, but not in the presence of Mr. Meredith. The Lieut. Governor now stated to Mr. Talbot, that he was the first person who had applied specifically for land in that district; that he did not know officially whether Mr. Meredith intended settling there or not, he having expressed an intention of visiting another place.
before he finally decided. Lieut. Governor Sorell then promised to have an order of occupation made out for Mr. Talbot, which he said would entitle him to the Land he should fix upon. He repeated his wish that there might be no collision between Mr. Talbot and Mr. Meredith saying that, as he was given to understand that there were near 60,000 acres of good land in the neighbourhood, there would be sufficient choice for all parties. Mr. Talbot upon this repeated that he would not go to the expense of building without the certainty of not being dispossessed of the situation. An assurance to this effect seems to have been once more given by the Lieut. Governor, and the conversation ended.

The Lieut. Governor admits that the conversation above recited did actually take place; but he stated that he did not either entertain or mean to express any intention that Mr. Meredith's priority of choice should be defeated in favor of Mr. Talbot; but conceiving that there would be abundance of Land at Great Swan Port to satisfy the claims of all parties, he did not think it right to delay Mr. Talbot's proceeding during the absence of Mr. Meredith, and had therefore expressed his approbation of Mr. Talbot's erecting any necessary building for himself and his Cattle; but that the assurance of the quiet possession of the land, which Mr. Talbot might occupy, related only to the spots which that Gentleman might select as the site of his intended building, and did not relate to any more extensive tract of Country, which he might choose for farming operations.

It appears that, on the 6th July, 1821, Mr. Talbot again called on the Lieut. Governor, when the latter delivered to him the promised order of occupation, but at the same time showed him, and desired him to read, a similar order in favor of Mr. Meredith. Mr. Talbot upon this said that he thought his order ought to be dated before the other, as he had made the first application. The Lieutenant Governor answered that he wished to act fairly to both parties, and had therefore dated the two orders on the same day, adding that they had only to produce them to the Surveyor when he came to measure the land, when it would be decided in favor of the first occupant.

On the same day (viz. the 6th July, 1821), the Lieut. Governor delivered both to Mr. Meredith and Mr. Talbot orders of occupation, each of them dated on that day, each expressed in the very same form of words, and each conferring a priority of claim. It is not possible to collect with certainty, whether Mr. Meredith's or Mr. Talbot's order was actually delivered first; but it is clear that Mr. Talbot received his order with the most full and precise notice that a similar order had been made out in favor.
of Mr. Meredith; whereas Mr. Meredith seems to have received his order without knowing or suspecting that any order of a similar kind had been or was about to be made out in Mr. Talbot’s favor. The words of each of the orders are as follows:

“By William Sorell Esqr. Lieut. Governor of His Majesty’s Settlement of Van Diemen’s Land.

“Mr. G. Meredith [or Mr. Wm. Talbot] has my authority to occupy 2,000 acres of land, the same being ordered in grant to him in the vicinity of Swan Port, Oyster Bay, subject to the measurement of the said location by the Deputy Surveyor when that tract of country shall be surveyed. This authority to be considered as giving priority of claim to the particular land in which Mr. G. Meredith [or Mr. Talbot] may fix himself except the reserves required by the Crown may interfere.

“Government House, 6th July, 1821.

“WM. SORELL, Lieut. Governor.”

It appears that Mr. Talbot, upon receiving his order of occupation, immediately repaired to Great Swan Port, and there erected certain buildings and commenced ploughing the land. Of the character of these buildings, and the extent of the land thus brought into cultivation, some difference appears to exist, but, even according to the statement of Mr. Talbot himself, the buildings were merely huts and the land thus cultivated did not exceed five acres. Mr. Talbot however carried with him to Great Swan Port a large stock of cattle, and otherwise incurred expenses of some considerable amount.

It appears that in a few weeks, Mr. Talbot was followed by Mr. Meredith, who states that he had, on the faith of the promise made to him, invested a large sum of money in the purchase of Cattle and farming stock, and entered into Contracts for supplying an extensive Dairy, and for the delivery of a quantity of Barley. He states that he also engaged with the Government to support twenty Convicts as Labourers on his estate, and, in effect, represents himself as having embarked his whole property in the undertaking.

Upon his arrival, he found the huts of Mr. Talbot and the land ploughed by the latter to be within that part of the District, which he, Mr. Meredith, had proposed to take as part of his own settlement. At this time, however, no official survey of the land had taken place by the Deputy Surveyor General. Mr. Meredith appears to have immediately proceeded to erect huts for the abode of himself and his family in the immediate vicinity of the huts already erected by Mr. Talbot. The Deputy Surveyor General subsequently proceeded to the spot, and divided the District into two distinct locations. One of these allotments
comprised the ground on which the huts both of Mr. Talbot and Mr. Meredith stood, with the whole of the land brought into cultivation by each of them; and each of them was therefore desirous of receiving this allotment.

A controversy for the priority of choice thus arose between Mr. Meredith and Mr. Talbot. Each of these parties relied upon his written order of occupation, in which each of them was promised a priority of claim to the particular land on which he might fix himself. Thus far the claims of the contending parties were precisely balanced, their written orders being of the same date and in the very same words. Mr. Talbot however relied on the circumstance that he had first occupied the allotment which he now wished to receive; and he further insisted upon the verbal assurance of the Lieutenant Governor that he should not be disturbed in his occupation.

Mr. Meredith, on the other hand, denied that Mr. Talbot was really the first occupier of the land, he (Mr. Meredith) having first erected a hut upon it in his original journey through the Country. He contended, however, that the mere fact of prior occupation was immaterial to the question in dispute, and insisted on his own rights as the first explorer of the District, and as the person through whom Mr. Talbot became acquainted with it. He relied also on the verbal promise of the Lieutenant Governor in May, 1821, on the expressed approbation of the Governor in Chief, and on the right acquired by the written notice delivered at the Deputy Surveyor General's Office on the 2nd of June following, a time at which Mr. Talbot had not expressed or formed any intention of settling at the same District.

This controversy was referred to the decision of the Lieut. Governor and occasioned a long correspondence between that Officer and Mr. Talbot. The result of this correspondence, and of a negotiation which followed, was an arrangement to the following effect: Mr. Talbot was to yield to Mr. Meredith the disputed allotment, and, as a compensation for his disappointment, was to receive a more extensive location in some other unsettled district. The Lieut. Governor, not considering himself competent to conclude this arrangement without the sanction of the Governor in Chief, transmitted to Sydney a statement of the case, which was however confined to the single point of the expediency of granting the proposed compensation, and which therefore was, as the Lieutenant Governor represents, a very imperfect exposition of the relative rights of Mr. Meredith on the one hand and Mr. Talbot on the other.

The case was submitted by the Governor in Chief to Mr. Oxley, the Surveyor General, who made his report on the
subject, dated 6th February, 1822. The opinion of Mr. Oxley was, "that Mr. Talbot had a clear right to a first consideration by preoccupancy and possession of the land and by building thereon"; and he further expressed an opinion that the Deputy Surveyor General should have made such a measurement as would have included within Mr. Talbot's allotment the buildings erected by him. The Surveyor General was also decidedly of opinion that the proposed arrangement of making a compensation to Mr. Talbot ought not to be adopted, lest it should furnish a dangerous precedent in future cases.

This Report was adopted by the Governor in Chief, and was transmitted by him to the Lieut. Governor. Lieut. Governor Sorell, however, did not consider this decision as conclusive, partly because Mr. Meredith had entered an appeal against it, and partly because the Government at Sidney had proceeded upon an imperfect and insufficient statement of the facts. The Lieut. Governor accordingly referred the case a second time for the consideration of the Governor in Chief in a letter dated the 8th of June, 1822. In this letter, the nature of the controversy is explained more at length, and the Lieut. Governor now transmitted a Map of the Country in the vicinity of Swan Port, and requested that the Governor in Chief would transmit to him specific directions for his guidance, and especially that the Surveyor General might be directed to delineate on the Map the locations, which were to be allotted to each party.

On the 29th July, 1822, the Governor in Chief addressed to the Lieut. Governor a letter of which the papers transmitted by the parties contain no copy. With this letter the Map was returned, with a line drawn across it by the Surveyor General, which was to form the boundary between the two Settlements.

Mr. Meredith again appealed to the Governor in Chief against this decision, alleging that the land thus allotted to him was for the greater part barren rocky or swampy soil, totally unfit for cultivation, and that the whole of the valuable land in the district was comprised in the location allotted to Mr. Talbot.

On the 27th November, 1822, the Governor in Chief addressed a further dispatch to the Lieut. Governor, intimating that the former decision was to be regarded as final.

From this determination, Mr. Meredith has appealed to Lord Bathurst, stating that he has not only lost the land on which he expected to settle, but that he has incurred the most overwhelming and ruinous losses in consequence of his disappointment. He represents that he has been unable to perform the Contracts into which he entered upon the faith of receiving this allotment;
that his Cattle and Stock have been destitute of support, and his whole plans of life frustrated.

On the other hand, Mr. Talbot states himself to have incurred misfortunes, similar in kind though not in degree, by the delay to which he has been subjected, and each party seeks a grant of the disputed land and compensation for the losses he has incurred.

ASSIGNMENTS OF CONVICTS.*

DURING the year 1824, letters, which enclosed the assignments of convicts (not available) per the ships named, were sent to lieutenant-governor Arthur, bearing dates as under:—

<table>
<thead>
<tr>
<th>Date of Letter</th>
<th>Ship</th>
<th>Number of Convicts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1824.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>29 March</td>
<td>Phoenix</td>
<td>204 Male</td>
</tr>
<tr>
<td>3 July</td>
<td>Princess Charlotte</td>
<td>140 &quot;</td>
</tr>
<tr>
<td>4 October</td>
<td>Henry</td>
<td>79 Female</td>
</tr>
<tr>
<td>4 November</td>
<td>Lady East</td>
<td>210 Male</td>
</tr>
<tr>
<td>22 November</td>
<td>Sir Charles Forbes</td>
<td>130 &quot;</td>
</tr>
</tbody>
</table>

RECOMMENDATIONS OF SETTLERS.*

DURING the year 1824, the following persons were given letters of recommendation as settlers, bearing dates as under:—

<table>
<thead>
<tr>
<th>Date of Letter</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1824.</td>
<td></td>
</tr>
<tr>
<td>6 January</td>
<td>Mr. S. Butler.</td>
</tr>
<tr>
<td>7 January</td>
<td>Mr. Jas. Pontons.</td>
</tr>
<tr>
<td>9 January</td>
<td>Mr. H. Baty.</td>
</tr>
<tr>
<td>12 January</td>
<td>Mr. T. Nelson.</td>
</tr>
<tr>
<td>14 January</td>
<td>Mr. Wilson.</td>
</tr>
<tr>
<td>15 January</td>
<td>Mr. R. Smith.</td>
</tr>
<tr>
<td>4 February</td>
<td>Mr. H. Gaze.</td>
</tr>
<tr>
<td>4 February</td>
<td>Mr. A. S. Johnson.</td>
</tr>
<tr>
<td>10 February</td>
<td>Mr. J. Wall.</td>
</tr>
<tr>
<td>21 February</td>
<td>Mrs. A. Barnes.</td>
</tr>
<tr>
<td>1 March</td>
<td>Mr. Robt. Campbell.</td>
</tr>
<tr>
<td>1 March</td>
<td>Mr. Philip Ries.</td>
</tr>
<tr>
<td>1 March</td>
<td>Mr. Henry Caton.</td>
</tr>
<tr>
<td>6 March</td>
<td>Mr. Thomas Pitcairn.</td>
</tr>
<tr>
<td>6 March</td>
<td>Mr. R. Pitcairn.</td>
</tr>
<tr>
<td>10 March</td>
<td>Mr. P. Broadfoot.</td>
</tr>
<tr>
<td>12 March</td>
<td>Mr. John Roberts.</td>
</tr>
<tr>
<td>17 March</td>
<td>Mr. John Money.</td>
</tr>
<tr>
<td>19 March</td>
<td>Mr. W. E. Godwin.</td>
</tr>
<tr>
<td>22 March</td>
<td>Mr. W. Fitzgerald.</td>
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<tr>
<td>25 March</td>
<td>Mr. MacDowall.</td>
</tr>
<tr>
<td>26 March</td>
<td>Mr. Claudius Thompson.</td>
</tr>
<tr>
<td>29 March</td>
<td>Mr. Peter Tracey.</td>
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<tr>
<td>29 March</td>
<td>Mr. David Murray.</td>
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<tr>
<td>29 March</td>
<td>Mr. Walter Black.</td>
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<tr>
<td>29 March</td>
<td>Mr. O'Connor.</td>
</tr>
<tr>
<td>1 April</td>
<td>Mr. J. W. Sampson.</td>
</tr>
<tr>
<td>1 April</td>
<td>Mrs. Mary A. Penny.</td>
</tr>
</tbody>
</table>

* Note 1.
### RECOMMENDATIONS OF SETTLERS—continued.

<table>
<thead>
<tr>
<th>Date of Letter</th>
<th>Name</th>
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</thead>
<tbody>
<tr>
<td>6 April</td>
<td>Mr. Alex. Hood</td>
</tr>
<tr>
<td>6 April</td>
<td>Mr. Moslum</td>
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<tr>
<td>10 April</td>
<td>David Ker, Esqr.</td>
</tr>
<tr>
<td>10 April</td>
<td>Mr. Jas. Ironside</td>
</tr>
<tr>
<td>13 April</td>
<td>Mr. Wm. Clay</td>
</tr>
<tr>
<td>28 April</td>
<td>Mr. Wm. Young</td>
</tr>
<tr>
<td>28 April</td>
<td>Mr. Wm. Young (Jnr.)</td>
</tr>
<tr>
<td>30 April</td>
<td>Mr. Molloy</td>
</tr>
<tr>
<td>3 May</td>
<td>Mr. Adam Turnbull</td>
</tr>
<tr>
<td>3 May</td>
<td>Mr. John G. Turnbull</td>
</tr>
<tr>
<td>5 May</td>
<td>Rev. J. Stricland</td>
</tr>
<tr>
<td>12 May</td>
<td>Mr. Thos. Burgh</td>
</tr>
<tr>
<td>14 May</td>
<td>Mr. T. Lempriere</td>
</tr>
<tr>
<td>17 May</td>
<td>Mr. T. E. Mannington</td>
</tr>
<tr>
<td>21 May</td>
<td>Mr. W. Hickman</td>
</tr>
<tr>
<td>28 May</td>
<td>Mrs. E. Morgan</td>
</tr>
<tr>
<td>4 June</td>
<td>Wm. Crowther</td>
</tr>
<tr>
<td>10 June</td>
<td>Wm. Bunster</td>
</tr>
<tr>
<td>15 June</td>
<td>Lieut. Burgh, R.N.</td>
</tr>
<tr>
<td>23 June</td>
<td>Capt. J. Blyth</td>
</tr>
<tr>
<td>2 July</td>
<td>A. Maclean</td>
</tr>
<tr>
<td>7 July</td>
<td>W. H. Gough</td>
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<tr>
<td>8 July</td>
<td>Robt. Carnes</td>
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<tr>
<td>14 July</td>
<td>A. Aaron</td>
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<tr>
<td>14 July</td>
<td>J. Jackson</td>
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<tr>
<td>26 July</td>
<td>A. Stephen</td>
</tr>
<tr>
<td>28 July</td>
<td>R. Fenton</td>
</tr>
<tr>
<td>31 July</td>
<td>C. Boucher (Jnr.)</td>
</tr>
<tr>
<td>5 August</td>
<td>W. Wise</td>
</tr>
<tr>
<td>10 August</td>
<td>J. Morgan</td>
</tr>
<tr>
<td>10 August</td>
<td>S. R. Hill</td>
</tr>
<tr>
<td>23 August</td>
<td>Edmd. Anstice</td>
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<tr>
<td>26 August</td>
<td>H. and J. Addison</td>
</tr>
<tr>
<td>26 August</td>
<td>J. Robertson</td>
</tr>
<tr>
<td>26 August</td>
<td>H. Cooper</td>
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<tr>
<td>1 September</td>
<td>Dr. Macrae</td>
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<tr>
<td>4 September</td>
<td>W. Watson</td>
</tr>
<tr>
<td>6 September</td>
<td>Samuel James</td>
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<tr>
<td>17 September</td>
<td>Daniel Bass</td>
</tr>
<tr>
<td>17 September</td>
<td>J. Goulding</td>
</tr>
<tr>
<td>23 September</td>
<td>W. Sams</td>
</tr>
<tr>
<td>24 September</td>
<td>J. Robertson</td>
</tr>
<tr>
<td>4 October</td>
<td>M. S. Morgan</td>
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<tr>
<td>11 October</td>
<td>C. Froggett</td>
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<td>28 October</td>
<td>W. M. Orr</td>
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<td>28 October</td>
<td>F. Turnbull</td>
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<td>9 November</td>
<td>E. Reyner</td>
</tr>
<tr>
<td>12 November</td>
<td>F. Schultz</td>
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<td>22 November</td>
<td>J. Allan</td>
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<tr>
<td>26 November</td>
<td>H. F. Dale</td>
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<td>26 November</td>
<td>R. W. Laurence</td>
</tr>
<tr>
<td>30 November</td>
<td>W. Lyttleton</td>
</tr>
<tr>
<td>17 December</td>
<td>H. Connell</td>
</tr>
</tbody>
</table>
Goverment House, Hobart Town, Van Diemen's Land, 1 Jany., 1824.

My Lord,

I had the honour of receiving by the Convict Ship Albion on the 21st of October, Your Lordship's Dispatch of date 30th April last, with copy of your Lordship's Circular Letter to Governors of Colonies, dated March 1822, and two printed Forms of Returns* of The Revenue and Expenditure of this Colony, to be filled up for the year 1822.

No Return having been called for from Van Diemen's Land under your Lordship's Circular of 1822, the Present Forms contain the First Returns of that Nature that have been prepared in this Settlement.

The Forms having only arrived on the 21st October and Some weeks having been necessary for their completion, I trust It may appear to your Lordship that all practicable Diligence has been used in preparing and transmitting these Returns; which in obedience to your Lordship's Commands, I now have the honor to forward by the first opportunity direct that has offered from this port.

I have, &c.

W. SORELL.

[Enclosures.]

[Copies of these returns are not available.]

EARL BATHURST to LIEUT.-GOVERNOR ARTHUR.

(Despatch No. 1, per H.M.S. Tamar.)

Sir, Downing Street, 5th Jany., 1824.

His Majesty having been pleased to appoint Mr. Joseph Homf to be Master of the Supreme Court in Van Diemen's Land, I am to desire that you will put him in possession of his Office and afford him every support and assistance in your power. The following are some of the principal duties which will devolve upon him.

First:—He will have to tax the costs of all Proceedings in Actions at Law, in Suits in Equity, in Ecclesiastical Suits, and upon Criminal Informations.

Secondly:—He will be the Officer to whom the Court will entrust the duty of investigating all accounts. In Suits in equity, he will further be required to investigate and report to the Court upon all disputed questions of fact, with the exception of those which may be proved by depositions in the Cause, or those which the Court may see fit to refer to a Jury.

* Note 37. † Note 38.
BATHURST TO ARTHUR.

Thirdly:—He will be required to prepare for the approbation of the Court all Conveyances, Leases, and other Instruments of a legal nature, which the Court may require any of the parties to a suit to execute.

Fourthly:—All the details as to the management of the Estates of Minors, Lunatics and other persons, whose property is under the control of the Court, will be committed to him, subject to an appeal to the Court itself.

Fifthly:—He will act as examiner, that is, he will take the depositions of all Witnesses who by Law are to be examined not viva voce in open Court, but upon Written interrogatories.

Finally he will be required to attend as often as may be required in Court in order to assist the Judge, with information as to the practice and proceedings of the Department of the Court, over which he is to preside.

You will not understand these directions as an accurate specification of the Duties to be executed by the Individual, but merely as a general summary for your guidance.

With reference to the above duties, I think it necessary to inform you that Mr. Hone should receive a nett salary of £400 per annum, which should arise from the fees payable to him as Master; and the Chief Justice should be directed to draw out a Docket of Fees, which will on an average afford him the above sum. If however they should exceed £400 per annum, Mr. Hone will be directed to pay the Surplus into the Police Fund; and, in the event of their not amounting to that Sum, the deficiency should be made good from the Colonial Revenue.

I have, &c.,

BATHURST.

EARL BATHURST TO LIEUT.-GOVERNOR ARTHUR.

(Despatch No. 2 per H.M.S. Tamar; acknowledged by lieut.-governor Arthur, 27th October, 1824.)

Sir,

Downing Street, 5th Jany., 1824.

His Majesty having been pleased to appoint Mr. Butler* to be Registrar of the Supreme Court in Van Diemen's Land, I am to desire that you will put him in possession of his Office, and afford him every support and assistance in your power. The following are some of the principal duties which will devolve upon him:

First.—In his Office all writs will be sued out and prepared for the signature of the Judge. He will receive and record all Declarations, Pleas and other written Pleadings—both at Law, and in Equity. He will be charged with the Custody of these Records. He will prepare and issue Official copies of them.

* Note 32.
Secondly.—He will always be present in Court at all Civil Proceedings. He will take a Procès Verbal of all that passes. He will draw up from the Notes thus taken all Judgments, Decrees, Orders, and Sentences, that is to say the Adjudication of the Court in its different Jurisdictions, as a Court of Law and of Equity, as a Criminal and as an Ecclesiastical Tribunal.

He will of course be assisted by Clerks who, with leave of the Court, may sit for him occasionally, but he will not be allowed to act by Deputy.

You will not understand these directions as an accurate specification of the Duties to be executed by the Individual, but merely as a general summary for your guidance.

With reference to the above duties, I think it necessary to inform you that Mr. Butler should receive a nett Salary of £600 per annum, which should arise from the fees payable to him as Registrar, and the Chief Justice should be directed to draw out a Docket of Fees which will on an average afford him the above sum. If however they should exceed £600 per annum, Mr. Butler will be directed to pay the surplus into the Police Fund, and, in the event of their not amounting to that sum, the deficiency should be made good from the Colonial Revenue.

I have, &c,
BATHURST.

6 Jan.
Recommendation of S. Butler as settler.

UNDER SECRETARY HORTON TO LIEUT.-GOVERNOR ARTHUR.

Sir,
Downing Street, 6th Jany., 1824.

I am directed by Lord Bathurst to acquaint you that his Lordship has granted permission to Mr. S. Butler to proceed as a Settler to Van Diemen's Land, and I am to desire that you will make him a Grant of Land proportioned to his means of cultivation and allow him any reasonable indulgence in the selection of it.

I am, &c,
R. WILMOT HORTON.

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY HORTON.

Sir,
Hobart Town, 19th January, 1824.

I have had the honour of receiving your letter of the 19th December, 1822, notifying the embarkation in the Ship Jupiter of Twelve Females from the Guardian Society, for the Service of Inhabitants of the Colony, which Ship arrived on the 6th of November last.

In obedience to the Instructions conveyed in your letter, to transmit for Earl Bathurst's consideration a Copy of the
Surgeon Superintendent's Report concerning these Females, with my own remarks thereon, I now beg leave to forward several papers.

1st. Surgeon Superintendent Walker's Report of the Females from the Guardian Society, which he sent ashore by the Naval Officer, when the Ship anchored.

2nd. Queries addressed by me to the Surgeon Superintendent, in consequence of that Report, and his Replies thereto.

From the lax and inadequate control these exhibited, and the disorderly state of the Ship, as shown by the Reports (of which copies are transmitted) of the Naval Officer, Superintendent of Police, and Colonial Chaplain, to which last the care of the Females from the Guardian Society and their appropriation to Service was delegated, and the Surgeon Superintendent having, in consequence of threats held out to himself and other Government Passengers, applied for protection in the future passage to Sydney, I deemed it necessary to institute an inquiry into the management of the Females of the Guardian Society during the Voyage; and into the state and circumstances of the ship Jupiter, with a view to ascertain to whom blame was attributable respecting the misconduct and irregularities which had prevailed.

For this purpose I convened a Committee of Magistrates, including all those who were in Hobart Town, and I now do myself the honor to transmit a copy of their Report, and I have to add that it was the result of a patient and attentive investigation.

The misconduct of the Females from the Guardian Society seems to have arisen partly from the lax system adopted for their governance, and much from the disorderly and undisciplined State of the crew and the want of conduct and authority in the Master and Officers.

Unless the Surgeon Superintendent feels himself authorized to exert a firm authority in restraining those under his charge from intercourse with the people of the ship, and unless his authority is supported by the Master, the latter at the same time having perfect command over his crew, any attempt at preventing the intercourse must fail; and considering the difficulties and chances which attach to all those circumstances, I cannot but concur in that part of the Report of the Magistrates, which recommends another mode of bringing out Free Females for Service in the Colony. I am apprehensive that the experiment of sending any number together, as in the Jupiter, must be exposed to considerable hazard with respect to the intrusion of the inferior officers and seamen of the Vessel.
I beg leave to add that I notified to Surgeon Superintendent Walker my opinion, that he had not established or enforced due and proper control over the Females from the Guardian Society; and to him, and also to the Rev. Mr. Bedford, at his application, copies of the Proceedings of Inquiry were granted.

I have, &c.,

W. SORELL.

[Enclosure No. 1.]

SURGEON WALKER TO LIEUT.-GOVERNOR SORELL.

Jupiter Transport, Hobart Town, Van Diemen's Land, 6th Novr., 1823.

Sir,

The Commissioners of the Navy having desired that I should report to you the manner in which the Females from the Guardian Society conducted themselves during the Voyage:

I have, in obedience of their directions, the honor to acquaint you that Ann Haigh, Rebecca North, Jemima Tyler, Mary Skimmim, and Mary Ann Harding were exemplary, in their general good conduct. Ann Rogers, Ann King and Elizabeth Thompson have been detected in the Sailors' berths at night, after the other females were Secured below; the former of whom acknowledged having remained there during the night, the two latter being discovered in bed came under my own observation. Harriet Page is in a state of pregnancy. Elizth. Webb, Margaret Yarmouth, Lucy Langdon not being detected, I cannot charge them with criminal intercourse, but the former could not be prevented from associating with the Boatswain, and the others with the Sailors at every opportunity.

I have, &c.,

HUGH WALKER, Surgeon Superintendent.

[Enclosure No. 2.]

SURGEON WALKER'S ANSWERS TO QUERIES re-FEMALES.

1st Query. What Instructions as to the Treatment, and as to the restraint to be imposed upon the Females sent by the Guardian Society, did you receive? Answer. No particular Instructions respecting them, more than the other passengers, were given me.

2d Query. What restraint did you exercise and impose? Answer. Frequent admonitions and threats to report their conduct, if they associated with the Sailors, and explained to them the losses they would sustain thereby.

3rd Query. Were they confined at regular hours and especially at night during the time they were on board? Answer. Yes and the Keys of the Prison Returned.

Query. At what hour and by whom locked up? Answer. At 9, half past, and from entreaties of the passengers when the weather was
fine Ten frequently. Abner Brown until 18th July and succeeded by
George Beaumont.

4th Query. Was the place allotted for them susceptible of being
securely closed at Night? Answer. Yes.

5th Query. If it was and sufficient means existed for excluding an
intercourse with the Sailors, how came four of these females to be out
all night amongst them? Answer. It has constantly been reported that
all the Passengers were secured for the night, by the Officer authori-
zized for that purpose by me. These females in question must have
eluded his vigilance.

6th Query. Did these females admit and obey your authority and
injunctions? Answer. They admitted my authority, but of course
have not complied with my orders.

7th Query. Did you find support from the Master and Officers of the
Ship, and did they interfere in, or oppose you in the execution of
your Duty? Answer. I have generally found support from them, but
on several occasions the Master interfered with my duty, more par-
ticularly so on the 19th of October, when opposition was attempted.

HUGH WALKER, Surgeon and Superintendent.

By Command of The Lieut. Governor.

H. ROBINSON, Secy.

Secy’s Office; 7th Novr., 1823.

[Enclosure No. 3.]

MR. E. F. BROMLEY TO CAPTAIN ROBINSON.

Sir, Naval Office, 8th Novr., 1823.

I have the honor to acknowledge the receipt of your Letter of yesterday’s date, and, to acquaint you for the information of His Honor The Lieut. Govr. that, on my boarding the hired Transport, Jupiter, on her arrival here, I found the Master, Mr. John Park, in a state of inebriety.

I have, &c.,

E. F. BROMLEY, Naval Officer.

[Enclosure No. 4.]

MR. A. W. H. HUMPHREY TO CAPTAIN ROBINSON.

Sir, Hobart Town, 7th Nov., 1823.

In answer to your Letter of this date, I have the honor to inform you, that, in consequence of information I rec’d from the Rev. Mr. Bedford, I went on board the ship Jupiter about nine o’clock last night. On the quarter Deck I found many of the Crew and number of passengers crowded together, in the most disorderly manner, the Chief Mate and several of the Seamen appeared to me to be intoxicated, and the Master, who came on Deck shortly after I got on board, was very drunk and very noisy.

I have, &c.,

A. W. H. HUMPHREY.
Want of discipline on ship Jupiter.

Chaplain's report re conduct of domestics on ship Jupiter.

1824.
19 Jan.

HISTORICAL RECORDS OF AUSTRALIA.

[Enclosure No. 5.]

REVEREND W. BEDFORD TO LIEUT.-GOVERNOR SORELL.

Sir, Hobart Town, 10th Novr., 1823.

Agreeable to your directions, I went on board the Ship Jupiter, on Thursday last, between five and six o'clock in the Evening. I found the ship in great disorder, the quarter deck was crowded with men, women and children. The Captain, Chief Mate and many of the men were in a state of intoxication.

As there was no possibility of assembling the females, sent out by the Guardian Society, in the cabin, I requested that the quarter deck might be cleared for that purpose; but it appeared that the Captain has no control. He declared to me that he had not any command: I attempted to speak to them but was forced to desist, being assaulted by one of the men (a passenger) who was in a state of intoxication. I was standing between the Surgeon and the Captain at the time. I appealed to them to prevent a recurrence of such conduct; but they appeared to have no command. The persons would not obey any orders. I was in consequence obliged to leave the ship without accomplishing the purpose for which I went on board. When I landed I had the honor of reporting to you the state, in which the ship was when I left.

I have, &c.,

WM. BEDFORD, Assistant Chaplain.

[Enclosure No. 6.]

REVEREND W. BEDFORD TO LIEUT.-GOVERNOR SORELL.

Sir, Hobart Town, 10th Novr., 1823.

Since I had the honor of receiving your note on Saturday evening, I have seen as many of the females sent out by the Guardian Society, as the time would allow; and, from their concurrent statement, I have ascertained that dancing commenced on board the ship before she left the River Thames, with the doctor's permission, sometimes with the sailors. They went below from nine to ten o'clock in the evening, but were never mustered in their births of an evening before the door was locked, until within the last five weeks. The females were frequently in the sailors' births in the day time, and no precaution appears to have been taken to prevent it. The sailors, who were found cohabiting with some of these women, were not reprimanded either by the captain or surgeon on that account. It does not appear that the female named (North) slept in the surgeon's cabin, but she was there continually in the daytime. Sometimes there were other females present, but most generally
not. The Surgeon has sometimes Kissed the females publicly. Some of them were permitted to be in the Mates' births daily, without any remark on the part of the Surgeon, although he was acquainted with it.

The Surgeon was treated by them with great familiarity in my presence. They likewise state that the Captain was generally in a state of intoxication, and that disturbances were frequent on board the Ship.

I trust your Honor will allow the short time, which has elapsed since I had the honor to receive your note, on Saturday Evening, to be an excuse for any informality in this report.

I have, &c.,

WM. BEDFORD, Asst. Chaplain.

Monday Morn., half past nine.

[Enclosure No. 7.]

REPORT BY THE MAGISTRATES.

SIR,

Court House, Hobart Town, 13th Novr., 1823.

In compliance with your Order of the date 10th Inst., directing us to assemble and investigate certain irregularities said to have taken place on board the Government Transport Jupiter, Capt. John Parke, on her passage from England to this place, with Government Free Passengers, and having carefully perused the documents furnished to us by order of your Honor (which documents are marked up to No. 21), and having also examined several of the Passengers, which examinations we now transmit, returning also the documents, we have now to report to your Honor, as directed by your Order, on the following points.

It appears to us to be proved by several witnesses that the Captain was frequently intoxicated during the Voyage, and also on the Ship's arrival at this Port, and he appears not to have had the proper authority and control over the Officers and Seamen of the Ship, which is so necessary to preserve order.

2nd. It appears from several witnesses that Rebecca North, one of the Females sent out by the Guardian Society to Van Diemen's Land (of whom there were twelve on board), was permitted to sit during the day in the Cabin of the Surgeon Superintendent, sometimes by herself and sometimes with other Females, which Cabin up to the 23rd October was used only as a Sitting Cabin and opened out of the dining Room. It appears from the Evidence of Skimmin and Ann King, two of these females, that they Saw the Surgeon Superintendent with...
his hands upon North's bosom, while Sitting in his Cabin, but
further Act of impropriety has been proved against the
Surgeon Superintendent.

We must remark that these two women's testimony is not
much to be depended upon, from prevarication when examined,
and from having allowed that they were two of the Females of
the Guardian Society who had associated with the Sailors, con­
trary to the Orders of the Surgeon Superintendent, and that
they had been reprimanded by him for so doing. It also appeared
to us from the evidence of a great number of respectable Fe­
male of the Ship (brought forward by the Surgeon) that both
these females, Skimmín and King, repeatedly declared in their
presence a wish to be revenged upon the Surgeon Superintendent.
These witnesses also declared they would not believe them upon
oath.

Under all these considerations, we cannot place any reliance
on that part of their Evidence wherein they stated the Situation
of Rebecca North and the Surgeon Superintendent in the Cabin.

3rd. It appears from several respectable witnesses (The over­
seers from the Artillery and Engineers appointed to the Colony)
that the Surgeon Superintendent did exert himself to prevent
the women sent out by the Guardian Society from associating
with the Sailors; yet, from his peculiar Situation of having
free women in a Ship, but without any specific order or regu­
lation for his guidance (except the Order of the Navy Board
relating to the treatment of female Convicts), we can easily
imagine the Surgeon Superintendent found it very difficult to
support his Authority, and sufficiently control these women,
more particularly as it is proved that the Captain did not afford
him that assistance, which in his Situation he ought to have
done to obtain this desirable object. It appears also to us that
these twelve women, sent out by the Guardian Society, very
early in the Voyage evinced a disposition to return to loose
habits, and that an intercourse between some of them and some
of the Officers of the Ship and Sailors took place and continued,
up to the time of the arrival of the Vessel in this Port.

4th. It appears to us to be proved that the Surgeon Superin­
tendent tried to check such conduct by admonition and remon­
strance without effect, and that, in consequence of his reporting
such conduct to Your Honour on the ship's arrival, that a spirit
of animosity seems to have arisen on the part of the Officers
and Seamen (particularly the Boatswain and Steward of the
Ship) towards the Surgeon Superintendent, and that they made
use of Several threatening expressions towards him, and some of
the Government Overseers, which is proved by several respectable
witnesses; but as the Officers of the Ship, since this investigation commenced, have retracted before us these threats, and offered apologies for their conduct, and the Surgeon Superintendent being now satisfied that it is safe to proceed with the remaining passengers to Sydney, and as we have taken the Bonds of the Captain and Officers to a considerable amount to keep the peace towards the Surgeon Superintendent and passengers, we recommend to your Honor that the Vessel and crew be allowed to proceed with the exception of the Boatswain.

5th. From some of the documents produced, it is proved that the Ship Jupiter was in a state of great insubordination at the time the Rev. William Bedford (Manager for the Guardian Society at this place), and the Superintendent of Police went on board; but Mr. Bedford has not brought a charge against any particular person, although it appears to us he was not treated with that respect and attention his situation as a Clergyman and Colonial Chaplain demanded.

