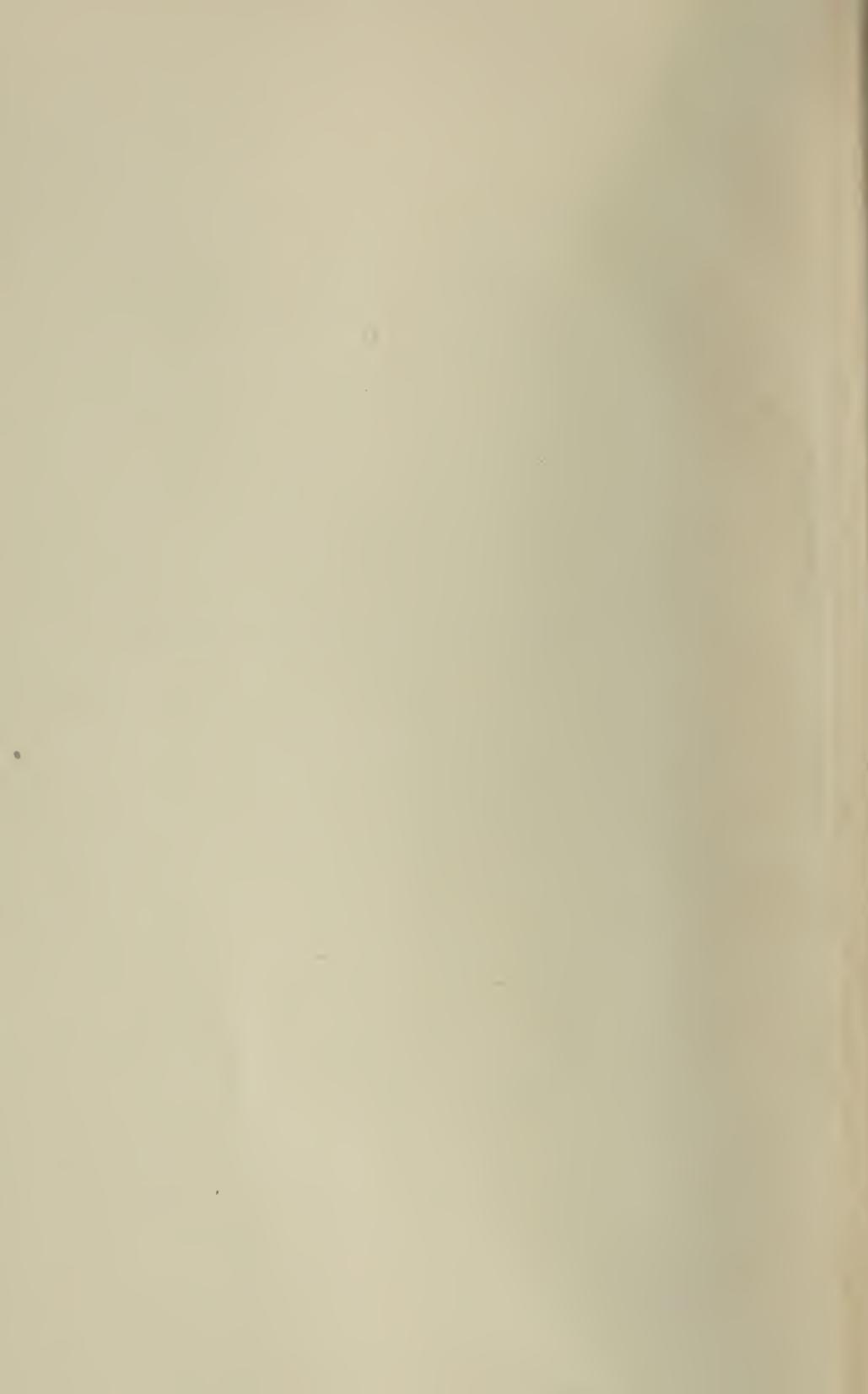


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HISTORICAL RECORDS

OF

AUSTRALIA.

SERIES I.

GOVERNORS' DESPATCHES TO AND
FROM ENGLAND.

VOLUME III.

1801-1802.

Published by:

THE LIBRARY COMMITTEE OF THE COMMONWEALTH PARLIAMENT.

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1915.

SYDNEY :
WILLIAM APLEGATE GULLICK, GOVERNMENT PRINTER.

1915.

INTRODUCTION.

GOVERNOR KING.

PHILIP GIDLEY KING, when he assumed the government of New South Wales, had little experience in the exercise of authority, except that acquired within the confined limits of Norfolk Island. He possessed a wayward temper, a suspicious and jealous disposition, and a self-satisfied manner which isolated him from his subordinates, and prevented him from taking or seeking advice when necessary. On the 15th of April, 1800, he arrived in Port Jackson on board the *Speedy* to take up the government. From the moment of his arrival, he endeavoured to impress on Governor Hunter and the colonists that he was *the great reformer*, holding *special* instructions from the King. During the first five and a half months after his arrival, he wrote lengthy letters to England, detailing reforms he intended to make when Governor Hunter departed; when he was succeeded by Governor Bligh, nearly six years later, the colony was in as great a state of chaos as at the commencement of his administration.

Philip Gidley King was born at Launceston in Cornwall on the 23rd of April, 1758. His father was Philip King, a draper of that town, and his mother a daughter of John Gidley, an attorney-at-law, of Exeter. He was educated by a Mr. Bailey, of Yarmouth. When twelve years of age, he shipped on board the frigate *Swallow*, commanded by — Shirley, by whom he was rated as a midshipman. In this frigate and in His Majesty's ships *Dolphin* and *Prudent* he served five years (1770-1774) on the East Indies station. When he returned in 1775, he was appointed a midshipman on the frigate *Liverpool*, under Captain Bellew, and sailed for the Virginian station in the same year. He remained in the *Liverpool* until she was wrecked in Delaware Bay. In October, 1778, he entered on board the *Princess Royal*, and on the 26th of November following, Admiral Byron promoted him to a lieutenancy, and transferred him to the *Renown*. In the following year, he returned to England, and served for nearly four

years in home waters, at first on the cutter *Kite*, and then on the frigate *Ariadne*. On the *Ariadne*, Governor (then post-captain) Arthur Phillip was in command, until on the 23rd of December, 1782, he was appointed to the *Europe*, of sixty-four guns. In January, 1783, King was appointed lieutenant on the *Europe*, prior to her sailing for the East Indies with reinforcements. On this voyage, Phillip and King became thoroughly acquainted, and Phillip was henceforth a patron of King. When peace was restored, King returned to England on the *Europe*, in May, 1784.

At that time, a settlement at Botany Bay was under consideration. In September, 1786, preparations were commenced to form an establishment there, and Phillip was selected as governor, receiving his first commission to that office, dated 12th October, 1786. The *Sirius* and the *Supply* were detailed to convoy the transport and store-ships, and when the *Sirius* was commissioned, King received the appointment of second lieutenant, on the 25th of October,* 1786.

The fleet sailed on the 13th of May, 1787. On the 25th of November following, Governor Phillip, with Lieutenants King and Dawes, transhipped to the *Supply*, and on the 18th of January, 1788, anchored in Botany Bay. The selection of Port Jackson as the site of the settlement was soon made, and all the fleet were safely anchored in Sydney Cove on the 26th of January, 1788.

On the 1st of February, Governor Phillip notified King that he had selected him as superintendent and commandant of the new settlement at Norfolk Island, and that he was to prepare to sail at once. The reason for the selection of King is not clear. Exclusive of Captain Hunter, who would probably not be considered, and other members of the military and civil staffs, there was one naval officer senior to King—first lieutenant Bradley, of the *Sirius*. Phillip gave no reason for his choice, except: "I beg leave to recommend him as an officer of merit, and whose perseverance in that or any other service may be depended upon."† Phillip's preference for King was also shown when selecting an officer to accompany him in the *Supply*, and to carry his compliments to Monsr. de la Perouse, who had arrived in Botany Bay.

* In his private journal, King stated the date was the 24th October, but this was the date given by the Admiralty.

† See volume I, page 20.

On the 13th of February, King embarked his small company of seventeen men and six women,* exclusive of himself, who were destined to form the settlement at Norfolk Island, and on the same day he received his commission and instructions† from Phillip. He sailed from Sydney on the 15th of February, and founded the settlement at Sydney Bay on the 6th of March, 1788. King at that time was in his thirtieth year. He remained at his post until March, 1790, when he was recalled by Governor Phillip to carry despatches to England, and left the island in the *Supply* on the 24th of March.

During this, his first administration, lasting two years, King was frequently mentioned by Governor Phillip, both in his public and private despatches.‡ It was in consequence of Phillip's *private* recommendation *only* to Lord Sydney, and King's own reports of his control for five months of twenty-three persons, that he was appointed lieutenant-governor of Norfolk Island,§ by warrant, dated the 28th of January, 1790, at a salary of £250 a year, but this commission was not received in the colony prior to King's departure therefrom on the 17th April, 1790. The recommendation of King for promotion was contained in a private letter|| to Lord Sydney, dated July, 1788, written by Phillip, before he had received any account of King's administration at Norfolk Island, for the *Supply* did not return from her second voyage to that island until the 26th of August, 1788. The Right Hon. W. W. Grenville was in office when this letter and King's reports reached England, and it is probable that Lord Sydney, who was Phillip's admirer, used his influence to obtain the appointment for King. This is strong evidence of Phillip's desire to further King's interests, a desire which eventually found expression in the recommendation of King, in a letter dated 26th October, 1793, as his successor in the government.

King arrived in London on the 21st of December, 1790, and delivered his despatches. For the first time, he learnt that he had been appointed, nearly eleven months earlier, lieutenant-governor of Norfolk Island. On the 2nd of March, 1791, he was promoted

* King's inaccuracy with regard to figures was similar to that of other governors (*see* note II, volume I).

† *See* volume I, pages 32 and 33.

‡ *See* volume I: *public*, pages 147, 168, 170; *private*, pages 67, 169.

§ *See* volume I, page 133.

|| *See* volume I, page 67.

from lieutenant to commander in the navy. During his stay in England, he married Miss Anna Josepha Coombes, and with her he embarked on H.M.S. *Gorgon*, sailing from England in March, and arriving at Sydney on the 21st of September, 1791.

King sailed from Sydney in the *Atlantic* on the 26th of October, 1791, and arrived at Norfolk Island nine days later, to commence his second period of administration on the island, which lasted until the 22nd of October, 1796. When he left the island, in March, 1790, the population was about 160 men, women, and children; when he returned, in November, 1791, it numbered over one thousand individuals. The problems of administration were altered, and larger questions were involved. King's first actions were a reversal of some which his predecessor (Ross) had initiated, and the suggestion of numerous reforms.* His conduct towards Ross in 1791 was similar to his conduct towards Hunter in 1800. On both occasions he adversely criticised the administration of his predecessors, and promptly announced many changes in lengthy general orders. When he succeeded Hunter, he avoided the responsibility of several of the reforms by means of imaginary royal instructions.

Governor Phillip left Port Jackson on the 11th of December, 1792, and King's patron was thus removed from authority. King now became a subordinate to Lieutenant-Governor Grose. He soon had his first experience of friction with the military, represented by Grose. In November, 1793, the *Britannia*, when under charter to the government to procure live stock and provisions from India, called at the island; King gave the master personal instructions to proceed to New Zealand to repatriate the two Maoris then living on Norfolk Island. Captain Nepean, of the N.S.W. Corps, being a passenger on board the *Britannia*, King decided to leave him in charge of the island, and to visit New Zealand himself. He was accordingly absent from his government from the 8th to the 18th November, 1793. For these actions—for delaying the fulfilment of the *Britannia's* contract, for quitting his government without leave, and for placing it in the hands of another, without having previously obtained permission—King was censured by both Grose and the Duke of Portland.†

* See Norfolk Island papers, King to Nepean, 23rd Nov., 1791; King to Phillip, 29th Dec., 1791.

† See volume I, page 496.

King was also censured by Grose for his action with regard to the mutiny of the soldiers in December, 1793; but in this instance his conduct was approved by the Duke of Portland.

During his administration, King suffered constantly from ill-health, and made frequent applications for sick leave, which was finally granted by Governor Hunter in August, 1796. Hunter, at that time, had chartered the *Britannia* to take all invalided officers to England, and she was ordered to call at Norfolk Island. King embarked on her on the 22nd of October, 1796, and arrived in Plymouth on the 6th of May following.

The first twelve months of King's visit to England were spent in anxious efforts to obtain work and promotion. His seniority in the list of commanders was against him, as it appeared some professional disgrace was attached to those of high standing in the list of commanders, from the probability that they had been frequently passed by in promotion. He had a wife and two children, and had his half-pay and the interest on £1,700* at four per cent. to support them with. On the 15th of June, 1797, he wrote to the Duke of Portland, asking for promotion to the rank of post-captain, but this request was refused. In a letter to Sir Joseph Banks, dated 7th October, 1797, King stated that "everything has been, and will be, done by the department with whom I am connected; but that which I belong to—and with which I alone wish to be considered by—seems to look upon me as an alien. . . . Indeed, my dear sir, I sometimes think most seriously of resigning my Lieut.-Government, and throwing myself on the Admiralty." From this it appears that King was not at that time in high favour at the admiralty office. This letter to Banks, however, bore fruit.

Sir Joseph Banks during this period was at the zenith of his power in controlling colonial affairs. He obtained for King a dormant commission† "in the case of the death or during the absence of Captain John Hunter." It was frankly announced in the press‡ that King had received this commission through "the

* In a letter to the Duke of Portland, dated 15th June, 1797, King stated these figures, which included £650, savings from his pay. In a letter, dated 1st October, 1799, he stated that the savings from his pay at Norfolk Island alone amounted to £1,200.

† See volume II, page 605.

‡ Dublin *Evening Post*, 27th January, 1798.

interest of Sir Joseph Banks, whose collection he has much enriched." The commission was dated the 1st day of May, 1798. It was limited in scope, and did not give King the titles of captain-general and governor-in-chief, which had been given to Governors Phillip and Hunter. The commission was practically the appointment of a *locum tenens* or a governor-in-chief on probation, and was recognised as such by both King and the English officials, when it became operative. Hunter was not officially informed of the issue of this limited commission until it was mentioned in a postscript* to a despatch by the Duke of Portland, dated 26th February, 1799. This despatch was delivered on the 3rd November following, *per* the *Walker*.

King's return to New South Wales was first arranged for in the original *Porpoise*,† but owing to the defects in her construction, he was ordered to embark on the whaler *Walker*, which carried Portland's despatch announcing the issue of King's dormant commission. This arrangement was unsatisfactory, and the embarkation of King and his family was delayed, until the departure of the transport *Speedy*, on the 26th of November, 1799. In this ship, King carried the despatch‡ to Governor Hunter, dated 5th November, 1799, by which Hunter was recalled and was ordered to transfer the administration to King.

The delay of more than five months in Hunter's departure from Port Jackson seems to disprove King's statement, in a subsequent despatch, that the authorities in England considered Hunter's recall an urgent matter. This view is confirmed by the fact that when King arrived, on the 15th of April, 1800, he possessed only a limited commission. Ample time had elapsed for the preparation of a full commission and instructions, similar to those of Governors Phillip and Hunter; yet the completion of King's was delayed until the 20th and 23rd of February, 1802 (twenty-seven months later). It is probable, therefore, that the home department was not prepared to give King the full appointment of governor-in-chief in the year 1799.

King arrived in Port Jackson on the 15th April, 1800, to take charge of the administration as soon as Governor Hunter departed, and this may be said to terminate the second period of his life.

* See volume II, page 340. † See volume II, note 184.

‡ See volume II, page 392.

King's life, exclusive of the period of two years and three weeks which elapsed between the dates of relinquishing the government of New South Wales and of his death, may be divided into five distinct periods, the first three of which have been discussed already, but may now be summarised.

The first period extended from the date of his birth, 23rd April, 1758, to January, 1783, when he became a lieutenant on the *Europe*, under Captain Phillip. The last thirteen of these years had been spent in the navy, in which he had risen to the rank of a lieutenant in a line of battleship. During this period his achievements were of no consequence or value, and he gained little beyond a knowledge of the ordinary naval life.

The second period ended with his arrival at Sydney in the *Speedy*, on the 15th April, 1800. For practically the first half of this epoch, his advancement was due to Phillip's patronage; his commission, in 1786, as second lieutenant of the *Sirius*, was probably obtained through Phillip; his appointments, as commandant at Norfolk Island, in 1788, and later as lieutenant-governor, in 1790, were due directly to Phillip; and many minor favours were shown him also by Phillip. The influence of Phillip at the home department waned about 1792-1793, and King's appointment as governor, suggested by Phillip, in 1793, seems to have received little consideration. In fact, the home department appear to have paid little attention to King, until, in 1797, Sir Joseph Banks took an interest in his case.

From March, 1788, to October, 1796, King was in charge of Norfolk Island, with the exception of the *interregnum* caused by his visit to England, when charged with despatches. The administration of a community commencing with twenty-four in 1788, and numbering eight hundred and eighty-seven* at the time of King's final departure, was not a problem of great consequence; yet, on several occasions, he was censured for his actions. In the second half of this period, King concluded his active service as lieutenant-governor practically on his departure for England, in October, 1796. On his arrival in London, he received little attention from the home department or the admiralty office, and appears to have been treated with scant courtesy, as if he were

* These were the figures at the census on the 16th October, 1796. During the period 1788-1796, the numbers had occasionally risen to over one thousand.

under a shadow of disgrace. He obtained his dormant commission, dated 1st May, 1798, through the influence of Sir Joseph Banks. During the last eighteen months in England, he exhibited one trait of his character in writing querulous letters about the delay in his embarkation, and the resultant cost to himself. This period may be summed up as one of advancement, due to the patronage of Governor Phillip and Sir Joseph Banks, during which King gained a little experience of administration at Norfolk Island in controlling a community, which was usually less than one thousand men, women, and children. Governor Phillip appears to have honestly considered King to be a suitable man in many positions; but Sir Joseph Banks, in many of his private letters, showed that, while holding a high opinion of King's character and abilities, he was aware that he had many limitations, which would militate against his success as an administrator in a big position.

The third period of his life commenced with his arrival at Port Jackson, on the 15th April, 1800 (when he was nearly 42 years of age), and closed on the 28th September, 1800, when he assumed the government of New South Wales. This period has already been discussed.* It is necessary only to mention a few of his actions, and to summarise his character at the end of the period. He showed a vindictiveness and over-anxiety to obtain the administration for himself as early as possible, and appeared disappointed† that Hunter did not sail, eighteen days after his arrival, in the *Friendship*, viâ India. His total lack of the finer feelings is illustrated by the fact that he submitted to the perusal of Hunter the despatch‡ in which he made serious insinuations in respect to him; and this at a time when Hunter was treating him with every consideration, allowing him, for example, when Hunter was still governor, to draw up the commission and instructions§ to Major Foveaux, as commandant at Norfolk Island. He gave evidence of gross unscrupulousness or a desire to cover his actions with superior authority by constant quotations from royal instructions¶ that did not exist. He admitted|| to Under Secretary King that his actions were "not strictly warrantable," and he hoped|| that they would be excused by the authorities in

* See volume II, pages xvii, xviii, xix. † See volume II, page 501.

‡ See volume II, page 511 *et seq.*

§ See volume II, pages 513 to 516 and 543. || See volume II, page 507.

England. King, by these and other actions, showed that the man who was to assume the government possessed little dignity, an overpowering conceit, and a jealous, suspicious, hasty, and ungovernable temper.*

The fourth period of King's life extended from the 28th of September, 1800, to the 16th of October, 1802, the day on which King's instructions as governor-in-chief were delivered at Port Jackson. This period has now to be examined.

The discussion of the fifth period, which extended to the 13th August, 1806, will be found in volumes IV and V.

Philip Gidley King assumed charge of the administration on the 28th of September, 1800, immediately after Governor Hunter's embarkation on H.M.S. *Buffalo*, by virtue of the dormant commission,† dated 1st May, 1798, which appointed him " (in the case of the death or during the absence of Captain John Hunter) to be *Governor* of our territory, called New South Wales." The commission was a very brief one, and, after reciting his jurisdiction, empowered him to discharge "the duty of *Governor*." He was provided with no instructions, and it is very doubtful if Hunter was directed to give King a copy of his (Hunter's). Hunter received no orders to that effect in Portland's letters‡ of the 26th February and 5th November, 1799. In a letter, written three days after his arrival, King stated to Hunter: "Agreeable to the commission I have the honor to hold, it is His Grace's directions, that you will be pleased to furnish me with copys of His Majesty's commission to you, the Royal Instructions you received in England, and such orders . . . relative to the King's service in this territory."§ It seems strange that the Duke of Portland should not have communicated such an important order in writing, and that King should have been so hasty as to communicate it to Hunter before even he had disembarked from the *Speedy*.

The commissions of Phillip and Hunter appointed them captains-general and governors-in-chief, and made two provisions in the event of their death or absence from office. The adminis-

* Sir Joseph Banks, in a private letter, stated that capsicum should be planted in N.S.W., "as it might be beneficial to Governor King's constitution."

† See volume II, page 605.

‡ See volume II, pages 338 *et seq.* and 387 *et seq.*

§ See volume II, page 502.

tration was, first of all, to devolve on the lieutenant-governor of the territory, if one was present and duly appointed, and in the event of his absence, on "the officer highest in rank." If an administrator became necessary under these commissions, he was granted the full powers of the *governor-in-chief* for whom he acted. King's commission,* dated 1st May, 1798, *did not appoint* him captain-general and governor-in-chief, but instructed him simply "to discharge the duty of *Governor* . . . by doing and performing all and all manner of things thereunto belonging."

His status during this period was unique in the history of New South Wales before constitutional government; and later, the administration of Sir John Young, between the 22nd March and 15th May, 1861, formed only a modified parallel on one point.

Unfortunately all the addresses of the various despatches are not available, and therefore it is impossible to define the usual method of address to King. In one case a despatch† from Lord Hobart, dated 6th August, 1801, was copied into King's private letter-book as addressed to *Lieutenant-Governor King*. But on the other hand, a despatch‡ from Secretary Nepean, dated 5th May, 1802, after the signing of King's full commission, was addressed by a similar title. If King had been sent out in 1800 to assume the full office of captain-general and governor-in-chief, it seems improbable that the completion of his commission and instructions would have been delayed for twenty-seven months after his departure. King was aware of some doubt existing in the minds of the authorities in England, for in a despatch,§ dated 28th September, 1800, he used the phrase "*in the event of the government of this territory being continued to me.*"

King, notwithstanding his knowledge of his position, did not hesitate to use the full title, "Captain-General and Governor-in-Chief," in a proclamation,§ dated 28th March, 1801, and the title of "Governor-in-Chief" in a general order,§ dated 16th December, 1801. His predecessors, Grose and Paterson, when administering the government, described themselves in legal documents|| simply as "Lieut.-Governor," and "senior officer . . . executing the office of Governor" respectively.

* See volume II, page 605. † See pages 119 and 487.

‡ See volume II, page 663.

§ See pages 140 and 467. || See volume I, pages 448 and 503.

It is probable that, to the mind of the British government, King's position during this period was that of acting-governor, pending a permanent appointment.

King does not appear to have felt any doubts with regard to the interpretation of his commission, in respect to the limits of his jurisdiction. Proof positive of this was given by his appointment of the Revd. John Jefferson to the position of a justice of the peace at Otaheite, whereas the commissions of Phillip and Hunter empowered them to make such appointments only "in our said territory and its dependencies." Thus King claimed jurisdiction over all land lying within seventy-five degrees of longitude. This is also proved by his proclamation* to merchant captains at Otaheite.

King commenced his administration with Hunter's commission and instructions for guidance. He was, however, little daunted by their limitations, for when the instructions failed him, he manufactured new ones for himself, and clothed them with the royal authority.

His first efforts were directed against the spirit traffic. He commenced the campaign by the communication† of *pseudo* royal instructions to Paterson on the 8th of September, 1800, about officers' traffic in spirits. This was followed by a whole series of general orders, with reference to the importation of, licensed vending of, duties on, fixation of prices of, and transference of spirits. The result of these efforts is difficult to analyse, as the figures during the government of Hunter are not fully available.

The figures‡ under King's administration, however, are complete, and an analysis of them gives some extraordinary results. Between September, 1800, and October, 1802, 69,880 gallons of spirits were landed, and 37,691 gallons sent away; of the latter, 86½ per cent. was imported in four ships, out of twenty-five. In the same time, 33,246 gallons of wine were landed, and 22,932 gallons sent away; of the latter, 91½ per cent. was imported in two ships, out of fourteen. The four ships, mentioned first, included the latter two, and they were the *Follensbe*, *Missouri*, *John*, and *Harrington*. The first two sailed from America, the last two from India. The *Follensbe* attempted to land 15 per cent. of the total spirits imported and sent away, and 45 per cent. of the total wine. The average population during these twenty-five

* See page 140.

† See volume II, page 542.

‡ See page 594.

months was 5,807 men, women, and children, so King permitted the landing of sufficient spirits and wine to permit the consumption of an average* *per annum* of 3·876 gallons of spirits, and ·889 gallons of wine by each man, woman, and child. The non-consumption of beer, which was not available to the colonists, is known to have little effect on these figures.

The method adopted in the restriction of the landing of spirits appears to have been capricious. The *Trimmer* arrived on the 18th December, 1800, with 4,000 gallons of spirits, which were all landed; the next ship, the *Harbinger*, arrived on the 12th January, 1800, with 2,800 gallons of spirits and 3,000 gallons of wine, and all were landed; the next ship, the *Follensbe*, arrived on the 21st January, 1800, with 13,000 gallons and 15,000 gallons of spirits and wine respectively, and all were sent away; the next ship, the *Margaret*, arrived on the 7th February with 3,000 gallons and 700 gallons, which were all landed; then came the *Anne*, on the 21st February, 1801, with 7,500 gallons of spirits, which were all landed. Further detail would be tedious. From a full examination, it appears that there was no consistent regulation of the supply; that there was some feeling against vessels from America and India; that the prices fixed varied between 10s. and 4s. per gallon, during the first twenty-seven months of King's administration; and that this variation was allowed within a period of twenty-six days in favour of an American ship landing 4,000 gallons, as against a British ship landing 7,000 gallons, none of which was bonded.

The result of King's efforts to restrict the spirit traffic is thus difficult to analyse. He allowed an enormous quantity to be landed, and at the same time sent a large amount away. The mere fact of sending it away does not prove that he was lessening the consumption. During his administration, the inward shipping had increased with the development of the colony and the whale fishery, and many a whaler brought a cargo on her outward voyage containing a proportion of spirits for trading at Sydney. King's efforts did not produce any permanent change for the better, as the after results proved, and it is doubtful if they produced a temporary improvement.

* The average consumption given in the *Commonwealth Year Book* for 1912 for the whole of the Commonwealth is ·85 and ·5 imperial gallons for the similar figures.

King commenced his administration by the issue of lengthy orders,* within the space of twelve days, appointing a lieutenant-governor and numerous civil officers; regulating the assignment, punishment, clothing, and feeding of convicts; controlling the entrance of ships, the sale of their cargoes, and the movements of their crews; limiting the price of spirits; fixing the price of spirits in any civil prosecution; regulating the prices of commodities to be charged by wholesale and retail dealers; fixing standard prices for articles and rations sold from the public stores, and for a convict's ration; establishing shipping and harbour dues; and the method of recovery of debts.

Before the end of the year 1800, orders† were issued, directing that permits must be secured for moving spirits from one house to the other, and for taking a boat to Botany Bay, the Hawkesbury, or beyond Broken Bay; limiting the payment and the amount of labour to be performed by servants; regulating the issue of licenses for retailing spirits and the conduct of retailers; ordering the registration of agreements; directing that all persons leaving the colony should give notice; fixing the sterling value of specie circulating in the colony; regulating the priority of debts in a deceased estate; forbidding officers and others from horse-whipping their assigned servants; giving preference in price on purchase of spirits to the military as against the settlers; and regulating the procedure to be adopted in the event of an Irish rising.

Undoubtedly these were an extraordinary series of orders to be issued within three months. A very few were issued owing to the necessities of the moment, several were excellent reforms, but one was perpetuating the evil which King had so often said he was appointed to suppress. King, having already spent five and a half months in the colony, must have been conversant with the abuses rampant, and so was in a position to commence the necessary remedies; but to attempt so many reforms, which altered the actual daily life of the colonists, in the short space of three months, was an unwise act for an administrator.

The order‡ of the 20th December, 1800, is inexplicable and inexcusable. The *Royal Admiral* had landed 7,000 gallons of spirits, of which the government had then purchased 2,000 gallons

* See volume II, page 621 *et seq.* † See pages 33 to 45. ‡ See page 43.

at 4s. per gallon. King then ordered the distribution of the government purchase, allowing 1,171 gallons to be divided amongst the officers, civil and military, at 5s. per gallon; 259 gallons amongst the non-commissioned officers and soldiers, at 4s. per gallon; and 570 gallons amongst the settlers at Norfolk Island and Port Jackson, at 5s. 6d. per gallon. In addition, the officers and the regiment were granted the remission of the assessment of 1s. per gallon for forty gallons per annum each, all above that amount being liable to the assessment. This order gave the officers, on a re-sale at the price which was charged to the settlers, a profit of 30 *per cent.* on 40 gallons *per annum*, and 10 *per cent.* on all exceeding that quantity, and to the non-commissioned officers and soldiers a profit of 37½ *per cent.* on all sales. This undoubtedly was a direct encouragement for traffic by the military, which King had said he was instructed to suppress. The reason for this order probably lies in the fact that King had already experienced antagonism from the military by his orders* of October 1st and 2nd, 1800, and that this order, of the 20th December following, was the conciliatory act of a weak man. King's friction with the military, however, had hardly begun.

The military at this period consisted of the New South Wales Corps, under the command of Lieutenant-Colonel Paterson. The second in command was Captain Macarthur, owing to Major Foveaux's absence at Norfolk Island, and Captain Johnston's absence in England. During the early months of King's administration, there had been some simmering discontent amongst the military against King, and Macarthur appeared to be the leader of the discontented party. This discontent became acute primarily through the trial of Lieutenant Marshall for an assault on Captain Macarthur. Macarthur had challenged Marshall to a duel.† The duel was not fought, for Abbott, Macarthur's second, took exception to Jefferie, Marshall's second, as not being a co-equal. There was some mystery about this duel, for two months later Macarthur invited‡ Jefferie to his house, at a time when Abbott was present. Marshall's assaults on Macarthur and Abbott were the result of the circumstances surrounding the duel. Marshall was put on his trial for both assaults. A special verdict was given in the case of the assault on Macarthur, and for the

* See volume II, page 622 *et seq.* † See pages 199 *et seq.* ‡ See page 320.

assault on Abbott he was sentenced to twelve months' imprisonment and fined £50. After reading the proceedings, King ordered the judge-advocate to reconvene the members of the criminal court to consider certain points. When they assembled, they refused any deliberation, and at once dispersed. Then followed a bitter correspondence between King and the five military members of the criminal court, and on the 18th of August, 1801, King signed the conditional remission of Marshall's sentence. Although Macarthur was not a member of the court, as he was prosecutor in one trial, yet he seems to have been an active agent in the background. The two trials and the papers in connection with them were forwarded to England with a despatch, dated 21st August, 1801, by the *Albion*.

As a result of these circumstances, five of the officers refused all social intercourse with King. Macarthur also endeavoured to withdraw* Lieut.-Colonel Paterson from intercourse with King, but failed. Soon afterwards, Paterson learned that King had obtained copies of certain correspondence written by Paterson with Macarthur's assistance. As Paterson realised that this could have happened only through Macarthur's agency, he sent Macarthur a challenge. The duel took place on the 14th September, 1801, and Paterson was seriously wounded. The subsequent proceedings are best appreciated in the originals,† written from day to day with the feelings of the moment. They resulted in Macarthur being sent to England in arrest by King.

The justice of King's actions in this first conflict with the military is demonstrated by the subsequent history of the despatch, which detailed the events. Copies of all the papers were enclosed with a despatch,‡ dated 5th November, 1801, to the Duke of Portland, and were entrusted to the care of Lieutenant Grant on the *Anna Josepha*. Even before leaving Sydney, rumours of the probable theft of them were prevalent, and King took special precautions.§ Nevertheless, when the despatch-box was opened in London, the despatch and papers had vanished. This theft clearly demonstrated the wish of someone to suppress the early arrival in London of the evidences of guilt. Macarthur sailed for England in the bark *Hunter*, which cleared for Bengal; in this vessel, a second copy of the despatch was forwarded under cover

* See pages 317 *et seq.*

† See page 281 *et seq.*

‡ See page 274.

§ See note 90.

to the Marquis Wellesley at Calcutta,* who was requested to forward it to the Duke of Portland. After the *Hunter* was dismantled off the port of Amboyna, Macarthur transhipped to the *Princess Charlotte*, and arrived in England in December, 1802. The despatch was probably forwarded to India, and thence to London, as Lord Hobart did not acknowledge its receipt on or before the 24th of February, 1803. The non-arrival of Lieutenant McKellar, who carried the triplicate of the despatch, and was the witness for the prosecution, before the 24th of February, 1803, and the absence of the written evidence, prejudiced King's charges against Macarthur. In January, 1803, the Commander-in-Chief had under consideration the arrest and conduct of Macarthur, relying probably on the statement contained in King's despatch,† dated 14th November, 1801, and on Macarthur's own statements. The fact that the authorities were not in possession of King's charges is shown by the sentence in a letter‡ of the adjutant-general—"the articles of complaint, *whatever they may be*, which he [Governor King] has against Captain Macarthur." As the result of this inquiry alone, Macarthur was severely censured for his conduct, but was relieved from arrest.

The friction with the military continued, and the officers, who were partisans of Macarthur, showed their animosity in many petty ways, resulting in the courts martial of Ensign Bayly and Lieutenant Piper. These, however, were minor matters compared with the next open quarrel (*see* introduction, volume IV), in which King's actions were of a different character.

One of King's few permanent improvements was made during this period, when he established the Orphan Institution; this had been advocated by the Reverend Samuel Marsden for some time previous to King's arrival. It was placed under the control of a committee, and although King must have full credit for its establishment, its success was probably due to the committee, who removed it from the taint of King's irascible and vacillating administration.

* *See* page 341.

† *See* page 331; this despatch had been forwarded in duplicate by the *Speedy*.

‡ *See* volume IV, enclosure No. 1, to the despatch of Lord Hobart, dated 24th February, 1803, and numbered 3.

The period shows abundant evidence of the weakness of King as an administrator. He was constantly unwilling to take the *personal* responsibility of his action. He frequently appealed to imaginary royal instructions. Sometimes he made use of quotations* from despatches modified to suit his purpose. Frequently, he passed on the decision of important questions to committees.† Hitherto he had held places of subordinate authority. He was now in a position in which his own authority was supreme, and he failed to show the independence and strength of mind that in this position were necessary to success.

The period closed with the beginning of a series of actions which were to leave him standing alone, and, later, to lead him to seek support in a new quarter.

FREDK. WATSON.

January, 1915.

* See note 186, second paragraph.

† See page 255.

DESPATCHES.

HISTORICAL RECORDS

OF

AUSTRALIA.

SERIES I.

UNDER SECRETARY KING TO ACTING-GOVERNOR KING.

1800.

? 1800.

[*A despatch was received as above by the ship Britannia on the 26th March, 1801, but a copy of it has not yet been found; the enclosures, however, are available. It was acknowledged by Acting-Governor King to the Duke of Portland in despatches, dated 8th July, and 21st August, 1801.*]

[Enclosure No. 1.]

EARL LIVERPOOL TO UNDER SECRETARY KING.

Dear Sir,

Addiscombe Place, Aug. 1st, 1800.

I send you enclosed a Letter, I have just received from Two of the principal Merchants concerned in the Southern Whale Fishery. I think there is great Reason in what is urged by them, But am afraid the East India Company will object to the Object they appear to have in View. I beg you would shew the Letter to the Duke of Portland for his consideration and favor me also with your Opinion upon it. I shall take no step in this Business 'till I am favored with both your Opinions.

Proposed
importation of
stores by
whaling vessels.

I am, etc.,

LIVERPOOL.

[Enclosure No. 2.]

MESSRS. ENDERBY AND CHAMPION TO EARL LIVERPOOL.

My Lord,

Paul's Wharf, 1st August, 1800.

1. After many years of Fruitless and expensive Attempts, we have at length succeeded in ascertaining that there is a valuable Spermaceti Whale Fishery on the Coast of New South Wales, Two Vessels having returned from that Coast, one with a Cargo of 170 Tons, the other with 120 Tons of Spermaceti Oil, which are sufficient inducement for Adventurers to send their vessels *direct to that coast* for the purpose of Whale Fishing.

1800.

Proposed
importation of
stores by
whaling vessels.

2. Hitherto the communication with the Colony has been very partial, none but Vessels taken up by Government for the Purpose of carrying out Convicts or Stores going there, and it has too often happened, from unforeseen Events and unavoidable detention, that the Colony has been nearly starved. The constant and frequent Communication which will now take place thro' the Whaling Ships will enable Government almost to anticipate every want of the Colony, and at a much cheaper Freight than heretofore.

3. The colony now consisting of more than 10,000 Persons, begins to be of consequence, Politically and commercially, and must take off a considerable quantity of our Manufactures; But great Complaints are made that what few Goods reach the Collony have been immediately engrossed by a few Individuals, and again sold out at a most exorbitant Price to the Settlers and those Convicts who had served their Time out.

4. With submission to your Lordship, we think this Evil might be remedied, and the Colony much benefitted, by permitting the Whalers to carry out Goods to New South Wales, under Bond that they shall be there landed and disposed of. It would reduce the Value of Goods, from the supply being more regular, to a fair price, and enable the Masters of the Whalers to purchase such refreshments and Necessaries as they may stand in need of in a Voyage of Two to Three years, on reasonable Terms, but which they are now obliged to pay most exorbitantly for.

The Americans, hearing that New South Wales is considered within the chartered Seas of the East India Company, and that no British Merchant can send Goods to that Colony without the Risque of Seizure, have at Times sent small Vessels there with Investments of Goods in their Way to India, or the North-West Coast of America, and have benefitted themselves so much thereby, that there is no doubt if the restrictions are still continued against British Merchants sending Goods there, that they will Monopolize all the Advantages of the Trade to New South Wales, and this Country will have all the Expense of supporting it.

We remain, &c.,
CHAS., SAML., AND GEO. ENDERBY.
ALEXR. AND BENJ'N CHAMPION.

[Enclosure No. 3.]

MR. KING'S OBSERVATIONS ON THE APPLICATION OF
MESSRS. ENDERBY AND CHAMPION.

The fact is as stated by the South Sea Whalers, and to counteract the Evil as much as possible We have set up a Government

Store to relieve the Inhabitants. There can be no Doubt but that it would be done more effectually if the South Sea Whalers were to carry out Articles under Bond, as proposed; But to this should be added an Engagement to sell at such Advance on their respective Invoices, not being less than — per Cent. thereon, as the Governor, before the Articles are allowed to be landed, shall direct, Otherwise for some Time to come it will be a Monopoly to the South Sea Whalers, equally distressing in Reality to the Inhabitants as at Present; And at all Events Government, to keep the Market *tolerably even*, should every year send out an Assortment of articles, equal or Approaching in Value to what Government wants from the Inhabitants, and to be exchanged in Barter for the same. This is my Opinion on the Subject, and your Grace has Acted upon it by having sent out in the last Ships not less than, I dare say, £15,000 or £20,000 worth of Articles most wanted. I think this supply should be kept up by sending out Annually Articles to half that Amount for the Government Store. This would do, because, as the Colony increases, the South Sea Whale Fishery will increase, and the means of supply through them, if they are allowed to carry Articles out, So that after a While Competition will do that which the Government Store and arbitrary Power of the Governor to regulate the Price must do now. I think the India Company, on a proper Representation, could not refuse to make an Order allowing the South Sea Whalers to carry out Articles on board, to land the same in New South Wales or to bring them back to Europe. The Interest of the Company cannot be affected, nor can their Trade, for the South Sea Whalers can carry the Articles nowhere else but to New South Wales, except that they might, perhaps, smuggle them, some Time hence, into South America, a Circumstance beneficial to this Country, but nowise affecting the India Company. I agree with you on this subject. Supposing the South Sea Whalers disposed to submit to have the Prices regulated, the best way of doing it, I think, is by having a Publick Store at the Expence of Government for some years to come.

1800.
Proposed
importation of
stores by
whaling vessels.

ACTING-GOVERNOR KING TO SECRETARY NEPEAN.

(Despatch* per brig Trimmer, *viâ* India.)

Sydney, New South Wales,

Sir,

5th January, 1801.

1801.
5 Jan.

I have the honor to inform you that His Majesty's armed vessel, Lady Nelson, arrived here the 16th ult'o. I annex such extracts of that vessels performance, selected from Lieut. Grant's letter to me on his arrival, as appears advisable to send by this

Arrival of the
Lady Nelson.

* Note 1.

1801.
5 Jan.

The Lady
Nelson
preparing for
an exploring
voyage.

uncertain conveyance, not doubting but a surer opportunity will soon offer of conveying the fullest details respecting that vessel. The Lady Nelson is now fitting to prosecute her discoveries, and to ascertain the depth of the bay Mr. Grant describes being 100 miles across, which from the popular idea in this colony of a communication being between the south part of New Holland and its northern extremity, terminating by the Gulph of Carpentaria, which if so insulates New South Wales.

I have, &c.,

PHILIP GIDLEY KING.

THE DUKE OF PORTLAND TO THE GOVERNOR OF NEW SOUTH WALES.
(Despatch per transports Canada, Minorca, and Nile; acknowledged by Acting-Governor King, 1st March, 1802.)

Sir,

Whitehall 10th Jany. 1801.

Inclosed I transmit to you a Warrant under the Royal Sign Manual, authorising you to continue to use the Public Seal of our Territory of New South Wales, until another can be engraved and transmitted with the New Ensigns Armorial on the Union with Ireland.

I am, &c.,

PORTLAND.

[Enclosure.]

WARRANT FOR THE USE OF THE SEAL.*

George R.

OUR Will and Pleasure is, and We do hereby authorize and empower you to make use of the Public Seal of Our Territory of New South Wales for sealing all things whatsoever that are used to be sealed therewith, on which Our Arms as heretofore used are engraved, until another Seal bearing the Ensigns Armorial of the United Kingdoms of Great Britain and Ireland shall be prepared and transmitted to Our said Territory. And for so doing this shall be your Warrant.

Given at our Court of St. James's, the 1st day of January, 1801, in the forty-first year of Our Reign.

By His Majesty's Command.

PORTLAND.

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch No. 3, per the brig Trimmer, *viâ* India; acknowledged by Lord Hobart, 30th January, 1802.)

Sydney, New South Wales,

My Lord Duke,

10th March, 1801.

I have the honor to forward a duplicate of my despatch by Governor Hunter who left this the 17th last October, in His

* Note 2.

10 Mar.

10 Jan.
Warrant for
use of
territorial seal.

Majesty's armed ship Buffalo. Two very uncertain opportunities have since offered of writing a short letter by each, the substance of which makes a part of this.

1801.
10 March.

His Majesty's armed vessel Porpoise arrived here 6th November, the Royal Admiral 21st November, and Lady Nelson 16th last December. By these vessels I had the honor of receiving your Grace's letters dated as pr. margin,* with the people, provisions, and stores, as stated in the Commissary's receipts herewith enclosed.

Shipping :
arrivals.

Your Grace will observe that forty-three convicts less than were put on board the Royal Admiral were landed here. The deficiency the master accounts for their having died in the early part of the voyage of a malignant fever, and I am sorry to say that those landed are still in a very weak state from the effects of that dreadful disease. Many are crippled, and others too aged to do any material labour.

Deaths of
convicts on
the Royal
Admiral.

On Mr. Commissary Palmer's arrival, he delivered to me a letter from Mr. Secretary Long, dated November 1st, 1798, addressed to Governor Hunter, inclosing instructions from my Lord's Commissioners of His Majesty's Treasury, for the Commissary's guidance in discharge of his duty. The third article of these instructions, a copy of which I enclose, is very clear in directing the Commissary to draw on their Lordships for the payment of such provisions and stores that it may be necessary to purchase on the public account, under the authority of the Governor for the time being.

Arrival of
Commissary
Palmer.

His
instructions.

As I possess no other documents on this head than the verbal communication I had with Mr. Secretary King when in England, Mr. Secretary Long's letter to me when Lieut.-Governor of Norfolk Island, together with Mr. Secretary Dundas's instructions to Governor Hunter, in which authorities it is expressly stated "that all bills drawn for public purposes in the settlement should be drawn by the Governor for the time being and by no other person," by all which, and my local knowledge of the colony, I was guided in framing my instructions to the Acting Commissary,† before Mr. Commissary Palmer's arrival; but on his producing the above instructions from such recent and high authority, my duty appeared to require an acquiescence therein until I am honoured with their Lordships commands, to whom I have written the enclosed letter, and I humbly beg to request your Grace's commands thereon by the first conveyance. In the meantime, as I am required to give the Commissary an order to draw those bills, every precaution will be used, both for

The method
of drawing
bills.

* 15th and 19th March; 1st and 22nd April, 1800. † Note 3.

1801.
10 March.

the necessity, as well as the publicity and validity of those transactions.

Employment
of the Lady
Nelson.

By the Royal Admiral and Lady Nelson I received your Grace's instructions how the latter vessel was to be employed.* How far your Grace's commands on that head have been, and will be, observed, I beg to refer your Grace to my separate letter on that subject.†

Arrival of
the French
vignerons.

The two Frenchmen‡ arrived by the Royal Admiral, who, I observe by your Grace's letter,§ are sent to cultivate the vine, and make wine, not only for the Crown, but also for promoting it on the part of individuals. Agreeable to the terms of their agreement made with Captain Schank, as contained in his letter, to which I am referred by your Grace for my guidance, and their letter to me (a copy of which I have the honor to enclose), I have directed the Commissary to pay them £60 a year each, for the term of three years, which sum he is to draw for on the Treasury, as it does not appear to be included in the estimates for the civil establishment of this colony. That too sanguine an opinion may not be formed of our arriving at so great a perfection in this article as may be wished or expected, I must inform your Grace that the cultivation of the grape has by no means been attended to for other purpose than eating as fruit, except by one or two individuals, who have been deterred from persevering by their vines failing, evidently from not knowing their management. All the vines growing in the colony would not cover two acres of ground, most of which, exclusive of being in bad situations, must be so cut as to lose one year's fruit, and as the vineyard that I have set the two Frenchmen and six convicts about at Parramatta, must be planted with cuttings which will not bear for two years, consequently it will not be till the end of the third year (1803) that any quantity of wine can be expected. But, as they are both intelligent men, and seem conversant in the business they have engaged in, I hope we shall succeed, which will be a great benefit to the inhabitants.

Payment
of salaries.

I have directed the Commissary to conform to your Grace's directions, contained in your letter,|| concerning the salaries of superintendants, storekeepers, &c., who have no agent in England to be drawn for on the Colonial Agent, and not on His Majesty's Treasury; but, as there are some who receive salaries that are not on the estimate, such as the above two Frenchmen, and the person charged with the whole of the Government stock, and

* Note 4. † Note 5. ‡ Marginal note.—Separate A.
§ Marginal note.—22nd April, 1800. || Marginal note.—19th March, 1800.

master weaver, I presume the regular mode will be to draw on their Lordships for those amounts, which your Grace will observe is included in the Commissary's statement of probable expences for the next year, which I shall hereafter refer to.

1801.
10 March.

The enclosure (No. 5) is my answer to a despatch I received from the Governor of Bengal, addressed to Governor Hunter, representing the inconvenience felt by the resort of convicts from this territory to different parts of India, to which I annex the proclamation in India on that behalf, and the notice I gave thereon. This measure will, no doubt, prevent much of the emigration that has been made from this colony.

Correspondence
re convicts
in India.

I am much concerned to state that from the certainty that prevails in England and America (and East Indies until lately), that all qualities or quantities of spirits would be received here with great avidity, every adventurer has been induced to bring great quantities of bad spirits from the Brazils and Cape of Good Hope. Although your Grace's directions to the Government in India has effectually prevented any being sent from that quarter, still the evil does and will exist until a stop is put to it being brought by the ships taken up in England or Ireland to bring convicts, &c., out. It appears to me that this can only be remedied by the Transport Board being directed to inform all masters of vessels taken up for this colony that no permission will be given by the Governor for more than 500 gallons of any kind of spirits being landed, and even that quantity to be subject to the restrictions contained in the Port Orders, a copy of which I enclose, and which I respectfully recommend being sent to the Transport Board, that no master of a ship coming here may plead ignorance of what it is his interest not to make himself acquainted with. At present there is not a ship that comes from England with convicts that does not bring less than 8,000 gallons. One vessel has had the audacity to bring a quantity of spirits and water instead of spirits; and such has been the certainty in America of any quantity of spirits being purchased here, that a ship cleared out from Rhode Island for this port with a very large investment of spirits and other articles, the former of which I positively forbade being landed, in consequence of which she left this port, after having compleated her water and refreshments, with upwards of 13,000 gallons of spirits brought here for sale, in which they were disappointed. The master's plea was the assurances of those who had been here before that he could not fail of getting an unheard-of profit. At his request I have written the enclosed to the American Minister, in case your

The
importation
of spirits.

Grace should approve of it, as the readiest means of preventing the American merchants from sending any more spirits here; and I do most ardently hope that the measure I have taken the liberty to recommend respecting ships coming from England will greatly do away with this evil, the consequences of which have been dreadful, and still continue very distressing. It is a deep rooted disease, which requires some forbearance and management to get the better of, and I trust that the means that I have and am taking will greatly lessen these evils.

Since the departure of Governor Hunter, I have used every means to ascertain the numbers of every description of persons in the colony, which has not been done without much difficulty, owing to the scattered state they were in, the numbers who had obtained false certificates of their times being expired, and there being no general list whatever of the inhabitants; but I am happy to say that those necessary books are now being compleated. Since I have taken the command, I have found it necessary to strike 485 full rations off the stores, which had either no claim for being victualled at the publick expence, or whose good behaviour entitled them to the priviledge of doing for themselves. And as several of the settlers and private cultivators requested me to assign the labour of a certain number of convicts, to feed and cloathe them at their own expence, 265 of that description compose a part of the above, the saving of which in the expenses of the colony, I do not doubt will appear sufficiently evident; and your Grace will please to observe that, by the returns of the labour and employment of those who are necessarily maintained at the public expense, that every exertion has been made, and is making, to cause their labour to be productive, which I am concerned to say will be very uncertain and small for the numbers victualled, as a great part of that number consists of the civil and military, the aged, infirm, and crippled men, and several women and children who must be necessarily maintained at the publick expense, or a great part of the latter would starve.

And here, my Lord, it becomes a painful part of my indispensable duty to inform your Grace of such circumstances as have occurred within the last four months, that has not only retarded my exertions for the publick benefit, but also such misfortunes which no human foresight could foresee or avoid. In my despatch by Governor Hunter* I informed your Grace of the seditious and mutinous behaviour of the Irish convicts, which I am sorry to say has by no means ceased with the measures then taken, and the principals of the ringleaders being sent to Norfolk Island. A

* *Marginal note.*—No. 1, Sept. 28th, 1800. (See note 6.)

1801.
10 March.

The
importation
of spirits.

Population of
the colony.

Assigned
servants.

The Irish
convicts.

second attempt has been made, still more diabolical than the first, had it not been timely discovered. Pikes were found, but altho' the circumstances were clear and plain to every one's conviction, yet no two evidences could be brought against a third person, such is the art with which they carry on their plans; and altho' everything was ready for general insurrection and massacre, yet as no overt act had taken place, I did not conceive myself justifiable in adopting more rigorous measures (which I conceive our situation might have excused) than some severe corporal punishment on the most guilty, and forming them into a gang in constructing batteries, and repairing roads under the immediate eye and inspection of the military. But this, although a necessary work of public utility, does not procure the necessaries of life. Since then, we have been very quiet until the arrival of the Ann, transport, from Cork, with 137 of the most desperate and diabolical characters that could be selected throughout that Kingdom, together with a Catholic priest* of most notorious, seditious, and rebellious principles—which makes the numbers of those who, avowing a determination never to lose sight of the oath by which they are bound as United Irishmen, amount to 600, are ready, and only waiting an opportunity to put their diabolical plans in execution. I do not wish in the most distant manner to impress your Grace that I am alarmed, or that I have any idea of their plans succeeding. The steady behaviour of the officers and men of His Majesty's New South Wales Corps, the discipline and good behaviour of the Associations and the greater part of the English inhabitants, are so many sureties to me of peace and tranquility being observed. Still, the state of suspicion we must be necessarily in, prevents those public exertions in cultivation that would otherwise take place; and it is on this account that I respectfully submit the propriety of any more of those violent Republican characters being sent here for some time, and particularly the priests (of whom we have now three). I am well aware, my Lord, that this colony was formed for the reception of such characters as could not with safety be kept in Ireland or England; yet, being now in an infant state, what may not be expected if their numbers are allowed to increase to so great a degree as to encourage them in making those attacks, which must ultimately tend to subvert all order and good government. With our present numbers I see no real ground for alarm, and I shall do my utmost to preserve that peace and good order so necessary for the prosperity and even well-doing of this colony.

1801.
10 March.

A second
attempted
rebellion.

Arrival of
the transport
Anne.

The numbers
of the United
Irishmen.

* Note 7.

1801.
10 March.

Inundations
at the
Hawkesbury.

I have now to inform your Grace of one of those calamities with which it pleases God sometimes to afflict mankind, and which no human foresight can avoid. In the 3rd, 4th, and 5th paragraphs of my letter by Governor Hunter,* I detailed the licentiousness, beggary, and misery of the settlers, and the causes of their being in that state, which has had the effect of most of their grounds lying waste. How far my endeavours have been directed to remedy these evils I trust will appear from the enclosed copy of my General Orders. The few who had been enabled to cultivate any ground last year had fair prospects of a bountiful return for their labour, which I am sorry to say has been defeated by three successive inundations of the Hawkesbury since last December, the last of which happened the 2nd and 3rd instant, has swept away half the stacks of wheat and destroyed nearly the whole of the corn and swine at that place, on which our chief dependance for animal food rested. To detail these additional calamities of the numerous settlers at that place would be exhibiting such a state of woful misery that is but seldom seen or heard of. Thrice in four months have they been drove from their habitations to save their lives in trees and pieces of floating wood, until the floods subsided, when they found themselves deprived of every comfort, cloathing, or shelter; their wheat that was housed, that in their stacks, and their growing corn totally destroyed; and what is a greater publick calamity, their stock of swine nearly all drowned.

Results of
the floods.

From the former abundant crops at the Hawkesbury (which is certainly the finest soil in the world), almost the whole of private industry has been centred there, which has produced a great dependance on that quarter for supplying grain to the other parts of the colony. Exclusive of its amply maintaining upwards of 500 people who were off the stores at that place, and who must now exist in misery until next year, and I have my doubts whether in the meantime a great part of them must not be taken on the stores to prevent their starving. Had not this last flood happened we might have had a sufficiency of grain for the consumption of this year. But this unfortunate accident has deprived us nearly of half the grain there was in the colony, and what remains your Grace will observe is very unequal to the consumption of those who are necessarily maintained from the publick stores. Thus situated I am apprehensive it may be necessary to dispatch the Porpoise either to the Cape or Madras for a supply of grain, but this I shall not do until there is a necessity for the measure.

* *Marginal note.*—No. 2, Sept. 28th, 1800. (See note 6.)

Respecting our live stock and animal food, I respectfully request your Graces reference to 7th, 8th, 9th, and 10th paragraphs of my letter No. 2,* by Governor Hunter, wherein I possessed your Grace of every circumstance that came to my knowledge respecting the stock, both public and private, and how far it ought to be depended on for our present and future resources. Since that period I have had every reason to be satisfied with the person who I appointed to the superintendance of that valuable part of the publick property. The stock belonging to the Crown is now cured of the inveterate disease they had been suffered to contract. They are collected and well managed. By the enclosed weekly return your Grace will observe the numbers possessed by Government and individuals, all of which are doing well, and I have no doubt will continue to thrive and increase. But the want of stock-houses for Government cattle has been a great disadvantage to them, and the sheep in particular. This want I hope soon to remedy by placing them under shelter in the wet seasons. Of the wild cattle, no other calculation can be made of them than that they are alive and increase fast in numbers. From the report of several people, who have gone out lately, they appear to have passed the Nepean, and got far into the mountains, from whence they divide in herds, several of which have been seen, but in so ferocious a state as not to be easily approached. Their numbers are calculated at about 500 or 600 head. As it has now become an object to secure some of them, three convicts, who profess themselves equal to the task, have made an offer to catch a part of them. I have, therefore, made an agreement to give them one out of every ten they bring in for the first hundred. How far they may be successful time must discover. As they mean to proceed by stratagem in getting the cattle, I am not without hopes of our recovering a part of them; and if they fail, the cattle cannot be in a wilder state than they are at present.

1801.
10 March.
Live stock.

The care of
the public
stock.

The wild
cattle.

In this place I humbly beg to press upon your Grace's consideration how unequal our present resources are in supplying ourselves with animal food. By the enclosed returns your Grace will observe that out of 5,515 inhabitants 2,736† support themselves at no expense to the public, and 2,779‡ are necessarily supported by the Crown. Those who support themselves of course live by their own labour; but still they cannot exist without appropriating a great part of the increase of their private stock to their main-

The supply of
animal food.

* *Marginal note.*—Sept. 28th, 1800.

† *Note by Governor King.*—“Equal to 2,309 full rations.”

‡ *Note by Governor King.*—“Equal to 2,348 full rations.”

1801.
10 March.

The supply of
animal food.

tenance, which precludes them from contributing towards the support of those who are necessarily maintained at the public expense, and whose only resource for animal food is the salt meat sent from England, or killing the breeding and labouring stock, which has been procured at so great an expense, and which your Grace will observe, by comparing the stock with the numbers in the colony, that any resources from the stock in its present state would be soon exhausted, and the colony deprived of the future advantages to be expected from it. And it is through a full persuasion of the many evils that will happen to this colony if we are obliged to destroy the breeding and labouring stock that compels me to repeat my request of salt pork being continued to be sent here. As your Grace will observe, by the Commissary's returns that we have not more than twenty-seven weeks' salt meat remaining in the stores at a full ration for those victualled; and what renders this supply the more necessary is that the settlers are deprived of present means of supplying the stores with any animal food owing to the loss of their swine and corn in the late floods.

Governor Hunter having taken the Buffalo to England, the Porpoise not being equal to bringing more than ten or fifteen head of cattle, of which our present numbers are by no means equal to render the colony independent for some years, without the importation of an increase to that stock; and as the introducing of a number of cows must greatly hasten that desirable event, I have judged it adviseable to contract with a Mr. Campbell (who is partner in a house at Calcutta, and has been some years resident here with Governor Hunter's leave), to bring down from Bengal 150 cows, not exceeding two years and a half old, as stated in the contract, a copy of which I have the honor to enclose, by which your Grace will observe that the price agreed on is only £28 a head, which is £7 a head cheaper than those contracted for by Major Grose in 1793, and £9 a head cheaper than those furnished by Mr. Hogan. The necessity of this proceeding, and the reasonable terms of the contract, I hope will procure me your Grace's approbation; and as it appears that the ration of sugar has been issued in consequence of a Treasury regulation on that head, I have added 10 tons of sugar to the contract, at 6½d. per lb., to be brought by the ship that brings the cattle.

Contract
for the
importation
of cows.

Clothing
in store.

Respecting cloathing for those who are supported by the Crown, your Grace will observe by the Commissary's statement of our wants the quantity of cloathing that remains, and what will be wanted, if none are on the passage; of those remaining in

store and received by the Royal Admiral, a great part have been damaged, expended on those at public labour (who had not received any for a considerable time), and a quantity has been disposed of to individuals in exchange for grain. The manufactory of linen and woolen is begun with some success; but as the convicts generally sent to this colony are of such depraved and bad habits as to be incapable of labour further than they are compelled, but few can be found accustomed to this kind of industry. However, as measures are taking to carry this manufactory on with some effect, I expect in another year a quantity of linnen will be made; but for the woolen manufactory, we must depend on the increase of our sheep, and growth of wool, of which there is now a small but increasing quantity that has been obtained by the introduction of some Spanish and half-bred rams. No master weaver has yet been appointed in the room of him who died coming out.* These manufactories are at present conducted by two convicts, who appear equal to that charge. As they will soon obtain a conditional emancipation, if their conduct continues to merit it in the course of another year, I shall take it upon me to allow them the salary appointed for the weaver who died.

1801.
10 March.

The
manufactory
of linen
and cloth.

The house purchased, conditional on your Grace's approbation, from Capt'n Kent (the letters and vouchers for which I had the honour to transmit by the Buffalo),† will soon be filled with seventy children; and a commencement is made in building a large house for that purpose at Parramatta, which will be carried on at the expense of the inhabitants, and by the funds stated in the General Orders, herewith enclosed. In this plan I mean to persevere, as the only means of obtaining any reform among the inhabitants of which this colony is composed.

The Orphan
Institution.

In a separate letter‡ by Governor Hunter, I had occasion to state the measures I was compelled to take for the recovery of such parts of the debts due to the Crown by individuals as had been contracted since the year 1795, and which they acknowledged, forming a small part of the debt stated by the Acting Commissary to be due.§ A part of those debts are now paid in grain,|| and the whole would have been liquidated but for the unfortunate inundations that have so lately happened.

Debts due to
the Crown.

I am sorry it is not in my power to speak more satisfactorily at present respecting the coals, of which so sanguine an expectation was formed by different accounts previous to my leaving England. The want of vessels belonging to Government has hitherto prevented my sending to the rivers, where there are great quantities lying on the surface, some of which has been brought

The progress
of coal-mining.

* Note 8. † *Marginal note.*—9th Sept., 1800. Separate C.

‡ Note 9. § *Marginal note.*—£2,133 6s. 0d. || *Marginal note.*—£798 10s. 0d.

1801.
10 March.

round here in boats belonging to individuals; but from their being taken from the surface they have little or no bitumen in them, and are totally unfit for the forge. In my letter, No. 1,* by Governor Hunter, I had the honour of informing your Grace that I had employed the only miner there is in the colony, with eleven other convicts, in searching for coal in this neighbourhood, and with some hopes of success. The place he has fixed on is at the head of George's River, which is navigable to Botany Bay. In that situation he has opened a shaft 24 feet deep, and has bored 50 feet, making in all a depth of 25 yards. In that space he has passed two very thin stratas of a very fine coal, and from the opinion he forms of the other stratas he is very confident of succeeding. If he should in the end fail here, I shall remove him and his men to the northward of the rivers, altho' this neighbourhood on many accounts would be the most desirable to succeed in, as it is by no means safe to send a vessel without the harbour, so frequently have the convicts found means to take them away. In this place, I am sorry to inform your Grace, that fifteen desperate characters seized a Government vessel of 25 tons,† laden with 500 bushels of wheat, on its returning from the Hawkesbury. They kept possession of the vessel, with an intention of proceeding to some Dutch settlement among the Moluccas; but from the want of ability to manage her they soon ran her on shore and bilged her, saving their lives with difficulty. They afterwards seized a small vessel, belonging to an individual, lying in the Coal River. On receiving information, I sent a party after them in boats who recaptured the vessel they had seized, and brought nine of the pirates in, two of whom have been executed and the other seven retransported for life. Those examples, and the miserable state of those that I pardoned, I hope will prevent any future attempts of that kind.

Search for
coal at
George's River.

Seizure of a
vessel by
convicts.

Clergyman for
Norfolk Island.

The clergyman‡ that was engaged to go to Norfolk Island, and who ought to have arrived by the Porpoise, I find did not choose to proceed in that ship, or the Royal Admiral, without assigning any reason or excuse. In reporting this circumstance to your Grace, I feel much for the part I took in engaging this person, and the trouble he has occasioned; but as I hope his salary has been stopped at the Treasury, I have to request that as only one clergyman now remains in this colony and Norfolk Island, that the Rev. Mr. Johnston, who went home in the Buffalo, may be directed to return hither as soon as possible, or another clergyman in his stead, as one alone is very unequal to the duties of our present extended settlements.

* Marginal note.—28th Sept., 1800. (See note 6.) † Note 10. ‡ Note 11.

I am sorry to inform your Grace that the Deputy Judge-Advocate, Mr. Richard Dore,* died the 13th December last. As Mr. Richard Atkins was appointed to act in that situation during the absence of the former Judge-Advocate (Captn. Collins), I have directed him to perform the duties of that office until His Majesty's pleasure is signified thereon.

1801.
10 March.
Death of Mr.
Richard Dore.

Since my last return of superintendants, &c., employed in the colony, I have found it necessary to discharge the master carpenter for a constant neglect of duty, and have appointed Thos. Whitter to do that duty.

The master
carpenter.

I have the honor to enclose a copy of Major Foveaux's last letter to me, in which your Grace will observe that the insurgents sent to Norfolk Island had nearly carried one of their wild plans into execution. The pikes found—of which the Major sent several here—are compleatly handled, and ready to use. I trust that the particular situation that officer found himself in will be deemed an excusable reason for the steps he and the officers on the Island judged it necessary to adopt on that occasion; and I cannot pass over this subject without observing that Major Foveaux's conduct since he has been at that Island has been highly meritorious in carrying the instructions I gave him into effect, and as such I respectfully hope that if no naval officer is appointed to the Government of that Island, in the future arrangements which may be made, that the appointment may be given to that officer, who from every account I hear appears highly deserving of that trust.

Mutiny at
Norfolk Island.

In a former part of this letter I mentioned the Anne's arrival with 137 Irish convicts and 20 women. The master reports that before that ship's arrival at the Brazils, the convicts rose on the officers and ship's company, and had nearly murdered the master and one of the mates. Fortunately the insurgents were overcome; when the officers all agreed in opinion with the master, that it was necessary to execute the ringleader as an example, which was done, and another shot in the affray. The master and chief mate have been tried by a Vice-Admiralty Court, which has honourably acquitted them. The proceedings of the Court are forwarded by this conveyance to the Judge of the Admiralty. I cannot help observing in this place that the whole of the convicts that came by that ship are of the most desperate character.

Mutiny on
the transport
Anne.

I have the honour to enclose a statement of the officers on the civil establishment in this Colony and also a return of storekeepers and superintendants.

Return of civil
officers.

I have, &c.,
PHILIP GIDLEY KING.

* Note 12.

AN Account of Provisions and Stores Received from the undermentioned Ships between the 9th November 1800 and the 23rd Feby. 1801—continued.

Ships Name.	Fire Irons.	30	30	100	800	830	800	48	228	64	31	42	43	261	264	1	497	65	64	4	48	20	1	2	24	50	40	40	24	4	4	1	1	2	10
Pr. the Porpoise	30	100	800	830	800	48	228	64	31	42	43	261	264	1	497	65	64	4	48	20	1	2	24	50	40	40	24	4	4	1	1	2	10		
Pr. the Royal Adml.	30	100	800	830	800	48	228	64	31	42	43	261	264	1	497	65	64	4	48	20	1	2	24	50	40	40	24	4	4	1	1	2	10		
Pr. the Anne.....	30	100	800	830	800	48	228	64	31	42	43	261	264	1	497	65	64	4	48	20	1	2	24	50	40	40	24	4	4	1	1	2	10		
Ships Name.	Fire Irons.	5	20	318	80	53	1	4	1	225	6	1	1	4	196	21	564	28	243	3	4	2	1	8	78	19	77	34	477	100	502	212	7		
Pr. the Porpoise	5	20	318	80	53	1	4	1	225	6	1	1	4	196	21	564	28	243	3	4	2	1	8	78	19	77	34	477	100	502	212	7			
Pr. the Royal Adml.	5	20	318	80	53	1	4	1	225	6	1	1	4	196	21	564	28	243	3	4	2	1	8	78	19	77	34	477	100	502	212	7			
Pr. the Anne.....	5	20	318	80	53	1	4	1	225	6	1	1	4	196	21	564	28	243	3	4	2	1	8	78	19	77	34	477	100	502	212	7			
Fire Irons.	5	20	318	80	53	1	4	1	225	6	1	1	4	196	21	564	28	243	3	4	2	1	8	78	19	77	34	477	100	502	212	7			
Handcuffs wh. Locks.	80	53	1	4	1	225	6	1	1	4	196	21	564	28	243	3	4	2	1	8	78	19	77	34	477	100	502	212	7						
Handcuffs with. Locks.	53	1	4	1	225	6	1	1	4	196	21	564	28	243	3	4	2	1	8	78	19	77	34	477	100	502	212	7							
Anvil Stand.	1	4	1	225	6	1	1	4	196	21	564	28	243	3	4	2	1	8	78	19	77	34	477	100	502	212	7								
Punches.	4	1	225	6	1	1	4	196	21	564	28	243	3	4	2	1	8	78	19	77	34	477	100	502	212	7									
Hammers.	1	225	6	1	1	4	196	21	564	28	243	3	4	2	1	8	78	19	77	34	477	100	502	212	7										
Leg Irons.	225	6	1	1	4	196	21	564	28	243	3	4	2	1	8	78	19	77	34	477	100	502	212	7											
Fumigating Lamps.	6	1	1	4	196	21	564	28	243	3	4	2	1	8	78	19	77	34	477	100	502	212	7												
Ventilar and Tubes.	1	1	4	196	21	564	28	243	3	4	2	1	8	78	19	77	34	477	100	502	212	7													
Osbige Tin Machine.	1	4	196	21	564	28	243	3	4	2	1	8	78	19	77	34	477	100	502	212	7														
Windsails.	4	196	21	564	28	243	3	4	2	1	8	78	19	77	34	477	100	502	212	7															
Wet Casks (Tons).	196	21	564	28	243	3	4	2	1	8	78	19	77	34	477	100	502	212	7																
Dry Casks (Tons).	21	564	28	243	3	4	2	1	8	78	19	77	34	477	100	502	212	7																	
Iron Hoops.	28	243	3	4	2	1	8	78	19	77	34	477	100	502	212	7																			
Portable Soup.	28	243	3	4	2	1	8	78	19	77	34	477	100	502	212	7																			
Pearl Barley.	243	3	4	2	1	8	78	19	77	34	477	100	502	212	7																				
Oil Jars.	3	4	2	1	8	78	19	77	34	477	100	502	212	7																					
Casks.	4	2	1	8	78	19	77	34	477	100	502	212	7																						
Punchoons.	2	1	8	78	19	77	34	477	100	502	212	7																							
Hogsheds.	1	8	78	19	77	34	477	100	502	212	7																								
Kegs.	1	8	78	19	77	34	477	100	502	212	7																								
Chests.	8	78	19	77	34	477	100	502	212	7																									
Plate Iron (Sheets).	78	19	77	34	477	100	502	212	7																										
Rod Iron (Bdls.).	19	77	34	477	100	502	212	7																											
Flat and Sqr. Iron (Bars).	77	34	477	100	502	212	7																												
Blistered Steel (Bars).	34	477	100	502	212	7																													
Axes.	477	100	502	212	7																														
Pick Axes.	100	502	212	7																															
Reaping Hooks.	502	212	7																																
Powders (½ Barrels).	212	7																																	
Paint (2 Casks).	21	2																																	
Oil (Tar).	7																																		

Stationary (Pr. the Porpoise)—Stationary Boxes, 1; Brushes, 1.

1801.
10 March.
Stores received
per the
Porpoise,
Royal Admiral,
and Anne.

A Return of Military Passengers and Convicts received in His Majesty's Settlement New South Wales from the under-mentioned Ships.

1801.
10 March.
Passengers
and convicts
per the
Porpoise,
Royal Admiral,
and Anne.

		Porpoise.	
Novr. 9th, 1800.....	Passengers ...	6 Men.	
	„ ...	6 Women.	
	„ ...	1 Child above Two Years.	
	„ ...	1 do under do	
	Prisoners	8 from Cape of Good Hope.	

Royal Admiral.

Novr. 20th, 1800 ...	Military	2 Ensigns.	
	„	2 Serjeants.	
	„	1 Corporal.	
	„	4 Privates.	
	„	5 Soldiers Wives.	
	„	3 do Children above Two Years.	
	Passengers ...	4 Men.	
	„ ...	6 Women.	
	„ ...	5 Children above Two Years.	
	Convicts	257 Men.	

Anne.

Feby. 23rd, 1801 ...	Convicts	127 Men.	
	„	24 Women.	
	Prisoners.....	8 Seamen and Soldiers from the Cape.	

[Enclosure No. 2.]

INSTRUCTIONS TO COMMISSARY PALMER.

Instructions
to Commissary
Palmer.

Instructions to John Palmer, Esq., Commissary of Stores and Provisions in His Majesty's Settlement in New South Wales.

WHEREAS His Majesty has been pleased, by Warrant under his Royal Sign-Manual, bearing date the 2nd day of June, 1791, to Appoint you to be Commissary of Stores and Provisions at his Majesty's Settlement in New South Wales, subject to such Orders and Directions as you shall from time to time receive from the Commissioners of His Majesty's Treasury, or from the Governor, or other Commanding Officer of the said Settlement:

First.—You are to take care that all the Troops of His Majesty and Convicts in the said Settlement and its Dependencies be properly Supplied with every Species of Provisions and Stores, and keep up a Stock of Twelve Months' Provisions, as near as may be, for the said Troops and Convicts.

Second.—You are to transmit Annually to us, or to the Commissioners of the Treasury for the time being, an Estimate, to be previously inspected and approved by the Governor or other Commanding Officer of the said Settlement, of the Quantities of Provisions of all Species and of Stores that appear to you necessary for the Consumption of the ensuing year, distinguishing, as far as is Practicable, the Quantities necessary for each Post where Troops or Convicts may be Stationed in the said Settlement and its Dependencies, so as to prevent as much as possible the necessity of transhiping from Head-Quarters and of Purchases abroad.

Third.—When it is necessary or Adviseable to make Purchases of Provisions or Stores, which Purchases are to be made, if possible, when the Governor is on the Spot, and at no other time, you are to do it under the Authority of the Governor or Commander for the time being, either signified to you in writing previous to the purchase, or approved by his Signature to the Accounts of such Expenses, and on the best terms that can be procured; and you are to obtain a Certificate of two Respectable Merchants or Magistrates to the Bills of particulars, that the Price Paid was the Market Price according to Quality and Condition of the Articles, or to the Current Rate at the time. If any Articles to be Purchased should be scarce, and no regular Market Price for the same, yet a necessity for Purchasing, you are to obtain from the Governor or Commander at the time a written Order for the Purchase on the best possible terms, for which purpose you are to publish your intention of receiving tenders, which tenders, when Received, are to be laid before the Governor before the purchases are made; you are then, with the Concurrence of the Governor or Officer Commanding at the time, whose Approbation is to be Signified by his Signature to each Bill, to draw Bills yourself on us, or the Commissioners of the Treasury for the time being, for the Amount, taking care to note on each of the said Bills the Course of Exchange at which the same is drawn.

Fourth.—Whenever you shall have occasion to draw or Negotiate any Bills of Exchange, you are, by Public Advertisement, to make known your intention of so doing, giving as much previous notice as possible, in which Advertisement is to be Stated the Amount of the Sum which you have in Contemplation to draw for and Negotiate at the time, and you are to Accept the most Advantageous proposal for the Public which shall be offered to you; you are also to Accompany your Letters of Advice of the

1801.
10 March.
Instructions
to Commissary
Palmer.

1801.
10 March.

Instructions
to Commissary
Palmer.

Bills so drawn and Negotiated with an Affidavit that you had Published such Advertisement, that you had accepted the most Advantageous proposal for the Public that was offered to you, and that you had not, either directly or indirectly, received any Fee or Gratuity for drawing or Negotiating the said Bills. The said Affidavit is also to State the day on which the Advertisement was Published, and the day on which the Proposals were Accepted; and, as a further security to the Public, you are to obtain from the Governor or Commander Certificates of the Current Rates of Exchange, which Certificates the said Governor or Commander will be instructed to grant you on proper Application made for that purpose, and these Certificates, Duplicates of which will be regularly sent to us, are to be kept by you as your further Voucher of the Rate of Exchange; you are also to keep an exact Account of Profit and loss by Exchange on Bills drawn and Negotiated, to be verified upon Oath before the Commissioners for Auditing the Public Accounts, upon the Audit of your Account before that Board.

Fifth.—You are to take Receipts for all your Payments in the presence of at least one Witness, such Witness to be a Magistrate, or some Person in an Official Employment, and you are to take three sets of all Vouchers, one of which sets is to be transmitted to us, or the Commissioners of the Treasury for the time being; another set is to Accompany your Accounts, which are from time to time to be delivered, duly Attested on Oath, to the Commissioners for Auditing the Public Accounts, and the other set is to be detained for your own use.

Sixth.—You are to keep an Account of every Species of Stores and Provisions Consigned to you from this Country, delivered into your Charge, or Purchased by you under the Authority of the Commander-in-Chief for the time being, as before mentioned; Charging yourself with the Receipt of all such Stores and Provisions, together with the Casks, Ironhoops, Sacks, or other Packages in which such Stores or Provisions may be received; you are also to keep a Regular Account of all Issues of such Stores and Provisions, taking especial Care in the Issuing thereof that no Persons do receive the same other than such as are entitled thereto by the Established Custom of the Settlement, or under the particular written Orders of the Governor or Commander for the time being; and you are to take proper Receipts from all Persons to whom you deliver Stores or Provisions as your Vouchers for the Expenditure.

Seventh.—If any Stores or Provisions shall be Damaged, lost, destroyed, or plundered, you are to require a Survey thereon, or

enquiry into the facts, which Survey will be directed to be made by Persons to be Appointed and instructed for that purpose by the Governor, according to the form hereunto Annexed marked A, which Persons are to report to the Governor upon Oath the Amount of any Stores or Provisions lost, destroyed, or plundered, or the state in which any damaged Stores and Provisions shall be found, according to the form hereunto Annexed marked B; and the Governor will thereupon direct the Stores and Provisions which may be Reported unfit for His Majesty's Service to be Sold or Destroyed, as he shall think most Adviseable, according to the Annexed form C; and you are to obtain authentic Copies of all the proceedings thereon, and also Special Certificates, according to the form marked D, to be Approved by the Governor, that such Condemned Stores and Provisions have been *bonâ fide* disposed of in the manner directed by the Governor, for your indemnification, without which you will not be allowed Credit for the same. The Sale of such Articles as may be Condemned, and ordered to be Sold, must be under the Authority of the Commander for the time being, by Public Sale; you are to Charge yourself in your Account to be exhibited to the Commissioners for Auditing the Public Accounts with the net Proceeds of such Condemned Articles, and the Vendue-Master's Account is to be produced as the Voucher in support thereof.

Eighth.—You are to make up, at the end of every Year, and transmit by the first opportunity, to us, or the Commissioners of the Treasury for the time being, or in case no Conveyance shall offer for England, you are to Deliver regularly every Year to the Governor, to be by him transmitted, an Account of all Receipts, whether by Purchase or otherwise, and of all expenditures, whether by Issues, Condemnations, or losses, of every Species of Stores and Provisions under your control, together with the Remains in Store, distinguished under proper heads and Authenticated by the Signature of the Governor or Commander for the time being; and with these Accounts you are to transmit One set of the Vouchers for the Issue or Expenditure of such Stores and Provisions, in order that the said Accounts and Vouchers may be examined by the Comptrollers of the Accounts of the Army.

Ninth.—You are to be particularly Attentive to the preservation of all Stores and Provisions, and are to Issue your Instructions to the several Officers employed by you to the same effect, as well as for the due execution of their Duty in every Respect, as they are all to be Accountable to you, as you are to be Respon-

1801.
10 March.
Instructions
to Commissary
Palmer.

1801.
10 March.
Instructions
to Commissary
Palmer.

sible for the whole to the Public. You are to Obey all such further orders and instructions as you may, from time to time, Receive from us, or from the Commissioners of the Treasury for the time being, or from the Governor and Commander for the time being.

Given under Our Hands, at the Treasury Chambers, Whitehall, this first Day of November, 1798.

W. PITT.
J. H. TOWNSHEND.
S. DOUGLAS.

[Enclosure No. 3.]

[This enclosure consisted of three documents; the Instructions to the Commissary given by Acting-Governor King, see volume II, page 632 et seq.; Acting-Governor King's despatch to the Secretaries of the Treasury, dated 8th November, 1800, see volume II, page 693; and the despatch to the Duke of Portland, dated 10th March, 1801, see post page 58.]*

[Enclosure No. 4.]

[A copy of this enclosure, which was a letter from the two French vigneronns to Acting-Governor King, has not yet been found.]

[Papers forming Enclosure No. 5.]

[Letter A.]

THE GOVERNOR-GENERAL-IN-COUNCIL TO GOVERNOR HUNTER.

Hon'ble Sir,

Fort William, 3rd July, 1800.

We had the honor to address your Excellency under Date the 11th Nov'r last, and requesting you to take Such Steps as might appear to you best calculated for preventing Persons who have been transported as Convicts to New South Wales from being landed in any part of India.

2. Not having receiv'd from your Excellency any reply to that Letter, and a considerable Number of persons who have been Convicts having been landed from the Minerva, a Ship lately arriv'd from Port Jackson, We presume that our letter had not reach'd your Excellency before the Departure of that Ship.

3. We have now the honor to transmit another Copy of our letter of the above-mentioned Date, and We are persuaded that

The landing
of exprees
in India.

your Excellency will lose no time in taking such Measures as you may judge best calculated for preventing the resort to India of Persons from whose establishment in these possessions the most prejudicious consequences are to be apprehended both to the British Character and Interest.

1801.
10 March.
The landing
of expiries
in India.

4. Conceiving that a knowledge of the Measures which we have judg'd it necessary to adopt for preventing Convicts from Botany Bay from establishing themselves in any part of the British possessions in India may contribute essentially to prevent persons of that Description from repairing to India, We request that your Excellency will be pleas'd to cause the enclos'd proclamation, which has been published at the several Presidencies, to be made as public as possible throughout the limits of your Government.

5. We also beg leave to suggest to your Excellency the expediency of providing Convicts whose period of Transportation shall have expired, and who may be desirous of leaving New South Wales, with a Conveyance to England or to any place out of the limits of the Charter of the East India Company.

6. We also request that Commanders of Ships sailing from New South Wales for any port in India may not be permitted to receive persons who have been Convicts on board of their ships, either as passengers or in any other Capacity, untill they shall have entered into penalty Bonds not to permit such persons to land in any part of India.

7. We further request that copies of these penalty Bonds may be forwarded to the Government of the Presidency to which the Ships may be destined.

We have, &c.,

WELLESLEY.

ALURED CLARKE.

P. SPEKE.

WM. COWPER.

[Sub-enclosure No. 1 to Letter A.]

THE GOVERNOR-GENERAL-IN-COUNCIL TO GOVERNOR HUNTER.

Hon'ble Sir,

Fort William, 11th November, 1799.

We had the honor to transmit to your Excellency a list of Convicts from New South Wales now resident in Calcutta.

2. If any of the persons specified in the list shou'd have quitted the Settlement under your Charge without permission We shall

take the earliest opportunity of conveying them back to Port Jackson on your expressing a wish to that effect.

3. It being essential to the good order of the Territory of the Company, and in other respects of considerable importance to their Interests, that Convicts from New South Wales shou'd be prevented from establishing themselves at any of the British Settlements or in any part of India, We request that Your Excellency will take such measures as may appear to you most effectual for preventing the Commanders of Ships who may receive Convicts on board with your permission from landing or leaving them at any of those Settlements or any place in India.

4. We further request generally that your Excellency will use every Means in your power for preventing Convicts of every Description, whether the period of their Transportation shall have expired or otherwise, from repairing or being conveyed to India.

We have, &c.,

MORNINGTON.

ALURED CLARKE.

P. SPEKE.

WM. COWPER.

[Sub-enclosure No. 2 to Letter A.]

PROCLAMATION.

Fort William the 2d July 1800.

By the Most Noble the Governor-General-in-Council.

WHEREAS several persons transported as Convicts from the British Dominions in Europe to New South Wales have repair'd from New South Wales to Bengal, and have clandestinely established themselves at Calcutta and at other places within the limits of the Presidency of Bengal, such of the said persons who arriv'd in Bengal previous to the first day of June last are hereby required to leave India before the 1st day of March, 1801, under pain of being apprehended and sent to England in the manner prescrib'd by Act of Parliament with regard to persons resorting to India without License.

All persons having been transported as Convicts to New South Wales, and who may be on board of any ship which may hereafter touch at any Port or place within the limits of the Presidency of Bengal are prohibited from landing in Bengal; Any such persons who shall disobey this prohibition shall be forthwith

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The landing
of expirees
in India.

apprehended and sent to England in the manner prescribed by Act of Parliament with regard to persons resorting to India without License.

1801.
10 March.
The landing
of exprees
in India.

Convicts escaping from New South Wales previous to the expiration of the period for which they may have been transported, and who may be found within the limits of the Presidency of Bengal, are to be apprehended and detain'd in Custody until an Opportunity shall offer of returning them to New South Wales.

And the several Magistrates and Officers of Police are hereby requir'd to carry this proclamation into effect, according to its tenor, within the limits of their respective Jurisdictions.

By Command of the Most Noble the Governor-General-in-Council.

G. H. BARLOW,
Chief Secretary to the Government.

[Letter B.]

ACTING-GOVERNOR KING TO THE GOVERNOR-GENERAL OF BENGAL.

Sydney, New South Wales,
6th January, 1801.

My Lord,

By the Trimmer brig, Capt. Fogo, I had the honor of receiving your Lordship's letter of the 3rd July last, addressed to Governor Hunter, enclosing the copy of another letter dated the 11th November, 1799, a proclamation dated the 2nd July, 1800, and a list of such persons as were convicts, and are now resident in and about Calcutta.

Whether my predecessor has given any answer to your Lordship's letter in Council of the 11th November, 1799, I am ignorant of, but no public steps appear to have been taken in consequence of that letter, and whether it came to his hands is a circumstance I am equally unacquainted with.

Your Lordship will see by the printed enclosure that no time has been lost in complying with your wishes.

As Government does not provide a passage for those convicts whose terms of transportation are expired, those among them who are desirous of leaving the colony make agreements with the commanders of such vessels which sail from hence either for England, or more generally for India. The captain requests permission from the Governor to take them, which permission is given as cautiously as possible.

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of expirees
in India.

By the enclosure your Lordship will perceive that the most conclusive arrangements respecting the masters of ships who take people from hence have been provided for in the penalty bonds, and I shall take especial care that those precautions shall be fully complied with, and that duplicates of those bonds shall be forwarded to the different Presidencies, as pointed out in your Lordship's letter, as well as to the Honorable Company's supercargoes at Canton.

I have the honor to enclose a copy of the certificate given to such persons as have been convicts, and who are allowed to quit this colony. Any of that description that may hereafter be found without that certificate are runaways, and as such I have to request may be returned to this colony by the first conveyance. Such persons who obtain my permission shall in future be specified by list, which shall be transmitted to the different Presidencies.

I have, &c.,
PHILIP GIDLEY KING.

[Sub-enclosure to Letter B.]

PROCLAMATION BY ACTING-GOVERNOR KING.

Sydney, 18th December, 1800.

His Excellency the Governor-in-chief, in compliance with a request of the Most Noble Governor-General of the Honorable Company's territories in the East Indies, commands the following proclamation to be observed by every and all His Majesty's subjects resident in these colonies and its dependencies:—

[Here followed a copy of the proclamation of the Governor-General-in-Council at Fort William, dated 2d July, 1800.]

And that the intent of the above proclamation may be furthered all masters of ships or vessels leaving this place for any port in the Pacific or Indian Ocean are to enter into a bond of £500 sterling not to take any convicts from this colony, and into another bond of £500 sterling not to take any persons from hence who have ever been convicts without the Governor's permission, and a separate penalty of £500 if they land either of the above descriptions of persons in any part of the Company's territories; all which bonds and penalties are to be made recoverable in any of the Governments of India, or by the supercargoes at Canton, in China, and throughout His Majesty's dominions at home and abroad.

[Enclosure No. 6.]

NATURE of Employments.

1801.
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Returns of
employment.

	Sydney.	Parramatta, Toongabbe, and George's River.	Hawkes- bury.
AGRICULTURE AND STOCK.			
Overseers	14	10	2
Agriculture on the Public Account .....	.....	127	42
Care of Government Stock	4	32	3
Total	18	169	47
BUILDINGS.			
Brick and Tile Makers	11	7	.....
Bricklayers Plaisterers and Labourers	17	6	.....
Blacksmiths and Labourers	24	20	1
Shingle Pale and Lath Splitters	4	4	.....
Brick and Timber Carriages	22	13	.....
Stone Cutters and Layers	20	15	.....
Sawyers and Timber Measurers.....	11	17	2
House Carpenters and Labourers	14	23	2
Painters	1	.....	.....
Lime and Charcoal Burners	10	10	.....
Total	134	115	5
BOAT BUILDERS ETC.			
Carpenters, Shipwrights and Caulkers	11	.....	.....
Labourers, Watchmen and Clerks.....	5	.....	.....
Blacksmiths, Sawyers and Rope Makers ...	11	.....	.....
Total	27	.....	.....
VARIOUS EMPLOYMENTS.			
Making roads and repairing Bridges washed away in the Inundation	19	6	.....
Taking care of Government Huts	4	9	.....
Wheelwrights Millwrights and Labourers..	7	9	.....
Armourers Printers and Bailiffs	3	.....	.....
Basket and Broom Makers.....	.....	1	.....
Flax dressers Wool carders and Weavers ..	7	11	.....
Millers	2	2	1
Schoolmasters Sextons and Bellmen	4	4	.....
Writers and Clerks	7	1	1
Coopers Farriers and Wire drawers	2	2	.....
Granary Provision Store and Clerks	7	8	2
Executioners and Gaolers	6	3	2
Saddlers.....	.....	2	.....
Natural History Painters and Botanists ...	.....	2	.....
Tanners Tool Helvers and Thatchers .....	.....	6	1

NATURE of Employments—*continued.*

1801.
10 March.
Returns of
employment.

	Sydney.	Parramatta, Toongabbe, and George's River.	Hawkes- bury.
VARIOUS EMPLOYMENTS—<i>continued.</i>			
Bakers	1	2	1
Blind Insane and Invalids	1	4	.....
Pilots	1	.....	.....
Boats Crews	13	5	.....
Government Gardens and Vineyards	6	10	.....
Francis Schooner and Bee Sloop	15	.....	.....
Miners Searching for Coals .....	.....	12	.....
Town Gang	8	8	.....
Gaol Gang and Making Battery at Middle Head	44	.....	.....
Constables and Watchmen	23	23	6
Carrying water for Guards	3	2	1
Attending Hospital	13	6	1
Sick and Convalescent	22	.....	.....
Tailors Shoemakers and Barbers	6	2	2
Total	229	140	18
	Sydney.	Parramatta,	Hawkes- bury.
SERVANTS.			
To 42 Commiss'd Officers Civil and Military including Superintendants	57	34	32
Non Commiss'd Officers of N.S. Wales Corps Overseers Constables and Free Men doing Government work as Artificers.....	18	3	1
To Settlers	28	16	10
.....	.....	8	2
	103	61	45
RECAPITULATION.			
Overseers Storekeepers etc emp'd in Agri- culture	18	169	47
Artificers etc employed in Buildings.....	134	115	5
Shipwrights and Boat Builders	27	.....	.....
Various Employments	229	140	18
Servants to Officers etc	103	61	45
General Total	511	485	115

Total Number of Male convicts Victualled from the Stores..... 1111

PHILIP GIDLEY KING.

N.B.—There are 119 Convict women Victualled from the Stores who are employed in the Woollen and Linen Manufactories, Nurses at the Hospital and living with Overseers, etc. P.G.K.

[Enclosure No. 7.]

1801.
10 March.

A RETURN of all Government Stock, March 7th, 1801.

Return of
government
stock.

	Horned Cattle.					Horses.				Sheep.					Goats.		Hogs.		
	Bulls.	Cows.	Bull calves.	Cow calves.	Oxen.	Stone horses.	Mares.	Filleys.	Colts.	Geldings.	Rams.	Ewes.	Wethers.	Ewe Lambs.	Wether lambs.	Male.	Female.	Boar.	Sows.
Parramatta	5	210	87	104	29	1	23	1	3	2	5	324	177	127	66	4	2	1	5
Toongabbee	4	84	65	97	29	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Seven Hills	2	24	13	21	8	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Hawkesbury	1	18	..	..	8	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Sydney	2	16	6	6	32	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total	14	352	171	228	106	1	23	1	3	2	5	324	177	127	66	4	2	1	5

No increase of horned cattle since the last return; decrease of do.—1 cow, 1 bull calf. Both died suddenly in one day; supposed to have been bit by snakes. Do. two young bull calves dead from the severity of the weather.

Increase of sheep since the last return 3
 Decrease of do. 1
 Individuals—3 bulls, 1 ox, 1 cow.

N.B.—One wether sent to Sydney the 5th. Every species of cattle belonging to Government is in good order, and one-third of the cows with calf.

I have, &c.,
 JNO. JAMIESON,
 * Superintendent of Stock.

STOCK belonging to Individuals is nearly as follows but has not been exactly ascertained since the last Return. Return of private stock.

Female cattle ...	...	...	...	...	150
Male do. ...	...	...	...	...	140
Female sheep ...	...	...	...	...	4,040
Male do. ...	...	...	...	...	3,000
Swine ...	...	...	...	...	4,500
Goats ...	...	...	...	...	2,300

PHILIP GIDLEY KING.

[Enclosure No. 8.]

CONTRACT FOR IMPORTING CATTLE.

Contract with
Campbell for
importing
cattle.

IT IS COVENANTED, CONCLUDED, and agreed upon, this tenth day of March, in the year of our Lord one thousand eight hundred and one, and in the forty-first year of the reign of OUR SOVEREIGN LORD GEORGE THE THIRD, by the GRACE OF GOD OF GREAT BRITAIN, FRANCE,

1801.
10 March.
Contract with
Campbell for
importing
cattle.

AND IRELAND, KING, DEFENDER of the FAITH, and so forth, by and between His Excellency PHILIP GIDLEY KING, Esquire, Captain-General and Governor-in-Chief in and over His Majesty's territory of NEW SOUTH WALES and its dependencies, for and on behalf of HIS MAJESTY of the one part, and ROBERT CAMPBELL, merchant, now resident at Sydney, in that territory, for and on behalf of himself, his partners at Calcutta, and his and their executors, administrators, and assigns, of the other part, in manner following—THAT IS TO SAY, the said Robert Campbell, for himself, his partners, his and their executors, administrators, and assigns, hath contracted, agreed, and engaged, and by these presents doth contract, agree, and engage, to freight a ship or ships at Calcutta with the following articles for the use of His Majesty's colonies in New South Wales, upon the terms and conditions hereafter made and hereinafter mentioned; THAT IS TO SAY, the said Robert Campbell, for himself, his partners, his and their executors, administrators, and assigns, doth contract, agree, and engage to embark in one or two ships, one hundred and fifty head of large cows, fit for the purpose of breeding, and two male and four female asses; THAT there shall not be put on board of the said ship or ships any cow or cows whose age shall be less than two years or more than three years, at the time of embarking; AND that provisions and water sufficient for the use of the said cattle shall be embarked with them, at the expense of the said Robert Campbell and his partners. AND the said Robert Campbell, for himself, his partners, his and their executors, administrators, and assigns, doth further agree, contract, and engage, THAT no part of the further cargo of the said ship or ships, nor any article of trade whatsoever, nor anything belonging to the said ship or ships, shall be stowed on the same decks with the cattle, or be in anywise suffered to interfere with their accommodation. AND the said Robert Campbell doth, moreover, for himself, his partners, his and their executors, administrators, and assigns, contract, agree, and engage to procure a certificate from under the hand of the commanding officer of His Majesty's forces for the time being, at such port or ports in India whereat the said cattle shall be embarked, of his, the said Robert Campbell, or his partners, having put on board the said ship or ships, one hundred and fifty head of cows and six asses, to be conveyed to His Majesty's settlements at Port Jackson. AND the said Robert Campbell, for himself, his partners, his and their executors, administrators, and assigns, doth contract, agree, and engage to furnish the said one hundred and fifty head of cows at the rate

of twenty-eight pounds of lawful money of Great Britain for each cow, and eight pounds eight shillings for each ass, contracting likewise, agreeing and engaging to be paid only for such of the said numbers as shall be landed and deemed merchantable in the said colony at Port Jackson. AND if any of the cows should calve on the passage, all such calves are to be at the option of the said Philip Gidley King, Esquire, to take or not; but if they are healthy it is understood that he, the said Philip Gidley King, is to pay eight pounds eight shillings for each calf so calved on the passage. AND the said Robert Campbell, for himself, his partners, his and their heirs, executors, and administrators, doth further contract, agree, and engage to ship for the use of the said colony, ten tons of sugar, which shall be in quality equal to a muster or sample now delivered in by the said Robert Campbell, and to be paid for such as is merchantable when landed, at the rate of sixty pounds sterling for every ton. AND the said Robert Campbell, for himself, his partners, his and their executors, administrators and assigns, doth further contract, agree, and engage that he will not embark a larger cargo on account of Government than the number of tons stipulated. AND he, the said Robert Campbell, doth further contract, agree, and engage that the ship with the freight as aforesaid shall, wind and weather permitting, and fire and the damage of the sea excepted, arrive at Sydney Cove, in Port Jackson, in the territory of New South Wales, in twelve calendar months from of the day of the departure of the brig Trimmer, or as soon after as possible. AND he, the said Robert Campbell, doth also contract, agree, and engage, that he will not ship, or cause to be shipped, on board the vessel or vessels that may be employed in this service, to be freighted by him and his partners, to this colony, any other stock than the cattle purchased for the use of the colony, such excepted as must be absolutely necessary for the use of the officers and people of the said ship. AND he, the said Philip Gidley King, Esquire, as Governor as aforesaid, doth contract, agree, and engage, on behalf of His Majesty, that the said Robert Campbell shall receive at the rate of twenty-eight pounds of lawful money of Great Britain, for every head of cattle which he, the said Robert Campbell, shall deliver, or cause to be delivered, in a fair merchantable condition, in His Majesty's settlement as aforesaid, whether the number so landed shall exceed one hundred and fifty or not, and for every calf calved on the passage, as aforesaid, and for every ass that shall be landed, the further sum of eight pounds eight shillings. AND the said Philip Gidley King, Esquire, for and on

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behalf of His Majesty, doth further contract, agree, and engage, THAT the said Robert Campbell shall receive at the rate of sixty pounds sterling per ton for ten tons of sugar, which shall be landed and received in the colony, in a fair merchantable condition, and equal in quality to the muster now delivered by the said Robert Campbell, each and every of these articles to be paid for to the said Robert Campbell, his partners, his or their heirs, executors and administrators, by bills drawn at ninety days' sight upon the Right Honourable the Lords Commissioners of His Majesty's Treasury. AND the said Philip Gidley King, Esquire, for, and on behalf of His Majesty, doth contract, agree, and engage to deliver, or cause to be delivered, the cargo aforesaid, within twenty-eight days from the day of the arrival of the ship in Sydney Cove; but, in case it should happen that the said cargo should be detained longer on board than the number of days above limited, the said Robert Campbell shall be allowed at the rate of her daily expence for every day she shall be detained after that time at the port of landing as aforesaid. AND in order that the colony may not suffer by any accident which may prevent the receiving the cows, &c., above contracted for, the said Philip Gidley King, Esquire, doth further contract, agree, and engage, for and on behalf of His Majesty, THAT this contract shall be binding to all parties in freighting a second ship with the cows, &c., above specified. AND to the true performance of all and every the contracts, conditions, and agreements above mentioned, on the part and behalf of the said Robert Campbell and his partners, to be kept, done, and performed, he, the said Robert Campbell, bindeth himself, his partners, his and their heirs, executors, administrators, and assigns, unto the said Philip Gidley King, Esquire, for and on behalf of His Majesty, in the penalty or sum of one thousand pounds of good and lawful money of Great Britain, to be recovered and paid by these presents. IN WITNESS whereof he, the said Robert Campbell, on behalf of himself and partners, hath set his hand and seal to the one part hereof, and to the other part hereof the said Philip Gidley King, Esquire, for and on behalf of His Majesty, hath also set his hand and seal the day and year first above written.

PHILIP GIDLEY KING.

ROBT. CAMPBELL.

SIGNED SEALED and delivered (no stamps being used in the Colony) in the Presence of

JNO. PALMER.

N. MACKELLAR.

[Enclosure No. 9.]

1801.
10 March.

LIST of Articles remaining in His Majesty's Stores New South Wales this 10th March, 1801, the use to which they are to be Applied and the Quantities necessary to be sent out by the first Conveyance.

Commissariat returns.

Quality of Stores.	Remains in the Stores.	Use to which they have and will be Applied.	Wanting.	Remarks.
Men's Clothing—		To convicts at		
Blue Jackets.....	3810	Govrnmnt.	2000	} Will be wanting before they can arrive.
Russian Duck Frocks	522	Labour and	2000	
Do Do Trowsers	1020	to Supply	2000	
Do Do Yards...	260	Settlers and	4000	
Women's Clothing—		People of the		
Jackets	142	Stores in	1000	} Scarce any of the Government Servants have any Bedding whatever.
Shifts	155	exchange for	1000	
Petticoats	142	Grain.	1000	
Shoes .....	.....	"	500
Rugs	445	"	1000	} Scarce any of the Government Servants have any Bedding whatever.
Blankets .....	.....	"	1000
Bed Ticks .....	.....	"	500
Combs	252	"	500 small ...	Much wanted.
Soap	150	"	500 lb.	
Stores.....	"	
Nails from 4d. to 40d.	"	36 casks ...	Much wanted being obliged to work up the iron Hoops.
Files of Sorts.....	780 worn out.	"	1,500 of sorts	Do.
Cross cut saws	"	20	} All much wanted for Government uses.
Pit saws.....	.....	"	20
Hand saws .....	.....	"	50
Center Bits	1	"	6	
Ploughs .....	.....	"	8
Augers .....	.....	"	60 of sizes ...
Stock Locks .....	.....	"	50 of sizes that cannot be Pickd.
Padlocks .....	.....	"	50 Do Do
West India Hoes to small for use. }	.....	"	500 of a large size.
Brass Wire Seives ...	.....	"	{ 56 for Corn and Flour.
Fishing Seines .....	.....	"	2 of 40 Feet.
Lead (Sheet) .....	.....	"	2000 lb.
Sole Leather .....	.....	"	10 Hides ...
Farriers Tools.....	.....	"	1 Sett
Stone Masons Tools...	.....	"	4 Do
Coopers Tools .....	.....	"	3 Do
Iron Assorted .....	.....	"	20 Tons
Tin (Double) .....	.....	"	700 Sheets ...
Bolting Cloths .....	.....	"	12
Steel.....	.....	"	80 Bars
Stationary	"	The same quantity as recd by Royl. Adml.	Will be wanted before the year arrive.

[Enclosure No. 10.]

GOVERNMENT AND GENERAL ORDERS.

Sunday, 12th October, 1800.

Orders re

THE Governor having received a Treasury bill to the amount of the Government bills left in circulation in the colony, drawn by Government bills.

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Orders *re*

Acting Commissary Williamson, and approved by Governor Hunter, the holders of these bills will bring them to the Secretary's Office, on or before the 16th instant, to receive the Governor's signature.

Thursday, 13th October, 1800.

Permits for removal of spirits.

IN addition to the Order of Monday last, the Governor directs that all permits for spirits to be removed from one house to another, or from settlement to settlement, not from on board ship, are to be signed by the Acting Lieut.-Governor or magistrates.

Tuesday, 14th October, 1800.

Debts due to the Crown.

THE late Acting Commissary having empowered the present Acting Commissary to receive the debts due from individuals to the Crown, to the truth of which the Governor has sworn. As those charges appear in the ledger delivered to Mr. Laycock, the Governor thinks it proper to acquaint those who are so indebted that they liquidate the same on or before the 31st day of next December; otherwise they will be proceeded against according to law.

Wednesday, 15th October, 1800.

Shipping regulations.

THE following rules to be observed respecting the coasting and other vessels belonging to this colony:—

	£	s.	d.
Every vessel (not a rowing boat) being rigged, to be registered at the Naval Officer's office, and to pay for such register	0	10	0
For permission to go to Botany Bay or the Hawkesbury	0	2	0
Ditto at re-entry	0	2	0
For permission to go beyond Broken or Botany Bay, for each vessel	0	5	0
Ditto at re-entry	0	5	0

No vessel is to break bulk on entering this port until reported and entered at the Naval Officer's office. Monies arising from these regulations to be appropriated to the Orphan Fund.

Debts due to the Crown.

Governor Hunter having detained the Buffalo another day to give the Commissary an opportunity of settling the claims he has on individuals on the part of the Crown, such persons who are indebted on that account are to attend the Commissary at Government House, at six o'clock to-morrow morning, to get their respective accounts adjusted.

Friday, 17th October, 1800.

[A copy of this order was forwarded as Enclosure No. 4 to the despatch of Acting-Governor King to Under Secretary King, dated 18th October, 1800.]

Saturday, 18th October, 1800.

Price of grain and pork.

WHEAT, maize, or fresh pork given into the stores in payment for debts due to the Crown, will be received at the former prices until the debts due (up to this date) are paid.

Sunday, 19th October, 1800.

Care of swine.

IN the Governor's absence from headquarters at Sydney, all reports are to be made to the Acting Lieutenant-Governor, Colonel Paterson. The depredations committed in gardens, &c., by swine being suffered to range about, without being yoked or wrung, and the

Governor being unwilling to prevent their picking up such food as chance may offer by being allowed to range at large, those possessed of that kind of stock are to get them yoked and wrung before next Saturday, otherwise they will be taken for the use of Government.

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10 March.
Orders *re*

Licences for the retail of spirituous liquors will be granted on the 31st instant. The Acting Lieut.-Gov'r and magistrates will recommend eight persons who they may judge deserving of that indulgence.

Licenses for
sale of spirits.

Saturday, 25th October, 1800.

ALL those who have taken prisoners off the stores are to appear as underneath to sign for such servants, and to receive printed copies of the terms on which their labour is assigned:—Those in and about Sydney, at Government House, on Friday, 31 October; in and about Parramatta, at Government House there, on Monday, 3rd November; in and about Hawkesbury, at Mr. Grimes's, on Thursday, 6th November.

Assigned
servants.

Such persons as do not attend will be deprived of their servants. This Order does not include those officers and others who may have signed for their respective convicts.

Monday, 27th October, 1800.

THERE being only one captain of the New South Wales Corps to do duty at headquarters, Lieutenants Piper and McKellar are to have the local rank as captains.

Military
appointments.

Licences to sell and vend excisable liquors by retail will be granted to those recommended by the magistrates to the Governor on the 1st day of November annually; and whoever retains liquors in their houses for sale and retail without a licence shall forfeit £10 for each offence, and in case of refusal or neglect to pay the same being lawfully demanded, shall be committed to hard labour on board the hulk for two months. The justices by whom such conviction is made may commit as above instead of levying the penalty. And if any person not authorised retail strong drinks they will not only be subject to the above penalties but also forfeit all such strong drinks found in their custody, or in the house where such offence was committed. And if any person shall again offend in like manner, exclusive of the above penalty, they will be kept to hard labour for the space of three months on board the Supply hulk. Magistrates may grant their warrants to constables to enter and search houses, and other places, occupied by those guilty thereof, and seize all such strong drinks as they find until the matter of the offence is determined; and in case the offender be convicted the liquor so found will be forfeited, half to the informant and half to the Orphan Fund.

Licenses for
sale of spirits.

Those who receive licences are to enter into recognizances, with two sufficient sureties in £10 each, and themselves in £20, that the due assize of weight and measure of all victuals or liquor so allowed to be vended be kept and well and truly observed; and that no gambling, drunkenness, or other disorders be allowed of within their premises, but that good rule be maintained and kept, according to the existing and future regulations of this territory on that behalf.

Regulations
for public
houses.

Persons licensed as victuallers or retailers of spirituous liquors or other strong drinks, entertaining any person from the beating

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10 March.
Orders *re*
Regulations
for public
houses.

of the taptoo until the following noon, or during Divine Service, will be deprived of their license and incur a penalty of £5, half to the informer and half to the Orphan Fund. No trust or credit is to be given to any person whatever for liquor, or any other tavern reckoning, in any sum exceeding 20s., under the penalty of losing such debt; and in case they shall persevere to sue any such persons, knowing them to be soldiers, seamen, servants, or prisoners in Government employ, all such actions and suits shall be void, and the persons sued, or officers on behalf of soldiers and seamen, masters or mistresses on behalf of servants, and prisoners in their own behalf, being sued, shall and may plead this ordinance in barr, and the plaintiff shall be nonsuited and pay treble charges. Each person taking out a license will pay the sum of three pounds sterling to the treasurer of the Orphan Fund, and two shillings and sixpence to the clerk that makes out such license.

Permits for
removal of
spirits.

There being much reason to suppose that spirits have been improperly landed and concealed at Farm Cove, and in other parts of the harbour, from whence they have been occasionally removed, no greater quantity of spirits or wine than half a gallon will be allowed to be removed from any one place or house to another without a permit, signed by the Governor, or officer in command at Sydney, and the magistrates at Parramatta and Hawkesbury. Two-thirds of the spirits or other strong drink thus seized will be given to the person making the seizure, and the other third to the Orphan Fund.

Approbation
of the New
South Wales
Corps.

Tuesday, 28th October, 1800.

THE Governor having reviewed the New South Wales Corps this day, is happy in the opportunity thus afforded him of signifying his marked approbation of the exactness and soldier-like behaviour of the regiment, which would do credit to the oldest regiment in His Majesty's service, nor can the Governor be unmindful of the unremitting attention of their lieutenant-colonel and officers in rendering them thus respectable, which, while it reflects great credit on the soldiers, does honor to every officer in the regiment.

Permits for
removal of
spirits.

Thursday, 30th October, 1800.

IN addition to the Order of Monday last, the Governor directs that all Permits for Spirits to be removed from one House to another, or from Settlement to Settlement, not from on board Ship, are to be Signed by the Acting Lieutenant-Governor or Magistrate.

Regulations
for assigned
servants.

Sydney, 31st October, 1800.

OFFICERS and others, to whom the labour of prisoners is assigned, are to conform to the following conditions, viz.:—To maintain and clothe such as they employ; to give them a ration and clothes equal to that issued from the stores, for which they are to perform a Government task, as subjoined. And if the master can give them employment for the remainder of the time at the established rate they are to do his work in preference to any other person's.

The master to provide them a sheltered lodging on his farm, or at his habitation, from which they are not to absent themselves without leave, nor in any case to go from one settlement to another without a pass from a magistrate.

If the master or his overseer has just cause to complain of a neglect of work, or their servants not obeying their orders, or absenting themselves from their farms without leave, they are to report it to a magistrate, and on conviction the delinquents will receive a punishment equal to the offence.

1801.
10 March.

Orders *re*
Regulations
for assigned
servants.

Attention will be paid by the Governor to those thus employed, proportionate to their honesty, diligence, and the recommendation of their employers, in preference to those of that description who may merit punishment, or who may be complained of, of which an account will be kept. And as it may not be in the power of every employer to furnish the servants assigned them with cloathing or animal food, on application to the Governor the stores will furnish the proportion of cloaths and ration of salt meat issued to those at public labour from the public stores, provided the employer signs an obligation to return the value thereof (either in money, wheat, or animal food, at the price those articles are received into the stores, hereafter stated) to the Commissary on or before the 31st of December annually.

Every person secreting, or employing prisoners or others during the time of public labour, without leave from the Governor, if they are employed at Government work, or from their respective masters, if employed by and assigned to individuals, will be punished for a breach of Public Orders and the injury the public receives thereby.

In case of sickness rendering it absolutely necessary to remove such servants to the hospital for cure, the master may have another man on the above terms if the servant remains in the hospital more than a fortnight.

Charges which the Commissary is directed to make for cloathing or animal food, supplied as a ration from the public stores to prisoners whose labour is assigned to officers and others, to whom the Governor may grant that indulgence, are as follows:—Cloathing to be charged at the English price, without the advance of 25 per cent.; salt beef, 9d. per lb.; salt pork, 1s. 3¼d. per lb. These charges are in proportion to those which Government pays for animal food to the settlers. The annual charge of a full ration of animal food will be £13 13s. 0d.

Task-work for the Servants of the Crown employed by Government and Individuals.

			Per acre.	Week's work.
Falling forest timber	...	...	£0 10 0	... 1 acre.
Burning off ditto	...	...	1 5 0	... 65 rod.
Breaking up new ground	...	...	1 4 0	... 65 rod.
Breaking up stubble or corn ground	...	...	0 13 4	... 130 rod.
Chipping in wheat	...	...	0 6 8	... 1 acre and an half.
Reaping ditto	...	...	0 8 0	... 1 acre 60 rod.
Threshing wheat	...	per bushel	0 0 7	... 18 bushels.
Planting corn	...	per acre	0 6 8	... 1 acre and an half.
Hilling ditto	...	per acre	0 6 8	... 1 acre and an half.
Pulling and husking ditto	...	per bushel	0 0 5	... 25 bushels.
Pale splitting, 6 feet	...	per hundred	0 2 6	... 800 (2 men).
Ditto, of 5 feet	...	per hundred	0 2 0	... 1000 (ditto).

Daywork is 9 hours per day for 5 days, and 5 hours on Saturdays. If a master employs any of his men in their own time, to pay 10d. per day for the labor of each.

Friday, 7th November, 1800.

1801.
10 March.
Orders *re*

Mr. Commissary Palmer having arrived will take upon him the charge as Commissary.

Sunday, 9th November, 1800.

Shipping.

In consequence of the daring seizure of the Norfolk sloop by a party of convicts in the Hawkesbury, no boats or decked vessels are to sail from hence to the Hawkesbury, or from thence to this place, without giving three days' notice to the Governor or officer in command at those places, and to wait for two or three other vessels going at a time. Should any future attempt of that kind be made, the people belonging to those vessels are, on pain of the most exemplary punishment, to cut away their masts and rigging before they are boarded, and, if possible, to run them ashore and bilge them, for which purpose each vessel must be provided with an axe or tomahawk.

Attempts to escape.

On this occasion the Governor finds it necessary to forewarn any convicts from attempting such a scheme in future, as nothing but inevitable destruction awaits those who have seized the Norfolk. If they escape the almost certain dangers they have to encounter from a leaky vessel, rotten sails, no means of procuring water, and neither compass, chart, or quadrant; if they are so fortunate to avoid the bad consequences of these wants, and disensions among themselves, they are sure to meet their fate, not only in any British settlement, but also in their native country, the Governor being determined to inform the different Governors of His Majesty's and the Company's settlements of the description of these people, and also the magistrates of the different places in England and Ireland where they were convicted.

It is to be understood that no pardon will be extended to those who may make any future attempts, and that any person knowing of such a plan, or any other, who does not instantly inform the nearest magistrate, or officer in command thereof, will be indicted for a felony.

Port regulations.

The Commanding Officer of His Majesty's armed vessel Porpoise is directed to stop all vessels going out of the Cove to produce their pass from the Governor or officer in command.

Thursday, 13th November, 1800.*

Registration of agreements.

To prevent litigious disputes, and consequent vexatious complaints, it is hereby ordered that no claim of property be admitted by the Civil Court of Judicature, unless the parties enter into written agreements between each other, or enter them in books which will be kept for that purpose by the following persons, each agreement being entered in the most concise and clear manner, and witnessed by one person not a convict:—At Sydney, by Michael Robinson, at the Judge-Advocate's, and Sergt.-Major Jamison for the military; at Parramatta, by — Mann, schoolmaster; at Hawkesbury, by Andrew Thompson.

The parties making these agreements are to pay sixpence for each to the above persons for their trouble, who are to shew these books to the principal magistrates every Saturday, when their signature is to be affixed to the week's entries.

* This Order is to be in force from the 27th instant.

Sunday, 16th November, 1800.

THE slop clothing that will be issued next week to the public labourers, being the property of the Crown, both before and after it is issued, every person is cautioned not to purchase any article thereof, under pain of being prosecuted. And if any prisoner sells the cloathing that is designed for his comfort, he will receive a punishment proportionate to the offence.

1801.
10 March.
Orders *re*
Issue of
clothing.

Tuesday, 18th November, 1800.

No person whatever is to leave this colony without giving a week's notice to the Governor or officer in command at headquarters.

Persons
leaving
the colony.

Every person having claims on those going to leave this colony are to make them before the ship or vessel leaves the Cove.

No ship is to leave the Cove until the Naval Officer certifies that a week's previous notice has been given to the inhabitants.

All children throughout this colony are to attend muster at the following places, on Saturday, the 29th instant, at 8 o'clock.

Muster of
children.

Those in and about Sydney, at Government House.

Ditto Parramatta, at the Court House.

Ditto Hawkesbury, at Mr. Grimes's.

19th November, 1800.

WHEREAS representations of the want of small money experienced here have induced His Majesty to take into His gracious consideration the immediate relief from this great inconvenience to all classes of his subjects in this colony, a quantity of copper coin has been received in His Majesty's armed vessel Porpoise and Royal Admiral, and will be circulated by being paid for grain and animal food supplied His Majesty's stores.

Currency.

These are therefore to give notice that a copper coin, weighing one English ounce, and stamped with the profile of His Majesty on the one side, and of Britannia on the other, will be issued as above at the rate of twopence for each copper; and that the same shall pass current in the colony, and is to circulate at the aforesaid rate of twopence.

And that no one may plead ignorance of the rate or legality of this or any other of the coins circulating in this colony, of which it does not appear that any regular proclamation has ever collectively been issued, I have judged it most expedient herewith to publish the following table of all the specie legally circulating in this colony, with the rates affixed to each, at which they shall be considered and be a legal tender in all payments or transactions in this colony.

	£	s.	d.		£	s.	d.
A guinea ...	...	1	2	0	A rupee ...	...	0 2 6
A half-Johanna ...	...	2	0	0	A Dutch guilder ...	...	0 2 0
A gold mohur...	...	1	17	6	An English shilling ...	...	0 1 8
A Spanish dollar ...	...	0	5	0	A copper coin of 1 oz. ...	...	0 0 2
A Johanna ...	...	4	0	0	Ditto $\frac{1}{2}$ oz. ...	...	0 0 1
A ducat ...	...	0	9	6	Ditto $\frac{1}{4}$ oz. ...	...	0 0 0 $\frac{1}{2}$
A pagoda ...	...	0	8	0			

When a sufficient quantity of copper coin is received in the colony, of which notice will be given, no private notes or goods will be allowed to circulate.

1801.
10 March.
Orders *re*

This supply of copper having been sent to relieve the inconvenience of persons requiring to make small payments, no persons are to collect the same for the purpose of making large payments, nor shall it be deemed a legal tender to offer the same in payment for any sum exceeding five pounds.

And it is hereby declared that the exportation or importation, except from His Majesty's Treasury, of any sum exceeding five pounds of the above-named copper coin, shall be punished by fine of treble the value, and forfeiture of the sum exported or imported.

Given under my hand, at Government House, Sydney,
November 19th, 1800.

Thursday, 20th November, 1800.

The opening
of the public
stores.

THE Commissary is directed not to open the stores before ten, or keep them open after twelve o'clock in the forenoon, except he is ordered to issue any article of which there is an instant want.

Issue of
clothing.

He is also directed to issue on Tuesday next a proportion of one military jacket, one shirt, one pair of trowsers, one gurrach frock, one pair of breeches, one hat, one pair of stockings, and one cloth cap, to each male prisoner victualled from the public stores.

The same proportion to be issued to overseers, watchmen, clerks, and people serving in the provision stores, excepting the jacket being a blue one, and the addition of a pair of shoes as far as they will go.

Those who have prisoners off the stores will be furnished with slop cloathing in the above proportion on Tuesday, the 2d of December, on their becoming bound to pay for the same in wheat on or before the 1st of next February.

The prisoners and overseers, &c. will be served their slops at the places where they are respectively victualled at on Saturday, the 22nd instant, for which purpose correct lists are to be made, and submitted to the Governor's inspection on Monday next, by eight o'clock in the morning, at Parramatta.

Divine service
at the
Hawkesbury.

The Rev. Mr. Fulton will perform Divine Service at Hawkesbury on Sunday, the 7th of December next.

Wednesday, 26th November, 1800.

Distribution of
port wine.

HIS Majesty having been graciously pleased to direct that ten pipes of port wine be sent to this colony, for the use of the commissioned officers, civil and military, at the advance of 25 per cent. on the prime cost, clear of duties, the proportion for the distribution of this wine is:—For the Governor, 1 pipe; the Acting Lieutenant-Governors of Port Jackson and Norfolk Island, 1 pipe; the other officers, civil and military, 1 pipe between four; payment for which, at the rate of £41 3s. 4½d. per pipe is to be made by the officers of the civil department by bills on the Colonial agent, by the military officers by bills on the regimental agents.

Smuggling
of spirits.

Friday, 28th November, 1800.
ALL spirituous liquors and other strong drinks that are attempted to be smuggled from any ship arriving here will on condemnation be the exclusive property of the person or persons making the seizure.

Issue of
clothing.

The settlers may be supplied with a proportion of slops on Saturday, the 6th ultimo, on paying into the stores wheat or maize, in

proportion to the English price of the slops, with the advance of 25 per cent., which, it is hoped, will prevent them from purchasing the convicts cloaths, as it is the Governor's determination to punish those who commit that crime with the utmost severity of the law.

Mr. George Barrington* having, from infirmity, resigned his situation as head constable, and in consequence of his great diligence and good behaviour since he has been in that situation, from his first arrival in the colony, the Governor has directed that half his salary be continued to him, and John Jennings is appointed head constable at Parramatta in his stead.

The sentence of the General Court-Martial† is approved and the Court dissolved.