We cannot conclude the Report without observing to your Honor, that it is our opinion that the mode in this case adopted by the Guardian Society in sending out these reformed females in numbers in one ship, without the means of sufficient control and restrictions (for we cannot but bear in mind that these Females are free persons), is not likely to answer the purpose intended by the Members of that Society; and we would take leave to recommend as a better mode, their being given as Servants to married Settlers embarking from England for these Colonies, and to come out under their care.

We cannot in justice omit stating, that all the witnesses we have examined, during a Sitting of three days, have invariably spoken of the Kind treatment and attention they received from the Captain and Surgeon Superintendent during the whole Voyage.

We have, &c.,

REV. R. KNOPWOOD, J.P.
T. BELL, J.P.
GEO. FREDK. READ, J.P.

[Enclosure No. 8.]

SURGEON WALKER TO MR. J. PARK, MASTER OF SHIP JUPITER.

Sir,

Jupiter at Sea, 20th October, 1823.

The repeated altercations, we have had since the passengers embarked in the Jupiter by your interfering in my public duty, is, I conceive, owing in a great measure to your not understanding or conforming to the nature of your instructions; I consider it my duty therefore to direct your attention...
to the 1st and 4th Articles of your instructions, and I also recommend you to peruse the Charter Party, it being your duty to assist me in keeping good order among the Passengers.

Your conduct yesterday, in assembling and directing your Sailors to put Mr. Brown off the Quarter Deck, contrary to my directions, was mutinous and disrespectful. On my addressing the Sailors, and pointing out to them the consequences which must have resulted, had they obeyed your illegal order, they, with the exception of one, saw the impropriety of your conduct, and, much to their credit, dispersed. Feeling yourself chagrined, you still proceeded to further acts of insubordination, by sending down spirits among the Women, for the purpose of ingratiating yourself with them, many of whom, being disappointed on my seizing a bottle of spirits, began to taunt me with what I had deprived them of; consequently I considered it improper your going among them at the time, and gave you an order to that effect, which you disobeyed. Not wishing to subject myself in future to personal insult, any orders, I may think it necessary to give, shall be in writing, and I have at present to desire that you will not under any circumstance whatever give or dispose of spirits to any of the Passengers without my special permission.

I am, &c,
HUGH WALKER, Surgeon Superintendent.

[Enclosure No. 9.]

SURGEON WALKER TO LIEUT.-GOVERNOR SORELL.

Jupiter Transport, Hobart Town, 8th Novr., 1823.

Sir,

I beg you will be pleased to lay before the Lieut. Governor the enclosed statement of expressions made use of by the Master of the Jupiter and his officers tending to mutiny, from which it appears that a guard to Sydney may be necessary.

I have, &c,
HUGH WALKER, Surgeon Superintendent.

[Sub-enclosure.]

MR. JAMES PARK, master of Jupiter, was heard to say "D— Mr. Walker, I'll kick his b——" (Witness'd by Mr. Wilson). Said in presence of another "I'll kick his shins" (Witness'd by Mr. Muir).

F. G. Young 1st Mate, was heard to say, "I'm d—d if we don't make them rue it, we are not at Sydney yet" (Witness'd by Mr. Brown).
He has also repeatedly said, "We will let them see what we will do before we get to Sydney" (Witness'd by Mr. Plunket).

Dent Dale said, "I'm d—d but I stand on as good footing as Mr. Walker, and I'll let him see it before we get to Sydney, and if ever Brown comes on the Quarter Deck, he would Kick him off."

The Captain said, "Service had nothing to do with him" (Witness'd by Mr. Brown).

Dale also said, "Stop till we get to Sea. I'm d—d if we don't fix them" (Witness'd by Mr. Wilson).

Hugh Walker, Surgeon Superintendent.

[Enclosure No. 10.]

Surgeon Walker to the Magistrates.

Gentlemen of the Bench,

In the present very extraordinary and unprecedented Situation, in which I find myself placed, I have to solicit from you all possible indulgence, and I trust I shall not have it withheld from me, when you take the few observations, which I am now about to have the honor to make, into your Serious consideration.

I am here, Gentlemen, as I have just observed, in a situation most extraordinary and unprecedented. Extraordinary, because there are no distinct charges exhibited against me, which I am called upon to meet, and which, if they were expressed in a specific and tangible shape, I hope I should be able most fully to answer. Unprecedented, because it is a British Officer of Twenty seven years standing, with a reputation hitherto unimpeached. I have now for the first time learnt that I am subjected to a Tribunal, the forms of which, as I will shew, are peculiarly disadvantageous to me. To add to my difficulties, I have to encounter in the Rev. Mr. Bedford, a Prosecutor, who publicly disclaims that he is such, while I can most positively state, that he has been occupied with the very utmost Activity, since my arrival in this port, in hunting up what he considered evidence against me, and this while stating, as he does, that he is acting by the positive Orders of the Lt. Govr., and that he does so, unwillingly! using at the same time the high authority of the Lt. Govr.'s name, upon every occasion where he can possibly introduce it, and thus endeavouring to excite a prejudice against me, by making it appear that that most honourable personage has been pleased to constitute in him an unwilling accuser of me, and thereby producing the natural prima facie
HISTORICAL RECORDS OF AUSTRALIA.

1824.
19 Jan.
Address of
H. Walker to
magistrates.

inference, that I must have done much before such could have
been called forth. Gentlemen, I trust I may be permitted to
doubt somewhat of this, and from what I have learnt of Mr.
Bedford's habits and disposition, I think I may attribute the
present proceeding more to his unceasing anxiety to thrust him­
self forward as the great Leviathan of Purity and of Virtue,
happily arrived in this Colony to check all demoralizing in­
fluences than to any express orders, which, he so repeatedly
impresses upon the Court, he has received from the highest
Authority.

In justification of this apprehension I beg leave, Gentlemen,
to call your attention to his whole conduct on this occasion,
prepared with a written list of questions for each witness,
arranged and following each other in the most systematic order;
it cannot but have been obvious that these were the natural
consequences of preconcerted arrangement, arising from previous
plan and communication. And you cannot but have observed
how anxiously and captiously he seized hold of any occasion
whereon, if possible, he could fasten upon me anything to my
disadvantage. One instance will suffice. It has been shown
throughout in evidence, that for the greatest part of the Voyage,
I occupied two distinct Cabins, not even communicating with
each other; the one a Sitting, the other a Sleeping Cabin; and
when it appeared that on the different occasions, when I did not
consider it inconsistent either with humanity or my duty, to
have Some of the Females in my Sitting Cabin, who were
never suspected of entering my sleeping cabin; what was the
next question from the Revd. prosecutor? "Was there not a
sofa there?"

I appeal to the feelings of each of you, Gentlemen, whether the
coarseness of the inference to be deduced from this question is
in accordance with the Sacred character he fills, and with those
professions of forbearance and that love of decorum, which he is
so continually making; and it is a very remarkable feature in
this case that Mr. Bedford is not himself connected at all
with the Guardian Society, whose interests he so assiduously
adopts. Nor is he the person, as I am informed, to whose hands
these Females were confided; he is only by accident acting for
another, whose absence I have, and I fear others will have, cause
to lament, Mr. Bedford's mode of conduct being diametrically
opposite to the avowed intentions of the Guardian Society in
sending these females here, as I understand them to be. I trust,
Gentlemen, therefore, that you will be disposed to favor me with
a more liberal construction of my conduct, than Mr. Bedford
has done; and that I shall receive at your hands more of the true Spirit of Christian Charity, as it is transmitted to us in the precepts of the divine Author of our religion, than I have received from its professed Minister. Gentlemen, I am in hopes the great weight of evidence, which I am about to produce, will at once do away with all that which has hitherto been said, and I believe I may safely assert, that the only two females by whom anything has been stated, which attaches to me, Mary Skimming and Ann King, will be proved totally unworthy of credit, actuated solely by the most malicious motives, produced by my having endeavoured very assiduously to prevent their bad conduct on the ship. And herein it is that I beg leave most respectfully to submit to you, that the forms of your Court operate much to my disadvantage. In the case of an accused brought before you for examination, it is certainly not of material moment, whether or not, the real characters and motives, feelings and influences, of the witnesses produced are elicited, because, if you credit them, the accused is sent to another Tribunal, where the same witnesses are again produced, and where they are not only subjected to all the discrimination and acumen of legal examination, but with this additional advantage to the accused, that any discrepancy between their statements to you, and on the subsequent trial, at once becomes apparent. Not so here. The statements of the witnesses, not the witnesses themselves, will be transmitted against me; and while, if I had the necessary advantages of legal assistance in cross examination, to which I am myself wholly inadequate, no doubt the base motives, the false statements, the whole preconcerted arrangement of this business would have been at once detected, and laid bare to view; for want of it I shall suffer most materially, not possessing sufficient ability to effect this myself, and the forms of your Court not allowing professional assistance.

Gentlemen, I hope this will be at once apparent to you, and that you will afford me your kind indulgence in appreciating accordingly the evidence of the two women to whom I have alluded.

If anything was wanting to exhibit the uncharitable feelings of Mr. Bedford towards me (to adopt a most mild expression) the history of the letter produced by him, and endeavoured to be used to my prejudice, will at once clearly set it forth. Here is a letter said to have been written by one of his witnesses, and intended for me, without a particle of my handwriting, or of other evidence to corroborate it. I beg your kind attention, Gentlemen, to this plain fact. A Letter said to be intended for
1824.

19 Jan.

Address of H. Walker to magistrates.

me, but not attempted to be delivered, and seized upon by Mr. Bedford, in the possession of the writer! Look at the consequences of such a proceeding as this! If Letters said to be intended to be sent to individuals, seized upon in the possession of the writers, before even attempted to be sent, with no proof that any such intention ever existed, are to be produced against the person to whom they are said to be addressed, who is safe? Any of you, Gentlemen, would be equally unsecure with myself. It is useless troubling you with any remark upon so preposterous an apprehension, as that you will suffer this fabrication to my disadvantage. The motives which caused its production are palpable, and I must earnestly crave that you will reject this paper from your proceedings, as altogether unfit to remain there.

I shall trouble you with but a single remark on the statement made by the women, Skimming and King; they say they came into my cabin in the open day; the door unlocked; open as it is to the great cabin, separated from it merely by a Venetian blind; and that they found me situated as they describe. Gentlemen, is it to be supposed that any man, with the feelings and habits of a Gentleman, would trust himself in such a situation, so open to common view, to the sight of every one who might choose, as these women say they did, to look in? I venture to hope and believe that when the evidence I shall produce in contradiction (as far as a negative can be proved, in many cases next to impossible), and when the utter improbability of the Story is taken into your consideration, that it will be rejected as unworthy belief.

I beg leave, Gentlemen, to return my humble thanks for the Kind and courteous indulgence I have received at your hands through the whole of this tedious investigation, which I beg to assure you I shall always remember with respect and gratitude.


20 Jan.

Convicts per ship Sir Godfrey Webster.

HOBART TOWN, 20th January, 1824.

I have the honor to acquaint you that the ship Sir Godfrey Webster, arrived on the 28th Ultimo, bringing 180 male convicts, having lost none on the Passage.

I have the Satisfaction to report that these Convicts landed in a very healthy and orderly state, and were mostly distributed to the Service of the Settlers, sixty having been sent to Port Dalrymple.

I have, &c.

W. Sorell.
UNDER SECRETARY HORTON TO LIEUT.-GOVERNOR ARTHUR.
(Despatch per H.M.S. Tamar.) 23 Jan.

Downing Street, 23rd Jan., 1824.

Sir,

I am directed by Lord Bathurst to transmit to you the memorial of Lieutenant Ogilvie, praying that a Grant of Land, which was formerly made to his Brother and which is now in the occupation of Mr. Wilson, may be assigned to him. Mr. Ogilvie having stated that Mr. Wilson has expressed to him his readiness to resign his claim to the Land upon Mr. Ogilvie's taking his Stock off his hands at a fair valuation, Lord Bathurst has no objection to the arrangement proposed, and, should Mr. Ogilvie satisfy Mr. Wilson for his Stock and receive his permission to take the Grant, you will have an order made out for Mr. Ogilvie to occupy the same.

If, however, during Mr. Wilson's absence from the Colony, the Land should have been granted to another individual, I have only to desire that Mr. Ogilvie may receive an eligible Grant of Land proportioned to the means he may possess of bringing it into cultivation.

I have, &c.,

R. WILMOT HORTON.

UNDER SECRETARY HORTON TO LIEUT.-GOVERNOR ARTHUR.

My dear Sir,

Downing Street, 31st Jan., 1824.

I enclose an Extract of a letter from Mr. Fasakerly recommending Mr. George Spain, who in consequence of severe Family misfortunes is desirous of emigrating to Van Diemen's Land under the expectation of receiving some small appointment from you.

If it should be in your power to provide for him I should be very happy in consequence of his strong recommendation so far to facilitate his views as to direct that he should be accommodated with a free Passage to Van D. Land.

Believe me,

R. W. HORTON.

P.S.—I should also thank you to inform me whether it is probable that Mr. Spain would be able to procure employment, in the event of your not having it in your power to provide for him, in which case I should be equally ready to procure a Passage for him.

LIEUT.-GOVERNOR SORELL TO MR. W. LAKE, COLONIAL AGENT.

Government House, Hobart Town, Van Diemen's Land, 4th Feb., 1824.

Sir,

The Estimate for payment of the Civil Establishment of New South Wales and its Dependencies, for the year 1823, did
1824.
4 Feb.
Payment of increase of salary to W. Sorell.

not reach this Colony till the 28th Ulto., and by it I found that the Salary voted for the Lieutenant Governor of Van Diemen’s Land for the year 1823 is £1,500.

I now beg to inform you that nothing beyond the moiety of the Old Salary of £800, vizt. £400, has been drawn for in my favor from hence for the year 1823, to which Effect I have forwarded with this Letter, to Messrs. Child and to my Agents, The Certificate of the Senior Commissariat Officer, by whom the Salary Bills are drawn.

I have therefore to request that you will pay the balance of my Salary for the year 1823, under the Estimate voted, being £700, to Messrs. Child and Co., on my account, taking their receipt as full discharge for the same in my behalf.

I beg, &c.,

[Enclosure.]

CERTIFICATE OF PAYMENT OF SALARY TO W. SORELL.

I hereby certify that I drew on The Honorable Warwick Lake in favor of William Sorell Esqre. Vizt.

No. 67.—25 June 1823—Amount £200
88.—26 December £400

being one half of his Salary at the rate of Eight Hundred Pounds Sterling for the Year 1823, as Lieutenant Governor of Van Diemen’s Land.

A. MOODIE, A. C. Gl.
Hobart Town, Van Diemen’s Land, 1st March, 1824.

UNDER SECRETARY HORTON TO LIEUT.-GOVERNOR ARTHUR.

Sir,
Downing Street, 9th Feb., 1824.

Mr. Andrew Downie, who has been for some years settled at Van Diemen’s Land, having applied to Lord Bathurst for an additional Grant of 1,000 Acres of Land, I am directed by Lord Bathurst to acquaint you that he has been strongly recommended to his Lordship, and he is therefore desirous that he should receive a Grant proportioned to his means of Cultivation.

I have, &c.,
R. W. HORTON.
BATHURST TO ARTHUR.

UNDER SECRETARY HORTON TO LIEUT.-GOVERNOR ARTHUR.

Sir, Downing Street, 10th Feb., 1824.

The Bearer, Mr. John Wall, having been strongly recommended to me by Lord Arbuthnott, I am directed by Lord Bathurst to desire that he may receive a Grant of Land proportioned to his means of cultivation, and I beg leave to introduce him to your protection and good Offices.

I am, &c.,
R. W. HORTON.

UNDER SECRETARY HORTON TO LIEUT.-GOVERNOR ARTHUR.

Sir, Downing Street, 14 Feb., 1824.

Mr. Commissioner Bigge having submitted to Lord Bathurst the Pretensions of Mr. Elliott the Writer of the enclosed letter for an augmentation of land to that which he now holds in Van Dieman's land, I have received his Lordship's directions to request that in case the statement of Mr. Elliott is found to be correct, a corresponding grant of 1,000 Acres of Land may be made to him in the Interior of the Settlement on the terms directed by the recent Regulations.

I am, &c.,
R. W. HORTON.

[Enclosure.]

[A copy of this letter is not available.]

EARL BATHURST TO LIEUT.-GOVERNOR ARTHUR.

(Despatch No. 3; acknowledged by lieut.-governor Arthur, 1st October, 1824.)

Sir, Downing Street, 17 February, 1824.

His Majesty having been pleased to appoint Mr. Dudley Ferriday* to be Sheriff of Van Dieman's Land, I am to desire that you will put him in possession of his Office and afford him every support and assistance in your power. The following are some of the principal duties, which will devolve upon him.

He will have to execute by himself or his Deputies all the Judgments, Decrees and orders of the Court. In Criminal proceedings, he will by himself or his Deputy receive the Bodies of Offenders for safe custody till Trial. He will make returns of all Prisoners to the Court on the first day of every term. He will be present at all sittings for the Trial of Offenders. He will carry into execution by himself or his Deputies the sentence of Death or any minor sentence which may be pronounced.

* Note 39.
1824.
17 Feb.

Duties of sheriff.

In Civil Proceedings, he will serve upon the Defendant the process of the Court to compel an appearance; he will arrest those, who are to be held to bail; in default of bail, he will keep them in Custody till Judgement is held on the Action. He will seize and put up to sale the Goods and Estates of Defendants against whom judgement may be given; he will at the first day of every term, make a Return to the Court of all Writs and Orders he has received and of the manner in which he has executed and obeyed them.

In Revenue matters, he will superintend all enquiries as to the Property of the Crown by executing Extents, etc. He will seize all escheated property and will preside at inquests as to the damages done to the Lands of the Crown, the Banks of Rivers, etc.

He will discharge the Duties of Coroner and those of Marshal of the Admiralty, that is, he will enquire into the Causes of any sudden Deaths, and will seize and hold subject to the Court all Ships and Maritime Property, which may be the subject of Litigation.

You will not understand these directions as an accurate specification of the duties to be executed by the Individual, but merely as a general summary for your guidance.

With reference to the above duties, I think it necessary to inform you that Mr. Dudley Feriday should receive a Net Salary of £800 p. annum, which should arise from the Fees payable to him as Sheriff; and the Chief Justice should be directed to draw out a Docket of Fees which will, on an Average, afford him the above Sum; if, however, they should exceed £800 pr. Annum, Mr. Dudley Feriday will be directed to pay the Surplus into the Police Fund, and, in the event of their not amounting to that Sum, the Deficiency will be made good from the Colonial Revenue.

As it would not be easy for Mr. Feriday on his arrival as a Stranger in the Colony, to procure securities to any considerable amount for the punctual payment of such monies as he may receive in the execution of the Duties of his Office, you will within Six months at latest, after he shall have entered upon them, require him to enter into such a recognizance to His Majesty in the Supreme Court of Judicature of New South Wales in the Sum of £1,000 with at least one sufficient Surety for securing the due and regular execution of his Official Duties.

To prevent the improper accumulation of the money of Suitors in the hands of the Sheriff, he will be required to file on the second Monday in every month, in the Office of the Registrar of the Supreme Court, first, an affidavit stating the particulars
HORTON TO ARTHUR.

and amount of his Receipts as Sheriff during the preceeding month and the mode in which they have been applied and stating what was the exact balance of such receipts and payments remaining in his possession on the last day of that month, and secondly a Certificate from the Colonial Treasurer stating that he has received and holds in his possession, subject to the order of the Court, the exact balance mentioned in the affidavit. In default of filing the affidavit and certificate by the second Monday of each month (unless a reasonable cause to be allowed by the Chief Justice) the Sheriff will ipso facto be superseded from his Office.

You will understand that this communication contains the outline of those provisions on the subject of the Sheriff's Office, which it is proposed to embody in the Order in Council, which will shortly be passed in pursuance of the New South Wales act of the last session.

As the duties of Sheriff in England expire at the end of a year, and as the situation of Sheriff in New South Wales is exactly analogous, you will consider that Mr. Dudley Feriday's Office expires annually, and will therefore take care to re-appoint him without any further Instructions from me.

I have, &c,
BATHURST.

UNDER SECRETARY HORTON TO LIEUT.-GOVERNOR ARTHUR.

(Despatch per ship Mangles; acknowledged by lieut.-governor Arthur, 13th May, 1825.)

Sir,
Downing Street, 27 Feb., 1824.

I am directed by Earl Bathurst to transmit to you the enclosed application from Mr. Wm. Skirving, Brother to a Merchant of that name who has established himself at Van Diemen's Land. By the copy of my answer, also inclosed, you will perceive the grounds upon which Lord Bathurst has been induced to withhold the usual letter, authorising a Grant of Land to be made to Mr. Skirving.

But I have to acquaint you that his Lordship sees no objection to Mr. Skirving receiving a Grant proportioned to his means of cultivation, in the event of his not having obtained the same already.

I have, &c.,
R. W. HORTON.

[Enclosure No. 1.]

[A copy of the letter from W. Skirving, dated 20th February, 1824, is not available.]

* Note 40.
1824.

27 Feb.

UNDER SECRETARY HORTON TO MR. WILLIAM SKIRVING.

Downing Street, 25 Feb., 1824.

I have received the directions of Earl Bathurst to acknowledge the receipt of your letter of the 20 Instant, requesting that a grant of land may be assigned to your Brother, Mr. David Skirving, a Merchant residing in Van Diemen's Land, whom you state to be desirous of investing a part of his Capital in the cultivation of the Soil. Lord Bathurst has desired me to acquaint you, in reply, that it is very unusual to authorize Grants of Land to be made to persons who have already become Resident in the Colony, as, exclusive of the difficulty of ascertaining the amount of Capital which such persons may have at their disposal, it is more than probable that Grants of Land have already been assigned to them under the authority of the Governor, who, having the power, would not be likely to refuse such applications.

Lord Bathurst will, however, forward your letter to the Governor of Van Diemen's Land, who will be directed to comply with your request, should it appear that Mr. Skirving has not already received a Grant and be in possession of sufficient Capital to bring it into Cultivation.

I am, &c,

R. W. HORTON.

EARL BATHURST TO LIEUT.-GOVERNOR ARTHUR.

(Despatch No. 4; acknowledged by lieut.-governor Arthur, 22nd October, 1824.)

Downing St., 27 Feb., 1824.

Sir,

It having been deemed expedient that two additional Chaplaincies should, in future, be borne upon the Establishment of Van Diemen's Land, with a Salary of £250 each, I have to desire that the Revd. J. Youl, whose emoluments at present are understood not to exceed £183 pr. annum, may receive the benefit of one of the new appointments.

You will accordingly intimate to the Revd. Mr. Youl that a Salary at the rate of £250 pr. Annnum will be issued to him from the date of the present year.

I shall have the honor on a future occasion of acquainting you with the names of the Clergymen whom I have selected to fill the vacant appointments.

I am, &c,

BATHURST.
HORTON TO ARTHUR.

UNDER SECRETARY HORTON TO LIEUT.-GOVERNOR ARTHUR.

(Acknowledged by lieut.-governor Arthur, 25th December, 1824.)

Sir,

Downing Street, 18th March, 1824.

Lord Bathurst has received Lieut. Governor Sorell's Dispatch of the 26th August in last Year, requesting that a supply of ordnance, ammunition and stores may be sent out to Van Diemen's Land for the Service of the Colony. But I am directed to acquaint you that it has been found impossible to comply with the requisition, it having been so framed as to present no definite idea of the nature of the Guns and the quantity of the Stores which are required. Lord Bathurst is therefore under the necessity of requesting that a requisition may be sent home made out in the usual form, as, without sufficient Information on the subject, His Majesty's Government cannot form a proper Judgment as to the supplies required at that Settlement.

I have, &c.,

R. W. HORTON.

UNDER SECRETARY HORTON TO LIEUT.-GOVERNOR ARTHUR.

Sir,

Downing St., 22 Mar., 24.

I am directed by Earl Bathurst to introduce to your notice and protection Mr. William Fitzgerald, who will have the honor of delivering this letter to you, and, of whose Character and Conduct, his Lordship has received the most satisfactory assurances from the Right Honble. Henry Goulburn, the Right Honble. Charles Grant and many other Gentlemen.

It is the intention of Mr. Fitzgerald to emigrate to Van Diemen's Land, with the view of settling in the Colony, accompanied by a few highly respectable protestant families, whose names are mentioned in the enclosed list, to each of whom Lord Bathurst has given the usual letter authorizing Grants of Lands to be made to them. They will have at their disposal a Capital of about £5,000 exclusive of the Half-pay received by two of the party, as Officers belonging to His Majesty's Service; and I am directed by His Lordship to request that, on their arrival in the Colony, you will extend to them every reasonable Indulgence and facility, in the promotion of their views, that may not be inconsistent with the established Regulations, or with the attention which may be due to the Claims of other Individuals.

I am, &c.,

R. W. HORTON.
[Enclosure.]

A Statement respecting the proposed Emigrants to Van Diemen's Land.

<table>
<thead>
<tr>
<th>Names</th>
<th>Residence</th>
<th>Age</th>
<th>By whom Recommended</th>
<th>Observations</th>
</tr>
</thead>
<tbody>
<tr>
<td>William Molloy</td>
<td>Rockvalley, Co. Tip'y</td>
<td>50</td>
<td></td>
<td>Mr. Molloy is of an ancient and respectable family in the King's Co. Married to the Cousin of Sir B. Bloomfield, and is a practical and scientific farmer.</td>
</tr>
<tr>
<td>His wife</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>James</td>
<td></td>
<td>21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>John</td>
<td></td>
<td>16</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paul</td>
<td></td>
<td>13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barbara, his Daughter</td>
<td></td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Francis Twiss</td>
<td>Castle Island, Co. Kerry</td>
<td>36</td>
<td></td>
<td>Mr. Twiss is a Lieutenant on half pay of the Kerry Militia. An active, enterprising man, and good Farmer.</td>
</tr>
<tr>
<td>His wife</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>John</td>
<td></td>
<td>15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>George, his Son</td>
<td></td>
<td>17</td>
<td></td>
<td></td>
</tr>
<tr>
<td>— his Nephew</td>
<td></td>
<td>12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cherry</td>
<td></td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Margaret</td>
<td></td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eliza</td>
<td></td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dorcas</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dan't Merry</td>
<td>Dublin</td>
<td>46</td>
<td></td>
<td>Mr. Merry is of a respectable family in the Co. Down; his father fell in 1798 at the battle of St. Fled, gallantly fighting against the Rebels as a Volunteer in Lord Londonderry's Corps; is Nephew of the late Wm. Thornton, of Mountjoy Castle, Co. Down.</td>
</tr>
<tr>
<td>His Wife</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thomas</td>
<td></td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Edward</td>
<td></td>
<td>11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Margaret</td>
<td></td>
<td>17</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wilhelmina</td>
<td></td>
<td>8</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paul Minnitt</td>
<td>Dublin</td>
<td>48</td>
<td></td>
<td>Of a very respectable family in the Co. Tipperary. A Silk Manufacturer in the City of Dublin.</td>
</tr>
<tr>
<td>His Wife</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blia</td>
<td></td>
<td>18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sarah</td>
<td></td>
<td>17</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ann</td>
<td></td>
<td>11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Matilda</td>
<td></td>
<td>7</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
[Enclosure]—continued.

A Statement respecting the proposed Emigrants to Van Diemen's Land—continued.

<table>
<thead>
<tr>
<th>Names</th>
<th>Residence</th>
<th>Age</th>
<th>By whom Recommended</th>
<th>Observations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Henry Franks</td>
<td>Birtihill, Co. Tip'y</td>
<td>28</td>
<td></td>
<td>Of a respectable family in the Co. of Cork, Nephew of the late Thos. Franks, Esq., who with his wife and Son was murdered by the Whiteboys. An excellent farmer.</td>
</tr>
<tr>
<td>His Wife, and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Robert, his brother</td>
<td></td>
<td>20*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Robert Carre</td>
<td>Newcastle, Co. Limerick</td>
<td>30</td>
<td></td>
<td></td>
</tr>
<tr>
<td>His Wife, and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>William, his brother</td>
<td></td>
<td>21</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wm. Fitzgerald</td>
<td>Blackfort, Co. Tipper'</td>
<td>42</td>
<td></td>
<td></td>
</tr>
<tr>
<td>His Wife</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eleanor</td>
<td></td>
<td>15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Catherine</td>
<td></td>
<td>14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ann</td>
<td>Daughters</td>
<td>12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Georgina</td>
<td></td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mary</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Robert</td>
<td>Sons</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>William</td>
<td></td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miss Carnachou (Governess)</td>
<td></td>
<td>23</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Robt. Bouveroux</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wm. Kingley, his Friends—both ingenious young men</td>
<td></td>
<td>21</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Educated in the University of Dublin, and called to the Irish Bar, etc.

Female Adults, 8; Male Adults, 11; Boys, 10; Girls, 15—Total, 44.

22 March.
1824.
31st March,

Arrival of J. L. Pedder.

Proclamation of charter of Justice.

126

HISTORICAL RECORDS OF AUSTRALIA.

LIEUT.-GOVERNOR SORELL TO EARL BATHURST.

Government House, Hobart Town,

My Lord,

31st March, 1824.

I have the honour to acquaint your Lordship that the Ship Hibernia with Chief Justice Pedder,* bearer of the new Royal Charter† of Justice for this Colony, arrived on the 22nd Inst.

In the absence of Instructions, I considered it my duty to refer to the Chief Justice, with respect to such measures as under the Circumstances could be adopted to obviate delay in the operation of the Charter, and to expedite the opening of the Supreme Court; and, finding it to be the Chief Justice's Opinion that from the non-arrival of the Officers of his Court, it could not open so as to supersede the Sitting of the Old Civic Court then advertised to commence its term in a few days, and that it was most expedient to permit that Sitting to take place; with his concurrence, I caused the Royal Charter to be this day proclaimed, fixing the 10th Day of May for the opening of the Supreme Court, then to hold a Criminal Session, taking up the Civil Business so as to cause no interruption in the course of Justice of the Colony.

I have, &c.,

WM. SORELL.

EARL BATHURST TO LIEUT.-GOVERNOR ARTHUR.

(Despatch No. 5.)

Downing Street, 31st March, 1824.

Documents required by vessels trading to the Brazils.

[This was a repetition of the despatch and enclosures sent to Sir Thomas Brisbane under date 8th April, 1824; see page 244 et seq., volume XI, series I.]

UNDER SECRETARY HORTON TO LIEUT.-GOVERNOR ARTHUR.

13th April, 1824.

[A copy of this despatch is not available.]

LIEUT.-GOVERNOR SORELL TO UNDER SECRETARY HORTON.

Hobart Town, Van Diemen's Land,

20th April, 1824.

Mr. Hall,† Surgeon Superintendent of the Ship "Brothers," having now for the Second time visited this Colony in Charge of Female Convicts, and having expressed a wish that I should testify to you my opinion of his Conduct in the performance of his duty, upon both occasions, I beg leave to assure you of my conviction that Dr. Hall has evinced the utmost zeal and

* Note 34. † Note 33. ‡ Note 41.
attention in the care and superintendence of those females, that he has exerted himself to the utmost to prevent immorality and to enforce a proper restraint upon them.

In the ship Brothers, a conspiracy in which the Chief Mate was engaged with six of the women to injure bodily Dr. Hall, was detected and the Mate is committed for trial. This attempt seems to have arisen from his decided prevention of prostitution on board.

I have, &c.,

Wm. Sorell.

Earl Bathurst to Lieut.-Governor Arthur.
(Despatch No. 6, per ship Mangles; acknowledged by Lieut.-Governor Arthur, 12th February, 1825.)

Sir, Downing Street, 30th April, 1824.

I am commanded by His Majesty to direct your attention to the Instructions, which I addressed to you dated the 19th May, 1823, and, in order to enable you the more easily to transmit to me Returns of Revenue and Expenditure and of the Civil Establishment for the last year, I take this opportunity of forwarding to you a Book containing the various Returns, which are required, and which you will take care to return to this Office at the earliest possible period.

I have, &c.,

Bathurst.

Under Secretary Horton to Lieut.-Governor Arthur.

Sir, Downing Street, 5th May, 1824.

Lord Bathurst has directed me to introduce to your acquaintance and good offices Mr. Benjamin Horne, a Gentleman of great respectability who has been settled in Van Diemen's Land since the Year 1822. As Mr. Horne is represented to Earl Bathurst as filling the situation of a Magistrate, it is more than probable that he has already the honor of being personally known to you; but his Lordship is desirous that he should be more particularly recommended to your notice to ensure to him any assistance or facilities, which, without deviating from established Regulations, you may have it in your power to afford to persons so situated.

I have, &c.,

R. W. Horton.

Lieut.-Governor Sorell to Earl Bathurst.

Hobart Town, Van Diemen's Land, 6th May, 1824.

I do myself the honour of recommending to the consideration of your Lordship the case of Mrs. Butler,* Widow of the late Mr. Butler, who was destined for the appointment of Registrar of the Supreme Court of this Colony.

* Note 32.
1824.

Mr. Butler whose state of health is stated to have induced him to hasten his departure from England, died upon the passage, as also one of his children, and the widow has of course claimed from me, as Lieut. Governor, the tender of any services in my power and my recommendation of her to your Lordship for such consideration with respect to the Salary of the late Mr. Butler, and allowances for her own unavoidable expenses in returning to her country, as your Lordship may think proper to afford in her case.

I have, &c.,

W. Sorell.
DESPATCHES
TO AND FROM
LIEUTENANT-GOVERNOR GEORGE ARTHUR.

LIEUTENANT-GOVERNOR ARTHUR arrived in the Derwent on the 12th of May, 1824, and assumed the administration of the colony two days later.
DESPATCHES,

MAY, 1824—DECEMBER, 1825.

COMMISSION* OF LIEUT.-GOVERNOR ARTHUR.

GEORGE the FOURTH 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 George Arthur, 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 Diemen’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 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 Twenty Second Day of August, 1823, In the Fourth Year of Our Reign.

By His Majesty’s Command,

BATHURST.

UNDER SECRETARY HORTON TO LIEUT.-GOVERNOR SORELL.

Sir,

Downing Street, 17 May, 24.

I have had the honor to receive and lay before Earl Bathurst your letter of the 10 October last, marked “private,” in reply to which I beg to assure you that his Lordship fully

* Note 42.  † Note 43.
appreciates the zeal and ability with which you administered the Government of Van Diemen's Land, and that it will afford his Lordship much satisfaction whenever circumstances may admit of his availing himself of your further Services.

I am further directed to acquaint you that, as it is very uncertain when his Lordship may have the opportunity of conferring another Appointment upon you, he will authorize Colonel Arthur to issue to you an allowance out of the Colonial Revenues, at the rate of £500 pr. Annum, so long as you may continue to be unemployed in any public Capacity.

I have, &c.,

R. W. HORTON.

EARL BATHURST TO LIEUT.-GOVERNOR ARTHUR.

(Despatch No. 7, per ship Mangles; acknowledged by lieutenant-governor Arthur, 13th February, 1825.)

Sir, Downing St't, 18 May, 24.

In consequence of the zealous and useful services of Colonel Sorell during the period that he administered the Government of Van Diemen's Land, I have considered it my duty to recommend to His Majesty the claims of that Officer to some pecuniary allowance, until His Majesty may be enabled to avail himself of his further Services; and I am now commanded to acquaint you that His Majesty has graciously directed that you should issue to Colonel Sorell, out of the Colonial Revenues, an Allowance at the rate of £500 pr. Annum, as long as he continues to be unemployed in any public Capacity.

I have, &c.,

BATHURST.