Monday, 1st December, 1800.

No boats with private property are to be allowed to land at the Hospital Wharf before 6 in the morning, nor after 3 o'clock in the afternoon, or at any other place in the harbour.

Tuesday, 2nd December, 1800.

THE Commissary is directed to make payment to those who have supplied the Public Stores with Wheat, Maize, or Animal Food, on Saturday Next to those about the neighbourhood of Sydney; and to those in the neighbourhood of Parramatta and Hawkesbury, on Saturday the 13th Instant at Parramatta.

Wednesday, 3rd December, 1800.

THE Stores at Parramatta and Sydney will be opened after next Saturday to receive Wheat and Maize in payment for the Debts due to the Crown, previous to the 28th of September last.

Wednesday, 10th December, 1800.

It appearing that many unjust demands have been made on the effects of those who have died, or left the colony; and as the Orders of the 13th of November are calculated and designed to substantiate all claims whatever, public notice is hereby given that no payment will be made of any deceased or absent person's property unless a written agreement be produced, which may always be done by the means pointed out in the orders of the 13th of November, viz., to enter all agreements in the books kept by the person therein designed.

Friday, 12th December, 1800.

THE following ration of dry provisions will be issued until further orders:—To all males—Thirteen pounds and half of wheat, or ten pounds and half of meal.

Mr. Deputy Commissary Laycock having obtained the Governor's permission to resign that situation, Mr. William Neate Chapman, Storekeeper and Acting Deputy Commissary at Norfolk Island, will be appointed Deputy Commissary in the room of Mr. Thomas Laycock on the Porpoise's return from Norfolk Is'd.

Mr. William Broughton, Storekeeper at Parramatta, is appointed Storekeeper and Acting Deputy Commissary at Norfolk Island, with a promise that if he chooses to return to this place, in case of Deputy Commissary Clarke's return to Norfolk Island, he will resume his former situation here.

* Note 15. † Note 16.

1801.
10 March.
Orders *re*
- Mr. William Sutter is appointed to act as Storekeeper and Acting Deputy Commissary at Parramatta.
-
- Sunday, 14th December, 1800.
- Funeral of
Richard Dore.
- THE Governor requests that the remains of the late Richard Dore, Esq., Judge-Advocate of the territory, may be attended to the place of interment* by the civil and military, with such attentions as are suitable to his rank in the colony. The corpse will leave its late residence at 8 o'clock to-morrow morning.
-
- Monday, 15th December, 1800.
- The estate of
the late
Richard Dore.
- THOSE indebted to the late Richard Dore, Esq'r, Judge-Advocate to the territory, are to deliver an account thereof to Captain McKellar, and make payment thereof to that gentleman on or before the 31st instant.
- And those to whom the above estate is indebted are to lay in their claims on Saturday next, and to prove them by a regular book entry or other unquestionable proof as directed by the Order of the 10th instant.
-
- Monday, 15th December, 1800.
- Claims against
deceased
estates.
- THE following Priority for the Discharge of Deceased person's debts† due to Residents or Agents in the Colony is in future to be observed, as far as they have Assets, viz. :—
- 1st Medical Attendance (where claimable) and funeral expenses.
 - 2nd Debts and Duties due to the King.
 - 3rd Judgements.
 - 4th Debts due by Recognizances.
 - 5th Rents.
 - 6th Objections, Bills final and protested Bills of Exchange.
 - 7th Single Bills.
 - 8th Servants and Workman's Wages.
 - 9th Merchants and Tradesmen's Book Debts, a man of Accounts etc. which said payments are to be allowed of by the Civil Court of Judicature.
- But this is not to preclude or justify any Executor or Administrator's refusal to discharge any just Debts, as the same shall come to their knowledge without regard to the priority of the same, in payment after the expiration of 12 months after the Decedants Death.
-
- Tuesday, 16th December, 1800.
- Export of
sows.
- THE Governor directs that no sows be sent on board ship or be received on board, under the penalty of forfeiting such sow.
-
- Thursday, 18th December, 1800.
- Appointment of
Richard Atkins.
- RICHARD ATKINS, Esq., is appointed to act as Deputy Judge-Advocate to this territory until His Majesty's pleasure is known.
- Feathers for
the N.S.W.
Corps.
- The Governor has directed the Commissary to deliver to Lieut.-Col. Paterson the feathers that came with the hats lately arrived in this colony, which he makes the regiment a present of for their industry in forming the public parade.
-
- Sydney, 18th December, 1800.
- [A copy of this order was forwarded in Enclosure No. 5 to the despatch No. 3, dated 10th March, 1801, from Acting-Governor King to the Duke of Portland.]

* Note 12. † Note 17.

Saturday, 20th December, 1800.

THE Governor, having contracted for 2,000 gallons of spirits, to be divided among the officers, civil and military, who are not provided with any, the soldiers and settlers at this place, and at Norfolk Island, which will be distributed in the following proportions, for which money, Government or Paymaster's bills are to be given:—

1801.
10 March.

Orders re
Issue of
spirits.

	gallons.
Non-commissioned officers and soldiers	250
Settlers at Port Jackson	320
Ditto at Norfolk Island	250
To be divided among officers, civil and military ..	1,171

payment for which is to be made in the following proportions to the Commissary previous to the Royal Admiral's departure:—

Non-commissioned officers and soldiers .	4s. per gallon.
Settlers	5s. 6d. ..
Officers	5s. ..

The Governor remits the assessment of 1s. per gallon to the regiment and to the officers for 40 gallons per annum each; all above that quantity to pay the assessment.

Friday, 26th December, 1800.

THE Commissary will direct the storekeepers at Sydney, Parramatta, and Hawkesbury to receive into their charge such wheat as may be tendered by those who are indebted to the public stores, as directed by the Orders of the 14th October last. The storekeepers will attend every day next week between the hours of 9 and 2.

Payment of
debts due to
the Crown.

It having been represented to the Governor that it has been a custom for those to whom the labour of convicts has been assigned, as well as those allowed servants, to chastise them by horsewhipping, and beating them for real or supposed offences and neglect of work, the Governor feels himself called upon to put an immediate stop to those practices by referring to the General Orders of the 2nd of October last, wherein a mode is pointed out of bringing delinquents to justice; and as the Governor will not admit of any individual presuming to inflict that punishment, which must be openly awarded by a magistrate, he strictly forbids all officers, and every person, bond or free, from striking or ill-using any other person in this colony, on pain of being proceeded against according to law, or such other notice taken of the offence as the case may require.

Punishment
of assigned
servants.

There being accoutrements arrived for mounting six privates and a non-commissioned officer as a bodyguard to the Governor, Lieutenant-Colonel Paterson is requested to select that number from the regiment, to whom a daily pay of one shilling will be allowed to the non-commissioned officer, and sixpence per day each private, in addition to their regimental pay, to be paid in such articles as can be spared from the stores, or in money.

Body-guard
for the
Governor.

Sunday, 28th December, 1800.

FROM the constant state of alarm which the peaceable and loyal inhabitants of this colony have been kept in for the last two months, and the present restlessness of some turbulent characters, the following arrangements are to be observed in case of any internal tumults.

Assembling of
military and
volunteers on
an alarm.

1801.
10 March.

Orders *re*

Assembling
of military
and volunteers
on an alarm.

The field-pieces are to be kept constantly loaded with powder only, and the vent, priming, &c., examined every evening, by the officer of the day. A port fire is to be in readiness to fire on the least appearance of alarm or tumult, or that either the main guard or barracks are attacked.

When a gun is fired from the barrack or main guard, the drums are to beat to arms. The regiment to form in front of the barracks, and to act as the Commanding Officer may see fit, and in conformity to any secret or other instructions he may receive from the Governor. The main guard to form in front of the guard house, within the paling, and to wait for orders, unless they are attacked, when the officer will act as he may judge proper, but not to quit that post without orders from the Governor or commanding officer of the troops, unless compelled, in which case he is to use every exertion to join the association or regiment.

The Association, on the alarm being given, are to repair and form in front of the Governor's house, and there wait his orders; but if they should be impeded, they are to join the main guard or the regiment.

The provost-marshal, civil officers, constables, superintendants, and inhabitants enrolled for active defence, are, on the alarm being given, to repair (with what offensive weapons they can immediately collect) to the highest windmill hill, and there wait for orders how to act, or being joined by the military.

Every other description of persons, either male, female, or children, are to remain quiet and peaceable in their respective dwellings, as it will be impossible for the military to discriminate persons in case of alarm.

All persons desirous of being enrolled for active service are to give their names in to Mr. Brady, Judge-Advocate's clerk, from 9 o'clock to 10 every morning, and to deliver an account of the offensive weapons they can arm themselves with. When this list is complete and regulated, they will be divided and occasionally mustered by a civil officer or superintendent to each division.

Licensed
vendors of
spirits.

Any person holding a license to retail spirituous liquors will be deprived thereof if any part of the Orders of 27th October last are disobeyed or neglected, and particularly that part wherein they are forbid entertaining any person whatever from the beating of taptoo to noon of the following day, or during the hours of Divine Service. This the magistrates will strictly enforce.

Tuesday, 30th December, 1800.

Punishment
of convicts
and expiring
travelling
without
a pass.

If any convicts or persons whose terms of transportation are expired, and who are not settled, are found going from settlement to settlement without a pass from the magistrate—which will never be refused without sufficient cause—any person will receive 100 lashes and a year's imprisonment in the gaol gang.

Prisoners or free people, not settlers, found going from one settlement to another without a pass from the magistrate specifying their business—which will never be refused without a very sufficient reason—and who neglects to deliver their pass to the magistrate they got it from, or to the magistrate at the place where they are going to reside, will be punished with 100 lashes and a year's imprisonment in the gaol gang at Sydney or Norfolk Island.

As this is a repetition of several Orders that have formerly been given to the same effect, and have been as often disregarded

as observed, it is to be understood by every person in this colony that after an Order is once issued it is to be constantly obeyed until revoked by the same authority that gives it.

1801.
10 March.

Orders *re*

Wednesday, 31st December, 1800.

NOTWITHSTANDING the lenity shown to those concerned in a former attempt to create confusion in this colony, yet it appears that several restless and turbulent characters are still forming designs to promote their diabolical schemes for the destruction of all industry, public and private property, order and regularity, and to introduce murder, plunder, and every kind of horror and confusion. Several worthless vagrants have gone to the woods, subsisting by depredations on the industrious, whilst many others are not only plundering those to whom their labour is assigned, but are also neglecting their work, and leaving their employer's property to be destroyed by the idle and dissolute, who, from their former habits, manifest a preference of the life of indolence, plunder, and alarm to the certain benefits of a commendable and honest industry.

Mutiny and
revolt.

The Governor, considering the duty he owes to his situation, and the security of the persons and property of the numerous loyal and well disposed inhabitants, that none of their despicable plans, or daring anonymous writings (similar to that forwarded to him previous to the execution of the pirates), will ever bias or slacken his exertions in detecting, and bringing to condign punishment every vicious and idle character.

Disposed as the Governor has been not to credit every information he has received, yet the many corroborating evidences that have been given compels him to take the necessary measures for securing the peace of the colony. Anxious to believe that those evil designs have their only rise in the phrenzy of a few turbulent wretches, whose aim is confusion, he is willing to hope that when the different descriptions of persons in this colony reflect on the comforts and blessings they enjoy and may acquire in this colony, by a very moderate industry, and the expectation that every prisoner may entertain that if his behaviour is honest, industrious, and irreproachable, that he will in some measure be benefitted by it. These considerations, it is expected, will create confidence, and prevent future ridiculous plans, which are contrived by the artful villains to deprive the industrious of their comforts, who in the end do not fail to sacrifice those they have employed to obtain their ends, of which the two criminals now under sentence of death, and who were deserted by their artful companions, is a sufficient proof how little confidence they can place in each other.

Should this intention and hope of the Governor's be frustrated by any renewal of what he hopes to hear no more about, he will then consider it his duty to adopt such measures as are most likely to ensure that tranquility which must not, and shall not, be interrupted with impunity.

John Harris, a licenced victualler, and retailer of spirituous liquors, having given spirits to two convicts for their week's rations of salt meat from the public stores, is deprived of his licence, and the Government has directed all his liquors to be staved.

Revocation of
license.

There is every reason to be assured that this transaction has long been carried on, in direct disobedience to every regulation made on that head, not only by the above delinquent, but also by

Exchange
of spirits.
for rations.

1801.
10 March.
Orders *re*
- several other persons. If the convicts, who have no means of maintenance but by the ration they receive from the store, are invited to part with it for a taste of spirits, they must consequently rob those who are nearest to them for support during the remainder of the week, which consequently leads to a train of other evils that must be put a stop to. If any person in the colony presumes to give a convict spirits, or any other consideration, for their ration, or any article furnished from the public stores, they will be punished as the law directs for receiving stolen goods, and, if licenced, will lose their licence, and all strong drinks found in their possession be staved.
-
- Sunday, 4th January, 1801.
- Appointment of master carpenter. THOMAS WHITER is appointed Master Carpenter in the room of James Puckey, discharged for neglect of Duty.
-
- 6th January, 1801.
- Appointment of magistrate. MR. MASON is appointed to act as a magistrate for the districts of Parramatta and Toongabbie.
-
- 7th January, 1801.
- Garden Island. GARDEN ISLAND being appropriated as a garden for the Lady Nelson, no person is to land there but with Lieutenant Grant's permission, or the Governor's in his absence. It is to be understood that wheat and all kinds of live stock is a legal tender for all debts contracted in this colony, provided the price sued for does not exceed that given by Government when purchased from settlers or other private cultivators.
-
- 8th January, 1801.
- Countersign. THE countersign in future will be given, sealed up, to such person only as the Governor and Commanding Officer of the regiments or detachments may judge proper.
- After beating the taptoo, masters and officers of ships who have occasion to be ashore may apply to the Governor's aid-du-camp or the adjutant of the regiment, and no other person is to give the countersign to any person whatever.
- The centinels are to pass all officers, civil and military, on making themselves known by telling their names.
-
- 12th January, 1801.
- Debts due to the Crown. NOTWITHSTANDING the Orders of the 14th of October, and of the 3rd and 26th December last, not more than four persons have paid the debts they owed to Government from 1796 to last September. Should those thus indebted continue to withhold payment, either in wheat, animal food, or money, the Governor will with much reluctance cause those thus indebted to be proceeded against according to law.
-
- 15th January, 1801.
- Public auctioneer. NOT more than one vendue master will be allowed in future to dispose of any wares, goods, or merchandize by auction, or by candle, within the present limits of this territory, such vendue master to be elected by the magistrates by vote, and to be approved of by the Governor. He is then to give sufficient security in the sum

of £200 sterling for his honest and due performance of his duty to the seller and buyer as vendue master, and for the due observance of the ordinances of this territory and the laws of England on that behalf.

1801.
10 March.
Orders *re*

And if any person within the limits of this territory shall sell any goods by auction, except such articles as prize goods and others enumerated by the Act of Parliament on that behalf, he or they shall forfeit the sum of £50, besides their security, for the use of the Orphan Fund.

Public
auctions.

At the close of each day's sale, the auctioneer (who must take out a license, for which he will pay two pounds to the treasurer of the Orphan Fund, and five shillings to the clerk) is to deliver to the treasurer of the Orphan Fund an account of the amount of that day's sale; and at the close of the auction he is to pay into the hands of the treasurer of the Orphan Fund one and a half per cent. on the amount of sales, previous to his settling with the proprietor, out of whose account that assessment must be paid.

Previous to any goods being sold by auction, the proprietor is to deliver in a list of the articles he proposes to sell to the treasurer of the Orphan Fund. Until that is complied with no sale will be allowed.

It is to be understood that all prize and other goods and effects which the law directs may be disposed of by any person that the proprietor may appoint are alike subject to the assessment of one and a half per cent. for the Orphan Fund.

17th January, 1801.

If merchant ships' boats do not answer when hailed by any of His Majesty's ships or vessels, or by any centinel, they are to be fired at; and no excuse whatever will be admitted for a breach of this Order.

Port
regulations.

The Commander of His Majesty's armed vessel Lady Nelson will inform his people that any seizure they may make of spirits, &c., attempted to be smuggled will be their exclusive property; the same to be observed by the guard on board the Supply.

(Sunday), 18th January, 1801.

This being the anniversary of Her Majesty's birthday, it will be observed on Friday next, when the regiment and association will fire three volleys at noon, and at one o'clock His Majesty's armed vessel Lady Nelson will fire a royal salute.

Her Majesty's
birthday.

The Governor will be ready to receive the compliments of the officers, civil and military, at half-past one.

Headquarters, 19th January, 1801.

Last night, being the first practice alarm given in this colony, the Governor feels himself highly gratified at the alert and prompt manner in which the regiment assembled, nor can he be unmindful of the alacrity and steady behaviour of the association.

Practice
alarm.

A mistake having been made last night by those who had given their names in for active defence, agreeable to the Orders of the 28th of last December: they assembled at the Governor's house instead of the new Windmill Hill. That Order is now repealed.

The list for the insertion of those peoples' names will be closed next Saturday, and on every future alarm they are to assemble within the enclosure of the Orphan House,* and there wait for orders or remain quiet.

* Note 18.

1801.

10 March.

Orders *re*
Assigned
servants.

24th January, 1801.

THERE being a greater number of prisoners allowed to go off the stores than the public labour admits of, no more applications of that kind will be attended to untill next January, when it will not be a bare discharge of a Government task that will induce the Government to grant that indulgence to any whose term of transportation or time they have been in the colony may encourage them to make that application. It must be by an uninterrupted industrious and regular good behaviour.

Disorderly
convicts and
vagrants.

Such prisoners now off the stores who are discovered in any improper behaviour, extortionate demands for their labours, or idleness, will be recalled to Government labour, and otherwise dealt with as the case may deserve, of which all magistrates, officers, constables, and settlers are to give notice. They will also report all freemen who are idle, suspicious characters, that the Vagrant Act may be put in full force against such pests to society.

Applications
to the
Governor.

No applications are in future to be made to the Governor on Sundays, nor will [he] be interrupted when passing through the streets or if speaking to an officer.

Applications to be made to the Secretary's office on Monday mornings, between nine and eleven o'clock in the forenoon, by those who are in want of articles from the stores for public or private uses; also, on Fridays between the above hours by those who are to be put on or off the stores, and at no other time will answers be given.

Those who have any other business with the Governor are to apply at the office between nine and ten in the morning; before or after that time no person will be attended to, except those who are sent for, or commissioned officers.

Saturday, 31st January, 1801.

Supply of
swine to ships.

No hogs are to be sold to the masters of ships, or to be sent on board without permission having been previously obtained from the Governor, or Lieutenant-Governor in his absence.

10th February, 1801.

Issue of
tickets of leave.

ALL prisoners whose terms of transportation is not expired and are off the stores, or those with settlers, are to attend at the Secretary's office at Sydney, on Saturday, the 21st instant, at seven o'clock in the morning, to receive their tickets of leave. Those who hold former tickets to bring them in. Those who neglect to appear will be immediately called in to Government labour.

Payment of
quit rents.

Those who are indebted to the Crown for quit rents, either for grants or leases given originally to them, or for lands, houses, &c., that they now hold by purchase, and which are due since the last payment, are to pay the same into the stores at Sydney, Parramatta, or Hawkesbury, on or before the 1st of next March. The Governor hopes that no further notice will be necessary either on this head, or that of paying the debts they owe to the stores.

Thursday, 12th February, 1801.

Tenders for
supplies.

INSTRUCTIONS being received from His Majesty's Treasury, directing the Commissary, under the authority of Government, to advertise for such articles of grain and animal food, &c., as the stores may need, to be furnished by those persons who may offer such articles on the lowest terms,—the Governor having previous to the arrival of the above instructions reduced the price of wheat

from 10s. to 8s. per bushel during the present year, and as the settlers, &c., have made their arrangements according to that price, the above regulation will not take place till after the next harvest, when such quantities as the store may need will be received in the smallest or largest quantities, according to the tenders that will then be advertised for and made. The lowest tenders will be the first received from any description of cultivator.

1801.
10 March.
Orders *re*

As an encouragement to rearing animal food, the Governor takes upon himself to confirm his order of the 17th October, respecting swine's flesh being received into the stores at sixpence per pound for three years from that date, for such as may be necessarily maintained at the public expense; and to enable the private cultivators to raise that produce, he earnestly recommends them to cultivate maize after their wheat crops, as nothing short of absolute necessity will induce him to order any maize to be received into the stores on any account, to allow as much as possible of that grain to be appropriated for the stock.

Price of pork.

The Governor also recommends to the different settlers and other cultivators, an attention to raising as much wheat as their several means and abilities will allow of, not only for the domestic purpose of their families, but also to pay their just debts, and to supply the stores with their profits of such quantity as may be in demand, at a moderate rate; whereby they will have a preference in being able to supply themselves with such articles as they may need from ships, or from the stores, without assigning their properties to the rapacious dealers for what their own industry might procure.

Cultivation
of grain.

The settlers and other private cultivators will inform the Rev. Mr. Marsden, Charles Grimes, Esq., and Capt'n McKellar, as soon as possible, how much wheat they can spare after paying their debts to Government, and reserving a sufficiency for seed, and the maintenance of their families, in order that a calculation may be made of the quantity that can be received from each person—in which attention will be paid to the number of acres cultivated last year with wheat, that the real cultivator may have the preference.

Agricultural
returns.

13th February, 1801.

FROM there not being a sufficiency of commissioned officers in the colony to sit as members of General Courts-Martial and Criminal Courts of Judicature at this settlement and at Norfolk Island, the Governor has judged it advisable to give commissions to Francis Barrallier and Robert Anderson, gents, until His Majesty's pleasure is known thereon, they having done duty as ensigns in the New South Wales Corps since the 2nd July by virtue of Governor Hunter's General Order for that purpose.

Colonial
commissions
for Barrallier
and Anderson.

One-half of the regiment off duty and the Sydney Association will attend the execution of the three convicts condemned to die by the Court of Criminal Judicature, the execution to take place at eleven o'clock to-morrow morning.

Execution
of convicts.

There being about 2,200 gallons of spirits engaged by the Governor from the master of the Margaret, at six shillings per gallon, directions are given for its being divided between the officers, civil and military, at this place and at Norfolk Island; and the licensed people, who bring money to pay for it, will receive permits from the Governor and Naval Officer, for their respective proportions, on making payment as above (or as much less as he will take), to the proprietors.

Issue of spirits.

1801.

10 March.

Orders *re*
Departure
of H.M.S.
Porpoise.

14th February, 1801.

His Majesty's ship Porpoise will drop down to Rose Bay to-morrow morning.

The officers and detachment ordered to embark for Norfolk Island to be in readiness to go on board at one o'clock.

It is intended that the Porpoise sails early on Tuesday morning.

Tuesday, 17th February, 1801.

Damage
caused by
dogs and goats.

SEVERAL individuals having complained of the great decrease of their sheep and lambs by the curs with which this colony abounds, and the great damage done to gardens by goats ranging without a herd, and as the breeding stock of sheep is of the greatest consequence to the welfare of this colony, no person is to suffer any cur dogs to follow them, or any cart, wheelbarrow, &c., the Governor having given permission to those who have flocks of sheep to order their herdsmen to kill any dogs that approach them, and the owners will forfeit treble the value of any stock killed by them. Persons who keep cur dogs that are in the habit of flying at horses are to destroy them, otherwise they will be indicted as a nuisance. It is recommended to those who have more dogs than one (except greyhounds or terriers) to kill them, as a tax will shortly be laid on all cur dogs.

Goats going about without a herd are to be stopped and forfeited to the use of the Orphan School.

21st February, 1801.

Irregular
issue of
certificates.

SEVERAL prisoners whose labour is assigned to individuals having yesterday, through mistake, received certificates which were intended only for those who, from good behaviour or other considerations, had the Governor's permission to do the best they could for themselves, it is hereby ordered that any prisoner who has received such certificate does immediately return it to the nearest magistrate. A neglect of this order, or an improper use being made of those certificates, will subject them to punishment with the utmost severity.

9th March, 1801.

Responsibilities
of sureties.

It having been customary for the settlers and other free inhabitants to become sureties for the good conduct of those who are known to be bad characters, and who have been bound over by the magistrates for their good behaviour, as this abuse has already had the most mischievous consequences, it is to be understood that if any free inhabitant enter into a recognizance for the good behaviour of any individual whatever, the full amount of the recognizance (if forfeiture) will be levied on the sureties' property. It was the Governor's intention to have levied the recognizance forfeited by Cornwell on his surety Charles Cross, which is remitted under the hope that every one will in future be cautious who they become bound for.

[Enclosure No. 11.]

[A copy of this enclosure, the Returns of Labour, has not yet been found.]

[Enclosure No. 12.]
 ACCOUNT of Slops Issued out of His Majesty's Stores at Sydney in New South Wales from the 28th Sept. 1800
 to the 7th March, 1801, Inclusive with the Quantity Remaining.

	Blue Jackets.	Military Jackets.	Waistcoats.	Shirts.	Breeches.	Shoes.	Materials for Shoes.	Duck Frocks.	Duck Trowsers.	Duck in Yards.	Hats.	Stockings.	Worsted Caps.	Gurrah Frocks.	Gurrah Trowsers.	Gurrah Yards.	Mens Clothing in Sets.	Remarks, etc.
Remains Pr. Survey 28th Sept., 1800.	4,287	1,552	74	10,703	1962	325	..	1707	2703	849	1978	8599	3255	667	355	1230½	196	
Received Pr. Royal Ad- miral.	..	..	..	10,000	..	14000	5000	..	..	..	10033	..	..	..	..	..	..
Received Pr. the Anne ...	101	..	8	100	..	116	..	..	..	..	5	96	8	..	..	..	31	
Total	4388	1,552	82	20,803	1962	14441	5000	1707	2703	849	12016	8695	3263	667	355	1230½	227	
Issued on Account of Government.	334	1,500	..	3746	1623	2667	425	1095	1,525	233½	2299	1825	531	445	96	109	..	
Disposed of for Wheat, etc.	122	11	..	173	117	929	652	90	128	297½	127	216	103	116	..	250	..	
Condemned Pr. Survey...	72	13	..	334	2	107	..	..	30	58	38	..	..	..	..	..	..
Amount of Issue	578	1,524	..	4253	1742	3703	1077	1185	1683	589	2464	2041	634	561	96	419	..	
Remains	3810	28	82	16550	220	10738	3923	522	1020	260	9552	6654	2629	106	259	811½	227	

1801.
 10 March.
 Commissariat
 returns.

[Enclosure No. 13.]

1801.
10 March.

STATEMENT of Officers on the Civil Establishment of His Majesty's Colony in New South Wales in the Execution of their Respective Duties and absent on leave, March, 1801.

Returns of civil officers.

Names.	Quality.	Remarks, etc.	
Phillip Gidley King ...	Governor	Took the Command 28th Sept., 1800.	
Richard Atkins	Depty. Judge Advt.	Appointed to act in room of Richd. Dore, D.D.	
John Palmer	Commissary		
Thomas Smyth	Provost Marshall		
Neil McKellar.....	Actg. Secty. to Govnr.		
Richd. Johnson	Clergyman.....	To England on Govr. Hunter's leave Sept. 23th, 1800.	
Saml. Marsden	Do	Officiates in Mr. Johnson's place & does his own Duty.	
William Balmain	Surgeon		
James Thompson ...	Mates	Parramatta.	
D'Arcy Wentworth }		Sydney.	
James Mileham		Norfolk Island.	
Martin Mason	Assistant	Toongabbe, etc. (see Superintd't's List.)	
Augustus Alt	Surveyor of Lands		
Thomas Moore	Boat Builder		
Thomas Laycock	Depty. Comisy.	Has given in his resignation, Mr. W. N. Chapman coming from Norfolk Island to take his Appointment.	
James Williamson	Do	Gone to England by Govr. Hunter's Order, 28th Sept., Mr. Wm. Sutton Actg. in his room from 23th Sept., 1800.	
— Bennett	Comisy's. Clerks	28th Sept., 1800.	
John Wilshire.....		Asst. Store Keepers	See Superintendents List.
As Pr. Superintd's List		Do Superintendent	
NORFOLK ISLAND.			
Joseph Foveaux.....	Actg. Lieut. Govr. ...	Appointed 26th June, 1800.	
Charles Haddock	Chaplain	Has not made his appearance.	
Thos. Jameison	Surgeon	To England on Gov. Hunter's leave, 28th Sept., 1800.	
Zacherh. Clark	Depty. Comisy.	To England, Gov. Hunter's leave, Oct. 1799, William Broughton, Acting in the Room of W. N. Chapman, coming here as Depty. Comissy. in the Room of Mr. T. Laycock who resigns.	
As Pr. Superintdes List	Storekeepers		
Charles Grimes	Depty. Surveyor		
As Pr. Suptd't's. List...	3 Superintdts. of Convicts.		
Do Do	1 Mast. Carpenter		
	1 Beach Master		
Thomas Hibbins	Depty. Judge Advc.		
Fane Edge	Provost Marshall		

LIST of Officers who perform Extra Duties for which they receive no other Payment than the following Remuneration.

Names.	Quality.	Remarks, etc.
William Balmain ...	Magistrate, Capt. of Association, and Naval Officer.	Has Seven Extra Convicts allowed.
Saml. Marsden	Magistrate, Superintendent of Public Concerns at Parramatta and Toongabbe.	Has Ten Extra Convicts allowed.
Charles Grimes.....	Do at Hawkesbury ...	Do Do
John Harris	Magistrate	Has Five Extra Convicts allowed.
Thos. Arndell	Do	Do Do
Martin Mason	Do	Has Three Extra Convicts allowed.

[Enclosure No. 14.]

1801.
10 March.RETURN of Store-keepers, Superintendants, etc., Employed in
New South Wales, March, 1801.Return of
storekeepers and
superintendants.

No.	Store-keepers.	How and where Employed.
1	William Baker	At Hawkesbury.
2	William Sutton ...	At Parramatta (in the Room of Willm. Broughton Acting Depty Commsy at Norfolk Island) Acting Depty Comisy in the room of Mr. Jas. Williamson gone to England with Govr. Hunter. Pay Comences Sept. 28th 1800.
Superintendants.		
1	John Gowen	Store-keeper at Sydney.
2	Rowland Hassal ...	Manages the Receipts and Issue of Wheat at Parramatta and Toongabbe in the room of Mr. John Jamieson Pay Commences 28th Sept. 1800
3	Richd. Fitzgerald	Superintends Agriculture at Toongabbe
4	Nicholas Divine ...	Superintendent at Sydney
5	Thomas Collier.....	Master Blacksmith at Sydney in the room of Walter Broady, Discharged for Drunkenness and neglect of Duty. Pay Commences Sept. 28th, 1800.
6	James Bloodworth	Master Bricklayer at Sydney
7	John Whitter	Master Carpenter in the room of James Puckey discharged for neglect of Duty. Pay Commences the 4th Jany., 1801.
8	George Barrington	Superintends the Duty of Constables and Executing the Police Orders, Invalided, half his Salary is paid to John Jennings who does his Duty.
9	John Jamieson	Has the Care and Superintendance of the whole of the Government's Stock of Horses Cattle and Sheep from 28th Sept. 1800 in the room of And'w Hume And'w Hume and as that Charge is very great, I have fixed his salary at £100 Pr. Annm. the Additional £50 will be drawn for until further Orders.
10	Martin Mason	Assistant to the Surgeon. Pay Comences 25th Oct. 1800.
NORFOLK ISLAND.		
Store-keepers.		
1	W. N. Chapman ...	Store-keeper and late Acty. Depy. Comisy is returning to Port Jackson as Depty. Comisy in the room of Mr. T. Laycock who wishes to resign on his Arrival.
Superintendants.		
1	Martin Tims	Superintendent of Agriculture.
2	Alexr. Dollis.....	Master Boat Builder Appointed.
3	James Nairne	Superintendent at Phillipburg.
4	John Wheeler	Master Carpenter in the room of Nathiel Lucas Discharged for misconduct 5th Sepr. 1800.
5	John Drummond...	Attendant Beach Master.

ACCOUNT of Former Superintendants and Store-keepers Discharged since the 27th September, 1800.

1801.
10 March.Return of
storekeepers and
superintendents.

Names.	Reason of Discharge.
Andrew Hume	Discharged for a total neglect of Governments Stock Mr. John Jamieson appointed in his room 28th Sept. 1800.
Walter Broady	Master Blacksmith Discharged for Drunkenness and neglect of Duty the 28th Sept. 1800.
William Broughton ...	Appointed Actg. Depty. Commissary of Norfolk Island in the room of Mr. W. N. Chapman coming to Port Jackson in the room of Mr. Thos. Laycock who then resigns.
James Puckey	Master Carpenter Discharged for neglect of Duty the 4th Jany. 1801.

[Additional Enclosures not numbered.]

SICK, Hurt, &c., from October, 1800, to January, 1801.

Medical
returns.

Month.	Civil and Free People.			Convicts in Hospital and Quarters.			Births.				Deaths.									
	Men.	Women.	Children.	Men.	Women.	Children.	Civil and Free People.		Convicts		Civil and Free People.			Convicts in Hospital.						
							Males.	Females.	Males.	Females.	Men.	Women.	Children.	Men.	Women.	Children.				
1800.																				
October ..	3	3	1	4	49	19	8	..	..	4	3	..	..	..	..	..	..	1	1	1
November	11	9	6	7	122	16	14	..	..	5	5	..	..	..	..	..	..	5	1	2
December	7	6	5	4	159	13	13	2	..	3	5	1	..	..	1	3	..	..	..	1
1801.																				
January ..	3	4	1	6	111	17	5	..	..	..	5	..	..	..	..	..	..	2	..	..

W. BALMAIN, Surgeon to the Territory of N. S. Wales.

N.B.—The state of births and deaths in this report is accurate as far as comes within our knowledge, but people die and children are born without our being made acquainted therewith.—W.B.

PORT REGULATIONS.

[A copy of these was also forwarded as Enclosure No. 3 to the despatch marked "Separate D" of Lieutenant-Governor King to the Duke of Portland, dated 18th September, 1800.]

1801.
10 March.
Importation
of spirits.

ACTING-GOVERNOR KING TO THE AMERICAN MINISTER IN LONDON.

Sir, Sydney, New South Wales, February, 1801.

Mr. Parry, Commander of the American Ship Follensby, having Cleared out from Rhode Island for this Settlement and China, and having on board a very large Investment of Spirits, intended for this Market, which His Majesty's Instructions Absolutely prohibits being landed, except in such Quantities as may be necessary for the Domestic use of the Officers and Soldiers, Captain Parry has, therefore, been obliged to depart without Selling any part of his Investment, except the Tobacco. As he has requested me to signify that the Landing of Spirits is restricted as above, and that every other Species of Trade is allowed of, such as Tar, Salted Provisions, Tobacco, &c., I shall be glad if this Communication may prevent the Merchants from risqueing their Property by sending Spirits, &c., hither, the Penalty of landing which, without my Permit in Writing, is Forfeiture of Ship and Cargo.

I have, &c.,

PHILIP GIDLEY KING.

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Separate," per brig Trimmer, *via* India; acknowledged by Lord Hobart, 30th January, 1802.)

Sydney, New South Wales,

My Lord Duke,

10th March, 1801.

Arrival of the
Porpoise,
Royal Admiral,
Anne, and
Lady Nelson.

An opportunity offering of sending this to India, from whence I shall request its being sent overland, I have to inform your Grace that the Porpoise, Royal Admiral, and Anne are arrived here with the people, provisions, and stores put on board those vessells, and that the Lady Nelson arrived here safe the 16th December, having passed thro' Bass's Straits, agreeable to your Grace's directions. She is sailed to explore the Straits and the S.W. coast, agreeable to your Grace's directions. I have not my dispatches to your Grace by this conveyance, but being too large to be sent overland I do not apprehend they will get home before December next. As they contain every detail I shall only trouble your Grace with what presses most.

Since I have taken command, I am happy to say, that 921 full rations have ceased being maintained by the Crown: our numbers now victualled, are 2348 full rations, for which we have only 28 weeks salt meat; this I shall prolong as much as possible. But I beg your Grace's consideration of the necessity of sending out more salt provisions, as soon as possible to prevent our being

obliged to kill the breeding and labouring cattle, which will not easily or soon be replaced without a very great expence; Those belonging to Government consist of

Young and old females	500	Males	291	Sheep F.	501	M.	183
Belonging to individuals	150		140		4040		3010
	<hr/>		<hr/>		<hr/>		<hr/>
Total of cattle and sheep	650		431		4541		3193

1801.
10 March.
Numbers of
live stock.

The number of swine cannot be ascertained, having lost a great number by the last inundation at the Hawkesbury; their numbers may be about 4,500. From all which your Grace will observe that to kill the above stock for those victualled by the public would be destroying all our future hopes. Among the papers which your Grace will receive by way of India will be found the most correct statements of this colony. Among them your Grace will find the following calculation as a yearly estimate of the expences of this colony (in our present state) in the article of provisions, viz. :—

Cost of
provisioning
the colony.

Full rations issued from the stores is	2,348.	£	s.	d.
Value of each full ration is £12 9s. 9d., which for the above number is		29,346	16	3
Value of grain raised this year by Government, estimate is		2,640	0	0
Yearly estimate for present numbers, exclusive of stores, clothing, and superintendent's salaries		26,706	16	3
To be sent from England—Value of salt pork, <i>i.e.</i> , 488,384 lb. at 8d. per lb. for one year		16,279	5	4
Probable sum for grain and sugar purchased in the colony for the above numbers ...		10,427	10	11

There now remains in store 28 weeks' salt meat and 12 weeks' grain for the numbers victualled. I fear it will not be in my power to procure a sufficiency of grain from the settlers to make out the year till the next crop, owing to the inundation having carried away a great part of their wheat stacks at the Hawkesbury; but everything shall be done to make it last the year till the next crops are got in.

Provisions
in store.

I am sorry to say that the number of Irish republicans lately sent to this colony occasion us much trouble; but from the good conduct of the New South Wales Corps, the Association, and English inhabitants, I see no cause for real alarm, but it will be highly necessary to be on our guard.

The Irish
rebels.

As I am told no larger letter or different paper than this can be sent overland,* I hope your Grace will excuse this mode of making this early communication respecting that part of our situation which I think it my duty to possess your Grace of as soon as possible.

I have, &c.,

PHILIP GIDLEY KING.

* Note 19.

1801.
10 March.

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Separate A," per the brig Trimmer, *viâ* India; acknowledged by Lord Hobart, 30th January, 1802.)

Sydney, New South Wales,

10th March, 1801.

My Lord Duke,

By the Royal Admiral and Lady Nelson I had the honor of receiving your instructions* respecting the latter, and your Grace's letter to Lieutenant Grant (which he received previous to his leaving the Cape) directing him to pass through the straits that separate Van Dieman's Land from New Holland, which service the enclosure will inform your Grace he has performed; and as his provisions and waters did not allow of remaining any time to explore those straits, he only passed through and was thereby prevented from ascertaining some points that would have been satisfactory.

Grant's
passage
through
Bass' Strait.

Two other vessels† have also passed through those straits, but as they were on a voyage of commerce, no other information was obtained from them than that they found an island‡ lying across the entrance of the straits, leaving a channel about 15 leagues wide; therefore, no conclusive chart can be transmitted until the Lady Nelson's return. That vessel being refitted, caulked, and provisioned for six months, sailed the 6th instant to prosecute the instructions contained in the enclosure, which I hope will meet your Grace's approbation, and should that vessel return before an opportunity offers of forwarding this letter, I shall communicate such other observations as may occur.

Departure
of the
Lady Nelson.

As I received no instructions from any department how that vessel was to be officered, manned, or paid, I have been obliged to act therein from my own judgement, for the good of His Majesty's service, and furthering the purpose she is sent here for. She has been very liberally fitted out by the Transport Board. The officer who brought her out was directed to deliver her up to me, with her stores, &c., he having a commission for the Supply, which has long been lying here condemned as unfit to proceed to sea. The seamen who brought the Lady Nelson out at very high wages (*i.e.*, four and six pounds a month) were agreed with to be discharged on their arrival here, all which has been complied with, according to the agreement made by the Transport Board, Lieut. Grant having drawn bills on that Board for each man's wages. There being no other naval officer here than Lieut. Grant, and it being at that officer's option either to return to England or continue here, I offered him the command of that vessel, which he readily accepted, and for which the enclosure is a copy of the appointment I gave him, wherein you

Establishment
of the
Lady Nelson.

* Note 4. † Note 20. ‡ Note 21.

will observe the establishment I fixed for that vessel. As I do not consider myself authorised to continue the high wages the other officers and men received for bringing her out, and none of them choosing to re-enter for the wages given in the Navy, I was under the necessity of giving conditional emancipations to some of the best behaved of the seamen among the convicts to enable them to serve on board the vessel, and to receive the pay given in the Navy. This pay will be given them here until I have the honor of receiving further directions on this subject; and I respectfully hope to be informed by the first arrivals what establishment she is to be considered on—whether that of the Navy, the Transport Board, or Colonial. As the good behaviour of those men who are conditionally emancipated to serve in that vessel will entitle them hereafter to a free pardon, I am hopeful that the most beneficial consequences will result therefrom.

1801.
10 March.
Constitution
of the crew.

Owing to the most unheard-of weather in this country, we have had three inundations at the Hawkesbury within the last two months, which has deprived us of a sufficiency of grain for this year, on which account it will be necessary to despatch the Porpoise when she returns from Norfolk Island to Madras, by way of Bass's Straits, for as much rice as she can stow, which will not be more than 100 tons. In consequence of Governor Hunter having ordered the Reliance to England, and taking the Buffalo home with him, I hope your Grace will consider the necessity of one of those ships being sent out again as her services are much wanted. A similar establishment to that of the Porpoise (without a captain) would be fully sufficient, and perhaps better calculated to render essential service than if so much room is taken up for officers' accommodation, which of course prevents more cattle being stowed. Whenever a peace takes place I shall recommend sending any vessels that may be on this station to Foul Point, Madagascar, for cattle, where they will be got very reasonable, and the voyage will be shortened through Bass's Straits. Enclosed I have the honor to submit to your Grace's inspection my letter to the Admiralty respecting the appointment of myself captain of His Majesty's armed vessel Porpoise, and my reason for so doing, together with the several documents therein alluded to, and for which I respectfully beg your Grace's interference in getting so necessary an appointment confirmed, which the Lords of the Admiralty had provided for by sending me a Commission to command the Reliance.

Effect of
the floods.

The necessity
of a second
vessel on the
colonial station.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

1801.
10 March.
Grant's report
of his voyage.

MEMORIAL of Lieut. James Grant, commanding H. M. brigg Lady Nelson, to His Excellency Governor King, Captain-General, &c., &c.

Sydney Cove, Tuesday, 16th December, 1800.

May it please Your Excellency,

I am happy to inform you that the Lady Nelson is, through the blessing of God, this evening brought safely to anchor in Sydney Cove without loss or damage of any description whatever, and the crew in perfect health. It gives me infinite pleasure to have it in my power to inform you that the Lady Nelson is equal to any vessel as a sea boat. From the space of ocean she has crossed, and performing a passage to the Cape of Good Hope in the depth of winter, which took me up 97 days constantly at sea, during which time, it will be allowed, we were likely to meet with all the varieties of weather that is common in that quarter, and it is well known are dreadful in their kind at that season of the year. This, I presume, will argue more in her favour than any language I can make use of.

The severity of the weather I met with in the vicinity of the Cape carried away the main and after keels of the vessel, which is the only loss we have met with from weather since we left England, excepting a steering sail boom lost overboard through carelessness when the vessel was laying too in a gale of wind. The vessel without the keels is perfectly safe and as eligible as ever, only it cannot be expected she can hold the same wind. Let that be as it will, I beat a sharp-built Spanish vessel into Table Bay, which I had met with at sea, taken off the River Plate by a privateer from the Cape.

After having made the land at daylight in the morning, it was my intention to go into False Bay, consequently tack'd and stood out to sea while she bore up for her respective port, but the wind shifting to S.E., and at times nearly calm, with a mountainous sea running, I found it was not likely that I shou'd fetch False Bay that day, and having a port open, together with the risk I run, if I staid long out, of being driven off the coast at that season of the year without the keels, I judg'd it most prudent to secure the port in view, and at 11 a.m. I bore up, when I not only overtook my former companion, but having to beat into the bay I positively was to anchor before him. So much for her without keels. In seven days I had new ones made on the same construction, but fastened in a very different manner, according to my own direction, with the opinion and approbation of Sir Roger Curtis and the Superintendant Builder at that time, to

whom I am indebted for part of the invention, and which I find from the weather I have had since I left the Cape is preferable to the original fast'ning, plans of which, with your Excellency's permission, I mean to lay before you.

The Lady Nelson is perfectly tight in her bottom, but I am sorry to say otherwise in her upper works, which has been the case ever since I left England; not from any fault of the construction, timber, or fast'ning, but their neglect of those who had the caulking of her.

As I had no carpenter on board I was obligated to attempt it myself and found that instead of the seems being fill'd with oakum they had absolutely substituted putty, to the great annoyance of everybody on board besides detriment to the ship and expence to Government, as I had not been a fortnight at sea before I found every spare sail in the ship damaged, which took up much time, canvas, twine, &c., &c., to sett in order again.

I now beg leave to turn your Excellency's attention to the success which has attended my undertakings since I left the Cape.

I received by the Wellesley, extra ship, which arrived at the Cape 11th Sept. last a letter from His Grace the Duke of Portland, stating that it was His Majesty's pleasure that I should pass through a strait in the lattitude of 38° south, which I searched for and found in that lattitude. Longitude, by calculation, 142° east of Greenwich, as near as I could calculate, not having had a lunar observation for some time before making the land, and not till I had sail'd along the land for seven or eight days. There being no time-keeper on board it is only estimated by calculation. I constructed a plain chart of this strait and the islands I saw, which I humbly present you with. I took the liberty of naming the different capes, bays, &c., for the sake of distinction. One of the most extensive I named after yourself, as it is the largest I met with, and is, by tolerable estimation from the ship's run on the logg, 100 and odd miles nearly due east and west, from cape to cape. The remarks, &c., will be laid before your Excellency as soon as I can put them in a fit dress for you to see them. And I trust that with your approbation the names of the land which no former navigator has seen, if it should turn out so, will not be changed

It now remains for me only to hope that having tried the Lady Nelson in almost all kinds of weather and very heavy seas, sail'd along an unknown shore, and made a passage from the Cape of Good Hope without going into a higher latt'e than $39^{\circ} 30'$ after making the land in 38° south in the space of ten weeks, and arriving without loss or damage safely in your port, that it will prove to the world the merits and abilities of my much-respected

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of his voyage.

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friend, Captain Schank, and further, that my own conduct and endeavours will meet your and his approbation, together with His Grace the Duke of Portland, whose orders I have endeavoured to execute to the utmost of my power.

And with all due respect and gratitude which you and those who are your friends have countenanced me with.

Yours, &c.,

JAMES GRANT.

[Enclosure No. 2.]

INSTRUCTIONS TO LIEUTENANT GRANT.*

By Philip Gidley King, Esquire, Captain-General, etc.

HIS MAJESTY having judged it expedient that a voyage should immediately be undertaken for the survey of the south or south-western coast of this country, and for short'ning the passage through the straits discovered and sailed through by Lieut. Flinders on the north side of Van Dieman's Land, by yourself on your voyage hither on the south-west side of New Holland, and by the Harbinger and Margaret brigs from the Cape of Good Hope, nearly in the centre of the said straits, which are distinguished by the name of Bass's Straits, so named after the surgeon of His Majesty's ship Reliance, who first established the certainty that such a passage existed; and the brig you command, together with the Bee sloop, having been equipped, manned, and victualled for that service, you are, in pursuance of His Majesty's pleasure, signified to me by His Grace the Duke of Portland, one of His Majesty's Principal Secretaries of State, hereby required and directed to proceed without loss of time with the said brig and sloop to the southern promontory of New Holland, named by Lieut. Flinders "Wilson's Promontory," and after having very exactly ascertained the latitude and longitude of that point, and also the islands lying off it as far as the Two Sisters, you will proceed to examine how far the two coves described to be in the Kent's Group can afford you shelter. After having satisfied yourself on this point, and not making any delay, you will proceed to Western Port as described in the sketch and manuscript narrative of Mr. Bass (which you are furnished with), for the purpose of determining whether it will afford you shelter, and is of a practicable access, in case you should want to make a port. After having ascertained this point, you will proceed to examine the round of the two bays you describe to the westward of Wilson's Promontory, and as you report not having seen any bottom to these extensive bays in passing across them, you will persevere in exploring them on all sides. In case either of these bays should turn out to be the entrance of a large river or deep

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* Note 22.

gulph, or that you should in the further prosecution of these instructions discover any considerable river or deep gulph, you are to navigate up the same as far as the brig or sloop can proceed with safety. But should it appear that those bays are not of any great depth, and when you have compleated their survey as far as weather and circumstances will allow of, you will steer S.S.E. $\frac{1}{2}$ E. from Cape Albany Otway, when you will fall in with the land seen by the Harbinger and Margaret, which appears to lie S.S.E. $\frac{1}{2}$ E. 14 or 15 leagues from the above cape. The coasts and extent of this land you will carefully explore, and endeavour to ascertain if it affords any shelter for ships or smaller vessels. You will also carefully survey the passage between it and Hunter's Island, lying off the north-west point of Van Dieman's Land. In case you completely perform this first part of your intended discoveries in such time that the remains of your provisions may allow the voyage being extended, you are in that case to proceed to King George the Third's Sound, in lat. $35^{\circ} 05'$ S., $118^{\circ} 17'$ east long'e; and as this place has been surveyed and described by Captain Vancouver, without losing any time you are to pursue the coast from King George the Third's Sound to Wilson's Promontory, in which you will endeavour to ascertain the true situation and survey of the coast within those points, keeping one general object in view—that of going to the head of every bay or river you may fall in with; and as it is the first object to make such a survey of the straits as to induce Government to publish it for the advancement of navigation in general, you will not fail pursuing every measure and advantage that may tend to this service being fully and satisfactorily completed, and on which alone must depend your being enabled to pay any attention to the latter part of these instructions. The season being so far advanced, you must use your own judgment whether you can with safety to the vessels persevere in completing this business during the following months. If you should find the weather continually bad, I would recommend your ascertaining the extent and exploring of the land seen by the Margaret and Harbinger, and also of the two bays to the westward of Wilson's Promontory, previous to your return to this port.

In performing this and all such future instructions as may be given, you will take particular care to examine with diligence and survey and place with as much accuracy as circumstances will permit, all such coasts, and lay down upon your chart all such soundings as you think likely to prove useful for the guidance of those who may navigate along those shores in future, and pay especial regard to the examination and accurate delineations of all such harbours as you may discover and judge to be com-

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modious for the reception of shipping, and also of such shoals and other dangers as you may from time to time meet with; to fix in all cases when in your power the positions both in latitude and longitude of remarkable headlands, bays, and harbours by astronomical observations; also to observe the variation of the needle and the right direction of and course of the tides and currents, and to record all such observations in your journal with the most minute exactness. When you discover any considerable river, you will navigate up the same as far as the Lady Nelson or Bee can proceed with safety, carefully planning the course and the banks of it, and noting the soundings as you proceed, and to land as often as you see reason to suppose that any considerable variation has taken place either in the productions of the soil, or the customs of the inhabitants, and to examine the country as far inland as you may think prudent to venture with the small number of persons who can be spared from the charge of the vessel, whenever there appears a probability of discovering anything useful to the commerce or manufacturies of Great Britain. You will note in your journal in all places when you land, either on the sea coasts or the banks of a river, your opinion of the comparative fertility of the soil, which may best be judged of by the size of the trees, and the degree of vigour with which trees, shrubs, and plants appear to you to grow, as also such articles of the produce of the soil and the manners of the inhabitants as you may deem worthy of notice; and in all places which appear to you of importance to Great Britain, either on account of the convenience of the shelter for shipping or the probable utility of the produce of the soil, you will take possession in His Majesty's name, with the consent of the inhabitants, if any, under a discharge of musquetry and artillery, and to record the whole proceedings at length, both in your log book and journal, and if uninhabited, to set up some proper description as first discoverer and possessor. And you are to plant such seeds of fruit trees and useful vegetables as you are supplied with near to such landing places as you may discover in which a safe and commodious anchorage and easy landing render it likely that ships hereafter may frequent, and where the soil appears most fertile and productive, and to collect in all places such seeds of trees, plants, shrubs, and grasses, as you may find in a state of maturity and judge to be worthy of notice, either for their beauty, their particularity, or their possible utility, and to collect such specimens of vegetables, animals, and minerals as you may think likely to prove interesting to naturalists at home.

And as I have judged it necessary to direct Mr. George Caley, employed in collecting for the Right Hon'ble President of the Royal Society, to embark on board the brig, you are to receive and victual him, giving him as good accommodation as the nature of the vessel will admit of; and you are not to fail assisting this collector as much as the nature of the service will admit, by sending him in boats to such places as appear likely to be productive of curiosities, and by sparing him men for his assistance, exclusive of a soldier who is always to attend him on shore; and you are to assist him in facilitating as much as possible all such researches as tend to procure a knowledge of the natural history of the country, the customs of the inhabitants, and the advantages of produce both to the commerce and manufactories of Great Britain. I have also allowed Mr. Lewin to embark on board the Bee, for the purpose of collecting, to whom you will also afford such occasional assistance as may be in your power.

Previous to your arrival in this port, on your return you are to demand from the officers and ship's company the journals or any other remarks, drawings, or sketches that may have been made during the voyage. These, together with your own original journals, in which your proceedings of all kinds have been minuted, and the plans, charts, drawings, and sketches you have made, tending to illustrate the hydrography, geography, or natural history of the country, all which journals and drawings are to be sealed up by you, to be delivered to me on your arrival in this harbour; and all such seeds of plants, trees, and shrubs, and specimens of animals, vegetables, and minerals, such articles of the dresses and arms of the natives as you shall think worthy the notice of His Majesty's Ministers or the Royal Society, to be transmitted by me to them. For all which this shall be your authority.

Given under my Hand, this 5th Day of March, 1801.

PHILIP GIDLEY KING.

In addition to the above order, you are to receive on board and victual Mr. Francis Barrallier, Ensign in the New South Wales Corps, and four privates as a guard, who are to be employed in any emergency, keeping watch with the ship's company, and of course are to be under your command. I presume it is unnecessary to caution you against their being ill-treated by any inferior officers, nor are they anyways to be punished without communicating with Ensign Barallier. And from the opinion I have that this officer will be of great help to you in delineating

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such lands, &c., as you may fall in with, and be assisting in your survey, you will employ that officer as may be most conducive to completing the service you are going on.

P.G.K.

[Enclosure No. 3.]

WARRANT OF APPOINTMENT TO LIEUTENANT GRANT.

Sydney, 1st January, 1801.

Appointment
of Lieutenant
Grant.

WHEREAS the Right Honorable the Lords Commissioners of the Admiralty have been pleased to appoint you lieutenant of His Majesty's armed vessel Supply, which has for some time past been condemned as unfit to proceed to sea, and taking into consideration your meritorious conduct in bringing His Majesty's armed vessel Lady Nelson, destined to explore these coasts, and your perseverance in being the first to pass through the straits that separates this country from Van Dieman's Land from the westward; and as you are directed to deliver the vessel up to me, and being directed by His Grace the Duke of Portland, one of His Majesty's Principal Secretaries of State, to employ the Lady Nelson in exploring the coasts of this country, as pointed out by His Grace's instructions to me; and as that vessel has hitherto been under the directions of the Honourable Commissioners for conducting the transport service until her arrival here, where the officers and crew are discharged, and paid the wages as agreed on by the said Transport Board and the said ship's company.

And as the said vessel is now discharged of her stores and ready for being re-equipped, I have judged it necessary to continue her in His Majesty's service for the more effectual prosecution of her intended discoveries.

You are hereby required and directed to repair on board the Lady Nelson armed surveying vessel, and take upon you the charge of lieutenant and commander in her accordingly, strictly charging and commanding all the officers and ship's company subordinate to you, to behave themselves jointly and severally with all due respect and obedience unto you, their said lieutenant and commander; and you likewise to execute the general printed instructions, and all such orders as you may from time to time receive from me or any other your superior officer, for which this shall be your authority.

Given under my hands, &c.

PHILIP GIDLEY KING.

[Enclosure No. 4.]

[*This was a copy of the letter to Secretary Nepean, dated 10th March, 1801.*]

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Separate B," per the brig Trimmer, *viâ* India; acknowledged by Lord Hobart, 30th January, 1802.)1801.
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Sydney, New South Wales,

My Lord Duke,

10th March, 1801.

With this I have the honor to enclose a statement of the provisions remaining in His Majesty's stores, with the quantities wanted, and an estimate thereon, and also the general statement of the inhabitants of this colony.

I have also the honor to enclose a voucher* for the purchase of some articles that it was necessary to procure from an American ship, the *Diana*, which touched here on her way to China; and as those articles were much wanted, I hope your Grace will approve of that purchase. Since then, it has been necessary to purchase a few necessary stores from the master of the Royal Admiral, which will amount to nearly the sum of £481 17s. 10d. sterling, for which payment has not yet been made, nor for † bushels of wheat, &c., purchased from individuals since last September, when I took the command. It amounts, by the Commissary's report, to £2,475 6s., making in the whole nearly £3,289 9s. 4d.

Purchase of
goods from
the *Diana*.

By the Commissary's report, £798 10s. worth of wheat, &c., has been paid into the stores, in liquidation of the debts due to the Crown by individuals, and £1,334 16s. worth remains due, which, I fear, it will not be in our power to collect this year, on account of the inundations that have lately happened.

Grain
received
into store.

Agreeable to my instructions, every article now issued from the stores to individuals for their own use is to be paid for, except what is issued to those labouring for the public, which greatly reduces the expenses of this colony. The little spirits that are purchased for the Crown is principally for the use of the constables and overseers, to whom a pint each week has always been given as an encouragement. Some is spared to settlers, at an advantage to the Crown, as well as tobacco, which the Commissary will particularly state in his yearly accounts when they are transmitted; and I hope, now that the whale fishery is established on this coast, and the advantages of the Straits, that your Grace will allow of the articles being sent out for sale to the inhabitants which I specified in my letters by Governor Hunter, and before I left England, which will not only be of service to the inhabitants, but will also greatly lessen the expences of the colony, which it is my constant study to do by every means in my power, and which I trust the papers sent by this conveyance will fully prove.

Issue of stores
and provisions.

I have, &c.,

PHILIP GIDLEY KING.

* Marginal note.—£332 5s. 6d. † Blank in original.

Since the last Statement Sepr. 28th 1800—436 Prisoners and Soldiers have been received by the Porpoise, Royal Admiral and Anne from England Ireland and the Cape of Good Hope. The Yearly saving made by that Statement of People struck off the Stores, (since July 1800) amounted to £10,488 at £23 each full Ration pr. Ann.

Since then, 485 full Rations, have been struck off the Stores, being assigned to Settlers etc. Out of their times, and Labouring for their own Maintenance, which at the reduced Rate of £15 each full Ration, (owing to the price of Wheat being reduced and knowing the value of the Cloathing) makes a further saving of £7,275; making together, (at £15 each full Ration,) a saving of £14,115 pr. Ann: in the article of Cloathing and Provisions for 941 full Rations Struck off the Stores *since July 1800.*

It must be observed, that in the within Statement, Salt Provision is demanded in Pork for 17 Months, and the Calculation for Grain and Sugar is for Nine Months, to complete this Year: Therefore, the within cannot be considered, as the Estimate for the whole Year's expence, for the Numbers now Victualled, which will stand thus, for One Year, in the Article of Provisions alone, and not including Cloathing.—

	Vizt.	£	s.	d.
Full Rations now Issued from the Stores	2348			
Value of each full Ration Pr. Ann: £12 : 9 : 9 for the above Nos.		29,346	16	3
Deduct for Grain, raised by Government Servants (which it is expected will be increased next Year) 6,000 Bushels of Wheat at 8/ Pr Bushel		2,640	0	0
Yearly Estimate as we now stand, for Provisions exclusive of Cloathing and Stores		26,706	16	3
		£	s.	d.
Value of Salt Provisions demanded to be sent from England Pr Ann: is		16,279	5	4
Probable sum for Grain and Sugar Purchased in the Colony		10,427	10	11
Debts due to Government left unpaid in Mr. Williamson's time		2,133	6	0
Received in Store on above Account 1,081 Bus: @ 10/ Pr. Bushel £540 : 10	}	798	10	0
Sundries paid by Boston and Ellis £258				
		1,334	16	0
Debts contracted since the 23rd Septr. 1800 to the 10th March 1801		1,592	5	1
Received in Store on this Account 1,553 Bushels at 8/- Will take to pay this ballance 2,428 Bus: Wheat at 8/-		621	1	0
		971	4	0

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[Enclosure No. 2.]

GENERAL STATEMENT of His Majesty's Settlement in New South
Wales, 10th March, 1801.

Civil Department.

1 Governor, 1 Acting-Lieut.-Governor and Lieut.-Colonel N.S.W. Corps, 1 Acting Deputy Judge-Advocate and Registrar V.A. Court 1 Surveyor of Lands, 1 Commissary, 1 Principal Surgeon, 1 Deputy Provost-Marshal, 1 Secretary to the Governor and Lieutenant N.S.W. Corps, 1 Chaplain (absent on leave in England), 2 Assistant Surgeons, 1 Deputy Surveyor, 2 Deputy Commissaries (1 absent on leave in England), 14 superintendants, 2 storekeepers and 2 Frenchmen, 11 women, children above ten years, 6 children above two years, 3 children under two years.

Military Department.

Colonel (absent on His Majesty's leave in England), Lieut.-Colonel (Acting Lieutenant-Governor), 3 Captains, 4 Lieutenants, 5 Ensigns, 1 Adjutant, 1 Quartermaster, 1 Paymaster, 1 Surgeon, Surgeon Mates, 21 serjeants, 14 drummers, 439 privates, 108 women, children under ten years old, 127 children above two years old, 64 children under two years old.

Vice-Admiralty Court.

Judge, Acting Lieut.-Governor, Registrar (*see* Judge-Advocate), Marshal, and Serjeant at Mace.

People not Victualled from ye Stores.

1,725 men, 608 women, 403 children—2,736, number not victualled from the stores; 2,309, number full rations not victualled from the stores.

Convicts Victualled from the Stores.

1,156 men, including 45 settlers and freemen; 275 women, including 56 freewomen and settlers' wives; children above ten years, 265 children above two years, 88 children under two years.

Loyal Association Victualled.

50 Sydney; 40 Parramatta.

Number Victualled at the different rations.

1,832 whole, 394 two-thirds, 398 half, 155 quarter, 4 natives victualled from the public stores; 2,799, number victualled from the public stores; 2,348, whole number at full rations; 5,515, number of souls in the settlement.

Settlers.

387 men; 14 women.

Week's Provisions in the Stores at the established Rations.

1 wheat and maize as flour, 12 weeks in stacks, belonging to Government; 9 weeks 3 days beef; 18 weeks 4 days pork; sugar.

STATE of the Settlement on Norfolk Island, 13th March, 1801.

Civil Department.

1 Acting Lieutenant Governor, 1 Deputy Judge-Advocate, 1 Acting Deputy Commissary and Storekeeper, 1 Acting Principal Surgeon,

1 Deputy Provost-Marshal, 3 superintendants, 1 master carpenter, 1 beach-master, 2 children under ten years of age, 6 children above two years.

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Military Department.

4 Ensigns, 4 serjeants, 4 corporals, 2 drums, 88 privates, 5 women, 6 children above two years of age, 4 children under two years of age.

People not Victualled from the Public Stores.

182 men, 62 women, 4 children above ten years of age, 44 children above two years of age, 16 children under two years of age.

Free People.

8 men, 5 women, 3 children above ten years of age, 5 children above two years, 4 children under two years of age.

Settlers.

7 free people, 12 convicts.

Emancipated.

8 men, 6 women.

Convicts.

201 men, 86 women, 17 children above ten years of age, 126 children above two years of age, 30 children under two years of age.

Numbers on the different Rations.

348 whole, 124 two-thirds, 143 half, 38 quarter. 653 numbers victualled from the public stores; 512 whole number at full rations; 961 number in the settlement.

Weeks Provisions at Established Rations now in the Stores.

4 wheat as flour, 14 pork, 4½ beef.

WILLIAM BROUGHTON,
Acting Deputy Commissary.

[Enclosure No. 3.]

PAPERS RELATING TO PURCHASE OF ARTICLES FROM THE SHIP
DIANA.

Purchase of
stores from
the Diana.

Orders to Commissary Palmer.

By etc. etc.

MR. JARED GARDNER, Master of the American Ship Diana having some Salt Beef, about 70 Gallons of Rum, some Tobacco, Three Barrels of Tar, and a quantity of Iron Pots to dispose of and the Colony being in great want thereof, as well for the Public use, as to Issue to Individuals, You will make the most reasonable Terms you can for the Purchase of the same, delivering me a Statement thereof, before you make the bargain. For which this shall be your Order.

Given etc. this 28th November 1800.

PHILIP GIDLEY KING.

By etc. etc.

You are hereby required and directed to draw a Sett of Bills on the Right Honble the Lords Commissioners of His Majesty's

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Purchase of
stores from
the Diana.

Treasury at 90 Days Sight for the Sum of Three Hundred and Thirty two Pounds Five Shillings and Sixpence Farthing in favor of Jared Gardner being Payment for several Articles purchased from the American Ship Diana, and transmit by this or the earliest opportunity full Vouchers for the same agreeable to your Instructions from the Lords Commissioners of His Majesty's Treasury delivering me Two Sets thereof. For which this shall be your Order.

Given etc. this 29th Novr. 1800.

PHILIP GIDLEY KING.

Account and Receipt.

Sydney, New South Wales, Nov. 29th, 1800.

Mr. John Palmer

Commissary to His Majesty's Territory of New South Wales.

Dr. To Mr. Jared Gardner

Master of the Ship Diana for the undermentioned Provisions and Stores.

			£	s.	d.
To	32 Barrels Beef	200 lb. ea. at	£3 12 0	Pr. Bar.	... 115 4 0
	74 gallons Rum		5 9	Pr. Gall.	... 21 5 6
	2450 lbs. Tobacco		9½	Pr. lb. ...	... 94 8 6¼
	3 Barrels Tar		42/-	Pr. Bar.	... 6 6 0
	7 Large Kettles	at 76 lb. ea	530 lbs		
	27 Setts	Do at 48	,, ,, 1296	,,	
	16 Do	Do at 26	,, ,, 416	,,	
	38 Do	Do at 20	,, ,, 760	,,	
	30 Do	Do at 13	,, ,, 390	,,	
	4 Large Pots	at 42	,, ,, 168	,,	
	3 Sets	Do at 21	,, ,, 63	,,	
			3623 lbs at 6d. per lb.	...	90 11 6
	5 Large Baking Pans		at 18/- each	...	4 10 0
					<hr/> 332 5 6¼ <hr/>

Received this Twenty ninth day of November One Thousand Eight Hundred of Mr. John Palmer Commissary One Set of Bills of Exchange on the Right Honble. the Lords Commissioners of His Majesty's Treasury at Ninety Days Sight for the Sum of £332 5s. 6¼d. Sterling at Par. being Payment for the above Provisions and Stores.

For which I have Signed Five Receipts of this Tenor and Date.

JARED GARDNER.

It is hereby Certified that the above Purchases appear to have been made on the most Moderate Terms.

W. BALMAIN.

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Military No. 2," per brig Trimmer, *viâ* India; acknowledged by Lord Hobart, 30th January, 1802.)

Sydney, New South Wales,

My Lord Duke,

10th March, 1801.

1801.
10 March.

1. I have the honor to enclose Lieut. Col. Paterson's return of the New South Wales Corps, and beg leave to refer your Grace for further particulars to the duplicate of my letter by Governor Hunter, sent herewith. Return of
N.S.W. Corps.

2. From the scarcity of officers to perform the common duty, I have been under the necessity of appointing Lieutenants Piper and McKellar to the local rank of captains, and to enable Ensigns Barrallier and Anderson to sit at Criminal Courts and General Courts-Martial, I have given them acting commissions as ensigns untill His Majesty's pleasure is known. The former is acting in a death vacancy,* and I respectfully hope may obtain that appointment. They are both deserving young men. Promotions
in the
regiment.

3. The battery on the west side of Sydney Cove has been reconstructed, and is now capable of annoying any vessels with effect. A battery is also in forwardness opposite the entrance of the harbour, which will compleatly prevent any attack from without, and our exertions must soon be turned to securing ourselves from any attempt by the troublesome Irish Republicans, of which so many have lately arrived here, and there being no internal defence whatever. As these works have and will continue to be constructed under the direction and superintendance of Captain Abbott, of the New South Wales Corps, I hope your Grace will be pleased to confirm my appointment of him, as stated in the duplicate of my letter by Governor Hunter, sent herewith, he being very zealous and active in constructing those works, and no other public expence attending them than the convicts' labour. Condition of
the defences
of the
settlement.

4. I have pleasure in noticing the general and regular behaviour of the New South Wales Corps

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure.]

[A copy of the return of the New South Wales Corps has not yet been found.]

ACTING-GOVERNOR KING TO UNDER SECRETARY KING.

(Per brig Trimmer, *viâ* India; acknowledged by Under Secretary Sullivan, 4th February, 1802.)

Dear Sir,

Sydney, New South Wales, 10th March.

By the round of India I have the opportunity of sending my dispatches, altho' I have my doubts whether a quicker conveyance may not offer.

* Note 23.

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Expenses of
the colony.

By my letter to the Duke of Portland you will observe that I have endeavoured to make the clearest possible calculation of the unavoidable expences of this colony, and I hope you will allow that much has been done in reducing these expences. I do not despair of doing it still more so, notwithstanding the many hindrances daily thrown, or attempted to be thrown, in my way. It will be absolutely necessary to send salt meat out, and that as soon as possible, otherwise I fear for the cattle, which every policy requires should be very sparingly touched for some time to come, as we are in a fair way of getting as independent in three or four years for animal food as I hope we shall continue for grain, altho' the knowing ones here predict a want of [that] article from the restrictive laid on spirits.

Opposition of
the traders
in spirits.

A dealer, or rather the agent of a dealer, is gone to England with an intention of prosecuting me for ordering about two hundred gallons of liquor to be staved,* he having, in disobedience of orders, purchased some convicts salt provisions just as it was received from the stores, for spirits, the actual consequence of which was that the convict must either rob, or do worse, to maintain himself for the remainder of the week. The master of an American ship† has wrote home to his owners to cause a complaint to be made that I would not suffer him to land 13,000 gallons of spirits. In fact, I have so many things of this kind to contend with, that I must be callous to them until the ends which so loudly call for a check are got under, and I hope not to be deceived in the support I expect from His Majesty's Ministers; for that I cannot look to any person here except Col. Paterson, whose exertions I place much confidence in.

Losses by
floods.

It has been impossible for me to detail the losses of individuals from the floods that have so often happened here during the last four months. Many are ruined, and much grain and stock totally destroyed.

The Irish
Republicans.

If many more of the Irish Republicans are sent out here I do not know what will be the consequences. I shall do my utmost to prevent any bad ones; but they certainly are not a proper description to people an infant colony with. They have hitherto kept us in a constant state of suspicion.

Arrival of
botanist
Gordon.

By the Anne I received a letter from you respecting a young man sent out here as a botanist, named Gordon. It appears that he is employed by a Mr. Woodford, who has neglected to send me any directions respecting supplying this man with £8 per month, which he informs him in his letter and his agreement that he has done. The man is victualled from the store, and I have given him assistance.

I hope the contract for the cattle from India will be thought

advantageous when it is considered how much less they will cost than those formerly brought here, and I will answer for it that they will come at least £50 a head cheaper than any brought here by a king's ship. The asses we want much as a breed.

I wished much to strike the ration of sugar off, but found it unadvisable in our present state. The ration of all species is as directed by the Treasury order. Unless any advantage should be considered in my drawing such bills as are wanted, I can see no objection, but as the Commissary cannot draw any but by my order, if that part of my duty can be spared I should be glad, as I have much, very much, to attend to, and in fact ought never to be off my legs, but constantly overseeing all descriptions. I hope the business of getting my letter ready will excuse my writing a longer letter. With every wish for your health and happiness.

I am, &c.,

PHILIP GIDLEY KING.

P.S.—The person I have appointed to act as Judge-Advocate, in the room of Mr. Dore, deceased, is a Mr. Atkins, who you have heard much about. His history, Mr. Manton (who will apply for his confirmation) will inform you of. He is brother to Sir George and General Bengier—in fact he is the only man in the colony equal to the business, of which he acquits himself very well, and I hope will continue to do so, altho' I am sorry to say he is sometimes addicted to the bottle; but he has made very fair promises, and I dare say will attend to them as far as *he can*. It is doubtful to me if a fitter man can be sent from England for the present salary.

1801.
10 March.

The drawing
of bills.

Judge-Advocate
Atkins.

ACTING-GOVERNOR KING TO SECRETARY NEPEAN.

(Per brig Trimmer, *via* India; acknowledged by Secretary Nepean, 5th May, 1802.)

Dear Sir, Sydney, New South Wales, 10th March, 1801.

By His Majesty's Armed Vessel Porpoise, which Arrived the 6th November last, I had the Honor of Receiving a Commission from their Lordships appointing me Captain of His Majesty's Armed Vessel Reliance, and as Governor Hunter had some time ago ordered that Ship to England, and having taken the Buffalo home with him, I judged it necessary, for the furtherance of His Majesty's Service, to Appoint myself Captain of His Majesty's Armed Vessel Porpoise; and as the Duties of my Office as Governor requires my general Attendance on Shore, I gave Mr. Scott, who brought the Porpoise out, an Order to Act as Lieutenant and Commander in my Absence, but without any wish on his part of being Confirmed as such, he being an old Master in the Navy.

King's naval
appointments.

It was my intention not to increase the Complement of the

1801.
10 March.

The
complement
of H.M.S.
Porpoise.

Porpoise, but since her return from Norfolk Island, Mr. Scott having represented the necessity of such an Augmentation, I have taken it on myself to make the Arrangement Contained in the Enclosures, which I hope will meet their Lordships' Approbation, as it is now far short of any Armed Vessel that has hitherto been on this station.

Arrival of the
Lady Nelson.

3. The Lady Nelson Armed Surveying Vessel Arrived here the 16th last December, Lieut. Grant had (agreable to the Directions he received from His Grace the Duke of Portland) Passed thro' Basses Straits which Separates New Holland from Van Dieman's Land. As his Provisions and Water did not allow of his remaining any time to Explore those Straits, he only Passed thro', and was thereby prevented from Ascertaining some Points that would have been Satisfactory—[*The remainder of paragraph 3 and paragraph 4 were replicas of the second and third paragraphs respectively of the despatch to the Duke of Portland, dated 10th March, 1801, and marked "Separate A."*]

Floods at the
Hawkesbury.

5. Owing to the most unheard of Weather in this Country, we have had Three Inundations at the Hawkesbury within the last Four Months which has Deprived us of a Sufficiency of Grain for this Year, on which Account it will be necessary to Despatch the Porpoise, when she returns from Norfolk Island to Madras by way of Basses Straits for as much Rice as she can Stow which will not be more than 100 Tons. In Consequence of Gov. Hunter having ordered the Reliance to England, and taking the Buffalo home with him, I hope their Lordships will judge proper to order one of those or a Similar Ship to this Colony, as we feel the want of another Vessel very much. And I would Respectfully propose that she might be sent out on the same Establishment as the Porpoise was, with Respect to Officers, except being Commanded by a Lieutenant instead of a Master, and having the same Complement of Petty and Able as that Vessel now has.

I am etc.,

PHILIP GIDLEY KING.

[Enclosure A.*]

King's warrant
as commander
H.M.S.
Porpoise.

WARRANT TO P. G. KING AS COMMANDER H.M.S. PORPOISE.

BY Captain Philip Gidley King, Captain-General and Governor in Chief, in and over His Majesty's Territory of New South Wales and its Dependencies etc. etc. etc.

HAVING received a Commission from the Right Honorable the Lords Commissioners of the Admiralty, dated the 6th February, 1800,† Appointing Me Captain of His Majesty's Arm'd Vessel Reliance; and as that Vessel, as well as His Majesty's Arm'd

Vessel Buffalo, are gone to England, and the good of His Majesty's Service requiring that I shou'd appoint myself captain of His Majesty's Arm'd Vessel Porpoise :

I do therefore take upon Myself the charge and Command of Captain in her accordingly, strictly charging and commanding all the Officers and Company of the Said Arm'd Vessel to behave themselves jointly and severally in their respective Employments with all due respect and obedience unto Me, their said Captain, holding Myself accountable to observe and execute the General printed instructions, and such Orders and directions as I may from time to time receive from the Right Honorable the Lords Commissioners of the Admiralty, or any other My Superior Officers for His Majesty's Service.

Given under My Hand, &c., 6th Day of November, 1800.

PHILIP GIDLEY KING.

[Enclosure B.*]

WARRANT TO WILLIAM SCOTT AS LIEUTENANT COMMANDING
H.M.S. PORPOISE.

By etc. etc. etc.

WHEREAS it is Necessary for the furtherance of His Majesty's Service in this Colony, that the Second in Command on Board this Ship shou'd have Rank as a Lieutenant in His Majesty's Navy in this Colony, And that the same may be of no prejudice to your future prospects as a master in His Majesty's Navy :

You are therefore hereby requir'd and directed to take upon you the charge of Lieutenant and Commander, in My absence, of His Majesty's Arm'd Vessel Porpoise, strictly charging and commanding all the Officers and Company of the said Ship to behave themselves jointly and severally in their respective Stations, with all due respect and obedience unto you, their said Lieutenant and Commander; And you also to follow such Orders and directions as you may from time to time receive from Me, or Any other Your Superior Officer, for which this shall be your Authority.

Given under my hand, on board His Majesty's Arm'd Vessel Porpoise in Sydney Cove New So' Wales this 6th Day of November, 1800.

PHILIP GIDLEY KING.

[Enclosure C.*]

WARRANT ENTERING GOVERNOR KING ON THE BOOKS OF
H.M.S. PORPOISE.

By etc. etc. etc.

HAVING receiv'd a Commission from the Right Honorable the Lords Commissioners of the Admiralty appoint'g me Captain of His Majestys Armed Vessel Reliance and that Vessel being gone

1801.
10 March.

King's warrant
as commander
H.M.S.
Porpoise.

Warrant to
Wm. Scott
as lieutenant
commanding
H.M.S.
Porpoise.

1801.
10 March.
Orders to
acting
Lieutenant
Scott.

to England and no other Kings Ship in this Country And having judg'd it necessary for the furtherance of His Majestys Service to appoint myself Captain of His Majestys Arm'd Vessel Porpoise. And as I have also judg'd it necessary that the Officer commanding that Vessel under me should have the rank of Lieutenant in this Colony and having appointed you to act as Lieutenant and Commander of His Majestys Armed Vessel Porpoise (during the time you remain in this Colony only) to enable you to carry on the Command of that Vessel with greater efficacy in my Absence.

You are therefore hereby requir'd and directed to cause my Name to be entered on the Porpoise's Books as Captain from the Day of the date hereof. And as my Duty as Governor requires my general attendance on shore, You are to check me for provisions except at such times as the Service requires my being on board for all which this shall be your Authority.

Given under my Hand on board His Majestys Armed Vessel Porpoise Sydney Cove New So. Wales this 6th Day of November 1800.

PHILIP GIDLEY KING.

To

Mr. Wm. Scott Master in the Royal Navy appointed to Act as Lieut. and Commander of His Majesty's Armed Vessel Porpoise.

[Enclosure D.*]

Establishment
of the
Lady Nelson.

ESTABLISHMENT of H.M. Armed Surveying Brig Lady Nelson.

Vizt.

Lieutenant and Commander	1
First Mate	1
Second Mate	1
Boats'ns Mate	1
Carprs Do	1
Gunners Do	1
Clerk	1
Able and Ordrs	8
Boys of ye 2nd Class	2

—
17
—

[Enclosure E.*]

ESTABLISHMENT OF H.M.S. PORPOISE.

Establishment
of H.M.S.
Porpoise.

In Consequence of an Admiralty Commission being received by me to Command His Majesty's Armed Vessel Reliance: That Ship and the Buffalo having returned to England by Governor Hunter's Orders and there being no other Kings Ship on the

Station I have therefore judged it expedient for His Majesty's Service to Appoint myself Captain of His Majesty's Armed Vessel Porpoise and have given Mr. Willm. Scott order to Act as Lieutenant and Commander of that Vessel in my Absence on the Duties of the Colony and in Consequence of Mr. Scott's Representation hereunto Annexed I have judged it expedient to Order him to increase her Complement as follows until Directions are Received thereon from the Right Honble the Lords Commissioners of the Admiralty.

(Vizt.) 1 Captain

1 Master, Acting as Lieut. and Commander in the Absence of the Captain while the Vessel remains on this Station.

1 Chief Mate, Acting as Master—recommended to retain the pay, fixed by the Navy Board. £5 Pr. Month.

1 Second Do.—Acting as Masters Mate, recommended as above, pay fixed by the Navy Board £4 Pr. Month.

1 Surgeon 6th Rate

2 Midshipmen "

1 Boatswain "

1 Gunner "

1 Carpenter "

2 Quarter Masters "

1 Do Mate "

1 Boatswains Do "

1 Sail Makers Do "

1 Carpenters Do "

1 Armourers Do "

1 Gunners Do "

1 Quarter Gunner "

1 Corporal "

1 Cook "

1 Clerk "

34 Able, Ordinary and Landsmen

1 Boy 1st } Class

1 Boy 2nd } Class

2 Boys 3rd } Class

—
60
—

N.B.—The Compensation for Commiss'd and Warrant Officers' Servants submitted to their Lordships pleasure.

Warrants dated the 10th Feby. 1801 given to the Acting Master, Boatswain, Gunner and Carpenter.

[Enclosure F.*]

WM. SCOTT TO ACTING-GOVERNOR KING.

Porpoise, Sydney Cove, New South Wales,

Sir, 9th Februy, 1801.

I beg leave to represent to you that during the time the Porpoise was off Norfolk Island discharging one Cargo and receiving another, which for the Welfare of His Majesty's Ship

* Note 26.

1801.
10 March.
Establishment
of H.M.S.
Porpoise.

1801.
10 March.
—
The
complement
of H.M.S.
Porpoise.

I judged prudent to do under Sail, there being no safe Anchorage about that Island; being obliged to perform this Service under Sail I found the Complement of Officers and Men allowed by her original Establishment inadequate to perform the necessary Duty of the Ship, being necessitated to work to Windward Night and Day under Moderate Sail, and to Employ all Hands during Day, Delivering and receiving Cargoes. Finding I had not Men sufficient to perform the duty required I made Application to the Acting Lieut: Governor, Major Foveaux to furnish the Ship with such Free Men as he could Recommend from Norfolk Island to assist in the execution of the duty she had to perform. The Major seeing the necessity of such Aid, sent on board the Men named in the Margin* which have remained on board since.

As the Porpoise is now refitting to proceed off Norfolk Island on Similar Service I beg leave to submit to your Consideration the propriety of adding those Men to the Original Compliment of the Ship on the day they were first sent on board, as well as to authorize me to Appoint a 3rd Mate at £3 Pr Month, a Clerk at the pay of a 6th rate, there being at present none allowed, and to grant Warrants to the Boatswain, Gunner, Carpenter, and Sail Maker, I presume you will consider it probable that those being very deserving and Capable Men will be more Attached to His Majesty's Service and the welfare of the Porpoise when in Possession of Warrants than at present, and as the nature of the Service on which she has, and no doubt will continue to be employed renders it absolutely necessary, I should have such Officers as I can place full Confidence in, I have no doubt but you will judge my Application founded on propriety.

I have etc.,

WM. SCOTT.

[Enclosure G.†]

By etc. etc.

The
complement
of H.M.S.
Porpoise.

In Consequence of your representation by Letter of Yesterdays Date respecting the insufficiency of the Complement of His Majesty's Armed Vessel Porpoise, to Perform the Duties which are allotted to that Vessel; That you wish to have another Officer, who you can depend on as a Third Officer and that you are of opinion; If the present Boatswain, Gunner, and Carpenters Mates were provided with Warrants that His Majesty's Service would be much benefited thereby.

Having maturely considered the necessity of making a small Addition to her present Complement and to place her nearly on the Establishment of His Majesty's Armed Vessels that have

* The margin is blank. † Note 26.

hitherto been on this Station, You are hereby required, and Directed to Conform to the Establishment annexed to this Order, and to deliver the enclosed Acting Warrant to the Chief Mate as Master, and the Acting Warrants to the Boatswain, Gunner, and Carpenter, For all which this shall be your Authority.

1801.
10 March.

Given etc. this 10th Day Feby. 1801.

PHILIP GIDLEY KING.

To

Mr. William Scott, Master in His Majesty's
Navy; Acting as Lieut. and Commander }
of His Mais. Armed Vessel Porpoise in the }
Absence of the Captain.

[Enclosure H.*]

ESTABLISHMENT of His Majesty's Armed Vessel Porpoise as fixed Establishment
of H.M.S.
Porpoise.
on by the Honorable Commissioners and Principal Officers
of His Majesty's Navy, to bring that Vessel to this Colony.

(Vizt.)	1 Master		1st Rates pay
	1 Chief Mate		£5
	1 Second Do		£4
	1 Surgeon		—
	1 Boatswain's	Mate	6th Rate
	1 Gunner's	Do	Do
	1 Carpenter's	Do	Do
	1 Quartermaster's	Do	Do
	1 Armourer's	Do	Do
	1 Sail Maker's	Do	Do
	1 Cook		—
	1 Boy		3rd Class
	34 Able or Ordinary		—

[Enclosure I.*]

By etc. etc.

You are hereby directed to Discharge by Pay list from the Books of His Majesty's Armed Vessel Porpoise, Mr. John Murray Second Mate, at his own request, to enable him to serve in His Majesty's Armed Surveying Vessel Lady Nelson, For which this shall be your Authority. Transfer of
John Murray
to the
Lady Nelson.

Given etc. 10th Feby. 1801.

To

Mr. Wm. Scott Acting as Lieutenant and Commander of His Majesty's Armed Vessel Porpoise in the Absence of the Captain.

[Enclosure J.*]

LIEUTENANT GRANT TO ACTING-GOVERNOR KING.

H.M. Armed Survey Brig Lady Nelson,

Sir, Feby. 17th, 1801, Sydney Cove, N. S. Wales.

As my Accounts of Deliveries, Receipts and Expenditure are now delivered in—And you was pleased to inform me that

1801.
 10 March.
 The salary of
 Lieutenant
 Grant.

you would suffer me to draw for the Pay due to me, from the Honorable Commissioners of the Transport Board For the Conducting of the Lady Nelson from England here; and which Pay was to Commence from the date of my Discharge from H.M. Ship Queen Charlotte in order to take upon me the Command of the Lady Nelson, which took place on the 19th day of Octr. 1799 the above Document bearing Date the 18th Octr. 1799, I now solicit that Indulgence. But no stated Agreement having ever taken place between the Honorable Gentlemen of the above Board and me, further than a Verbal understanding, which if I mistake not Amounted to the Sum of Ten Pounds Sterlg per Calendar Month or otherwise the Pay of a Master of a First Rate which however not being notified by them—it would be Arrogance in me to point out any particular Gratuity for Such Service.

I therefore leave it to your Judgment to determine what Sum I am at liberty to draw for, and what form you would wish to have the Bills Drawn, fully trusting that the Success which has attended my Endeavours the size and Construction of the Vessel—the nature of the Service which I have already performed—will in some Measure entitle me to your Excellency's Indulgence and Protection.

I have etc.,

JAS. GRANT.

[Enclosure K.*]

ACTING-GOVERNOR KING TO LIEUTENANT GRANT.

Sir,

Sydney, Feby. 17th, 1801.

In answer to yours of this Date, respecting your being paid for the time you have Served on board the Lady Nelson, viz. from the 18th October 1799 (when you were Discharged from the Queen Charlotte) until the 1st Jany. 1801 when that Vessels Crew received Payment here, by Bills drawn by you on the Honorable Commissioners of the Transport Board; I can see no objection myself to your taking the same Step for such Wages as may be due to you; and which I can have no objection to your doing, but I should suppose the safest way, will be, for you to draw for the pay of a Master of a First Rate, for which there are two Precedents in this Colony, respecting the Masters† who brought out the Porpoise and the Buffalo—The Ordinary Modes of Drawing Bills is what I would recommend to you and to give the Secretary a particular Letter of Advice Specifying your Reasons for having so done.

I have etc.,

PHILIP GIDLEY KING.

[Enclosures.]

[Copies of enclosures 1 to 3, see pages 60-66 of the despatch to the Duke of Portland dated 10th March, 1801, were also sent as enclosures to this despatch.]

* Note 26. † Note 28.

ACTING-GOVERNOR KING TO THE TRANSPORT COMMISSIONERS.

1801.
10 March.

(Despatch per the brig Trimmer, *viâ* India; acknowledged by the Commissioners, 31st December, 1801.)

Gentlemen, Sydney, New So. Wales, March 10th, 1801.

By the Royal Admiral which arrived 21st November I received your Letters of 1st April and 9th May 1800 with their several inclosures, also the Public Stores and Provisions were received according to the Bills of Lading; The Commissary's Receipts for which, together with those that came by the Porpoise and Ann Transport, I have transmitted to His Majesty's Principal Secretary of State for the Home Department, The Deficiency of Convicts Mr. Wilson accounts for by their having died of a fever, I cannot but in Justice to Mr. Wilson, observe that the appearance of the rest (altho' still in a very weak and Crippled state) sufficiently testifies the great attention he must have paid to prevent any further mortality among them; His Conduct here has been extremely proper and conformable to the tenor of his Charter party: The Cargo was all delivered before the allowed time expired; As the Surgeon died on the Voyage, I take no further notice of your enclosure on that point.

Despatches per
Royal Admiral.

Convicts per
Royal Admiral.

By the Lady Nelson, which arrived here the 16th Decr. I received the Articles specified in Lieut. Grants reports and receipts, which I have directed him to forward to your Honble Board by this Conveyance—Among the papers I received from your Honble. Board by the Royal Admiral respecting the Lady Nelson, I found the agreement made by Lieut. Grant on your part and the People that brought that Vessel out. In consequence of that agreement and the Sums therein stated, I directed Lieut. Grant to pay them off; the best mode of doing which I considered was by his drawing separate Bills approved by me for each man's Wages, on your Honble Board, and the payment witnessed by two Magistrates; I have directed Lieut. Grant, to transmit an original voucher by this Conveyance for your Information.

Payment of
crew of
Lady Nelson.

Altho' the Rate of Wages to the Officers and Men has been provided for; Yet, there does not appear to have been any notice taken of Lieut. Grant and as his Want of Money has been urgent since his arrival here, I have been at a loss how to remunerate him for his services in bringing that Vessel to this port, to the period when he discharged his Crew; As I could only act from the precedent afforded by the Navy Board's arrangements respecting the Masters who brought the Porpoise and Buffalo to the Colony, I have recommended him to draw on your Honble Board for the Amount of a Similar Payment *i.e.* Six pounds a Month, which I take will be that thought that Officers due.

Salary of
Lieutenant
Grant.

1801.
10 March.
The passage of
Bass' Strait.

Lieut. Grant on his way here passed thro' Basses Straits, his directions and a rough Sketch of his rout as well as two other Vessels* that have passed through since I have transmitted to the Secretary of State, And recommended its being communicated to your Honble Board for the Information of Vessels that may be taken up to come to this Colony, When the advantage of passing thro' this *safe passage*, instead of rounding the South Cape, must be very great in tear and time as well as dispatch.

The crew of the
Lady Nelson.

As I had no directions how to Officer or Man the Lady Nelson for the further prosecution of her intended discoveries, and not considering myself at liberty to continue the high Wages paid for bringing her out; And understanding that Lieut. Grant was under no obligation to continue in the Command of her (having a Commission for the Supply which has long since been lying here a condemned Hulk) And as there is no other person I could entrust her with, at my request he very readily kept the Command: And, as only Two of those who came out in her Ask to re-enter for the Pay given in the Navy, I found myself under the necessity of granting Conditional Emancipations to some well behaved Seamen among the Convicts who have been here a number of Years (to enable them to serve on board her and receive the Navy pay: As I have made a similar report to the Secretary of State and Admiralty, I hope to be informed by the first Vessels whether that Vessel is to be considered on the Establishment of the Navy, Transport Board or Colonial.

Mutiny on
the transport
Anne.

The Anne Transport arrived from Cork the 16th Ulto. On the passage an Attempt was made by the Irish Convicts to Murder the Master and Officers and posses themselves of the Ship. Fortunately the Master was rescued, after being obliged to fire on the Convicts who had him in their possession, and the Insurgents were overcome. It appears that the Master and Officers found it necessary to hang one of the principal Ring Leaders and to shoot another in the affray; For which the Master and the Chief Mate have been tried by a Vice-Admiralty Court, and been most honorably acquitted, The Proceedings of that Court are transmitted by this Conveyance to the Judge of the Admiralty Court.

Restricted
importation
of spirits.

I am sorry to say, that notwithstanding the Care you have taken, in the Charter Parties, respecting No Spirits being landed without the Governors permission: Yet, no Ship coming from England, or Ireland, ever brings less than 8,000 Gallons of Spirits; I have requested the Secretary of State to cause all Masters of Ships, being prohibited from bringing more than 500 Gallons: Under the restrictions contained in the Port Orders of which I inclose a Copy, and should be obliged to you to cause

its being shewed to every Master of a Vessel, taken up for this place; That they may not plead ignorance of a duty it is so much their Interest to be ignorant of: This being the only means to check this alarming evil.

1801.
10 March.
—
Restricted
importation
of spirits.

I have enclosed a copy of the Musters taken on board the Royal Admiral and Anne Transport, on their Arrival and

I have, etc.,

PHILIP GIDLEY KING.

[Enclosures.]

[A copy of the Port Orders was also forwarded as Enclosure No. 3 to the despatch marked "Separate D" of Lieutenant-Governor King to the Duke of Portland, dated 18th September, 1800; copies of the musters on the transports Anne and Royal Admiral have not yet been found.]

ACTING-GOVERNOR KING TO THE COMMISSIONERS OF THE NAVY.

(Despatch per the brig Trimmer, *viâ* India.)

Gentlemen, Sydney, March 10, 1801.

His Majesty's Armed Vessel Porpoise (which is now at Norfolk Island) arrived here 9th Novr. last. By that Ship the Articles put on board her were received, but in very bad condition, from the great length of time they had been on board*: By that Ship I received a Commission from the Admiralty Appointg. me Capt. of H.M.A.V. Reliance, That Ship and the Buffalo being both gone to England, I took it upon me to Appoint myself Captain of the Porpoise, And Mr. Scott, I appointed to act as Lieutenant and Commander of that Vessel in my absence, while she remains on this Station; but it is necessary I should inform your Honble Board, That my reason for giving and his for accepting that appointment, was the additional respectability it gave him with the Ships Company, on this particular Station, where no recourse can be had to Courts Martial. He therefore remains in point of pay and situation as a Master in the Navy according to your Appointment: Since his return from Norfolk Island, he has found the Complement insufficient and on his representation, I have Caused the Establishment of that Vessel to be increased to 60, Until I receive further directions: Documents of all which are transmitted to the Admiralty by this Conveyance.

Arrival of
H.M.S.
Porpoise.

Appointment
of Lieutenant
Scott.

Increase of the
establishment
of H.M.S.
Porpoise.

By the Royal Admiral Transport, I had the honor of receiving your Letter to Governor Hunter together with all the Naval Stores put on board that Ship.

I have, etc.,

PHILIP GIDLEY KING.

* Note 29.

1801.
10 April.

ACTING-GOVERNOR KING TO WILLIAM CHINNERY.

(Per whaler Albion.)

Dear Sir, Sydney, New South Wales, 10th April, 1801.

I received your's dated March 11th, 1800, and am much obliged to you for the information you gave me respecting the Remuneration which I found by a Letter of later date that you have paid it to my Agent. It is a very pleasant Strike off from the Debtor side of his Books.

Payment of
superintendents.

I am very sorry for Mr. Sykes's not attending to get the Money for the Superintendants and others, as it has placed a great degree of mistrust on their minds, exclusive of the great disappointment they experience in not finding their Bills on him answered as they have reason to expect, particularly when they send their Certificates home regularly.

Salary of
Martin Timms.

If the disappointment has been great to the numbers he is Agent for, it is still more distressing to a Man named Martin Timms, who has constantly been returned ever since July, 1793, as Superintendent of Convicts at Norfolk Island, and, indeed, he is the only one that has continued there, and he is still in that situation. By a letter from Mr. Sykes it appears that you informed him that Timms "must be paid in this Country," which cannot be done otherwise than by drawing for it, and you are the person on whom those Bills are to be drawn, by the Duke of Portland's directions, and not the Treasury.

If this circumstance should admit of any doubt or explanation, you will find that Timms, by the returns to the Secretary of State and Treasury, has constantly been returned as Superintendent of Convicts on Norfolk Island since July, 1793; That he has been the only one who has remained in that Situation until the present period; And that notwithstanding The establishment of Norfolk Island was made separate from that of New South Wales in 1797, for the year 1798, yet the Two additional Superintendants fixed by that Establishment were not appointed (until after I took the Command), 13th January, 1801; And as Martin Timms has ever been the Third Superintendent *and never been paid*, of course, it strikes me that the proper Fund to pay him from will be from the Salaries arising to you from the Estimate for three Superintendants on Norfolk Island (where one only has been employed until last January), at £50 each, including the year 1798-99 and 1800 up to January, 1801, making the Unclaimed Sum of £475 up to last January remaining in your hands. Timms's Salary from July, 1793, up to last January amounts to £368 13s. 4d.; But he received £25 from me as a part of his Salary in 1794 (which is all that he ever has received or

any person for him), consequently £343 13s. 4d. remains his due up to the time on which I have drawn on you for, and which I make no doubt you will honour on this Explanation.

1801.
10 April.

I observe what you say respecting the Moiety of my additional salary as Lieut.-Governor of Norfolk Island, and make no doubt but Capt. Townson has got over the difficulty which I apprehend will occur with respect to his successor, Capt. Rowley, who remained in the Execution of that office from the time Capt. Townson left it, Nov. 1799, to the time of Major Foveaux's Arrival, 26th July, 1800, when he took the Command, to whom I make no doubt the whole Salary will be given, As I was assured that I should receive the whole Salary for *this* Government; consequently the whole of the Norfolk Island Salary will be paid to Major Foveaux—indeed, both are very hard earned.

Salary of Lieut.-
Governor at
Norfolk Island.

To this I have annexed such returns as may assist you in any matter of Doubt respecting the Civil Establishment here. Another confused business which has been left by me to settle is respecting the Surveyor and Deputy Surveyor. This business is this: Mr. Grimes, the Deputy Surveyor (and whose proper place is Norfolk Island), has been here these seven years past, a great part of which time, it appears, that he has done the intire Duty of the Surveyor-General, who has long been incapable of doing any, or the least, Duty, owing to Age and failure of Eyesight. Some time previous to my taking the Command, Mr. Alt, the Surveyor-General, made over the half of his pay to the Deputy Surveyor, by a Letter to Governor Hunter, but from some Irregularity it appears that neither the one or the other has been paid, for want of Certificates being sent to you, And that the Surveyor has received no part of his Salary for the last four Years, In consequence of which, and the great distress he is in, I have directed the Commissary to draw on you for £91 5s., being only half of the four years' Salary due, how the other part remains to be settled must be determined by the Certificates now sent.

Salary of
surveyor-
general.

Since I took the Command the Surveyor has been reported by the Surgeons unable to do His Duty; in consequence I have appointed the Deputy to do the duty of Surveyor-General, the latter has sent a memorial to His Majesty, and I hope something will be done for so old a Servant of the Crown. But, at any Event, from the period of the Surveyor being incapable of his duty, the person who does it will receive the Moiety of his Salary.

With this you will receive Information from Mr. Commissary Palmer of his having drawn on you for the pay of Superintendants who have no Agent in England up to this Date. This mode of drawing for the Salaries of this description of Officers on the

Salary of
superintendents.

1801.
10 April.

Civil Establishment is conformable to the direction of the Secretary of State and the Secretaries of the Treasury, And as such I suppose no Difficulty can be made in making the Payments by you, as you have of course received the Sums long before these Bills can possibly come to your hands.

Salary of
secretary to
the Governor.

You will observe that I have directed Mr. Commissary Palmer to draw on you for my Secretary's Pay from September 20th, 1800, when I took the command, to April 2nd, 1801, when I appointed Mr. Wm. Neate Chapman to be my Secretary, as appears by the Inclosures.

By this Conveyance I have transmitted a Survey held on Mr. Alt, by which he is invalided, and a memorial from him to the Secretary of State praying for some provision.

Salary of
deputy-
commissary.

Mr. Laycock, who was appointed by Major Grose, Deputy Commissary, in the room of Mr. T. Freeman, deceased, November 6th, 1794, Informs me that his Agent has not received his pay for the whole of that period, which he naturally conceives he has a claim to. I have given him as full a Certificate as his case seems to require, and shall be obliged to you for your attention to his Claim, by the return you will observe that he resigned his Situation as Deputy Commissary 2nd April, 1801, and that I have appointed Mr. W. N. Chapman to that Office in his Stead.

I have, &c.,

PHILIP GIDLEY KING.

[Inclosures.]

[Copies of the returns and certificates have not yet been found.]

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Separate B, with General Letter No. 4," per whaler Albion; acknowledged by Lord Hobart, 29th August, 1802.)

Sydney, New South Wales,

1st May,* 1801.

My Lord,

1 May.
Purchase
of the brig
Harbinger.

The Colonial schooner† being now so very weak that it is not safe to send her to Norfolk Island, and the Porpoise being wanted for more distant voyages, together with the employment of Colonial vessels being greatly increased by the necessity of having a small vessel to accompany the Lady Nelson in her surveys, and as the master of a brig, which arrived not long ago from the Cape, was compelled to offer her for sale, and as she could not be purchased by any of the inhabitants, consistent with His Majesty's instructions, and a vessel of that kind being much wanted to go between this and Norfolk Island to carry supplies and bring salt pork from thence, I directed a survey to

* Note 30. † Note 31.

be taken of that vessel, a copy of which I enclose, also an inventory of her masts, rigging, and furniture. The sum demanded by the proprietor was £1,500. The offer I made him was £700, which, although much less than her real value, was the utmost I considered myself at liberty to offer, and to which he thought proper to agree, after one week's hesitation; and as that vessel is coppered and fit for sea, I directed the Commissary to make the payment agreeable to the enclosed order, and for which I have the honor to enclose a sett of vouchers. The purchase of this vessel and the mode of payment, not being made by bills, I hope will meet your Grace's approbation, as she will supply the place of another King's ship for the present at a hundredth part less expence to the Crown. She is now going to Norfolk Island for the salt meat that has been so long remaining in the stores on that island, and will be kept actively employed, and in a profitable manner, for the service of the colony. As some expence will attend our present Colonial vessels, I enclose a list containing every particular of these vessels for your Grace's information, which I hope will be approved.

1801.
1 May.
Purchase
of the brig
Harbinger.

I have, &c.,
PHILIP GIDLEY KING.

[Enclosure No. 1.]

A REPORT OF THE SURVEY
on the Brig Harbinger Captain Black.

Survey of
the brig
Harbinger.

As Follows

1. The Hull sound and good.
2. The Waterways quickwork and Paint Streaks are in want of Caulking.
3. There is a want of two knees to support her Stern frame.
4. The leaden Scuppers want shifting and new ones put in their places.
5. The Copper Sheathing is worn in many places and the wooden Sheathing under the Copper appears to us to want Caulking.
6. The Masts are seemingly in good order.
7. The Rigging itself is good and by mending the service round the Mast Head and other little jobs that may be wanting to the rigging will do very well for a twelve Months Service or more. The Mast heads are good and likewise the Yards. The sails we have not seen.

T. MOORE, Master Ship-Wright.

W. HOUSE, First Officer Anne Transport.

1801.
1 May.

Purchase of
the brig
Harbinger.

[Enclosure No. 2.]

ORDER TO COMMISSARY PALMER.

By etc. etc. etc.

THE Committee for Erecting the County Jail in this Settlement having reported to me the Completion of that Building and that they have paid into your hands the Sum of £460 15s. 2d. being the unpaid part of a Sum of Money advanced by Order of Governor Hunter on the part of the Crown to enable them to carry on that work, and to repay it when the Funds appropriated for that purpose would enable them, And a Sum of £412 2s. 9d. having been received by you from the Officers Civil and Military in Payment for the Port Wine sent by Government in the Royal Admiral for the accomodation of the Officers; And as I have judged it necessary to purchase for the Public use of this Colony the Harbinger Brig of 56 Tons, with her Masts Yards Rigging and Furniture as Per Survey and Inventory thereof for the Sum of Seven Hundred Pounds Sterling. You will therefore pay that Sum out of the above amount in your Hands taking proper Vouchers for the same; delivering me Two sets thereof and informing the joint Secretaries of His Majesty's Treasury of this Transaction. For which this shall be your Order.

Given etc. 27th June 1801.

PHILIP GIDLEY KING.

[Enclosure No. 3.]

DOCUMENTS RELATING TO THE PURCHASE OF THE SCHOONER
HARBINGER.

KNOW ALL MEN by these Presents that I John Black late Master of the Schooner Harbinger, but at present residing in Sydney in the Territory of New South Wales, being duly authorised, constituted, and appointed lawful Agent for Michael Hogan Esq. Merchant of the Cape of Good Hope, Owner of the said Vessel Harbinger and having full power and authority from the said Owner to dispose of the said Vessel, in such manner as to me may appear most beneficial for his Interest, have (divers good causes me thereunto moving) for and in consideration of the Sum of Seven Hundred Pounds Sterling Money of Great Britain to me well and truly paid on delivery of these Presents (in such manner as per receipt annexed to this Instrument) sold transferred and delivered over to His Excellency Philip Gidley King Esquire Governor and Captain General in and over the aforesaid Territory of New South Wales the said good Vessel called the

Harbinger, built at Quebec in July, 1797, of the burthen of about 56 Tons 2 Masts etc. as per Register Granted at London in October, 1797, and now delivered up to the said P. G. King Esquire together with her Masts Yards Sails Rigging and Furniture as per the annexed Inventory, as she now lies in this Port of Sydney Cove for the use and Service of His Majesty to have and to hold the said Vessel Harbinger, hereby resigning all Claim or title whatever to the said Vessel or her appurtenances on the part of the said Owner, Michael Hogan, his Heirs, Executors, Administrators or Assigns for ever. IN WITNESS whereof I have hereunto set My Hand and Seal at Sydney as aforesaid this Twenty Sixth Day of June in the Year of Our Lord One Thousand Eight Hundred and One.

1801.
1 May.
Purchase of
the brig
Harbinger.

JOHN BLACK.

Sydney, New South Wales, 3rd August, 1801.

RECEIVED of John Palmer Esq. Commissary of Stores and Provisions of New South Wales Seven Hundred Pounds Sterling in pursuance of an Order from His Excellency Philip Gidley King Esquire Governor General Commander in Chief, etc. etc. being payment for the aforesaid Vessel the Harbinger. For which I signed Five Receipts of this same tenor and date.

JOHN BLACK.

INVENTORY OF STORES.

The Masts Yards and Rigging Compleat.	Sails.
Two Bower Anchors	3 Foresails
1 Kedge	3 Foretop Sails
1 Grapnel	2 Main Do
1 9 Inch Cable about 110 Fms.	2 Mainsails
1 8 Do " 90 Fms.	2 Jibs
1 Hawser " Do "	1 Mainstaysail
1 Do " 30 "	3 Fore Do.
2 Spare Topmasts	1 Middle Do
Boat with Masts Sail and Oars	2 Top Galt Sails
6 Studding Sail Booms	1 Topmast Studg Sail
Caboose Compleat	1 Lower Do.
Deep Sea Lead and Line	1 Flying Jib
3 Hand Do	—
3 Steering Compasses	21
3 ½ Minute Glasses	
3 ¼ Do Do	
Logline and Keel	
3 Spare Pump Boxes	
6 Buckets	
2 Crow Bars	
¼ Barrel Tar	
5 Fms. Junk	
Sundry Marlinſpikes, Carpenters' Tools, etc.	

1801.
1 May.
Return of
government
vessels.

[Enclosure No. 4.]
GOVERNMENT Vessels employed for the Public Service of His Majesty's Colony in New South Wales
30th June, 1801.

Names.	Rigged.	Tons.	When and where built or purchased.	No. of officers and men.	Pay per month.	Pay per annum.	In what state.	General employment.
					£ s. d.	£ s. d.		
Supply ...	.....	...	.....	.....	.....	.....	Condemned	Employed to receive empty casks and other stores; will be converted into a receiving hulk for incorrigible convicts.
Lady Nelson ...	Brig	60	Built in 1798	Lt. and comm'r. ... Chief mate ... 2nd do ... 14 petty and able ...	6 0 0 4 0 0 2 2 0 17 18 0	72 0 0 52 0 0 27 6 0 233 14 0	In good repair.	Arrived from England in December, 1800; has since surveyed western port in Basses Straits, and is now on the survey of Hunter's River, where the coals are; in September she goes to prosecute the survey and discoveries in Basses Straits, and on the south-west coast of New Holland.
Norfolk, late Harbinger.	Brig	56	Purchased May, 1801; built in '97 of Quebec oak.	Master ... 1 mate ... 6 able seamen.....	6 0 0 2 2 0 8 8 0	72 0 0 27 6 0 109 4 0	Do	Is now gone to Norfolk Island for salt meat; will be employed in the summer months in assisting the Lady Nelson in her survey of the south-west coast.
Francis ...	Schooner	40	Came in frame from England, per Pitt, March, 1792.	Master Chief mate ... 2nd do ... 5 able seamen ...	4 0 0 2 5 0 2 5 0 7 0 0	52 0 0 27 0 0 27 0 0 84 0 0	Very weak, and wants great repairs.	Has been very actively employed in going between Port Jackson and Norfolk Island, bringing grain from Hawkesbury, and coals from Hunter's River.
Bee ...	Sloop	11	Long boat decked..	Master and 3 men who receive an extra ration from the stores.	15 10 0	190 0 0	In good repair.	A very useful vessel for bringing grain, &c., from the different settlements, and many other very useful public purposes.
Two long boats ... Three minaces ... Three small boats ... A large flat			Very old .....	.....	.....	.....	Constantly repairing.	Variouly employed in the Harbour.

Vessels Building.—Cumberland schooner, 28 tons; will be finished about September next. Portland brig, 160 tons, in frame; no shipwrights to finish her. Two boats.

PHILIP GIDLEY KING.

THE VICTUALLING BOARD TO GOVERNOR HUNTER.

1801.
13 May.

(Per the transports Canada, Minorca, and Nile; acknowledged by Acting-Governor King, 2nd February, 1802.)

Sir, Victualling Office May 13th 1801.

Having shipped on board the undermentioned Transports, consigned to your Excellency the following quantities of Beef and Pork for the subsistence of the Convicts intended to be carried out in them during the space of nine Months after their arrival at New South Wales vizt.:

Salt provisions on the Nile, Canada, and Minorca.

Vessels Names.	Masters Names.	Beef, 8-lb. pieces.	Pork, 6-lb. pieces.
Nile	Jas. Sunter	756	2,014
Canada	Wm. Wilkinson	840	2,173
Minorca	Jno. Leith	840	2,173

We beg leave to acquaint that the Invoices and Masters Bills of Lading for such Provisions will be forwarded to you by the Vessels to which they respectively relate; And we have to request you will be pleased to cause proper receipts to be granted to the Masters, for what they shall severally deliver.

We have, &c.,

JNO. MARSH JNO. RODNEY FRAS. STEPHENS
R. S. MOODY JNO. HARRISON.

THE TRANSPORT COMMISSIONERS TO ACTING-GOVERNOR KING.

(Per the transports Canada, Minorca, and Nile; acknowledged by Acting-Governor King, 2nd February, 1802.)

Sir, Transport Office, 23rd May, 1801.

23 May.

We have to acquaint you, that, in Obedience to the Directions of the Right Honorable the Lords Commissioners of His Majesty's Treasury to provide for the Conveyance of 208 Male and 100 Female Convicts to New South Wales, we have engaged the Three Ships named in the Margin* to perform that Service; and the whole of them being now about to leave the River for Portsmouth, we inclose to you, for your information and Guidance, the following Documents by the Minorca, one of the said Ships, vizt.

Transport shipping.

Copy of the Charter Party.

Invoice of Medicines put on board for the use of the Convicts during the Voyage, the remainder whereof if any, upon the arrival of the Ship at the Colony, the Surgeon has Directions to deliver to your Order.

* The margin is blank (see note 32).

1801.
23 May.

Invoice and Bill of Lading of 110 Setts of Cloathing for
Male Convicts, consigned to your Address.

We have, etc.,

{ RUPT. GEORGE.
Wm. HY. OTWAY.
JN. HUNT.

P.S.—We also inclose to you for your further information, a
list of Medical Necessities put on board this Ship for the use
of the Convicts etc. during the Voyage.

	Tons.		
Minorca	... 407	John Leith, Master,	104 Male Convicts
Canada...	... 403	Wm. Wilkinson, do	104 Male Convicts
Nile ...	... 322	Jas Sunter do	100 Female Convicts

[Enclosures.]

[Copies of these papers have not yet been found.]

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.
(Per whaler Albion.)

26 May.

Purchase of
stores from
the Missouri.

My Lord,

Sydney, 26th May, 1801.

1. Enclosed I have the honour to transmit vouchers for the
payment of articles which it has been unavoidably necessary to
purchase on the public account from the supercargoes of the ship
Missouri, cleared from Philadelphia for this port.

2. I also subjoin a separate list, containing those articles, and
the necessity of purchasing them, which I hope will be approved
of, as I have observed the strictest economy, and, I may add, for-
bearance, in not purchasing many articles that we are totally
destitute of, for carrying on the publick works that are absolutely
necessary, and with which that ship abounds, as your Grace will
observe by the enclosed list of her cargo, which the supercargoes
were assured, previous to their leaving America, would be pur-
chased immediately on that ship's arrival by Government; but
expecting to receive some stores by the Earl Cornwallis, which I
hear is on her passage hither, I have directed the Commissary to
purchase such articles only as could not be done without.

3. The last payment made for grain received into His Majesty's
stores from individuals (from the time of my taking the com-
mand, September 28th, up to the 31st December, 1800), was by
bills drawn in favour of Mr. Wilson, master, and Mr. Skeene,
mate, of the Royal Admiral transport, as by voucher transmitted
to your Grace and the Secretaries of the Treasury, per Trimmer,
viâ India. Since then a greater quantity has been necessarily
received, payment for a part of which has been made to the
supercargoes of the Missouri, for articles supplied those who
gave the grain into the publick stores, a voucher for which I have

the honor to transmit by the Albion, south whaler, which leaves this port for England direct next month. I have, &c.,

PHILIP GIDLEY KING.

1801.
26 May.

Purchase of
stores from
the Missouri.

[Enclosure No. 1.]

VOUCHERS FOR THE PURCHASE FROM THE CARGO OF THE MISSOURI.

By etc. etc. etc.

You are hereby required and directed to draw a Set of Bills on the Right Honourable the Lords Commissioners of His Majesty's Treasury at Ninety Days Sight for the Sum of £807 12s. 3d. in favor of Messrs. Bridges and Hickson Super Cargoes of the American Ship Missouri being Payment for several Articles Purchased from that Vessel, and transmit by this or the earliest opportunity full Vouchers for the same agreeable to your Instructions from the Lords Commissioners of His Majesty's Treasury delivering me Two Sets thereof.

For which this shall be your order.

Given etc. 6th May 1801.

PHILIP GIDLEY KING.

To John Palmer Esq. Commissary.

Sydney, New So. Wales, 6th May, 1801.

Mr. John Palmer

Commissary to His Majesty's Territory of New So. Wales.

Dr. To Messrs. Bridges and Hickson of the Missouri American Ship.

		£	s.		
13736	Pounds Beef at 7½d. Per lb	429	5	0	
16663	do Iron at 5d. do	347	2	11	
1	Dozn. German Steel Hand Saws (best)	6	17	6	
6	do Pit Saw Files ... 15s. Per Doz	4	10	0	
7	do 8 inch Cross Cut and Saw Files 10/- do	3	10	0	
6	do Small Files (as- sorted) 4/4 do	1	6	0	
6	do 11 Inch Flat Files 21/- do	6	6	0	
3	do 9 do 13/6 do	2	0	6	
2	do Save Edge Files 7/6 do		15		
5	do 6 Inch half round Files 6/- do	1	10	0	
1½	do Files 7/6 do		11	3	
17	do Files Assorted... 7/6 do	6	7	6	
1	do 8 Inch Files 10/- do		10	0	
1	do Round Files ... 10/- do		10	0	
		34	11	9	
Advance 50 Per Cent		17	6	10	
Current Ex. 166½ is		52	0	7	
		31	4	4	
		807	12	3	

[Enclosure No. 2.]

1801.
26 May.
Purchase of
stores from
the Missouri.

LIST of Articles purchased by Commissary Palmer for the Publick use in New South Wales by Order of His Excellency Governor King from the American Ship Missouri with the necessity for purchasing each Article vizt.

Articles.	Necessity for the Purchase.
13736 lbs. of Beef.....	There being only Fifteen Weeks Salt Meat remaining in the Store at a Full Ration for the Numbers Victualled.
Iron. 7 Ton. 8 cwt. 3 qrs. 3 lbs.	There being only Four Tons of Iron remaining in the Stores and an additional quantity being wanted for a new Sett of Gun carriages Mill work and several other indispensable purposes which are to be done only at the Expence of the Crown.
Saws and Files.....	Not one saw left in the Publick Stores to do the Work that is absolutely necessary. The old Files so much worn down as to be incapable of being cut over again.

ACTING-GOVERNOR KING TO THE COMMISSIONERS OF THE NAVY.

(Per whaler Albion.)

Gentlemen,

Sydney, N.S.W., May 26th, 1801.

Naval stores
for H.M.S.
Porpoise.

His Majesty's Armed Vessel Porpoise under my Command, having been, and will still continue to be in want of Stores, which the Stores in this Colony cannot always furnish out of those sent from England, which will occasion the necessity of purchasing from Masters of Vessels arriving here, or from Individuals in the Colony; And as I am instructed that the Expences attending any of His Majesty's Ships or Vessels arriving on this Station, should be kept apart and distinct from the Contingent expences of the Colony; I have judged it proper to give the Commissary an Order, of which the enclosed is a Copy, and have directed him to draw on your Honorable Board for the Amount of such Articles of Stores, as have been occasionally purchased for the use of the Porpoise; As that Vessel has been almost constantly at Sea since her arrival, it was necessary to supply her, with all the Cordage we had in Store previous to her departure for Otaheite, to procure Salt Pork; And as that Ship will want a suit of Sails, very soon after her return from thence I enclose a demand for the same which I have to request may be forwarded by the first Vessel, as they will be much

wanted before they can possibly Arrive; And as Whalers will be constantly coming here I beg leave to point them out, as a sure and quick conveyance.

I have, etc.,

PHILIP GIDLEY KING.

1801.
26 May.

Naval stores
for H.M.S.
Porpoise.

[Enclosure No. 1.]

[A copy of the order to the commissary has not yet been found.]

[Enclosure No. 2.]

Sydney, N.S.W., May 26th, 1801.

A DEMAND for Boatswains Stores for the use of His Majesty's Armed Vessel Porpoise. Vizt.

A suit of Sails compleat
Six Coils of Five Inch
Six do of Three and a half Inch
Six do of Two Inch
Six do of One Inch

PHILIP GIDLEY KING.

THE TRANSPORT COMMISSIONERS TO ACTING-GOVERNOR KING.

(Per the transports Canada, Minorca, and Nile; acknowledged by Acting-Governor King, 2nd February, 1802.)

Sir, Transport Office, 8th June, 1801.

8 June.

We herewith, enclose to you, Copies of the Instructions which we have given to the Master and Surgeon of each of the three Convict Ships, Minorca, Canada, and Nile now about to sail from Portsmouth and we request that upon their arrival at the Colony you will have the goodness to cause particular Inquiry to be made into the manner in which these Persons have conducted themselves in their respective Duties on the Voyage, and either grant them Certificates of good Conduct, if it shall appear to you that they have been deserving of Encouragement, or, on the contrary apprise us of any neglect, or Misbehaviour that proper notice may be taken of the same upon their return to this Country.

Instructions
to masters and
surgeons of
transport ships.

We are, etc.,

RUPERT GEORGE.

AMBROSE SERLE.

WM. AY. OTWAY.

[Enclosures.]

TRANSPORT COMMISSIONERS TO MASTERS OF THE CONVICT SHIPS,
MINORCA, CANADA, AND NILE.

Instructions
to masters of
transport ships.

Sir, Transport Office, 8th June, 1801.

It being absolutely necessary that the Ships under your Command should be furnished with a sufficient number of Scrapers, and everything proper for keeping the Vessel sweet and clean, the better to preserve the Health of the Convicts and

1801.
8 June.

Instructions
to masters of
transport ships.

Passengers during the Voyage to New South Wales, We desire that every requisite article of this nature may be laid in previous to the Vessels sailing, And We inform you that you are every day, when the Weather will admit of it, to cause a Proportion of the Convicts to be brought upon Deck for the benefit of Air, and see that their Births be properly cleansed and ventilated. You are carefully to note these particulars in your Log-Book, which you are to produce to the Governor of New South Wales upon the landing of the Convicts upon Oath if required. A Certificate must be produced at the Office upon the return of the Ship, setting forth that the Governor is satisfied with your conduct, particularly as to what relates to the victualling and Treatment of the Convicts upon the Voyage; on the production of which you will be recompensed for your Assiduity and Humanity by a present in Money, at the Discretion of the Secretary of State. On the other hand, for any neglect in performing these essential Duties, You will be prosecuted with the utmost Severity.