UNDER SECRETARY HORTON TO LIEUT.-GOVERNOR ARTHUR.

(Despatch per ship Mangles; acknowledged by lieutenant-governor Arthur, 13th February, 1825.)

Sir, Downing St't, 21 May, 24.

Referring to my letter of the 18th of March last, I do myself the honor to acquaint you, by the direction of Earl Bathurst, that the Arms alluded to in Lt. Governor Sorell's Requisition for Arming the Police at Van Diemen's Land and for Reserve in case of Emergency, have been provided by the Ordnance Department and will be forwarded to that Settlement without loss of time.

I have, &c.,

R. W. HORTON.
Lieutenant-Governor Arthur to Earl Bathurst.

My Lord,

Van Dieman's Land, 9th June, 1824.

I do myself the honor to report to your Lordship that I reached Van Dieman's Land on the 12th of May, and, receiving every facility and assistance from Lieut. Governor Sorell, I entered upon the Duties of the Government on the 14th Ultimo.

The state in which I have received over the Colony from my Predecessor is set forth in detail in a letter, which he addressed to me a few days after his retirement from Office, copy of which I do myself the honor to lay before your Lordship.

The depression both in Trade and Agriculture is exceedingly great, and the Revenue your Lordship will perceive is described by Colonel Sorell to have suffered so great and alarming a deterioration towards the close of the last year, as to have declined to almost total failure and continues in a very depressed state, with little prospect of much or early improvement.

This state of things Colonel Sorell ascribes to the sudden and decisive measures adopted by the Supreme Government at Sydney, with respect to the Currency; the total abandonment of the protective System towards the Agriculturist, and the excessive high duties upon Rum and Tobacco, which has put a stop to the fair importation of these Articles, and given encouragement to Smuggling, which, with a coast offering such innumerable inlets for Boats, it is impossible to suppress without a very expensive Establishment.

The alterations, which have been made in the Currency, and in the relations between the Government and the Colonists, have probably been more severely felt at Van Diemen's Land than at Sydney.

The Colonial Government, hitherto, must doubtless have saved considerable Sums by the Policy which has been pursued; but, if the young Colonists are totally unable to contend against the depression which has followed, the end intended must eventually be defeated; for the end no doubt was to force the Settlers upon their own Resources and to spare the Government; but the Sudden and Vigorous application of this Principle is represented to have deprived the colonists of all resources, and, consequently, to have driven them upon—nothing!

After so very short a residence I scarcely dare venture to give any opinion of my own, but I have felt it a duty to make my predecessor's Sentiments known to Sir Thomas Brisbane, and to state to him that they convey the unanimous feeling of all the respectable Settlers, who have waited upon me since my arrival.

I have, &c.

1824.
9 June.

Lieut.-Colonel Sorell to Lieut.-Governor Arthur.

Government Cottage, New Norfolk,
22 May, 1824.

Sir,

Upon surrendering into your hands, in obedience to His Majesty's Commands, the Government of this Colony, it would be my duty in any case to communicate with you upon the actual State of the several branches of the administration, but more especially to afford you all the information in my power upon any that might be found in a condition not contemplated by His Majesty's Government at the time of your departure, and consequently not expected by yourself.

In performing this duty, it is not my intention to confine myself entirely to the circumstances of the present moment. His Majesty's gracious approbation of my administration and measures, notified to me by Lord Bathurst, and by yourself personally under his Lordship's Instructions, and the desire that you have expressed to be in possession of the General views and plans which I had pursued or contemplated, will induce me to address you in some detail upon the subjects, which I deem of most importance to His Majesty's Service and the good of the Colony, and the responsibility that attached to me under the feeble and undefined powers which I have exercised.

The first subject in importance, not only in itself as connected so much with the welfare of the Colony, but as having undergone a great and alarming deterioration, is the Revenue; which towards the close of last year suddenly declined, almost to total failure, and which continues to be in a very depressed State, with, I fear, little prospect of much or early improvement.

The alterations, which have been made in the Currency and in the relations between the Government and the Colonists, are already before Lord Bathurst upon representations from New South Wales, and it is of course known to you that up to the close of General Macquarie's Command, and for some time after Sir Thomas Brisbane's accession, the transactions of Government were all conducted in Sterling, and the Supplies paid for at rates fixed by the Supreme Government. In May, 1822, Spanish Dollars were purchased by Government, and the accompanying Paper† shews the dates and substance of the several Orders under which the change of System was carried into effect.

† Marginal note.—31 May, 1822, Two Spanish Dollars paid for wheat and meat in place of 10 Sh. Sterling. 25 Oct., 1822, Spanish Dollars to be reckoned by Naval Officer at 5 Sh. 5 Feb., 1823, All Gov. Dues to be paid in Dollars at the rate of Exchange. 27 June, 1822, Abolishing Sterling payment. 5 Feb., 1823, Colonel Salaries paid in Sp. Dollars at 4 sh. 27 Nov., 1822, Wheat and Meat to be reckoned by Tender.
I neither had all that time, nor have I since, received any Instructions from Lord Bathurst, or through or from the Colonial Government, upon any measures that were to be adopted (excepting some Minutes chiefly upon convict arrangements rising out of the first part of Mr. Bigge's Report), and I was of course not consulted upon any of the changes to which I have adverted. But I was fully impressed with the necessity of all possible Economy, and of bringing the relations between the Government and the Colonists, gradually, and as early as might be consistent with the Circumstances of these peculiar Colonies, into a Similar State with that of all other British Colonies.

The Revenue of Van Diemen's Land, which I found quite unproductive and greatly in debt, was, by measures to prevent Smuggling and dilapidation, put into a train of Improvement and at an early period of my Government. It began to contribute towards the Colonial Expenditure; and It would have been much more productive, had not a part of it been diverted from these Settlements, by the practise of exacting, at Sydney, the Duties upon Articles imported for consumption in Van Diemen's Land. The Improvement in the Revenue continued steady and progressive, and you will perceive from Returns in the Secretary's Office that, in 1822, It was upwards of Twenty Six thousands pounds; in 1823, though the falling off towards the latter part was considerable, the amount was above Twenty Seven thousand pounds.

Conceiving that to relieve the Mother Country of all Colonial Expences beyond those officially recognised or ordered, and the Maintenance of Convicts in Government Service, was the object to be pursued, and that the Colony should as far as possible defray the charges incurred for its improvement and internal Security, I had removed successively from the Commissariat to the Colonial Fund the different contingent expences, leaving the payments for Grain and Meat only to be made by the former. In this arrangement no change has been made in consequence of the deficiency in the Revenue, and I have resorted to the temporary measure of a Loan from the Commissariat to the Colonial Treasury, the Sum advanced being now Five Thousand five Hundred Pounds.

Having reported to the Supreme Government the falling off in the Revenue, and in my Second Letter on the Subject Stated my opinion that the Depression was not temporary, though no doubt aggravated by temporary causes; Being aware of your appointment, and relying upon powers and means commensurate with the increasing importance and critical circumstances of the Colony being provided; and knowing that the financial measures
of the Supreme Government had been fully brought under the consideration of His Majesty's Government, I deemed it best to make no alteration in the Principle that I had adopted with regard to the respective expenditure of the Commissariat and the Colonial Fund.

Upon the first Introduction of Dollars and their being declared the medium of Government Payments, Treasury Bills began to bear a premium, which advanced to 27 pr. Ct. It has since fallen to from 15 to 20 pr. Ct. The maximum fixed prices for Supplies were not abolished till November, 1822, two Spanish Dollars having been Substituted for ten Shillings Sterling, which effected a reduction of near 20 pr. Ct. Six months after, vizt. in November, The Supreme Government ordered the Supplies to be received by Tender and the Price of Wheat then came rapidly down in the Same Season to Six and three pence a Bushel, or about five Shillings Sterling, a reduction of one half from the price of the preceding year. Wheat being the main dependence of this Colony, I certainly viewed with apprehension so total and abrupt an abandonment of the protective System in the relations between the Government and the Colonists; but I did not feel authorized to call in question the measures of the Supreme Government acting under direct Instructions from His Majesty's Government, because it was upon opinion only and not upon proofs or facts that I must have argued, and that opinion opposed to publick Economy. I was well convinced, though I had no Instructions, that His Majesty's Government expected a reduction in the demand upon the Mother Country; but at the Same time that the object was a provident Economy directed to gradual but permanent Saving, which must depend on the Success of the Colony, and the capability of its Settlers to find productive labour for the Convicts; and I could not but consider that a total and sudden departure from the protective System might so affect the incipient agriculturist, as to occasion a reaction which, besides producing severe Distress, would probably be followed by increased expence.

The objects which these changes had in view were, I conceive in themselves, sound and good. So long as Government afforded a large market at a high price for certain Produce, the Price of labour was likely to continue high, and the Colonists to be diverted or delayed from those Efforts, which only could render the Colony Independent and bring it into the condition of a commercial Settlement upon a Scale of reciprocity with the countries from which It drew its imported Supplies. To force, speaking politically, the Colonies upon their own resources, to which such liberal encouragement has been given, and to spare
the Mother Country, was clearly the policy of the Colonial Government; but I could not allow myself to hope that these Colonies had yet attained a state to enable them to bear the sudden and vigorous application of this principle. Looking to the description of persons who compose the Settlers; the new having the arduous undertaking of a first Settlement, which absorbs much capital in building and improvements necessary to their comfort and even their existence, but at first unproductive; the old, for the most part a needy and improvident race; a limited portion of either bred to agriculture, and few of either class able to withhold their supplies at almost any Price that the Government might offer, I greatly fear, though for a long time I distrusted my own opinions, that these Changes will prove to have been too precipitate even for the purposes to which they were directed, and that much Distress will ensue; in short, that what was accomplished in one Season should have been the work of three years, each successively producing an increased saving. I ought to add that I stated my views very fully on these subjects to Mr. Bigge at the Cape* some months ago, who I knew could well form a judgment on them, and who I thought it probable might communicate his opinion to Lord Bathurst.

It is stated by many intelligent persons that Grain cannot be grown at the present prices, and they think that land will go out of cultivation. I have never found any Settler, who would give me an estimate Sufficient to found upon of his cost of production; but, allowing for the disadvantage of a bonded Servant as compared with a free one, and which as to Convict labor is considered to be one third, I think that a Farmer, in a situation favorable for a market and water carriage, could grow wheat at four Shillings or even three and sixpence a bushel. This however applies to Settlers who understand the economy of farming, and who, besides the advantages above named, have got their land into tilth, which I believe cannot be effected before the third year. It was upon these considerations, and the Impulse of an export of wheat to Rio Janeiro and the Isle of France lately given, that I was induced to commence the System of Clearing Gangs, as noticed hereafter.

Upon the Subject of the Exchange, I confess I did not consider the Dollar System in itself alone a subject of Complaint, though It might even be a question how far it was applicable to these Colonies, and how far they could yet bear it, for It exists in most if not all the British Colonies, and I believe upon the Same Principles. It is, however, to be considered that other Colonies have an established and Native Commerce, and that these young Colonies, affording yet but little in the way of

* Note 45.
1824.
9 June.

Report by
W. Sorell on
condition of
colony.

Various causes
in operation.

Variations in
colonial value
of dollars.

Necessity for
correction of
anomalies.

Circulation of
private paper
currency.

export, must consequently discharge a large portion of their obligations and expenses in money remittance, the means of doing which must depend mainly on their agriculture and the fostering encouragement of the Mother Country. But the treble operation of the Exchange, of the reduction of Prices, and the termination of the relations between the Government and the Grower, and the diminution of the quantity purchased, is attended by other effects, resulting from the present State of the Currency.

The Duties being imposed by Act of Parliament, while in other Colonies they are levied by the Colonial Legislative Power, are here payable in Sterling; The Civil Courts also make their levies in Sterling, and fix an arbitrary value of four Shillings to the Dollar, at which only the Debtor is allowed to pay it, or, in default of having a legal Tender, which the Colony does not produce, He must submit to execution. The Impost thus levied has been most grievously felt and complained of; the Duties then being levied in Sterling, the Courts exacting the Dollar at four shillings; the Government payments Keeping it at five Shillings, the Troops excepted, who receive it as usual at four and eightpence, and the Colonial Salaries, which, by Order of 5th February, 1823, are paid at four Shillings. Such is the present State of the Currency.

Upon the remedy for these Discrepancies, which are unquestionably Serious and oppressive evils, whether His Majesty's Government consider the Circumstances of these Colonies to be Such as to warrant a relief from the Exchange and a recurrence to Sterling payment for the Government Expenditure; how far, consistently with the Charter and the Subsisting Legislative Provisions, the Dollar Currency can be regulated by Enactment of the Council to remove the present objections and difficulties, can with me only be subject of allusion. In concluding these observations, all that I can confidently state is my opinion that Some remedy is absolutely necessary.

A Spurious Paper Currency here has tended materially to aggravate the pressure. Some few responsible Houses had issued Paper greatly to publick Convenience and advantage; but numerous speculators followed, till the usual consequences ensued, inability in many to pay. The adoption of a Bank, which I had recommended two years ago, was concurred in by all the principal Capitalists, and the Issuers of Paper, bottomed upon property. began to contract their Issues, and to withdraw their Paper, leaving in circulation only Notes of lost or doubtful credit. A great Scarcity of circulating medium of course followed, and during the time that was occupied in obtaining a Charter for

* Note 46.
the Bank* from the Supreme Government, nearly all payments came to a Stand, and little or no duties were collected.

The Bank, as its operations extend, will no doubt afford some relief and facility to Individuals and to the Revenue. But I conceive that the present state of Taxation precludes any hope of much improvement, resting almost entirely on two Articles. Imported Spirits and tobacco, the Duties so high as to amount almost to prohibition, or to decided Encouragement to Smuggling or Illicit Distillation. It appears to me that a new System of Taxation more equal and more diffused, so as to ensure a Revenue at least equal to the fixed Colonial Expenses, is indispensable. The Colonial Distilleries, it is to be observed, will soon come into extensive action, and the duty of their Spirit being only two and Sixpence per Gallon, the contributions on that branch will then be definitively reduced in the proportion between the high Duties upon Imported Spirits, and the above low duty on that produced in the Colony.

Understanding that these Important measures have been brought under the consideration of His Majesty's Government from New South Wales† and that Representations from Persons interested in both Colonies had been laid before Lord Bathurst, I looked to the period of your arrival and the operation of the new measures as likely to produce a revision in whatever might have appeared to His Majesty's Government of doubtful policy. From the explanation which I have given, I trust you will be enabled to form an opinion upon the origin, progress and effects of these measures. Of the Instructions under which the Supreme Government acted and of the views entertained by Lord Bathurst of the degree and mode in which reduction of expenditure was to be effected, I had no information; but, in the absence of it, I felt assured (and the impression is borne out by a portion of your Instructions which you imparted to me), that the principle of economy was not intended by His Majesty's Government to abrogate the support and encouragement of the Mother Country, without which, for a time at least, these young, remote, and peculiar colonies must fail to realize the object of their original Establishment and present expectations.

Connected with the Colonial Expenditure, another Important point must be noticed. To the drawback upon the Revenue arising from the exaction at Sydney of Duties upon Articles imported into this Colony, at the Derwent and Port Dalrymple, is to be added the expense incurred for Stores and Supplies, none except in one Instance in part of a Requisition transmitted by me having been received direct from England, and those sent from Port Jackson having been so Scanty and inefficient as

* Note 47.  † Note 44.
1524.
6 June.
Report by
W. Sorell on
condition of
colony.
Supply of
stores from
Sydney.

Religious
observance and
education.

Management
of schools.

Assistance in
errection of
chapels.

Missionary
proposed at
Macquarie
harbour.

SCARCELY to meet any useful of the demand; of many articles, no
supply has been received during my Command. In latter periods
and especially since the Establishment of Macquarie Harbour,
the Exigency has obliged me to take out of Store Ships con-
signed to Sydney, upon my own responsibility, portions of
nautical Stores, clothing, Shoes, tools, etc., an instance of
which occurred lately in the Hibernia, which brought consigned
to this Country some hundred Duck frocks, but no other Sup-
plies. The Sums, which have been paid from the Colonial Fund
during the last Six years, will appear in the Engineer’s Office,
of which the late Acting Engineer, Major Bell, at my desire,
made out returns.

It has been my particular object to provide, as quickly as cir-
cumstances would permit, for the due performance of Divine
Worship in the Settled Districts, and for the Establishment of
Schools.

The Revd. Mr. Bedford superintends the Schools in his
County, and Mr. Mulgrave* (who came out with the Appointment
of Superintendent of Schools) at Port Dalrymple. They now
divide the Salary. I have acceded to their recommendations in
contributing labour and materials from Government in co-
operation with the Settlers for building School Houses in Dis-
tricts, where Government had not yet been able to do anything
permanent; in each of which, there is an Instructor at £20 pr.
annum and Victualled from King’s Store, who reads Prayers on
Sunday, when the convicts are mustered to attend. The Rev.
Mr. Bedford’s duties in Hobart Town would prevent his fre-
quently visiting the Schools, and I have felt much indebted to
his zeal and that of Mr. Mulgrave in establishing and organizing
them.

I gave considerable aid from Government to the Small Roman
Catholic Chapel, and to the Presbyterian Chapel now in Pro-
gress, to each of which Spacious allotments of Ground are
assigned, as also to the Wesleyan Chapel. The Wesleyan Min-
isters for some time after establishing themselves here visited
on Sunday one or more Districts, where they performed Divine
Service in the Government School Houses, the convicts being
ordered to attend; but they have discontinued the practice, and
I believe confine their Sabbath Duties to Hobart Town. I recom-
mended to the late Minister, the Rev. Mr. Horton, to direct his
attention to Places in which a population was rising, and where
Government could not supply clerical assistance, and I named
Macquarie Harbour as a Station particularly worthy of their
zeal, offering to build a Habitation, and to afford every facility
in my power, should a Missionary be spared for that place. The

* Note 12.
limited nature of the Mission, and probably its increasing avocations in Hobart Town, have no doubt contracted the sphere of the Ministers' activity, but their zeal, prudence and exemplary conduct claim my warmest Testimonial. They have repeatedly acknowledged the Support that I have given them.

A Church, one third smaller than that at Hobart Town, was some time since ordered at Launceston, where it is urgently needed. The School House at present appropriated as a Temporary Place of Worship being small and inadequate. The Chaplain of that Settlement resides at George Town, under order of the late Governor in Chief, where a Spacious House was built for him. There is no Chaplain's House at Launceston.

A Stone School House of good size was built in Sorell Town, Pittwater, and a brick one of larger size is just covered in at New Norfolk, both furnishing good temporary Places of Worship. The Inhabitants of New Norfolk being anxious for the residence of a clergyman amongst them, addressed to the Rev. Mr. Knopwood, retired Chaplain, a request that he would establish himself amongst them, offering a stipend by contribution upon receiving his assent. The Magistrate of the District brought me the Papers, desiring that I would sanction the arrangement which the Inhabitants applied for. I accordingly forwarded the Papers to the Supreme Government, stating the hope of the Applicants that the Resident Clergyman might be empowered as Acting Chaplain to perform the rites of Marriage and Baptism, or at least the latter. In reply, the Governor in Chief Signified the possibility of doubt as to the person to perform rites, and delayed the Decision in the intention of an early visit to the Colony, approving in the meantime of the Rev. Mr. Knopwood's performing Divine Service at New Norfolk, which He has regularly done, and where he is about to fix his residence. The appointment of a Second Chaplain has been long expected and is most urgently needed. The populous Districts of Pittwater and the Coal River are wholly unaided by clerical duties.

The System, under which the Superintendents of Police, viz. Mr. Humphrey at Hobart Town, and Mr. Mulgrave at Launceston, act, has for object a perfect unity of management throughout the Island respecting Convicts, so as to hold a perfect check upon their loco-motion. I cannot too strongly recommend to you Mr. Humphrey, whose useful and zealous services during my administration, I consider to have been highly beneficial to the Colony. By no one has his partiality or justice ever been impugned except by a person, who calumniated to the Commissioner of Enquiry myself as Lt. Governor,
1824.
9 June.

Report by
W. Sorell on
condition of
colony.
Magistrates.

Chief district
constables.

Police at
Hobart town.

Management
of convicts.

HISTORICAL RECORDS OF AUSTRALIA.

the Supreme Court, and the Magistracy of the Colony; this person is Mr. R. W. Loane. Mr. Mulgrave has exerted himself since his appointment to establish the System at Launceston, and is a very able and useful Publick Servant.

I have considered it an object of primary importance for the good order of the Country, and the protection of the Settlers, and the due control of the Convicts, to organize a Magistracy throughout the Island as fast as it became Settled. For this purpose, I have recommended several appointments. There are others, which in point of locality are very essential, and where I conceive Gentlemen fit for the Office can be found, upon which I will address you separately. In the want of Magistrates, I endeavoured to have respectable persons as Chief Constables of Districts, and I am happy to say that Office is generally very respectably filled by landholders.

The Executive Police of Hobart Town is in a very defective State, it being impossible to find any but Convict Constables, except the Chief Constable, who is a very honest and active man and two or three more. The Town Constables are chiefly Ticket of Leave Men, who are required to Serve, and from them also is Supplied a Foot Patrol on the road from Hobart Town.

The general arrangement of the Convicts, male and female, the principles upon which I have endeavoured to act with a view to their penal discipline and application to purposes of colonization, will now be touched upon.

In the early periods of my Government, the Colony afforded few Inhabitants beyond those who constituted the first class, who could be considered as fit masters for convicts, either as to control or example; and I was destitute of all efficient means of restraint and coercion, when the transportation direct to this Colony began. Since I have been enabled to erect a male Convict Barrack or Penitentiary, and a Factory, and to establish Macquarie Harbour and to allot the Services of the Convicts to a better class of people, an alteration in their condition has been gradually operated, and they are now by the course of events passing into a state of more rigid servitude, which, in colonies heretofore so extensively and almost entirely Convict, they had before escaped.

I had always in view a classification of the Convicts and a correspondent appropriation on their arrival, but circumstances have not enabled me to act upon it, except in a very limited way. In earlier periods the Colony was destitute of any means for disposing of those, who might be Selected as objects of peculiar rigor. In later times, the demand for their labour has disabled me from withholding any considerable number, as I was
obliged to yield points of Discipline to the necessity of giving to the new Settlers Servants to enable them to go upon their Land. The penal discipline of the Convicts, and the application and concession of their Services to the Settlers, are in the early struggles and difficulties of a new Colony, in a continual state of collision.

Out of every male convict ship, it was my wish to have selected the worst offenders, comprizing those amongst whom early reformation from long continued habits of crime could be little expected, and to send them to a new Settlement. The limited Scale of Macquarie Harbour, the necessity of filling it to a great extent at first with the worst characters as a relief and Security of the improved Colony, and of keeping it as a place of Ultra-transportation for prisoners sentenced by the Colonial Courts and Magistrates, prevented me from sending any number thither on first arrival; I could only select those transported a second time and others whose cases were particularly flagrant; but in every ship there are to be found numerous objects who should not land in the improved Colony. The confinement in the Penitentiary and regular labor have been found efficacious; but I am clearly of opinion that, in the improved Colony, it is difficult if not impossible to enforce such a System of restraint, coercion and privation, as is adapted to long practiced and desperate offenders, without incurring dangers of another kind, by exposing the Settlers to injury, unless actual imprisonment be adopted.

A penal Settlement like Macquarie Harbour, where, except the Government ration, nothing can be got, where daily labour is rigorously enforced, where nothing to recreate or excite cupidity can be found, can only be effectual with those whose habits of life require very strong measures to change them; such men will do little for a Settler. To them anything short of imprisonment in the improved Colony is an Indulgence. The Agricultural Servants live as well or better than most people of the same class at home. The Settler finds it quite impossible to get anything done by coercion alone. He cannot, like a Slave Master, stand with his Flagellant beside him. He finds that, for his own peace and comfort, and for forwarding his work, his only course is to operate upon the good properties, where he finds any, of his Servants.

I have always assigned the Agricultural Servants and most useful labourers to the Settlers, generally coupling a Lad, who alone was not desirable, with the former; and I have given the preference to the best and most respectable Proprietors. Many of the Settlers complain much of their Servants, with whom a
great deal depends on the firm, equal and humane treatment of the Employer. The Gentlemen, who have been some time Magistrates, residing in the Country, can afford useful Information on this head, from experience. Captain Wood of the Clyde, Mr. Gordon of Pittwater, Mr. Gunning Coal River, Mr. Gregson Jericho, and Mr. Thompson, New Norfolk, have been always resident and have performed the Magistrates' Duty in their Districts. Mr. Rowcroft, the other Magistrate of any Standing on this side of the Country, has resided only occasionally in his District.

When a convict is discharged from a Settler's Service to Government, upon a charge by his Master, He is sent into the Penitentiary, where the Convicts are divided into three classes; the first assignable to service, the Second on trial, and the third under the most rigid penal restraint.

When a Convict Servant is corporally punished, his Employer has the option of receiving him back. Some prefer doing so; others have a decided repugnance, but there are instances of Convict Servants returning and behaving very well.

The Penitentiary holds Two Hundred and Forty. There are Huts for the Govt. Boats' Crews, and one Watch-house of large size, which holds thirty. The Chief Body of the Government Labourers is thus disposed of; but there are many Convicts in Government Service, married and having Families, and having Houses or Shares of Houses. I have never confined the Mechanics except in cases of misbehaviour, for them Hobart Town was in their spare time chiefly built. Had they been wholly abstracted, there would have been no Town, for, until the free Mechanics began to arrive in the last two years, the Convicts were the only artificers. They built Houses, which when completed have been since Sold and improved by free people. I have had for some time in view, and had conferred with Major Bell on the Subject, to contract the Government Artificers and Labourers, as Soon as the work would admit, so that the whole, except the Mechanics who had Houses and Families, should be in the Penitentiary, with distinction of Class and treatment, thus drawing them out of the Town.

I have always considered a Ticket of Leave (or an Exemption during good behaviour from compulsory labour) as the first object and incentive in the reform of the decent Convict. I have known the hope of it operate on ill-conducted men, and have seen them after obtaining it exhibit uniformly correct conduct. I have had it understood that the Indulgence would not be interfered with, except by a Magistrate's award or some paramount Necessity.
The Supreme Government some time ago propounded a Notice,* that all Convicts of certain Services and Sentences should on presenting proper recommendations be entitled to Tickets of Leave. Doubting the expediency of giving the Claim, I did not publish the Notice; but I wrote to the Magistrates of this Colony, desiring them not to recommend any Convict for a Ticket of Leave, unless in very special Instances, whose case did not shew a conformity or nearly so, in service as compared with Sentence to the Regulation laid down by the Supreme Government. I entirely concur in Mr. Bigge's opinion that assemblages of Convicts are adverse to reformation. Their diffusion in Small numbers amongst a moral population can alone in my opinion ensure that desirable object. But the public works and Improvements can at present only be effected by Government, and by having numbers of these people Collected for this purpose at the Stations where their labor is required.

Whenever the Revenue of the Colony admits and established people can be found to undertake works by Contracts, which I have no doubt would be the best and cheapest mode, The collection of Convicts in Government Service would become in a great degree unnecessary.

Upon the arrival of a Female Convict Ship, I always See them on board, and inspect the ship. The Surgeon Superint't selects the number He is ordered to land here according to Sentence, conduct and ages. He receives from me a List of the Persons who apply for servants in their families, and a description of the sort of Service, Town or Country. He then makes the appropriation, except in cases of special application by persons of the better class. The Chief Constable repairs on board and lands them, a few at a time, Seeing each delivered at the House appointed. Females of a bad character are Selected by the Surgeon Superint't and placed in the Factory on landing; but those, who are recommended for good Conduct and as fit to go to Service, are assigned to proper Families.

The Authority,† transmitted to me by Lord Bathurst under date July 1820, to locate Land, was considered by the Governor in Chief to extend only to ordering the location, the Grant emanating from him. I have so exercised the power accordingly. A letter lately addressed by me to the Supreme Government upon winding up this Branch of my Duty, explaining the principles upon which I have acted, and all I have done respecting Lands throughout, will be found in the Letter Book under date first March last. A genuine List of all Lands ordered by me was therewith forwarded, for the Governor in Chief's Inspection, of which List the Deputy Surveyor General has a copy Signed by me.
1824.
9 June.

Report by
W. Sorell on
condition of
colony.

Administration
of land.

All the Orders of His Majesty’s Secretary of State for Land
are deposited in the Office, with documents as to Capital, etc.,
attached, of which I have copies. The Several Townships with
the adjoining Lands, and Lands ordered to be reserved to the
Crown, are marked in the Charts. The Town property of Hobart
Town having, except in a few instances, no Title, I lately issued
to each Proprietor a printed certificate of the Title, which I
considered him to have acquired. The Deputy Surveyor
General was ordered to mark off in the Charts the most exten­
sive Tracts which yet remain disposeable.

It is only my intention to remark upon some of the principal
Buildings now in hand or most urgently needed. The first is the
capacious Magazine and Granary, which I have added to the old
Store, and which will contain thirty thousand Bushels of Grain,
being considerably more than a year’s consumption. The cellar
Storey will hold all the Bonded goods. Upon the completion of
that building, the Floors of which are advanced, and the new
Court House, the Barracks and some other minor works, such as
the Watchhouses, etc., a new Gaol appeared of absolute neces­
sity. Looking to that for the last two or three years, I placed
the Small Factory adjoining the present prison, with a view that
the Two might, after a new Gaol was prepared, be united as one
Factory or House of Correction for Females. The ample means
of division and Classification, Yards, etc., which the present
Gaol and Factory offered, with such alterations as they are sus­
ceptible of, would, I conceive, render them well adapted and fully
adequate to the purpose, and the expence of a new Factory would
be saved.

The Government House now occupied by the Chief Justice
was destined by me for the Central School, there being at the
back a Building, the lower part of which has been used as a
Bonded Store and the upper part as a Weaver’s room, which
would make two good schoolrooms. The House would not only
afford room for the Master, but for some Pupils if required, until
an Orphan or Charity School could be established. A rent of
£100 a year is now paid for the House, in which the School is
held. The Residence of the Chief Judicial Officer is hired at
£200 Sterling, and is not yet vacated by the Deputy Judge Advo­
cate. I apprized the Chief Justice of the Residence attached to
his Office.

It has been observed elsewhere that a Church has been under
order of Commencement at Launceston for a considerable time.
A Store and Granary is much needed there, Stores being in part
hired at present. A Gaol, Hospital and Barracks were built.
Upon the commencement of the Emigration, I directed my attention to opening communications to the Districts first in order of Settlement; a Road to New Norfolk, thence upwards on both sides of the Derwent; from Hobart Town to Coal River and Pitwater, a stone bridge in progress over the Coal River; from Hobart Town to Launceston with good ferries and Bridges. The next road which I proposed was a branch to the Clyde. I sent a Gang last year to remove some of the worst obstacles. The Clyde Settlement is populous and has no water carriage. The Derwent is reached at Roseneath Ferry, whither the Wool must be brought down by land, a distance of 37 or 38 miles. The Branch road required would be in length 13 or 14 miles. With respect to a road to Swan Port, It is my duty to state my views, because, with reference to your Instructions thereupon, I conceive erroneous Impressions to have prevailed with Mr. Bigge. Prior to anyone settling at Great Swan Port, I sent persons (not professional, for I had none) to examine the country. From their report, it was believed to be very extensive; but, upon Depy. Surveyor General Evans going down, the former account proved to be delusive; and its remoteness and its distribution in large Grants, and other circumstances have left that Settlement in a very confined State. The two Messrs. Meredith, Mr. Talbot and Mr. Harte, and four or five persons connected with them, compose the whole Settlers at Great Swan Port. When Mr. Evans went to Survey that Country, the prospect then held out of its extent and importance induced me to order him to report upon the practicability of early making a road to it. The line then proposed as the shortest and most direct was by Pitwater, Little Swan Port and Oyster Bay, and thence by the Coast. A hundred men for a year was estimated by Mr. Evans as the quantum of labour, and Prosser's River seemed impracticable, Twelve or Fourteen Thousand Acres being all that Mr. Evans found adjoining Swan Port, the reduced Scale of the Settlement, and the impossibility of Increase for some time (and indeed none have been since added to the numbers), and the fact that the Settlers who made choice of that District avowedly went there for the purpose of having a Coast situation and water carriage for Produce (for it would be out of the question to carry it by Land, unless it were Wool of very fine quality, a distance of above a hundred miles); These considerations induced me to abandon that road; but I requested Mr. Meredith to take every opportunity of exploring the best line from Swan...
Port to Jericho or York Plains, in order that Labour might at a convenient time be allotted to clearing away any material obstacle, and to open a Safe and easy road for Stock, this being I conceive all that can be claimed or required, with reference to the Swan Port Settlement and its wants, and those of the Clyde. The Back lands at Swan Port to the northward communicate through Tiers of Hills with an extensive Country on the upper part of the South Esk and St. Paul's River, and that country will hold intercourse for the most part with Launceston. The Communication with Vessels at Swan Port is bad. The Shelter is under an Island four or five miles distant, and the rest is an extensive open beach. There is a good anchorage at Little Swan Port about thirty miles nearer Hobart Town, where I marked a Township.

I believe no Impediment to communication is now experienced, except in the very deep weather of winter. Much time, labour, and expence will be required to make durable Roads through such an extent of country as those, which have been opened, pass through, and to render them Suited to a great and continuous Traffic, which, however, except near the Towns, does not yet prevail. A Road has been for some time in progress from the Ferry over the South Esk, eleven miles from Launceston, to that Town. The Gang is under the charge of Lieut't Hughes of the Buffs. Bridges over the Clyde are important.

Soon after Sir Thomas Brisbane arrived, Gangs of Convicts to clear Land were extensively allotted in New South Wales upon terms* very advantageous to the Settlers. The old Colonial Lands being much worn out, and the Forest Lands very heavily timbered, it became necessary for Government to assist in clearing them, for, during Several preceding years, that Colony had imported from this large quantities of wheat and was deficient in Grain for its own Subsistence. In this Island, most Grants have Sufficient Land open for the Settler, to begin his operations, and indeed with little labour to carry them to the extent that He might desire for the first two years; and few can earlier commence very extended cultivation. The exportation of Grain from hence to Sydney having much diminished, it was not until a prospect of an Export to other places offered, that I became anxious to afford assistance in clearing, which also from various causes would have been before impracticable and even Impolitic. The demand for convict Labour left no hands disposable, except for the roads, and even from those Gangs frequent drafts for the Settlers' Service were made; and I considered it too dangerous a measure to place numerous Gangs in remote Places, until some organized control could be established, and the

* Note 50.
occupation of the Country became Sufficient to enable the free Settlers to assist each other. This view was confirmed by seeing the numerous and atrocious crimes, which the clearing Gangs in New South Wales perpetrated. Much of the difficulty has been removed by the occupation and Settlement of the Country, and I considered the time to have arrived when it was expedient to try the clearing System with some of the principal Proprietors.

It has always been my particular object to give the New Settlers every assistance and facility in my power. In addition to selection of Convict labour best suited to them, they have received the Loan of Mechanics in Sawyers, Carpenters, Masons, etc., the Settlers taking them off the Stores for such time as may be necessary to enable them to build. From ten to fourteen pairs of Sawyers, several carpenters, etc., are generally upon Loan in this way, and are ordered successively to the Settlers requiring their services.

The Military Force is now four complete Companies of the 3rd Regt., the Detachment at Macquarie Harbour being given from the two Companies at Port Dalrymple. For some time prior to the relief of the 48th, the Detachment at Hobart Town was one hundred and eighty strong, and it then gave the Macquarie Harbour Detachment. I named to the Governor in Chief two hundred and fifty as the lowest estimate of Force for the Island; but, owing to the men of different classes retained at Head Quarters from the detached Companies, those in Van Diemen's Land do not exceed two hundred and thirty. It was my intention to have urged an augmentation of Force at least equal to the Macquarie Harbour Station, as soon as the remainder of the 40th Regiment arrived.