We are, &c.,

RUPERT GEORGE.

JOHN SCHANCK.

WM. AY. OTWAY.

Instructions
to surgeons of
transport ships.

TRANSPORT COMMISSIONERS TO THE SURGEONS OF THE CONVICT
SHIPS, MINORCA, CANADA, AND NILE.

Sir,

Transport Office, 8th June, 1801.

We inform you that you are to keep a Diary during the Voyage to New South Wales, not only relative to the Sick and Medicines, but also to the Daily number of Convicts admitted upon Deck, to the times when the Decks were scraped, the Ship fumigated, the Births cleaned and ventilated, and all other circumstances which may either immediately or remotely affect the Health of the Crew or Convicts. No reward will be given to you in case of your omission to state these particulars. You are to show your Diary to the Governor upon your Arrival at New South Wales, for his Examination upon Oath, if required, and to receive a Certificate from him that you have done so, and that your Duty has in every respect been properly performed, on the production of which you will be recompensed for your Assiduity and Humanity, by a Present in Money, at the discretion of the Secretary of State. On the other hand, any neglect in performing these essential Duties will not fail to be properly noticed.

We are, &c.,

RUPERT GEORGE.

JOHN SCHANCK.

WM. AY. OTWAY.

THE DUKE OF PORTLAND TO ACTING-GOVERNOR KING.

1801.
19 June.

(Despatch per transport Nile; acknowledged by Governor King,
1st March, 1802.)

Sir,

Whitehall, 19th June, 1801.

Your dispatches by the Buffalo of the dates and numbers mentioned in the margin* have been laid before the King, and I take the opportunity of the departure of the Canada, Minorca, and Nile, which are on the point of sailing to Port Jackson, to return answers to such parts of your correspondence as appear to me to be material.

Despatches
acknowledged.

I entirely approve the measures you have taken for reducing the expences of the settlement, by discharging from the stores all those convicts who are not altogether employed in the service of the Crown, with the exception of two convicts allowed as servants to each civil and military officer; but it should be understood by those officers, that in all cases where they themselves cultivate lands and raise stock that they are to feed *all* the convicts allowed to them, without any exceptions whatever.

Officers'
servants.

The five convicts allowed to each magistrate, appears to me to be too many, but knowing your attention to publick economy, I am willing to leave it to your local experience and discretion to diminish that number in such degrees as you may think proper. I shall only further observe on this head that where any officer, civil or military, shall be found to convert to his own use or benefit the labour of any individual convict who works for the Crown, all the convicts allowed to such officer should be immediately resumed, and added to those employed in the public service.

I am sorry to observe that so small a portion of ground has been cultivated on the public account, and particularly that those tracts of land more immediately set apart for that purpose should have been leased and granted to individuals.

Public
agriculture.

As soon as the other publick works of a more pressing nature are completed, you will not of course fail to increase the number of agricultural labours for the publick, under which denomination I include those who act as herdsman, and take care of the live stock.

The articles which have been sent out by the Walker, Royal Admiral, Earl Cornwallis and Porpoise, will shew the means that have been taken to supply the wants of the settlement, and to enable individuals to avoid the scandalously exorbitant prices of dealers, by purchasing from the publick depôt at 30 per cent. profit on the prime cost to cover all charges of freight, risque, and loss by retail.

Stores sent
to the colony.

* No. 1, No. 2, General No. 3, 28th Sept., 1800, Seperate A, B, C, D, E, G, Military No. 1 (see note 6).

1801.
19 June.

Regular
transmission
of supplies.

I now send triplicate invoices of all the articles sent by the last-mentioned vessels, and by the within copy of my letter to the Lords Commissioners of His Majesty's Treasury you will find that I have made provision for a constant and regular supply of all necessary articles for the settlement, including salt provisions for those entitled to rations from Government, up to the period when it may be expected that the necessity of sending salt provisions from hence will be so far diminished as to admit of a considerable annual reduction in that article, until the necessity of sending it shall cease altogether.

I have compared your list of articles wanted for the colony, with the lists of articles sent by the Walker, Royal Admiral, and Earl Cornwallis, and you will observe by the within-statement in what particulars your receipts exceed your demands, and in what they fall short of it.

I am sorry that the ships now about to sail are so full as to be incapable of receiving any other articles than those contained in the within list; but you may rely upon receiving a supply of those articles of necessity in which you are most deficient by the vessels which will sail with convicts from Ireland in the course of a few months.

Branding
of cattle.

The measure of numbering and marking the cattle belonging to the Crown* was very proper, and should be repeated regularly, as well to ascertain their real increase as to guard against their being stolen.

I shall take the opportunity of the return of the Buffalo, or of such other ship as shall replace her, to send some of our cattle to the settlement.

Regulation
of supplies.

In answer to the paragraphs numbered 9, 10, and 11 of your general letter, I refer you to mine to the Lords of the Treasury, which will inform you of the steps I have taken for regulating the supplies for the settlement.

Manufacture
of wool.

The instructions you have given to the Commissary, as stated in paragraph No. 11, are in every respect well calculated to prevent the abominable frauds which have been committed on the public stores. The last supply of articles for weaving sent by the Walker, will enable you to begin the manufacturing of flax, as proposed in paragraph No. 12.

On the subject of the wool cards, I refer you to a private letter from Mr. King, which will go by this conveyance.

The whale
fishery.

I shall submit to the Committee of Privy Council for Trade the suggested alteration of the Act for regulating the whale fishery.†

In consequence of your representation in paragraph No. 14, His Majesty has been pleased to appoint Lieutenant-Colonel

* Note 33. † Note 34.

Paterson Lieutenant-Governor of New South Wales; and I enclose you his commission.*

1801.
19 June.

From paragraph No. 15, and your other letters, I am happy to find that the timely discovery of the seditious conduct of the Irish convicts has prevented their doing any mischief; and I trust that the precautionary measures you have taken, added to the species of militia which you have formed and established from among the settlers, will prevent any further attempts to disturb the peace of the settlement, which, if necessary, must be prevented by the most rigorous and prompt execution of the laws, in a Government so peculiarly circumstanced as yours is.

The Irish convicts.

In consequence of the representations you have made in your separate letter, A,† I have received His Majesty's pleasure to appoint Major Fouveaux Lieutenant-Governor of Norfolk Island, and within I transmit to you his commission.

Major Fouveaux appointed Lieut.-Gov. of Norfolk Island.

I shall take further notice of that part of your public correspondence inclosed in your separate letter, B,† if occasion should call for it.

I highly approve of the measures you have taken, as stated in your separate letter, C,† for the formation of an institution for the support and education of those children who are left without any other resource; but care should be taken strictly to confine this institution to children of this description, and to oblige all those to maintain their own families who have the means of so doing.

The Orphan Institution.

I shall not object to the payment of the bills drawn for the cattle and other articles purchased of Governor Hunter, Major Fouveaux, and Captain Kent. But with respect to your proposal to purchase the stock and property of Captain McArthur I am of opinion that the purchase on the part of Government should be confined to that part of his live stock which will be the means of improving the breed, namely, to the English cattle and the Spanish sheep. The horses and the mares cannot be slaughtered, and will be more useful to the settlement as private property than as belonging to the Crown. Considering Captain McArthur in the capacity of an officer on duty with his regiment, I can by no means account for his being a farmer to the extent he appears to be, and I must highly disapprove of the Commanding Officer of the Corps to which he belongs allowing him or any other officer to continue in such contradictory situations and characters.

Purchase of cattle.

I am of opinion that Captain McArthur's farm, in the possession of an industrious and thriving settler (who alone can be the purchaser), will be fully as advantageous to the settlement as in

Proposed purchase of Elizabeth Farm.

* *Marginal note in original.*—"This commission remains in the hands of Lieut.-Col. Paterson's agents here."

† Note 35.

1801.
19 June.

the hands of the Crown. The evil, and a great one it is, consists in individuals who are not settlers (and whose characters and situations necessarily incapacitate them from ever becoming so), being enabled at the publick cost to do that which should have been done by the publick itself in the first instance.

The trade
in spirits.

After what I have said, it is almost unnecessary for me to approve of your having published His Majesty's instructions which forbid all officers, civil and military, being concerned in the improper importation and traffick in spirituous liquors.* I trust that nothing will make you relax in enforcing those instructions; and moreover to strike at the root of this evil, you must in the most vigorous and effectual manner enforce the Orders which forbid all masters of vessels to land any spirits without your license for that purpose. Any master of a vessel who disregards those Orders should not be allowed to remain in your port an hour, nor should he ever be suffered to return to it.

Proposed
return of
H.M.S.
Buffalo.

In consequence of the representations which I have made to the Lords Commissioners of the Admiralty, their Lordships will order the Buffalo to return to New South Wales as soon as she can be got ready; and they will send out by her the necessary commission for vesting in you the same authority over the naval force in the settlement as Governor Hunter possessed. I am also to add that their Lordships conceive the Porpoise cannot be placed in better hands than those of Mr. Scott, who is represented to be an attentive, diligent officer.

Purchase of
cargo of the
John Jay.

I do not disapprove of your having purchased the articles brought by the John Jay, American ship, and am glad to observe that in the disposal of part of her cargo, you have begun at last to defeat the evils arising from the want of a more enlarged store for retail.

In answer to your military letter, I have only to transmit to you for your guidance and direction the within copies of letters which I have received from the Commander-in-Chief on that subject, and from the Barrack-Master General.

Convicts per
Canada,
Minorca,
and Nile.

You will receive inclosed a list of the convicts to be sent out in the Canada, Minorca, and Nile, in which you will find stated the periods for which they are respectively transported according to their several sentences. An account of the settlers who go to New South Wales in the above vessels will be communicated to you in a separate letter from Mr. King; and I have to desire that you will make a separate annual return of the settlers and emancipated convicts.

I enclose you the Parliamentary Estimates for the colony for this and preceding year.

I am, &c.,

PORTLAND.

* Note 36.

[Enclosure No. 1.]

[Copies of the invoices have not yet been found.]

1801.
19 June.

[Enclosure No. 2.]

THE DUKE OF PORTLAND TO THE TREASURY COMMISSIONERS.

My Lords,

Whitehall, 29th May, 1801.

Inclosed I transmit to your Lordships a list of articles necessary to be sent out *yearly* to New South Wales, consigned to the Governor of that Settlement, to be disposed of to the Inhabitants for Money, or given in Exchange for Grain or Animal Food supplied His Majesty's Stores (exclusive of Stores, Implements, &c., sent for the use of Convicts at Public Labor), 30 per Cent. to be charged on all such Articles to indemnify Government for Freight, Losses, and issuing in small quantities. And I am to desire your Lordships to give directions for purchasing the same, as well as to direct the Commissioners of Transports to send them out *yearly* in the South Sea Whalers, or other Vessels destined to the Colony, in such proportions as those Ships can receive them in.

Annual
shipments of
stores to the
colony.

The advantage which Government, as well as the Settlers, will derive from this mode of proceeding (until the communication between this Country and New South Wales shall become more frequent and regular) is very considerable. At present the charges made by individuals on such Articles of necessity as are specified in the said List are calculated on a profit of from One Hundred to five Hundred per Cent.

It will be also necessary to ship for the use of the Settlement in the first Vessels from this Country 250,000 lbs. of Salted Pork, or a proportionate quantity of Salted Beef, if the former cannot be procured, which will complet the demand of the Settlement for Salted Provisions to the end of March, 1802.

As a considerably less proportionate quantity of Pork than of Beef is necessary, the advantage of sending the former instead of the latter (if it can be done) is obvious, both in respect of price and Tonnage.

It seems also advisable that the Board of Victualling should be early apprized of the quantity of salted Provisions which it will be necessary to send out *annually* to New South Wales; And I take this Opportunity of informing your Lordships that from the Calculation I have made from the last Despatch received from the Settlement, it will be necessary to send 492,428 lbs. of Pork,* or a proportionate quantity of Beef, annually for three Years to come, commencing from September next, including as a part of the Supply for the first year the 250,000 lbs. above-mentioned.

* *Marginal note.*—Value at 8d. per Pound, £16,414.

1801.
19 June.
Annual
shipments of
stores to the
colony.

At the end of three years, as your Lordships will perceive from the within Extract of a Letter from Gov'r King, this quantity may begin to be diminished gradually in every succeeding Year, until such time as the Live Stock of the Colony shall be sufficient for its consumption.

At the same time that the Commissioners of Victualling are apprised of the Annual quantity thus wanted, I submit to your Lordships that the Board of Transport should be directed to provide Freight for the same in the South Sea Whalers, at such times and in such quantities as the former Board can furnish it; and that the Commissioners of Victualling should always keep the Transport Board apprised of the quantity they may have in readiness to be sent to that Settlement.

By this mode of proceeding the Colony will be regularly supplied at the least possible expence, and with the less risk of its being driven, from want, to supply itself from the Live Stock belonging to the Crown, until the period when such stock shall become sufficiently abundant to allow of it.

PORTLAND.

[Enclosure No. 3.]

Requisition
for stores.

COMPARATIVE Statement of Articles wanted and those Sent out to New South Wales by the Porpoise Royal Admiral and Earl Cornwallis.

	Deficient.		Deficient.
		Iron.	
Russia Duck	86 yards.	Round	3 Tons.
Jackets	1,300	Casement	3 do
Shifts	1,300	Tin.....	150 Sheets.
Petticoats	1,300	Brass Wire Sieves ...	26
Ruggs.....	1,000	Brass Plates.....	30
Blanketts	1,500	Cast Iron Pots.....	700
Bed Ticks	1,000	Pitch	10 Casks.
Files of Sorts	500	Seines	2 of 14 Fm.
Cross Cut Saws	20	Tools.	
Pit Do	20	Farriers	1 Sett
Center Bitts	6	Stone Masons	2 do
Ploughs	8	Stationary.	
Spoke Shaves.....	4	Common Paper Uncut	8 reams.
West India Hoes (those at N.S.W. too small for use)	186	Remains of £30 worth supplied Govr. King in England	8 do Cut. 4 do Folio.

[Enclosure No. 4.]

[Copies of the invoices of goods shipped in the Canada, Minorca, and Nile have not yet been found.]

[Three letters forming Enclosure No. 5.]

MAJOR-GENERAL BROWNRIGG TO UNDER SECRETARY KING.

Sir, Horse Guards, 9th June, 1801.

The Commander-in-Chief wishing that the Duke of Portland should be made acquainted with what has been said to Lieut.-Colonel Paterson, commanding the New South Wales Corps, on the subject of Brevet-Major Johnston, has commanded me to transmit to you for that purpose copy of my letter to the Lieut.-Colonel. And as it will rest with Governor King to convene the General Court-Martial for the trial of Major Johnston, His Royal Highness desires that you will be pleased to submit to His Grace the expediency of officially communicating to the Governor that part of my letter to Colonel Paterson, which is founded on a confidential communication with Sir Charles Morgan, relative to the cautious selection of the officers who are to compose the Court-Martial. I have, &c.,

ROBT. BROWNRIGG.

1801.
19 June.

Court-martial
on Major
Johnston.

MAJOR-GENERAL BROWNRIGG TO LIEUTENANT-COLONEL PATERSON.

Sir, Horse Guards, 9th June, 1801.

I have had the honour to receive and to lay before the Commander-in-Chief your letter of the 3rd October last with its several enclosures, and I have received His Royal Highness's commands to reply to the subjects thereof in the order they occur.

The Commander-in-Chief, considering the removal of Brevet-Major Johnston, of the New South Wales Corps, to this country for the purpose of being tried by a General Court-Martial, extremely irregular, was pleased to refer the matter (in a legal point of view) for the opinion of the Judge-Advocate General, and the same having been received, it decidedly appears that officers are not at liberty to refuse being tried by General Courts-Martial in New South Wales, the Legislature having made provision for the holding of such trials in that, as in other distant colonies and stations occupied by His Majesty's forces. And I am commanded to acquaint you that the measure of removing Major Johnston from the place where the offence was committed, and where all the witnesses capable of giving testimony or of throwing light upon the subject are, and sending him to another country to be tried, where no competent evidence can be had, appears to His Royal Highness to have been extremely mistaken, and to admit of no other means of terminating the matter by a judicial decision than by remanding Major Johnston to New South Wales immediately, and being there tried by a

1801.
19 June.
Court-martial
on Major
Johnston.

General Court-Martial as was originally intended. I am, therefore, to acquaint you that the Commander-in-Chief has been pleased to order that Major Johnston be sent back to New South Wales by this opportunity for the purpose of being tried accordingly.

I am here directed to state, for your information, that the Judge-Advocate General has suggested that the Commanding Officer, under whose order the Court-Martial will be convened, should be specially enjoined that such officers be carefully appointed for composing the same who are free as possible from any imputation or surmise of being in any respect prejudiced; and that the two original charges should be amended by ascertaining, as nearly as may be, the dates of the alleged offences.

The Judge-Advocate General observes with respect to the 3rd or supplemental charge, which imputes to Major Johnston a disobedience of an order delivered to him after he was in arrest, that he would not recommend its being referred to the Court-martial. The order was for Major Johnston delivering up an account which had been kept by him to you, who are his accuser. It may have been unwise in Major Johnston to decline it, or the manner of declining it may have been unbecoming; but it is not clear that it is criminal to refuse delivering it out of his own custody. His causing it to be sealed up, in order to its being produced in its present state when an hearing should take place, may have been very defensible and just.

Captain
Prentice.

I am further directed to acquaint you that in consequence of Gov'r Hunter having ordered Capt'n Prentice to embark for this country without communicating with you on the occasion, or having assigned to the Commander-in-Chief the necessity that caused this measure, His Royal Highness has been pleased to order that Capt'n Prentice shall return to his duty with the regiment by this opportunity.

In regard to your proposal for augmenting the military force in New South Wales, I am commanded to acquaint you that the measure will be taken into consideration.

Lieutenant
Cummings.

On the subject of Lieut. Cummings, I am directed to refer you to my letter of the 16th ultimo, acquainting you that His Majesty was pleased to permit the sale of Lieut. Cumming's commission in August last, and directing that he should be sent from the Corps by the first opportunity.

Lieutenant
Hobby.

In regard to Lieut. Hobby, the Commander-in-Chief is pleased to permit him to withdraw his resignation, since you have requested it.

Mr. Barrallier, whom you mention to have been recommended by Mr. Charles Greville for a commission in the New South Wales Corps, was appointed on the 14th August last. There is not at present any vacancy in the Corps for Mr. Anderson. When there is, attention will be paid by His Royal Highness to your recommendation of him.

1801.
19 June.
Ensign
Barrallier.

I have, &c.,

ROBT. BROWNRIGG.

MAJOR-GENERAL BROWNRIGG TO UNDER SECRETARY KING.

Sir, Horse Guards, 12th June, 1801.

Having had the honor to lay before The Commander in Chief your letter of the 8th Instant and extract of one from Captain Patton relative to a Passage for Major Johnston and Captain Prentice on board the Minorea to New South Wales, I am directed by His Royal Highness to acquaint You for the information of His Grace The Duke of Portland that the Officers above mentioned have received orders to return, by the opportunity pointed out, to New South Wales.

Passages for
Johnston and
Prentice.

I have the honor to be, etc.,

ROBT. BROWNRIGG.

[Enclosure No. 6.]

[This list specified the names, ages, dates and places of sentence of two hundred and eighty-five convicts, thirty-eight of whom were sentenced to transportation for life, six for fourteen years, and two hundred and forty-one for seven years. In addition, there were fifteen mutineers, five sentenced to transportation for life, and ten for seven years.]

Convicts per
Canada,
Minorca,
and Nile.

[Enclosure No. 7.]

ESTIMATE of the charge of defraying the Civil Establishment of New South Wales from the 10th of October, 1800 to the 10th October, 1801.*

	£	s.	d.	Civil estimates.
Salary of the Governor	1,227	7	7½	
„ Deputy Judge-Advocate	224	0	0	
„ Commissary	448	0	0	
„ Provost-Marshal	112	0	0	
„ Secretary to the Governor	112	0	0	
For stationary	20	0	0	
Salary of the Clergyman	224	0	0	
„ at Parramatta and				
„ Hawkesbury	179	4	0	
„ Surgeon	224	0	0	
„ three mates, at £91 5s.	336	0	0	
„ Assistant	61	6	6½	
„ Surveyor of Lands	224	0	0	

* Note 37.

1801. 19 June.		ESTIMATE of the charge of defraying the Civil Establishment of New South Wales— <i>continued.</i>		
Civil estimates.		£	s.	d.
	Salary of the Boat-builder	112	0	0
	„ two Deputy Commissarys of Stores	224	0	0
	„ commissary, at £60 per annum each	158	19	6
	„ two assistant storekeepers ...	122	14	9½
	„ nine superintendants of convicts, at £50 per annum each ...	551	18	10½
	„ the Lieut.-Governor of Norfolk Island	306	16	11¼
	„ the Clergyman	117	15	9
	„ Surgeon	159	13	1½
	„ Deputy Commissary of Stores ...	112	0	0
	„ one storekeeper	61	6	6½
	„ Deputy Surveyor of Lands ...	112	0	0
	„ three superintendants of convicts, at £50 per annum each	183	19	7½
	„ one master carpenter	49	1	6¾
	„ one beach-master and pilot ...	61	6	6½
	„ Deputy Judge-Advocate, at 8s. per diem	179	4	0
	„ Provost-Marshal	85	18	1
	Allowance to Governor Phillip in consideration of his meritorious services ...	613	13	10¼
	„ Mr. White, late surgeon	112	0	0
	Upon account for fees on the receipt and audit ...	245	9	7
	Agent	184	3	0½
		£7,146 0 0		

UNDER SECRETARY KING TO ACTING-GOVERNOR KING.

(Despatch per the transports Canada, Minorca, and Nile; acknowledged by Governor King, 1st March, 1802.)

Sir,

Whitehall 19th June 1801.

Return of
settlers.

1. I am directed by the Duke of Portland to transmit to you the within List of Persons going from this Country to New South Wales, as Settlers; And I am to signify to you that they should on their arrival at the Colony receive the usual Rations of Provisions and the Indulgencies that have been granted to persons in a like situation.

2. As many of these Persons have been strongly recommended, and are described to be of various handicraft and Agricultural Occupations, it is to be expected that they will prove of essential Benefit, in increasing the Manufactures and Produce of the Settlements under your Government.

I am, &c.,

J. KING.

[Enclosure.]

LIST OF FREE SETTLERS FROM ENGLAND.

1801.
19 June.Settlers per
Canada,
Minorca, and
Nile.

[A complete copy of this return has not yet been found, but the following are the names of most of the settlers referred to:—]

ex Transport Minorca.

Matthew Gibbons	Thos. Bolton
John Driver	Thos. Harley
Mich'l Keney	Chevalier d'Clambe
Will'm Keney	James Vincent

ex Transport Canada.

James Blackman	Mary Pitt
George Morrison	Will'm Small
Chas. Webb	Silaus Jenkins

ex Transport Nile.

Will'm Bowman	Israel Rayner
Rich'd Rouse	John Hillas
Jno. Tibbett	Peter Hodges
John Jones	

ACTING-GOVERNOR KING TO UNDER SECRETARY KING.

(Per transport Anne.*)

Sir, Sydney, June 21st, 1801. 21 June.

I write these few lines by chance vessell going a circuitous Rout, just to say that we are all quiet and well, and that every Ship sent from England prior to the Cornwallis, and including that Ship, have arrived Safe—The uncommon bad weather we have had and partial failure of our crops, has obliged me to reduce the consumption of grain to two thirds of the full Ration, which has also extended to the Salt Meat.

As the Albion So. Sea Whaler will soon leave this coast for England direct, I shall write fully by that Conveyance which you will receive long before there is a probability of this reaching you.

I have, &c.,

PHILIP GIDLEY KING.

SECRETARY NEPEAN TO ACTING-GOVERNOR KING.

(Per H.M.S. Investigator; acknowledged by Governor King, 21st May, 1802.)

Sir, Admiralty Office, 23rd June, 1801. 23 June.

It having been judged expedient that the Lady Nelson should be employed as a tender under the orders of Captain

The Lady Nelson to act as tender to the Investigator.

* Note 38.

1801.
23 June.

The Lady
Nelson to act
as tender to the
Investigator.

Flinders, of His Majesty's sloop Investigator, during such time as he may be employed in making the survey of the coast of New South Wales, I have it in command from my Lords Commissioners of the Admiralty to signify their direction to you to order Lieut. James Grant, who at present commands the Lady Nelson, to follow any orders he may receive from Captain Flinders during the time he may be employed as above-mentioned.

I have it further in command from their Lordships to signify their direction to you to give Captain Flinders every information and assistance which may be in your power, to enable him to carry on the said survey, and not to employ him, or the Investigator, on any other service than that pointed out in the instructions which he has received from their Lordships.

I have, &c.,
EVAN NEPEAN.

THE DUKE OF PORTLAND TO ACTING-GOVERNOR KING.

(Despatch per ship Investigator; acknowledged by Governor King, 21st May, 1802.)

26 June.

The Lady
Nelson to be
under the
command of
Capt. Flinders.

Sir,

Whitehall, 26th June, 1801.

You will receive this by Captain Flinders, who is about to proceed on a Voyage of Discovery in His Majesty's Ship the Investigator. As his attention will be in a more particular manner directed to New Holland, and as it may enable him to prosecute the objects of his Voyage with more success if he is accompanied by the Lady Nelson, I am to desire that you will place that Ship under his command, *ad interim*, provided the Public Service of your Government will allow of your so doing. Of this Circumstance you are the best Judge, and I therefore leave it entirely to your discretion to determine accordingly.

I am, &c.,
PORTLAND.

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Per transport Anne.*)

8 July.

My Lord,

Sydney, New South Wales, 8th July, 1801.

By way of India I had the honour of addressing your Grace. A duplicate of that and one of this letter will be forwarded by the Albion, south whaler, which will sail direct for

* Note 38.

England in a fortnight, and as this goes by the Ann, transport, by way of India, I have no doubt of the counterpart getting Home some months before this can possibly reach England.

1801.
8 July.

By the Britannia, south whaler, I received a letter from Mr. Secretary King, enclosing a copy of a letter from Messrs. Enderbys and Champions, owners of whaling ships, to Lord Liverpool, with His Lordship's letters to Mr. King, and that gentleman's observations thereon; in consequence of which the owners of that ship sent an investment, well adapted for the inhabitants, to the amount of £1,647, under a bond to the East India Company to land it here. I directed the Commissary to receive those articles into a store, and retail them to the inhabitants on the terms specified in the enclosures in exchange for their overplus grain supplied the public stores, and for which the proprietors have credit with Government. By this regulation they obtain necessaries on the most reasonable terms, instead of paying from 500 to 1,000 per cent. to favoured retailing monopolists, which has but too much prevailed in this colony. Another whaler (the Greenwich) has since arrived, with a similar investment, which is disposing of on similar terms; and I hope, as the whale fishery is now established, it will be the interest of the owners to send a quantity of porter, which they can do at a cheap rate; and as they are determined not to send any spirits, that resolution, and the measures I am pursuing will soon rid this colony of that poisonous fire that has so long raged, unfortunately for the credit, health, and tranquility of the inhabitants, it having been the only medium or requisite sought after. When the inundation of spirits is stopped, which must be the case in the course of this year, I hope the brewing beer will become common; but this has been much retarded for the want of hops, not a single plant having ever reached this country.

Proposed importation of stores by whaling vessels.

In the 10th paragraph of my letter, No. 3,* I stated the quantity of spirits brought here, and my refusing permission to an American ship (the Folinsbé) to land or dispose of any part of 13,000 gallons of spirits and 15,000 gallons of wine, with which, and the rest of her investment, she sailed a few days after her arrival, as did the Missouri, another American ship, with 7,000 gallons of spirits and 7,000 gallons of wine; and by the enclosed copy of a letter from me to the Marquis Wellesley, your Grace will observe that I have ordered 16,000 gallons of spirits, brought from India contrary to the spirit of His Lordship's proclamation, to leave this port after the vessel that brought it had time to refit, making together 36,000 gallons of spirits and 22,000 gallons of wine not allowed to be landed since last January. By the Naval Officer's reports, your Grace will observe, not only the great quantity of

Prohibited importation of spirits.

* Marginal note.—10 March, 1801. (See note 6.)

1801.
8 July.

Importation
of stores
encouraged.

spirits attempted to be landed, but also the numerous dry goods that have been and are still arriving from Europe, America, and the East Indies. Whilst I have forbidden a great quantity of the spirits being landed, I have given every encouragement to the dry goods being left, under regulations of price and distribution. This advantage, together with the articles brought by the whalers, and the liberal supply of necessaries just arrived by the Earl Cornwallis on the part of Government, will release the inhabitants from that monopoly and oppression they have so long groaned under. But still, I am sorry to observe, that hitherto these advantages have been confined to a very few. As the severe wound given to the settlers and others' industry by the utter impossibility of procuring any article of use or comfort but at the expense of their farms, has deprived most of them (as appears by the enclosures) of the means of profiting by the present low prices, and the regulations so necessary for an equal distribution as detailed in my General Orders, which I have the honour to enclose,* and to which I respectfully call your Grace's attention, as explanatory of what my conduct has been, and will be, to endeavour accomplishing the task I undertook; and for the facility of reference to any particular subject, I have annexed a general index to those Orders. Obnoxious as my conduct is (and I have no doubt will continue to be) to those who have made fortunes by a different system being pursued, I am encouraged in soliciting your notice and consideration of the purport of those Orders, and under that hope I shall forbear troubling your Grace with a repetition of many circumstances that ought otherwise to make a part of this letter.

The effects of
floods on
the settlers.

In the 13th paragraph of my letter, No. 3, I stated the calamities that had befallen the settlers at the Hawkesbury by the repeated overflowing torrents in that quarter, since when two still more destructive inundations have happened, and nearly swept that settlement away. Those repeated misfortunes† have so disheartened many of those settlers as to give up the cultivation of their farms and to labour for others who are more persevering, and who, I hope, will prove more fortunate. I also expressed my apprehensions that these repeated losses of wheat stacks and growing corn would greatly effect the necessary economy to make the grain last till the ensuing harvest; and as not more than twenty-seven weeks' full rations of salt meat remained in the store (14th March), I was sensible that a consideration of our state and resources was necessary; but to reduce the ration of

* Note 39.

† Note in original.—The Flood in: (See note 40.)

Febry. took away 3589 Bush. Wheat in Stacks, 588 Acres Maize, 75 Hops.
October ,, ,, 484 Acres Do. growing, 766 Acres Do. 27 do.

those at Government labour before the season for sowing wheat was over would (from the necessary reduction of public labour also) have prevented me from getting so much sowed for Government as has been done,* I therefore deferred it until the wheat was all got in, which was completed the 12th June, when, in consequence of the Commissary's return of provisions in the store, and what might be expected from individuals, as stated in the enclosure, I directed the ration to be reduced, as stated in the General Order of the day, of which the enclosed is a copy. At that ration we shall remain until the next harvest, which, I hope, will be more abundant on the part of Government than it ever has been yet. Although I have been obliged to rent a large farm† to employ the Government men on, but as the rent is to be paid from the produce, I have no doubt of its turning out very advantageous. In my letter, No. 2,‡ I stated how very circumscribed Government cultivated lands were, and the cause of it. As I am now about beginning another farm for the Crown I shall take care that grants of land are not made to exclude Government from the ground cleared by the convicts at public labour, which has been the case at Toongabbe and Parramatta, to the great accumulation of expense to the public.

1801.
8 July.Reduction
of rations.Government
farming.

In my preceding letters to your Grace, I have stated as fully as possible the necessity of salt pork being continued to be sent out to prevent the present good stock of labouring and breeding cattle being destroyed; and that I had it in contemplation to send the Porpoise to Madras or the Cape for a supply of grain. But as the merchants with whom I contracted for bringing cattle, &c., from India (as stated in No. 3§) engaged to bring sixty tons of rice at £21 per ton in the ship that might bring the cattle, I took his offer, which I hope your Grace will approve of, as I have no doubt but we shall be in great want by the time that supply is received, as I much fear our estimate of remaining grain is over calculated, added to which a large stock containing 1,000 bushels belonging to an individual has been since destroyed by fire. Sending the Porpoise for grain, therefore, became unnecessary, as she could not have brought much more than that quantity; and a service equally necessary offering for that ship, which was then refitting, having been twice to Norfolk Island during the four months she had been here. As accidents might happen to ships coming here with supplies of meat from England, I determined on making two trials how far we might not only guard against the consequences of such failures, but also to endeavour rendering ourselves as independent as possible of those supplies

The problem
of live stock.* *Marginal note.*—470 acres wheat, 300 do. maize, will be planted.† Note 41. ‡ Note 42. § *Marginal note.*—March 10th, 1801.

1801.
8 July.

H.M.S.
Porpoise
despatched to
Otaheite for
pork.

from England. My first plan was to send the Porpoise to the Society Islands (with what articles of barter I could collect) to procure hogs and salt the pork; the other plan was to send one of the Colonial vessels to Norfolk Island to hold out encouragement to settlers to salt their overplus pork. Soon after I took the command, I caused the only salt-pan remaining in the colony, which had hitherto been used for the profit of an individual, to be worked for the public advantage. This, with some improvements, I hoped would enable me to get enough salt to despatch these vessels about August. Fortunately a whaler arrived with a quantity (fifteen tons) of salt from the Cape de Verde for the purpose of curing sealskins. As the master had given that idea up, I purchased it at three half-pence per pound, and was thereby enabled to send the Porpoise in May to Otaheite, and the Norfolk to Norfolk Island, which ensures much cool weather to salt what pork they can procure. I have the honor to enclose copies of my correspondence with Pomarree, Chief of Otaheite, and the missionaries, also my orders to the acting commander of His Majesty's armed vessel Porpoise, and my instructions to Major Foveaux, at Norfolk, on that subject. Your Grace will observe that what articles the stores did not furnish for barter I was obliged to purchase, the expence* of which is very small in comparison to the advantages I expect to derive from it, and it being more advisable to make that use of the ship than to let her lie idle. Should this trial succeed, I shall be much at a loss for a ship of greater tonnage to send there next year. But, as this depends on our succeeding, I shall not press any other ship being sent here until your Grace's instructions in answer to my despatch by Governor Hunter are received, referring your Grace to my separate letter† in my general letter No. 3, the duplicate of which is sent herewith, respecting the establishment such a ship might be on if sent out, with my subsequent remarks thereto.

The victualling
of H.M.S.
Porpoise.

His Majesty's armed vessel Porpoise being on the establishment of the Navy, and the provisions and stores for that ship being, of course, included in the navy and victualling supplies, and there being no agent victualler or naval storekeeper here, I conceived it necessary for the clearer statement of the expences of this colony to give the Commissary two orders, of which the enclosed are copies, which I hope will be deemed regular by the Navy and Victualling Boards, to whom I have written the enclosed letters on that subject.‡

Much as it has been my constant study and wish to avoid every cause of incurring expences, yet the local necessities of the public service has been such as to render it impossible for me to avoid this most disagreeable part of my duty without a great hindrance

* Marginal note.— £51 10s. 0d. † Note 43. ‡ Note 44.

and consequent injury to the furtherance of His Majesty's service and the welfare of this colony. But having done away many and begun to remove other radical causes of these heavy expences, I hope and am indeed confident that if the restrictions I have found it necessary to establish are continued by those whom His Majesty may honor with the direction of this colony, that those expences will greatly diminish every year. But from former circumstances, and the difficult oppositions I have met with in effecting those savings, they will not appear so considerable this year as I could wish, although I trust it will be obvious by a reference to my General Orders, that many beneficial retrenchments and conclusive regulations have been established. For a statement of the indispensable expences incurred since I took the command to this date, I respectfully request your Grace's reference to the enclosed separate letter* and the documents annexed thereto.

1801.
8 July.

Reforms in
the financial
administration.

Having been a year in the colony and nine months in the command, your Grace may expect that information which my situation requires me to give; but I am sorry to say that from the unremitting application requisite to arrange the different public concerns of this spreading colony—in doing which I have many destructive prejudices and precedents sanctioned by custom and established by interest, also long continued abuses and daring artifices to get the better of, detect, and remove—for the means I have used to obtain this end I beg to refer your Grace to my enclosed General Orders. These causes, together with the numerous arrivals within the last nine months, have so totally engrossed my whole time that I have not been able to pay that attention I wished in arranging the necessary materials I have for giving a fuller detail of the present state of this colony than the necessary enclosures to this despatch. These statements will be clearer to your Grace and more satisfactory to myself at the end of the year. I then hope to possess you very fully of every circumstance respecting this colony which it is so necessary your Grace should be informed of.

The correction
of abuses.

In my letter No. 3 I informed your Grace of the arrivals of the Porpoise, Lady Nelson, Royal Admiral, and Anne transport, with Irish convicts, by which vessels all the provisions and stores were received safe except 43 convicts who died on the passage on board the Royal Admiral and †— on board the Anne. The Earl Cornwallis arrived the †— instant, having lost †— male and †— female convicts. The greater part of those landed are very much affected with the scurvy, altho' it does not appear that the agent or master have been wanting in attention to them.

Convicts on
the Anne,
Royal Admiral,
and Earl
Cornwallis.

* *Marginal note.*—Separate A. † Blanks in the original (*see note 45*).

1801.
8 July.
Discoveries of
Lieutenant
Grant.

Having in my last informed that the Lady Nelson in coming here, passed through Bass's Strait, agreeable to your Grace's directions, and that Lieut. Grant was sent to survey and examine that passage, but from the inclemency of the weather in that high latitude at this season, his discoveries have extended no further than making a minute survey, and ascertaining Western Port to be a safe and spacious harbour for any number of ships. Lieut. Grant and the officers who were on that survey, report the soil about Western Port to be equal in goodness to that of Norfolk Island.* The important situation of that port, and its relative connexion with this settlement, points it out as a proper and necessary place to have a settlement at, not only from its convenient situation in the center of the straits for ships to stop at, either by reason of adverse winds or any other cause, but also from its advantageous situation for a seal fishery, which will be more particularly explained on the chart sent by the Albion, which has been ably surveyed by Ensign Barrallier, of the New South Wales Corps, and who will be a great acquisition in surveying and delineating these hitherto unknown coasts, as, unfortunately, Lieut. Grant, altho' a good seaman, and a sober, steady, capable officer, yet has no knowledge of surveying and delineation, this necessary qualification in officers of the Navy not being so much attended to as the more active and important duties of their profession.

Advantages of
Western Port.

Examination of
Hunter River.

The Lady Nelson returned here the 15th May, and sailed from hence with another Colonial vessel† the 9th instant to examine and survey the Coal River, sixty miles to the northward of this place, from whence a prize vessel, purchased by an individual in this colony, has just returned with 150 tons of very fine coals and timber, which he has sold to the master of the Earl Cornwallis, going from hence to India, for £3 per ton. Being very anxious to ascertain how far that place can be depended on for a supply of that necessary article, and to ascertain its situation so far as to determine on the propriety of making a settlement there, I accepted Lieut.-Colonel Patterson's offer of going in the Lady Nelson to assist Lieut. Grant in making such observations as might guide my conduct in undertaking an establishment at that place, the result of which I shall inform your Grace on the schooner's return, as she is to be despatched with a load of coals as soon as possible after their arrival. Ever since I took the command, an experienced miner with eleven men have been employed boring in the most likely place to produce coals in this neighbourhood, as stated in my former despatches. He has got down ninety-six feet, but no coals, except very thin veins. As he is confident of coming to a bed of coal, it shall be continued

Export of coal.

Search for
coal at
George's River.

until he gives it up, or until I receive Lieut.-Colonel Patterson and the other officers' reports, who are gone to examine the Coal River. As the Lady Nelson will return here by the 1st August, I intend to despatch her and another Colonial vessel, in September, to survey and examine Bass's Strait, and the south-west coast, as fine weather may then be expected.

1801.
8 July.

Proposed
examination of
Bass' Strait.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosures.]

[The enclosures to this despatch were also forwarded as enclosures to despatch No. 4, dated 21st August, 1801, from Acting-Governor King to the Duke of Portland.]*

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Per transport Anne.†)

Sydney, New South Wales,

My Lord,

8th July, 1801.

With this I have the honor to enclose a statement of provisions remaining in His Majesty's stores, including that received by the Earl Cornwallis, with a present estimate thereon. The general statement and quarterly employment of those victualled from the stores should have accompanied this, but that the dispatches by the Albion will reach England sooner than this possibly can.

Commissariat
returns.

In a preceding letter I had the honor of stating that, in addition to the articles purchased from the John Jay and Diana, American ships (duplicate vouchers for which have been transmitted), I found it necessary to direct the Commissary to purchase some articles from the officers of the Royal Admiral, and to make payment for wheat, &c., purchased from private cultivators, to supply those necessarily victualled from the stores, for the three quarters from Sept'r 28th (when I took the command) up to this date; since when it has been necessary to direct the purchase of some necessary articles from the master of the Ann transport, and from the supercargoes of the American ship Missouri, an abstract from which I have the honor to enclose, and vouchers for the payment will be sent by the Albion; and to explain the cause of incurring these expenses, I beg to request your Grace's reference to the enclosure containing the necessity of purchasing those stores for the public use of this settlement and of Norfolk Island, a part of which would have been unnecessary had I known that articles were coming by the Earl Cornwallis. But as no unwrought iron came by that ship, and as proportions of the sugar and other articles may be spared to individuals, at an advance, in exchange for grain and animal food, I trust that

Purchase of
stores on the
Royal Admiral

and on the Anne
and Missouri.

* Note 48. † Note 38.

1801.
8 July.

Requisitions
for stores.

when the great quantities of the most useful articles brought for sale and our many wants (as stated in my letter by Gov'r Hunter) is considered, that my ordering these purchases will be approved of, as in our then state, it required some degree of denial not to supply the colony with many necessary tools that those at public labor were destitute of, which have since been supplied from those received by the Earl Cornwallis, and being generally in good condition, considerably diminishes our wants, a list of which, and their several necessities I enclose; in doing which I beg to assure your Grace I am guided by the strictest economy and exertion to make every possible saving in the expences of this colony, which I trust will be considerably less than they have been for some years past, supposing that saving only to arise from the great reduction of the price of grain and animal food, and enforcing the payments of debts due to the Crown since I took the command, the annual statement of which will be transmitted when the year's accounts, ending the 31st December next, are made out. In this place it is necessary to remark that our present scarcity of grain has not occasioned any increase in its price, and as every material statement will be made in the papers to be sent by the Albion of our present resources for provisions, &c., and its application, I have to request your Grace's noticing the number of people I have found it necessary to strike off the public stores as having no claim to be maintained at the public expence. The saving occasioned by that measure is very great.

Victualling
of H.M.S.
Porpoise.

In the letter of which this is an enclosure,* I have stated my reasons for directing the Commissary to draw on the Navy and Victualling Boards respectively for payment of stores and provisions purchased from masters of ships or other individuals for the use of His Majesty's armed vessel Porpoise, which I hope will be deemed regular.

Stores and
provisions
by the Earl
Cornwallis and
Royal Admiral.

The salt provisions (received very opportunely) and the stores sent by the Earl Cornwallis, are in good order, except some articles damaged by wet and leaks, which, altho' considerable, cannot yet be ascertained, as well as many articles received by the Royal Admiral, which are very deficient of the quantities expressed in the bills of lading, particularly the shoes, on which subject I shall write to the Transport Board by the Albion.

Your Grace's instructions respecting the manner in which the articles sent by the Royal Admiral and Earl Cornwallis are to be disposed of, are carrying into effect, and a separate account thereof, as well as all other public accounts of this colony, will be transmitted yearly to your Grace, and my Lord's Commissioners of His Majesty's Treasury.

I have, &c.,

PHILIP GIDLEY KING.

* Note 13.

[Enclosures.]

1801.
8 July.

[The returns attached to this despatch were also forwarded as enclosures to the despatch, marked "Separate A," and dated August 21st, 1801, from Acting-Governor King to the Duke of Portland.]

THE VICTUALLING BOARD TO THE GOVERNOR OF NEW SOUTH WALES.
(Per transports Hercules and Atlas; acknowledged by Governor King, 31st August, 1802.)

Sir, Victualling Office, 4th August, 1801.

4 August.

The Right Honble the Lords Commissioners of His Majesty's Treasury having been pleased by Mr. Vansittarts Letter of the 30th May last, to direct us to send out Two Hundred and fifty thousand Pounds of Pork, for the use of the Settlement of New South Wales; We beg to acquaint your Excellency that in compliance with their Lordships said Order, we have Shipped the following quantities of that Article on board the undermentioned Victuallers Vizt.

Salt provisions shipped in the Hercules and Atlas.

Vessels Names.	Masters Names.	Quantities.
Atlas	Richd Brooks	124,980 lbs.
Hercules	Luckyn Betts	125,040 „
	Pounds	<u>250,020</u>

and that we have consigned the same to you.

The Invoices of and Masters Bills of Lading for the quantities of Pork so Shipped will be consigned to you by the Vessels to which they severally relate, and we have to request you will Order proper Receipts to be granted for what shall be delivered.

We have, etc., etc.,

G. P. TOWRY.

FRAS. STEPHENS.

WM. BOSCAWEN.

LORD HOBART TO ACTING-GOVERNOR KING.*

(Despatch per transports Hercules and Atlas; acknowledged by Governor King, 17th November, 1802.)

Sir, Downing-street, 6th August, 1801.

6 August.

His Majesty having been pleased to place the Department of the Colonies in my hands and to direct that all communications relative to the affairs of Government should be hereafter addressed to me, I have the honor to acquaint therewith and to assure you that I shall not fail to lay your dispatches before the King, and that I shall on every occasion avail myself of the earliest opportunity to transmit to you the orders which His Majesty may think proper to give thereupon.

Appointment of Lord Hobart to the department of the colonies.

I am, &c.,

HOBART.

* Note 49.

1801.
20 Aug.

LORD HOBART TO ACTING-GOVERNOR KING.

(Despatch per transports Hercules and Atlas; acknowledged by Governor King, 17th November, 1802.)

Sir, Downing-street, 20th August, 1801.

Seniority of
Surgeon
Jamison.

As it appears that, owing to some mistake or delay, Mr. Jamison's commission as a staff surgeon in New South Wales was dated some time after his first appointment to that office, in consequence of which he would be deprived of the advantage of rising in his department in the regular line of succession, unless some order was given to you to the contrary, I am commanded to signify to you His Majesty's pleasure that, upon the decease or resignation of Mr. Balmain, Mr. Thomas Jamison shall succeed to the situation of Surgeon-General of New South Wales, without any reference to the date of his present commission.

Yours, &c.,
HOBART.

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch No. 4, per whaler Albion; acknowledged by Lord Hobart, 29th August, 1802.)

Sydney, New South Wales,
21st August, 1801.

21 Aug.

My Lord,

Shipping
returns.

By way of India I had the honor of addressing your Grace,* a duplicate copy of which I enclose. Since then, there have been a number of arrivals as detailed in the enclosed report of the Naval Officer, of the Half years Clearances and Entries from the time of my taking the command, September 28th, 1800, to March 31st, 1801, also those up to this time.

[*Paragraphs two, three, and four were replicas of the corresponding paragraphs in the despatch, dated 8th July, 1801 (see pages 111-113), with the addition of the following to paragraph four, between the sentences "it ever has been yet" and "Although I have been obliged to rent a large farm."*]

Public
farming.

In my letter, No. 2, I stated the necessity of finding a situation to employ the convicts at public labor in cultivation. As the grounds about Toongabbie and Parramatta (leaving only 380 acres) have very improperly been leased and granted to individuals, perverting Governor Phillip's plan of concentrating the labor of Government servants to one place, which would have greatly facilitated the public work and interest, instead of employing the convicts at public labor in detached situations, and not having people to direct their labor and secure the produce of it without incurring much additional expence, and even then the class that this confidence must necessarily be placed in has been

* Marginal note.—No. 3, March 10th, 1801.

too often detected in the abuse of it. I also intimated my commencing at a place begun the preceding year; but the soil proving of the most unproductive kind, I fixed on a situation that Governor Phillip intended as a stock farm for Government,* the soil being of the best and most productive kind. Fifty men have been clearing it, and I hope much public benefit will be derived in raising grain and feeding Government cattle, which, after the approaching increase, must be divided into several separate herds. The convicts at public labor had cropped all the cleared ground left for the Crown three weeks before the season was over for sowing wheat. It therefore became an object of necessity and economy to employ their labour in sowing as long as possible for the Crown, but there being no more public ground clear, and many private farms now lying waste (altho' the property remains in the grantees or the purchasers), it occurred that by renting one of them, which is the most productive in the colony for this year, until more ground can be cleared for the public, a great saving would arise. I therefore hired it at 15s. per acre, containing 171 acres, and is entirely cropped with wheat. If the season turns out well its produce will be upwards of twenty bushels an acre; the same ground has produced thirty. The rent is to be paid out of the produce. That farm is one among the many that are lying waste, and would be highly productive, but belonging to individuals whose present involved state prevents them from cultivating those farms that have hitherto been worked, by the lure of spirits in exchange for Government bills arising from their industry. The influx of spirits being now greatly reduced, and I do not doubt will be entirely removed in another year, I trust we shall then find that labour can be carried on without spirituous liquors as well as with, altho' I am confidently told that from the time of my ordering the three ships away with 58,000 gallons of wine and spirits, that moment agriculture would lose its greatest support.

[Paragraphs five, six, seven, and eight were repetitions of the corresponding paragraphs in the despatch, dated 8th July, 1801 (see pages 113 to 115), with the addition to paragraph eight of the first paragraph which follows.]

I had the honor of receiving your Grace's notification† respecting the happy union that has taken place between Great Britain and Ireland, and also of His Majesty's titles, with the alteration in the Union flag. As this information reached me the 27th May, I appointed the anniversary of His Majesty's birthday for the public observance of this joyful event, which was announced by a royal salute from our batteries and ships on the new Union

1801.
21 Aug.

Public
farming.

A farm
rented by
government.

Causes of farms
lying waste.

The union of
Great Britain
and Ireland.

* Note 50. † Note 51.

1801.
21 Aug.

being displayed, and repeated in honor of the day at noon and one o'clock, with other demonstrations of joy.

Irish prisoners
pardoned.

[9] On this occasion I released those among the Irish insurgents who were so troublesome previous to and some time after I took the command; and no appearance of the restless spirit with which they were then actuated remaining, I hope they are convinced of their improper conduct. As the cause no longer existed for keeping the Association* armed, I have directed them to be dismissed from their attendance. In this place I beg to submit to your Grace's consideration the situation of several persons who were sent here from Ireland during the late rebellion, many of whom without any sentence† being sent here against them. During the time they have been here the conduct of many of them has been uniformly good, and highly deserving. Situated as they are, however meritorious their conduct may be, I shall not presume to extend the full effect of the prerogative His Majesty has been pleased to delegate to the Governor of this colony in behalf of those people, not knowing to what extent their crimes have been carried in Ireland. Three of this description I have emancipated conditionally not to leave the colony, but as some of them have left families in Ireland, and were, according to their account and the recommendations they brought with them, in good circumstances, I humbly beg leave to request your Grace's instructions how far it may be proper to extend His Majesty's mercy to this description of people by giving them free pardons, a list of some of whose names I have the honor to enclose in case your Grace should require such a reference.

Volunteers
disbanded.

Status of
certain Irish
prisoners.

Mutilation
of convict
registers.

A few days previous to Governor Hunter's departure from this colony the person who acted as his clerk was discovered to have made several erasements in the indents sent with the convicts to this colony, which it has since appeared was done for the reward of £12 for changing from life to seven years, and more in some cases.‡ It appears that at least 200 prisoners have had their terms thus changed, which has introduced such confusion into the indents and Orders in Council by which these convicts were transported, that there is great difficulty in tracing any convict's term of transportation but by secret enquiries and secondary means. It has lately been discovered that the clerks in my office have had similar transactions, and received considerable property from convicts to change their times; but as the indents and Orders in Council have been constantly in my own possession, they were very soon detected and a stop put to it, as your Grace will observe by the enclosed notice. I have felt it my duty to state this circumstance to account for the numbers who may have

* Note 52. † Note 53. ‡ Note 54.

been taken up in England as having escaped from this colony before their terms of transportation are expired.

1801.
21 Aug.

I am happy to inform your Grace that the Orphan House at Sydney is inhabited by those deserted female orphans who are rescued from those scenes of prostitution and iniquity that disgraces the major part of the inhabitants of this colony, many of whom are from nine to fourteen years old; and such are the regulations and attentions paid to this establishment by those who have undertaken the charge of it, under my controul, that I hope the happiest effects will be produced by the institution in the future morals and happiness of the inhabitants. As this institution will not be attended with any material public expence, besides the house purchased conditionally on your Grace's approbation, I hope we shall be able to continue appropriating a part of the industry of the inhabitants to this laudable purpose. As the other Orphan House is now in hand at Parramatta for the reception of more of this forlorn class, who are not a bit better in any respect than the natives, when that is finished, which will be some time first (as our funds are getting low), attention ought to be paid to drawing the male youth into some bounds, and to seclude them from the bad examples they hourly witness among their abandoned parents and acquaintance.

The Orphan
Institution.

By the report of the Committee appointed by Governor Hunter to superintend and direct the building a county goal at Sydney, it appears that the expence of that undertaking (which is now compleat) amounts to £3,954, including the sum of £1,000 lent by Governor Hunter on account of the Crown. On my taking the command, the balance of that loan due to Government was £460 15s. 2½d., since when a sufficient sum has been raised by assessments on spirits and other strong drinks to repay that sum to the Commissary on account of Government, and for the appropriation thereof. I have to request your Grace's reference to my separate letter, B,* respecting the purchase of the Harbinger, now the Norfolk brig, which proceeding I hope will meet your Grace's approbation, as such a vessel is much wanted, not only for the public use of the colony, but also to accompany the Lady Nelson on her surveys.

The erection of
the gaol at
Sydney.

The purchase
of the
Harbinger.

The enclosure will inform your Grace of the quantity of stock belonging to Government and to individuals, with its increase and decrease since last year, also the number of acres sowed with wheat and to be sowed with maize. The number of Government cattle does not include the wild herds, which are in that ferocious state that getting them will be attended with great difficulty. Some attempts have been made, which will be renewed in the summer; but as they are got into the mountains behind the

Returns of
live stock and
agriculture.

* Note 55.

1801.
21 Aug.

Increase of
government
cattle.

The problem
of live stock.

Nepean, no certain calculation or dependence can be placed on that source for the present, except the satisfaction of knowing that they exist in great numbers, and are daily increasing. When the cattle I have contracted for being sent from India (as stated in my general letter No. 3) arrive, I think any further supplies of cattle will be unnecessary, as they will then breed as fast as they can be taken care of. In the separate statement of Government stock alone, your Grace will observe that more than one-third of the 343 cows are calving daily, whilst the rest are in an increasing state, which must make the increase very great in two years more, especially when the 150 cows from India are arrived. It will soon be necessary to give some of the labouring oxen out among the most industrious settlers in exchange for grain. Perhaps some cows ought to be disposed of in the same manner. It will therefore be obvious that beginning to support those necessarily maintained at the public expence from that stock for the present, would exterminate the breed of what has cost so much to bring to that state it is now in; and if all the sheep and cattle belonging to Government were killed for the support of those maintained by the Crown, it would not last longer than thirteen weeks at the established ration, as stated on the back of that return.* I have been the more particular in stating this circumstance, to possess your Grace of the necessity of salt provisions being continued to be sent here for some time to come. Respecting the stock belonging to individuals, being private property of course they would make as much of it as possible. Such part of it as is now killed and bartered for the maintenance of those off the stores is sold—beef 2s. 6d., mutton 1s. 6d., pork 1s. per lb. The assurance I gave the settlers that 6d. per lb. for fresh, and 7½d. a pound for salt pork, has procured but a very small quantity, and I think it my duty to persevere in the determination I have signified, not to give more than these prices on the part of Government on any emergency.

Price of meat.

In my letter by the Buffalo† I signified having drawn bills conditional on your Grace's approbation, in payment for the stock left by Governor Hunter, Major Foveaux, and Captain Kent. As Mr. Balmain, principal Surgeon to the territory, has my permission to avail himself of your Grace's leave of absence, and not being able to find purchasers for the cattle he leaves behind, I have directed them to be valued by proper people, and received into Government herds, until I am honored with your Grace's instructions upon this head. I have the honor to enclose an attested copy of that valuation, and have given a duplicate to the proprietor. In consequence of an application from Major Joseph Foveaux (who is now acting as Lieutenant-Governor of

Live stock
of Surgeon
Balmain.

* Note 56. † Note 57.

Norfolk Island) of the great inconvenience and consequent loss it is to him not being able to superintend his large flock of sheep at this place, he requests my purchasing them for the public; but as this is a transaction I do not wish or feel myself authorised to undertake without your Grace's sanction, I enclose his proposals, and have to request your Grace's instructions thereon.*

1801.
21 Aug.

Sheep of
Major Foveaux.

I have had the honor of informing your Grace that every endeavour is making by individuals who own so great a proportion of the sheep in the colony to improve the hair into wool by means of three Spanish rams brought here in 1797, and that no pains would be spared to obtain the same object with Government's flock. From the whole of the wool obtained last year from Government's flock and that of individuals, 306 yards of blanketing has been made, and a proportion thereof returned to the latter for their wool. As our progress in this necessary manufactory must depend on the sheep being preserved, the wool improved, and the expence of purchasing the wool from individuals being done away with as much as possible, I beg to offer these as my reasons why Major Foveaux's sheep might be purchased, if your Grace thinks proper.

Development of
wool
industry.

Every exertion is making, as stated in my letter No. 3, to bring the flax manufactory to as great a degree of perfection as possible; 472 yards have been made within the last five months, and I shall continue to do my utmost for its advancement.

Manufacture
of flax.

By the Britannia whaler, which arrived here the 26th March, I had the honor of receiving your Grace's letter† directing that one of the clergymen should be sent to Norfolk Island. As only one clergyman is now here (the Rev. Mr. Johnston having gone to England with Governor Hunter), who cannot be spared from the duties of this place, I had, previous to the receipt of your Grace's letter, directed a Protestant clergyman (the Rev. Mr. Fulton,‡ being one of the number whom I have mentioned in a former part of this letter) to go thither, and directed the acting Lieut't-Governor to allow him to perform the duties of a clergyman until another can be sent from England. I beg leave to recommend him for the salary allotted to the clergyman of that island. As the Rev. Mr. Johnston went Home with Governor Hunter's leave, and the time of his return not being stipulated, I beg to suggest the necessity of him, or a successor, being ordered here as soon as your Grace may judge proper. The Rev. Mr. Had-dock, appointed chaplain to Norfolk Island, not having judged proper to come by several opportunities that have offered since his appointment, I presume it is not his intention to come at all.§

Clergyman for
Norfolk Island.

Mr. William Balmain, principal surgeon, intending soon to avail himself of your Grace's permission to return to England,

Departure of
Surgeon
Balmain.

* Note 58. † Note 59. ‡ Note 60. § Note 11.

1801.
21 Aug. I respectfully request that Mr. Thomas Jamison, surgeon, of Norfolk Island (in whose place one of the assistant surgeons is now acting), may be ordered to return to his duty, or another person sent, as we are now very deficient of medical assistance.
- Health of
Surveyor Alt. I have the honor to enclose a copy of the survey held on Mr. Alt, Land Surveyor-General, also his memorial praying for some provision for the few years he probably has to live, and which his services appear to merit. As he has done no duty these some years past, owing to his infirmity, and Mr. Grimes, the Deputy-Surveyor of Norfolk Island, who I found here, having done Mr. Alt's duty and his own for some years, I have found it necessary to detain Mr. Grimes, and to appoint him to do the duty of Surveyor-General until I receive your Grace's directions; and as a surveyor is much wanted at Norfolk Island, I respectfully suggest the propriety of Mr. Grimes being appointed Surveyor-General, and a Deputy-Surveyor being sent out to Norfolk Island.
- Promotion of
Surveyor
Grimes. I am sorry to observe that, by a letter I received from Major Foveaux, at Norfolk Island, he states that the same causes which occasioned the failure of our crops have extended there, inasmuch that not more than five weeks and a half's grain remained in their stores, and but little more on the island when his dispatch was dated (as appears by the enclosed statement of that settlement, and other papers relative thereto), which he apprehends will greatly affect the existence of the large stock of swine, that used to be in such abundance, and seems to preclude any hope, for the present, of this place being supplied with pork from thence. The Major has sent the quantity of salt meat stated in the enclosure, all which, except the last two hogsheads, were in the store when I left the island in 1796, and has never been got from thence till now. The Albion (by which ship this dispatch goes), touching at Norfolk Island, I have instructed Major Foveaux to transmit a particular statement of that settlement to your Grace.
- Reports from
Norfolk Island. I have the honor to enclose returns of the superintendants and of the officers of the civil department in the execution of their respective duties and absent on leave, also the births and deaths since last return, and I have a great pleasure in communicating to your Grace the good state of health and general good behaviour of the inhabitants.
- Returns of
civil officers
and
superintendants. Vital
statistics. From the alteration made in the Royal Arms since the Union, I beg to submit the propriety of a new Colonial Seal being sent out, in addition to the Royal Standard and new Union flags, requested in one of my enclosures.
- Territorial
seal. Yours, &c.,
PHILIP GIDLEY KING.