The Detachment at Port Dalrymple, after furnishing that for Macquarie Harbour, is divided between Launceston and George Town, with a small party at the South Esk Ferry. From Hobart Town there are three Interim Stations, one at New Norfolk, one at Ross, and one at Jericho. There has been a party temporarily on the Clyde, where the Natives had been very troublesome, and where I projected a Hut Barrack for a permanent Station and a small Prison.

With respect to my other Force or means of arming one, none exist. I addressed to Lord Bathurst twelve months ago a Requisition for Guns and Horses, sufficient for Batteries to cover the Harbour; also, for a supply of arms and accoutrements suitable to a small local force, and of arms and equipments for a small corps of yeomanry, which I consider well adapted to this country, and easy to be raised; a general requisition

1824.
9 June.

Report by W. Sorell on condition of colony.

Assistance given to new settlers.

Military on duty in colony.

Requisition for military equipment.
for stores and clothing was at the same time transmitted, and as the Deveron, the Vessel by which my Despatches went, reached England in October, I trust that these supplies may soon arrive. It is scarcely necessary to add that my application did not go farther than providing means of perfect internal Security, and protecting the Town against insults.

Commissioner Bigge spoke to me respecting the Defence of the Port and Harbour. Looking at the expanse and the Depth of the Water in the approach to Hobart Town, which leave it almost as easy of access as if it stood on the open Sea, without any effectual position for a Battery short of the Town, a Maritime protection could alone prevent the approach of armed Vessels to the front of the Town. Adequate Batteries upon the points of the Cove, and arrangements for arming such a portion of her free People as would insure internal Security, leaving the Troops disposeable, were the first Measures that I contemplated.

No Officer or Person specially for the charge of the Barrack was appointed until lately, when I authorized Lieut’t Everdern of the 3rd Regt. to act as Barrack Master at the recommendation of the Commanding Officer, with the Pay of three Shillings pr. Day. This nomination was reported to the Governor in Chief.

The Settlement of Macquarie Harbour has fully answered the purposes that I contemplated, as a Place of rigid Penal restraint and coercion, and the Navigation has for two years and a half suffered no interruption or accident. That Establishment has at present fully as many convicts as I think it affords profitable Labour for, but about twenty Runaways from the Penal Settlement of New South Wales have been sent hither under orders to be forwarded to Macquarie Harbour. Coal, on which I relied, has not yet been found; but, from the Indications and from the Coal formation in other Places, It is probable that the failure has arisen from want of Scientific research. The Timber, which is abundant, and of the finest quality, forms the only article at present brought away. Limestone is in great quantity. The Bar affording only eight feet and a half water, the two vessels, which Government maintains for this Service, are small, and they are not adequate to bring away the Produce. I have made some enquiries with a view of finding an anchorage in the roadstead outside the Bar, in order to encourage Private Vessels to go thither for timber, and the Commandant was directed to raft down some Hundred Logs to that spot, where the Pilot is stationed. A Breakwater was under consideration, and Mr. Hobbes, whose Expedition of Discovery will be noticed, was instructed to ascertain in conjunction with the Commandant the practicability of forming a Secure anchorage. The Timber
brought by the Government Vessels has been sold by Auction.
A very fine Schooner was built at Macquarie Harbour and sold
for £400. Small Vessels and Boats can be built there most ad-
vantageously and would find ready sale at either Port.

The Commandant has been ordered to cultivate Grain suf-
cient for the Settlement. The foulness and general bad quality
of the Land have prevented Success hitherto, but the present
Commandant seems to be making judicious Efforts in that
branch.

Security against escape from Macquarie Harbour appears to
be nearly perfect under a rigid system of Prevention as to Pro-
visions. The Bread is issued daily and an accumulation of flour
carefully guarded against. I some time since stated to the
Supreme Government that Macquarie Harbour was not of suf-
cient capacity to receive all the criminals of this Colony, and
that those subjected to long Sentences of Ultra Transportation
should be sent to other more remote and extensive Penal Settle-
ments.

Lieutenant Wright of the Buffs lately Succeeded to the Com-
mand at Macquarie Harbour, and appears to conduct it with zeal
and intelligence. Macquarie Harbour is held in much terror by
the Convicts.

The removal of the Establishment on the North Side from
George Town to Launceston was proposed by me to the Supreme
Government in a letter, which will be found in the Letter Book
under date 1st March, 1823. I took upon myself at that time to
order a large portion of the Convicts to be removed to Laun-
ceston, but the Lumberyard and Workshops being at George
Town, and the Timber being procured there, the Establishment
has since remained divided. The old decayed Military Barrack
at Launceston was formed into a Convict Barrack, but the
arrangement for two Civil Officers will be attended with con-
siderable expence.

The Expense, waste of Labour and other Evils and Incon-
veniences, the removal of the Commandant forty miles from the
central point of his Command, and the inutility of the Object
in every point of view, added to the retardment which resulted
to the progress of Launceston, render the abortive attempt to
raise George Town a subject of much regret.

The Herd of Government Cattle, generally of a bad and degen-
erate description, is established at Ross, where there is a Crown
Reserve of Land of about fifteen thousand acres. Considering
this Herd an useless appendage to Government, which had long
ceased to supply Cattle to Settlers, and that the Colony is now
in a sufficient course of Improvement by individuals, I suggested
to the Supreme Government last year the expediency of disposing of the Government Herd, and breaking up the Establishment, reserving only a supply of Steers to meet the demand for working oxen, while Government might be expected to require that species of Draft cattle. The reply was that the arrangement might take place, when the new Regulation* for attaching a Convict to each hundred acres of Land should take effect, a Cow being ordered to be also given with a certain credit, with each hundred acres bearing a convict attached. I can only now repeat my opinion that the continuance of the present Herd is useless. If the Government can import very superior Stock of such species as are deficient, and set an example of Improvement, I perfectly understand it, and that Similar measures may be equally beneficial in improving and bringing to perfection many productions, for, in new Colonies remote from the Mother Country, the initiative in improvement can in the early stages only be made by Government; but I am not aware that it is politic or useful for Government to be a Breeder of ordinary Stock, or a cultivator of ordinary Produce, when once a Colony has rendered itself independent as to either.

The constant resort of Shipping to the Derwent, occasionally of foreigners and of Vessels not coming to deliver cargo here, has for some time pointed out the necessity of a small armed Vessel to preserve the order of the River and Port, and to repress smuggling, and to prevent the escape of Convicts. At present, Vessels enter the capacious Waters below, anchor there, and enquiry as to their motions and circumstances can only be made by a Boat despatched from the Town. I stated this opinion some time since to the Supreme Government.

Doctor Bromley's Services, both as Naval Officer and Treasurer, claim my entire approbation.

The Assistant Commissary General in charge of the Department in Van Diemen's Land acts under the Deputy Commissary General in New South Wales. His general operations are regulated by orders propounded by the Supreme Government or received from his Chief, and as to local arrangements he is of course subject to the Lieutenant Governor. The leading operations of this Department have however been always governed by the Orders and Regulations of the Supreme Government. Assistant Commissary General Moodie has given me every possible reason to be satisfied with his Services.

There are in fact no Regulations at present concerning the Medical Department in some important branches, One of which is the aid afforded to the Convicts in Settlers' Service in cases of Sickness. The Functionaries and Convicts in Government

* Note 51.
Service have received Medical Aid in or out of Hospital, and the System of Diet is regulated by the Colonial Surgeon on the usual Principles. He is instructed generally to take into Hospital the Sick Convicts, to prevent irregularity and malingering.

Governor Macquarie's order was that every Settler's Servant, on being sent to the Hospital, should have fourteen days' Provisions with him; but at that time no attempt at a System of Diet was made. Independent of the fact that the Provisions so sent were generally improper for the sick man, it was found quite impossible to enforce compliance. A small charge has I observe been recommended to be put annually upon each convict Servant, which is to entitle the Settler to medical aid, and this I conceive much the best arrangement.

I have every reason to be satisfied with the Skill and attention of Dr. Scott, the Colonial Surgeon.

In order to provide medical aid in the Districts, I authorized an allowance of three shillings pr. Day to some medical Persons, who were induced to fix their residence in situations which were before destitute of Professional aid, and who are bound to take charge of all Prisoners of the Crown in their Districts.

I have used every effort to have the remote parts of the Island explored, for which purpose several Parties and Persons have been employed. Their reports are in the Official Papers. The East Coast was extensively examined by Assistant Surveyor Scott, but It presented but little of importance. On the West Coast the Mountains carry their Bases nearly to the Shore for above two thirds of the Island. Towards the North West, It was Supposed that an extensive Tract of good country was to be found, but the reports of such Inspections as have been made are not very favourable. To find a practicable passage for Stock to that part of the Island was particularly enjoined by me, but It has not yet been attained. This will be important hereafter, if Improvement in Wool should Succeed, for which large grazingRanges are so necessary.

Mr. Hobbes* a Gentleman bred to the Sea was equipped about three months ago with two whale boats for a Voyage to circumnavigate the Island. He went round by the Southward, and I have heard of him at Macquarie Harbour and Port Dalrymple. He will return by the East Coast. Mr. Hobbes was instructed to explore minutely the Coast, to ascertain every opening and indication of a River or Inlet, and to examine the country wherever he could. I trust his Voyage will afford Satisfactory and useful information.

The Prisoners employed in the Boats with Mr. Hobbes were selected for good conduct, and for capability for such an

* Note 52.
undertaking, and they had my Pledge for a reward in mitigation of Sentence if their conduct should be certified by Mr. Hobbes, I beg to recommend them to your consideration.

I have now Communicated to you the measures and the views that I have pursued and entertained, and the System and usage that have prevailed in the principal Branches of the Administration. If I have omitted any species of Information, which may have occurred to you as useful, I have only to request that you will indicate it, and that you will consider me as not only ready but anxious to put you in possession of all that I have done or intended. I may observe at the same time that there are many things undone, or not in the State I would wish or approve, which must be attributed to the feeble powers and Scanty means that have hitherto been in exercise in this Colony.

I have, &c.,

WM. SORELL.

[Enclosure No. 2.]

LIEUT.-GOVERNOR ARTHUR TO LIEUT.-COLONEL SORELL.

Government House, Hobart Town, 26th May, 1824.

Sir,

I do myself the honor to acknowledge the receipt of your Letter of the 22d Inšt’t.

A disposition, under such Circumstances, to impart all necessary information, is no more than might be expected from an Officer, who has Sincerely at heart the good of His Majesty’s Service; but the readiness that you have evinced to impart to me, not only the actual State of the Colony, but your views and plans for its future advancement to Prosperity, the feelings with which you have made those communications, and the manner in which they have been conveyed, will, I am persuaded, be received by Lord Bathurst (to whom I shall have the honor of submitting a copy of your Letter) as the strongest testimony that personal Feeling has in no way interfered with your higher Sense of Public Duty.

Considering your Conduct in this Public light, it may appear almost presumption to add anything from myself; but as the ample information you have given me, and your willingness to enlarge upon such points as may occur to me, must relieve me from much laborious Investigation, I hope you will permit me to express that I am truly sensible of your Kindness in affording me so cordially such valuable assistance in entering upon the perplexing Duties of the Lieut’t Government of this Colony.

I have, &c.,

GEO. ARTHUR.
My Lord,

Van Dieman's Land, 9th June, 1824.

In my Dispatch of this date I have done myself the honor of Submitting to your Lordship the depressed state of the Revenue of this Colony; during the last two Quarters it fell off to such a degree that Colonel Sorell was from necessity obliged to have recourse to a Loan of £5,500 from the Commissariat to make good the current expences, reporting the measure to Sir Thomas Brisbane. It does not strike me that it will be advisable to pursue this measure of a Loan to any Extent; and, if, upon the strictest economy, the Revenue continues inadequate to meet the current expences, I submit it would be advisable to transfer part of the Expenditure to the Commissariat, so that the Items may at once appear on the face of the Public Accounts.

On looking into the Expenditure, I observe the charges are most burthensome for the purchase of Stores for the Vessels employed in the essential and most important duty of keeping up the communication with Macquarie Harbour (the penal Settlement of Van Dieman's Land), for the purchase of Stores required for the Public Works, stores, medicines and Instruments for the Medical Department, stationery for the Magistrates, for the Public Offices, for the Jails, and for the Public Departments, the consumption of which is very great, as every transaction connected with the Convicts, in every part of the Island, is duly recorded in writing, according to the recommendation of the Parliamentary Commission.

All these charges press exceedingly heavy upon the Police Fund, and the more so, from the Articles being provided by the Departments themselves in a very limited, and consequently often expensive market. I do myself the honor, therefore, to transmit Requisitions from the Several Departments for such Stores and Instruments as are most pressingly required, and beg to recommend their being Supplied by the earliest opportunity, and with your Lordship's approbation. Returns can in future be annually prepared, and if regularly Supplied, the Police Fund will not only be a little nursed, but a very considerable positive saving will be effected.

In Colonel Sorell's Despatch of the 26th August last, he has reported to your Lordship the very defenceless state of this Colony, and submitted a requisition for effectually arming at least one Battery. I have taken the liberty of amending the requisition, adding some Light Guns and small arms, which are...
HISTORICAL RECORDS OF AUSTRALIA.

1824. so much needed that, on a very recent occasion, some Bush-rangers actually escaped because there were not the means of arming the Police. I have, &c.,

GEO. ARTHUR, Lt. Govr.

[Enclosure.]

Requisition for Garrison Stores, required for the use of the Acting Engineer’s Department at Hobart Town, Van Diemen’s Land, 8th June, 1824.

24 24 Pounders, with iron Garrison Carriages, Side Arms and other Stores Complete.

50 Barrels of Gunpowder.

6 6 Pounders Field Pieces, cars complete, to act with or without Horses, with Sides, Round Shot, in fixed bottoms, Harness and Drag Ropes complete.

1,000 Muskets, with Bayonets, Belts, Pouches, etc., etc., complete.

200 Swords and Belts for Yeomanry.

200 Brace of Pistols.

SYDNEY COTTON, Acting Engineer,

Approved:—GEO. ARTHUR, Lt. Govr.

11 June.

Position of E. Abbott.

Proposed appointment to court of requests.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

My Lord, Van Diemen’s Land, 11th June, 1824.

I do myself the honor to submit to your Lordship that the Office of Mr. Abbott, the Deputy Judge Advocate in this Colony, has been superceded* by the Appointment of Chief Justice Pedder, but, as no notification or instructions have been received from your Lordship respecting Mr. Abbott, some perplexity has arisen how to act by him.

Although not a professional Gentleman, Mr. Abbott has filled the Office of Deputy Judge Advocate in a creditable manner, and it was from this impression of his character that Colonel Sorell recommended Mr. Abbott to Sir Thomas Brisbane for the appointment of Commissioner of the Court of Requests,† which it was considered would have been an Office in every way acceptable to him; but, after an interview with me, Mr. Abbott has declined the Appointment, considering the probable Salary not likely to equal his expectations or his wants, and has determined upon returning to England by the present opportunity.

The Court of Requests, according to the view taken of it by Mr. Bigge, is to be established upon such principles as will afford an easy access to all persons for the recovery of small debts, and its utility is contemplated to be proportioned to the cheapness and Simplicity with which its proceedings are conducted, and no fees are to be payable except for the Clerk and the Crier of the Court. It therefore occurs to me that a small Salary, probably £300 per annum, is the utmost your Lordship

* Note 53. † Note 54.
ARThUR TO BATHURST.

would Sanction to the Commissioner, and I have not felt autho-
rized in naming any larger amount to Mr. Abbott; but still I
consider it would have been much more advisable for him to
have awaited your Lordship's decision, from a conviction that
his long Services will not be disregarded.

The Salary of Mr. Abbott's Office as Deputy Judge Advocate
has been £600 per annum, and the fees more than double that
Sum, so that his income had been little less than £2,000 per
annum; but the appearance he has kept up, with the expences
of a large family, have, on his retirement from Office, left him,
as he informs me, in a great degree dependant.

A very handsome Grant of 2,000 Acres was given to Mr. Abbott on his appointment as Judge Advocate, and a further Reserve of 2,000 acres has now been ordered by Sir Thomas Brisbane, to which I have added, if it is his wish to reside on his property, and to follow agricultural pursuits, an assurance of the utmost assistance in the way of convict labor. But I must submit this additional Grant should be coupled with the condition I have stated, for so large a portion of land has been improvidently granted (the Scale laid down by the Governor of New South Wales, though applicable to that extensive Continent, being much too large for this Colony) that the utmost circumspection is become necessary to provide for the great and increasing Emigration to Van Diemen's Land, the population having increased more than one third since the Parliamentary Commissn. visited the Island.

I have, &c.,

GEO. ARTHUR, Lt. Govr.

P.S.—Mr. Abbott having refused the Appointment of the Commissioner of the Court of Requests, I beg to Submit that Mr. Gellibrand has just informed me it was understood just before he left England, that the Appointment was, agreeably to the recommendation of Mr. Bigge, to be given to the Attorney General. It will be necessary to put this Court in operation, and, having communicated with Sir Thomas Brisbane, I shall further report to your Lordship upon the Subject. I have, &c.,

GEO. ARTHUR, Lt. Govr.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(Acknowledged by Earl Bathurst, 3rd December, 1824.)

My Lord,

Van Diemen's Land, 12th June, 1824.

I do myself the honor to report to your Lordship that Mr. Butler, the Registrar of the Supreme Court, having died on his passage from England, my predecessor named his Son, Mr. William Sorell, to that Office, and had referred it for the confirmation of Sir Thomas Brisbane previous to my arrival.
As Mr. Sorell came out with your Lordship's concurrence, and was particularly recommended to my attention by Mr. Horton, I approved, after consulting with the Chief Justice upon his qualifications and capacity, of the nomination as far as it rested with me, subject to the Sanction of Sir Thomas Brisbane and your Lordship's final approval.

After being three weeks in the Colony, Mr. Edward Abbott Junr. (son of the late Deputy Judge Advocate) waited upon me to represent his claim to the appointment of Registrar, on the grounds of his having held the Office of Clerk in the Judge Advocate's Court, which he considers called upon him to execute all the duties of a Registrar.

This gentleman, as I am informed by Chief Justice Pedder, had some time previous to my arrival made up his mind to return to England for the purpose of studying the Law, nor had he even entertained a desire for the Office of Registrar until a difficulty presented itself, in recovering some debts, which has since induced the wish to remain for a Season in the Colony, and to put in his claim for the Registrarship.

It is probable Mr. Abbott Junr. may, on his return to England, submit his case to your Lordship. I consider therefore in fairness to Colonel Sorell, I am called upon to state the circumstances as they have occurred, and I must add Mr. Abbott has no grounds for dissatisfaction. At the age of little more than Sixteen, he appears to have been appointed to the clerkship of the Lieut. Governor's Court, in which his father presided, and, having held it for seven years, he is now partly by Grants and partly by purchase, in possession of about Five thousand acres of Land, and Three or Four Thousand Sheep.

I have, &c.

GEO. ARTHUR, Lt. Govr.

UNDER SECRETARY HORTON TO LIEUT.-GOVERNOR ARTHUR.

(Despatch per ship Mangles.)

25 June. Sir,

Downing Street, 25th June, 1824.

The enclosed letter* having been received at this office from Miss A. M. Turnbull, a Settler at Van Diemen's Land, applying for a Grant of Land in that Colony, and having been submitted to Earl Bathurst, I am directed by his Lordship to request that, if upon enquiry her circumstances are found to be as thus described, and no other objection exists, she may receive a Grant proportioned to her means of bringing the same into Cultivation.

I have, &c.

R. W. HORTON.

* Note 51.
EARL BATHURST TO LIEUT.-GOVERNOR ARTHUR.

Sir,

Downing Street, 26th June, 1824.

With reference to my Dispatch of the 27th February last respecting the expediency of appointing two additional Chaplains to the Colony of Van Diemen's Land, I do myself the honor of acquainting you, that I have appointed the Revd. Frederick Wilkinson to the situation of Assistant Chaplain, Vacated by the Revd. Mr. Brooks, and also that I have selected the Revd. Messrs. Garrard and H. R. Robinson for the two additional Chaplaincies above alluded to; and I have further to observe that, the extra expence thereby occasioned not having been inserted in the Estimates for the present year, it will be necessary that you provide for the same from the Colonial Revenues.

I have, &c.,

BATHURST.

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HORTON.

Sir,

Van Dieman's Land, June, 1824.

I do myself the honor to acquaint you that I have re-ceived the Dispatches from Lord Bathurst, stated in the Margin,* and avail myself of the earliest opportunity of apprising you that the intermediate numbers have never reached me.

I have, &c.,

GEO. ARTHUR.

MR. ADAM GORDON TO LIEUT.-GOVERNOR ARTHUR.

Sir,

Downing Street, 18th July, 1824.

Messrs. John and Alexr. Macra having been recommended to Earl Bathurst by Colonel Doyle as young men of great respectability, I am directed by his Lordship, in the absence of the Under Secretary to introduce them to your good Offices, and to desire that you will afford them every reasonable facility in furtherance of their wishes to become free Settlers in Van Diemen's Land, by making them such Grants of Land as may be in proportion to their means of cultivating the same, with any other indulgencies connected therewith, that may be consistent with your previous engagements and the existing Regulations.

I have, &c.,

ADAM GORDON.

* Marginal note.—1—24th Augst., 1823; 2—30 Augst., 1823; 3—1st April, 1823; 4—9th Sep., 1823; 5—6th Novr., 1823.
1824.
10 Aug.

Disputed
claims of
G. Meredith and
W. Talbot.

Compensation
claimed by
W. Talbot;

and by
G. Meredith.

Convicts per
ship Phoenix.

HISTORICAL RECORDS OF AUSTRALIA.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.
(Despatch No. 5; acknowledged by Earl Bathurst, 4th June, 1825.)

Government House, Hobart Town,
10th Augt., 1824.

My Lord,

I do myself the honor to acknowledge the receipt of your Lordship’s Despatch, No. 10 of the 29th of November last enclosing a Summary of the Case, which has been so long at issue between Messrs. Meredith and Talbot, arising out of their asserted claims* to a certain tract of Land called Great Swan Port.

The public attention has been so much drawn to this dispute, that it has become quite a party question, and the animosity of the Principals was so great that I commenced the investigation with little hope of an amicable adjustment; but I am happy to report it has terminated more favourably than I anticipated, Mr. Talbot having consented to abandon the Land in favor of Mr. Meredith.

Mr. Talbot’s loss in removing is necessarily very considerable, and his pretensions to some consideration are certainly strong; I have, therefore, promised to add an extension of one thousand acres to his original Grant, which must be of importance in depasturing his numerous flocks.

Mr. Meredith (who, under your Lordship’s sanction, is already possessed of a Grant far exceeding his means) still considers he has a pecuniary claim upon Government for indemnification for the heavy loss, he represents himself to have sustained during the period he has been kept out of the disputed Land, and intimated his wish to petition your Lordship upon the Subject. But I have given this Gentleman distinctly to understand that, although I will cheerfully transmit his Petition, I should feel it a duty at the same time to submit to your Lordship my decided opinion that his claims were altogether unreasonable.

I have, &c.,

GEO. ARTHUR, Lt. Gvr.

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HORTON.

Government House, Hobart Town,
10th August, 1824.

Sir,

I have the honor to acquaint you that the Ship Phoenix with Two hundred and four Male Prisoners from England, two having died on the Voyage, arrived here on the 21st July, and I am happy to report that their conduct has been generally good, and the treatment and discipline on board seems to have been exceedingly judicious.

* Note 19.
They were landed on the 26th in a very orderly and healthy State and 119 have been appropriated to the Service of the Settlers.

I have, &c.,

GEO. ARTHUR, Lt. Govr.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

Government House, Hobart Town,

My Lord, 15th Augst., 1824.

Although my Predecessor promised himself the honor of personally Submitting to your Lordship a full representation of the State of this Colony, there are two points upon which it is my duty to draw your Lordship's attention:—The Religious Instruction of the Convicts and lower Class of Settlers, and the Military protection of this Colony.

The moral improvement and discipline of the Convicts is by your Lordship's Instructions considered a main point in the administration of these Colonies. In both these particulars, much must depend upon the Co-operation of the Settlers, amongst whom so large a body of the Convicts are dispersed; but in place of raising the character of their Servants, their habits almost universally encourage these dissipated propensities. This, with the better class of Settlers, arises partly from the dread generally entertained of the Convicts, and partly from the desire to prevail with them to work on any terms.

Amongst the lower class of Settlers, there is such a universal propensity to excessive drinking that they rather corrupt than reclaim the Servants who are assigned to them. I have already drawn off from these people, in cases of particular abuse, the Servants who have been given them; but it is not possible to apply this principle extensively without assembling still larger bodies of Convicts in the Towns in Government Employment, and thus a greater evil would be produced.

It seems then the only course to be pursued is to strengthen the hands of the more respectable, and to improve, if possible, the moral character of the inferior class of Settlers, which no doubt sinks lower and lower from the want of those outward forms and ordinances of Religion, to which they have been accustomed in their Native country, and without which I believe in any country immorality would be equally predominant.

Your Lordship is aware that there are only two Chaplains in Van Dieman's Land, situated at the distance of one hundred and sixty miles from each other, the Revd. W. Bedford being stationed at Hobart Town, and the Revd. J. Youl at George Town, Port Dalrymple. It follows that the whole population in the interior are totally destitute of Religious Instruction, and the Sabbath is a day of the most excessive dissipation.
1824.
15 Aug.

Necessity for resident chaplains in districts.

Discipline of convicts.

Military on duty in colony.

I do myself the honor to enclose a statement of the Population of these Districts, as well as of Macquarie Harbour, in which the Services of Resident Chaplains are most urgently called for; and, when your Lordship considers how many Native youths there are, who have never had even an opportunity of receiving Religious Instruction, how many of the Convicts there are whose characters under religious impressions might be amended, and how important it is that the Settlers, who are now flocking out in numbers from England, should find here the Same observance of the Sabbath as they have been accustomed to in England, I venture to hope the additional expence of this necessary increase to the Church Establishment may in your Lordship's Judgment be more than Counterbalanced by the probable advantages which will flow from it. It seems to me that one pious conscientious Minister in each District may do more real good than the most extended correctional Police!

The great relaxation of discipline among the Convicts in the Government Works is also a point of my anxious Solicitude. In resigning the Command into my hands, Colonel Sorell expressed the opinion that the period had now arrived when measures of coercion and restraint might in greater safety be enforced towards the Convicts; my predecessor, however, had not himself ventured to take any step, and the only one I have presumed upon has convinced me that more rigid discipline cannot be introduced without opposition, and, therefore, with the present limited military force, I cannot feel justified in attempting it.

I do myself the honor to lay before your Lordship a return of the Troops Stationed in this Island, and as the numerous calls lately for Protection in the Districts in the Interior, and my inability to answer them, are likely, I understand, to lead to various representations to your Lordship from the more respectable order of Settlers, who have been attracted to this Colony within the last two years, I have added a statement of the distribution of this force, in which, indeed, I have made no change in the disposition which was arranged by my predecessor. It is impossible to leave the Towns, where the principal Body of the Convicts are assembled, without Some protection; and it is quite essential to keep a few men to act upon an emergency for the common protection of the community. The fears of the Settlers have been much, and certainly justly excited by the late unusual hostile proceedings of the Natives, who have committed several murders, and the daring measures, which have been pursued by the Bushrangers, whose numbers have been increased by a party of prisoners who effected their Escape from the penal Settlement of Macquarie Harbour.
The increase of this Garrison has borne no proportion to the augmentation of convicts since Transportation was ordered direct to Van Dieman’s Land; there are now about six thousand Prisoners, and with such Residents your Lordship would not, I think, consider Five hundred men too large a Force to protect an Island so extensive, if the exigencies of other Colonies will admit of it. I have communicated with Sir Thomas Brisbane upon the inadequacy of our Military Force; but, as the Natives have been also troublesome in New South Wales, I do not believe any considerable reinforcement can be well spared from that Colony. It has occurred to me to propose to Sir Thomas Brisbane to pass an Act of the Council to compel all free persons to serve in small corps in their respective districts for the defence of such District; which, from the extraordinary accession of respectable Free Settlers, and the nature and circumstances of this Colony, is very practicable, and would certainly give great confidence and place the Island in comparative Security; but as all measures from Sydney are, I find, received with no good will in Van Dieman’s Land, it is an arrangement, perhaps, better deferred until the separation* of the Colonies, when, with your Lordship’s concurrence, I should certainly suggest its being carried into immediate effect. I have adopted this idea from the voluntary aid which the Gentlemen of Hobart Town have lately rendered the Military in pursuit of the Bushrangers; but their measures, although well intended, were so ill directed, that, until some Regulations are introduced by Law, I should not be disposed to avail myself again of such assistance.

I have, &c,

GEO. ARTHUR, Lt. Gr.

[Enclosure No. 1.]

Return of the Population of the following Districts in Van Diemen’s Land, taken from the General Muster of 1823, since which period there has been an Increase of about one fourth by Emigration.

District of Clarence Plains including Kangaroo Point ... 468
  do. of Gloucester and Sussex including Pitt Water, Coal River .................. 997
  do. of New Norfolk, including the Rivers Plenty and Styx, Sorrell and Macquarie Districts ... 819
  do. of Drummond, Bagdad, Green Ponds ............. 843
  do. of Lenox, Macquarie River, including the Eastern Marshes .................. 376
  do. of Norfolk Plains and the Settlements on South Esk .................. 556
Settlement of Macquarie Harbour .................. 250

* Note 55.
It is only in the above Districts that the Inhabitants and Convicts, exclusive of Hobart Town and Launceston, are sufficiently collected to justify my recommending a Clergyman for their Instruction; in the other parts of the Country, the Inhabitants are at present too much dispersed.

GEO. ARTHUR.

[Enclosure No. 2.]

DISTRIBUTION of 4 Companies of the 3rd Regt. Foot, stationed in Van Diemen’s Land.

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GEO. ARTHUR, Lt. Gr.

UNDER SECRETARY HORTON TO LIEUT.-GOVERNOR ARTHUR.

(Despatch per ship Grenada; acknowledged by lieut.-governor Arthur, 13th May, 1825.)

Sir,

Downing Street, 16 August, 1824.

A communication having been received at this Office from Thomas Graham, a Settler in Van Diemen’s Land, stating that, on his arrival in the Colony, he found himself incapacitated from receiving a Grant from his neglecting to procure, while in this
ARThUr TO HoRToN.

...country, the usual Letter to that effect, I am directed by Earl Bathurst to request that, if his Capital is found sufficient to entitle him to that indulgence, he may receive a Grant proportioned to his means of bringing it into Cultivation.

I have, &c.,

R. W. HoRToN.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(Despatch No. 7; acknowledged by Earl Bathurst, 5th June, 1825.)

Government House, Hobart Town, Van Dieman's Land,

My Lord,

16th August, 1824.

I do myself the honor to acknowledge the receipt of your Lordship's Despatch of the 30th of August last, transmitting a Communication, with its enclosures, from Mrs. Fry, stating her views with respect to the treatment of Female convicts in this Colony, which your Lordship is pleased to approve as containing many valuable Suggestions, and calling my attention to carry the same into practical operation as occasions may require.

The Plan for a Female Factory appears very judicious, and, as the present Establishment is exceedingly confined and dilapidated, I shall be happy to take advantage of it as far as circumstances will allow. The Jail and Factory at Hobart Town at Female factory. present stand on the same ground, being only separated by a brick wall; both Buildings are in a ruinous state, but more especially the Jail which is altogether insecure; it appears to me, therefore, more desirable to construct a new Jail as soon as possible and to appropriate such parts of the Old Jail as can be rendered at all habitable to the use of the Factory, which I hope will answer every purpose until better accommodation can hereafter be provided.

I have, &c.,

GEO. ARTHUR, Lt. Gr.

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HoRToN.

Government House, Hobart Town,

Sir,

20th August, 1824.

I have the honor to acquaint you that the Ship Chapman, Convicts per ship Chapman. with one hundred and eighty Male Prisoners from England, arrived here on the 27th July, and I am happy to report that their conduct has been generally good, and the treatment and discipline on board seems to have been exceedingly judicious. They were landed on the 31st in a very orderly and healthy state, and 132 have been appropriated to the Service of the Settlers.

I have, &c.,

GEO. ARTHUR, Lt. Gr.
1824.
25 Sept.

Under Secretary Horton to Lieut.-Governor Arthur.

(Despatch per ship Hugh Crawford; acknowledged by lieut.-governor Arthur, 18th February, 1825.)

Sir,

Downing Street, 25th Septr., 1824.

Application having been made to Earl Bathurst on behalf of the Widow of Mr. Palmer Stone, who went out as a Settler to Van Diemen's Land in 1820, but, having destroyed himself in the following year, the land he had received reverted to the Crown; I am directed by his Lordship to desire that, if the land in question has not been already alienated, and it does not appear that Mr. P. Stone died indebted to the Crown, or had been guilty of any heinous offence, you will restore the land in question to the Widow, who appears to be entirely dependent upon it for the future support of herself and family.

I have, &c.,

R. W. Horton.

Lieut.-Governor Arthur to Earl Bathurst.

(Despatch No. 8.)

Government House, Hobart Town, Van Dieman's Land,

My Lord,

1st Octr., 1824.

I have the honor to acknowledge the receipt of your Lordship's Despatch No. 3 of the 17th of February last notifying the appointment of Mr. Dudley Feriday to be the Sheriff of this Colony, and, whenever he may arrive, I shall take care to instruct him upon all the points connected with his duty to which your Lordship has directed my attention.

The duties of this Office are executed by Mr. John Beamont, late Provost Marshal, until the arrival of Mr. Feriday, who it has been represented to me is detained in England with no immediate prospect of coming to this country.

I have, &c.,


Lieut.-Governor Arthur to Sir Thomas Brisbane.

Government House, Hobart Town, Van Dieman's Land,

1st Octr., 1824.

Sir,

I do myself the honor to transmit to you the accompanying reports, which have been made to me by the Chief Justice, of the Cases which were tried before the Supreme Court of this Island on the 24th of May and following days in the County of Buckinghamshire, and continued by adjournment in the County of Cornwall until the 10th of August and following days.

After the fullest consideration of every case with the Chief Justice, I have pardoned and commuted the Sentences awarded
to the several Prisoners included in the accompanying Statement, which I now beg to submit for Your Excellency’s Official and formal confirmation.

The Prisoners Owen Reardon, William Tiday, and John Clayton being convicted of Murder, it has been thought expedient to transmit with the reports, Abstracts of the Informations and Copies of the Chief Justice’s Notes on their trial, in order to their being forwarded* to England, if necessary, and these Papers are accompanied by a Letter from the Chief Justice in which he very fully recites the Grounds on which they were recommended to Mercy, and by which my Judgment has been determined.

An awful Calendar of Sufferers you will perceive still remained, whose crimes were of such a nature that it seemed impossible to interfere with the decision of the Jury consistently with the Public Welfare. I have, &c.,

GEORGE ARTHUR, L.-G.

[Enclosure No. 1 A.]

THE CASE of John Clayton, Labourer, tried (with Thomas Taylor, Labourer, and Luke Fowler, Labourer) in the Supreme Court of Van Diemen’s Land at the adjourned Session of Oyer and Terminer and General Gaol Delivery, holden at Launceston on the tenth day of August, 1824, and the following days, upon an information filed by the Attorney General of Van Diemen’s Land for the Murder of William Clements.