[Enclosure No. 1.]

A List of Ships and Vessels which entered inwards in the Harbour of Port Jackson, in His Majesty's Colony of New South Wales, between the 30th day of September, 1800, and the 30th day of March, 1801, with the particular quantity and quality of the loading of such vessels.

Time of Entry.	Ships' Names.	Masters' Names.	Built.	Number of			Where and when Built.	Where and when Registered.	Owners' Names.	General Cargo.	From whence.	Where and Bound when given.
				Tons.	Guns.	Men.						
1800. 30 Sep.	John Jay..	Benj'n G. Dexter.	American	464	12	36	— 1794....	Providence, 20 April, 1797.	Brown & Co. ..	General mer- chandise.	Providence	1800. Sydney.
20 Nov.	Diana	Jared Gardner	"	215	2	14	Salisbury, New Eng- land, 1783.	New Bedford, 27 June, 1800.	Rodman & Co.	"	New Bedford ..	21 Nov. Sydney.
22 Nov.	Royal Admiral.	William Wilson	English..	923	24	70	London, 1777	London.....	Gabriel Gillet & Wilm Wilson.	"	London, touched at Rio de Janeiro.	22 Nov. Sydney.
18 Dec.	Trimmer Brig.	Alex'r Foggo ..	Pigou ..	100	2	21	Pigou, Jan., 1799.	Calcutta, 1 Aug., 1800.	Alex'r Foggo ..	"	Calcutta	18 Dec. Sydney.
1801. 1 Jan.	Speedy ..	George Quested	English..	313	..	24	London, 1779	London, 22 Oct., 1791.	Enderbys	300 barrels oil.	The coast whaling.	8 Jan. Sydney.
12 Jan.	Harbinger,	John Black....	English..	56	6	20	Quebec, 24 July, 1797.	London, 26 Oct., 1797.	Michael Hogan	General mer- chandise.	Cape Good Hope.	12 Jan. Sydney.
21 Jan.	Follensbé..	James Perry ..	American	269	6	23	Salisbury New Eng- land, 1797	Newport, New England, Aug. 16, 1800.	Vernon & Co.	"	Newport.	22 Jan. Sydney.
7 Feb.	Margaret, Brig.	John Buyers ..	English..	121	10	15	Prize to the Dover and Cecelia.	London.....	Turnbull & Co.	"	Cape Good Hope.	9 Feb. Sydney.
21 Feb.	Aime	James Stewart	Foreign	384	12	42	Prize to the Dover and Cecelia.	Licensed at London, 9 April, 1799.	Prince and Saunders.	"	Cork, touched at Brazil last from Cape Good Hope	21 Feb. Sydney.
26 Mar.	Britannia..	Robert Turnbull.	English..	301	6	24	Dorset, 1783.	London, 7 June, 1787.	Enderbys	"	London.....	27 Mar. Sydney.

1801.
21 Aug.
Shipping
returns.

1801.
21 Aug.
Shipping
returns.

[Enclosure No. 1—*continued*.]

A List of Ships and Vessels which entered Inwards in the Harbour of Port Jackson in His Majesty's Colony of New South Wales in the Quarter between the 30th day of March and 30th day of June, 1801, with the particular quantity and quality of the lading of such vessels.

Time of Entry.	Ships' Names.	Masters' Names.	Built.	Number of		Where and when Built.	Where and when Registered.	Owners' Names.	General Cargo.	From whence.	Where and when Bond given.	
				Tons.	Men.							
1801. 7 Apr.	Ocean	Abraham Bristow.	Foreign	243	2	22	Prize to the Camperdown, cutter.	London, 29 Ap ^l , 1800.	Enderbys	Sperm oil and salt.	London	1801. 7 April. Sydney.
13 "	Chance Privateer.	William White	French . .	117	16	50	Prize	London	Michael Hogan	Wines and spirits.	Cape Good Hope.	13 April. Sydney.
2 May	Missouri . .	William Vickery	American	206	6	20	Philadelphia, 1800.	22 Dec., 1800	Willings & Co.	Miscellaneous	Philadelphia . .	2 May. Sydney.
29 "	Greenwich	Alexander Law	English . .	538	2	23	London, 18 Sep., 1800.	London, 13 Nov., 1800.	Enderbys	Miscellaneous	London	29 May. Sydney.
29 "	Anna Josepha.	Hugh Mechan	Spanish	170	2	..	Prize to the Betsy, whaler.	Sydney, New South Wales.	Lord & Co.	Miscellaneous	Hunter's River	29 May. Sydney.
1 June	La Fortuné Privateer.	Sinclair Halcrow.	Foreign	492	22	90	Prize to the Ruby.	London, 8 Oct., 1800.	Hamilton & Co.	Tobacco	Cape Good Hope.	1 June. Sydney.
2 "	John, Brig	Samuel Fuller	Danish . .	179	..	13	Prize to the Star.	Cape Good Hope.	Chace & Co.	Miscellaneous	Cape Good Hope.	2 June. Sydney.
12 "	Harrington, Bg.	Will'm Campbell . .	Bengal . .	180	6	35	Calcutta, 1796	Calcutta, 16 Jan.	Chace & Co.	Miscellaneous	Last from Calcutta.	12 June. Sydney.
12 "	Earl Cornwallis.	James Tennant	British . .	784	20	72	.....	.....	Wilson, Tenant & Co.	Miscellaneous	Last from Cape Good Hope.	12 June. Sydney.

W. BALMAIN, Naval Officer.

[Enclosure No. 1—continued.]

A List of Ships and Vessels which have cleared outwards at the Port of Port Jackson, in His Majesty's Colony of New South Wales, between the 30th day of September, 1800, and the 30th March, 1801, with the particular quality and quantity of the lading of such vessels.

Time of Clearing.	Ships' Names.	Masters' Names.	Masters' Names. Built.	Number of			Where and when Built.	Where and when Registered.	Owners' Names.	General Cargo.	Whither Bound.	Where and when Bond given.
				Tons.	Guns.	Men.						
1800.	John Jay..	Benj'n G. Dexter.	American	464	12	36	— 1794..	Providence, New England, April, 1797.	Brown & Co. . .	Vide Entrance Inwards.	China	1800. 1 Oct. Sydney.
1 Dec. 1801. 5 Jan.	Dianna.... El Plummer	Jared Gardner Will'm Reid ..	" Spanish	215 250	2 2	14 13	Salisbury, New England, 1783. Captured on the Coast of Peru.	New Bedford, 27 June, 1800. Proceeds by the Governor's Certificate.	Rodman & Co. Reid & Co.	" Ballast	" Cape G. Hope..	1 Dec. Sydney. 1801. 5 Jan. Sydney.
31 "	Follensbé..	James Perry ..	American	269	6	23	Salisbury, New England.	Newport, 16 Aug., 1800.	Vernon & Co... .	As per entry	China	31 Jan. Sydney.
4 Feb.	Speedy ..	George Quedsted	English..	313	..	24	London, 1779	London, 22 Oct., 1791.	Enderbys	300 barrels oil	On the Coast New Holland.	4 Feb. Sydney.
7 Mar.	Margaret	John Buyers ..	"	121	10	25	London, 26 Nov., 1799.	London.....	Turnbull & Co.	Sundries for the N. W. Coast of America.	N. W. Coast America.	9 Feb. Sydney.
10 "	Trimmer ..	Alex'r Foggo ..	Pigou ..	100	2	21	Pigou, Jan., 1799.	Calcutta, 1 Aug., 1801.	Alex'r. Foggo..	Ballast	Calcutta	1800. 18 Dec. Sydney.
28 "	Royal Admiral.	William Wilson	English..	923	24	98	London, 1777	London.....	Gillet & Co.....	"	China	22 Dec. Sydney.

Shipping returns.
1801.
21 Aug.

1801.
21 Aug.
Shipping
returns.

[Enclosure No. 1—*continued*.]

A List of Ships and Vessels which cleared outwards at the Harbour of Port Jackson, in His Majesty's Colony of New South Wales, in the Quarter between the 30th day of March and 30th June, 1801, with the particular quantity and quality of the lading of such vessels.

Time of Clearing.	Ships' Names.	Masters' Names.	Built.	Number of			Where and when Built.	Where and when Registered.	Owners' Names.	General Cargo.	Whither Bound.	Where and when Bond given.
				Tons.	Guns.	Men.						
1801. 7 Apr.	Anna Josepha.	Hugh Meehan	Spanish	170	2	..	Prize to the Betsy whaler.	Sydney, N.S.W., Pr. Govr.'s Certificate.	Simeon Lord ..	Ballast	Hunter's River	1801. 7 Apr. Sydney.
17 "	Ocean	Abrm. Bristow	Foreign	243	2	22	Prize to the Camperdown.	London, 29 Apr., 1800.	Enderbys	270 barrels sperm oil.	Coast whaling..	7 Apr. Sydney.
25 "	Chance.....	Willm. White..	French ..	177	16	..	Prize.	London.....	Michl. Hogan ..	Ballast	Norfolk Is. and Coast Peru.	13 Apr. Sydney.
May	Britannia..	Robt. Turnbull	English..	301	6	26	County Dorset, 1788.	London, 7 June, 1787.	Enderbys.....	Ballast and a few tons sperm oil.	Coast whaling..	27 Mar. Sydney.
15 June	Missouri ..	Willm. Vickery	American	206	6		Ph ladelphia, 1800.	Dec. 2, 1800...	Willings & Co..	Some part of her cargo as per entry.	China	2 May. Sydney.
22 "	L.A. Fortuné	Sincr. Halcrow	Foreign	492	22	124	Prize to the Ruby.	London, 8 Oct., 1800.	Hamilton & Co.	Ballast	Coast of Peru..	1 June. Sydney.

W. BALMAIN, Naval Officer.

ACCOUNT of Spirits and Wine imported into His Majesty's Colony in New South Wales, between the 28th September, 1800, and August 21st, 1801, with the quantity sent away, and remains of that landed being lodged in His Majesty's stores, and given out as the Governor grants permits.

1801.
21 Aug.

Importation
of spirits.

Ship's name.	Imported.		Landed.		Sent away.		Remains bonded in ye King's Store.		Price limited for spirits.
	Gallons.		Gallons.		Gallons.		Gallons.		
	Spirits.	Wine.	Spirits.	Wine.	Spirits.	Wine.	Spirits.	Wine.	Per gal.
John Jay*	1,400	276	1,400	276	...	...	...	...	s. d. 8 0
Diana*	374	...	374	...	...	...	...	...	5 0
Royal Admiral ...	7,200	840	7,000	840	200	...	...	...	4 0
Trimmer†	4,000	...	4,000	...	...	...	1,024	...	10 0
Harbinger	2,800	3,000	2,800	3,000	...	...	445	2,040	8 0
Follinsbee*	13,000	15,000	...	...	13,000	15,000	...	...	...
Margaret	3,000	700	3,000	700	...	...	...	700	6 0
Anne	7,500	...	7,500	...	...	...	2,240	...	6s. & 8s.
Britannia	300	240	300	240	...	...	...	...	9 0
Chance	480	480	480	480	...	...	...	...	...
Missouri*	7,000	7,600	...	600	7,000	7,000	...	...	...
Greenwich	240	...	120	...	120	...	120	...	9 0
John†	8,000	360	...	360	8,000	...	...	...	...
Harrington†	4,000	...	...	...	4,000	...	...	...	...
Earl Cornwallis ...	...	2,400	...	2,400	...	...	...	2,400	...
	59,294	30,896	26,974	8,896	32,320	22,000	3,929	5,140	...

* American vessels.

† Indian vessels.

N.B.—Out of the quantity landed, only 519 gallons of spirits have been purchased for the use of the colony.

NEW SOUTH WALES.—OBSERVATIONS respecting Spirits brought to this Colony since I took the Command September the 28th 1800.

WHEN a Vessel arrives the annexed Port Orders are given, and such are the temptations of reward for detecting Spirits landed without a Permit from me, that I am persuaded no attempt has been made to Smuggle, except in Two Instances, which were immediately discovered and the Spirits etc. forfeited.

If permission is given to land Spirits the price is previously fixed by me and a Magistrate—The Prices for the quantities landed are noticed in the annexed Statement nor are they to be increased at any time by the Proprietor: When I arrived Spirits were 40/s Per Gallon, altho there was upwards of 20,000 Gallons in the Settlement.

If the quantity imported is small, the Officers, Licenced People, and deserving Settlers are allowed to have small Proportions: But if great, it is Bonded and lodged in a Secure Public Store, and security given (exclusive of the Governor having One Key) not to touch it under a certain time, and then only to such

1801.
21 Aug.
—
Importation
of spirits.

Persons as the Governor may give his own written Permit to, which is regulated by the Character of the Person to whom it is given—By these Regulations the quantity that has been allowed to be Landed, has circulated at proper times, and in regular Quantities, and to proper People—However I hope from the quantities sent away in the American and East India Ships as stated—That further Supplies of that Poison, which has ruined this Colony will soon be at an end.

[Enclosure No. 2.]

PAPERS RESPECTING WHALERS' INVESTMENTS.

Order re the Britannia, whaler.

Merchandise
imported in
whaling
vessels.

By Philip Gidley King Esquire Captain General and Governor in Chief in and over His Majesty's Territory of New South Wales and its Dependencies etc. etc. etc.

THE Owners of the Britannia South Whaler having with the permission of Government and the Sanction of the East India Company sent an Investment of sundry Articles in that Ship, under an engagement to submit the Price thereof, and mode of disposal, and distribution, to the GOVERNOR for the time being, and as I have fixed the price at 50 per Cent, exclusive of Insurance and small charges; And the most Eligible way to prevent Monopolies, and to distribute them among every description of people, appearing to be, that of lodging those Articles in His MAJESTY'S STORES.

You are therefore hereby required and directed to receive them, from the Master of the Ship, and after having made a List of their respective prices, you are to Publish the same, And you are to take especial care that no others than those who are provided with a written Order from me, be allowed to receive any proportion thereof, taking care to receive payment for the same on delivery, either in Money, Bills, or Grain, in Liquidation of which you are to send by every Opportunity Bills drawn in the Owners Names to the Amount of the Articles sold delivering me Weekly Accounts thereof,—For which this shall be your Order.

Given under My Hand at Government House Sydney this
28th day of March 1801.

PHILIP GIDLEY KING.

John Palmer Esqr Commissary.

Order re the Britannia, whaler.

2nd April, 1801.

IN addition to the General Order of the 1st of October last, and in consequence of instructions received by the Britannia, South Sea whaler, all masters of whalers, and other vessels arriving here with goods for sale, also all importers and consignees, are

to deliver to the Governor's secretary a signed copy of the original invoice and prime cost of such articles (previous to permission being given to trade), to the truth of which they are to make oath if required.

1801.
21 Aug.
Merchandise
imported in
whaling
vessels.

An investment of goods being arrived by the *Britannia*, South Sea whaler, and sent by the approbation of Government, and consent of the East India Company, the Governor (agreeable to his instructions, has judged proper to direct the Commissary to receive the said investment into His Majesty's stores, and to issue the same in such proportions as may be directed, on the following terms, viz.:—An advance on the prime cost (as expressed in the bills of lading lodged in the Commissary's hands) to be allowed the proprietor of 50 per cent., and 11 per cent. insurance, making together 61 per cent. on the prime cost.

Those who have the present means, either of lodging wheat, fresh pork, or money in payment for the above, in the stores, will receive such proportions as may be directed for the use of their families at 61 per cent. on such articles as do not require unpacking, and 66 per cent. on such articles as require to be unpacked; but, after those articles are received into the stores, the charge of 25 per cent. will be made in addition to the 61 per cent., making together 86 per cent. on the prime cost. A list of the articles the Commissary is directed to publish as soon as possible. The days of issue are Fridays. Application for orders to be made at the Secretary's office on Thursday.

Order re the Greenwich, whaler.

2nd June, 1801.

THE owners of the *Greenwich*, whaler, having permission of Government and the sanction of the East India Company, sent a useful investment of articles to this colony for sale, the Governor has directed the Commissary to receive the same into His Majesty's stores, and as soon as possible to make the prices and terms of sale public, when those who are in want of such articles, and have the present means of payment, are to make applications for such proportions as they may want, in writing, every morning at nine o'clock at the Commissary's office.

The advance of these articles is regulated by the Governor at 50 per cent. above the prime cost, charges for the insurance, &c., allowed.

[Enclosure No. 3.]

ACTING-GOVERNOR KING TO THE MARQUIS WELLESLEY.

My Lord,

Sydney, June 22nd, 1801.

From the knowledge I have of your Lordship's Proclamation in Council forbidding the Exportation of Spirits to this

1801.
21 Aug.
Attempted
importation
of spirits
from India.

Colony from any port of India; I have found it necessary agreeable to His Majesty's Instructions to Order the Harrington belonging to Madras, with Four Thousand Gallons of Bengal Rum to leave this Port; And I have directed, Eight Thousand brought in the John, and sent by the Supercargoe of the Matilda of Madras from the Cape of Good Hope, to be put on board the Harrington also, as both Vessels, and Cargoes belong to the same Owners.

It is necessary I should inform your Lordship; That the Master of the Harrington produced a Certificate Clearance from Calcutta to Madras, and from thence to Amboyna, and this Port; The Super Cargo of the John, produced the Matilda's Clearance Certificate, from Madras, to the Cape of Good Hope; and the Owners directions to send any part of that Vessels Cargoe to this Colony if Permitted.

The Master and the Supercargoe, agreeable to my Permission, have landed their large Investments of Dry Goods which they are Selling.

I have, etc.,

PHILIP GIDLEY KING.

Since writing the within the Master of the Harrington and the Supercargoe of the John, have agreed to Transfer the Spirits into the John, in which Vessel they now leave this Port.

July 24th, 1801.

P.G.K.

[Enclosure No. 4.]

PETITION OF HAWKESBURY SETTLERS.

Petition of
settlers at the
Hawkesbury
for relief.

The humble petition of the settlers and landholders on the River
Hawkesbury, to His Excellency, Governor King,—

Humbly sheweth:—

That your humble petitioners, through the many losses that they have met with by Providence, through so many successive floods within the last two years, which have almost ruined them, and that they find themselves in such embarrassed and low circumstances through their losses that they can see nothing before them but their utter ruin, if your Excellency permits a Civil Court to take place according to the last notice; for their creditors, finding they have not the opportunity they formerly had of extorting on them, and for which we most humbly thank your Excellency for stopping their proceedings, and for supplying us, on such reasonable terms, with the comforts of life, for which we used to pay so dear, and which have involved us in the misery we now labor under; and our creditors are now using every means in their power to distress us by obtaining executions on our effects, and by putting them up for public sale, where they

are sold for ten times less than the value than they are to the settler. On the other part, if a settler or landholder is sent to gaol at this season, his land must go uncropped, which was the case the last year about this time, when so many people were lodged in gaol, was the reason of a great number of acres of land going uncropped with that useful grain, maize, and which must undoubtedly be the case this year, for we have not got it in our power, after so many losses, to discharge our debts till our crops come off; and to satisfy your Excellency that it is not for want of principle, but for the want of means, that our debts are not discharged, we are all and every one of us willing to give our creditors all the security our circumstances will allow of till our crops doth come off, for that your petitioners have used every means in their power to be relieved from their debts, and which if Providence had not destroyed the fruits of their labors, the most part, if not all, would have been at this time out of debt. And now again we have distressed ourselves to crop all the land we could, and many of us to the last bushel of wheat we had, to relieve themselves, if Providence permits it at the ensuing harvest, and for which your humble petitioners pray that your Excellency will take their unhappy case into your humane consideration, and not permit a Civil Court to take place till the ensuing harvest, and then your petitioners humbly hope that they shall satisfy their creditors without either the trouble or the expense of a court. This our petition we most humbly pray that your Excellency will grant, and we shall, as in duty bound, ever acknowledge it a particular favour granted to your Excellency's most obedient and humble servants.

[*This was signed by 82 persons.*]

ACTING-GOVERNOR KING'S GENERAL ORDER
RE THE PETITION FROM THE HAWKESBURY SETTLERS.

23rd June, 1801.

THE Governor having received a petition from the settlers at Hawkesbury, praying for one year's suspension of the Civil Court of Judicature, ordered for the 6th of next month, on the plea of their being greatly in debt, owing to the late extortions practised on them, and their creditors threatening to throw them into gaol, whereby they will be deprived of the only means of paying those debts, by their farms being taken on execution, instead of planting maize at the proper season. The Governor having maturely considered the prayer of this petition, while he laments the accidents that have deprived many of the industrious among them of their grain and means, he cannot but advert to the very inconsiderate conduct of a great part of those whose

1801.
21 Aug.

Petition of
settlers at the
Hawkesbury
for relief.

King's reply
to the petition.

1801.
21 Aug.
—
King's reply
to the petition.

names appear in that petition, and the flagrant abuses they have made of the exertions used to extricate them from the state they were in last year. These abuses consist in a neglectful disobedience of the Orders for reducing the price of labour among the freemen, and using the articles of use and comfort, that they obtain at so reasonable a rate, for the purpose of extortion, which, being themselves rescued from, they now extend this practice to those they employ, which is a principal cause of the price of labour being kept up. Added to this, the Governor is sorry to have observed that idleness and dissipation among the settlers, which must ever keep them in a state of abject poverty and dependence—he means their destructive propensity to the use of spirituous liquors—to obtain a taste of which many of them have sacrificed the fruits of their whole year's labour and maintenance.

The Governor hopes that the success of the whale fishery on this coast, and the intentions of Government continuing to supply the inhabitants with articles of use and comfort at a low rate, will excite in them a general spirit of exertion, as it can only be by the industry of individuals, in raising grain and animal food, that they will be able to partake of these advantages. And, as the Orders issued by the Governor since he took command, have been intended to promote the happiness and comfort of those under his charge, collectively and individually, while he expresses his firm determination to have those Orders obeyed, he hopes every description of people will second his exertions, by bringing forward the infractors of them. But if extortions are submitted to, debts, executions, and a gaol must be the natural consequences.

Respecting the suspension of the Civil Court, it is the Governor's duty to inform the petitioners, as well as the other inhabitants, that His Majesty and the Legislature having directed a Civil Court of Judicature to be established in this colony, a constant resource is to be had thereto by all His Majesty's subjects for the recovery of their just claims. And the Governor, having postponed the meeting of that Court (to decide upon the numerous claims laid before him) until after the season for sowing wheat is finished, it would be a flagrant breach of his duty to impede the due course of that law, which provides equally for all descriptions. But while he feels it his duty not to hinder any person from asserting their just claims on each other, yet he expects the creditors of those who bear an industrious character will not push their prosecutions further than is unavoidably necessary for obtaining their legal demands.

PHILIP GIDLEY KING.

[Enclosure No. 5.]

NUMBER of Weeks Provisions remaining in His Majesty's Stores in New South Wales the 12 day of June, 1801, with the time it will last the present Numbers Victualled Vizt. 2,229 Including Salt Beef Purchased from the American Ship Missouri.

1801.
21 Aug.
Commissariat
return.

At Full Ration.				At Two Thirds Ration.			
Salt Meat.	Weeks it will last.	Grain.	Weeks it will last.	Salt Meat.	Weeks it will last.	Grain.	Weeks it will last.
lbs. 79,096½	14½	Bushels. 2490½	4½	lbs. 79096½	21½	Bushels. 2490½	6½ds.

STATEMENT of Grain in Stacks belonging to the Crown and offered by Private Cultivators for the Public use—Vizt.

Return of grain in stacks.

	Wheat. Bus.	Maize. Bus.
In Stacks belonging to Government.....	2,000	1,000
Offered by Private Cultivators.....	2,620	2,800
Bushels	4,620	3,800

LENGTH of time the above will last.

At Full Ration.		At Two Thirds Ration.	
Bushels.	Weeks it will last.	Bushels.	Weeks it will last.
Wheat 4620	8 4 days	Wheat 4620	12 6 days.
Maize 3800	6 4 days	Maize 3800	9 6 ..

N.B.—This Calculation was made previous to the Arrival of the Earl Cornwallis.

[Enclosure No. 6.]

PAPERS RESPECTING H.M.S. PORPOISE GOING TO OTAHEITE.

Acting-Governor King's Orders to Mr. William Scott.

By etc.

His Majesty's Service in this Colony requiring that every exertion should be made to supply this Settlement with salt pork from the Society Islands, where, from the Authority of Capt. Cook and other Navigators whose Voyages are published, as well as from the Missionaries and South Whalers who have recently visited those Islands, I am informed that Hogs may be got on the most reasonable Terms in Barter for such articles as are in request among the Natives; And as a supply of salt has been procured from the Ocean, South Sea Whaler; And as His

Instructions to Scott to proceed to Otaheite.

1801.
21 Aug.
—
Instructions
to Scott to
proceed to
Otaheite.

Majesty's Armed Vessel Porpoise is now fit for sea and victualled for Six Months—You are hereby required and directed to receive on board the quantity of Salt Brine, Provision Casks, and articles for Barter as per Enclosure, and proceed without loss of time to Matavia Bay in the Island of Otaheite, and after having delivered the enclosed letters to the Missionaries and Pomarre, chief of that District, you will consult with them on the best and most effectual means of procuring as many Hogs as possible in that District (and at the cheapest mode of Exchange for such articles as you are provided with) for the purpose of salting in the manner described by Captains Cook and Vancouver, to enable you to do which, as well as a guide in navigating among those Islands, you are furnished with such parts of Cook's Voyages as relate thereto, to which I have added such extracts from Captain Vancouver's Voyage as will assist you in executing this essential service for the welfare and perhaps future existence of this Colony.

If you find that you cannot procure a sufficiency of Hogs at Matavia Bay you will request Mr. Jefferson, or the body of Missionaries to make choice of one of their number who understands the language and who may be useful to you in procuring Hogs, not only at Matavia, but also to accompany you to such other parts of Otaheite as you can approach with safety to the ship; and should you not be able to accomplish the object of your Voyage at that Island you will proceed to Eimeo, Huaheine, or Ulitea, and persevere until you may be able to fill all the Casks you take from hence or can appropriate to that purpose.

Previous to your leaving Otaheite you will inform the Missionaries and Pomarre that it is your intention to return to Matavia Bay for such Hogs as may be procured during your absence, to land the Missionary and receive the letters to me, which you will not omit doing.

As a quantity of Salt has been sent to Norfolk Island, in the event of not filling your Casks at the Society Islands you will call at Norfolk on your return for such Salt Pork as the Acting Lieutenant-Governor may be able to procure, giving receipt for same.

In executing this service you will be particularly attentive to cultivate that good understanding which has so generally prevailed between the Natives of these Islands and such Vessels as have visited, but in doing which you will be careful not to take a decided part in any of their quarrels, which must not only prevent our procuring future supplies but also endanger the safety of the Missionaries now resident among them. And as I am informed that there are several Seamen on the Island of Otaheite

who have left different Ships, and also several Convicts who have made their escape from this Colony, and are not only held in great Detestation by the Natives but very troublesome to the Missionaries, if you find any people of that description on Otaheite you will take an opportunity before you leave it (or sooner if necessary), of securing and bringing them here as prisoners.

Should you be of opinion that future supplies of Hogs can be got from those Islands, you will inform the Missionaries and different Chiefs who you may have intercourse with, that it is my intention to send a Ship once a Year for such Hogs as they may be able to procure; and you will endeavour to make yourself acquainted with the articles of barter that are most in request among the Natives.

You will also cause such attention to be observed to the Missionaries established at Otaheite as may impress the Natives with an Idea of their being greatly respected by those under your Command, which will not only be the means of procuring Supplies more readily hereafter, but also ensure the safety of that Society.

In performing this Service you will use the utmost expedition and return to this port as soon as possible (as the provisions you may obtain may be much wanted before you return), delivering me a Journal of your Proceedings, in which you will particularize every Circumstance respecting the Natives, the state of the Mission, and such other observations as may guide my future Conduct in keeping up an intercourse with those Islands.

Unless Pomarre should wish to send a Native of Otaheite to this place, you are not to bring any of them here.

Given etc. 20 May 1801.

PHILIP GIDLEY KING.

*Acting-Governor King to Revd. Mr. Jefferson, Resident
Missionary at Otaheite.*

Sydney, New South Wales,

Sir,

March 28th, 1801.

Understanding that the Crews of many Vessels, which have stopped at Otaheite, have behaved not only in a most disorderly manner, but also that they have carried their excesses so far as to take off by force, the breeding Stock that has been brought there at much trouble and expence by those who have formally visited that Island; And as it of the utmost consequence that the breeding Stock now on that Island, as well as such property as belongs to your mission, should be preserved from such Lawless plunder, And that the British Name and Character may not suffer, in the Opinion of the Natives by such

1801.
21 Aug.

Instructions
to Scott to
proceed to
Otaheite.

Behaviour
of crews
visiting
Otaheite.

1801.
21 Aug.

Behaviour
of crews
visiting
Otaheite.

licentious acts being committed by British Subjects; You will, on the arrival of any English Merchant Vessel, communicate the within Order to the Commander of such Merchant Vessel, and if after this communication any of the said Ship's Crews, shall behave in any outrageous manner, either against yourself and the Mission, the Natives, or taking away any Stock against your consent, and that of the Natives, I expect you do, by the first conveyance, inform me of the Ship, Master's, and Owner's Names, the Port to which she belongs, with the names of those who may have committed those outrageous Acts—accompanied with a written statement thereof signed by yourself, and two of the other Principal Missionaries on the Island to enable me to transmit the same to England that Justice may be done on the Offenders.

I remain, etc.,

PHILIP GIDLEY KING.

*Acting-Governor King's Proclamation to English Merchant Captains calling at Otaheite.**

King's
proclamation
to ships'
captains
visiting
Otaheite.

BY Philip Gidley King Esqr. Captn. General and Governor in Chief in and over His Majesty's Territory of New South Wales and its dependancies including the Islands in the South Pacific Ocean, between the Latitude of 10 and 45 South.

WHEREAS it having been represented to me that the Crews of many Vessels, which have stopped at Otaheite, have behaved not only in a most disorderly manner, but also that they have carried their excesses so far, as to take off by force, the breeding Stock that has been brought there, at much trouble and expence by those who have formerly visited that Island; And it is of the utmost consequence that the breeding Stock now on that Island as well as such property as belongs to your Mission should be preserved from such Lawless plunder and that the British Name and Character may not suffer in the Opinion of the Natives by such licentious Acts being committed by British Subjects, YOU ARE THEREFORE hereby required and directed, to cause the Missionaries to be respected by your Ships company, to give the Natives no cause of Offence and not to allow of any Tools or utensils, or any breeding Stock or other Property whatever to be taken away without the entire and free consent of the Missionaries or Natives to whom such Articles may belong; As a contrary conduct to the above will be transmitted to His Majesty's Ministers, as soon as I am possessed of the particulars, that the delinquents may be brought to Justice.

Given etc. March 28th 1801.

PHILIP GIDLEY KING.

* Note 61.

Instructions to Mr. Wm. Scott.

By etc. etc.

1801.
21 Aug.Instructions
to Scott re
trading with
the natives.

THE sole design of the Porpoise's Voyage to the Society Islands being to procure Hogs for salting which may be purchased with articles that Europeans esteem of little value, therefore if each individual be permitted to make such bargains as he may think proper; not only the value of these articles will soon be reduced in the estimation of the Natives, but, until a proper and good understanding be established with them, it may occasion such disturbances as may be attended with the most fatal consequences, exclusive of the intent of the voyage being totally destroyed.

A proper Person on the part of the Colony and Ships Company will be appointed to trade with the Natives, for Hogs and for Fruit, and other productions of the earth for the daily use of the Ships Company; and no Person belonging to the Ship excepting such as are so appointed shall trade or offer to trade for any sort of Hogs: that traffic being confined to the sole use of the Colony, and for storing His Majesty's Ship with Salt Provisions.

No article of curiosity is to be purchased until after all the Hogs that can be procured, are salted when two Days at each Island will be set apart for that traffic, under proper restrictions preventing the articles given in exchange being bartered at too cheap a rate.

Every Person employed on shore on any Duty whatever, is strictly to attend to the same, and if it should appear that by neglect, any of the Arms Working tools, boats furniture, or other matters committed to the charge of one or more persons, be lost, or suffered to be stolen, the full value of the same will be charged against his or their Wages, and he or they will likewise suffer such other punishment as the nature of the offence may deserve.

The Officers and Ships Company are also enjoined to behave in a respectful and attentive manner to the Missionaries as not only their safety but also the assistance of present and future supplies must greatly depend on their being respected by the Natives among whom they are placed.

Nothing will be more gratifying to me than to have an opportunity of testifying my approbation of the good conduct of the Ships Company on this important Service when they return to this Port.

Given etc. this 20th May 1801.

PHILIP GIDLEY KING.

1801.
21 Aug.Stores for
barter at
Otaheite.

INVOICE of ARTICLES belonging to the Crown shipped on board
His Majesty's Armed Vessel Porpoise for traffic in Exchange
for Salt Pork on that Ships intended Voyage to Otaheite.

May 19th 1801.

			£	s.	d.
Box No. 1	Containing Presents.				
" "	11 Yds Red Cloth*.....	6/- pr. Yd	3	6	0
Box 2	10 Yds do*	" "	3	0	0
" "	356½ Yds of Red and Yellow Bunting	6d. pr. yd.	8	18	3
" "	2 pieces Red Cloth 42 Yds*.....	6/- pr. Yd	12	12	0
Cask 3	20 Drawing Knives	2/-	2	0	0
" "	100 Felling Axes	2/-	10	0	0
" "	50 Field Hoes	2/-	5	0	0
" "	180 Tomahawkes.....	1/-	9	0	0
" "	100 7 In Spikes 30 lb.	33/- p Cwt	0	8	10
" "	43 Clasp Knives*	6/6 pr. doz	1	3	3
" "	9 lb. Sheet Copper	1/4 pr lb	0	12	0
Box 4	15 Doz. Scissors	7/- pr doz.	5	5	0
" 5	72 Cooking Plates*	3 " "	0	18	0
" "	12 Half round files	6d " "	0	6	0
Keg 6	287 small tooth Combs	3d " "	3	11	9
" "	4 doz Razors*	6/- " "	1	4	0
" "	4 doz Cheap Knives*	6/6 " "	1	6	0
Cask 7	216 lb Old Iron	3d p lb	2	14	0
Keg 8	6 Tin Quart Pots.....	1/-	0	6	0
" "	6 Steels	1/-	0	6	0
Bag 9	100 White Shirts	3/9	18	15	0
" 10	15 Red Military Jackets	15/-	11	5	0
Cask 64	5000 40d Nails Wt 4cwt. 0q. 2lb	33/- p Cwt	6	12	7
	6000 30d Do 3cwt. 0q. 24lb	" "	5	6	1
	6 Stand of Old Arms	12/-	3	12	0
	8 Pair Salting Gloves	2/- p Pair	0	16	0
	26 lb Salt Peter*	6d p lb ...	0	10	10
	13720 lbs Salt*	1½ p. lb	85	13	0
	400 Iron Hoops 1444 lbs	3d p. lb	18	1	0
	800 Rivets 28 lb.	5d "	0	11	8
	25 Empty Hogsheads	3/-	3	15	0
	51 " Tierces		7	13	0
	300 lbs Sugar	8d p. lb	10	0	0
			£ 261	12	3½

* These Articles have been purchased for the Occasion.

Acting-Governor King to King Pomarre, Otaheite.

Sydney, New South Wales,

May it please your Majesty,

13th October, 1800.

I am very sorry I did not know of your subject Ta-pe-hi going from here some time ago, otherwise I should have written to you; and I am now very sorry that it is not in my power to send you any presents except what Captain Bunker brings you as

Present to
the King.

a small token of my future intentions. I hope our worthy countrymen and your subjects agree well together, and that you all profit by their teaching and example. I shall be glad to hear from you through Mr. Jefferson. I am, &c.,

1801.
21 Aug.

PHILIP GIDLEY KING.

King Pomarre, of Otaheite, to Acting-Governor King.

Mattavye, Otaheite, 31st December, 1800.

May it please your Excellency,

Your letter and present I kindly accept. I love King George and his subjects, and will while I live be a protector to those of them who put themselves under my care; but I must tell your Excellency I at this time stand in fear of the commonalty, many of them being disaffected to me, and their disaffection I fear is encouraged by some seamen who are on the island, and therefore wish your Excellency to present me with a few fire-arms, whereby my authority may be maintained, and the peace of my kingdom preserved.

Pomarre's
request for
arms.

I request your Excellency to accept of the articles I have sent you by Captain Bunker, as a token of my goodwill. I hope it will not be long before I have the pleasure of hearing from you again.

I am, &c., his

POMARRE x

mark.

[Enclosure No. 7.]

ORDERS TO COMMISSARY PALMER RE H.M.S. PORPOISE.

By etc.

WHEREAS it is very necessary for the more clear adjustment of the Public accounts in this Colony, that the expenses and Issue of Stores and Provisions appropriated to the use of His Majesty's Ships on this Station should be separately stated from the expenses that have been usually voted for this Colony: You will take especial care to make a separate statement thereof in your accounts of the annual expenditure as far as relates to articles received into your charge and supplied from England. But with respect to Stores and Provisions purchased from Masters of Vessels, or Grain Flour or Wheat purchased from Individuals for those purposes. You will on receiving my Directions purchase on the lowest terms such Stores or Provisions as may be demanded by the Commander of any of His Majesty's Ships or Vessels and approved of by me, drawing Bills for the same on the respective Boards; In support of which you will transmit the fullest Vouchers furnishing me with the Copies of the same; And exclusive of these Vouchers you will furnish the Navy and

Payment of
expenses of
His Majesty's
ships.

1801.
21 Aug.

Transport Boards with a Yearly Statement of the number and amount of Articles so supplied to any of His Majesty's Ships or Vessels either Stationed or touching at this Port for which this shall be your Order.

Given etc. this 6th day of Nov. 1800.

PHILIP GIDLEY KING.

To John Palmer Esq.

Commissary of Provisions and Stores
New South Wales.

By etc.

Expenses
of H.M.S.
Porpoise.

You are hereby required and directed to draw the following Bills on the Navy and Victualling Boards in Payment for the Articles purchased by you (agreeable to my Order of the 6th Novr. 1800) for the use of His Majesty's Armed Vessel Porpoise Vizt.

Vict'g Bd.	{	One Sett in favor of Messrs Bridges and Hickson for	£64 10 0
		One Do „ „ „ Mr. W. Roberts	„ 219 14 10 $\frac{1}{4}$
		One Do „ „ „ Mr. Jas. Stewart	„ 585 2 2
Navy Bd.	{	One Do „ „ „ Do Do	„ 10 2 4 $\frac{1}{2}$
		One Do „ „ „ Do Do	„ 16 9 5

Of which you will advise the respective Boards, and transmit proper Vouchers for the same For which this shall be your Warrant.

Given etc. 23rd May 1801.

PHILIP GIDLEY KING.

John Palmer Esq.

Commissary.

[Enclosure No. 8.]

[*A copy of the list of Irish rebels recommended for pardon has not yet been found.*]

[Enclosure No. 9.]

NOTICE RESPECTING FRAUD IN CONVICTS' TIMES.

4th August, 1801.

Notice re
mutilation
of convict
registers.

It having been this day discovered that, through the folly of several prisoners and the knavery of the Governor's clerks, that the former have paid considerable sums of money, watches, &c., to the latter for the purpose of altering their terms of transportation from life to shorter rates (most of which have expired), some of whom, under the idea that this traffic was completed, on finding themselves disappointed by the evidence of the original indents, kept in the Governor's own possession, have made a confession, which has led to the discovery of several prisoners who have thus been drawn into an expence they never can recover. Whilst proper measures are taken for the punishment of this swindling act of the clerks, the Governor directs all persons who

have had any transactions of this kind, either now or in Governor Hunter's time, do give an immediate account thereof to the Governor's secretary. If this notice is disregarded, the strictest scrutiny will be made into the indents, and the offenders will receive such a punishment as it is hoped will prevent any future attempts of that kind.

1801.
21 Aug.

Notice re
mutilation
of convict
registers.

[Enclosure No. 10.]

RETURN of Stock and Ground in cultivation belonging to Government and individuals in His Majesty's territory of New South Wales this 30th day of June, 1801. Return of live stock and agriculture.

	Sheep.	Cattle.	Horses.	Goats.	Hogs.	No. of acres in Wheat.	No. of acres of Maize to be planted.
Belonging to Government ...	777	880	30	...	...	476	300
Belonging to individuals	6,269	362	211	1,259	4,766	4,857½	3,564
Total.....	7,046	1,242	241	1,259	4,766	5,333½	3,864
Total as mustered, July, 1800*	6,124	1,044	203	2,182	4,026	4,665	2,930

* Included for the purposes of comparison.

[Enclosure No. 11.]

A RETURN of Government's Stock, June 30th, 1801.

Return of government stock.

District.	Horned Cattle.					Horses.					Sheep.				
	Bulls.	Cows.	Bull calves.	Cow calves.	Oxen.	Store Horses.	Mares.	Fillies.	Colts.	Geldings.	Rams.	Ewes.	Wethers.	Ewe lambs.	Wether lambs.
Parramatta.....	5	210	88	107	27	1	23	1	3	2	5	320	187	187	78
Toongabbe	5	93	68	109	28	...	...	...	...	...	...	...	...	...	...
Seven Hills	2	24	16	24	8	...	...	...	...	...	...	...	...	...	...
Sydney	1	16	7	7	35	...	...	...	...	...	...	...	...	...	...
Total.....	13	343	179	247	98	1	23	1	3	2	5	320	187	187	78
Increase since last return .....	...	...	8	19	...	...	...	...	...	...	...	...	10	60	12
Decrease since last return	1	9	...	...	8	...	...	...	...	...	...	4	...	...	...

JNO. PALMER, Commissary.

Killed and issued to the sick in the General Hospitals, Sydney and Parramatta, in lieu of salt meat 13 wether sheep.
Killed and issued to those victualled from the stores in lieu of salt meat 15 old bullocks.

PHILIP GIDLEY KING.

1801.
21 Aug.

[Enclosure No. 12.]

[*A copy of the return as to the value of Mr. Balmain's stock has not yet been found.*]

[Enclosure No. 13.]

[*A copy of Major Foveaux's proposals respecting his sheep has not yet been found.**]

[Enclosure No. 14.]

SURVEYOR-GENERAL ALT.†

10th April, 1801.

Health of
Surveyor-
General Alt.

WE, the undersigned surgeons, having examined and questioned Augustus Alt, Esq., touching the complaints which he has stated as rendering him unfit to execute the duty of Surveyor-General, and are of opinion that he is unable to execute the duty of Surveyor-General by reason of infirmity from old age, impaired eyesight, and general decline of health; and we have made this examination so carefully that we are ready to confirm the truth thereof upon oath if required.

Given, &c.,

W. BALMAIN, Surgeon to the Territory.

JOHN HARRIS, Surgeon, N.S.W. Corps.

JNO. WILSON, Surgeon, H. M. Ship Porpoise.

Memorial of
Surveyor-
General Alt.

SURVEYOR-GENERAL ALT'S MEMORIAL TO HIS GRACE THE
DUKE OF PORTLAND.

Sydney, New South Wales, 27th April, 1801.

THE memorial of Augustus Alt most respectfully sheweth:—

That in the year 1755 your memorialist had the honor of being appointed ensign in the King's or 8th Regiment of Foot.

That in the following year your memorialist was appointed Assistant Q'r.-Master General to conduct the Hanoverian troops from Chatham port to their quarters in Canterbury, and from thence to their encampment on Barham Downs, in Kent.

That in the year 1758 your memorialist departed with the 8th Regiment to the coast of France on the expedition under the command of Admiral Hawke and General Sir John Mordaunt.

That in the year 1760 the 8th Regiment was ordered to join the allied army in Germany, under the command of Prince Ferdinand, where your Grace's memorialist remained as *aide-de-camp* to several generals, latterly to General Conway, till the conclusion of peace.

That in the year 1763 your memorialist was ordered to the Highlands of Scotland to make roads.

* Note 58. † Note 62.

That the year 1764 your memorialist went to Montross to be instructed by Major Hume in the Russian exercise for the benefit of the regiments then quartered in the north.

1801.
21 Aug.

Memorial of
Surveyor-
General Alt.

That in the year 1777 your Grace's memorialist assisted in raising the Manchester Volunteers, and marched with them to the siege of Gibraltar, where the honor of being an assistant engineer was conferred on him by Governor Elliott.

That in the year 1781 your memorialist went with Colonel J. F. Erskine to assist in raising three battalions of Swiss Chasseurs for the East India Service.

That in the year 1785 your memorialist was about to embark for the Island of Madagascar, as engineer, with Colonel Erskine, to join Count Bonisky, but, unfortunately, news arriving a few days before the ship was to sail, a stop was put to the expedition.

That in the year 1787 your Grace's memorialist had the honor of being appointed Land Surveyor-General to His Majesty's colony of New South Wales, under the command of Governor Arthur Phillip, to whom, as to several subsequent Commanders-in-Chief, he flatters himself he has given satisfaction in the discharge of his official duty.

That from the period of April, 1797, in consequence of your memorialist's eyes failing him (owing to his advanced age of 67 years) he has not been enabled to act officially in that station, and, moreover, had the misfortune to have his house burnt to the ground and his effects wholly consumed by the natives (without the possibility of any assistance being given) at a time when he was doing his duty on a Court of Vice-Admiralty, held in the town of Sydney, at a distance of 7 miles.

May it therefore please your Grace, in consideration of the past services of your memorialist, as well as his severe misfortunes, to make such a representation of the circumstances of his case to His Most Gracious Majesty as may induce him to bestow on your memorialist such mark of His Majesty's Royal favor as may render comfortable the few remaining years he can expect the Supreme Being to add to a life chequered with vicissitudes and oppressed with unmerited calamities.

And, in gratitude bound, your Grace's memorialist will ever fervently pray, &c., &c.

AUGUSTUS ALT.

[Enclosures Nos. 15 and 16.]

[*These consisted of returns relating to Norfolk Island, the identity of which has not yet been determined.*]

1801.
21 Aug.

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Separate A," per whaler Albion; acknowledged by Lord Hobart, 29th August, 1802.)

Sydney, New South Wales,

21st August, 1801.

My Lord,

With this I have the honor to enclose a statement of provisions remaining in His Majesty's stores, including that received by the Earl Cornwallis, with a present estimate thereon, and the general statement, together with the quarterly employment of those victualled from the stores.

In a preceeding letter* I had the honor of stating that in addition to the articles purchased from the John Jay and Dianna, American ships (duplicate vouchers for which have been transmitted), I found it necessary to direct the Commissary to purchase some articles from the officers of the Royal Admiral, as stated in the enclosed vouchers No. 3, together with the vouchers No. 2, for the payment of wheat, &c., purchased from private cultivators to supply those necessarily victualled from the stores for the quarter from Sep'r 28th (when I took the command) to the 31st Dec'r, 1800, since when it has been necessary to direct the purchase of some necessary articles from the master of the Anne transport, and from the supercargoes of the American ship Missouri. Vouchers for those payments are enclosed, and numbered from 5 to 6, also vouchers for the payment of wheat, &c., purchased from private cultivators as above, for the two quarters between January 1st and June 30th, 1801, numbered 4 and 7; and to explain the cause of incurring these expenses, I beg to request your Grace's reference to the enclosure containing the necessity of purchasing those stores for the public use of this settlement and of Norfolk Island, a part of which would have been unnecessary had I known what articles were coming out by the Earl Cornwallis; but, as no unwrought iron came by that ship, and as proportions of the sugar and other articles may be spared to individuals, at an advance, in exchange for grain or animal food, I trust that when the great quantities of the most usefull articles brought for sale and our many wants (as stated in my letter† by Gov'r Hunter) are considered, that my ordering these purchases will be approved of, as in our then state it required some degree of denial not to supply the colony with many necessary tools that those at public labor were destitute of, which have *since* been supplied by those received by the Earl Cornwallis; and being generally in good condition, considerably diminishes our wants, a list of which, and their several necessities, with the

Commissariat
returns.

Purchases
made from
various ships.

* Marginal note.—Per Buffalo, Oct. 1800.

† Marginal note.—No. 2 per Buffalo, Sept. 28th, 1800.

cloathing expended since March return and now remains, I have the honor to enclose. In stating these wants, I beg to assure your Grace I am guided by the strictest œconomy and exertion to make every possible saving in the expences of this colony, which I trust will be considerably less than they have been for some years past, supposing that saving only to arise from the great reduction of the price of grain and animal food, and enforcing the payment of debts due to the Crown since I took the command, the annual statement of which will be transmitted when the year's accounts, ending 31st Dec'r next, are made out. In this place it is necessary to remark that our present scarcity of grain has not occasioned any increase in its price; and as every material statement is made in the enclosed documents of our present resources for provisions, &c., and its application, I have to request your Grace's noticing the number of people I have found it necessary to strike off the public stores as having no claim to be maintained at the public expence. The saving occasioned by this measure is very great.

1801.
21 Aug.
Probable
reduction of
expenditure.

In the letter (of which this is an enclosure)* I have stated my reasons for directing the Commissary to draw on the Navy and Victualling Boards respectively for payment of stores and provisions purchased from masters of ships or other individuals for the use of His Majesty's armed vessel Porpoise, which I hope will be deemed regular.

Stores and
provisions for
H.M.S.
Porpoise.

The salt provisions (received very opportunely) and the stores sent by the Earl Cornwallis are in good order, except some articles damaged by wet and leaks, which, altho' inconsiderable, cannot yet be ascertained, as well as many articles received by the Royal Admiral, which are very deficient of the quantities expressed in the bills of lading, particularly the shoes, on which subject I shall write to the Transport Board by the Albion.

Provisions and
stores received
in the Earl
Cornwallis
and
Royal Admiral.

Your Grace's instructions respecting the manner in which the articles sent by the Royal Admiral and Earl Cornwallis are to be disposed of have been carried into execution, as you will observe by the enclosed copies of my orders to the Commissary and the enclosures.

Stores shipped
by government
for private sale.

Altho' several articles will be indispensably necessary for the public use from those stores, yet I hope the enclosure, specifying what has been given out and its great utility in crushing monopolies, will induce your Grace to direct another year's supply to be sent on the same account. Had those necessaries arrived before the articles that were purchased by individuals (who furnished the stores with grain) from the masters of ships, they would have given the preference to those brought by the Earl Cornwallis, and prevented the necessity of drawing bills for what they purchased

* Note 13.

1801.
21 Aug.

Stores required
for barter.

from the ships. However, such has been the effect of this measure that a very small part of the private investment brought by the officers of the Earl Cornwallis, amounting to £10,000, is now selling at thirty p'r cent. only above prime cost. I enclose a list of such articles as may be wanting in the course of another year for the purpose of barter for grain, &c., and respectfully request that the indulgence of ten pipes of port wine sent for the officers of the civil and military department may be increased to fifteen. For the appropriation of the proceeds of the ten pipes of wine sent in the Royal Admiral (one of which unfortunately leaked out on the passage), I beg to refer your Grace to my letter sent herewith.

Price of grain
and animal
food.

Respecting the price of grain and animal food supplied the stores by individuals, your Grace will observe that on taking the command I reduced the price of wheat two shillings and maize one shilling in the bushel, and fresh pork to sixpence a pound. At that price it has continued, notwithstanding our present scarcity and the great exertions that have been made to induce me to renew the former prices. Being just returned from visiting the different settlements, I have a pleasure in saying that the wheat now sown, as stated in the return, has a very promising appearance; but being subject to droughts, or the floods at the Hawkesbury, where the principal private cultivation is carried on, no dependance can be placed on its produce; but if no accident happens there will be one year's wheat for the colony, exclusive of the crop of maize; and should it wear the same promising appearance when harvested, I shall direct the Commissary to advertize for it at the lowest price, agreeable to his instructions from my Lords Commissioners of His Majesty's Treasury. But in doing this, great caution must be used not to discourage agriculture too much, lest it again opens a door to monopoly (which is now almost closed), by putting it in the power of two or three persons whose situations give them the means of monopolizing the grain from the small cultivators on their own terms; but as this is an eventful circumstance, I shall make no farther comment on this head, as I must be guided by events; and I beg to assure your Grace that the interest of Government, and encouraging the industry of the inhabitants, will be my guide in this, as well as in every other transaction.

Pork received
into the public
stores.

It will appear by the voucher sent with this that only a small quantity of fresh pork has been given into the public stores, which will not be found extraordinary when your Grace considers the great number of people who support themselves without any expence to the public. It has hitherto been the custom to issue fresh pork purchased from individuals as salt beef—*i.e.*,

7 lbs. a man p'r week; but as the making of salt has facilitated the means of salting the pork, it is now issued at only 4 lbs. a man p'r week making a saving of nearly half.

1801.
21 Aug.

For the clearer statement and comprehension of the contingent expenses of this colony, I have directed those accounts to be made up quarterly and closed annually, as expressed by the General Orders and printed enclosure, which will ascertain and substantiate such expences as it may be necessary to incur.

Keeping of
the public
accounts.

The inhabitants having been so long accustomed to the convenience of Government bills, and the worth of money so much depreciated that shillings and pence have never been considered of any value 'till lately, from these causes some difficulty has attended the copper coin being in general circulation. By the notice enclosed and the General Order of the 14th July, your Grace will observe that I have regulated the payment of the copper, together with articles from the Government stores. These regulations and advantages will greatly lessen the expences, particularly as the copper coin bears an additional value; but when that specie is all given out, it will be necessary to purchase it up again.

Circulation
of specie.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

PROVISIONS remaining in His Majesty's Stores New South Wales
30th June 1801.

Return of
provisions
in the
public stores.

	Beef. lbs.	Pork. lbs.	Sugar. lbs.	Wheat. lbs.	Maize. lbs.
Sydney.....	101,336	178,875	22,074½	82,890	9,840
Parramatta	3,248	2,603	419	4,872	47,040
Hawkesbury	7,867	11,522	74	.....	11,783
Total	112,451	193,000	22,567½	87,762	86,663
Rate pr Week for One Full Ration	lbs. 7	lbs. 4	oz. 6	lbs. 13 oz. 8	or 18
Time each Specie will last the present numbers Victualled vizt. 2357 at a Full Ration	wks. 6 days. 5½	wks. 20 days. 6	wks. 25 days. 3	wks. 2 days. 3	wks. 1 days. 4
Rate pr Week for One Ration at 2/3rds	lbs. 4 oz. 10	lbs. 2 oz. 10	oz. 6	lbs. 9	or lbs. 12
Time each Specie will last the present Number Victualled Vizt. 2357 at ¾rds that being the Ration now under Issue	wks. 10 days. 2	wks. 31 days. 1	wks. 25 days. 3	wks. 4 days. 1	wks. 2 days. 2½

1801.
21 Aug.
Commissariat
return.

STATEMENT of Provisions etc. in His Majesty's Stores in New South Wales June 30th 1801.

Quantity.	Quantity remaining in Store.	No. of Weeks each kind will last.	Weekly Issue for 2357 full rations Victualled from the Stores.	Quantity Wanted.	Time to Complot at a Full Ration.	Statement of the Expence that will incur for Provisions to Issue to 2357 full rations Victualled from the Stores up to 31st Decr., 1801, for Grain, etc. to the 31st December 1802 for Salt Meat.
Beef	lbs. 112,451	} 27 4 ½	lbs. 16,499 or 9482	lbs. 490,256	Decr. 31st 1802	Supposed Value of Salt Pork sent out from England including Fonnage (to the Crown to be at) 9d. pr pound for 490,256 lbs. 18384 12 0 <i>Pork being more advantageous, as stated in the preceding Statement, March 14th 1801.</i>
Pork.....	193,000					
Wheat, and Maize (as Wheat) now in Store 133,537 lbs. Maize (as Wheat) in Public Stacks supposed to contain 138,000 lbs.	} 271,537	} 8 3	31,819½	572,751 or 10,226 Bus. of wheat	31st Decr. 1801	Supposed Value at 8/- pr Bushel for 10,226 Bus., Wanting to complot to Decr. 31st 1801 4090 8 0
Sugar .....							22,507½	25 3	884	504	Decr. 31st 1801

OBSERVATIONS ON THE FOREGOING.

No. 1.—The total of Beef and Pork, includes that purchased from the Missouri American Ship, and received by the Earl Cornwallis, also the Sugar purchased from the Anne; And Grain remaining of that purchased from private Cultivators from Sept. 28th 1800, to June 30th 1801; And remaining in Government Stacks. The saving by the necessity of the reduced Ration is obvious, from the statement between the full and Two thirds Ration; But the Labor is necessarily reduced in proportion.

No. 2.—By referring to the return of Sept. 23rd. 1800, it will appear: That 2416 Full Rations were then Victualled, and that 366 Full Rations were struck off the Stores, between July and that date. That notwithstanding the Increase of Convicts, i.e. 620 since that date, not more than 2357 Full rations are now Victualled; Therefore since July 1800, 1045 Full Rations have been struck off the Stores (exclusive of 120 whose Terms of Transportation, have expired, and permitted to leave the Colony). The saving of which at £20 each, Full Ration amounts to the yearly rate of £20,900. Not including upwards of 2000 Full Rations who support themselves at no Expence to the Crown.

PROVISIONS remaining in His Majesty's Stores in New South Wales this 30th day of June 1801 With the Quantity wanted for the Public use to compleat to the 31st Decr. 1802.

1801.
21 Aug.
Requisition
for stores.

Quality of Provisions.	Remains in the Stores.	Wanted for the Public Use.	Remarks.
Salt Beef	112,451 pounds	} Pounds 490,256 pork.	As pr Estimate No 1
„ Pork	193,000 „		

Sydney New South Wales June 30th 1801

Time the Government Stock would last the Numbers now supported by the Crown, i.e., 2357 at the established Ration.

Estimates re live stock.

	lbs.	Month.	Week.	Days.
Cattle 880 Head supposed to Average	300 ea.....	4	0	0
Sheep 777 „ „ „	30 „.....	0	2	0½
		4	2	0½

STATEMENT OF OFFICERS ON THE CIVIL ESTABLISHMENT.

Return of civil establishment.

June 30th, 1801.

This return is similar to Enclosure No. 13 of the general despatch, dated 10th March, 1801, from Acting-Governor King, subject to the following alterations:—

In place of Neil McKellar, Actg. Secty. to Governor.

W. N. Chapman—Secy. to Gov.—In the room of Lieut. Neil McKellar, pay commences 2nd April, 1801.

In place of Thomas Moore—Boat Builder.

Willm. Moore.—Boat Builder.

In place of Thomas Laycock—Depty. Comisy.—etc.

W. N. Chapman—Dep. Commissary.—In the room of Mr. Thos. Laycock resigned pay commences 2nd April 1801.

In place of—Bennett—Commissary's Clerk.

Wm. Bennett—Clk. to Commissary.

In place of Charles Grimes—Depty. Surveyor.

Charles Grimes—Dy. Surveyor—Actg. Surveyor Genl. in N.S.W. in the room of Augustus Ault Esq. Invalided.

In the "List of Officers who perform Extra Duties" there is one addition.

Neil McKellar—Aid du Camp and Magistrate—Has 10 extra Convicts.

RETURN OF STORE-KEEPERS SUPERINTENDANTS ETC.

June 30th, 1801.

1801.
21 Aug.
Return of
storekeepers,
superintendents,
&c.

This return is similar to Enclosure No. 14 of the general despatch, dated 10th March, 1801; from Acting-Governor King, subject to the following alterations:—

In the place of 5—Thomas Collier—Master Blacksmith etc.

5—Simon Luddit—Master Blacksmith at Sydney in the room of Thos. Collier discharged for improper conduct in discharge of his duty. pay commences May 1st, 1801.

In the place of 1—W. N. Chapman—Store-keeper etc.

1—Wm. Broughton—Storekeeper and Actg. Deputy Commissary in the room of W. N. Chapman appointed Deputy Commissary at Port Jackson in the room of Mr. Thos. Laycock resigned pay commences 1st January, 1801.

To 2—Alex. Dollis and 3—James Nairne the date of appointment is added viz. 13th Jan. 1801.

[Enclosure No. 2.]

Population
statistics.

STATE OF HIS MAJESTY'S SETTLEMENT IN NEW SOUTH WALES,
JUNE 30TH, 1801.

Civil Department.—1 Governor, 1 Acting Lieut.-Governor and Lieut.-Colonel N. S. Wales Corps, 1 (Invalided) Surveyor of Lands, 1 Acting Depy. Judge-Advocate and Registrar Vice-Admiralty Court, 1 Commissary, 1 Principal Surgeon, 1 Deputy Provost-Marshall, 1 Secretary to the Governor and Deputy Commissary, 1 Chaplain, 1 do. absent on leave in England, 2 Assistant Surgeons, 1 Deputy Surveyor, 1 Deputy Commissary, 1 do. absent on leave in England, 16 Superintendants Storekeepers, Commissary's Clerks and Vintners, 8 Women, 1 Children above Ten Years Old, 6 Children above Two Years Old, 3 Children under Two Years Old.