THE Information charged that the said Thomas Taylor, Luke Fowler and John Clayton, on the first day of June in the year of our Lord, 1823, with force and Arms at Norfolk Plains in the County of Cornwall in and upon one William Clements, feloniously, wilfully and of their Malice aforethought, did make an assault, and that the said Thomas Taylor with a certain Gun of the value of five Shillings, then and there charged with gun powder and shot, which said gun the said Thomas Taylor then held in both his hands it and against the said William Clements, then and there, feloniously, wilfully, and of his malice aforethought, did shoot off and discharge, and that the said Thomas Taylor with the Shot aforesaid, by means of Shooting off and discharging the said gun so loaded to, at and against the said William Clements as aforesaid, did then and there, feloniously, wilfully and of his malice aforethought, strike, penetrate and wound the said William Clements in the lower part of the abdomen of the said William Clements, giving to the said William Clements then and there with the Shot aforesaid, by means of shooting and discharging the said gun so loaded, to, at and against the said William Clements as aforesaid, nine Mortal wounds, each of the depth of four inches, of which Mortal Wounds the said William Clements did then and instantly die; and that the said Luke Fowler and John Clayton, then and there feloniously, wilfully and of their malice aforethought, were present, aiding and abetting, comforting, assisting and maintaining the said Thomas Taylor in the Felony and Murder aforesaid, in manner and form aforesaid, to do and commit, and so the said Thomas Taylor, Luke Fowler and John

* Note 56.
Proceedings at trial of J. Clayton and others for murder.

1 Oct. 1824.

JOHN CLAYTON SWORN: I lodged at John Aldgate's on the first of June, 1823. Knew William Clements. We worked together. On that Evening (Sunday), some Persons came to steal some fowls. Clements and I were sleeping together. It was about Eleven. Mr. Algate and Clements went out. I did not go out. Clements stood close to the door inside. Clements clapped his hands and called on the dogs. I did not hear anything said. A Musket was fired from the direction of the end of the house near where the fowls were and immediately Clements fell. Mr. Aldgate then fired. Aldgate and I lifted Clements into the house. He was dead when we got him in. Just after we got him in (the door was not shut), another Piece was fired; we saw the flash through the door. We had not got lights. The shot hit the Door Cheeks. We had only the charge Mr. Aldgate fired. We then kept in the House. I knew the Prisoners at this time. Fowler was brought in to Aldgate's, about an hour after the firing. His neck and Shoulders were all over Blood. He appeared not sensible. He remained at Mr. Aldgate's all that Night and the next day. The same night, late, the Prisoner Taylor was brought in by some Soldiers. He had some blood on his Trowsers, and some on his hands. Taylor said to Fowler, "do you say Luke that I was with you?" Fowler said "it is no use to hesitate about it. I think I am the biggest sufferer. You know well you was." He made no reply. The Soldiers ordered him to hold his tongue. He did not attempt to make any reply. I never heard Fowler say anything about this business. Clayton came to Aldgate's next day. Clayton said to Fowler, "I hear you say I was with you last Night when this happened." He made the same reply he had made to Taylor. He said it was of no use to hesitate; he knew he was with him, and that the Fowler was the biggest Sufferer. I never heard any of the Prisoners say who it was that fired the Gun that killed Clements. I was not out till day light in the morning. Clayton came voluntarily.

Cross examined by Clayton.—You bid the people good morning, and said you heard Your Name had been mentioned. You asked leave of the Sentry to speak to Fowler. You touched Fowler and he looked up. I heard you say all you wanted of him was to speak the truth before the House, if you had any part in the transaction; He did not say he was in liquor and could give no account. I did not hear Mr. Archer desire Fowler to say who was in Company with him. I was not inside the House when Mr. Archer was there, nor heard any conversation between him and any other Person. While I remained in the House, I never heard you desire Fowler to speak the truth, but at first.

Examined by the Court.—The first shot was fired from near the fowl house which is on the right of the House, Standing at the door about a hundred yards. The second shot was fired from the front of the House. The door was open, Aldgate held it in his Hand. I was inside the House; the report came from the right end of the House, but I could not see the flash.

THOMAS ALDGATE. Resides at Norfolk Plains; knew Smith; he used to sleep at my house; so did the last Witness; knows the Prisoners at the bar. Has known them more than four years. I knew them well; they lived in my Neighbourhood. They all lived within half a mile of me; I have frequently seen them. I live close to the road. Clements was shot on the first of June, 1823. About nine I heard a fowl making
a Noise. I was a bed. I opened the window; the distance from the window to the place where the fowls are has been measured by me and others, and is seven yards. It was a clean frosty moon light. I saw a man on the plank or scaffold on which the fowls were. He had two fowls in his hand. He gave them to another man, who was standing on the ground, and said 'here Luke take them.' I could discern persons distinctly. They were Luke Fowler and Clayton, the Prisoner at the bar. The bed is close to the window. After seeing them, I jumped out of bed and ran out and set the dogs at them. I did not take my fire arms. When I clapped my hands to set the dogs on, the man on the scaffold jumped off. I ran on with the dogs. The man on the scaffold ran away and passed close to me; he had one fowl which he dropped; the other man ran to the right of me, and they both joined in it and said, 'here is our House. I pursued them about ninety Yards, and they stopped and turned upon me and stood within fifteen yards of me. Fowler said 'is it not a d—d pretty thing, we cannot get these fowls but d—n them we will have them.' I went to my house and fetched my piece and ran after them with my dogs. Luke Fowler slipped down, and Clayton said 'here's his dogs, he is coming, d—n him let him come, and we will give it him.' I endeavoured several times to fire at them and the piece would not go off, Clayton called out, 'fire you b——r, fire.' Finding my Piece would not go off, I returned home. I then reloaded my piece and went to bed again. About a quarter of an hour, I heard another fowl making a noise. I sat up in the bed, opened the window, and saw three men. They were at the threshing floor, which is from twenty seven to thirty yards from the window. I could see them perfectly. One was Tom Taylor the Prisoner, the others Clayton and Fowler. Taylor lived at John Baker's then. Baker's House is within musket shot of the place, where I had left Clayton and Fowler. I jumped out of bed and said to Clements, 'here they are again.' He jumped up and we went out of the door together. We went about three yards from the door. I saw them standing at the threshing floor. I said nothing to the men. Thomas Taylor cried out, 'fire, fire,' and then a Gun was fired from the place where they stood the threshing floor. I knew Taylor's voice. The threshing floor is twenty-seven yards measured from the door. I could see the man who fired the gun; it was Thomas Taylor. I saw the piece in his hands before he fired. Taylor stood to the right of his party, Fowler in the middle, Clayton close to the stock-yard. The shot fired by Taylor struck Clements; he said he was wounded and fell and never spoke after. I fired instantly at Fowler and saw him fall. A man named Clayton and another named Fincham slept at my house. I called Clayton, and he helped me to take Clements into the house. There was a Candle lighted when we went out. I could see he was dead before I got him in. I took the candle and went out to where the men were. I took the Candle to see if he was stone dead. I found Luke Fowler wounded and bleeding from the side of his head. I found a Cap and ramrod by him. I took those in and left him, and went in, and shut the door. In five minutes, a shot was fired which hit the shingles, and the door shot. About an hour after the shot was fired, I thought I heard a Horse coming. I opened the door a little, and saw Thomas Taylor at twenty one Paces, who levelled his piece at me and fired. I am quite positive as to his person. I did not see any person on horseback. I then looked out of the bed room window and saw Clayton and Taylor where Fowler lay. Taylor stooped down and said, 'come along Fowler, for, if you lie here, it will cause a discovery on us all.' I heard Fowler cry out quite loud 'where is my cap,' and Taylor...
desired Clayton to go and look for it. I was at my window. They all remained there till between twelve and one. About this time, they removed Luke Fowler from where he lay. Directly after I heard a Horse. I stopped the man riding him; it was a man named Prentice. I told him what had happened. I did not tell Prentice the Persons were. I asked him if he had seen any men. He said he had seen two men. I asked him if he knew them; he said he thought it was Tom Taylor by his voice. I did not tell him, who they were or that I knew them; no other person came on Horse-back that night. I know a man named Sanders Deighton. I did not see him to my remembrance that night. Don't remember having any conversation with him. I desired Prentice to tell Mr. Hardwick (where some soldiers were stationed) what had happened, and some soldiers came in about a quarter of an hour, and I went out with them to search for Fowler. I did not find him; I and the soldiers returned to my house and found Luke Fowler there. Fowler was wounded and was very faint from loss of blood. I told the soldiers the names of the others, when we went to search for Fowler; before we returned, they went to fetch Taylor; they brought him; there was blood on both his hands, blood between his knees, and on the breast of his Shirt. When Taylor and Clayton removed Fowler, Taylor took the upper part of his body and Clayton the feet. Fowler was wounded in the head and his Shoulders, and Taylor had him by the shoulders in moving him; I was present when Fowler came to his senses; I never heard him have any conversation with Taylor. I saw Clayton next morning at my house. He came of his own accord. When he came in, a soldier took him into Custody. He then said to Fowler, who was there, "How came you to say that I was in it. You know that I am innocent." Fowler said nothing, only groaned; afterwards Clayton kept pressing him continually. Fowler said he knew as much of it as he did for he was in it. He stated (not in the presence of Taylor) that Taylor shot Clements.

Cross Examined by Clayton:—The Corporal and I and three Soldiers went to your house that night; you was at the door. I told you what had happened and that Clements was shot dead. I told you that I was in search of Fowler. I saw Taylor in your House in a little room. The Corporal searched the House for Fowler. I told the Corporal it was no use delaying there, we should find Fowler wherever he was. I did not observe tea things. I told the corporal, after we left the House, that Taylor, who was by the fire, was the man who shot Clements, and that Clayton was along with him. The Soldiers and I went to Bryans to search for Fowler and not finding him, on our return came to your House. You were there. Taylor was gone away. I knew Taylor had fired the piece when I first went to your House, and that you were with him. I did not give you in charge the second time, because we were busy in looking for Luke Fowler, thinking you would make away with him. I did not think it my duty first to apprehend the party who had done the deed. I was examined at the inquest held on the deceased. I did not then swear to any of the three persons whom I now swear to or to any body else. I never said to Sparkes, my neighbour, I would hang all three of the Prisoners, nor to Mr. Hill, nor to Mr. Lachlan.

Re-Examined by the Attorney General:—I told the Soldiers after we had been to Clayton's, the first time, that Taylor had fired the Shot, and that Clayton was with him; but did not say so on the inquest.

Examined by the Court:—I did not tell all I knew then. I did not mention their names. A shot, fired from where the fowls were, could not reach the House door without coming through the House. The threshing floor is twenty-seven Paces from the House door, looking to
the right. Out of my bed room Window, I can see, while abed, the Pig sty and fowl House and the lower end of the threshing floor, but cannot see the upper end without putting my Head out. The window is close to the corner of the House. I can see about half the Threshing floor as I lie in my bed. When I saw Clayton and Taylor pick up Fowler, he was about the middle. When they fired, one stood at the upper end, one in the middle and one on the lower end. One of the men I saw on the stage when I first looked out. I don't remember seeing Sanders Deighton. I think I should remember, if I had a conversation with him or asked him if he had seen the men, to take particular notice of them. I set out with the soldiers from my own door. It was not till I had been once at Clayton's that I told them it was Taylor who fired and that Clayton was present. I did not tell any one but the soldiers that Night that I had seen Taylor fire. I did not take him and Clayton into Custody when I could, because I thought it would delay the search for Fowler and that they might send somebody to convey him away. When I first saw Fowler shot, he looked like a Corpse. He was quite faint. I did not speak to him. It was about half an hour afterwards, I heard him hollow out loud for his cap. I heard Taylor speak to him distinctly. Except my Family and Children, I never told any one from that day to this that I saw Taylor fire the Gun and the others present. I did not think it safe to tell it at the inquest, because I lived at a lone place and there were so many at Clayton's House. But I never was threatened if I gave evidence on that account. When I found Fowler on my return home, I sent for Taylor and he was taken.

WILLIAM潘NCTICE, free Labourer, sworn:—Works for Mr. Henry Clayton of Norfolk Plains; knows Aldgate's house; remembers passing Aldgate's house between ten and eleven at Night early in June, 1823. It was Sunday. It was rather overcast and Cloudy; to the best of my remembrance the moon was half an Hour high, and it was rather overcast and cloudy. I saw two men before I came to Aldgate's House, about fifteen rods from Aldgate's House. They were in the Stubble on the road side as far off as the width of this room (from fifteen to eighteen feet). It was between ten and eleven. I knew the Persons of Taylor and Clayton at that time. When they came by the side of the stubble, I said "who's there." One of them said, "who are you." I, thinking it was Taylor's voice, said "is that you Tom"; he answered "no it is George Smith." I knew George Smith by sight. I knew Taylor's voice; the other man did not speak. I bade them good night. Going ten or twelve rods further, I saw a man lying on the road apparently on his face. Of the two men in the stubble, one was rather taller than the other. One was a Short man, the other was a tall man. I am not certain which it was that called to me. They apparently had White trowsers and dark jackets. I could not distinguish their features. I thought he (the man lying in the road) was drunk and passed on and said nothing. I went on to Aldgate's; he half opened the door and looked out. In consequence of some communication Aldgate made, I went to Mr. Hardwick's to fetch some Soldiers to apprehend some person. I went into Aldgate's House and saw Clements; he was dead. I then went to Mr. Hardwick's for some Soldiers. I then went back to James Herbert's, from whence I first came, and he, James Summerfield, George Robley and I went to Aldgate's; I went nearly as I thought to where I saw the man lying, and heard somebody groaning in the stubble about forty or fifty yards off; I went up to the place where we heard the groans and found Luke Fowler. I knew it was him; Robley sent for a light at Aldgate's; we saw Shot
1824.
1 Oct.

Proceedings at trial of J. Clayton and others for murder.

HISTORICAL RECORDS OF AUSTRALIA.

wounds in his head and Shoulders. Robley took him to Aldgate's. Fowler said who are you, when we came up to him. I staid all night at Aldgate's. I was present when Taylor was brought in to Aldgate's; was not present when Fowler ever said any thing about how Clements came by his death. Robley said something to Fowler before he took him into the House, but I cannot remember what it was. When Taylor was brought into the House, I was awake. Nothing was said to my knowledge by Taylor or Fowler as to Shooting William Clements.

Examined by the Court.—Aldgate, when I came there, said he had seen three men on his threshing Floor; he said he thought they were Thomas Taylor, Luke Fowler, and Paddy Clayton. I was about ten yards from his door; he knows me perfectly well. He called out who is that on Horseback. When I went in he said murder had been committed; that Clements was killed; that he saw three men on his threshing floor; and that, when Clements went out, the man fired and killed Clements; and that, as soon as he saw the flash in their piece, he fired and he thought they were Taylor, Luke Fowler and Clayton. He did not say that he saw that they were Taylor, Fowler, and Clayton. He said he thought he had wounded a Man; he did not say which man. He desired me to tell the soldiers to come to his house; but did not send any message by me to them to search for any person.

HUMPHREY BLUNT, Sworn:—I resided at the Prisoner Claytons on the first of July, 1823. I heard of Clements' death. I was up at Taylor's, the Prisoner's, all that afternoon and at sundown returned to Clayton's. I don't know where Taylor and Clayton were. I saw Taylor and Clayton that night at between nine and ten o'Clock. They came into Clayton's. I don't know how long they stopped; Clayton stopped there all Night. He never went out afterwards Taylor went out. I remember the Soldiers coming to Clayton's twice. They came about eight the first time Taylor and Clayton were both there. The Soldiers and Mr. Aldgate went away and came again afterwards. Taylor and Clayton had been in Clayton's about an hour before the Soldiers came first. I had been abed and asleep before Taylor and Clayton came, but I don't know how long. I did not see Taylor and Clayton at Clayton's before I went to bed. I don't know that Clayton ever went out after he came in. I saw nothing of Taylor or Clayton all that day, till I let them in after being in bed, and that about three quarters of an hour before the soldiers came to Clayton's House.

DOCTOR JOHN SMITH, Sworn:—Is a Surgeon residing at Norfolk Plains. I was called on the second of June, 1823, to Mr. Aldgate's to see the body of Clements. He was dead. I examined the body. I found nine gun shot wounds in the abdomen. I put a probe in and found they had penetrated deep. I did not open the body. Any one of the wounds was sufficient to occasion death. I saw Fowler and Taylor. Fowler stated in Taylor's presence that Taylor was the man who shot Clements, and Taylor desired him not to criminate an innocent man. Fowler said it was no use for Tom Taylor to say that he was not there for he certainly was.

Examined by the Court:—Fowler was intoxicated when this conversation took place; he was wounded at the time and suffering from the effects of liquor. The wounds he received had not injured his brain. The only serious shot he received was in the breast.

THOMAS ALDGATE recalled:—I remember the cap and the ram rod I picked up by Fowler; I had frequently seen the cap. I marked the ramrod. The ramrod and cap I delivered to Constable Clayton. Shewn a ramrod, I cannot identify it. Shewn a cap, that's it.
ARTHUR TO BRISBANE.

SUSANNAH BEAMS, sworn:—lives at Norfolk Plains; knows the Prisoner Taylor; on Saturday forenoon before this murder was committed, he came to me and said my husband lent him his Gun to shoot some Ducks; Witness desired him to take it down, which he did from where it was hanging, and took it away. It has never been returned. It had an iron ramrod. I never had the ramrod in my hand; can only say it was of iron.

THOMAS HERNE, sworn:—Knows the Prisoner Taylor. I lived then at Norfolk Plains. I saw Taylor in the afternoon of the day of this murder; he had a musket which he told me was one of Beams's.

JAMES WRIGHT, sworn:—Is a corporal in the Buffs; was stationed at Mr. Hardwicke's. In consequence of a communication made to me, I went to Mr. Aldgate's. It was a little Moonlight not very clear. It was between eleven and twelve o'Clock, when I reached Mr. Aldgate's. I went with Mr. Aldgate in search of Luke Fowler; we went to the house of the Prisoner Clayton. I saw Clayton there; we returned a second time to Clayton's and did not find Fowler, and returned to Aldgate's and found Fowler there. I afterwards went in search of Tom Taylor, in consequence of a communication I received from Luke Fowler; Aldgate never told me anything about Taylor or Clayton. I went after Taylor solely in consequence of what Fowler said. The first time I went for Taylor at Baker's house was about twelve. I found Taylor in bed. He got up and put on a pair of light trowsers and a blue jacket; his trowsers were stained on the outside of both thighs slightly with blood. The thumbs of both his hands were stained with blood. His right thumb pretty much, his left not much. I did not tell Taylor at first what I took him for. I told him he would know presently. I remarked to him that his clothes and hands were stained with blood; he said he had been shooting Cockatoos. I took him to Aldgate's; before I told him what he was brought for, he said to Fowler "Do you say that I was with you this evening?" Fowler said "yes, you had." Taylor told him to speak the truth and the whole truth, and don't bring an innocent man into it. Fowler in answer said yes, you were in. Fowler seemed to talk plain; to the best of my knowledge he understood the question put to him. He had been drinking. Taylor was not drunk. I am certain I never mentioned to Taylor what I took him for, and that, when he came in the house, he spoke to Fowler what I have mentioned. I don't think that any of the privates could have communicated it without my hearing. I never heard Luke Fowler say how Clements came by his Death. Clements was lying by the fire, when Taylor spoke to Fowler, and nothing more was said by Fowler or Taylor as to Clements' death but what I have stated. I never heard them say anything about firing or about the gun.

Cross examined by Taylor:—I brought you into Launceston on the fifth; you appeared to me to be perfectly in your senses. I never told you, when I took you to Hobart Town, that I thought you were mad when I took you to Launceston. Some times Fowler talked sensibly, sometimes not.

Cross examined by Clayton:—I never heard Aldgate say that he had the least suspicion that you had anything to do with it. You asked me permission to put a question to Fowler as to whether you had anything to do with it. You saw Fowler, but I did not hear what you said. I don't recollect you saying to Fowler "tell the truth, and don't bring an innocent man in."

Cross examined again by Taylor:—I never heard mentioned to you, when I was taking you to Aldgate's, that Fowler had said you was concerned in it. I never told you so myself.
Examined by the Court:—I never was out of Taylor's presence from the time I took him till he put the question, and I am sure it was the first thing he said before any thing was said to him.

The Prisoners being called upon for their defence, Clayton said he was entirely innocent. I never was on the premises and never had a hand or part in it.

Fowler said he went on the Saturday to Clayton's, and remained drinking there all night and part of Sunday; that he was seen lying on the floor drunk at two on the Sunday. I suppose I wandered towards a house near Aldgate's to get more spirits which were there. I don't know who shot me or Clements.

Taylor said he was entirely innocent and never saw either of them but Clayton, when he went there for his mistress. I never saw Fowler after he went to bed on Saturday night. He got up that night to go to Clayton's.

John Baker, called by Clayton, sworn:—lived at Norfolk Plains. Had a ticket of leave at the time of the murder. You and I were at Hammonds till between eight and nine in the evening. I did not see Taylor and Fowler in company with you that evening.

Same Witness examined by Taylor:—You lived at my House. To the best of my knowledge you was at home when I came home. I don't know when you went out, nor when you came in.

Examined by the Court:—He was not at home when I went out the last time before I returned from Hammond's.

Rose Jones, called by Clayton, sworn:—The last Witness, the Prisoner Clayton and his wife, and witness were in company at Hammond's the night of the first of June, 1823. Taylor and Fowler were not in Company with us at Hammond's. I live at Baker's. I left Clayton at our house between eight and nine. There were Thomas Taylor, John Clayton, Baker, Clayton's Wife and myself. I left them all. That was about nine; afterwards Taylor and Clayton came to Clayton's. I was there with them an hour perhaps. I left Taylor and Clayton at Clayton's and went home. As I was going home to Baker's, I met Mr. Aldgate and the Soldiers. It was between nine and ten as I can guess it; might be ten or a little more or under. I don't think I was at Clayton's two hours. I could not swear two hours did not elapse between leaving Baker's, and Clayton's coming to me at Clayton's. It is a quarter of a mile from Baker's to Clayton's.

Robert Lyons, called by Taylor, sworn:—is a free man living at Norfolk. I saw Taylor at Pharr's on Sunday, the first of June, 1823, about six. He came about six. He stopped about an hour and a half. He said he had been shooting ducks. He had two Cockatoos in his hand, one dead, one alive, one cockatoo was bloody on the wing.

Cross examined by the Attorney General:—I did not take notice of any blood being upon them.

Examined by the Court:—I did not observe any blood on Taylor's hands.

Thomas Hammond, called by Clayton, sworn:—lives at Norfolk Plains. You, Baker and your Wife left my house between eight and nine on the Sunday of the murder. Luke Fowler was not there nor Taylor.

Edward Bailey, called by Taylor, sworn:—I remember the night in question; I saw you that evening between seven and eight; You said you would wait 'till Pharr's came home. You had a Cockatoo which was winged. I took notice of the wing being shattered. I
don't remember you making an observation that I had better not touch it for fear of staining myself with blood. It was slightly tinged with blood; you left about eight.

Cross examined by the Attorney General: it certainly was not later than eight when Taylor left. Mr. Aldgate's is about a mile and a half from me. It would not be necessary for Taylor to go to Aldgate's to go to Baker's. It be the longest way about. I do not recollect that Taylor's Clothes were bloody. If I had seen the legs of his Trowsers and his hands stained with blood, I should not have thought it proceeded from the Cockatoo I saw.

Examined by the Court:—I must have seen the stains of blood on his clothes, had there been any. I was out at different times till eleven. I don't think the moon was to be seen. It was frosty not exactly a dark night but certainly not light.

THOMAS SPARKE, called for Clayton, sworn:—I have heard Aldgate say he would convict you all, if he possibly could; he would not spare any of you.

GEORGE MORGAN, called by Clayton, sworn:—I lives within two hundred yards of Aldgate's at the time of the murder. I was at Aldgate's; once when you came up, I remember you told Fowler he was not to be long in this world, and to speak the truth whether you had been guilty of the murder of Clements. Fowler said you know as much about it as I do. I do not remember any body letting Fowler tell who it was, and he should be admitted evidence. I heard Aldgate say he suspected Clayton before he came. Clayton came the morning after Clements was shot. I never heard Fowler say Clayton was innocent. Fowler appeared to have been drinking but was sober then.

JOHN MCLACHLAN, called by Clayton, sworn:—I have never had any conversation with Aldgate this two years.

JOHN HILL, called by Clayton, sworn:—I have heard Aldgate say he would not spare the men, who was taken up for the murder of Clements. As I understood he did not mention them.

PETER ARCHER MULGRAVE, Esqr., Coroner for the County of Cornwall, Sworn:—Proved the deposition of the said Thomas Aldgate, taken upon an Inquisition held upon the body of Clements, which was put in and read.

In this and the preceding pages are contained an abstract of the information filed against John Clayton, Luke Fowler, and Thomas Taylor, for the murder of William Clements, and a true Copy of the Notes taken by me of the evidence given upon the Trial.

JOHN LEWIS PEDDER,
Chief Justice of the Supreme Court of Van Diemen's Land.
Hobart Town, 27 September, 1824.

[Enclosure No. 1 B.]

THE CASE of Owen Reardon, Labourer, and William Tiday, Labourew, tried in the Supreme Court of Van Diemen's Land at the adjourned Session of Oyer and Terminer and General Gaol Deliverie, holden at Hobart Town on the twenty-fourth Day of May, 1824, and the following Days, upon an Information filed by the Attorney General of Van Diemen's Land for the Murder of John Street.

The first Count of the Information charged that the said Owen Reardon and William Tiday, on the Thirtieth Day of July in the Year of Our Lord, 1823, at Abbotsfield in the County of Buckinghamshire,
1824.
1 Oct.

Proceedings at trial of O. Reardon and W. Tiday for murder.

in and upon one John Street, feloniously, wilfully and of their Malice aforethought, did make an Assault, and that the said Owen Reardon and William Tiday, then and there with Force and Arms and with certain Sticks of no Value, which the said Owen Reardon and William Tiday then and there held in their right hands, feloniously, wilfully and of their Malice aforethought, did strike and beat, giving the said John Street, by such striking and beating as aforesaid, divers mortal bruises and contusions in and upon the head of the said John Street, of which said mortal bruises and contusions the said John Street did instantly die; and so the said Owen Reardon and William Tiday the said John Street, in the manner and by the means aforesaid, feloniously, wilfully and of their Malice aforethought, did kill and murder against, etc.

The Second Count charged that the said Owen Reardon and William Tiday, on the day and Year, last aforesaid, at Abbotsfield aforesaid, in and upon the said John Street, then and there being in a certain House at Abbotsfield aforesaid, feloniously, wilfully and of their Malice aforethought, did make an Assault, and that the said Owen Reardon and William Tiday, then and there feloniously, wilfully, and of their Malice aforethought, did cast and throw down the said John Street upon the Hearth of the said House, and then and there feloniously, wilfully, and of their Malice aforethought, did pull down the Chimney of the said House upon the body of the said John Street, by means of which casting and throwing down, and pulling down the said Chimney as aforesaid, the said John Street received divers mortal bruises and contusions in and upon the head and other parts of the body of the said John Street, of which said mortal bruises and contusions the said John Street did instantly die, and so the said Owen Reardon and William Tiday the said John Street, in manner and by the means aforesaid, feloniously, wilfully and of their Malice aforethought, did kill and murder against, etc.

The third Count charged that the said Owen Reardon, before the Felony and Murder by the said Owen Reardon and William Tiday in manner aforesaid committed, vide licet, on the day and year last aforesaid, the said William Tiday to do and commit the Felony and Murder aforesaid in manner, etc. feloniously, voluntarily and of his Malice aforethought, did stir up, move, abet, counsel and procure against, etc.

The Fourth and last Count contained a similar Charge against William Tiday as Accessory before the Fact.

EVIDENCE.

JAMES SPRATT, Sworn:—Was Servant to the Judge Advocate and lived at Abbotsfield in July, 1823. Knows the Prisoner at the Bar. Did not know Street. On the fourth of May, 1823, Reardon and Tiday had some words; that day Reardon had made a Complaint about Tidays not taking the Cattle out. Tiday said Reardon need not bounce so; that Reardon would not have been Overseer if it had not been for him Tiday. I told Tiday that Evening that it was reported round the neighbourhood that he Tiday had murdered Street. He asked me who told me. I said Reardon. Reardon had not told me, but I told him so. Tiday said Reardon must be a bad Man, for he Reardon had advised him to do it. He afterwards said Reardon could do him no harm for that Reardon did not mean to murder him. I asked him what was the reason he murdered him. He said that Street was a dissatisfied Man and set them more Work to do than they could ever get through. Kelly I believe overheard our Conversation. Owen Reardon was Overseer there. When I first went there. Tiday said the
Chimney was near down a week before Street's death. He said that, he had struck Street the day before, and that he was afraid he should be sent to the Settlement at Macquarie Harbour, when his Master came up and he thought there would be no harm to kill him. He had frequently said, if an Overseer and you had had words, and you had struck him, and he was going to have you punished, I should think there would be no harm in killing him. This conversation took place on the fourth of May, 1823. It was four or five Months after this, when Reardon was removed and Tiday was appointed in his stead. Reardon was Overseer at the time of this conversation. The same Evening at Supper, Reardon was low spirited. He, I and Kelly were at Table. I told Kelly in Tiday's presence that Tiday had told me he had murdered Street. Tiday said nothing and went out. The day Reardon was removed, he and Tiday, and a Man named Henley and myself, were at dinner. Reardon reached his hand across the Table and said to Tiday, you murdering Villain, you Mankilling Rascal, why did you not murder me as you did the other Man, and not remove me from my situation. On the fifth of May, I had some Conversation with Reardon. I told him that Tiday said he, Tiday, had murdered Street, and that Reardon had advised him. Reardon said that he knew nothing of the Murder, and had never advised Tiday to do such a thing, and advised me to go to the district Constable and have Tiday taken up. Shortly after he said the best thing would be to drop it, for, if Tiday was to deny his words, his "no" would be as good as Witness's "yes." Afterwards on the same day, Reardon said he had a good mind to confess the Murder to Father Connolly and have Tiday taken up. I said, if he did, Father Connolly would bring him in, as well as Tiday for not mentioning it before, and he said it was more than Father Connolly dare do. He said he had taken a false Oath before the Jury, and he hoped God would forgive him. On the fourth of May, Tiday said that part of the outside of the Chimney had fallen down; that the part which was standing leans inwards; and was supported by a single Stone; that he knocked down the deceased (he did not say with what) and threw him into the Fireplace and pulled out the supporting Stone, and that the Chimney then fell upon Street and buried him in the Fireplace. I saw Reardon next day and mentioned this Conversation. He seemed very much troubled and confused, and said he would not have his name brought in about such a thing for all the world. He said he was innocent of it, and did not know anything about it. When I first told him, he advised me to go to Mr. Capon to have Tiday taken up. He told me afterwards it was best to drop it. I understood him to wish I would not mention it to any one.

Cross examined by the Court:—When Tiday said "Reardon need not bounce so," it was not in Reardon's presence. The answer given to Witnesses, both by Reardon and Tiday, were without any Threat or the part of Witness. Never had any Quarrel with either of them. Witness never mentioned these circumstances to his Master or any Magistrate or Constable, till after they (the Prisoners) were taken up. The Constable came for Witness or he should not have gone there.

WILLIAM HENLEY, Sworn:—Knows the Prisoners at the Bar. Knows Spratt and Kelly. Was in Company with those four at Abbotsfield. Reardon was Overseer, when I first went there. Never had any conversation with Tiday. When Reardon was removed, Tiday was put in his Place. On that day at dinner, Reardon and Tiday, myself and Spratt were together. Reardon said to Tiday, you damned murdering Rascal or you Man murdering Rascal (Witness does not know which) you might as well murder me at once. Tiday made no answer. I had
1824.

1 Oct.

Proceedings at trial of O. Reardon and W. Tiday for murder.

been there about three Weeks before this. There were no words before passed between them. These words were said about five minutes after we went to dinner. Tiday and Reardon and I had been at work together and all went in from work together. I had been twenty Minutes along with them before.

Cross examined by Reardon:—I made a Complaint against you in a Letter to my Master. I had been there about three Weeks. I sent the Complaint of my own accord. It was at dinner you said these words. I did not stay till dinner was over. I did not hear Spratt make any observations on what you had said.

WILLIAM BUSHELL, Sworn:—Lived at Falkener’s farm. It is a quarter of a mile from Abbetsfield. Recollects Street living there as Overseer; Recollects the Chimney falling down; Thinks it was two Years ago come next August. Saw Owen Reardon at my House on the Morning of that day. He came about five or six in the Morning to know if I had sent some things down for Mr. Abbott. He went into the House and lighted his Pipe and staid while I served my Pigs. He then came out of the House with me and we went away. I had known him eighteen Months at that time. He appeared very much confused and white in the Face. He could not be still. When I was going to Breakfast, Reardon came in again and said the Chimney had fallen down; we have lost Street; he is either under the Chimney or in the Bush for a Log of Wood. On hearing this, I got up and run down to the House to see what assistance I could give. When I got within twenty Yards of the Chimney I saw Tiday looking over the Top of the Chimney, and he said Street is under the Chimney and is dead. I asked if he was dead. Tiday answered he is dead. When I got into the house I found the body of Street lying across the Fire Place from corner to corner (diagonally as Witness described). There was no rubbish on him. The Rubbish was gathered up inside of him. The Witness then described it as being gathered in the space between the deceased’s head and the back of the Fire Place. Tiday was standing in the middle of the Fire Place. I am not a Brick Layer and cannot build Chimneys. I was there a night or two before. There was an Agreement between me and Street about rebuilding this Chimney. I had originally built it. I agreed to give Reardon Tiday and Street three bushels of flour and they were to build it up as they pleased.

Cross examined by the Court:—Had never examined the Chimney particularly. The inside was rather in a shattered state. I never saw any part of the outside that had fallen down before. Street’s Clothes were on him. He lay on his right side. His Clothes were scorched on that side and towards the Hip. I did not discover any Fire. I saw three pieces of Iron Pot broken. His face was not bruised. I looked at him for two minutes. There were two Barrows full of rubbish collected between Street’s head and the back of the Chimney; some of the bricks were entire; the Chimney was Stone built to where it came together; above that it was brick; the greater part of the rubbish had fallen outside.

Cross examined by Reardon:—I was not from home to the best of my knowledge when you came to my house. I sent the Fowls to Mr. Abbott. They (the Prisoners and Street) had complained to me that the Chimney was in a falling state on the Thursday. I found it down on the Friday after.

By the Court again.—Street was aged forty; he was a strong robust Man. I had seen him on the Thursday night; he was well then. There were some stones out in the front of the Fire Place, and the Chimney had several Cracks in it, when I had last seen it, but it did not
seem to be more likely to fall than a month before. It was between five and six O'Clock when I got to the Place.

JAMES ALEXANDER, sworn:—Was Stock-keeper to Mr. Abbott in January last. Lived then in the same house with Reardon. I lost a Silk Waistcoat and accused Reardon of stealing it. The Thursday after, Reardon and I had some words and I called him a Man murdering Rascal. I cannot tell what he said to me. He looked very white. On going to bed, I found my Waistcoat lying on the bed, rolled up in a piece of clean white linen. We were not on the best of terms. On the fourteenth of January, we had a Quarrel and I called him a bloody butcher. He told me to mind what I was about. I don't know what he said first at that time. He never in his life said anything to me about Street. On the tenth of January, I gave Tiday an Axe and a handle roughed. I asked him to put it in and grind it for me. When he had done so, he brought it to me and said it was the finest felling Axe he had ever seen in the Country. I said I would change it for a lighter; he said he had one he would change for it. I asked if it was the one he had murdered Street with. He said, yes, yes by God. About a month after Street's death, I had a Conversation with Tiday in a Joke; no other Conversation had taken place between us on the subject. On Saturday, the fourteenth of January, I told him he would have gone to Jail, if it had not been for me, and told him to prepare himself to go. He told me if Mr. Capon would go to him, he would confess all about the Murder. Next day out Stock-keeping, Tiday told me he had told Mr. Capon that Reardon had wanted him several times to kill Street, and that, the Evening before he was killed, he had struck Street in the small of the back; that on the following Morning, Reardon and he went to work; that Reardon said to him "Now you will be hung in real earnest. Master will be up to-day, and, if you are not hung, you will get a hundred lashes and be sent to the New Settlement; the best thing we can do is to kill him right out"; that accordingly they both left off their Work to go and kill him. On going there, he (Tiday) stopped and said I cannot go any further, I have such a pain in my head. That Reardon shook his Fist in his face, and said, you cowardly Rascal, if ever you dare say a word about it, I will have you hanged; that he sat down on a log for about thirty minutes, and got up to look for Reardon, and found the Chimney down, and saw the Man's feet lay from underneath the ruin of the Chimney, and smelt the smell of burnt Clothes. That on going out of the House he saw several people running towards it. He said nothing more to me. I asked him who it was went to the back of the House to say their Prayers. He gave me no answer but walked away. I asked him at other times about Street's death, he never told me more than I have related.

MR. CAPON, District Constable, sworn:—Was never examined before the Magistrates on the subject. Knows the Prisoner Tiday, recollects having some conversation with him as to Street's Death. I told him what I had heard as to him and Reardon. He said Reardon had urged him to murder Street; that he had refused to do it and told him he could not do it. He said that he went round the hut, when the other Men were gone to work, and that Reardon again urged him to do it and that he refused. That on the Morning on which Street was found dead, he went to the hut and found the Chimney down. That he looked over the part of the Chimney remaining and did not see Street. That he then rounded the Hut with the intention of going in at the
Proceedings at
trial of
O. Reardon and
W. Tiday for
murder.

1824.
1 Oct.

door; that before entering the door he saw Reardon at the distance of two hundred yards. That Reardon was approaching the Hut at the time; that he Tiday went into the Hut and found the feet of Street under the Stones of the Chimney; that he did not endeavour to remove Street, but immediately ran to inform Reardon; that he did inform him and that Reardon said "is it so, I will go and tell Bushel." I asked him, if he knew anything more; he said no it was Reardon was the Murderer and not himself. He said nothing more to me. Tiday was not in Custody. He said this voluntarily on a Saturday. Next Monday he was taken into Custody. Bushell came and fetched me to the house the day Street was found dead. I there found Tiday outside the house deploring the death of the Man. He appeared to be in agitation. He lifted up his hands. I do not recollect his words. I do not recollect if Reardon was there or not. The body was lying on a Sofa. It was Shockingly disfigured. It was discolored with the Fire. I saw that the back part of the head there had been a violent blow which I then conceived was the cause of his Death.

Examined by the Court:—Believed it was eight O'Clock when I got there. It was very fine weather the night before, not windy that night or in the morning. Had seen the Chimney previously some Stones eighteen inches long had been placed upright which in my judgment made it unsafe. I pulled down some work, built by the same person who built this Chimney, considering it not safe. The stones of this Country will fly if exposed to a strong Fire. I thought Tiday a decent Man.

Cross examined by Beardon:—I recollect your coming to complain to me of Tiday and Spratt. I did not interfere. Your complaint was that Spratt, who was Gardener, was not obedient. I recommended you to wait 'till the Judge Advocate returned. I recollect your complaining to me previously against Spratt and Tiday and my reprimanding them.

The Prisoners when called upon for their defence said they were innocent of the death of Street. TIDAY said that when he got to the Hut he found the Chimney had fallen and Street beneath it. REARDON said he never was near the Hut.

OWEN MONAGHAN, called by Reardon, sworn:—Lived at Bushell's at the time of this accident. He went out with me at break of day. Never took any message from Street to Bushell about the state of the Chimney. When I was at the Hut, Harrison was there. Street said the Chimney had better be taken down. I saw the Chimney. It was rent in several places. The funnel was cracked and the two sides leant out. The mantle piece was of Wood. I do not know how thick it was. I don't know that Bushell and you were at variance. Bushell stopped me to load the Cart. We were not more than ten minutes loading it. It might be a quarter past five when Bushell got home. The Chimney was cracked in several places. When the Chimney was put up again the foundation was made half a foot deeper. I cannot say whether there was any lime in the Chimney. I know nothing about the terms on which Spratt and Henley were with Reardon, but that Spratt said Reardon used to abuse them.

JOHN BEAMONT, Esquire, called for both the Prisoners, Sworn:—I have frequently gone up to the Farm with Mr. Abbott. I remember Reardon pointing out the Chimney to him as being in a bad state, and I think Mr. Abbott told him to apply to the Person who built it. I looked at the Chimney, it was cracked and in a very bad state and
seemed not safe. It appeared very likely to fall. This was about three weeks or a month before the death of Street. It would not have surprised me to have found it fallen. A blow given or a stone removed would I think bring it down.

Edward Abbott, Esquire, called for both the Prisoners, Sworn:—The Prisoners were my Servants. Cannot say anything favorable to the Character of either of them.

The Prisoners called no other Witnesses.

Verdict—William Tiday, guilty of Murder.

Owen Reardon, guilty as Accessory before the Fact.

In this and the eighteen preceding Pages are contained an Abstract of the Information filed against Owen Reardon and William Tiday for the Murder of John Street and a true Copy of the Notes taken by me of the Evidence given upon the Trial.

John Lewis Pedder,

Chief Justice of the Supreme Court of Van Diemen's Land.

Hobart Town, 29th September, 1824.

[Enclosure No. 1 C.]

Cornwall, Van Diemen's Land.

These are to Certify that pursuant to the verdict of an Inquest held on the body of William Clements, Labourer of Norfolk Plains in the said County, on the third and fourth days of June last past, Thomas Taylor, Labourer, John Clayton, Shoemaker, and Luke Fowler, Labourer, all of Norfolk Plains aforesaid, were committed to His Majesty's Gaol at Launceston in the said County, the said Thomas Taylor charged with having violently, feloniously and of his malice aforethought, killed and Murdered the said William Clements on the first day of June last past at Norfolk Plains in the County and Land aforesaid, and the Said John Clayton and Luke Fowler, charged with then and there Comforting, abetting and aiding the said Thomas Taylor to do and commit the felony and murder aforesaid. And that the Proceedings of the said Inquest are hereunto annexed.

Given under my Hand and Seal at Launceston, this twenty Sixth day of April in the Fifth year of the Reign of our Sovereign Lord George the Fourth, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith.

P. A. Mulgrave, Coroner (L.S.).

[Enclosure No. 1 D.]

Cornwall, Van Diemen's Land.

An Inquisition indented, taken at Norfolk Plains in the County of Cornwall aforesaid, the third and fourth days of June, 1823, in the Fourth year of the Reign of King George the Fourth, before me Peter Archer Mulgrave, Esqre., Coroner of our Lord the King for the County aforesaid, upon view of the Body of William Clements, Labourer of Norfolk Plains, a free man, then and there lying dead, upon the Oaths of Messrs. William White, John Smith, Augustus William Coulston, Thomas White, Edward Edmund Bailey, John Herbert, James Davey, George Robley, Edward Woolley, Thomas Sparks, John Harris and Benjamin Walters, good and lawful men of the County aforesaid, who, being Sworn and Charged to enquire on the part of our said Lord the King, when, where, how and after what manner the said William Clements came to his death, do say, upon their Oaths, that Thomas Taylor, Labourer of Norfolk Plains aforesaid, not having the fear of God before his eyes, but being moved and seduced by the instigation of the Devil, on the first day of June instant in the year aforesaid at
the hour of twelve at night or therabouts, with force and Arms, at Norfolk Plains aforesaid in the County aforesaid, in and upon the aforesaid William Clements, then and there being in the peace of God and of the said Lord the King, feloniously, voluntarily and of his malice aforethought, made an Assault; and that the aforesaid Thomas Taylor then and there with a Gun of the value of Five shillings, which he the said Thomas Taylor held in his hand, the aforesaid William Clements, on and upon the Lower part of the Abdomen of the said William Clements, then and there violently, feloniously, voluntarily and of his malice aforethought, shot and pierced and gave to the said William Clements, then and there with the Gun aforesaid, in and upon the aforesaid part of the Abdomen of the said William Clements, nine mortal wounds of the depth of four inches, of which said mortal wounds the aforesaid William Clements then and there instantly died; and so the said Thomas Taylor then and there feloniously killed and murdered the said William Clements against the Peace of our Said Lord the King, his Crown and Dignity. And the Said Jurors further Say, upon their Oath aforesaid, that Luke Fowler, Labourer, and John Clayton, Commonly called Paddy Clayton, Shoemaker of Norfolk Plains aforesaid, were feloniously present with Thomas Taylor at the time of the felony and murder aforesaid in form aforesaid committed; that is to say, on the said first day of June aforesaid in the year aforesaid, at Norfolk Plains aforesaid, in the County aforesaid, at the said hour in the night of the said first of June aforesaid, then and there comforting, abetting and aiding the said Thomas Taylor to do and Commit the felony and murder aforesaid in manner aforesaid against the Peace of our said Lord the King, his Crown and Dignity. An Inquisition on the Body of William Clements, laborer, a free man of Norfolk Plains in the County of Cornwall, Van Diemen's Land, taken before me, Peter Archer Mulgrave, Esquire, Coroner of our Lord the King for the County of Cornwall, Van Diemen's Land, on the Oaths of Messrs. William White, John Smith, Augustus William Coulston, Thomas White, Edward Edmund Bailey, John Herbert, James Davey, George Robley, Edward Woolley, Thomas Sparks, John Harris, and Benjamin Walters, good and lawful men of the County aforesaid, who being duly Sworn proceeded to view the body of the said William Clements. Thomas Aldgate, of Norfolk plains, free, being Sworn, saith:—William Clements resided in my House; on Sunday last the first instant, about ten o'Clock, I heard some fowls make a noise near the house. I opened the bed room window and saw two men about Seven yards from me; one man (who appeared shorter than the other) was...
upon a stage where the fowls were sitting. I saw him give the latter
man two fowls and said, take them Peter; one of the men had a pair
of light colored trowsers and dark Jacket; the other man's dress I
could not ascertain. I opened the house door, when the man jumped
from the Stage, and as I pursued him dropped the fowls. I followed
the two men about fifteen rods or thereabouts, when they faced about
and I called out for my musket; no one answering from my House, I
returned and got my Musket, then pursued the two men about thirty
rods, when they again stopped, and said "he is coming;" "Here he is;"
"here are the dogs;" "damn him, let him come we will give it him." I
pulled the trigger of my Musket several times, but it missed fire; I
returned again to the house, loaded another Gun with Swan shot and
went to bed; about twenty minutes afterwards, I heard the fowls
making a fresh noise; I got up and went to the house door accompa­
nied by William Clements the deceased; when about three yards
from the door, I saw three men about twenty-Six yards from the
House; the deceased clapped his hands and called the dogs; when a
voice exclaimed, "damn your eyes, you b---r fire"; a shot was in­
stantly fired from the Spot where the three men were standing; I
immediately aimed and fired at the middle man, whom I saw more
clearly from the flash of the first Shot; the deceased William Clements
immediately said "I am wounded," wheeled round me and fell on the
ground. I then Called upon John Clayton and Silvanus Fincham, who
assisted me in bringing the body of the deceased into the house; he
was then breathing but did not to my knowledge speak after the words
before mentioned. I heard a groaning, took a Candle and went in the
direction I had before fired, and saw a man, whom I knew to be Luke
Fowler, laying upon some Straw about Twenty-Six yards from the
House; his head was bleeding; I found the Cap now produced laying
by his head and this ramrod close to the Cap. I have seen Luke
Fowler wear the Cap. I came back to the House, and in about ten
minutes a shot was fired, which appeared to Strike the Shingles of the
House. I looked out at the bedroom window, and saw two men trying
to raise up Fowler; I heard him ask for his Cap; in a short time after
I heard the approach of a Horse, a shot was immediately fired and
struck the door which was ajar. I again opened the Window and saw
two men going from the House; I heard the steps of a Horse very
near, and asked the rider, Saunders Deighton, if he had seen any
men; he said that he had seen two; I asked him if he knew them; he
replied he did not; I desired him to take particular notice of them if
he should meet them; about fifteen minutes afterwards, another shot
was fired at the door then also ajar, which I closed, and went to the
Window and saw two Men carrying away a man, one holding the legs
and the other the upper part of his body. I had not any more Powder
in the house and did not therefore pursue them; about ten minutes
after, William Prentice was passing the house on horseback; I told
him that a man had been shot and requested him to ride up to Mr.
Hardwick's as quickly as possible and inform the Military party
stationed there of the circumstance; the Soldiers came in a short time
and accompanied me in searching for Luke Fowler, but could not find
him; we returned to my House and there saw Luke Fowler wounded,
and was informed by George Robley that he had been directed to the
place where Fowler was lying in the Stubble near the house by his
groans, and that he had brought him in about half an hour afterwards.
Fowler in the presence of George Robley, William Prentice
and James Herbert, that Thomas Taylor was the man who shot the
1824.  1 Oct.

Proceedings at inquest on body of W. Clements.

Historical Records of Australia.

Deceased William Clements, whose body was then lying before him. On the following morning about day break, Luke Fowler further said, in the presence of John Clayton, that he John Clayton was with him. Luke Fowler also this morning accused John Clayton of having been "with him," meaning when Clements was shot. When I saw the two men before mentioned carrying a body from the House, the man holding the upper part of the body appeared much taller than he who had hold of the legs. Two or three hours after Fowler was brought into the House, Thomas Taylor was Conveyed here by some Soldiers; I observed that the inside of his hands were freshly stained with blood, and there was a patch of blood upon the breast of his Shirt; he said that he had been shooting Cockatoos; there was also blood over the front of his Trousers.

His Thomas X Aldgate.

Mark

John Clayton, holding a ticket of leave number one hundred and twenty five, being sworn, saith:—I was in bed with the deceased William Clements, in the house occupied by Thomas Aldgate upon Norfolk plains on Sunday night last, when I saw Mr. Aldgate load a Musket and go out of the house followed by the deceased; I was close behind Clements when I heard a shot fired and Clements immediately reeled round, and said to me, "I am wounded Bill," and fell on the ground. I saw Mr. Aldgate fire instantly in the direction of the flash of the former shot. Mr. Aldgate, Sylvanus Fincham and myself brought the body of Clements into the house, who in a few minutes expired without saying another word; we had scarcely got him into the house when a shot was fired at the door; some time after William Prentice, who was riding past the House, was requested by Mr. Aldgate to inform the Soldiers at Mr. Hardwicke's of what had passed; in a Quarter of an hour three Soldiers came in and accompanied by Mr. Aldgate searched round the house; whilst they were away, Mr. James Herbert and George Robley brought Luke Fowler to the House, who was much wounded and bleeding from the head. Mr. Aldgate had previously brought the Cap, now produced, into the house. I heard Luke Fowler say that Thomas Taylor was with him, when the Gun was fired. Thomas Taylor was afterwards brought in by the Soldiers; there were fresh stains of blood upon the palms of his hands and the breast of his Shirt and front of his Trousers; he said he had been shooting Cockatoos. Yesterday morning I heard Fowler say that Thomas Taylor fired the shot towards the House when Clements was killed. I also heard Fowler tell John Clayton, called Paddy, this morning that it was no use to hesitate, that he Clayton knew he was with him on Sunday night.

His John X Clayton.

Mark

Luke Fowler, Free, saith:—I was at John Clayton's (called Paddy) house on Sunday evening when Taylor came there. John Clayton and Thomas Taylor came up with me to the thrashing floor near Aldgate's house. Thomas Taylor had a Musket in his hand; at this time he had a pair of white duck trousers and a blue jacket; Clayton had on Nankeen Trousers and a Blue Jacket, and we approached Mr. Aldgate's; two shots were fired, one by Taylor and the other from the direction of Mr. Aldgate's house. I do not know which shot was fired first. I was in liquor at the time, and do not recollect any Conversation taking place before the firing commenced. I do not know when or how Taylor's Musket was loaded; he and Clayton were much more sober.
than I was. I was wounded by the shot which was fired from Mr. Aldgate's house, and fell close to Mr. Aldgate's thrashing floor; I recollect two persons carrying me to a greater distance from this house, who I believe were Clayton and Taylor. I believe Humphry Blunt and William Thomas were at Clayton's house, when Taylor, Clayton and myself left it.

LUKE FOWLER.

George Robley, Free, being sworn, saith:—I was at James Herbert's house on Sunday night last, when I heard that William Clements had been shot at Mr. Aldgate's house on Norfolk plains; I immediately set off with Mr. James Herbert, and, when within about five hundred yards of the House of Mr. Aldgate, I heard some person groan, and, in Searching about the Stubble, found Luke Fowler laying on his back; he complained of his face and side, and said he thought he had been shot. Saunders Deighton and William Prentice were also with me. Deighton lifted Fowler upon my back, and I carried him to Mr. Aldgate's; there I saw the body of Clements, the deceased. I asked Fowler who it was that shot Clements; he did not immediately answer me; I told him if he would say who it was, he should go to the fire and have any thing he wanted; he then said it was Taylor. I asked him what Taylor, he answered Thomas Taylor; and in the course of that Night repeated to me not once but fifty times that it was Thomas Taylor who shot Clements. I enquired if any other person was present at the time he was shot besides Taylor; he said Clayton was there, but would not say what Clayton. I saw Taylor brought to Mr. Aldgate's house that night. I saw blood on his right hand, the breast of his Shirt and on his Trowsers; there was a large spot of blood on his Trowsers, near the Waistband; the stains on his Shirt and Trowsers were fresh; he had on a blue Jacket and white duck Trowsers. When I first found Fowler, he asked me twice "is that you Armstrong."

George Robley.

William Prentice, Free, being sworn, saith:—I was riding from Mr. James Herbert's house on Norfolk Plains on Sunday night last towards Mr. Thomas Aldgate's house, when I saw the body of a man laying in Road, and two men in the Stubble near the road; one of them was a tall man in a dark Jacket and light Trowsers, the other was a shorter man; the taller man cried out Holloa, in a voice which I believed was Thomas Taylor's, and I said "is that you Tom"; he replied "No George Smith." I rode on and, when passing Mr. Aldgate's house, he called to me and said, William Clements has been shot; I went into the house and saw William Clements laying dead; Mr. Aldgate then requested me to go to Mr. Hardwicke's and report the circumstance to the Soldiers stationed there; I did so and then returned to Mr. Herbert's, who, with Mr. George Robley, Saunders Deighton, and William Summerfield accompanied me towards Mr. Aldgate's house; in our way I heard a man groan; Search was made, and Luke Fowler was found in the Stubble about twenty yards from the Road. Mr. George Robley then carried him to Mr. Aldgate's house, and I then saw that Fowler was wounded and bleeding on the side of the head; when Mr. Robley went up to Fowler, whilst he was laying in the Stubble, Fowler said is that you Armstrong.

His

William X Prentice.

Mark

John Brumby, free, being sworn, saith:—George Smith works at my Father's house; he was there on Sunday evening last, I saw him there
1824.

1 Oct.

Proceedings at

Inquest on body

of W. Clements.

DOCTOR JOHN SMITH, being Sworn, saith:—I was called up in the
morning of the second of June by a Soldier stationed at Mr. Hard-
wick’s; I accompanied him to the house of Mr. Aldgate on Norfolk
plains; I examined the Body of the Deceased William Clements there
laying dead and found a number of shot wounds in the Abdomen, nine
of which would separately have caused his death. I also found there
Luke Fowler, wounded apparently by Swan shot on the left side of the
head, the left Shoulder and breast; he, Fowler, said that Thomas
Taylor was the man who shot Clements; Taylor, who was present, asked
Fowler to speak the truth and not take away the life of an innocent
man; he, Fowler, then shook his head, but made no reply; Some short
time after this, Fowler said he was very cold. Mr. Aldgate then told
him, if he would declare the name of the third party who was with
him when Clements was shot he should go to the fire; to which he
replied Clayton, but did not say what Clayton. I went away and
reported the circumstance to Thomas Archer, Esqr.

JOHN SMITH, Surgeon.

HUMPHREY BLUNT, holding a Ticket of Leave, being sworn, saith:—
I live at the house of John Clayton, commonly called Paddy Clayton,
on Norfolk plains. Clayton went out of the House about nine o’Clock
on Sunday evening last; Thomas Taylor and Luke Fowler were both
at Clayton’s house on Sunday afternoon, but left it before Seven
o’Clock. I saw Taylor about four o’Clock on Sunday afternoon at
Clayton’s; his Wife had previously told me that he Taylor had been
shooting Cockatoos. I did not see any marks of blood on Taylor’s
clothes or hands; he remained there drinking with Clayton about an
hour; I recollect the Soldiers coming to Clayton’s house that night:
about three Quarters of an hour previous to their arrival Clayton and
Taylor came there; I had not seen Clayton from the time he left his
House at nine o’Clock until he returned with Taylor as above stated. I
had not been out of Clayton’s house during that period.

His

JAMES WRIGHT, Corporal in His Majesty’s 3rd Regiment of foot,
being sworn, saith:—I am in charge of a party of Soldiers stationed
at Mr. Hardwicke’s at Norfolk plains; on Sunday night last, the first
day of June, William Prentice came there about twelve o’Clock and told
me that a man had been shot at Mr. Aldgate’s and requested me to
go there; I immediately went and Saw a man laying there dead, who
I was told was William Clements. Mr. Aldgate said that he had shot
a man and found his Cap, and that he could swear it was Luke Fowler;
I went with him in Search of Fowler to Clayton’s house; I saw Clayton
there who was up and dressed; from thence I went to the house of
John Baker and not finding Fowler after Searching several other
Houses, I returned to Aldgate’s house where I saw Luke Fowler who
was wounded and said Taylor was the man who shot Clements. I
returned to the house of John Baker where I found Thomas Taylor in
ARTHUR TO BRISBANE.

bed; he said he had no business to go with me unless I had a Warrant; he however did accompany me to Aldgate's house. I saw some stains of blood upon his Trowsers, the breast of his Shirt and his right hand; he said he had been shooting Cockatoos and the stains of blood were from them; he desired Luke Fowler to tell the truth and not tell upon any innocent man. Fowler said it was him meaning Taylor that shot Clements with him; Fowler afterwards said it was not him (Taylor) and again said that it was him (Taylor) that shot Clements; Taylor was present when Fowler said this, and to the best of my belief appeared to wish to tamper with Fowler, who sometimes would not answer Taylor's questions and observations, but shook his head and groaned; Doctor J. Smith then advised me to take Taylor away; he objected to leave the house, but I Sent him in the custody of two Soldiers to my Quarters.

JAMES X WRIGHT.

John Baker, holding a Ticket of Leave, being sworn, saith:—Luke Fowler and Thomas Taylor both lodg'd in my House on Norfolk plains; on Sunday Evening last, I saw Thomas Taylor there about half past eight o'Clock; I did not see that he had a Musket, or know that he had any Powder or Shot; I turned him out of doors about that time for interfering between me and the woman I live with; I did not see him from that time until he was taken out of his bed by some Soldiers the same night, and do not know when or how he returned to my House. I have not seen Luke Fowler since two o'Clock on Sunday afternoon; I do not know that there was any Shot in my House on Sunday last, or of any having been brought there; I was intoxicated on Sunday last.

JOHN X ARMSTRONG.

Rose Jones, a Prisoner (Maria Elizabeth Henrietta) saith:—I lived with John Baker; On Sunday night last about nine o'Clock I went with Paddy Clayton, May Taylor and John Baker; when we got to Baker's House, Armstrong and Thomas Taylor were sitting by the fire side; John, commonly called Paddy, Clayton Came in and remained there about half an hour; I did not see any Stain of blood on Taylor,
1824.
1 Oct.
Proceedings at
inquest on body
of W. Clements.

188 HISTORICAL RECORDS OF AUSTRALIA.

nor a Musket in his hand on Saturday, or Sunday last, nor in Baker's
House. I afterwards saw Clayton leave the House; Taylor did not
leave Baker's House from that time until he was taken prisoner by the
Soldiers for more than ten minutes; he might have been out of the
House without my knowledge.

Her

ROSE X JONES.

mark

a Convict (James), being sworn, saith:—on Sunday
O'LIVIA CLAYTON evening last I was at John Baker's house on Nor-
folk Plains about eight o'Clock; I did not see
Thomas Taylor there; Rose Jones and my Husband (John, commonly
called Paddy, Clayton) were there and went with me home; in about
an hour afterwards Thomas Taylor came to my Husband's house and
had some tea there. Rose Jones went away before Taylor; he re­
mained at my House until after the Soldiers came there; I do not
know how long; Fowler was at my Husband's house about two o'Clock
onSunday; they were both in liquor; I left Fowler there about three
o'Clock, and went to Hammond's on Norfolk Plains; there was a lamp
on my table on Sunday evening when Taylor drank Tea there. I did
not see any marks of blood on him.

Her

OLIVIA X CLAYTON.

mark

ROBERT LYONS, holding a Ticket of Leave, being Sworn, saith:—I
know Thomas Taylor and saw him in Mr. Bailey's kitchen on Norfolk
plains about Sundown on Sunday last; he remained there until about
eight o'Clock; he drank tea there; he had a Musket in his hand when
he came in; it had an iron ram rod, the upper part of which was
fastened to the Barrel by a piece of string or wire, the upper pipe
being broken off; he had two Cockatoos with him; I did not see any
marks of blood upon him; his waistcoat was unbuttoned at the breast;
he sat opposite to me while he drank Tea and smoked his pipe; there
was a light on the Table between us; he said he had been shooting
Cockatoos. Taylor said the Musket was his own.

His

ROBERT X LYONS.

mark

ROBERT BEAMS, free, being Sworn, Saith:—On Saturday morning
last I promised to lend a Musket to Thomas Taylor; he asked me for
it, when crossing the River South Esk, to shoot Cockatoos; it was half
stocked; there was no upper pipe to fasten the Ramrod to the Barrel;
they were Connected by a piece of string; I did not deliver the Musket
for the Musket; it has not yet been returned to me.

Robt. Beams.

THOMAS HEARN (Guildford) Convict, holding a Ticket of Leave,
being sworn, saith:—between three and four o'Clock on Sunday after­
noon last, Thomas Taylor came to the house where I live on Norfolk
Plains, with a Musket in his hand; it had a lock on it; I asked him
whose piece it was; he said it belonged to Robert Beams; he had not
any Cockatoos in his hand; he remained there about half an hour.

His

THOMAS X HEARN.

mark

MARY SMITH, a Convict (Maria Elizabeth Henrietta), being sworn,
saith:—I live at John Baker's house on Norfolk Plains and cohabit
with Thomas Taylor. I did not see Thomas Taylor with a Musket in
his hand on any part of Sunday last; the whole-stocked Musket now produced is Thomas Taylor's; it has been without a Lock for the last three Weeks; upon my Oath I did not tell Mr. or Mrs. Coulston the Cockatoo I had then in my Hand had been shot by Thomas Taylor.

Her
MARY X SMITH.

Dr. JOHN SMITH, being sworn, saith:—I was at Mr. Coulston's House on Sunday afternoon last between one and two o'Clock, and in passing through the Kitchen I saw the last Witness with a Cockatoo in her Hand, and asked her where she got it; she said Tom, meaning Taylor, had shot it. Mr. Coulston was present.

JOHN SMITH.

SUSANNAH BEAMES, free, being sworn, saith:—I am the Wife of Robert Beames of Norfolk plains; on Saturday morning last, Thomas Taylor came to my Husband's house and said he had my Husband's leave to use his Musket to shoot Cockatoos, the Musket was laying across the Tye beams. Thomas Taylor took it down and carried it away; it has not been returned since; it was half-stocked; the upper pipe was off the Barrel and the ram-rod was connected with the Barrel by a piece of string.

Her
SUSANNAH X BEAMES.

THOMAS TAYLOR, Laborer of Norfolk Plains, free, saith:—I was at the house of Thomas Hearn on Norfolk plains on Sunday afternoon last. I had a Musket in my hand, belonging to Robert Beames. I went from thence towards Faros by the River side; I saw a man on the other side of the River fire at some Cockatoos, which were on this side of the River; the man had a white frock and trousers on: I picked up two of the Cockatoos, one of which had its wing broken, and the other was dead. I then went to Faros, otherwise Mr. Bailey's, where I remained until between eight and nine o'Clock in the evening; I did not tell Lyons that I had shot the Cockatoos; I had shot some Cockatoos in the morning of Sunday close to Baker's house. I took them into the house and left them there; I believe Rose Jones was there; I had the Musket in my hand when I went into the house; when I left Mr. Bailey's, I went home to Baker's house; when I went in, John Armstrong was there; I had the Musket in my hand when I went in, and Set it down behind the door; I put the door too but did not latch it; I was quite sober at the time; in about three quarters of an hour, Rose Jones, my Woman, Clayton's Wife, John Baker, and John (commonly called Paddy) Clayton came in; they stopped about half an hour, when Rose Jones, Mary Smith and Mrs. Clayton went out; in about a Quarter of an hour I followed them and went to John Clayton's house; I saw Rose Jones and Mary Smith there; I do not know that John Clayton was there; Rose Jones and Mary Smith remained but a very short time at Clayton's after I went in, and I followed them in about ten minutes after; whilst I was there, Some Soldiers came in and enquired for Luke Fowler; Aldgate was with them and Said some one had shot William Clements; I exclaimed "was it possible"; when they went out, I immediately returned to Baker's and immediately went to bed, and Slept until awoke by the Soldiers who took me in Custody. I did not see Luke Fowler during Sunday last, until I saw him in Aldgate's house where I was on Sunday morning; I have not seen the Musket I borrowed of Robert Beams since I left it at Baker's house,
when I first went there taken by the Soldiers. I had a few Slugs and some shot with me on Sunday evening; when I set the Musket down it was unloaded.

His

THOMAS X TAYLOR.

mark

CORPORAL JAMES WRIGHT, being further examined, saith:—when I took Thomas Taylor in Custody on Sunday night, I searched Robert Baker's House, but only found the whole stocked Musket now produced without a Lock.

His

JAMES X WRIGHT.

mark

ROSE JONES, being further examined, saith:—I was in Baker's house the greater part of Sunday morning last; I did not see Thomas Taylor bring any Cockatoos there nor with a Musket in his hand; I did not see any Musket behind the door in Baker's house on Sunday evening when I went there from Hammond's.

Her

ROSE X JONES.

mark

JOHN, commonly called PADDY CLAYTON, Convict, holding a Ticket of Leave, Number 256, Saith:—I did not see Luke Fowler on any part of Sunday evening last; I was much in liquor but I recollect that Thomas Taylor was at my house and drank tea late on that night; he was much in liquor; the Soldiers came in whilst Taylor was there, and enquired for Luke Fowler; in about a Quarter of an hour after the Soldiers left my House, Taylor went away; I did not see him again until he was in Custody on Tuesday morning.

JOHN CLAYTON.

JOHN ARMSTRONG, further examined, Saith:—that, when Thomas Taylor first came into John Baker's House on Sunday evening last, he saw him when he first entered the door, but that he had not any Musket or Gun in his hand; he laid two Cockatoos upon the Table.

His

JOHN X ARMSTRONG.

mark

P. A. MULGRAVE, Coroner.

[Enclosure No. 1 E.]

Verdict at inquest on body of J. Street.

COUNTY of Buckinghamshire, Van Diemen's Land.

An Inquisition indented, taken at Glenorcy in the County of Buckingham aforesaid, the Fifteenth day of July in the third Year of the Reign of our Sovereign Lord the now King, before me Adolarius William Henry Humphrey, Esquire, Coroner of our Lord the King for the County aforesaid, upon view of the Body of John Street, then and there lying dead, upon the Oaths of Joseph Berrisford, John McCarty, George Boobyer, William Duncan, George Oakey, Sylvester Lush, Joseph Marshall, Joseph Dunstan, Owen Swift, William Newman, John Johnson, and Peter Henry, good and lawful men of the County of Buckinghamshire aforesaid, who, being sworn and charged to enquire on the part of our said lord the King when, where, how and after what manner the said John Street came to his death, do say upon their Oaths that the said John Street, on the thirteenth day of this, present month of July, was in a house on a farm called Abbott's farm in the district of Glenorcy in the County aforesaid, and it so happened that between the hours of seven and nine in the morning, the chimney of the said house accidentally, casually and by misfortune fell upon him the said John Street and caused him to die instantly, and so the Jurors
ARTHUR TO BRISBANE.

The examination of JOHN HARRIS, who saith, I lived at Norfolk Plains last Year and recollect that on the 31st of May or the first of June I heard William Clements was shot at Aldgate’s house (it was on a Sunday night); the morning of that day about 7 o’Clock, I went to Paddy Clayton’s House to be measured for a Pair of Shoes; Clayton is a Shoemaker: he and Luke Fowler were both in the House and much intoxicated; Fowler wished me to drink with him; I refused and went away; I saw Thomas Taylor at Baker’s House where he lodged that evening about two hours before Sun down; I did not see a Gun in the House; the next (Monday) morning, I went to Clayton’s House again for the purpose of being measured for Shoes; Clayton was undressed and sitting up in bed; I said as soon as I got into the house, “So I hear Clements is Shot.” Clayton replied, “yes so I hear.” I then observed, “it is not clear to me that you was not one of the murderers”; “Me,” said he; I replied “yes” he said “he would go down to Aldgate’s and see if any one accuse him with it.” I went to Aldgate’s house and Paddy Clayton soon after came in and was taken into Custody. JOHN HARRIS.

Sworn before me at Launceston this 18th day of August, 1824.

[Unsigned.]

CHIEF JUSTICE PEDDER TO LIEUT.-GOVERNOR ARTHUR.

Hobart Town, 30th September, 1824.