Military Department.—1 Lieut.-Colonel Acting Lieut.-Governor, 3 Captains, 5 Lieutenants, 5 Ensigns, 1 Adjutant, 1 Quartermaster, 1 Paymaster, 1 Surgeon, 1 Assistant do., 23 Sergeants, 16 Drummers, 451 Privates, 68 Women, 9 Children above Ten Years of age, 137 Children above Two Years of age, 42 Children under Two Years of age.

Vice-Admiralty Court.—Judge (Acting Lieut.-Governor), Registrar (see Judge-Advocate), Marshall and Serjeant at Mace.

People not victualled from Stores.—1,370 Men, 728 Women, 451 children.

2,549 Number not Victualled from the Stores.

2,068 Number full Rations not victualled from the Stores.

Convicts Victualled from the Stores.—1,350 Men, 229 Women, * Children above Ten Years Old, 91 Children above Two Years Old, 30 Children under Two Years Old.

Loyal Association Victualled.—51 Sydney, 28 Parramatta.

1 Native Victualled from the Stores.

* Blank in original.

NUMBER VICTUALLED AT THE DIFFERENT RATIONS.
 1,965 Whole 315 Two Thirds
 254 Half 75 Quarter
 2,610 Number Victualled from the Public Stores.
 2,321 Whole Number at full Rations.

1801.
 21 Aug.
 Return of
 numbers
 victualled.

SETTLERS.

375 Men, 14 Women.

5,547 Number of Souls in the Settlement.

WEEKS PROVISIONS in the Stores at the Established Rations.

5½ Wheat and Maize as Flour
 6½ Beef
 21½ Pork.
 25¾ Sugar

[Enclosure No. 3.]

QUARTERLY EMPLOYMENT, JUNE, 1801.

SYDNEY.

Return of
 employment.

Agriculture and Stock.

15 Overseers. 4 Care of Governm't Stock.

Buildings.

11 Brick and Tile Makers. 22 Stone Cutters and Layers.
 16 Bricklayers, Plaisterers and 10 Sawyers and Timber Mea-
 Labourers. surers.
 18 Blacksmiths and Labourers. 15 House Carpenters and La-
 4 Shingle Pale and Lath bourers.
 Splitters. 1 Painter.
 22 Brick and Timber Carriages. 10 Lime and Charcoal Burners.

Boat builders, etc.

9 Carpenters, Shipwrights and 9 Blacksmiths, Sawyers and
 Caulkers. Rope Makers.
 8 Labourers, Watchmen and
 Clerks.

Various Employments.

10 Making ready and Repair- 2 Executioners and Gaolers.
 ing Bridges washed away 1 Natural History Painter,
 by Floods. and Botanist.
 6 Taking Care of Governm't 1 Tanner, Tool Helver, and
 Huts. Thatcher.
 8 Wheelwrights, Millwrights 4 Blind, Insane and Invalids.
 and Labourers. 13 Boats Crews.
 3 Armourers, Riveters and 4 Govt. Gardens and Vine-
 Balliffs. yards.
 1 Basket and Broom Maker. 31 Colonial Vessels.
 3 Flax Dressers, Wool Carders 8 Town Gang.
 and Weavers. 19 Jail Gang and mat'g Bat-
 tery.
 2 Millers. 27 Constables and Watchmen.
 4 Schoolmasters, Sexton and 2 Carrying Water for Guards.
 Bellringer. 20 Attending Hospital.
 11 Writers or Clerks. 10 Sick and Convalescent.
 1 Cooper, Farrier, and Wire- 5 Taylors, Shoemakers and
 drawer. Barbers.
 11 Granary, Provision Stores, 8 Boiling Salt.
 and Clerks.

1801.
21 Aug.
Return of
employment.

Servants.

- | | |
|--|---|
| 71 To Commis'd Officers Civil
and Milit'y includ'g Sup-
intend'ts. | 21 Overseers, Constables and
Free Men doing Govt.
work as Artificers. |
| 3 Non Commissioned Officers
of New South Wales
Corps. | 19 Overseers, Stock-keepers and
Employed in Agriculture. |

Recapitulate.

- | | |
|---|------------------------------|
| 129 Artificers etc. Employed in
Buildings. | 215 Various Employments. |
| 26 Shipwrights and Boat
Builders. | 95 Servants to Officers etc. |

PARRAMATTA.

Agriculture and Stock.

- | | |
|--------------------------------------|-----------------------------|
| 16 Overseers. | 38 Care of Governm't Stock. |
| 48 Agriculture on ye Public
Acct. | |

Buildings.

- | | |
|--|---|
| 1 Bricklayer Plaisterer and
Labourer. | 18 Sawyers and Timber Mea-
surers. |
| 18 Blacksmiths and Labourers. | 18 House Carpenters and La-
bourers. |
| 4 Shingle Pale and Lath
Splitters. | 1 Painter. |
| 16 Brick and Timber Carriages. | 8 Lime and Charcoal Burners. |
| 12 Stone Cutters and Layers. | |

Various Employments.

- | | |
|--|--|
| 21 Making roads and repairing
Bridges washed away by
Floods. | 2 Sadlers. |
| 2 Taking Care of Governm't
Herds. | 1 Natural History Painter and
Botanist. |
| 11 Wheelwrights, Millwrights
and Labourers. | 5 Tanners, Tool Helvers, and
Thatchers. |
| 2 Basket and Broom Makers. | 4 Bakers. |
| 23 Flax Dressers, Wool Carders
and Weavers . | 3 Blind, Insane and Invalids. |
| 9 Millers. | 5 Boats Crews. |
| 1 Schoolmaster, Sexton and
Bellringer. | 17 Govt. Gardens and Vine-
yards. |
| 1 Writer or Clerk. | 7 Constables and Watchmen. |
| 4 Coopers, Farriers and Wire
drawers. | 2 Carrying Water for Guards. |
| 7 Granary, Provision Stores
and Clerks. | 1 Attending Hospital. |
| | 9 Sick and Convalescents. |
| | 7 Taylors, Shoemakers and
Barbers. |

Servants.

- | | |
|---|----------------|
| 47 To Commis'd Officers, Civil
and Milit'y, includ'g Sup-
intend'ts. | 8 To Settlers. |
| 11 Overseers, Constables and
Free Men doing Govt.
work as Artificers. | |

*Recapitulate.*1801.
21 Aug.Return of
employment.

102 Overseers, Stock-keepers and Employed in Agriculture.	144 Various Employments. 66 Servants to Officers etc.
96 Artificers etc. Employed in Buildings.	

HAWKESBURY.

Agriculture and Stock.

14 Agriculture on ye Public Acct.	2 Care of Governm't Stock.
--------------------------------------	----------------------------

Buildings.

1 Blacksmith and Labourer.	2 House Carpenters and La- bourers.
2 Sawyers and Timber Mea- surers.	

Various Employments.

1 Miller.	6 Constables and Watchmen.
2 Granary Provision Stores and Clerks.	1 Carrying Water for Guards. 1 Attending Hospital.
1 Executioner and Gaoler.	
1 Tanner, Tool Helver and Thatcher.	

Servants.

27 To Commis'd Officers, Civil and Milit'y includ'g Super- intend'ts.	7 Overseers, Constables and Free men doing Gov't work as Artificers.
---	--

Recapitulate.

16 Overseers Stock-keepers and Employed in Agriculture.	13 Various Employments. 36 Servants to Officers etc.
5 Artificers etc. Employed in Buildings.	

TOONGABBE, ETC.

Agriculture and Stock.

8 Overseers.	3 Care of Governm't Stock.
132 Agricult. on ye Public Acct.	

Various Employments.

8 Taking Care of Governm't Huts.	3 Tanners, Tool Helvers, and Thatchers.
1 Miller.	8 Constables and Watchmen.
1 Schoolmaster, Sexton and Bellringer.	5 Sick and Convalescents.
1 Executioner and Gaoler.	3 Taylors, Shoemakers, and Barbers.

1801.
21 Aug.
Return of
employment.

Servants.

7 To Commis'd Officers, Civil
and Milit'y including Sup-
intend'ts.

Recapitulate.

143 Overseers Stock-keepers and 30 Various Employments.
Employed in Agriculture. 7 Servants to Officers etc.

1,142 GENERAL TOTAL.

PHILIP GIDLEY KING.

[Enclosure No. 4.]

Abstract of
stores and
provisions
purchased
from
various ships.

ABSTRACT of Articles purchased by Governor King before Mr. Commissary Palmer's Arrival and Articles since purchased by him from the Masters etc. of Vessels for the Public use of His Majesty's Colony in New South Wales pr Order of Governor King, also quarterly Payments for Grain delivered into the Stores by Private Cultivators (to be supplied those necessarily maintained by the Crown) who have received Articles for their Domestic Use and comfort from the Masters etc. in whose favor those Bills have been drawn from the 28th September 1800 to the 30th June 1801.

Purchased from Mr. B. G. Dexter Master of the American Ship John Jay by Governor King, October 8th 1800, the following Articles:—

		£	s.	d.
60,100 lbs Salt Provisions	@ 7 $\frac{3}{4}$ d. pr lb.	1950	8	4
241 Gallons West India Rum	@ 8s. pr Gallon	96	8	0
20 Casks Tar	@ £2 9 0 pr Cask	49	0	0
1,400 lbs Virginia Tobacco	@ 1s. 3d. pr lb.	87	10	0
		£2183	6	4

Purchased from J. Gardner Master of the American Ship Diana by Mr. Commissary Palmer Novr. the 29th 1800:—

32 Barrels Beef 200 lb each ...	@ £3 12 0 pr Barl	115	4	0
74 Gallons Rum	@ 5s. 9d. pr Gallon	21	5	6
3 Barrels Tar	@ £2 2 0 pr Barrel	6	6	0
2450 lbs Tobacco	@ 9 $\frac{1}{4}$ d pr lb	94	8	6 $\frac{1}{2}$
125 Kettles and Potts Wt 3623 lbs	@ 6d. pr lb	90	11	6
5 large Baking Dishes	@ 18s each	4	10	0
		£332	5	6$\frac{1}{2}$

Two Original Vouchers for the above, sent pr Buffalo and Trimmer.

Purchased from Mr. J. Stewart Master of the Anne Transport
February 21st 1801:—

1801.
21 Aug.

		£	s.	d.	Abstract of stores and provisions purchased from various ships.
29,607 lbs Sugar.....	@ 8d. pr lb	986	18	0	
204 Gallons Spirits	@ 6s pr Gallon	61	4	0	
8 Barrels Tar	@ 62s 7d pr Barrel	25	0	8	
2 Do Pitch	@ 79s 1d pr Do	7	18	2	
3 Pieces Red Cloth		13	0	0	
7 Doz and 7 Clasp Knives	Sent for { @ 12/ pr Doz.	4	11	0	
6 Doz. Looking Glasses...	Traffic to { @ 48/ Do	14	8	0	
4 Doz. Razors.....	Otaheite. { @ 24/ Do	4	16	0	
1 Hand Saw.....		0	15	0	
		<u>£1118</u>	<u>10</u>	<u>10</u>	

Vouchers will be sent pr Albion So. Sea Whaler.

Purchased from Mr. W. Wilson Master of the Ship Royal
Admiral March 19th 1801:—

		£	s.	d.
One Pipe Port Wine for the use of the Hospital		57	10	0
2240 lbs of Rice	@ 2½d pr lb	23	6	8
6 Pit and Cross-cut Saws		18	8	6
8458 lbs Bar Iron	@ 5½d pr lb	193	16	7
400 Feet Glass	@ 1s 2d pr Foot ...	23	6	8
2246 lbs Dammer	@ 31s 3d pr Maund of 82 lbs	42	15	6
5586 lbs Tobacco	@ 6d. pr lb	139	13	0
5 Chests and Shipping Charges		1	2	6
		<u>£499</u>	<u>19</u>	<u>5</u>

Vouchers will be sent by the Albion So. Sea Whaler.

Purchased from Messrs. Bridges and Hickson Super Cargoes
of the American Ship Missouri May 6th 1801:—

		£	s.	d.
13,736 lbs Beef	@ 7½d. pr lb.	429	5	0
16,663 do Iron	@ 5d pr lb	347	2	11
1 Doz German Steel Hand Saws (best)...	£ 6 17 6			
666 Files of Sorts	27 16 3			
		<u>34</u>	<u>13</u>	<u>9</u>
Advance 50 pr Cent	17 6 10			
		<u>£52</u>	<u>0</u>	<u>7</u>
Curry Exche.	166½ is	31	4	4
		<u>£807</u>	<u>12</u>	<u>3</u>

Vouchers will be sent by the Albion So. Sea Whaler.

1801.
21 Aug.
Statement
re stores
and provisions
purchased
from
various ships.

STATEMENT of the necessity for purchasing the foregoing Articles, The uses they have, and will be put to and Amount of what remains in His Majesty's Stores the 30th day of June 1801.

From what Ship purchased.	Quality of Articles purchased.	Quantity and Price.	Amount.	Necessity of the Purchase.	Amount of Quantity remaining in the stores.
			£ s. d.		£ s. d.
John Jay Diana Missouri	Beef and Pork Beef Beef and Pork	60,100 lbs. 6,400 13,736 "	2494 17 4	To prevent killing the labouring and Breeding Cattle. To keep as long as possible at full Ration, and the Price being much less than it could be brought from England for.....	429 5 0
Royl. Admiral	Rice	2240 lbs. at 2½ pr lb.	23 6 8	To Issue to the Colonial Vessels and to Supply the Hospital with a diet Ration.....	6 0 0
Anne	Sugar	29607 lbs. at 8d.	986 18 0	Being a part of the established Treasury Ration which is made up in a proper proportion of Grain, would be considerably more expensive to make the Grain last out To Supply the Genl. Hospt. and Settlers at an advance.	735 16 0
John Jay Diana Anne	Spirits " "	241 Galls. @ 8s. pr Gal. 74 " @ 6s. 3d. " 204 " @ 6s. "	178 17 6	To Issue to Constables and Overseers, occasionally, For the Lady Nelson, and other Colonial Vessels, and to give the Troops on their Majesty's Birth days.....	98 0 0
Royl. Admiral	Wine	1 pipe	57 10 0	To Issue to the Sick attacked with Dysentary and the dibilated lately arrived.....	57 10 0
John Jay Diana Roy. Admbal	Tobacco " "	1400 lb. @ 1s. 3d. pr lb. 2450 " @ 9d. " 5586 " @ 6d. "	321 11 6½	To Supply Settlers, etc., at an advance in Exchange for Grain and Animal Food.....	116 0 0
	Iron Pots Baking Dishes	125 Wt. 3623 lbs. at 6d. 5 @ 18s. each	95 1 6	There not being one in the Colony when those were brought, most of them have been supplied to Settlers at an advance in exchange for Grain and Animal Food.....	14 10 0

STATEMENT of the necessity for purchasing the foregoing Articles, &c.—continued.

From what Ship purchased.	Quality of Articles purchased.	Quantity and Price.	Amount.	Necessity of the Purchase.	Amount of Quantity remaining in the stores.
		£ s. d.	£ s. d.		£ s. d.
Royl. Admiral	Pit and Cross-cut Saws.	.....	49 12 10	Much Public Labor standing still for the absolute want of those Articles when Purchased	53 0 0
Missouri	Hand Saws and files	.....		
Royl. Admiral	Unwrought Iron	8458 lbs. @ 5½ pr lb.	540 19 6	To make Nails and much heavy Iron Work for Wind and Water Mills, Gun Carriages, etc., and to Supply Norfolk Island, where there has been none for some time.....	472 3 0
Missouri	"	16,663 " @ 5d. "			
John Jay	Tar	20 casks @ £2 9 0		For the use of the Colonial Vessels and Boats.	
Diana	"	3 " @ 2 2 0		To cure Goats and Sheep of the inveterate disease they had contracted and for some purposes in Mill Work.	
Anne	"	8 " @ 3 2 7		To preserve the Boats and small Vessels from Worms	97 14 6
"	Pitch	2 " @ 3 19 1	131 0 4		
"	Dammer	2246 lbs. @ 4½d. ..			
Royl. Admiral	Glass	400 Ft. @ 1s. 2d.	23 6 8	For Public Uses	3 18 0
Anne	Traffic and Shipping Charges.	.....	38 12 6	To enable Lieut. Scott to procure Hogs for Salting at Otaheite.	
	Amount of Bills Drawn for the above.....		4941 14 4½	Value of remains now in the Stores	2083 16 6
	" Grain purchased from 28th Sept. 1800 to June 1801.		6742 5 0½	Estimated Value of Grain in Govt. Stacks raised by those at Pub. S.	1128 0 0
	Do Pork do do ...		108 19 6	Value of remains of Grain now in the Stores of which there now remains the Value of	953 0 0
	Total Amount of the above Expense.....		£ 11792 18 10¾	The above Statements are abstracted from the original documents, and My Books.	£ 4164 16 4

The Commissary has received since last September Grain equal to £1402 for debts due to the Crown by Individuals which if not thus supplied must have been purchased.

The Average Number of Full rations Victualled has been about 2302.

JOHN PALMER,
Commissary.

1801.
21 Aug.
Statement re stores and provisions purchased from various ships.

1801.
21 Aug.ABSTRACT of Grain and Animal Food purchased from Sept. 28th
1800 to June 30th 1801.Return of
grain and
animal food
purchased.

Articles.	Quantity.	Rate.	Amount.	Amount of Bills drawn.	In Whose Favor.
		s.	£ s. d.	£ s. d.	
Wheat	2250 Bushels	10/-	1125 0 0	1510 6 6	Wilson and Skeene. Bridges, Hickson, Stewart, and Campbell.
Do	12559 Do	8/-	5023 12 0	1857 9 6	
Maize	164 Do	5/-	41 0 0	1744 6 1	Balmain and Grant. Quested, Camp- bell and Law.
Do	2599 Do	4/-	552 13 0	1739 2 5½	
Animal Food	4359 lbs.	6 pr lb.	108 19 6½	..... ..
			6851 4 6½	6851 4 6½	

[Enclosure No. 5.]

LIST of Articles remaining in His Majesty's Stores in New South
Wales this 30th day of June 1801 With the Quantities, that
are and will be wanted for the Publick use.

Return of
stores
remaining
and wanted.

Quality of Stores.	Remains in Store.	Wanted for the Public Use.	Remarks.-
Men's Clothing—			
Blue Jackets	3566	4000	1500 will be Issued to those at Public Labor in August.
Russia Duck Frocks..	454	4000	The remains will not be sufficient for the next serving.
Do do Trowsers	742	4000	do do
Women's Clothing—			
Jackets	132	500	} The remains will be issued in August.
Shifts	145	500	
Petticoats.....	131	500	
Shoes	190	.....
Rugs	193	.....
Blankets .....	.....	4000	Much wanted for the Convicts, having none.
Bed Ticks .....	.....	2000	do do
Nails, Tools, etc.—			
Nails, 3d.	} What can be spared from the Cornwallis's Investment.	6 casks of each...	Are and will continue to be much wanted for carrying on Indispensable Public Works.
„ 8d.			
„ 12d.			
„ 18d.			
„ 30d.			
Pit Saw Files	9 Dozen	20 Dozen	} Do do
Cross Cut Saw Files..	5 „ „	10 Dozen	
West Indian Hoes ...	300	250	
Iron, Flat	} 9 Ton	} 20 Tons	} Much wanted at all times.
„ Square			
„ Round			
„ Casement ..			
Steel	20 lbs.	200 cwt.....	} Do do
Patent boxes for Timber Carriage Wheels.	.....	Ten Dozen	
Naval Stores—			} Will save a great deal of Labor and of Expence to Government.
Rope .....	.....	20 Coil from 1½ to 5 inch.	
Canvass .....	.....	2000 Yards from No. 3 to No. 7.	} Will be very much wanted for the Colonial Vessels.
Twine .....	.....	60 Pounds	
Anchor .....	.....	12 from 2 to 6 Cwt. each.	
Stationary—			
Common Paper	4 Ream	20 Ream of Fools Cap.	} Wanted for transacting Public business of every description. For the Governor's use.
Remains of £30 worth supplied, Govr. King in England in 1798.	} A small quantity.	As pr Separate List.	

[Enclosure No. 6.]

PAPERS RELATING TO GOVERNMENT INVESTMENTS.

1801.
21 Aug.Disposal of
government
investments
per Earl
Cornwallis and
Royal Admiral.

By Philip Gidley King Esquire Captain General and Governor
in Chief In and over His Majesty's Territory of New South
Wales and its Dependencies etc. etc. etc.

AN Assortment of Dry Goods and Ironmongery, as stated in the Invoices sent by the Transport Board, with the prices affixed being arrived in the Earl Cornwallis, and being instructed that those Articles are to be disposed of to the Inhabitants for Money or in Barter for Grain or Animal Food supplied his Majesty's Stores 30 per Cent advance to be charged on perishable, and 20 per Cent on Unperishable Articles to indemnify Government for Freight and Losses on Issuing in small quantities.

You are therefore hereby required and directed to receive the said Articles into your Charge and after having made out a List of the respective prices with the advance as above, You are to Publish the same and to take especial care that no others than those who are provided with a Written permission for the exact quantity they are to receive do get any part of those Goods.— Taking care to receive payment thereof before delivery unless in such cases where I may Judge it adviseable to give a Family Credit until their next Crops come in, You are nevertheless to issue such Articles of Ironmongery as I may direct from time to time for the Public Use, You will also be careful that the Moneys received in payment for those articles be appropriated for the purpose of paying for such Grain as may be received into His Majesty's Stores You are not to fail delivering me a Quarterly Account of the sales and receipts of those Articles. For which this shall be your Authority.

Given under My Hand at Government House Sydney this
11th June 1801.

PHILIP GIDLEY KING.

John Palmer Esqr.
Commissary.

By Phillip Gidley King Esquire Captain General and Governor
in Chief in and over His Majesty's Territory of New South
Wales and its Dependencies etc. Etc. Etc.

AN Assortment of Shirts, Shoes, and Sundry other Articles as stated in the Invoices sent by the Transport Board with the Prices affixed, being arrived in the Royal Admiral and being instructed that those Articles are to be Disposed of to the Inhabitants for Money, or in Barter for Grain and Animal Food,

1801.
21 Aug.

Disposal of
government
investments
per Earl
Cornwallis and
Royal Admiral.

supplied His Majesty's Stores, with an advance of 25 Pr. Cent being charged on those Articles to indemnify Government for Freight and Losses on issuing in small Quantities.

You are therefore hereby required and directed to receive the said Articles into your charge, and after having made out a List of the respective Prices, with the Advance as above, you are to Publish the same and to take especial Care, that no others, than those who are provided with a written permission for the exact Quantity they are to receive do get any part of those Goods.

Taking care to receive payment thereof before Delivery unless in such Cases, where I may Judge it adviseable to give a Family Credit until their next Crops come in, You are nevertheless to issue such Articles, as I may direct from time to time to those at Public Labour delivering me Weekly Accounts thereof. For which this shall be your Order.

Given under My Hand at Government House Sydney this
24th Day of November 1800.

PHILIP GIDLEY KING.

John Palmer Esqr.
Commissary.

THE Under Mentioned are the Articles sent by Government in the Earl Cornwallis; with the Prices, and Thirty per Cent added: At which Rate they will be Disposed of to the Inhabitants for their Domestic Uses, for Money and in Exchange for Grain, or Animal Food, supplied His Majesty's Stores:

Soap, from 8½d. to 9½d. per lb.

Glass, from 7¼d. to 10½d. per foot.

White Lead, 7¼d. per lb.

Red Paint, 4d. per lb.

Linseed Oil, from 7s. ¼d. to 7s. 7d. per gallon.

Oval Dishes, 17s. 4d. per set.

Plates, from 1½d. to 3d. each.

Other Articles of Earthern and Glass Ware in proportion as per List at the Commissary's Office.

Ivory Combs, from 2s. 2½d. to 16s. 6d. pr. doz.

Wax Candles, 3s. 11¼d. per lb.

Gilt Buttons, from 8s. 7¼d. to 13s. 9d. per gross.

Children's Shoes, 19s. 2¼d. to £1 7s. pr. doz.

Girls' ditto, £1 17s. 4¾d. to £2 8s. 5½d. pr. doz.

Women's ditto, stuff and leather, £2 13s. 6d. to £3 7s. 9½d. per dozen.

Coloured Cloths, (yard wide) 6s. 2¾d. to 6s. 6½d. per yard.

Duck, 1s. 9½d. per yard.

Welch Flannel, 2s. 0½d. to 2s. 5¼d. per yard.

Irish Linen, 2s. 0¾d. to 3s. 8¾d. pr. yard.

Durants, £1 2s. 6d. to £2 1s. 7¼d. pr. piece.

Calimancoes, £1 14s. 1½d. pr. piece.

Wildboro's, £1 18s. 0½d. per piece.
 Camblets, £2 8s. 1¼d. per piece.
 Printed Calicoes, 2s. to 4s. per yard.
 Chintz Handkerchiefs, 2s. 9¾d. to 2s. 10½d. each.
 Checque, 1s. 6¼d. per yard.
 Muslin Handkerchiefs, 2s. 6d. to 3s. 3d. each.
 Muslin, 3s. 5¾d. to 3s. 11d. per yard.
 Cotton Checque Handkerchiefs, 1s. 8¼d. each.
 Pullicat ditto, 2s. 3½d. each.
 Women's black Cotton and Worsted Hose, 2s. 8½d. to 3s. per pair.
 Black Mode, 4s. 4d. to 5s. 8d. per yard.
 Coloured Persian, 2s. 5d. per yard.
 Ribbands, 8s. 6d. to £1 10s. per piece.
 Silk Ferretings, 6s. 6d. per piece.
 Sewing Silks, £1 11s. 3d. to £2 4s. 3d. per lb.
 Silk Twist, £1 11s. 3d. per lb.
 Thread, 3s. 7d. to £2 0s. 4d. per lb.
 Tapes, 6¾d. to 1s. 5d. per piece.
 Bobbings, 3d. to 8¼d. per piece.
 Shirt Buttons, 1s. 4d. to 2s. 10½d. per gross.
 Thread Edging, 1s. 1¼d. to 2s. 7¼d. per yard.
 Needles, 7s. 2d. per thousand.
 Pins, 3s. 8¾d. per lb.
 Fig Blue, 1s. 4½d. per lb.

1801.
21 Aug.

Disposal of
government
investments
per Earl
Cornwallis and
Royal Admiral.

THE Under Mentioned are the Articles of Ironmongery, sent by Government in the Earl Cornwallis; with the Prices, and Twenty per Cent added; At which Rate they will be Disposed of to the Inhabitants, for their Domestic Uses, for Money and in Exchange for Grain, or Animal Food, supplied His Majesty's Stores:

3 Penny Nails, at 2s. 8d. per thousand
 4 penny ditto, 3s. per do.
 6 penny ditto, 4s. 5d. per do.
 8 penny ditto, 5s. 8d. per do.
 10 penny ditto, 6s. 10d. per do.
 20 penny ditto, 9s. 11d. per do.
 24 penny ditto, 18s. per do.
 30 penny ditto, £1 2s. 11d. per do.
 40 penny ditto, £1 9s. 11d. per do.
 Steel socket Spades, 3s. 1d. each.
 Reaping Hooks, 6s. 9d. to 8s. 7d. per dozen.
 Steel Hand-saws, 6s. 1d. each.
 Smoothing Planes, 1s. 10d. each.
 Jack ditto, 2s. 8d. each.
 Padlocks, 12s. 10s. per dozen.
 Stock Locks, 18s. 6d. per dozen.
 Cupboard ditto, 14s. 8d. per dozen.
 Drawer ditto, 12s. 10d. per dozen.
 Bright Augers, 1s. 11d. each.
 Socket Chizzels and Gouges, 7s. 11d. per doz.
 Firmer ditto, 6s. 1d. per dozen.
 Sets of Shoe-makers Tools, £1 2s. per set.

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Iron Pots, from 2 to 6 gallons, £1 2s. per cwt.
Cross Cut Saws, 11s. to 15s. 10d. each.
Boxes of Tin Plates, £4 1s. 9d. to £4 11s. 6d. per box.
Knives and Forks, 6s. 1d. to 7s. 4d. per dozen.
Clasp Knives, 3s. 1d. to 9s. 9d. per dozen.
Scissars, from 1s. to 11s. per dozen.
Hair Sieves, 15s. 10d. to £1 8s. 1d. per dozen.

APPLICATIONS to be made at my Office on Monday Mornings, before Ten O'Clock, that they may receive the Governor's Approbation. No Article will be issued until Payment is made or Security given.

By Command of his Excellency.

J. PALMER,
Commissary.

Sydney,
June 25, 1801.

AN Account of Cash, Grain, and Swines flesh, received for Articles sold from the Investment sent out by Government in the Earl Cornwallis between the 19th June and the 22nd August 1801.

	£	s.	d.
Cash.....	375	19	8
Wheat 55½ Bushels @ 8/-	£22	8	0
Maize 76½ " @ 4/-	15	7	0
Pork or Swines flesh ... 486½ @ /6	12	3	3
	£425	17	11

The Cash that has been received for the above Articles is to be Appropriated for the purchasing of Grain and Swines flesh on Account of Government.

JOHN PALMER,
Commissary.

[Enclosure No. 7.]

[*This enclosure comprised separate letter B, dated 1st May, 1801, from Acting-Governor King to the Duke of Portland.*]

[Enclosure No. 8.]

[*This enclosure consisted of copies of the enclosures to separate letter B, dated 1st May, 1801.*]

[Enclosure No. 9.]

ORDER TO SETTLE PUBLIC ACCOUNTS QUARTERLY.

14th July, 1801.

THE Governor directs that vouchers for payment of grain, &c., purchased from individuals for the public use, be made up and finally settled once a quarter, viz.—on the 1st of January, 31st

Order re
quarterly
settlement
of public
accounts.

of March, 30th of June, and 30th of September. And every person in the colony will take notice that neither the Governor nor the Commissary are at all responsible for any payment after those dates for the preceding quarter, which payments are to be made by bills on His Majesty's Treasury (for not less than one hundred pounds sterling) in copper money, or articles from the public stores. To those who prefer copper money, payment will be made on producing to the Commissary the storekeeper's printed and chequed receipts, subscribed by the Governor; or such articles from the public stores as the Governor may approve of, will be delivered on producing the receipts as above.

For the fourth time the inhabitants are informed that no applications for any articles whatever from the public stores will be received on any other days than Mondays; and applications respecting the victualling store, and those who are supported from it, on no other days than Fridays. The hours of attendance at the Secretary's and Commissary's office on these days will be from eight till one o'clock.

[*Seven vouchers were also enclosed, copies of which have not yet been found.*]

[Enclosure No. 10.]

[*This proclamation respecting the value of copper coin was also forwarded with general orders; see that dated 19th November in enclosure No. 10 to the general despatch of Acting-Governor King, dated 10th March, 1801.*]

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Separate," per whaler Albion; acknowledged by Lord Hobart, 29th August, 1802.)

My Lord, Sydney, New South Wales, 21st August, 1801.

With this I have the honor of forwarding the duplicate of my letter* respecting the employment of the Lady Nelson and its enclosures, in which your Grace will observe that vessel sailed in March last to prosecute your instructions; but, I am sorry to say, from the same unheard-of bad weather we have had here, her commander was not able to execute the whole of the orders he sailed under, further than ascertaining Western Port in Basses Straits to be a safe and commodious harbour, which from its central situation in that passage, and being capable of sheltering vessels of any burthen, will hereafter be of great utility to vessels meeting with foul winds in passing through these straits. Lieut. Grant, and the officers who were with him,

Discoveries
made by
Lieutenant
Grant.

* Note 63.

1801.
21 Aug.

Order *re*
quarterly
settlement
of public
accounts.

1801.
21 Aug.
Reports on
Bass' Strait.

give a most advantageous account of the excellence of the soil and the great abundance of seals in its neighbourhood. Such parts of Lieut. Grant's journal as may afford information on this subject I have enclosed, together with a copy of Lieut. Grant's passage thro' the straits on his passage hither from the Cape, No. 1*; Mr. Black's passage thro' in the Harbinger, No. 2*; and the Margaret's, No. 3*; together with Ensign Barrallier's survey in the Lady Nelson of Western Port, and the connexion of the coast between it and Wilson's Promontory, No. 4,* which was all the bad weather would allow Lieut. Grant to examine. He returned here 15th May. It is necessary to remark, for the reasons stated on the above charts, that they cannot be considered as perfect and conclusive, being only forwarded in this state to possess your Grace of what has been done. The Lady Nelson is now refitting (for repairs she wants none) to renew the execution of the orders he first sailed under; and I hope the service of the colony will admit of the Norfolk brig's going with her, when much may be done in accomplishing your Grace's instructions, as they will sail from hence the latter end of September, and I hope on their return to be able to transmit a finished survey of the S.W. coast, and the western entrance of the straits, the eastern entrance being well ascertained by Lieut't Flinders.

Projected
departure of
the Lady
Nelson on
exploring
voyage.

Exploration
of Hunter
River.

The Coal River, 70 miles to the northward of this place, which was seen by a lieut't of the Reliance in 1798,† and named by him "Hunter's River," not having been since examined or any survey taken of it, I was anxious to ascertain how far it might be accessible to vessels, and could be depended on for a supply of coals, and as the service allowed of Lieut.-Colonel Paterson's absence, I accepted his offer of accompanying Lieut. Grant in the Lady Nelson on that service. That vessel and the Colonial schooner sailed from hence the 10th June, and returned the 25th July. I enclose the narratives of that excursion, which, with Ensign Barrallier's accurate survey of the Coal Harbour and its rivers as high as they went, will give your Grace the details of that examination. But it is much to be regretted that the entrance into the harbour is so very shallow and difficult, as the wind and time of tide must always be consulted in going in or out; and even under the most favourable circumstances there is the greatest cause for being more than commonly careful. However, notwithstanding this disadvantage, the other advantages respecting the very great quantity of coals to be got there, and the immense quantity of shells for lime, being so highly spoken of by those who went on that survey, I have established a small

* Note 64. † Note 65.

post there,* consisting of a trusty non-commissioned officer and eight privates, with twelve prisoners to collect coals for such Government vessels as can go for them. Since the *Lady Nelson* went there, two Government vessels have brought 50 tons of coal which has been bartered with the master of the *Cornwallis* for articles for the public use. This being the first natural produce of the colony that has tended to any advantage, I have enclosed the Commissary's statement of that exchange, being more a matter of curiosity than of consequence. At present several boats are employed getting coals for the *Cornwallis*, and a prize brig,† belonging to an individual, is now at the Coal Harbour lading with coals and timber for the Cape of Good Hope. By the inclosure your Grace will observe that I have made the coals and timber an article of revenue. How far it will be productive must depend on events.

I have, &c.,

PHILIP GIDLEY KING.

1801.
21 Aug.

Settlement
at Hunter
River.

Progress of
coal-mining.

[Enclosure No. 1.]

[A copy of the extracts from *Lieutenant Grant's Journal*‡ during the voyage through *Bass' Strait* has not yet been found.]

[Enclosure No. 2.]

LIEUTENANT GRANT'S JOURNAL AT HUNTER RIVER.§

REMARKS, &c., on board His Majesty's armed surveying vessel, *Lady Nelson*, in Hunter's River, 1801.

Grant's
journal at
Hunter River.

Sunday, 14 June, 1801.—Wind S.E. by E. to W.N.W. At 6 a.m. bore up and made all possible sail, the Coal Island (an island in the entrance) N.N.W. 6 miles. At half-past 10 I went on shore with Dr. Harris, to examine the entrance, which we found very narrow. On the left-hand side going in was a reef of rocks from the island, with much heavy surf breaking on it; on the right was an extensive flat, with a tremendous roll of sand breakers over it. The channel in was troubled with much heavy swell, and did all but break, so that I hove the boats head round and pulled out again; sounded 5 fms. On considering the risk we run of bringing the vessel in without well ascertaining the risk, I pulled in, carrying from 5 to 4 and $3\frac{1}{2}$ fathoms close to the island. On our getting on shore we climbed up this steep island and hoisted a flag as a signal this was the right place. It was then the first of the ebb and calm; therefore hastened on board and towed the brig in. At noon the Coal Island bore W.N.W. 3 or 4 miles. The latitude they observed in was $32^{\circ} 37' 34''$ south.

Monday, 15 June, 1801.—Wind W. P.M.—at half-past 1 a light air sprung up from the eastward, which with the boats ahead and sweeps enabled us to stem the tide, the Francis schooner towing in after us. On getting nearly abreast of the island and close to the reef, found the tide running so strong that we could not stem it. Let go the best bower, but not having room to veer out any scope of cable, found the vessel drift. Let go the small bower and brought

* Note 66.

† Note 67.

‡ Note 68.

§ Note 69.

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Grant's
journal at
Hunter River.

her up. From the strength of the tide was obliged to steer the vessel to it. Warped the vessel under the island. Here we found the tide run very strong and in eddies, which I am of opinion is occasioned by the heavy surf which breaks between the main and the island meeting the outside surf, which must make this place a very unsafe roadstead for any vessel to lay in when it blows from the eastward, more especially as there is no room to veer out any scope of cable, nor ought *any vessel to stop here unless necessity* requires it. Let go at the strength of the tides during the night a second anchor under foot, and steered the vessel to it. At daylight weighed, it being low water, and towed up abreast of a saw-pit, where Mr. Meehan had laid during his stay here. Came too with the small bower within 30 yards of the shore in 3 fathoms water, and steadied with a warp fast to a tree; schooner in company. Here the native, which Dr. Harris brought off with him, as before mentioned, left us.

Tuesday, 16 June, 1801.—Wind W. to N.W. P.M.—moderate and cloudy weather; employed occasionally. A.M.—rain with lightning; at daylight fair and cloudy. Colonel Paterson and I went on shore to examine the coals; took the miner with us. At the place where he had been before at work on, we found a strata of coal 22 inches thick, and of good quality. As this was on an elevated situation, and not very easy of access, we found at the foot of the hill and on the reef at low water, plenty of excellent coals in beds of different thickness. Made the necessary arrangements for setting the people to work.

Wednesday, 17 June, 1801.—Winds W. to N.W. The Colonel and myself went to Ash Island to examine its situation, &c. Here we found plenty of different sorts of wood, and the ash trees of considerable magnitude in general with some very large ones interspersed, yet they are not so plenty as from the name of the island one is at first led to suppose. One of the woods (of which I brought on board a few lengths) much resembles the hickery in its present state, not only in its colour and close grain but its toughness. There are here several pithy woods, very light and white, with close grain, and some of the leaves of which sting like nettles. There are gum-trees, swamp-oak, the tea-tree, and mangrove in abundance.

Thursday, 18 June, 1801.—Winds W. to N.W. We walked a short distance inland, and found in the vicinity of the coal mines the soil black and good (with plenty of water at hand). It is mostly pasture land, covered with short grass, which would answer any sort of cattle but more particularly sheep. From its elevated situation it is dry and healthy, nor can it ever be overflowed as it rises high above the source of the river and shows a steep front to the sea, which in some places is rocky. There are also vallies sheltered from all winds and nevertheless well elevated, though it is to be understood that they are not of extensive magnitude, for they are only in the vicinity of the coal stratas, and I suppose might be comprised within the compass of six or seven hundred square acres. I am the more particular on this head from its being so near the sea, as the cold bleak winds are often as pernicious to some constitutions and vegetation in general as swampy confined damp grounds are, of which there are no scarcity in this harbour. After leaving this spot the ground gradually falls and gets more of a light, sandy soil, covered with brush and trees interspersed, until it reaches the hills, the nearest of which are of no great distance nor of any height.

The low land all around this place is more or less subject to be overflowed, and is full of swamps, some of which are of considerable magnitude.

Friday, 19 June, 1801.—Wind W. We proceeded a considerable distance up an extensive arm, wherein there was deep water, but we found no passage for the vessel into it, as at the entrance there was barely water for the boat, with a rapid tide running. We proceeded to the opposite, or northern shore, and found it full of flats, some of which we were obliged to get out and drag the boat over. Between these flats are gullies of deep water, but without any regular channel. On the shore we found large banks of excellent shells, which lay in some places nearly three feet thick, washed up by the tides or floods, as also all the roots of the trees by the water side stuck full of oysters. From this circumstance lime would be very easily got at this spot. Nevertheless, the oyster shells are to be found in abundance all round the harbour.

Monday, 22 June, 1801.—Wind west. Colonel Paterson wishing to examine the island in the entrance, as from its appearance he expected to find coal in greater plenty, and perhaps superior quality, Mr. Barrallier and myself wishing to ascertain the soundings in the entrance, the weather being favourable for that purpose, we went together, taking the miner with us, and while the Colonel and miner examined the island, I sounded the entrance of this harbour. The strata which appeared like coal on the island proved to be of much inferior quality to those on the main which we had been digging, though at the foot of the island and on the reef were several beds of good coals; but these were covered with large stones which the flood and tide had rolled up and were overflowed every tide; therefore, however well it may appear to some that coals may be more easily got, and more expeditiously shipped from this spot, when I consider the risk run and the very small portion of labour saved, *if any there may be*, I am confident it will fall much short of giving that satisfaction which might be expected from such a measure, and one single accident (of which they are liable to more than one) might be of more serious consequence and greater loss than all the coals in this small spot are worth, more especially where they are to be had in abundance, *without risk*, within little more than musket shot of the same place. Having obtained the different points before mentioned, we returned and went to haul the sein. We observed a stranger making up to us, which we could perceive was none of our party. It proved to be a man named John Loft, who had been unfortunately wrecked out of a boat belonging to Underwood of Sydney. She was cast on shore to the north of Port Stephens. They were three in number, and he had been 32 days in travelling to this place from where she was wrecked. His other two companions, one he said was killed by the natives, the other eat a toad fish—which he complained of for some days—and died. He had a bag with a few small shell-fish on which he had chiefly subsisted. It was fortunate we were here, as I think it would have been impossible for him to have reached Sydney on foot. The emotions that he felt on meeting are much better imagined than described; the laugh and the tear had their repeated place in turns, and his first utterance was, “I am starving with hunger.”

Tuesday, 23 June, 1801.—Wind, W.N.W. P.M.—strong breezes and clear weather. At sunset our different parties returned. Mr. Barrallier and the second mate having penetrated a little way into

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journal at
Hunter River.

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the woods, they met with a native which they brought on board with them. He was a little elderly man, strait made, and spoke not one syllable that was intelligible. He had all his fore teeth in, and spoke a jargon of simple sounds. As I particularly observed, few words that came from him were composed of more than one syllable. He could eat nothing; but two crows which some of the people had shot being given him, he stuffed them in the fire feathers and all, which after burning off, and heating them a little, he eat. In the morning, after using him kindly, the Colonel gave him a tomahawk, which he seemed much pleased with, and shewed that he perfectly understood the use of it. He was put on shore near the place where they met him. On the return of the boat they informed me he was out of their sight in an instant.

Sunday, 28th June, 1801.—Wind, N.W. P.M.—moderate and cloudy weather. At 4 p.m., the tide serving, we dropped up into the entrance of Paterson's River, and at 6 came too in 3 fathoms water for the night. At 7 in the morning we dropped up into 9 feet water, and was informed by the second mate, who was ahead in the boat sounding, that he had only 7 and 6 feet. I immediately brought up. In order the better to satisfy myself on this head, I went with Colonel Paterson in the boat at the top of high water, and found no more than two, three, and four feet at most, a little further above where our boat had been. We then returned, and sounded the other entrances to this arm, but found no more water, and in many places less. Judging that the vessel might touch at low water where she lay, the rise of the tide not being less than four or five feet, I got up the anchor and brought her back into two fathoms water, giving up the idea of getting further up this arm with the vessel. We moored with the kege.

Saturday, July 4th, 1801.—Wind, S.S.W. I this day visited the coal miners, and found them hard at work. They had found a strata of coals nearly four feet in thickness and of excellent kind. It was entirely from side to side through the hill—that is to say, from the harbour side to the sea on the opposite side; and on the low side which faces the harbour the miner informed me they were not above ten yards down. This consequently will yield a supply of coals for a great length of time. The miner informed me they were equal to any bed of coals he had ever seen in England. I saw a lump of them. It was clear and transparent, free from earth and smut, and no doubt will answer for any use whatever.

Tuesday, 7 July, 1801.—Wind S.W. Previous to my leaving the ship I ordered Mr. Murray to visit the colliers frequently and see they did their duty, to haul the sein as often as possible in order to save salt provisions, and to salt as many fish as cou'd be spared.

Wednesday, 8 July, 1801.—Wind, S.W. The distance we were from the ship might be 15 or 16 miles. We started at daylight and proceeded onwards. So far, the ground on each side appears to be less or more overflowed every fresh, and is full of lagoons and swamps. The soil is black and good and full of brush, with trees of great magnitude and of different kinds. The grass is thick and long where it grows, but so far the ground is low and swampey, though, no doubt, from the height of the hills inland there is good ground free from all floods. We breakfasted about nine miles further up on a rising ground clear of brush and swamp. The ground appeared open, the grass luxurious and long. I travelled a mile and a half on this sort of ground, and came to a pleasant

rising mount which afforded an extensive prospect. It was covered with long luxuriant grass and very large trees of different kinds; some rocks are interspersed on its top, with plenty of water at hand. The land here is high above the source of the river. Here is plenty of land for agriculture. The soil is black, but mixed with a sort of sand or marley substance. However, its natural productions warrant it fit for anything. A creek that boats might lay in clear of the violent floods runs along the foot of the mount. The cedar grows here in plenty about the sides of the river, so that there is plenty of wood and stone with water, and ground much preferable to any I have seen about Sydney for agriculture. This is the first spot for cultivation we have yet met with since we left the ship that is desirable about the waterside. The evening brought us up to the Colonel, where we found them in a comfortable hut and a good fire. This place might be nine or ten miles further up. In the morning the Colonel and Dr. Harris in his boat, and Mr. Barrallier and myself in our small boat, proceeded up the river to a mount, similar in productions and soil to the above described, but much higher and of greater magnitude. The view was extensive and picturesque, as it commanded a great extent of country. Colonel Paterson had before visited this place and named it Mount Ann. On our passage up we had passed five rapid falls, which we were obliged to drag the boats over. We proceeded onwards, and after passing four more falls, some of which were very rapid and troublesome from the trees being in many places washed right across there, we took up for the night about three miles above Mount Ann. On the opposite side was a lagoon, where we shot a brace of ducks in. We saw several traces of the natives, both young and old, and passed some canoes, which are small and rudely put together. Here the river still was extensive and wide, but the freshes had left their marks in many tops of trees not less from the source of the river than 25 feet perpendicular height. The next day brought us to the foot of a high hill, which was still higher than Mount Ann, and connected to the same by a chain of lesser hills forming a semicircle nearly. From the top of this we could see the island in the entrance of the harbour, all the range of blue mountains which we had now got to the nor'w'd of, and also the river for a great way inland winding in various ways. The production and soil here is nearly what I have before described, and, like the first, is steep on one side. Here we found some new plants of the fearn tribe, and others, particularly a sort of balm which grows here to a great size, the stem of it approaching nearly to the texture of wood, and is of a sweeter smell than the common balm. This mount was named Mount Elizabeth. On it will be found a tree with the letters W.P., J.G., J.H., F.B.,* with the year 1801. In another tree we cut a piece of the wood from it, which will stand a long time visible. We saw that the river took so long a sweep and returned to nearly the same place, that it would take us the next day to get almost to the place we were; therefore we determined on returning, as our stock of provisions would not allow a longer stay. The country we saw from this hill is an immense level, extending from hence to the Blue Mountains, which we saw until lost to the eye, stretching in a northerly direction into the interior. I presume this is about 15 or 16 miles higher up than the hut.

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21 Aug.

Grant's
journal at
Hunter River.

* Note 70.

1801.
21 Aug.
Grant's
journal at
Hunter River.

We passed the night, as usual, on the banks of the river, and next day proceeded downwards. On our passage up from the hut we passed in all fourteen different falls. We again visited Mount Ann, and arrived at the hut in the afternoon. Mr. Barrallier, it is to be observed, had obtained the survey so far as we had been up. Cedar grows along the banks of the river in great abundance and great magnitude. The ash, gum-trees of all sorts, the swamp-oak, and tea-tree is also in great plenty and very large, together with various other woods. Of minerals there appears not to be any great variety; those that are about the river in general are volcanick. Birds and plants nature has been bountiful in bestowing here; fish also are plenty, and I suppose, from their leaping, are of the trout kind. Of shells we found a black sort of bivalve and much resembling the shells I have seen searched for in the rivers in Scotland, particularly the Doun, which in general are found to contain small pearls. Having now seen as much as I could up this arm, I was anxious to return. The Colonel wished much to examine the other arm of this extensive river, which runs in a northerly direction and branches out apparently towards Port Stephens.

Saturday, 18 July, 1801.—Wind S.W. P.M.—fresh gales and rain. At 5 p.m., the Colonel and Dr. Harris, with Mr. Barrallier, returned on board, Mr. Barrallier having surveyed up the arm until stopped by a cascade, which he could not pass. The Colonel had been up and met with another chain of mountains, one of which he named Mount King, and another Mount Grant. I now ventured to name my little mount, and called it Mount Edgerton, in obedience to the particular wish of my friend Captain Schank. A.M.—got the yards and topmasts up.

Sunday, 19 July, 1801.—Wind S.W. to calm. In the morning Mr. Barrallier and Dr. Harris went to survey for the last time, the survey being completed in its most material points.

Thursday, 23 July, 1801.—Wind S., S.S.E., E.S.E., S., S. by W. P.M.—blowing strong from S.S.E. to S.E. Saw a sloop-rigged boat standing along the shore. Observed her go into the Coal River. At midnight much sea and nearly calm. At daylight, light airs inclinable to calm. Got the bedding up to air and cleaned below. Extremes of land at sunset N.E. $\frac{1}{2}$ N. and S.W. by W., distance 5 or 6 leagues, the Coal Island W. 10 or 12 miles. A.M.—light airs inclinable to calm. At noon the Coal Island bore N.W. by N. 4 or 5 leagues. Latitude observed, 33° 11' S.

JAMES GRANT.

[Enclosure No. 3.]

LIEUT.-COLONEL PATERSON'S JOURNAL.*

Paterson's
journal at
Hunter River.

June 14, 1801.—Lieut. Grant and Mr. Harris left the vessel at $\frac{1}{2}$ -past 10 a.m., to examine the passage into Hunter's River. They landed on the island, which I named Coal Island. About an hour afterwards I observed the new Union (which they carried with them) hoisted on the top of the island.

On their return the boats were sent ahead to tow the vessel, and with the assistance of the sweeps, got barely under the lee of the island where they could bring to with safety, and were then obliged to let go a second anchor to prevent being drawn into the surge.

* Note 71.

June 15.—Early in the morning warped the vessel into a safe birth, round what is called Pirate Point, where there is [a] small bay and fresh water, which I named Freshwater Bay. Landed and examined the point of land where the coals are, and likewise the sea coast to the southward, where there is a continuation of the same strata, with this difference, that as the land becomes higher a fourth stratum makes its appearance, and much superior to the other three; but, unfortunately, from the constant surfs it is not possible they can be conveyed from where they are, but by land carriage. The point of land where I put the colliers to work I have called Colliers' Point. From this to the southward for some miles the hills are covered with excellent verdure without trees, except in the valleys, and they are chiefly Banksia new, or what is commonly called the white honeysuckle, but grows much larger than that found in the neighbourhood of Sydney. Those hills are so much alike to what I have seen sheep feeding on in England, that I have named them Sheep Pasture Hills. The soil is a light black mould about a foot and a half deep, after which is the stratum of stone and clay above the coal, as it appears in the accompanying sketch.

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June 16.—Went up a creek that opens from the south'd into a bay about two miles above Colliers' Point, where it divides into several arms. The ground is low, and apparently subject to floods; the soil blackish, mixed with sand; the trees very lofty, mostly blue gum (Eucalyptus) and Casuarina. From the great quantity of driftwood all over this place, and the country for many miles being low and intersected with creeks, I am convinced that the floods here are much higher at times than what has ever been known at the Hawkesbury.

June 17.—Went in company with Lieut. Grant to examine the above creek, which is called Mangrove Creek, but did not reach the end of it. The higher we got up the wider it became, and divided into many branches. From there being no driftwood here it is evident that no river falls into it, nor is there any high land nearer than the sea coast. Some of the people where employed to-day hauling the seine. Found quantities of fish and great variety.

June 17.*—Went up the river about five miles to the N.-west to an island called Ash Island, which takes its name for a very excellent wood, similar in quality to ash, and grows as large. This is not the only good timber that is found here. There is a species that resembles box, which grows to a large tree. Here I enlarged my collection of plants, many of them quite new and beautiful. The leaf of one of the trees stings much worse than the Roman nettle. The circumference of this island is about six miles.

June 18.—Employed in arranging my collection.

June 19.—Went again to Ash Island for the purpose of pointing out to the sawyers the proper wood for cutting down. I saw some natives at a distance, but could not get near them, nor have we yet had any connection with the inhabitants of this neighbourhood. Accompanied by Mr. Harris went up Mangrove Creek. After rowing about four miles there was so little water that we were obliged to drag the boat over the flats. As soon as we got over found tide setting the contrary way, and perceived an opening into the main arm, where the vessel was at anchor opposite the south end of Ash

* Note 72.

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Hunter River.

Island, and at the entrance of what we suppose to be the principal river, which we traced about nine miles. Found the water rather fresh, and the country hilly, interspersed with high trees, mostly of the blue gum.

Went to Coal Island to examine the strata of coal while Messrs. Grant, Harris, and Barrallier were sounding the entrance of the river. Found the base of the island a complete stratum of coal, from 18 to 22 inches deep, of an excellent quality. There is anchoring ground at the inner side of the island near to where the coals are, and a vessel might be loaded in a short time; but the preference must be given to Collier's Point, as the work can be carried on to any extent and at little expence.

Mr. Harris and myself went to Ash Island and to determine its circumference. Took some water with us for the sawyers. After rowing the greatest part of the day, we began to suspect that we had passed the channel that separates it from the other islands, which really was the case. At 3 p.m. we found ourselves in a large river, and the water so fresh as to be fit for use. Here the tide meeting the stream we had a heavy swell. About eight miles from where we returned the two rivers meet and divide again in different branches forming several islands, as will appear from Mr. Barrallier's survey. From the herbage, which is very luxuriant, and the quantities of oysters on the mangrove trees, those islands in my opinion would answer well for the purpose of rearing swine. This day I added some plants to my collection, particularly a species cocas, intirely new, from 60 to 80 feet high. From the several excursions I made during the time that the Lady Nelson lay in Freshwater Bay I am of opinion that Government might derive many advantages by forming a small settlement at this place. In the 1st instance, the coals are a principle object. 2nd. Boiling salt, which could be done with little labour. 3rd. Burning shells that are here in great abundance. Besides, salting of fish might be carried on with considerable benefit if some industrious fisherman could be found for that purpose, as the fish are plentiful and good. There is excellent pasture for cattle, but until where the rivers meet is not fit for cultivation. What I term forest land is remarkably fine soil. After getting the vessel as far up as Needle Island, there was not water enough for her to proceed any further. I now commence my observations from Needle Island, which is so named from its length and narrowness.

June 29.—Accompanied by Mr. Harris and Mr. Lewin, I left the Lady Nelson with the launch to carry our provisions and what we thought necessary for an excursion of seven days, and a little boat belonging to Mr. H., which we found very useful; indeed if it had not been [for] it we could not have proceeded as far as we did. This day we got on about 16 miles, and rested the night on a rising ground which I called Greenhill. The soil is good but does not extend to any considerable distance. Here the water is fresh enough for use. The tides rises about four feet. Nearly half a mile above this the river, which your Excellency has done me the honor to name Paterson's River, formerly called the Cedar Arm, falls into Hunter's River.

June 30.—Proceeded about 14 miles, the country generally low, covered with wood; very little of it fit for cultivation—not from the soil but from the lowness of the situation.

July 1.—This day we concluded ourselves 12 miles higher up, and as the banks of the river in most places are very low and swampy, we fixed upon the first dry ground for our headquarters, where we built a small tent hut, thatched with grass which grows luxuriant. Here is an extent of country for about three miles to the southward with several lagoons and rather low, but except on the banks of the river not subject to floods. The soil in most places is good, thinly interspersed with fine lofty trees. This I named Shanks' Forest Plains in honor of Captain Shanks, the projector of the Lady Nelson, a gentleman much interested in the prosperity of this colony. The wood generally known by the name of cedar does not abound much in this place.

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July 2.—Sent the launch back to the vessel. Mr. Harris attended me on a short excursion up the river about 6 miles. We found the stream in some places so exceedingly rapid that we were under the necessity of dragging up our little boat.

July 3.—Set out again early in the morning up the river till 2 o'clock, pulling over some rapid streams. The country now became much higher, with good soil, and the banks of the river covered with cedar, ash, and what is called box. The extent of our journey to-day was to a beautiful green mount, from which we had a very extensive view of a low country almost surrounded with a high chain of mountains, bearing from N.E. to E.S.E., and about 20 miles distant. This I named Mount Anne, in honour of Mrs. King, being the first mountain commencing a range that extends about 9 miles. A remarkable mountain, in shape not much unlike the Peak of Teneriffe, which I named Mount York, bore S.S.W. This is a good land-mark for the entrance into Hunter's River, and is seen at a great distance. Returned to head quarters in the evening.

July 4.—Having fixed on Shanks' Forest Plain as our place of rendezvous, in the neighbourhood of which is a large lagoon reported to be 9 miles across, and as the weather was very variable, I thought it better to convince myself of the nature and extent of this large sheet of water as described, and supposed to be the source of the Paterson River, than to undertake a larger journey towards the mountains until the weather became more favourable. About a mile higher up the river is a deep creek to the right, which from its direction gave us every reason to believe that it had communication with the lagoon.

July 5.—We despatched the boat with three men up the creek while we proceeded by land in expectation they would be able to join us. After traveling about 3 miles, and passing some ponds with quantities of wild ducks in them, but exceeding shy, we had from the top of a rising ground a view of the large lagoon, and was much disappointed in its appearance and extent. It is merely a chain of large ponds, and forms several small islands covered with reeds. The circumference may be 12 or 14 miles, but no part of it is 1 mile broad. From the number of black swans and wild ducks we saw here, we had no doubt of killing many, and with the assistance of the boat, provided it arrived, we should be able to get them out of the water. After waiting till late in the day, and neither hearing nor seeing anything of our people with the boat, we considered they had met with some difficulty in getting up the creek. We therefore returned to our hut after travelling from 9 in the morning till half-past 3 in the afternoon without resting or having the least refreshment. To-day we heard some natives, and saw a new canoe

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on the banks of the creek where we expected to have met our boat. From what I observed of trees cut down by the natives, which must have been with a much sharper edged tool than what their stone maga is, and from their shyness, I have little reason to doubt but that some of the European deserters are among them. The country round this lagoon is tolerable soil, and certainly affords food for the natives. The surface is much grub'd up, particularly where roots of ferns, orchises, and a species of arum grow, which had nearly been fatal to some of our people. Later in the evening the boat returned, but could not find any communication the creek had with the lagoon. The men said they had seen very fine trees of cedar and ash.

July 6.—Rain. Attempted to carry Mr. Harris's boat overland, but found our forces insufficient.

July 7.—Rain. As our provisions began to get rather short, and a probability of our being here for some time longer, we made another attempt of getting the boat to the lagoon by sending her again up the creek, to a place which is not 200 yards from it, and near to where we had seen so many black swans and wild ducks, of which we hoped for a seasonable supply. Mr. Harris with three soldiers attended the boat, which, with some trouble, was removed from the creek into the lagoon, and Mr. Lewin remained with me at the hut preserving birds that were shot the day before, and collecting wood to keep up a fire for the night. In the evening, on Mr. Harris's return, we found him much disappointed in his expectations, having only brought in 1 duck and 6 young black swans. The latter were alive, but died soon after. Continual rain.

July 8.—This morning fair but very cloudy, and as every one was anxious to trace the river as far as we could, and a probability of the weather clearing up, Mr. Harris and Mr. Lewin went to order the boat to return that we might take the earliest opportunity of prosecuting our intended plan of discovering, if possible, the source of the river. In the evening the boat came back, and Lieut. Grant joined us with two boats, and brought us a supply of provisions, which enabled us to proceed further up the river with more comfort than we otherwise could have done.

July 9.—Very showery. Reached about 4 or 5 miles above Mount Anne, crossing several rapid runs, which we had to drag our boats over. In the night some very heavy showers, which made our situation exceedingly uncomfortable.