I have the honor to transmit to you herewith Abstracts of the Informations against Owen Reardon and William Tiday for the Murder of John Street, and against Thomas Taylor, Luke Fowler and John Clayton for the Murder of William Clements, together with Copies of the Notes taken by me on the Trials, in order to their being forwarded* to England, if necessary, for the consideration of the Case of Reardon and Tiday, and that of Clayton. And, in doing this, I avail myself of the opportunity, which it gives me, of again stating to your Honor the grounds upon which I ventured to point out these Cases as fit to be recommended for His Majesty’s Pardon. I will begin with the Case of Clayton. Your Honor will perceive that the degree, in which

* Note 56.
he was affected, depended entirely upon the Truth or Falsehood of Aldgate's repeated assertions at the Trial that he distinctly saw Clayton and Fowler, when he was first disturbed at 9 O'Clock, and that he as distinctly saw Taylor, Fowler and Clayton, when the Shot was fired, which killed Clements. Because, if in truth he did not see them, then however Taylor and Fowler might be affected by the other Circumstances proved, there was nothing proved against Clayton. Some suspicion attached to him certainly, from the circumstance of his not satisfactorily shewing he was elsewhere when the Shot was fired; but this was all; because any declaration made by Fowler that Clayton was with him, though evidence against himself, was none against Clayton; therefore I expressly told the Jury that, unless they fully believed the Account Aldgate had that day given to them, they ought to acquit Clayton. As to the fact of his going the next Morning and asking Fowler if he had said he, Clayton, was with him, I apprehend it makes nothing against him owing to the absence of a Man (whose Name I believe is Harris), and who made the Affidavit which I laid before your Honor, when this Case was before under consideration; Clayton had not an opportunity of explaining this at the Trial, if indeed it needed explanation, for the Witness Clayton (Aldgate's Servant) says that the Prisoner Clayton, when he came next day said to Fowler, I hear you say I was with you last night when this happened, and it was most probable that he had heard so. But the Affidavit I have alluded to explains this; for the Deponent states that, having occasion to go to Clayton's early the next morning, he told Clayton that his name had been mentioned by Fowler as concerned in the Murder, and that Clayton said he would go down and see what any one could say against him. And he did go. This certainly is not like the Act of a guilty Man. Then, as to Aldgate's Evidence, it appeared, during the time he was giving it, as so inconsistent with that which he had given before the Coroner, and with his own Conduct on the night of the Murder, that I thought it my duty to have his Deposition at the Inquest proved for the Prisoners, in order that the Jury, having both Accounts before them, might estimate the degree of Credit to be given to what Aldgate had just sworn. And as it is peculiarly their province to determine upon the Credit of Witnesses, nothing less than the very strong impression created in my mind during the Trial (which a frequent consideration of the Case since has rather increased than diminished) would have induced me and still does induce me to recommend Clayton for a Pardon. Your Honor will perceive that Aldgate, throughout his evidence on the Inquest, never once hints that he knew who the parties were, until he went up.
to Fowler after he was shot. He says that, when he looked out on being disturbed the first time, he saw two men one taller than the other; that one wore light colored trousers and a dark jacket, but that he could not ascertain the dress of the other. When giving an account of his being disturbed the second time, his expressions are that he saw three men about 26 yards from the house; that a voice exclaimed that a shot was fired from the place where the men were; that he fired at the middle man, whom he says he saw more distinctly from the flash of the first shot. Then he speaks of seeing "two men" trying to raise Fowler and of seeing two men carrying him away. But he never mentions Taylor's or Clayton's name. At the trial, he swears he saw Clayton and Fowler distinctly, and this tho' he had sworn at the inquest that he could not ascertain what dress one of the men wore; on the inquest, he said it was the shorter man who was on the stage, and that he gave two fowls to the taller man, and said "take them, Peter." At the trial he said it was Clayton, whom he saw on the stage (Clayton was much taller than Fowler), and that he gave the fowls to the other, and said "here, Luke, take them" (Luke was Fowler's Christian name). I pass over discrepancies in his evidence, as to what passed when he went in pursuit of them, to go on to the time when Clements was shot. When, at the inquest, he speaks of seeing all three at the threshing floor, he does not even hint that he suspected who they were; and the fact, which he mentions, that he saw the middle man more clearly by the flash of the first shot, appears to negative the possibility of his seeing them so distinctly as to know their persons. At the inquest, he only says a voice exclaimed so immediately before the shot was fired. At the trial, he says Taylor cried out "Fire, Fire." At the inquest, he mentions four distinct shots which were fired; at the trial, only three; and at the trial he stated, which he never mentioned on the inquest, that he distinctly saw Taylor at 21 paces take aim at him and fire, and also that he heard Taylor say (having previously sworn he knew his voice) "Come along, Fowler, for, if you lie here, it will cause a discovery on us all." It appears that Taylor was sober, and it is almost inconceivable that he should have so needlessly exposed the name of his companion. When asked why he did not mention their names and tell all he knew upon the inquest, he says he did not think it safe, because he lived in a lone place and there were so many at Clayton's house; but he admits he never was threatened if he gave evidence on this account. The excuse is anything but satisfactory, and proof that a witness has given two different accounts of the same transaction is in general enough to discredit his testimony. And
though some allowance is to be made for reasonable fear, yet the fear of a weak Man, when made apparent, would of themselves go to destroy his credibility; for the same degree of fear, which would make a weak Man with-hold the truth, may also induce him to exceed the Truth in order to get rid of the object of his terror. But supposing his excuse to be true, yet his Conduct upon the occasion appears to be totally inconsistent with his knowing who were the Parties concerned. If he knew who they were, why did he suffer one opportunity of taking Taylor, the principal, and two of taking Clayton, to pass. He says he thought it more important to secure Fowler, who was wounded, for fear the others should make away with him. But supposing this his object, it would seem to have been better attained by seizing the other two and preventing their so doing. His evidence too as to this point is directly contradicted by Corporal Green. Aldgate says that, after going to Clayton’s the first time with Green, he told Green that Taylor, whom they had seen there, was the Man who fired the Gun, and that Clayton (also there) was with him; And he afterwards says that, when he found Fowler at his own (Aldgate’s) House, he sent after Taylor and he was brought. Corporal Green, on the contrary, says that Aldgate never told him anything about Taylor or Clayton, and that he went after Taylor solely in consequence of what Fowler had told him. Again, if what he said as to sending for Clayton had been true, why did he not send for Clayton, who was left at his own house all night, and who by the Testimony of all the Witnesses came to Aldgate voluntarily next morning. It is true that the Witness Prentice says that Aldgate told him, that night, that he thought the three Men, whom he had seen on the threshing floor, were Taylor, Fowler and Clayton. But Aldgate himself says he did not tell Prentice who the Persons were; and it is more probable that Prentice should have made a mistake in this respect than that Aldgate should have known who they were and have acted in the manner he did. On the other hand, upon the supposition that Aldgate did not know the Parties at the time, his Conduct is perfectly consistent. After he had shot Fowler, he ascertained who he was by going up to him and looking at him and by his Cap, which he swore to at the Inquest. Having procured the assistance of the soldier, he goes in search of Fowler, and, if he did not know Taylor and Clayton to be concerned, there was no reason why he should take them more than any other two Men. His business would be to find Fowler, who could give him a Clue to the others, and not to lose time in arresting others upon the bare possibility that they might be concerned. On returning home, he found Fowler, who had been brought in by Robley and Prentice. Corporal Green
then receives information from Fowler upon which he arrests Taylor. It appears, by the evidence of the Witnesses both on the Inquest and at the Trial, that Fowler said that night that Taylor discharged the Gun, but it does not appear that he mentioned Clayton as being concerned till the next morning, and that was probably a little before Clayton came to Aldgate's. And thus the fact of Clayton's being suffered to remain at large so many hours, during which he might have escaped, may be accounted for, which otherwise seems inexplicable. Thinking therefore that, for the reasons I have mentioned, Clayton ought not to have been convicted, but, upon the most satisfactory evidence on the part of Aldgate, that he actually saw him and the others, and knew them at the time the Gun was fired, and feeling strongly that Aldgate's evidence is, to say the least of it, very unsatisfactory in the particulars I have mentioned, I still think it my duty humbly to advise your Honor that his Case is fit to be recommended for a pardon. In the case of Reardon and Tiday, I believe your Honor will recollect that there was nothing proved, which at all affected Reardon but the fact of his having gone to Bushell's at Breakfast Time, and having told him that the Chimney was down, and that they had lost Street, and that he was either under the Chimney or in the bush for a Log. For all that Tiday said respecting him is liable to the same objection, as that of Fowler against Taylor and Clayton in the last Case. It is evidence by implication against himself, but not legal evidence against Reardon. Neither does the evidence of Alexander make anything against him; for it in fact amounts to nothing, and Reardon, when charged with the Murder, has uniformly denied it. With regard to Tiday, if Spratt's Testimony can be relied on, Tiday has made a full confession of his having murdered Street, and has given a particular Account of the manner of effecting it. But Spratt's evidence is liable to the greatest suspicion. He owns that he never mentioned this confession to his Master or any Constable or Magistrate, till the Prisoners were taken up, and that the Constable came for him on that occasion, or he should not have gone there. Then, according to Alexander's account, Tiday confessed to him that he had murdered Street with an Axe; but this is inconsistent with his confession to Spratt, and both to Healey and Mr. Capon; he says it was not himself, but Reardon who committed the Murder. It appears too, by the Testimony of all the Witnesses, that the Chimney was in a very unsafe state, and Mr. Beamont said he thought it very likely to fall three weeks before, and that a blow given to it or a Stone removed would bring it down; and, by the Testimony of Mr. Capon, it appears that the Stones of this Country will fly, if exposed to a strong fire. And considering
how likely it was to fall by accident, and how loosely Men of this description appear to be in the habit of accusing each other in general terms of the most atrocious Crimes, and considering also the suspicion which should attach to such evidence as Spratt's, altho' Tiday's Conduct is to the highest degree suspicious, I doubt whether he ought to have been found guilty upon such Evidence. With respect to Reardon, he was so found contrary to my opinion expressed at the Trial to the Jury. I feel convinced that your Honor will see that there is in fact nothing proved against him, and, tho' he did not attempt to explain at the Trial how he happened to say what he did'to Bushell, yet I believe your Honor will find it explained in his evidence on the Inquest, where he says that, on going home, he found the Chimney down, and that, as he was going up to the House, Tiday who was there told him he could not find Street, and that he thought he was under the Chimney; and this is consistent with his defence at the Trial and with what Mr. Capon says Tiday told him. It is much to be regretted that the interval between the Inquest and the Trial had not been employed in procuring some better evidence than that which was produced. Confessions are at all times received in Court with great Jealousy. They ought to be clear and direct, and not to be made out by inference, and not obtained by the influence of hope and fear. But not a single new Fact has been produced. Upon the whole, therefore, I conclude humbly to advise your Honor to recommend Reardon upon the ground of there being no evidence to affect him; and, as to Tiday, if your Honor should be of opinion that the same degree of suspicion attaches to the evidence of Spratt, the principal Witness against him, as I confess does in my mind, then, considering the probability of the Chimney falling by accident, and the absence of more material facts, I think he also should be saved. Since my last Interview with your Honor, I have looked into the Informations against John Wright for uttering a forged Note, John Davis for the same offence, Charles Brown and Elijah Major for forging two Promissory Notes, Joseph Bond Clark for forging Bills of Exchange, and against Joseph Bond Clark, William Frazer, James Cock and Thomas Bird for forging an Agreement in writing and A promissory Note, upon which they have severally been found guilty and received Sentence of Death. And I find the same defect in the Informations in the first, second, third and fifth of these Cases, namely that the Informations do not charge the Parties with having committed those Acts, by Name, which the Legislature has made crimes, an objection which may be taken by the Prisoners in any stage; and therefore I have to recommend to your Honor that John Wright, John Davis, Charles
Arthur to Bathurst.

Brown and Elijah Major, William Frazer, James Cock and Thomas Bird be pardoned. With respect to the fourth Case that of Joseph Bond Clark for Forging the Bill of Exchange, there is no objection to the Information; but he was tried by the Magistrates for this very Offence and has actually suffered part of the punishment they sentenced him to, and on this ground, when his Case was formerly under consideration, your Honor was pleased to say he should be pardoned upon condition of Transportation for Life.

I have, &c.,

J. L. Pedder, C.J.

Lieut.-Governor Arthur to Earl Bathurst.

(Despatch No. 9.)

Government House, Hobart Town, Van Dieman's Land,
My Lord,
2nd October, 1824.

I have the honor to acknowledge the receipt of your Lordship's Circular Letter of the 18th of September, 1823, notifying the Authority which your Lordship had given to the Secretary of the Society for the encouragement of Arts, Manufactures and Commerce, to transmit through your Lordship's Office copy of the Premiums annually offered by that Body, and desiring that the Same may be published in the Gazette, with a view of exciting the attention of the inhabitants to the advantage that may accrue to them from the production of various articles of export.

In obedience to your Lordship's directions, I shall take care to promote the desirable object as much as possible.

I have, &c.,


Lieut.-Governor Arthur to Earl Bathurst.

(Despatch No. 10.)

Government House, Hobart Town, Van Dieman's Land,
My Lord,
20th Oct., 1824.

I do myself the honor to acknowledge, by the hands of Mr. Hone,* the receipt of your Lordship's Despatch, No. 1 of the 5th of January last, transmitting His Majesty's Warrant requiring the Governor of New South Wales to cause Letters Patent to be passed, under the Seal of that Colony, constituting Mr. Hone Master of the Supreme Court of Van Dieman's Land.

All your Lordship's Instructions respecting this Office I have fully notified to the Chief Justice, and, agreeably to your Lordship's directions, I shall be happy to afford every support and assistance in my power to Mr. Hone.

A difficulty presents himself as to the private practice of the Master of Court as an Advocate, or even as a Barrister; Mr. Hone considered on coming out that he was to be under no

* Note 38.
1824.
20 Oct.

Objections to private practice by master.

restrictions in this respect, and certainly your Lordship’s instructions imposed none; but in many cases it seems obviously inconsistent with his Office that he should practice, it being quite impossible that his mind can be unbiassed in deciding, as Master of the Court, upon those cases in which he has been previously employed as an Advocate, or given his opinion as a Barrister. In this view the Chief Justice entirely coincides with me; but he informs me at the same time that Mr. Hone’s unfettered practice would produce him from £1,500 to £2,000 a year, and that he cannot be expected, in justice to his family, to abandon this for the Salary of £400 a year as Master of the Court, particularly as he accepted the appointment with the understanding that he was at full liberty to practice.

The Attorney General, whose opinion I do myself the honor to enclose, appears to consider that the Office of Master totally prohibits the person holding it from acting for any of the Suitors in a private capacity. Under these circumstances, I am much perplexed upon the subject, and have relieved myself by determining to name Mr. Hone Commissioner of the Court of Requests and Chairman of the Bench of Magistrates with the Salary of £500 a year, excluding him from all practice but such as the Chief Justice considers can with the strictest propriety be admitted until your Lordship’s pleasure is known.

In my Dispatch of the 11th of June last, No. 3, I reported to your Lordship that Mr. Abbott, the late Deputy Judge Advocate, had declined accepting the Office of Commissioner of the Court of Requests, to which Sir Thomas Brisbane had appointed him, and for which I had mentioned the Salary of £300 a year to be equal to what I concluded your Lordship would approve.

I have in this case added £200 a year for the Office of Chairman of the Bench of Magistrates, and conclude the fees of these Offices will cover the total Salary of £500 a year.

While this subject is under your Lordship’s consideration, I would beg to mention with reference to Mr. Hone’s appointment as Master that the Duties in the Supreme Court of this Island will I apprehend greatly exceed what your Lordship contemplated. The proportion of the free population in this Colony exceeding greatly that of New South Wales, a moderate scale of fees will therefore so much more than cover the Salary fixed upon for the Master; and, should your Lordship not be pleased to confirm the Appointment of Mr. Hone as Commissioner of the Court of Requests, I submit that his Salary might thus be augmented without burthening the Police Fund, and his practice limited to such cases as would not be liable to any fair objection on the part of the Gentlemen at the Bar.
ARTHUR TO BATHURST.

This would afford an opening should your Lordship be pleased to unite in some other professional Gentleman the Offices of Commissioner of the Court of Requests and Solicitor General, an arrangement which would have the very beneficial tendency of encouraging another Barrister to practice in this Court.

I have, &c.,

GEO. ARTHUR, Lt. Gr.

[Enclosure.]

OPINION OF ATTORNEY-GENERAL.

The Duties of the Master

are twofold.

1st. As Master in the Common Law Court; Under this head he will have the Taxation of all the Bills of Costs; the Settlement of the points of Practice; and is expected to sit as an Officer in the Court, for the Judge to refer to upon those points when necessary; Matters of account and prosecutions for Assaults, Libels, Challenges, etc., are frequently referred by the Court to that Officer, for the purposes of settling the differences between parties, instead of having a public discussion, who reports to the Court the merits of the Case, and his opinion generally thereon.

2nd. As a Master in Chancery. The Bill may be referred to him upon a demurrer, or the Answer may be referred to him upon exceptions, as to its sufficiency; in either of which cases he may be compelled to report to the Court upon Papers drawn and settled by himself.

All Witnesses must be examined by him, upon interrogatories, no person being present upon such examinations but the Master, by whom the answers are taken down, and the Witness, which must take place in every case, because no parol evidence is allowed in a Suit in Equity.

Upon all questions of Title, partnership and executorship accounts, and in fact every transaction where it may become necessary to go into the detail, they must be all referred to the Master, who is to decide upon the Legal effect of the several cases referred to him, and report to the Court the result of such references.

If either party is dissatisfied with the Master's report, an application is made to the Court for the Master to review the same, and, if the report does not appear satisfactory, it is sent back for re-consideration, otherwise (which is generally the case) it is confirmed.

If the Master of the Supreme Court is permitted to act as an Advocate, he may sign and settle a Bill, or sign and settle an answer to the bill; the same may be referred to him in his
1824.
20 Oct.

Opinion of J. T. Gellibrand re duties of master of supreme court.

official capacity, to report as to their sufficiency or other points, or he may, and will in many instances, be called upon to report on the sufficiency of a title or conveyance, upon which he has previously given an opinion; and, in case he is obliged to report against an opinion previously given, he may be called upon to object to a report, made by himself, in his capacity as Master.

In all these characters, the Master in Equity acts as Assistant to the Judge, going through that detail in Chambers, which the Court has not sufficient time to perform; his mind ought to be free and unprejudiced, as that of the Judge, which under the contemplated measures cannot be the case; and the course of Justice will, in my opinion, be materially affected by it.

In England the Master of the Court of King's Bench, and the Master in Chancery, are Barristers; but I will venture to assert, there never was an instance, after their appointment, of their giving an opinion, much less of their appearing as advocates. I have reason to believe there are several cases upon which Mr. Hone has been already consulted, and given opinions, which must ultimately be referred to him judicially as the Master of the Court; it is almost needless for me to add that, to a certain extent, he has prejudged the merits of those cases, and that the parties who have taken his opinion will naturally expect that he will make a report in their favor.

I beg to assure your Honor that I can have no Interest in this question, except that of the pure administration of Justice, because in cases where Mr. Hone shall be engaged on the other; and I firmly believe the reason why no restraint was made in the appointment was that such a Right as the present was not, and could not be contemplated.

These observations only apply to Civil cases; to the practice in Criminal cases there seems to be no objection.

For the reasons which I have already adduced, I beg leave strongly to recommend to your Honor that this restriction should immediately take place, and continue in force until the opinion of His Majesty's Government is ascertained thereon.


LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(Despatch No. 11.)

Government House, Hobart Town, Van Dieman's Land,
My Lord,

20th Octr., 1824.

I do myself the honor to lay before your Lordship copy of a letter, which has been addressed to me by Mr. Gellibrand representing the inadequacy of his Salary as Attorney General to the extensive duties, which he has to perform.
In my Despatch of this date upon the difficulty, which has arisen respecting the Office of Master of the Court, I have taken the liberty of submitting that, from the great increase of the Free Population of this Island, the duties of the Court are, I apprehend, much more extensive than your Lordship contemplated. Mr. Commissioner Bigge has recommended in his Judicial Report,* Page 58, that the Office of Commissioner of the Court of Requests should be vested in the Attorney General, and Mr. Gellibrand represents that, when the Salary of £700 a year was named for him as Attorney General, he had fully contemplated that it would have been augmented by this appointment; but I believe he is now perfectly sensible that it would be quite out of his power to do justice to both Offices.

The Magistracy of this country is placed in the hands of Gentlemen, who I hope have every desire to do what is right; but they have not generally the experience to enable them to discharge the Office without requiring very constant assistance and information upon legal points.

This, with the more numerous criminal prosecutions which must occur in a penal Colony, I believe, almost wholly occupy the Attorney General's time, and certainly leaves but little to be engaged in private practice; and I cannot therefore, in justice, but recommend Mr. Gellibrand's application to your Lordship's favourable attention.

A very moderate scale of fees will be adequate to extend the increase of Attorney General's Salary £300 a year should your Lordship approve of such an augmentation.

I have, &c,


[Enclosure.]

ATTORNEY-GENERAL GELLIBRAND TO LIEUT.-GOVERNOR ARTHUR.

Sir,

Hobart Town, 16th October, 1824.

His Excellency the Governor in Chief being of opinion that I ought not to hold the situation of Commissioner of the Court of Requests, although it is recommended by Mr. Bigge in his report, and the Salary of the Office was computed by Mr. Stephen† in the pecuniary arrangement which was made for my Office, I trust your Honor will be pleased to take into your consideration the increased duties which I have been under the necessity of performing on the one hand, and how totally inadequate the allowance I receive from Government is to the great expense I am necessarily put to in this place, and which has compelled me to live upon my own private property, although my whole time has been devoted to the Service of Government.

* Note 57. † Note 58.
1824. 29 Oct.
Inadequacy of salary of J. T. Gellibrand.

Of the arduous and responsible duties, which I have been called upon to fulfil, it is not my intention to offer any observations, because your Honor has had ample means of judging of them, and also of forming an opinion how far they have been compensated.

I have, &c.,

J. T. Gellibrand.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(Despatch No. 12.)

Government House, Hobart Town, Van Dieman's Land,


Additional I have the honor to acknowledge the receipt of your Lordship's Dispatch of February last, No. 4, notifying that two additional Chaplains were to be borne upon the Establishment of Van Dieman's Land, with a Salary of £250 each, and that the Revd. James Youl, whose emoluments at present do not exceed £183 a year, should receive the benefit of one of the Appointments.

The want of Clergymen being most distressingly felt in the Colony, I beg to assure your Lordship that these additional appointments are most important to its welfare; and I trust every advantage will be derived from them, which your Lordship can possibly contemplate. There is at present no Church constructed but the one at Hobart Town, nor are there any residences for the clergymen; but materials are collecting for the erection of a Church at Launceston, and temporary accommodation can be provided in other Districts as the clergymen arrive, until more suitable arrangements are carried into effect.

Assistance to be given to chaplains.

The Chaplains must expect to encounter some inconvenience at first; but I shall be happy to make every exertion to remove them consistently with that System of economy, which the impoverished state of the Police Fund absolutely requires; and I very sincerely hope your Lordship may be pleased to approve the additional number being sent out, which I have submitted to be necessary in my Dispatch No. 6 of the 15th of August last.

I have, &c.,

GEO. ARTHUR, Lt. Gr.

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HORTON.

Government House, Hobart Town, 23 Oct. 23rd October, 1824.

Applications re families of convicts.

I have the honor to transmit Applications for the Families of several Convicts, now in Van Diemen's Land, to be sent out to them; and, as these persons appear to have the means of
supporting their Families, I beg leave to recommend these Applications to the favourable consideration of Earl Bathurst.

I have, &c,

GEO. ARTHUR, Lt. Gr.

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HORTON.

Government House, Hobart Town, Van Dieman's Land,

Sir,

26th October, 1824.

I beg leave to acknowledge the receipt of your letter of the 14th of February enclosing a letter from Mr. Nathan Elliott, a Settler in this Island, addressed to Mr. Commissioner Bigge, at whose intercession Lord Bathurst is pleased to direct that Mr. Elliott shall receive an additional grant of 1,000 acres of land, provided his statement is found to be correct.

I am on the eve of proceeding to take the annual General Muster of the Island, and hope to make myself perfectly acquainted with the actual improvement which the Settlers have made, that I may be enabled from my personal knowledge to regulate all additional Grants upon the principle Lord Bathurst has been pleased to direct.

Mr. Elliott, like every other Settler, is much more disposed to extend his possessions than to improve them; and I am enabled from his personal Statement to me to assure you that his representation to Mr. Bigge is very highly exaggerated.

The original Grant of Land, which was made to him, was very little encumbered with wood, so that his exertions in clearing have not been very great. The increase of his flock of sheep is, I doubt not, perfectly correct, as they multiply in a most remarkable degree in this country; but instead of the Agriculturists endeavouring to improve their land by the introduction of artificial grass, they alone seek to support them by extending their limits, and I have in consequence publicly notified that the only claim to additional Land is the outlay of capital, and improvement of the original Grant.

I have, &c,

GEO. ARTHUR, Lt. Gr.

LIEUT.-GOVERNOR ARTHUR TO EARL BATHURST.

(Despatch No. 13; acknowledged by Earl Bathurst, 3rd June, 1825.)

Government House, Hobart Town, Van Dieman's Land,

My Lord,

27th October, 1824.

In my Despatch to your Lordship of the 12th of June last, No. 4, I did myself the honor to report the Appointment of Mr. William Sorell as Registrar, subject to your Lordship's confirmation.
In the absence of any Instructions as to the Salary which your Lordship would approve for this Office, I fixed it, pro tempore, at £400 a year.

I have since had the honor to receive your Lordship's Dispatch of the 5th of January last No. 2, notifying the appointment of Mr. Butler to be the Registrar at a Salary of £600 a year.

Under the circumstances of Mr. Butler having left a widow and three children quite unprovided for, I considered that your Lordship would approve of my continuing Mr. Sorell upon the lower Salary, which I had previously determined, appropriating the difference to making some provision for the widow and her children, to enable them to return to England with some degree of comfort.

I now do myself the honor to report that this lady has been provided with a passage for herself and family in the ship Prince Regent, the expense of which amounting to the sum of £320, as well as her lodging and accommodation at Hobart Town, has been defrayed from the Police Fund. Mrs. Butler has expressed an anxious desire that I would represent to your Lordship the unprovided state in which she is left with her family, to which I have cheerfully consented; but, as my knowledge of her is entirely confined to the circumstance of her coming to this Colony as the wife of the Registrar, I have not felt authorized to hold out to her any expectation of future provision.

His Majesty's Warrant for the Appointment of Mr. Butler I beg leave to return. I have, &c.,


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Lieut.-Governor Arthur to Earl Bathurst.

(Despatch No. 14; acknowledged by Earl Bathurst, 4th July, 1825.)

Government House, Hobart Town, Van Dieman's Land.

My Lord,

27th October, 1824.

I do myself the honor to report to your Lordship that I found on my arrival here that the Departments of Treasurer of the Police Fund and Naval Officer were united in one Individual Mr. Bromley, a Surgeon on the Half pay of the Royal Navy, and, as there appeared to be no check whatever upon the accounts of this Officer, and his Receipts were never examined nor audited, I took a very early occasion to recommend to Sir Thomas Brisbane the immediate separation of the Departments, suggesting such a System as would tend to the control of each.

From the infrequency of Communication with Sydney, I did not receive Sir Thomas Brisbane's acquiescence to this measure.
until the 4th Instant; and circumstances have in the interval arisen which not only confirm its necessity, but oblige me to suspend Mr. Bromley altogether from Office until Sir Thomas Brisbane's decision is known.

On the 7th Ultimo, I communicated to Mr. Bromley the objection I entertained to the Quarterly Accounts being so long delayed after the termination of the Quarter, and intimated it was my intention in future to have the Receipts of the Naval Officer audited by a Board of Officers. Late the following day, Mr. Bromley waited upon me, and, having assigned some causes for the delay of the Accounts, mentioned that he had been particularly engaged during the last three days in endeavouring to discover the perpetrators of a robbery upon the Public Chest, the extent of which was £275.

As it appeared extraordinary that an earlier notification of this robbery had not been made, and my attention having been previously drawn to the circumstance of the Public Treasurer's having required a loan from the Commissariat in aid of the Current expenses of the preceding Quarter, when, by the subsequent exhibition of the Accounts, it appears there should have been a sufficient Balance in the Police Fund to defray the expenditure, I directed a Board of Officers to ascertain the nature of the Robbery, and to report the extent of the deficiency. The result proved the deficiency of £4,665 15s. 9d.

This deficiency being ascertained in the Treasurer's Department, the Board proceeded to investigate the Receipts of the Naval Office during the Current Year; and, although from the great irregularity with which the Accounts have been kept, it has been exceedingly difficult to develop this branch, actual omissions during the present year have already been traced, and which further increase the deficiency to the amount of £5,822; and the Board have reported that these Omissions have been so frequent, and to so large an Amount, that they cannot be the result of accident, but that there has been a misapplication of Public Money on the part of the Naval Officer, or his Clerk, or both.

It appears that there certainly was a Robbery committed by a Servant of Mr. Bromley's on the 5th ultimo; but some circumstances connected with it give rather a Suspicious aspect to the Affair; at all events, it is clear that on that occasion no very considerable amount could have been extracted, and the Board have most positively ascertained that a large deficiency must have existed so long since as December last, for Mr. Bromley.

* Note 59.
1824.
27 Oct.

Shortage in cash.

Assertions of innocence by E. F. Bromley.

Omissions in naval officer's accounts.

Career of clerk to naval officer.

at that time required the Sum of Two thousand pounds to defray the Quarter's Salaries, when it appears by the Abstract of his Accounts, that, after all the Salaries were paid, there should have been without any aid from the Commissariat cash in hand to the amount of £2,080.

Mr. Bromley asserts his innocence, and declares that he was unconscious of any deficiency of Public Money in the Chest, having never counted it during the period he has been in Office!

The great difficulty of developing the extent of omissions in the Naval Officer's Branch arises from there having been no accounts kept; the Ships' Papers and Some loose Permits afforded the only clue to the Omissions which have been discovered, and which are alone established by the Board's having called upon the merchants to state what sums of money they had paid for Duties.

Mr. Charles Robertson, who was employed by Col'l Sorell to make up the General Statement of Receipts and Expenditure of the Colony which was transmitted to your Lordship, has represented to the Board that he has discovered that there was a deficiency of public money in the month of March last, which he reported to Colonel Sorell; but I do not find that any steps were taken on the occasion, and I should rather suppose that the Lieut't Governor did not place any confidence in the representation, as he spoke very highly to me of Mr. Bromley as a Public Officer, and, indeed, has left in his hands the management of his property in this Colony.

Bartholomew Broughton, who was sent to this country under sentence of Transportation for Life, has been employed as Clerk to the Public Treasurer and Naval Officer during the last three years. Upon a Salary of 1s. a day and fees which he returned at £60 a year, he has contrived not only to live expensively, but to purchase an estate, and erect a good house upon it with every comfort and convenience, and the property, which the Board has ascertained to be in his possession, exceeds £3,000.

The appearance of this person's Establishment having attracted my attention very shortly after my arrival, I spoke to Colonel Sorell upon the subject, who informed me that he had long entertained a Suspicion that all was not right; and I was therefore very sorry to find that this Individual, who had been so short a period a Prisoner in the Country, and was living in open adultery, should have received a Conditional Emancipation, an Act of Grace I am quite sure Sir Thomas Brisbane would not have intended, had he known the real Character of the Individual. I shall by the earliest opportunity apprise the
Governor of New South Wales of this circumstance; but I fear it is not in his power to remedy the evil; authority however is by the New South Wales Bill reserved to His Majesty to render any Conditional Emancipation inoperative by disallowance from Home, a measure which your Lordship will probably consider necessary on this occasion.

There will be, I apprehend, some legal difficulties in making the Clerk liable for the deficiencies of public money, although the Board has arrived at a moral conviction that he must have been a participator in the frauds which have been committed upon the Revenue. Mr. Bromley was never called upon by the Governor of New South Wales to give securities, and his property will be inadequate to make good even a moiety of the deficiency; but I have caused all the Papers to be referred to the Attorney General, whose opinion upon the Report of the Board I do myself the honor to enclose, and the most effectual steps will be taken for the protection of the Public.

Your Lordship's Dispatch of the 28th of August to Sir Thomas Brisbane, which forms the basis of my Instructions, directs that no Officer in Van Diemen's Land shall be suspended or removed without the Sanction of the Governor of New South Wales; but it is most probable that many weeks will elapse before I can communicate with Sir Thomas Brisbane, and a much longer interval may take place before his answer can be received.

I venture, therefore, to consider that on this occasion your Lordship will approve, in the suspension of Mr. Bromley, of my departing from one point of those Restrictions, which it is my duty to represent generally operate to clog the Executive of this Colony to a degree most injurious to its welfare.

The Naval Officer by virtue of his appointment, dated 16th November, 1820, is entitled to receive 5 p. Ct. upon all duties collected, which during the last three years has afforded him an Income, including House and Office, Rent with Fees, of £1,420 a year. The Clerk to the Naval Officer draws a Salary which, with rations for himself and one Servant upon the Store, amounts to £40 a year; and, although he has returned his fees at £80 a year, there can be no question, from the information collected by the Board, that they average at least £400. The Wharfinger, whose removal Sir Thomas Brisbane has approved, receives a Salary of £25 a year, and his fees are returned to average at the rate of £400 a year; but they certainly considerably exceed that Sum.

These Several Sums annually produce at the least a total of £2,310; and I submit to your Lordship that this Sum is quite
Sufficient to provide for the appointment of a Colonial Treasurer without any additional charge to the Public. I would recommend that the whole of the Fees should be paid into the Treasury, in the same manner as your Lordship has directed in all the recent appointments of Public Officers, and that Salaries should be respectively assigned to the Public Treasurer and Naval Officer according to the responsibility and duties of their Offices.

Under this arrangement, Subject to the approval of the Governor of New South Wales, until your Lordship’s authority is signified, I propose appointing William Henry Hamilton, Esq., to be the Naval Officer, at a Salary of £700 a year, and Jocelyn Thomas, Esq., to be the Colonial Treasurer at the like Salary, with a moderate allowance, if no Government accommodation can be found, for House and Office Rent, but discontinuing the issue of rations to themselves, families and servants, which have hitherto been granted to all public officers. These Salaries, considering the expense of living may scarcely be deemed adequate to the respectability and responsibility of these Offices, in the faithful execution of which the Revenue greatly depends; but, it being a measure originating with myself, I wish to make it as limited as possible, pending your Lordship’s decision.

The Wharfinger, I submit, will be sufficiently well paid upon a moderate annual Salary, without any allowance whatever; and to this Office I propose appointing pro tempore Mr. James Hobbs, a respectable person, to whose enterprising character the Colony is greatly indebted. The Clerks, both in the Treasurer’s and Naval Officer’s Departments, require to be confidential persons in a Colony like this description, where fraud and robbery so extensively prevail; and a somewhat higher rate of payment is therefore necessary than is usually given to this class of persons in England; but I consider something less than the receipts which have been exclusively drawn by the Naval Officer’s Clerk will be an adequate compensation for both.

I have given Mr. Hamilton and Mr. Thomas distinctly to understand that their appointments must be considered as temporary, subject to your Lordship’s confirmation or disapproval. Both these Gentlemen were strongly recommended to your Lordship, and by your Lordship’s desire introduced to my attention and good Offices; both of them are highly respectable, intelligent men, and have lately settled in the Colony with their families; the one was Secretary to the Naval Commander-in-chief in
India, and resorted to this Climate for the benefit of his health; the other was a Magistrate in Ireland for nine years, and was favourably and strongly recommended to your Lordship.

They are both men of high moral principle; and, circumstances as this Colony is, I cannot hesitate to say that I consider this of paramount importance in the Selection of Public Officers; and it is purely on these grounds I have Selected them.

I have, &c,

GEO. ARTHUR, Lt. Gr.

P.S.—I should have submitted that Sir Thomas Brisbane has approved the Appt. of Mr. Hamilton as Colonial Treasurer; but, the subsequent defalcation of Mr. Bromley having rendered a total change in the Departments necessary, Mr. Hamilton has, at my request, consented to take the Naval Officer's branch, for which I consider him particularly well qualified.

G.A.

[Enclosure No. 1.]

GOVERNMENT AND GENERAL ORDER.

Government House, Hobart Town, 9 Sept., 1824.

A Board, consisting of the Assistant Commissary General, the Superintendent of Police, and the Acting Engineer, will attend in the course of this Morning, at the Public Treasurer's Office, for the purpose of ascertaining the Amount of Specie in the Civil Chest, and reporting any deficiency which may have arisen from the Robbery, which is reported to have been committed.

By Command of His Honor—The Lieut. Governor.

JOHN MONTAGU, Secretary.

[Enclosure No. 2.]

REPORT of a Board of Enquiry assembled by Order of Lieut. Governor Arthur at the House of E. F. Bromley, Esqr., Treasurer of the Colonial Fund.

The Board, consisting of the following Officers:—A. W. H. Humphrey, Esq., Supt. of Police; A. Moodie, Esq., Asst. Com. Genl. and J.P.; Sydney Cotton, Esqr, Captn. 3d Reg. and Actg. Engineer, having assembled at the House of Edwd. Foord Bromley, Esqr., the Treasurer of the Police Fund, to ascertain the nature and extent of a Robbery said to be committed upon the Public Chest under the charge of that Officer, as discovered by him on Sunday 5th September Instant, report as follows:—

That, from the Documents and Books produced by the Treasurer, the Board have been enabled to draw out this following statement, by which it appears that there is a deficiency of

---

SER. III. Vol. IV—0
Public Property to the amount of £4,665 15s. 9½d. Four thousand
Six hundred and Sixty five pounds fifteen Shillings and nine-
pence halfpenny:—

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
<th>s</th>
<th>d</th>
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<tbody>
<tr>
<td>By Balance in hand—</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Vizt. By Cash</td>
<td>3,434</td>
<td>9</td>
<td>9½</td>
</tr>
<tr>
<td>Securities</td>
<td>608</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Duties Collected in July</td>
<td>749</td>
<td>13</td>
<td>9</td>
</tr>
<tr>
<td>Do. Do. August</td>
<td>1,286</td>
<td>16</td>
<td>6</td>
</tr>
<tr>
<td>Do. Do. September</td>
<td>45</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Amount recd. from Mr. Mulgrave</td>
<td>14</td>
<td>11</td>
<td>3</td>
</tr>
<tr>
<td>Do. Do. Mr. Sorell as fees</td>
<td>98</td>
<td>0</td>
<td>11½</td>
</tr>
<tr>
<td>Do. Do. A.C.G. Moodie</td>
<td>2,000</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Dr. £ s. d. £ s. d.
To Disbursements to 4th September   | 1,651 | 10 | 0   |
Do. Lieut. Kenworthy               | 8     | 6 | 8   |
Balance in hand 10th Sept.—         |       |   |     |
Vizt. Old Securities...            | 608   | 2 | 0   |
New Do.                             | 614   | 15| 0   |
Cash                                | 688   | 2 | 0   |

1,910 19 7 3,570 16 5
Deficient ... £4,665 15 9½

With regard to the nature of the Robbery, the Board refer to
the accompanying Affidavits taken before the Superintendent of
Police.

A. MOODIE, A.C.G.
A. W. H. HUMPHREY.
SYDNEY COTTON, Actg. Engineer.

Hobarttown, 10th Sept., 1824.

[Enclosure No. 3.]

GOVERNMENT AND GENERAL ORDER.

Government House, Hobart Town,
11th September, 1824.

The Board of Enquiry, assembled to investigate the deficiency of
public money in the Civil Chest, will reassemble at the Public Tre-
surer's Office, and proceed to investigate such particulars as may tend
to develope when the ascertained deficiency of public money took
place; and the Board will report whether the deficiency is of long standing, or caused by recent and sudden robbery.

It must be ascertained where and in whose charge the public money is at all times deposited; who has access to it, at what period it was last counted, and by whom; whether any individual has at any time received a private loan from the chest, and whether any such sums are now due; what was the balance in hand on the 24th March, and on the 24th June, and, if there shall appear to have been a surplus at those periods, how it is accounted for that on the 24th April and 29th of June the public treasurer reported the necessity of, and obtained loans from the commissariat to defray the expenses of those quarters.

The public treasurer should be called upon to state in what description of coin the duties have been paid during the last five months; and, if the deficiency has been progressive, how it can be accounted for that so large a sum as £4,665 15s. 9d. can have been abstracted without his knowledge.

It will be essential that any persons, who have been at any time connected with the office, should be interrogated upon all those points, more especially the clerk, whose mode of living, and visible property should be the subject of strict investigation, that it may be considered how far they correspond with the salary and fees which have been allowed.

The board will very minutely enquire into the receipts of the department during the whole of the present year; and, if the property which the clerk has acquired excites just suspicion, it will be necessary to ascertain whether the public may not have been injured by means independent of the deficiency of public money; whether blank permits have been usually in the clerk's hands, and whether any understanding is likely to have existed between him and the wharfinger, whose conduct in the discharge of his office I have also to desire may form part of the examination of the board.

Should it be desirable to the board to avail themselves of the assistance of the attorney general, he will immediately attend the board.

By Command of His Honor the Lieut' Governor.

JOHN MONTAGU, Secretary.

[Enclosure No. 4.]

REPORT BY BOARD OF INQUIRY.

Sir, Macquarie Street, 2nd October, 1824.

It is already before your honor that the sum of four thousand six hundred and sixty-five pounds has been discovered by the board to be deficient from the public chest.

It is apparent to the board from the various statements in their possession, and it is also distinctly acknowledged by the naval officer and treasurer of the public fund, that this deficiency is not the effect of "sudden robbery," but that the money has been withdrawn from the public chest, at various times, and indeed no date subsequent to that on which the treasurer took charge can be fixed, on which a deficiency first existed.

The board have in the course of the examination of the accounts discovered that various sums received for duties,
amounting to One thousand pounds, or thereabouts, have not been accredited to the public, and of which the Naval Officer and Treasurer is unable to give any other explanation than that his Clerk forgot or neglected to enter them. The instances in which these Sums have been omitted are so often repeated, and their amount so considerable, that the Board are decidedly of opinion that they are not the effect of accident, but there has been a misapplication of the public Money on the part of the Treasurer and Naval Officer, or his Clerk or both.

The Naval Officer being unable to attend the Board from indisposition, the exact deficiency cannot at present be ascertained, as there remains still some points which he has not been called upon to explain.

The Board beg to state that, whenever the Naval Officer and Treasurer is able to attend, the various documents connected with the Inquiry shall be laid before your Honor.

We have, &c.,

A. W. H. Humphrey.
A. Moodie.
Sydney Cotton.

Macquarie Street, 6th October, 1824.

The Board assembled to investigate the deficiency of public Money in the Civil Chest, having proceeded to investigate such particulars as might tend to develope when the ascertained deficiency took place, find that a man by name John Best, now in custody, obtained possession of the key of the Iron Chest, in which the public money is deposited, by opening with a false key the Treasurer's Bureau, where it was always kept; that, on Sunday the fifth of September last, the said John Best was discovered taking money from the Civil Chest by means of a false key; that he escaped, and was absent Several days when he was apprehended.

The Board have already explained to your Honor that they are of opinion that the whole Amount of the deficiency, ascertained by them on Thursday the 9th of September was not taken from the Chest by John Best at the time he was discovered to commit a robbery on the Chest, but that it has been withdrawn therefrom at various times, to which no date can be fixed; but by whom it has been withdrawn the Board are unable to ascertain.

The Public Chest appears to have been always under the sole charge of the public Treasurer, in whose bedroom it has always been kept, excepting one instance, when the Treasurer
changed his place of abode, and then it appears the Chest remained in his late residence for one night after the Treasurer quitted it. No person it appears had been permitted to have access to the Chest except the Treasurer himself.

It is distinctly stated by the Treasurer that the balance of money in hand has at no time ever been counted by himself, or any other person, from the time of the Treasurer taking charge to the day on which the Board ascertained the deficiency.

It does not appear that any Individual has ever received a private Loan from the public chest.

The balance in hand, and which should have been in the Chest on the 21st of January appears to be £2,500 4 11s 3d. on the 24 April 3,330 9 3d. 2 July 5,226 18 7½d. application having been made by the Treasurer for Loans of money from the Commissariat, as stated by the Treasurer to be necessary, and which were received on or between the dates above mentioned; that his reason for applying for the Sums of money from the Commissariat, which he received from time to time, was that there should be no want of Money in the Public Chest.

The Duties have been collected in various coins and descriptions of money, more frequently in Sovereigns, Dollars and Notes than any other. The deficiency being considered by the Board to be progressive, and the Treasurer, having been called upon by them to state how it can be accounted for that so large a Sum as £4,665 15s. 9½d. can have been abstracted without his knowledge, can give no other reason than that he never counted the balance of money in the Chest.

The Board have examined all persons connected with the Office, and more particularly Bartholomew Broughton, the clerk to the Naval Officer and Treasurer, in whose handwriting the accounts have generally and usually been kept since his appointment as clerk to the Office. The Board have already stated to your Honor their opinion that a misapplication of public money had taken place either by the Treasurer and Naval Officer, or by Bartholomew Broughton, the Clerk, or both, from the circumstance of various Sums having been left out of the Accounts, which Sums were collected for Duties, and were not accredited to the Public; as the accounts wherein those deficiencies appear have always been in the handwriting of Bartholomew Broughton, the Clerk, as he has given receipts for many of those sums received for Duties, and not accredited to the Public, and, as he
1824.  
27 Oct.  

Report of board re deficiency in public treasure.

acknowledges to have made up those accounts, the Board cannot but be of opinion that he has been, at all events, aware that a misapplication of public money has taken place.

The property acquired by Bartholomew Broughton during the period he has been in this Colony, when considered and compared with the amount of his salary and other resources, cannot but excite just suspicion.

A puncheon of rum containing forty five gallons was taken from the Bonded Store by Bartholomew Broughton, and appropriated for his own use under circumstances calculated to excite Suspicion, to which the Board therefore think proper to call your Honor's attention. This Rum had remained upwards of two years in Bond as unclaimed property, when Bartholomew Broughton took it out of Store in the name of one Williamson, and afterwards obtained a Permit for it from the Naval Officer in his own name, by representing that it had been given to him by Captain Martin of the Marshal Wellington. Bartholomew Broughton can show no Document to justify this proceeding.

The Board laid before your Honor their Statement with regard to further deficiencies which they have ascertained to exist, and which is above alluded to, and have only to remark that the public have thereby been injured to a very considerable extent, independent of the original ascertained deficiency, viz. £4,665 15s. 9d.

The Board however have been unable to ascertain the exact amount of deficiency in this respect, the knowledge of which can only be ascertained by a rigid examination of the whole of the Public Treasurer and Naval Officer's Accounts, since he took charge of the Office. The indisposition of Bartholomew Broughton the Clerk, which is certified by the Colonial Assistant Surgeon, precludes the possibility of prosecuting these enquiries at the present moment.

There does not appear to the Board to have existed any understanding of an evil tendency between the Wharfinger and the Naval Officer's Clerk.

The Board beg leave to forward for your Honor's information the statements of various individuals, also various documents connected with the affairs of the Naval Officer and Treasurer, as per Schedule annexed, upon which they have formed their opinion, as stated in their letter to your Honor under date 2nd Instant.

A. W. H. HUMPHREY.
A. MOODIE, A.C.G.
Sydney Cotton, Capt'n. Buffs.
DEFICIENCY as pr. Report dated 10th Sept. ........... £4,665 15 9½
Duties ascertained to have been received at the Naval Office, for which no credit has been given to the Public.

Ship Triton .... 683 Gallons Rum
Wm. Shand 230
Heroine .. 335
Adrian ... 74

1,322 10 .............. £661 0 0
16 p. Ct. ........ 105 15 2

Gallons Brandy. £766 15 2
Brixton 132 @ 10 .............. 66 0 0
Wm. Penn 39 @ 15 ........... £29 5 0
16 p. ct. ........ 4 13 7

Wine.
Regalia 1,160 @ 9d. ....... 43 0 0
16 p. ct. ........ 6 17 7

Whiskey.
200 Gal. @ 2s. 6d. ........ £25 0 0
16 p. ct. ........ 4 0 0

Tobacco.
952 lbs. @ 4 ............ 190 8 0
16 p. ct. ........ 20 10 0

210 18 0

£1,156 9 4
£5,822 5 1½

ARThUR TO BATHURST.

Memorandum.
Prince of Orange ................. Rum
Minerva ......................... Rum
Christian ........................ Wine
Urania ........................ Wine
Fifteen per cent. duties Tobacco.

The Board have every reason to believe that Similar omissions have taken place with regard to the Duties received on the above mentioned Items, but the Individuals concerned have not been examined with respect to them. The Board are of opinion that the Ad valorem or 15 pr. Ct. Duties and the Duties on Tobacco ought to be the Subject of Strict investigation.

SYDNEY COTTON, Captn. Buffs.
A. W. H. HUMPHREY.
A. MOODIE, A.C.G.
SCHEDULE of Papers Collected by the Board of Enquiry.

QUARTERLY ESTIMATES (Rough) from 31st of March, 1822, to 30th September, 1824; Estimate of Duties (Book) fair copy; Wharfinger's Landing Books, 23; Ships' Accounts in packets, Regalia, Mariner, Urania, Laura, Wm. Penn, Heroine, Mary, Mariner, Brixton, Lusitania, Triton; Police Fund Accts. for quarters ending March and June, 1824; Abstract Revenue and Expenditure, 2 Copies; Lieut. Kenworthy's accounts, No. 142, 165, 182; Naval Officer's Quarterly Returns to 31 Decr., 1823, 3 documents; Naval Officer's Reports for the Quarter ending 31 March, 1824, 30 June, 1824, 12 Documents; Statements and Examinations of Dr. Bromley, dated 13, 14, 15, 10 and 18 Sepr. and 6 Octr.; Examinations of Dr. Bromley's Servants, Elizabeth Wickes, Hannah Pomeroy, Henry Lee, James Sands, Geo. Newman, Josh. Firth, Mary Scott, Jane Cafender, Austin McGunity; Examinations and Statements of B. Broughton, dated 11th and 23rd Sept., 1st and 4th Octr.; Explanations marked A.B.O.; Certificate of Broughton's sickness and letter from Dr. Bromley enclosing it, 6 Memorandums; Explanations furnished by Naval Officer, 5 Documents; Examinations of J. T. Collocott, R. W. Fryett, J. C. Underwood, Auctioneers; Dr. Bromley, B. Broughton, J. Williamson, R. Neill, A. Thomson, F. Dawes, J. S. Heath, Unclaimed tuncheon of Rum; J. Luttrell, G. F. Read, Amb. Boyd, Jos. Brown, Broughton's Emancipation and Property; Dr. Bromley, Mrs. Bromley, Mary Scott, Jane Cafender, Thos. Atkinson, Robbery of the Chest; Lawrence Reed, 17th and 21 Sept., Wharfinger; Charles Robertson, Jos. Williamson; J. Welsh and return of Spirits distilled, Deficiency 200 Gallons; Christopher Wright, Mary Singleton, John Piper; Peter Taylor, Ed. Hodgson, Rd. Barker, Ship Urania; J. P. Deane, Wm. Tidd, Ship Brixton; Wm. Fidd, S. Reed, Jno. Swan, Thos. Lucas, Wm. Maycock, G. Hopwood, Ship Triton; A. F. Kemp, A. McLeod, Broughton's making a set off against Duties.

[Enclosure No. 5.]

GOVERNMENT AND GENERAL ORDERS.

Government House, Hobart Town, 14th Octr., 1824.

The Board of Enquiry assembled to investigate the deficiency of Public Money will assemble at Eleven O'Clock this day, at the request of E. F. Bromley Esquire.

By Command of His Honor The Lt. Governor.

John Montagu, Secretary.

PROCEEDINGS OF BOARD OF INQUIRY.

Macquarie Street, 14th October, 1824.

The Board having assembled in consequence of the foregoing Government and General Orders, Mr. Broughton was examined as follows, the questions being Suggested by E. F. Bromley, Esqr., the Naval Officer:

Q. I believe you have been Clerk to the Naval Officer for Several years, Mr. Broughton. A. Yes.

Q. During that period, have you not been constantly in the habit of making up all accounts relative to Shipping? A. Yes.
Q. You have stated that you always made out the Ship's Accounts; will you state to the Board if the Naval Officer ever interfered with respect to the making out of such Accounts? A. Sometimes.

Q. State in what instances and when. A. In sometimes comparing the Ship's account with the Wharfage Account, and in a few instances he has made them out himself when I have been absent.

Q. Who made out the Accounts of the Ships Triton, Wm. Shand, Heroine, Adrian, Brixton, Wm. Penn and Regalia? A. I did. The accounts are in my handwriting.

Q. When a ship's accounts were made out, was it usual for you to put them before the Naval Officer for signature at the time they were about to be settled by the Captain or Agent? A. When the Naval Officer was in the Office, I always did.

Q. Was the Naval Officer in the habit of asking you for any particulars respecting them, or did he not always confide in your accuracy, and sign all such Papers as were laid before him by you for that purpose in such confidence? A. He has sometimes asked me for particulars respecting them, and always signed the Papers after reading them over.

Q. How do you account for omitting to carry the Duties on Six hundred and eighty three gallons of Rum landed from the Triton to the Public Account? A. From their having been received from Individuals during the time the Ship remained in Port.

Q. What did you make out the Ship Triton's Account from? A. From the Wharfinger's account.

Q. Does not the Wharfinger's account state Six hundred and eighty three gallons of Rum to have been landed from the Triton? A. Yes, it does.

Q. You have stated you made out the Triton's accounts from the Wharfinger's return; will you explain to the Board your reason, with such a document before you, for not carrying the duties on the before named Spirits to the Public Account? A. Because, when the Triton's Account was made out it was made out for what was then due to be paid by the Captain or Agent, and, when the Quarter's account was called for by Government. I, made out those accounts from the Ship's accounts, without having reference to the Wharfinger's or any other Papers.

Q. How do you account for not carrying to the public credit two hundred and thirty gallons of Spirits landed from the ship William Shand? A. Precisely in the same way as the Triton.

Q. Why was not the Public credited with the Duties on 335 gallons of rum landed from the Heroine? A. Precisely the same as the Triton.
Q. Why was the duty, on 74 gallons spirits landed from the Adrian not carried to the public credit? A. Because I knew nothing of the transaction till after the ship's accounts were made out, and when I made out the Quarter's Account, I made it from the Ship's accounts.

Q. To whom was the 74 Gallons Rum from the Adrian issued? A. Mr. Wells, and for which the Naval Officer holds his Notes.

Q. How do you account for the Duties on Thirty nine Gallons of Brandy landed from the Ship William Penn, and taken to the house of Mr. Swan, not appearing in the ship's accounts, and no credit being given for the Amount to the Public? A. Having seen my receipt for the Duties, I find that such duties were received after the Ship's Account was made out, and, when the Quarter's Accounts were made out, it was made out from the Ship's Accounts in which this receipt was not entered.

Q. Has it been the practice of the Naval Officer to give persons paying Duties receipts for the same? A. Not when paid in the Office, but generally when not paid in the Office.

Q. In your examination before the Board of Inquiry, what number of receipts given by you to Individuals were produced? A. One only.

Q. How many receipts did you ever give for Duties? A. I cannot recollect.

Q. Have you given more than three receipts for Duties? A. Yes, a great many more.

Q. Can you recollect to whom? A. No, I cannot.

Q. Why were the Duties on 132 Gallons Brandy landed from the Brixton not carried to the Public credit? A. It is an omission on my part, and I cannot recollect whether the Duties were ever paid by Mr. Deane or not.

Q. It appears that 1,160 Gallons Wine were landed from the ship Regalia, the Duties on which were not carried to the Public credit, will you inform the Board why they were not? A. Because on having reference to the Ship's Papers and accounts, I found that the Duties on those Wines had been paid by the Captain of the Ship, and he wished that such should not appear in the Ship's Account, so as to show what was paid for the ship only in the Account he had to settle with his owners; and, in making up the Quarter's Accounts, it was taken from the Ship's Accounts, which is the cause it was not credited to the Public.

Q. It appears that the Duties on 200 Gallons Colonial Whiskey were paid to you by Champion and Co. State to the Board your reason why such Duties were not carried to public account? A.
ARTHUR TO BATHURST.

Through the hurry of business, I had omitted to carry it into the account of cash received.

Q. It appears that 952 pounds of Tobacco, the duties on which amount to £210 18s. 0d., have been received, and not carried to the public Account; state your reason for such omission? A. I cannot do so without reference to the Accounts, because the Tobacco was issued during the Quarter ending September, and, for a part of which, Security has been given by W. Espie; and in the Statement, as formerly called for by the Board, of Duties received up to the Sixteenth of September, this Tobacco was omitted, but would have been given credit for to the Public in the Quarter ending September, the statement having been made out in haste.

Q. During the time you have been Clerk to the Naval Officer, have you not always been desired to be extremely particular about all accounts, and to keep them in the most correct manner? A. Yes.

Q. During the time you have been clerk to the Naval Officer, did he ever desire you to keep back any monies due to the Public? A. No.

Q. Did the Naval Officer ever desire you to cancel, alter, abridge or annul any public accounts, whereby the Public could possibly be the loser of one penny? A. Yes.

Q. Explain how? A. When the parties landing a number of Articles, which were returned in the Wharfinger's account, made application to the Naval Officer for relief, the packages being very small, relief was afforded by the Naval Officer deducting a number of packages from the Wharfinger's return.

Q: You have stated that on parties applying for relief from having landed many small packages, that it has been afforded to them by the Naval Officer, and that he has directed you to deduct a number of packages from the Wharfinger's Accounts; state to the Board whether the Naval Officer derived any advantage from such deduction? A. Not to my knowledge.

B. BROUGHTON.

14th October, 1824.

DOCTOR BROMLEY handed in a Copy of an Affidavit of the following tenor:—

This day came before me, John Lewis Pedder, Esqre., Chief Justice for the Territory of Van Diemen's Land, Bartholomew Broughton, Clerk to the Naval Officer, who deposeth and sayeth:—I have omitted to carry to the public credit various sums of monies received by me for duties on the ships Triton, William Shand, Heroine, Adrian, Brixton, William Penn, and Regalia, also on 200 Gallons of Colonial Whiskey, and 952 pounds of Tobacco; and I do further depose and
1824.
27 Oct.

Affidavit by
B. Broughton.

Swear that Edward Foord Bromley, Naval Officer, during the period of the receipt of such Duties, never knew they were not carried to the public credit, but supposed the Accounts I placed before him for signature to be correct; and this Deponent further maketh Oath and sayeth that, during the period he has been Clerk to the Naval Officer, upwards of three years, the aforesaid Edward Foord Bromley, Naval Officer, never did in any way, order, desire, counsel or abet this Deponent to alter, cancel, annul, abridge or keep back any Sum or Sums of money belonging to the Public, but on the contrary expressed a most anxious wish that the Accounts should be always kept in the most distinct, clear, and regular manner; and Deponent doth further Swear, that he does not believe, either directly or indirectly, the before mentioned Edward Foord Bromley did ever receive, detain or appropriate one penny of the Public money to his own private use or advantage.

B. Broughton.

Sworn before me this twelfth day of October, one thousand eight hundred and twenty four:—JOHN LEWIS PEDDER, Chief Justice.

The foregoing copy of an Affidavit being read to Mr. Broughton, he admits it to be a correct copy of Affidavit made by him before the Chief Justice, and States as follows:—

Being called on by His Majesty's Attorney General yesterday for an explanation of the foregoing affidavit, and being asked by him whether I meant to imply that I had not paid over the monies to the Naval Officer, which might from the construction of the Affidavit be supposed not to have been paid by me to the Naval Officer, my answer was: that I did not conceive such a construction could be put upon it, for that I did not suppose a doubt existed that I had not paid over all monies as received, for I had invariably done so from day to day; the Attorney General said he thought it did imply so, and I had better give the Lieutenant Governor some explanation on the Subject, which I immediately did by letter, of which this is a Copy.

To His Honor Lieutenant Governor Arthur.

Sir,

His Majesty's Attorney General having this morning called upon me for an explanation regarding the Affidavit, I made yesterday, respecting the omission to enter certain Sums of money to the credit of the Public received from Individuals by me, and by which affidavit appeared to imply that such Sums of money had not been paid over to the Naval Officer, I beg leave to state, for your Honor's information, that such Affidavit was brought into the Office by Dr. Bromley, and read by him to me, and he then asked if I had any objection to swear to it. I replied none whatever, conceiveing the sole meaning of such affidavit to be that such omission was not caused by any Order or knowledge of the Naval Officer, not for a moment supposing the
possibility of a doubt that I had not paid over all monies received by me on account of the Public at the time in which they were received. I have waited upon Dr. Bromley regarding the alteration of the Affidavit, and he says it must remain as it is; and for the first time I learnt that he doubted having received some part of the money, which had I known before, of course I would have paid more attention to the probable construction that might have been put upon such Affidavit. I have, &c,

B. BROUGHTON.

To this letter I received an answer, stating that the Board would assemble at Eleven o'clock, and I should have an opportunity of giving an explanation, which I have now done.

[Enclosure No. 6.]

GOVERNMENT AND GENERAL ORDERS.

Government House, Hobart Town,
16th Octr., 1824.

THE Board of Enquiry, assembled to investigate the deficiency of money in the Public Chest, will assemble this day at 11 o'clock, for the purpose of hearing certain information from Mr. Broughton, stated to have been forgotten by him at previous examinations.

His Honor the Lieut' Governor concedes to the wish of Mr. Broughton in this instance, but begs it may be understood that he must decline assembling the Board again, as it is most inconvenient detaining the Public Officers composing it from their Official Duties.

By command of His Honor The Lt. Governor.

JOHN MONTAGU, Secretary.

PROCEEDINGS OF BOARD OF INQUIRY.

Macquarie Street, 16th October, 1824.

Mr. BROUGHTON appeared before the Board, and stated as follows:

"I think I had omitted to state upon my former examinations and in explanation of my Affidavit that at the close of the Office, when the monies were paid over to the Naval Officer, a written Statement, from whom, and for what received, was always handed over to the Naval Officer, and chequed and cast up by him, previous to the payment of the money; and, when Dr. Bromley was absent for more than a day, a Diary and an account of cash received and paid was always enclosed in a letter to him, and left in the Office for him on the day Dr. Bromley was expected to return; and, on the morning after his arrival, if he did not arrive before the Office closed, the money was paid over to Dr. Bromley, and therefore if Dr. Bromley will produce any of these accounts, it will at once show whether I ever paid any money short or not, and also, as was sometimes the case that I was deficient in various Small Sums, and had not so much of my own private money by me, the Naval Officer
always exacted from me a Memorandum, or an 'I.O.U.' for such deficiency, in order that he might not forget the circumstance, and which was given back to me when I found him the money."

Bw. Broughton.

[Enclosure No. 7.]

ATTORNEY-GENERAL GELLIBRAND TO Lieut.-GOVERNOR ARTHUR.

Sir, Hobart Town, 9th October, 1824.

I have the honor to acknowledge the receipt of your letter of this day's date, and also the several reports made by the Board of Enquiry upon the deficiency in the Treasurer's Chest, and the Accounts of the Naval Officer, together with the several examinations taken by the Board, and other papers referring to that Subject, and requiring my opinion thereon.

It appears by the Report that the deficiency in the Treasurer's Chest is ascertained to be £4,665 15s. 9d. And, however desirable it would have been that your Honor should have been informed by the Board by what means, and at what time, the deficiency was occasioned, there does not appear any satisfactory evidence on those points; but it seems perfectly clear that the deficiency has been gradually increasing, and, although the Treasurer may not be criminal upon that subject, there can be no doubt that he is culpable, because, at the time he applied to your Honor for an Order upon Mr. Assistant Comy. General Moodie for £2,000, he must have known that the Chest was exhausted, although there ought to have been a balance therein of nearly £3,000.

If that Sum of money, or the principal part of it, had been abstracted from the chest without the knowledge of the Treasurer, it was his bounden duty to have reported that circumstance to your Honor, and the concealment of the fact (when he must have known it) makes the case pregnant with suspicion.

Upon the other part of the case, as reported by the Board, I am under the necessity of troubling your Honor at large.

It appears that up to the close of 1822 a regular entry has been made by the Naval Officer of the monies received from each ship, and a full explanation given on the other side of the Account Book, entitled "An Estimate of Duties"; since that period the name of the Ship and the Duties are merely entered, without any other explanation.

The Permits to land Spirits are granted by the Naval Officer, without any entry being made, either of the quantity, or person to whom the permit is granted.

When the Spirits are landed, the permit is given to the Wharfinger, who is expected to return it to the Naval Officer,
whose custom is to put it with the Ship's Papers; and, by these
documents alone, he is enabled to make out an estimate of the
duties paid by each ship.

If the Wharfinger should destroy the Permit, or if the Per-
mits should not be put with the Ship's Papers, or if it should
afterwards be taken from them, there would not be an account
with the Naval Officer of the Spirits mentioned in such Permit
having been landed, and consequently the Crown would be de-
frauded of the Duties payable thereon.

In the quarter ending 31st March, 1824, the Naval Officer
has given credit for duties on Spirits per the Triton 100$ 68 Cts.,
when in point of fact he gave permits to land Spirits, upon which
the duties have been paid either to himself or his clerk, amount-
ing to £341 19s. beyond the Sum given credit for.

Credit is given also per William Shand for 47$ 58 Cts.,
omitting to give credit for £115; and an omission to the amount
of £170 is found by the Board in the accounts of the Heroine.

That the Crown has been defrauded of £1,000 and upwards by
those culpable omissions is proved before the Board beyond the
possibility of doubt; it is equally clear that the accounts were
made out by Mr. Broughton the clerk, to whom all these pay-
ments for duties were made.

If he had defrauded the Treasurer of the money, I can
easily understand why he would omit them in making out the
amount; but it appears impossible that the Naval Officer should
not detect a credit of about £25 to a Ship's Account, instead of
£400; and I am therefore under the necessity of coming to the
same painful conclusion with the Board, that those omissions are
not the effect of accident, but that there has been "a misappli-
cation of public money on the part of the Treasurer and Naval
Officer, or his Clerk, or both," and the last appears to me the
most probable.

I am of opinion, if the Clerk has received this money for the
express purpose of being paid into the Public Chest, and has
retained it to his own use, he is guilty of embezzlement; If it
has been retained by him and the Naval Officer, and the Accounts
made up by them, excluding these Sums received, I am of
opinion that they are both within the operation of the Statute,
and, however painful it may be to prosecute, I shall feel it my
duty, if the facts are properly supported by affidavit, to send the
case to a jury.

I beg therefore to suggest to your Honor that, so much of this
case as refers to the embezzlement of the duties by the Naval
Officer, or his Clerk, or both, should be referred to two Magistrates,
in order that the necessary depositions may be taken on Oath.
With respect to the £4,665 15s. 9½d., I think it is clear that some part of the property has been stolen from the Treasurer, but that he ought to be charged with the balance, for which he was liable, at the time he applied for the last loan from the Commissary; and if he is unable to pay this Sum of money, that a Writ of extent should issue for it.

I have entered thus fully into this subject from an anxious desire, that your Honor should see the case in all its bearings, and that a public Officer, holding so high and responsible a situation, should have every consideration paid to his case, before he is placed in such a distressing Situation, well knowing the anxiety which your Honor has felt that every opportunity should be afforded the Treasurer to show, if possible, that the loss has arisen from Robbery alone. I have, &c.

J. T. GELLIBRAND.

1824.
27 Oct.
Opinion of J. T. Gellibrand re action to be taken against E. P. Bromley and B. Broughton.

Lieut.-Governor Arthur to Earl Bathurst.
(Despatch No. 15; acknowledged by Earl Bathurst, 3rd June, 1825.)

Government House, Hobart Town, Van Dieman's Land,
My Lord,
28th Octr., 1824.

I do myself the honor to lay before your Lordship copy of a Letter, which has been addressed to me by the Revd. Mr. Bedford, respecting his application under the Sanction of Lieut. Governor Sorell to a Mr. Pickett to come to this Island as Master of the Orphan School.

A married person qualified to conduct the Establishment, which will be enlarged so as to embrace the plan recommended by Commissioner Bigge is much required; and I have therefore to solicit your Lordship will be pleased to grant Mr. and Mrs. Pickett with their family the indulgence of a free Passage to this Colony.

Their salary under your Lordship's approval may be either determined at Home, or proportioned after their arrival in Van Dieman's Land according to the nature and extent of the Establishment.

I have, &c.,

Geo. Arthur, Lt. Gr

[Enclosure.]

Reverend W. Bedford to Lieut.-Governor Arthur.

Sir,
Hobart Town, 20th August, 1824.

I beg leave to state to your Honor that, in June, 1823, under the Sanction of the late Lieut. Governor, I applied to a Mr. Pickett in England to come out to take charge of the Orphan School, intended to be established in Hobart Town.

I have since received a Letter from them, expressing his willingness to do so, if the Government would be pleased to order...
a passage for himself and family. Knowing that both Mr. and Mrs. Pickett are peculiarly adapted for the situation, and that they would conduct the School in a way that would prove beneficial to the children placed under their care and Satisfactory to your Honor;

May I be permitted to request that you will be pleased to take such steps as may appear to you to be necessary to procure for them, and their family, a free passage to this Colony.

I have, &c.,
WM. BEDFORD.

LIEUT.-GOVERNOR ARTHUR TO UNDER SECRETARY HORTON.

Government House, Hobart Town, Van Dieman's Land.

Dear Sir,

28th October, 1824.

When I had the pleasure of conversing with you on the Subject of the relative Situation of this Colony with New South Wales, you requested I would let you know how the System was found to work upon the footing, directed by Lord Bathurst's Instructions* to Sir Thomas Brisbane. Colonel Sorell will I conclude have already personally stated to you that, since the great flow of Emigration to Van Dieman's Land took place in the year 1820, the whole character of the Country has been totally changed, and that long before his departure it has become morally impossible to conduct the affairs of the Colony under the existing instructions.

The partial change, introduced by the Instructions* of the 28th of August, 1823, has afforded some relief; but the positive want of Legislative and Executive Authority is, I may confidently say, felt every day. Until a vessel came in last week, nearly three weeks had elapsed without any arrival at Hobart Town from Sydney, and I am sure you will perceive that no mismanagement here could possibly prove so injurious as this delay, putting out of the question all the jealousy and rivalship, which is carried to a very blameable and unnecessary extent; it is obvious that in an Island so extensive as this, out of which may be dug two or three West Indian Colonies, with a population widely scattered, measures of internal Legislation constantly require to be resorted to, and those often very pressing in their nature.

The immense distance, which separates us from England, makes the difficulties arising from our contiguity to New South Wales less apparent than they are in reality; but there is not half the intercourse which exists between Barbadoes and Jamaica, and it will be immediately apparent to you how very
unqualified a Legislative or Executive authority, in either of
those Colonies would be to direct the affairs of the other.

Since the establishment of the Supreme Court, the inconveniency of our dependance for Laws upon New South Wales has been particularly felt. Many regulations which are enforced by the Governor of New South Wales and others by the Proclamations and General Orders of the Lieut’ Governor, and were received as Laws in the Court over which the Deputy Judge Advocate presided, are now of no more force than Blank Paper. I could adduce to you numberless instances, in which the measures of the Sydney Government have operated and are now operating in the most direct manner to the injury of Van Dieman’s Land. One case occurs in the currency, which, however advantageous it may be at Sydney, is most inconvenient and most distressing to the agricultural Interest here. Some time since I took the liberty of pointing this out to Sir Thomas Brisbane, but he does not seem disposed to make any alteration. Do permit me singly to state how the matter stands. The Duties are demanded in dollars at their Sterling Value. The Courts exact the Dollar at 4s. The Government disbursements are paid in Dollars at 5s. The troops are paid in Dollars at 4s. 8d. and the Colonial Salaries in Dollars at 4s. Such is the present rate of the Currency! From circumstances with which I am unacquainted, it may be advantageous at Sydney; but I can from my positive knowledge, say it is quite ruinous to the agricultural and mercantile Interest of Van Dieman’s Land, and I hope you will excuse my presenting it thus unofficially to your consideration. The Old System of Store Receipts was certainly liable to great objection, and the introduction of Dollars there can be no question is highly beneficial; but it is only just and reasonable that they should be received and paid at the same denomination, except to the Troops who received them everywhere at 4s. 8d.

In my Official Dispatch to Lord Bathurst, No. 6, I submitted our great need of more Troops to put down the Bushranging System. The Gazette of this place has made matters in this respect appear worse than they really are, and Sir Thomas Brisbane writes me, “that it seems to him that the proportion of Prisoners lately sent to Van Dieman’s Land is greater than the Authorities can control, and that it would become expedient to write Earl Bathurst to stay sending more until these can be brought into a proper state of Subordination.” I have no immediate opportunity of explaining to Sir Thomas Brisbane that I am quite of a different opinion, and consider that, whenever this Colony is separated from New South Wales, and the Executive