July 10.—Continued our course up the river, winding between high hills to almost every point of the compass, getting wider as we proceeded, but in places very shoal. About 1 o'clock p.m. came to a very high hill, where we halted on purpose to reach the summit, where we might have an opportunity of seeing what we had to expect in prosecuting our journey further. This hill we called Mount Elizabeth. It is the termination of the chain of mountains called King's Range, of which Mount Anne is the commencement. The range forms two-thirds of a circle, and, as I observed before, about 9 miles in extent, and their height from 5 to 700 feet. Mount Elizabeth is the highest, from where we had an extensive view of a low country for many miles. The chain of mountains before mentioned, particularly to the westward, were most visible and appeared very rocky and perpendicular. Observing the river winding through this immense plain in many directions gave us no hopes of reaching the source of it for some days, and knowing that the

Lady Nelson was only victualled to the 1st Aug't, we reluctantly agreed to return, and on [our] way back to examine Hunter's River before we reached the vessel. From Schanks' Forest Plains to the extent of our journey, the ground on both sides the river is good soil, and where the banks are low there is abundance of useful timbers; indeed, the cedar, ash, and box are only found in low situations. The flood at this part of the river rises from 30 to 35 feet. I observed several large pieces of coal washed up—a proof of its being in the interior as well as on the sea coast.

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July 11.—On our return we stopped at Mount Anne to refresh ourselves, and in the evening arrived at head quarters.

July 12.—Messrs. Grant, Barrallier, and Lewin left us to return to the vessel. As one of [the] oars was broken, it took us the greatest part of the day to make a new one.

July 13.—Continued going down the river, and in the evening arrived at Green Hill, where Paterson's River and Hunter's River meet.

July 14.—Mr. Harris accompanied me about 6 miles up Hunter River, which is very deep and about 200 yards wide. The ground on both sides for the first 3 miles is low and swampey. Many parts are covered with a new hibiscus, which the natives use as flax for making their nets and for other purposes. This plant is much superior to the carradgan,* which is of the same species. As we got further up Hunter's River the country became higher and very beautiful, mostly forest ground, but very thinly interspersed with lofty trees, and sometimes, indeed acres, without a tree, the soil in general good, and the grass luxuriant. At the extent of our journey to-day we came to a high hill, which I named Mount King. From its summit we had a very extensive view of the mountains before mentioned to the westw'd, the round hills off the opening of Port Stephens to the eastw'd and nor'w'd, Ash Island, the Harbour, Coal Island, and Collier's Point to the eastw'd and southw'd. On our return to Green Hill in the evening, we found Mr. Barrallier with seven days' provisions, for the purpose of going on with the survey of this river.

July 15.—Mr. Barrallier left us early in the morning. As my object was to examine the country as much as possible, Mr. Harris and myself went in the small boat, continuing our journey up the river. After passing Mount King at 2 p.m., we came to another high hill, which I called Mount Grant, but the weather was so very foggy that we could see but very little of the country. We proceeded on in very heavy rain until 5 o'clock, and remained for the night on a rising ground near the bank of the river. From the quantity of rain that fell, we passed a most uncomfortable night.

July 16.—Still heavy rain. Waited till noon, expecting the weather would clear up; but no appearance of change. We were now even determined to persevere, and rowing on a few miles, passing several creeks on both sides, the river began to narrow and shoal, forming small islands. Until to-day we had seen no appearance of the river overflowing its banks, but here it does in places where it is confined by high land from 10 to 15 feet. Great part of the water must be carried off by the creeks into the lagoons, of which there are a great many, and consequently does not affect the river lower down. At 2 o'clock we met Mr. Barrallier on his return, who informed us he had been 4 miles higher up, and was prevented proceeding any further on account of a fall of the river which he could not get his

* Note 73.

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boat over. At this place the trees are remarkable for their height—chiefly blue gum and a species of casuarina. One tree of the latter I measured, which was 10 feet in circumference, and we judged it to be about 160 feet high, and perfectly straight. On this river there are neither cedar, ash, nor box. From Mr. Barrallier's information, and the weather being very bad, together with the uncertainty of our receiving a supply of provisions which I had written for, I thought it better to return and leave the source of this river in doubt until a future period. We kept rowing down for four hours, and rested on the banks of the river for the night. Still very heavy rain.

July 17.—The weather continued just as bad as yesterday. At half-past 7 in the morning put off with the boats, and rowed the whole of the day till 5 o'clock in the evening, when we got on board the *Lady Nelson*, having come a distance of about 30 miles.

W. PATERSON.

[Enclosure No. 4.]

[*A copy of the Commissary's return re the bartering of coals has not yet been found.*]

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Military No. 3," per whaler *Albion*; acknowledged by Lord Hobart, 29th August, 1802.)

Sydney, New South Wales,
21st August, 1801.

My Lord,

I have the honor to enclose Lieut.-Colonel Paterson's last report of the New South Wales Corps, together with the duplicates and triplicates of my military letters Nos. 1 and 2.

I beg leave to press on your Grace's consideration the necessity of those captains and subalterns who are now on leave in England, or others in their stead, being ordered to join as soon as possible to do the necessary duty of the regiment.

The enclosures are copies of letters that have passed between Colonel Paterson and myself respecting the stoppages from the troops stationed here for their ration. What is called a full ration here is that established by Treasury warrant soon after the colony was settled, and as such has been constantly conformed to, excepting when it has been necessary to reduce that ration, which the state of the stores have often required, and happens to be the case at present, as stated in the enclosure and General Orders. The full ration, as established by His Majesty's warrant, is very different (as your Grace will observe by the enclosure) from that prescribed by the Treasury warrant for *this particular colony*, from which statement and those letters it will appear that the question is: As the troops do not receive the ration prescribed by

Return of the
N.S.W. Corps.

Military
rations.

the regulation of 1798, but the ration prescribed by the Treasury warrant for this *particular colony*, whether the stoppages ought to be made as directed to commence the 25th May, 1797, for His Majesty's troops serving abroad, and in which the New South Wales Corps is particularly specified?

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21 Aug.

By the enclosed report of the officer acting as Engineer and Artillery Officer, your Grace will observe that the platform at the entrance of this harbour is finished, and two twelve-pounders will be mounted there in a few days. As Captain Abbott has not only constructed this platform, but also repaired and made some necessary alterations of the battery on the west point of the cove which commands the approach of the harbour, and having constructed a durable stone building for a magazine for gunpowder, together with there being sufficient employment in that department to keep him constantly and usefully employed, I hope my former request of this officer being allowed such a salary or remuneration for these services as your Grace may judge fit will not be improper, as that is the only expence attending our Engineer and Artillery departments, excepting 8d. per diem to a soldier, acting under Captain Abbott's directions, who is paid generally in articles from the public stores.

Report of
the engineer
and artillery
officer.

Some cavalry saddles and accoutrements being received from the Transport Office, by the Royal Admiral, and there being a necessity for mounting six soldiers for the purpose of dispatch in conveying orders at the time the Irish insurgents were troublesome, as well as a small guard to my person in the different journeys I take, I consulted with Colonel Paterson, who selected a non-commissioned officer and six soldiers who had formerly served in cavalry regiments. They are mounted on the horses I found here belonging to Government, and no other expence attends them than one shilling per diem to the non-commissioned officer, and sixpence a day to each private, which is generally paid from the stores or in copper money. And, in order to prevent the convicts from seizing on any of the vessells, as has been the case so much, I have directed a guard to be kept on board the Colonial vessells, which is of no other expence to the Crown than being victualled at the navy ration with the accustomed allowance of half a pint of spirits daily.

Body-guard
for the
Governor.

I have the honor to enclose a request for some articles of ordnance which appear necessary for the absolute necessary defence of this port, to prevent it from insult by the smallest vessells belonging to an enemy.

Requisition
for ordnance
stores.

I have, &c.,
PHILIP GIDLEY KING.

1801.
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Return of
the N.S.W.
Corps.

[Enclosure No. 1.]
GENERAL RETURN of His Majesty's New South Wales Corps, commanded by Colonel Francis Grose, Sydney,
21st August, 1801.

Companies.	Officers Present.											Serjeants.							Effective Rank and File.				Total Effective.		Waiting to Complete.		Establishment.						
	Commissioned.					Staff.						Drummers.				Effective Rank and File.							Total Effective.		Waiting to Complete.		Establishment.						
	Colonels.	Lt.-Colonels.	Majors.	Captains.	Lieutenants.	Ensigns.	Adjutants.	Paymaster.	Qr.-Master.	Surgeon.	Asst.-Surgeon.	Present fit for duty.	Sick in Quarters.	On Command.	On Furlough.	Present fit for duty.	Sick in Quarters.	On command.	Present fit for duty.	Sick in Quarters.	On Command.	On Furlough.	Recruiting.	Total.	Serjeants.	Drummers.	Rank and File.	Serjeants.	Drummers.	Rank and File.	Serjeants.	Drummers.	Rank and File.
Colonel Grose's	1	...	1	1	1	1	6	...	...	...	2	...	...	...	47	4	10	...	61	6	2	61	...	...	9	6	2	70	
Lt.-Col. Paterson's	1	...	...	...	...	...	2	...	...	...	1	...	1	...	47	1	13	1	...	62	3	2	62	...	...	8	3	2	70
Major Foveaux's	3	...	...	...	2	...	...	...	70	...	70	3	2	70	...	...	...	3	2	70	
Captain Johnston's	1	1	...	...	...	...	2	...	1	...	...	2	...	...	44	3	14	1	...	62	3	2	62	...	...	8	3	2	70
" McArthur's	1	...	...	...	...	...	...	...	3	...	...	...	2	...	...	...	63	...	63	3	2	63	...	...	7	3	2	70	
" Townson's	1	1	...	...	...	...	3	...	...	...	2	...	...	46	3	13	...	...	62	3	2	62	...	...	8	3	2	70	
" Abbott's	1	...	...	...	...	...	...	2	...	1	...	2	...	...	...	48	1	13	...	...	62	3	2	62	...	...	8	3	2	70
" Rowley's	1	1	1	...	...	...	...	3	...	...	...	2	...	...	...	58	3	...	...	61	3	2	61	...	...	9	3	2	70	
" Prentice's	1	...	...	...	...	...	3	...	...	...	2	...	...	...	43	2	17	...	...	62	3	2	62	...	...	8	3	2	70
Total	1	...	2	5	5	1	1	1	1	1	21	1	7	1	13	...	5333	17213	2	...	56530	18	565	30	18	565	...	65	30	18	630		

[Enclosure No. 1—*continued*.]
 GENERAL RETURN of His Majesty's New South Wales Corps—*continued*.

Absent Officers' Names and Rank.	From what time.	By whose leave.	To what time.
Colonel Grose	December 15, 1794	His Majesty's .....	.....
Captain Townson	February 15, 1800	do .....	.....
Captain Johnston	September 25, 1800	Governor Hunter's .....	.....
Captain Prentice	do	do .....	.....
Lieutenant Kemp	do	Lieut.-Colonel Paterson's .....	.....
Names and Rank of Officers on duty, and what duty.			
Vacant Officers, and by what means		Names of Officers present.	
Major Foveaux, at Norfolk Island .....	.....	Lieut.-Colonel Paterson.	Ensign Laycock.
Captain McArthur, at Parramatta	Lieutenant Burn, dead.	Captain Abbott.	Ensign & Adj't. Minchin.
Ensign Moore, do	Lieutenant Lucas, dead.	Captain Rowley.	Ensign Piper.
Ensign Bayly, at Norfolk Island	Lieutenant Crawford, dead.	Captain Piper.*	Ensign Barrallier.
Ensign Maundrell, do .....	.....	Captain McKellar.*	Paymaster Cox.
Ensign Lawson, do .....	.....	Lieutenant Davis.	Qr.-Master Laycock.
McAnderson, at do appointed to act as Ensign by His Excellency Governor King. ....	.....	Lieutenant Patullo.	Surgeon Harris.
.....	.....	Lieutenant Hobby.	Asst.-Surgeon Roberts.
.....	.....	Ensign Brabyn.	.....

* Included in the column of Lieutenants, but appointed with the local rank of Captains by His Excellency Governor King.

WM. PATERSON, Lt.-Col. N. S. Wales Corps.

1801.
 21 Aug.
 Return of
 the N.S.W.
 Corps.

1801.
21 Aug.
Report *re*
batteries and
ordnance.

[Enclosure No. 3.]
[Enclosure No. 2 is transposed after Enclosure No. 4.]
STATE of the Batteries and Return of Ordnance at Port Jackson, New South Wales, 21st August, 1801.

Dawe's Point or West Battery.	Benmalong Point or East Battery.			Windmill Hill.	Garden Island.	Sydney Guard-house and Parramatta.			Barrack Par. de.			No. of Shot.																				
	Caliber.					Caliber.			Field Pieces.							Field Pieces.																
	Twelve's.	Six's.	Four's.			Total.	Twelve's.	Six's.	Four's.	Total.	Twelve's.	Six's.	Four's.	Total.	Twelve's.	Six's.	Four's.	Total.														
Serviceable.....	8	2	2	4	4	2	2	2	2	2	2	2	701	151	213	1,065																
Unserviceable																
.....	701	151	213	1,065																
Remarks, &c.																																
West Battery.	East Battery.			Georges Head Battery.																												
Commands the entrance into Sydney Cove. It is formed <i>en barbet</i> , with a glacis not yet finished.	Is on a low point of land on the east side of Sydney Cove, with four bad formed embasures in total decay.			Situating on a Commanding height near the entrance of the harbour, and appears to be well calculated to prevent any ships coming up the harbour. It is formed <i>en barbet</i> , and made to contain at present only two guns, but there is sufficient room to extend the battery for a greater number. Is an excellent stone building, 24 ft. by 18 ft., divided into two apartments—a powder-room and a filling one. The walls of this building are 3 ft. thick. It is nearly finished.																												
	Magazine ... {			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Gun carriages.</td> <td>Twelve's.</td> <td>Six's.</td> <td>Four's.</td> </tr> <tr> <td>Serviceable</td> <td>18</td> <td>8</td> <td>2</td> </tr> <tr> <td>Unserviceable</td> <td>8</td> <td>...</td> <td>...</td> </tr> <tr> <td>Total ...</td> <td>26</td> <td>8</td> <td>2</td> </tr> </table>													Gun carriages.	Twelve's.	Six's.	Four's.	Serviceable	18	8	2	Unserviceable	8	Total ...	26	8	2
Gun carriages.	Twelve's.	Six's.	Four's.																													
Serviceable	18	8	2																													
Unserviceable	8																													
Total ...	26	8	2																													

Ed. ABBOTT, Acting Engineer and Artillery Officer.

[Enclosure No. 4.]

1801.
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COMPARISON between the Treasury Ration ordered for the Colony in New South Wales, and the complete Ration ordered for Troops serving abroad, agreeable to His Majesty's Regulation, which places the Non-Commissioned Officers and Privates of the New South Wales Corps under a deduction of 3½d. per diem each man. Rations for the military.

Weekly Treasury Ration issued from the Governor to the Convict.	s. d.	Weekly Complete Ration issued to the Non-commissioned Officers and Privates of the New South Wales Corps, agreeable to the King's Regulation, there being no small articles.	s. d.
8 lb. flour sent from England, and freight at 4¼d. per lb.	2 10	10½ lb. flour sent from England, and freight at 4¼d. per lb.	3 8½
4 lb. pork, at 7d. per lb.	2 4	4 lb. 6 oz. pork, at 7d. per lb.	2 6
3 lb. maize, at 1d. per lb.	0 3		
6 ounces sugar	0 2½	Add ½ for loss	6 2½ 0 9½
	5 7½		6 11¾
Add ½ for loss	0 8¼	Value of a complete Military ration for each man per week ...	6 3¾
Value of a full Treasury ration for each man p'r week	6 3¾	Difference between one Military and Treasury weekly ration ...	0 8
		Amount of weekly stoppage, at 3½d. per diem each man.....	2 0½
		Saving to the Crown for one soldier weekly	1 4½

N.B.—These calculations are for flour brought from England. The general issue in wheat, or meal ground from it, the produce of the colony, which reduces the price of the ration of flour in the Treasury ration to 1s. 8d., and that of the military ration to 2s. 3d., while the saving to the Crown remains the same.

[Enclosure No. 2.]

LIEUTENANT-COLONEL PATERSON TO ACTING-GOVERNOR KING.

Sir,

Sydney, Aug. 9th, 1801.

On my return from Hunters River I observed that Captn. McArthur, in my absence, had laid before your Excellency an Extract of my Letter to the Right Honble. the Sec'y at War, dated 27th Feby. 1800, which respected the Ration issued to the Troops at that Time, The Answer to that Letter I have the Honor to enclose, also mine to Governor Hunter on that Subject. You will observe that the Sec'y at War says he does not see any grounds for continuing to exempt the men from the established deduction, during any period when they receive a complete Ration of Provisions— As that has not been the case ever since the date of my Letter, or is it probable to be so for a length of time, and as I am sure your Excellency is aware, (as I have stated in my Letter to the Sec'y at War,) that the short allowance money is very inadequate to the deduction, and no answer having

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arrived to Governor Hunter's representation on that subject, will it not be proper to continue the pay without stoppages—untill the Store can afford the Established Ration, or Instructions be received from His Majesty's Minister? This I submit to your consideration and recommend the propriety of the measure 'till such time as a complete Ration can be Issued.

I have, etc.,
W. PATERSON.

[Sub-enclosure.]

THE WAR OFFICE TO LIEUTENANT-COLONEL PATERSON.

Sir, War Office, 27th Sepr., 1800.

I am to acknowledge the Receipt of your letter of the 18th Feby. last, and to acquaint you, that as the Pay of the Men of the New South Wales Corps has been actually Issued from the 25th May 1797 to the 24th November 1799 at the same rates as for the Troops serving at home who find their own Provisions, they will not be called upon to refund the amount of the deductions, to which they were liable under His Majesty's Warrant, for increasing and regulating the pay of Non Commissioned Officers and Men *serving out of Great Britain* but I do not see any Ground for continuing to exempt the Men from the established deduction, during any period when they receive complete Rations of Provisions; as after taking those deductions, they will still enjoy the full advantage of the Nett additions made to the Pay of the Infantry of the Line in the Year 1797.

I have, etc.,
W. WINDHAM.

ACTING-GOVERNOR KING TO LIEUTENANT-COLONEL PATERSON.

Sir, Sydney, Augt. 9th, 1801.

In answer to yours of this date, and your Question to me "Whether it will be proper to Continue the Pay of the Corps without stoppages, untill the Store can afford the established Ration, or Instructions can be received from His Majesty's Ministers?" I beg to inform you, that as no answer has been received by me, to any representation Govr. Hunter may have made on that Head—Whenever I receive Instructions thereon, or to my Representation on this Subject I shall not fail to communicate them to you; But however happy I am in every opportunity that offers, of promoting the Comfort of the Corps under your Command, I do not think myself authorized, to assume the Responsibility of giving any Order, contrary to His Majesty's Warrant on that behalf, and the Opinion of the Secretary at

War, as communicated to you, I hope you will discover the impropriety of my interfering on that head until I receive Commands thereon, which I hope will be satisfactory to you.

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Your Letter with their enclosures shall be transmitted to the Secretary of State by the Albion.

I have, etc.,
PHILIP GIDLEY KING.

[Enclosure No. 5.]

REQUEST for Ordnance Stores for the use of His Majesty's Settlement in New South Wales. Requisition for ordnance stores.

Iron Ordnance	12 Poundsers.....	Eight in Number.
„ Shot	12 do	One thousand with Ladles.
„ do	6 do	Five Hundred.
„ do	4 do	One thousand.
„ do	3 do	Two Hundred.
Cartridge Paper	Twelve -----*	
New Union Flagas.....	Two.	
Standard	One.	

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch per whaler Albion; acknowledged by Lord Hobart, 29th August, 1802.)

My Lord, Sydney, N. S. Wales, Aug. 21st, 1801.†

1. I am much concerned to be under the disagreeable necessity of transmitting the enclosed Proceedings of a Criminal Court of Judicature respectg. Lt. Marshall of the Navy who came here as Agent of Transports in the Earl Cornwallis.— Sentenced to pay a fine of £50 to the King, and a Year's Imprisonment in the Jail at this place, for an Assault and Battery on Captain Abbott of the New South Wales Corps and, that a Special Verdict has been found by the same Court, on an Indictment of Assaulting Capt. Jno. McArthur of the same Corps— All which Proceedings and their relative Documents, together with my conditional remission of the above sentence, and Lieut. Marshall's Obligation to deliver himself up to your Grace's Orders to abide by such Directions, as may be given on the Special Verdict found on his Second Trial; I herewith transmit.

The trial of
Lieutenant
Marshall.

2. Although the Conduct of Lt. Marshall will appear very reprehensible and has been most unwarrantable in his attack on Captain Abbott; Yet I hope when your Grace considers the allegations contained in Lieut. Marshall's Memorial (on the first Day of his Trial) appealing to me as the Executive authority of the Illegal and Informal Proceedings of the Court before which

Criticism
of the trial.

* Manuscript undecipherable. † Note 74.

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—
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of the trial.

he was tried; My forbearance in not interfering with the Proceedings of the Court untill the whole was finished; The opportunity I then gave that Court of refuting Lt. Marshall's Charges against it, by the Order I gave for the Court being reconvened to enquire and report to me, the incorrectness or validity of Lt. Marshall's Allegations; Its pointed refusal to clear that point up—which occasioned my Letter to the Judge-Advocate and Members—And five of the Members of that Court out of the seven of which it was composed, having afterwards applied to me for Documents to vindicate themselves, when they as the Majority of a Court might have entered into that Investigation, before the Prisoner, and by my legal authority—are all Circumstances which I hope will justify my extending His Majesty's Mercy to the Prisoner on the Conditions expressed in the enclosed Counterpart of His Conditional Pardon.

3. Under the strongest conviction that not only Justice, Humanity, and Equity, But, also strict propriety, will appear to have guided my Conduct in directing the Court to be reconvened, on Lt. Marshall's assertions of its Illegal and Improper Conduct towards him, I trust that the representation of the facts stated in this Letter, and the accompanying Documents will procure me His Majesty's most Gracious support of the Authority which he, and the Legislature has been pleased to invest the Govr. of this Colony with.

I have, &c.,
PHILIP GIDLEY KING.

P.S.—I am much concerned, that since writing the above, there should have been cause to trouble your Grace with the Correspondence I have been obliged to annex to the Proceedings.

Augt. 23d 1801.

P.G.K.

[Enclosure No. 1.]

THE TWO TRIALS OF LIEUTENANT MARSHALL.

PROCEEDINGS of a Court of Criminal Judicature, held by Virtue of a Precept under the Hand and Seal of His Excellency Philip Gidley King Esquire Governor and Captain General in and over His Majesty's Territory of New South Wales and its Dependencies on the 29th July, 1801.

Present: The Judge-Advocate, Lieut.-Col. Paterson, N.S.W. Corps, Captain John Piper, N.S.W. Corps, Lieut. Thomas Davis, N.S.W. Corps, Lieut. James Grant, Royal Navy, Captain Neil McKellar, N.S.W. Corps, Ensign Hugh Piper, N.S.W. Corps.

The precept being read and the Court Sworn, Lieut. Marshall objecting to the Competency of the Court; it was ordered to be cleared, when it was resolved to proceed to the trial of the said Lieut. Marshall. agreeable to the Powers granted by the Patent.

The trial of
Lieutenant
Marshall.

LIEUT. MARSHALL having objected to one of the Members, Capt. McKellar, for Shewing, as he asserts an improper Warmth When the above Objection was made, the Court over ruled it, and Captain McKellar only expressed his Disapprobation of Lieut. Marshall's denying the Competency of the Court.

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The Indictment (No. 1) being read

LIEUTENANT MARSHALL pleaded NOT GUILTY.

EDWARD ABBOTT Esq. prosecutor on the part of the Crown being Sworn, read the paper (No. 2) and Called

JAMES TENNANT Esq. Commander of the Earl Cornwallis who was duly sworn.

Question 1st by the prosecutor.—Did not Lieut. Marshall place himself in a position to prevent my passing him when he Accosted me?

Answer.—Yes, he did.

Q. 2nd.—Did not Lieut. Marshall After he struck me with a Stick, upon my retreating backwards follow me to repeat the Blow?

A.—He followed you, but Cannot say as to his Intentions of repeating the Blow.

Q. 3rd.—Had he not his Stick again Uplifted?

A.—Cannot recollect.

Q. 4th.—Did not the Sentry's Interposition prevent the Prisoner Striking Me again?

A.—I think it did.

Q. 5th.—Was I armed?

A.—You were not.

Q. 6th.—Did not you think the prisoner's Attack on me so shameful and unwarrantable that you said it was no Disgrace to be struck by him?

A.—I said it was no Disgrace to be Struck in that Manner.

Q. 7th.—Did not Lieut. Marshall tell the Sentry that I was in Coloured Cloaths and no Officer of his?

A.—He told him Something to that Effect.

Q. 8th.—Do you think the prisoner told the Sentry so, to have me at his Mercy, and prevent him from Affording Me his protection?

A.—I cannot speak as to Lieut. Marshall's Intentions.

(A Stick being produced, the Witness says it is the Same that Lieut. Marshall struck Captain Abbott with.)

Question by Lieut. Marshall.—Did you hear any part of the Conversation that passed between myself and Captn. Abbott at the time of the supposed Assault?

Ansr.—I indistinctly heard Lieut. Marshall ask Captn. Abbott some Question, but Cannot say what it was.

Q.—Did you hear any Reply from Captain Abbott, and if you did, what was it?

A.—Captn. Abbott said "I wish to have nothing to say to you" or words to that Effect.

Q.—Do you recollect which End of the Stick now produced, I held in my Hand at the time I came up to You and Captn. Abbott and whether the position it was then in, was at any time altered?

A.—You held the thick End in your Hand and the position was not altered.

Q.—At the time I laid that Stick across Captn. Abbott's Back was it your Opinion that I intended to murder him?

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A.—As this Question is matter of Opinion I do not think you had. Nor do I imagine any of the Bye-standers entertained such an Idea.

Question by the Court.—Did Captn. Abbott provoke Lieut. Marshall to assault him?

A.—No otherwise than by not Stopping to answer his Question, and the Expression he used in wishing to have nothing to say to him.

Q.—Did You think that a sufficient Cause for Mr. Marshall's proceeding to such Extremities?

A.—If I had thought so, I sho'd not have said what I did to Captain Abbott.

Question 3rd.—Did not Lieut. Marshall Approach Capt. Abbott and Yourself with a Menacing Appearance?

A.—He did.

Q. *4th.*—What part of Capt. Abbott's Body did Lieut. Marshall Strike? Was it his Back or Side?

A.—He struck him on the Side.

Q. *by Lieut. Marshall.*—Do not you think that if the Stroke was given, that it must have left some Impression on Capt. Abbott's Side?

A.—From the Size of the Stick and Swing of the arm I think it must.

WILLIAM TONKS, private in the N. S. Wales Corps being Sworn:

Question by prosecutor.—Did you see Lieut. Marshall Strike me with a Stick?

A.—I did not.

Q. *2nd.*—Did you see Lieut. Marshall follow me with a Stick to Strike me?

A.—When Adj. Minchin Called me I turned about and he told me to put away the Man with the big Stick—as soon as I observed what it was I went between Capt. Abbott and Lieut. Marshall—Capt. Abbott was then edging away from Lieut. Marshall—the Witness told Lieut. Marshall that he must go away, for that was not a place to make a disturbance, on which Lieut. Marshall went away, but before he went he desired Capt. Abbott to tell his Commanding Officer, Capt. McArthur, the same if he liked.

Q. *3rd.*—Recollect, did I not Call on you for Assistance?

A.—I did not hear you, but I heard Adj. Minchin Call me.

Q. *4th.*—Did not Lieut. Marshall say he wo'd serve Capt. McArthur in the same manner?

A.—I cannot positively say.

Q. *5th.*—Why did you come to my Assistance? Was it to protect me?

A.—It was to protect you.

Q. *6th.*—Did not Lieut. Marshall tell you I was no officer of his for that I was in Coloured Cloaths?

A.—I cannot positively say.

Q. *7th.*—Did you see a Stick in Lieut. Marshall's Hand, and would you know it again, were you to see it?

A.—Lieut. Marshall had a Stick in his Hand.

Q. *8th.*—Was I armed?

A.—You was not.

(A Stick being produced the Witness says it has the appearance of being the same.)

Question by Lieut. Marshall.

Q.—As you have already said you have seen the Stick with me, inform the Court which End I held in my Hand.

A.—The Thick End, to the best of my knowledge.

Q. 2nd.—Was you under the Impression of Fear, and if you was, what was the Cause of it?

A.—I was a little flurried not not so much as to prevent my doing my Duty.

Q. 3rd.—Did I attempt to strike Capt. Abbott?

A.—Not in my Presence.

Q. 4.—Was it your Opinion that I had any Intention of Murdering Capt. Abbott?

A.—I saw no Blow.

Question by the Court.—In Answer to a former Question you said you were flurried. What was the Cause of it?

A.—It coming unexpectedly on Me.

Q. 2.—What was it that came unexpectedly on you?

A.—Cannot say.

Q. 3rd.—Did Lieut. Marshall say anything to you and what was it?

A.—I do not recollect his saying anything to me.

Q. 4th.—Did Lieut. Marshall after you Came between himself and Capt. Abbott attempt to strike Capt. Abbott by reaching over you or otherwise?

A.—He did not.

Q. 5th.—Did he walk away quietly?

A.—He did—excepting the Conversation that passed between Capt. Abbott and Lieut. Marshall.

LIEUT. HOBBY of the New South Wales Corps, Sworn.

Q. 1st by Prosecutor.—Did not Lieut. Marshall Suddenly alter the Direction he was going when he perceived me Coming up the Hill?

A.—He did.

Q. 2d.—Did you see Lieut. Marshall Strike me and what with?

A.—I did—with a large Stick.

Q. 3d.—Would you again know the Stick?

A.—I should.

A Stick being produced the Witness says it is the same Lieut. Marshall struck Capt. Abbott with.

Q. 4th.—Did you hear the Conversation between Lieut. Marshall and myself?

A.—I heard Capt. Abbott tell Lieut. Marshall that he should not enter into any Conversation with him, or Words to that Effect.

Q. 5th.—Relate to the Court what followed?

A.—As far as my Recollection will Assist me, I heard Lieut. Marshall call Capt. Abbott a damned scoundrel and Struck him with a large Stick which he held in his Hand.

Q. 6th.—Did you hear the Blow?

A.—Perfectly well,—and could have heard it at a much greater Distance.

Question 7th.—Do you not imagine that the Violence of it was such that had it fallen on the Head it would have deprived Me of my Life?

A.—I think in All probability that it would.

Q. 8th.—Did not Lieut. Marshall After he had Struck me with the

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Stick follow me with it uplifted to repeat his Blow on my retreating backwards?

A.—He followed Capt. Abbott with his Stick uplifted and I think it was his Intention to have struck Capt. Abbott again.

Q. 9th.—Was I armed?

A.—Unarmed.

Q. 10th.—Did not the Sentry's Interposition prevent Lt. Marshall Striking me again.

A.—I think it did.

Q. 11th.—Did not Lieut. Marshall say he would serve Capt. McArthur in the same manner?

A.—Lieut. Marshall requested Capt. Abbott to inform Capt. McArthur that he wo'd serve him in the same manner whenever he met him.

Q. 12th.—Did not Lieut. Marshall tell the Sentry that I was in Coloured Cloaths and no Officer of his?

A.—I heard Lieut. Marshall tell the sentry that that Man, pointing to Cap. Abbott was in Coloured Cloaths.

Q. 13th.—Do you not think that Lieut. Marshall told the Sentry to with-hold his protection from me?

A.—I do.

Q. 14th.—Did you hear me Call to the Sentry for Assistance?

A.—I do not Recollect you did.

Q. 15th.—When Lieut. Marshall was the first time driven away by the Sentry did not he return again when the Sentry went to meet him?

A.—Lieut. Marshall did return again.

Q. 16th.—Was not the Sentry, Tonks, very much agitated?

Ans.—He was.

Question 17th.—Can you form an opinion as to the Cause of it?

A.—I cannot.

Q. 18th.—Did not the Officers of the Corps think so unfavorable of Lieut. Marshall's Conduct with Respect to his Disposal of the late Lt. Crawford's Effects as to occasion them not to take Notice of him as a British Officer and what has been their Opinion before the 23rd inst. when he attacked me?

To this Question Lieut. Marshall objects and prays the Opinion of the Court as to the propriety of the Question.

The Court being cleared to deliberate recommend it to the prosecutor to withdraw the Question which he consented to.

Q. 19th.—Did I by Threats Defiance or in any other Manner give Lieut. Marshall provocation to strike me?

A.—You did not.

Question 1st by Lieut. Marshall.—Where did this Business happen?

A.—A few Yards from the back gate of the Orphan School towards the Bridge.

Q. 2d.—Inform the Court where you stood at the time.

A.—A few yards above the Gate.

Q. 3rd.—You have Said you heard the Blow that was Struck and that had it Struck Capt. Abbott on the head, it must in your Opinion have killed him. Do you not think that Striking him where I did with the Violence Already mentioned that it must either have broke his Arm or have brought him to the Ground?

A.—The Blow was not received on the Arm—why it did not bring him to the Ground I cannot take upon myself to explain.

Q. 4th.—Was the Stroke aimed at Captain Abbott's Head?

Ans.—I cannot say.

Question 5th.—Do you recollect which End of the Stick I held in my Hand at the time?

A.—The large End.

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ENSIGN AND ADJUTANT MINCHIN, being Sworn, Deposeth that on the Morning of the 23rd inst. July between the Hours of 10 and 12 he was Standing on the road between the Orphan School and Col. Paterson's, in Company with Lieut. Hobby and Mr. Campbell Commander of the Harrington Brig, He saw Lieut. Marshall pass him with a large Bludgeon in his Hand, the Size of which, together with his Appearance, induced the Witness to look after him. Lieut. Marshall turned down the Road leading to the Guard House, where Capt. Abbott and Capt. Tennant were walking together. Lieut. Marshall walked Smartly toward them and Coming in front Stopt them; a few Words passed between him and Capt. Abbott and I heard Capt. Abbott say to Lieut. Marshall, "Sir, I have nothing to say or do with you." I cannot say positively which but they were Words to that Effect. Capt. Abbott was endeavouring to pass by Lieut. Marshall, when he raised his Stick and Struck him, and attempted to repeat the Blow, but Capt. Abbott's removing from the place, and my ordering the Sentry to his Assistance prevented it. Lieut. Marshall was then going away, but turned round and desired Capt. Abbott to inform Capt. McArthur that he would treat him in the same Manner when he saw him. Lieut. Marshall then went towards Mr. Laycock's House.

Question by Prosecutor.—Did not Lieut. Marshall suddenly Alter the Direction he was going in as soon as he perceived me coming up the Hill?

Ans.—When Lieut. Marshall passed me I thought he was going towards Mr. Laycock's House, but on Coming Opposite the Road leading to the Guard-House he immediately changed his Direction and went towards Capt. Tennant and Captain Abbott.

Q. 2d.—Did you hear the Blow?

A.—I did.

Q. 3rd.—Was not Lieut. Marshall's Stick elevated above his Head?

A.—I cannot say, but it was sufficiently high to give a severe Blow.

Q. 4th.—Did you see me give way to the Blow?

A.—I did.

Q. 5th.—Where did he strike me?

A.—I think it was Somewhere in the Side.

Q. 6th.—What do you think would have been the probable Consequences had he hit me on the Head?

A.—As a matter of Opinion I think it would have been very severe.

Q. 7th.—Was I armed?

A.—No, you was not.

Q. 8th.—Did not Lieut. Marshall tell the Sentry that I was in Coloured Cloaths and no officer if his, the Sentry's?

A.—I heard Lieut. Marshall say Something about Capt. Abbott's being in Coloured Cloaths, but what it was, Cannot say.

Q. 9th.—Did you hear me Call to the Sentry for Assistance?

A.—I did, after you had rec'd the Blow.

Q. 10th.—When the Sentry drove Lieut. Marshall away did he not attempt to return again?

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A.—He turned round and Came one or two Paces towards Capt. Abbott and made use of the words as before Stated. The Sentry stood between them.

Q. 11th.—Did I by words, Gestures or in any other Manner provoke Lieut. Marshall to strike me?

A.—I do not think you did; if you had I must have Seen or heard it.

Q. 12th.—Would you know again the Stick Lieut. Marshall Struck me with?

Ansr.—I would.

(A Stick being produced he says it is the same that Lieut. Marshall struck Capt. Abbott with.)

Q. 13th.—Did it appear to you that the Sentry was agitated?

A.—He was much agitated.

Question by Lieut. Marshall.—Had you any Conversation with any person that stopt you coming into Court?

A.—After I was Called I spoke to no person until I entered the Court.

Q. 2nd.—Which End of the Stick had I in my hand at the time I struck Capt. Abbott?

A.—The thick End.

Q. 3rd.—Had I not time to have repeated my Blow had I chose so to have done before the Interference of the Sentry?

A.—I do not think you had, as Capt. Abbott moved Smartly from you.

Q. 4th.—As you have described the Blow given to have been a very Violent one, and by the Bludgeon already mentioned, it must have brought Capt. Abbott to the Ground and broke some of his Bones, had it been given with the full Strength of my Arm.

A.—As a matter of Opinion Cannot say any further than that Lieut. Marshall's Strength may not be so great as it appears to be, or Capt. Abbotts moving Slantingly might have prevented the full force of the Blow.

Q. 5th.—What part of Capt. Abbott's Body does the Witness think the Blow was intended for?

A.—I cannot say what Lieut. Marshall's Aim might have been, but the Blow was received on the Side.

JOHN HARRIS, Esq. Surgeon of the New South Wales Corps Being Sworn.

Question by prosecutor.—Did you examine my left side on the Morning of the 27th inst.?

A.—I did. I was sent for by Capt. Abbott to examine his left side; he found great pain there. I observed a violent Contusion on all that Side and very much discoloured.

Q. 2nd.—State to the Court Whether you think the Blow that occasioned that Contusion was given with any Violence?

A.—It must have been given with considerable Violence.

Q. 3rd.—Do you imagine that if the Blow which occasioned that Contusion had been given on the Head or any Vital part it might not have occasioned Death?

A.—There are some parts of the Head that the Blow might have fractured, and others that it might not have had that Effect upon.

Question by the Court.—From your Examination of Capt. Abbott's left side, do you think it likely that Death or the probable loss of the Use of that Side was likely to ensue?

A.—Not having Seen Capt. Abbott's Side Until four days had elapsed. I was of Opinion that no Alarming Symptoms were likely to ensue; but had I seen it at the time the Blow was given, I might, most probably, have been of a different opinion.

Q. *by Lieut. Marshall.*—As a professional Man I ask Doctor Harris if there are not many Vital parts in that part of the Body where Captn. Abbott rec'd the Blow, and that had it been given with my whole Strength would it not have been equally injurious to Capt. Abbott as if it had struck him on some parts of ye Head?

A.—There are many Vital parts in that part of the Body where Capt. Abbott rec'd the Blow and from the Weapon with which the Blow was given together with Lieut. Marshall's apparent Strength, had it been given with his whole Strength, it most probably might have killed Capt. Abbott, but I deny, as a professional Man, that the Place where Capt. Abbott rec'd the Blow is so dangerous as the Head.

Q. *2nd.*—If I had had any Intention of murdering Capt. Abbott, wo'd I not have struck him in some more Vital part than where I did?

A.—The Head is a more Vital part than where Capt. Abbott rec'd the Blow.

Capt. Abbott delivered into Court (No. 3).

The prosecution on the part of the Crown being Closed, Lieut. Marshall was put on his Defence, but requiring time to prepare it, the Court granted him until Friday Morning the 31st inst., to which time the Court adjourned.

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THE COURT met pursuant to Adjournment.

Lieut. Marshall having requested to ask Captain Abbott a few Questions, the Court being Cleared as to the propriety of this Request, are of Opinion that Questions may be asked by Lieut. Marshall to Capt. Abbott, but the Court reserve to themselves the power of judging of the propriety of the Questions, and how far Captain Abbott may be under the Necessity of answering them.

Question *by Lieutenant Marshall to Capt. Abbott.*—Did you at any time after my arrival in this Colony and prior to the Affair of the 23rd inst. attend any Meeting or Meetings of the Officers of the New South Wales Corps to Consider the kind of manner by which I should be treated by them?

The Court are of Opinion that Captn. Abbott is not obliged to answer this Question and the Court reject it on the same Ground as Q. 18 to Lieut. Hobby was rejected.

Lieut. Marshall being put on his Defence delivers into Court the paper (No. 4) and being asked if he has anything further to say, declares he has not.

The Court are of Opinion that Lieutenant Marshall is guilty of the Assault on Captain Abbott as stated in the Indictment:

Do therefore fine him the Sum of £50 and sentence him to be imprisoned in the County Gaol for the Space of 12 Calendar Months.

This is a true Copy of the original Documents with which it has been compared this 17th day of August, 1801.

RICHARD ATKINS.
W. BALMAIN.
SAMUEL MARSDEN.

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Lieutenant
Marshall.

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THE KING
AGST.
JAMES MARSHALL ESQ. } On the prosecution of John McArthur
Esq. for an Assault.

LIEUT. MARSHALL objecting to the Competency of the Court, it was ordered to be Cleared when the Court was of Opinion that agreeable to the Charter they should proceed to Trial. Lieut. Marshall objects to Captn. Neil McKellar as a Member of the Court on the same grounds as stated in the prosecution of Captn. Abbott. The Objection over-ruled. Lieut. Marshall further objects to Lieut. Davis as a Member of the Court for having made use of Opprobrious Language respecting him on board the Harrington Brig, William Campbell Master, or some other places some days previous to this Trial. The Court Cleared, when the Objection was over-ruled.

The Indictment (No. 5) being read

JOHN MCARTHUR Esq. was sworn—opened the prosecution by an introductory Speech (vide No. 6) in which making Use of some Language that the prisoner thought tended to prejudice the Minds of the Members of the Court and the audience, objected to it. The Court was cleared when they were of Opinion that Capt. McArthur should proceed, but avoid any Expressions that might tend to that Effect. Capt. McArthur delivered into Court (No. 6) and called

JAMES TENNANT Esq. Commander of the Earl Cornwallis who being Sworn, deposes that he met Capt. McArthur some where near the Orphan School when Capt. McArthur addressed him by observing this was a very disagreeable Business; on demanding an Explanation he informed him of a Report in Circulation respecting Mr. Marshall's having appropriated or rather exchanged some Articles belonging to Lieut. Crawford for others not equally good of his own; that as Commanding Officer of the Corps and Consequently Executor of the deceased he was obliged to bring it forward. I expressed my total Ignorance of the transaction. While we were yet speaking Lieut. Marshall Came up when the Conversation respecting that Business became general or rather Commenced between Capt. McArthur and Lieut. Marshall from what passed I already observed that some Communication had taken place between those Gentlemen either by writing or by Capt. McArthur Calling on Lieut. Marshall but cannot say which; in doing which Capt. McArthur said that he had acted a friendly part as one Brother Officer would do to another in acquainting him with the reports that were in high Circulation thro' the Colony, but that now it w^od be necessary to investigate the Business in his Official Capacity. Lieut. Marshall denied the Intention of having done anything Improper and Capt. McArthur observed that there were very Strong Corroborative proofs and the Servant had declared that his Master Lieut. Marshall had ordered him to exchange the Gun. Some more Conversation took place when Captn. McArthur turned away and Commenced a Conversation on another Subject with me, apparently with a View to avoid Lieut. Marshall. Capt. McArthur and myself then walked towards Nicholls's House, went into it and Continued our Conversation on indifferent Subjects.

Question by prosecutor.—Do you not recollect that I observed to you I had Called on Lieut. Marshall to inform him of the Reports in Circulation?

Ansr.—I think you said you had called on him.

Q. 2d.—Do you recollect my informing you that I had heard other property besides the Gun had been with-held?

A.—I do.

Q. 3d.—Do you recollect my assigning that as a Reason why I sho'd be obliged to make further enquiries Concerning it than otherwise I might have been inclined to do?

Answer.—To the best of my Recollection Captn. McArthur assigned as a Reason for being obliged to investigate the Business more strictly than he otherwise felt inclined to do his Situation as Command'g Officer which imposed on him the Duty of Executor of the deceased.

Q. 4.—Do you recollect I assigned as a Reason for turning away from Lieut. Marshall that I was engaged?

A.—On Mr. Marshall's desiring Capt. McArthur to send for the Servant Capt. McArthur then observed he was engaged.

Q. 5th.—Did you not Consider this as a Curt Excuse for declining any farther Conversation with Lieut. Marshall?

A.—I considered it as a wish to Shun Lieut. Marshall.

Q. 6.—Do you recollect Lieut. Marshall joining us after we entered Nicholls's House?

A.—I think he did join us.

Q. 7th.—Do you not recollect Lieut. Marshall resuming the Conversation respecting the Appropriation to his own Use of Lieut. Crawford's Effects?

A.—I think the Conversation was resumed, but Cannot recollect what passed.

Q. 8.—Have you no Recollection of Lieut. Marshall's requesting me to write him a Letter in which I sh'd state the Reports then in Circulation?

A.—I recollect such a Request but Cannot say where it passed.

Q. 9th.—Do you recollect my refusing so to do and stating as a Reason that hav'g recovered Lieut. Crawford's property I had no farther Interest in the Subject?

Answer.—I do recollect Captn. McArthur declining to write, but Cannot Call to mind the Reason assigned for such Refusal.

Q. 10th.—Do you recollect Lieut. Marshall urging me more strongly to write to him on the Subject?

A.—Lieut. Marshall asked Capt. McArthur two or three times to write to him on the subject.

Q. 11th.—Do you not Recollect my telling Lieut. Marshall that it wo'd be better for him to tell his own Story: that he could do it in Softer terms, for that he, Capt. McArthur, Could only repeat the Reports then Current which were very Harsh?

A.—I recollect Capt. McArthur repeating about the harsh Reports then Current.

Q. 12.—Do you recollect joining in Opinion with Lieut. Marshall that I sho'd write?

A.—I do not think I did—Cannot recollect it.

Q. 13.—Do you recollect that in the course of the Conversation that happened that day between Myself and Lieut. Marshall I said it was unfortunate he had exchanged the Counterpane from Lieut. Crawford's Bed for a Horse-Rug, as it tended to Corroborate the proof that he had also exchanged the Gun by design?

A.—I do recollect Something to that Effect.

Q. 14th.—Do you recollect Lieut. Marshall's saying that he had exchanged the Counterpane to pay himself a debt?

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A.—I recollect Lieut. Marshall's saying there was a debt between him and Lieut. Crawford—he did not deny having exchanged the Counterpane for the Rug, but he said himself and Lieut. Crawford had frequently agreed on the passage that the Survivor sho'd take All.

Q. 15th.—Did I not immediately Observe—it is to be lamented that Lieut. Marshall when this Business was first mentioned to you, he did not assign that as a Reason, and that you can not prove it now?

A.—You said something to that Effect to the best of my Recollection.

Q. 16.—From the time of the Decease of Lieut. Crawford to the inst. you are now speaking of—Did you ever hear of this Claim before?

A.—Never.

Q. 17th.—Did you not hear Lieut. Marshall say on the 23rd inst. after he had Struck Capt. Abbott that he would treat me in the same Manner?

A.—I heard Capt. McArthur's name mentioned—Cannot say on what Subject, but believe it was of a threatening Nature.

Q. 18th.—What Reason have you to believe the Language Used by Lieut. Marshall was threatening towards me?

A.—From the manner of Mr. Marshall expressing himself and from what I indistinctly heard.

Question by the Court.—Were the deceased Lieut. Crawford and Lieutenant Marshall in habits of Intimacy during the passage?

A.—Yes—they were.

Q. 2nd.—Had they Separate Apartments in ye Ship?

A.—They lived in one Cabin.

CAPT. ABBOTT, N. S. Wales Corps being Sworn deposes that upon some Reports being Spread that Lieut. Marshall had Concealed or with-held the Effects of Lieut. Crawford, Capt. McArthur went to Lieut. Marshall to enquire if there was any foundation for the Report—Capt. McArthur appeared to me to be very guarded in giving Credit to it—Capt. McArthur saw Lieut. Marshall and was Convinced that there were grounds for those Reports—One of which was that Lieut. Marshall had substituted a Gun of his own in the room of Lieut. Crawfords, which Gun was sold at the Auction as Lieut. Crawfords, but proved afterwards to belong to Lieut. Marshall.

Question by prosecutor.

Do you recollect that the Gun that was Afterwards proved to belong to Lieut. Marshall was inferior in Value to the one belonging to Lieut. Crawford—and how much?

A.—It was inferior—I cannot tell the difference of their Values in money—Lieut. Crawford's Gun was mounted with Silver with a patent Chamber and appeared to be of Considerable Value. Lieut. Marshall's Gun was what was generally deemed a Common one.

Q. 2nd.—Was not the whole of my Conduct during the Investigation concerning this Exchange moderate and forbearing towards Lt. Marshall?

A.—I think perfectly so—because I know you Chid one of the Gentlemen who took up the Cause too warmly.

Q. 3rd.—From the time the Investigation took place at the Judge Adv. Office relative to the Conduct of Lieut. Marshall on the Exchange of Gun and other Effects did I ever speak to him, associate

with him, or offer any offence until the morning of the 22nd inst. when I informed You of the gross, unprovoked and insulting Conduct of Lieut. Marshall towards Me in the Street?

A.—To my Knowledge Certainly not.

Q. 4.—State to the Court What I informed you of respecting that Insult and where it took place.

A.—Capt. McArthur came to me and said he had met Lieut. Marshall not far from the Colonel's House, who Accosted him by saying he was going to leave the Country in the Albion—Capt. McArthur informed me that he replied that whatever was agreeable to himself Must be to him a Matter of Indifference, or Words to that Effect. Capt. McArthur was then going away, but was prevented by Lieut. Marshall asking him where his Gun was—Capt. McArthur replied that he knew nothing about it and that it was a Business he must Settle with the Auctioneer. Lieut. Marshall said it was a Lie and like many others he had told him—Capt. McArthur replied and attempting to go away holding up a Small Stick he had in his Hand said, if Your Intentions are to insult me You have effected your purpose—Lieut. Marshall said—“if you shake your stick at me I will knock you down”—Capt. McArthur answered “if you attempt to do that I will order the Sentry to pin you, Neck and Heels to the Ground.

Q. 5th.—Do you recollect I informed you that Lieut. Marshall at the same time Called me a Rascal?

A.—I do.

Q. 6.—Did you understand when I told you I held up my Stick I did not do it in any threatening manner, but merely as a Sort of Gesticulation, intending to inform him it was my Intention to go another way?

A.—I fully understood you so, just like as a person wo'd do in a degree of warmth, but without any Intention of insulting him.

Q. 7th.—State to the Court what Steps I took after I had given you this Information?

A.—As I before said you Came to me very much hurt at the Insult that had been offered to you and as you had not provoked Lieut. Marshall you desired I wo'd as your friend, take a Letter to him, which Letter Contained a Challenge.

Q. 8th.—State to the Court whether you recollect the Language of that Challenge and if you do not, the general Manner, whether it was temperate, and such an One as an Officer ought to write?

A.—I recollect the general purport of it, which was that as Lieut. Marshall had insulted you, You required that he wo'd give you satisfaction as a Gentleman in One hour's time; there was no Language unbecoming the Gentleman in it.

Q. 9.—State to the Court in what Manner this Letter was rec'd and what steps took place after its delivery?

A.—I went in quest of Lieut. Marshall and found he was at Nicholls's House. I asked Nicholls if Lieut. Marshall was in the other Room and if he was that I sho'd be glad to speak to him; he went in to deliver my message and on his Coming out left the Door open for me to go in. Lieut. Marshall was sitting on a Sopha. I took off my Hat and addressed myself to him saying “I have Something to say to you.” Lieut. Marshall replied that I might speak out as he had no Secrets. Observing that there was a third person in the Room, I urged the Request of speaking with him alone; on

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which the third person went out of the Room and Shut the Door. Lieut. Marshall rec'd the Letter from me sitting, which Contained the Challenge. After reading it, he said to me "I will meet Capt. McArthur and the whole Corps." I felt myself extremely exasperated at the unhandsome Manner he rec'd me, and at the Threat against the Corps and said with some degree of warmth "You shall have enough of it." After he had read the Challenge he got up saying there was too little time given and he was not prepared. I answered that I was authorized to give him time to get his friend until 5 o'Clock in the Afternoon: this gave him about 4 Hours more to prepare himself to meet Capt. McArthur, and I requested he wo'd send his friend to me without Delay. I then went out. About half an hour after, as I was walking towards my own House with Capt. McArthur, I was accosted by Mr. Jefferies, a Young Man, whom I had seen at the Shop, employed as I suppose by Capt. Tennant, to sell his Effects. He delivered me a Letter from Lieut. Marshall to say that he was his friend and that he wo'd meet Capt. McArthur at the time appointed. I objected, in as handsome Manner as I could, Mr. Jefferies's going out with Lieut. Marshall as my Co-equal. After some Conversation Mr. Jefferies rather appeared to me to be satisfied with my Objections. I requested he wo'd tell Lieut. Marshall what I had said to him and that I wo'd wait his answer. Soon afterwards I rec'd a Letter from Mr. Jefferies, saying that he had not been able to see Lieut. Marshall as yet, but hoped that wo'd not prevent the meeting taking Place between Capt. McArthur and Lieut. Marshall; not hearing from Lieut. Marshall, I wrote to him to say that I had made objections to Mr. Jefferies which I had requested him to tell him and was now waiting for his Answer; about 3 o'Clock I rec'd a Letter from Mr. Marshall expressing his Surprize that I sho'd have any Objection to Mr. Jefferies and desired me to name two Gentlemen and Mr. Jefferies to be present. I answered that I felt awkward in naming his friend, but to shew him that I was not willing to start any further Objection, proposed Captain Tennant as a Gentleman I co'd have no objection to and who Came out in the same Ship with him; premising that it was not my Business to point out who his friend ought to be. A little after 4 o'Clock in the Afternoon Lieut. Marshall addressed a Letter to me saying that he had rec'd my impertinent one which he thought was an Evasion on my part; that he sho'd let the matter rest where it was and sho'd resume it whenever he saw Capt. McArthur again. I heard no more of the Matter for that time. About half past 9 o'Clock the same night one of my Servants Came to my Door and awoke me. I had been in bed and asleep about three quarters of an hour; he said he had a Letter for me; I desired him to lay it on the Table and the next morn'g on opening it, to my great surprize I found it was from Mr. Jefferies, the purport of it was to express his surprize that I had not bro't Capt. McArthur on the ground and desired that I wo'd give him an Explanation as soon as possible. I felt myself very much hurt at this Liberty on the part of Mr. Jefferies, whom I had before told I could not have any Correspondence with as the friend of Lieut. Marshall Considering him according to the Rules of Duelling not my Co-equal. I must here remark that that was the purport of my Conversation with him, tho' not in the express words as here put down.

Q. 10th.—When you rec'd the Letter from Lieut. Marshall wherein

he stated he sho'd drop the Business until he saw me, did you not clearly understand that he thereby declined Seeking for such a person as a friend as you might think yourself justified in receiving as such and did you not as Clearly understand that he declined meeting me as he had engaged to do?

A.—Most certainly; and if the Court entertains any doubt of it the Letter will be produced.

Q. 11th.—What do you understand by Lieut. Marshall's saying he wo'd drop the Business with a determination to resume it whenever he met me?

A.—To insult you the first time he saw you.

Q. 12.—Do you recollect my being very much hurt at Lieut. Marshall's proposing no proper person to attend him as a friend and do you recollect my asking almost the Whole of the Officers individually whether they wo'd go out with me to meet Lieut. Marshall with Mr. Jefferies as his friend?

A.—I do and not one wo'd go out.

Q. 15th.—Do you recollect at the time when he, Lieut. Marshall attacked you in the Streets on the 23rd inst. his saying he wo'd treat me in the same Manner?

A.—Yes; he did desire me to tell Captain McArthur that he wo'd serve him in the same Manner he had done myself, and soon afterwards I learnt that he attempted to put his threats into Execution.

Question by Lieut. Marshall.—Do you recollect on the Examination on Oath before the Magistrates that I did not give the Servant orders to Change the Gun?

A.—Certainly—I do recollect Lieut. Marshall saying so.

Q. 2nd.—Have you had any Conversation with Capt. McArthur during the time the Court was last Cleared?

A.—Yes—but not since my Examination as a Witness.

Q. 3.—Did you, Sir, at any time after my arrival in this Colony, prior to the Affair of the 23rd inst. Attend any Meeting or Meetings of the Officers of the N. S. Wales Corps to Consider the kind of Manner in which I sho'd be treated by them?

A.—I have attended no Meetings of the Officers on your Acco't prior to the date you mentioned, but on the Evening of the 22nd I desired My Servant to go to the different Officers and tell them I wished to speak to them—and this was to know their Opinions respecting another person which in the Course of Conversation brought Lieut. Marshall's Name to be mentioned.

Q. 4.—What was the purport of the Conversation when my name was mentioned as far as respects myself?

A.—I have said when their Opinion was given respecting the person I allude to, it naturally brought your name in question—the Opinions of the Officers were given unmasked, that Capt. McArthur has been too hasty in Calling out Lieut. Marshall, whose Conduct had been such as not to be Considered by them as worthy to be Called out by him.

Q. 5th.—Do you not think it very extraordinary that the Officers sho'd have found out in the Evening after Capt. McArthur had refused to meet me agreeable to his appointment, that I was not a person to be attended on?

A.—I believe they had discovered that long before that Evening.

Q. 6.—How Came it that You was the Bearer of a Challenge to a person (who had been so unworthily thought of) and you one of

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the same Corps who Could not have been actuated by the same Heat of Passion that Capt. McArthur was, without remonstrating with Cap: McArthur on the impropriety of the measure?

A.—I confess this is the only part of my Conduct that I have Reason to find fault with myself.

Q. 7.—Do you recollect any Meeting Subsequent to the 23rd in which my Conduct was mentioned?

A.—I have already answered that “No.”

Q. 8.—Did you not at the time you brought the Challenge Stand in the Passage and Call Me out in a very imperious Tone of Voice, before I knew who was the person that was asking for me?

A.—I have before said that I desired Nicholls to tell Lieut. Marshall that I wished to speak to him and on his Nicholls coming out and leaving the Door open, as I suppose for me to walk in—I pulled off my Hat, and seeing another person with You, said, I wished to speak to you in private.

Q. 9th.—Did you see me at the time you was speaking to Nicholls?

A.—I knew that Lieut. Marshall was in ye Room and out of politeness, desired Nicholls to knock at the Door to say I wished to speak to him that I might not interrupt any person that might at that time have been with him.

Q. 10.—Did you not more than twice or thrice before you came in sight of where I sat, ask me to Come to the Door to speak to you?

A.—When the Door was opened I came to it and seeing another person there, I certainly two or three times out of delicacy said I wished to speak to you, not wishing that the third person sho'd know the occasion of my visit.

Q. 11th.—On Captn. Abbott's name being Announced to me, did I not request you to walk in, that the person wo'd leave the Room and give him an Opportunity of saying What he Chose in private?

A.—No I observed a degree of backwardness in the third person to leave the Room but when I saw that he was going out I then went in and shut the Door on us.

Q. 12.—At this time did not Capt. Abbott Make me Reply in the Passage of a similar Nature that he had done before, that I sho'd come out of the Room to speak to him?

A.—I have before said that I was at the Sill of the Inner door of the Room in which Lieut. Marshall was and repeated that I wished to speak with him, as I perceived a Backwardness in the third person's going out, but when he retired I went in and the Door was shut.

Q. 13th.—Had you not given me great Reason to suppose it was some Menial Servant that was sent with a Message, before Your Name was announced and which was the occasion of my receiving you in so cool a manner?

A.—It is impossible for me to know Lieut. Marshall's Thoughts—the message I sent by Nicholls was I wished to speak to you—As I did not hear him deliver the Message, I do not know in what Manner it was Communicated to you, for Nicholls went into the Room and shut the Door after him.

Question by the Court.—Did the Conversation which passed between you and Capt. McArthur, when the Court was last Cleared, and alluded to by Lieut. Marshall in his 2nd Question to You, relate to Lieut. Marshall?

A.—It did not.

Q. 2nd.—Was it from any Backwardness on the part of Capt. McArthur that he did not meet Lieut. Marshall at ye time appointed?

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A.—I have already pointedly said “No.”

Q. 3rd.—What was the Reason Captn. McArthur did not meet Lieut. Marshall?

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A.—Because none wo'd go out with him if he took Mr. Jefferies as a Second—and Lieut. Marshall's Letter to me Stating that the Matter wo'd rest there for the present as I have before more fully mentioned in Evidence.

The Court adjourned to ten o'Clock on the 1st of August.

August 1st the Court met at 10 pursuant to Adjournment.

ENSIGN AND ADJUTANT MINCHIN being Sworn deposes that on the Morning of the 23rd July between the Hours of ten and 12 he was walking with Capt. McArthur between the orphan School and Col. Paterson's House—He saw Lieut. Marshall walking down the far side of the Parade—he was about half-way down and looking round towards where Capt. McArthur and himself were Lieut. Marshall immed'y changed his Direction and shaped his Course towards Us; he was advancing with a Smart pace and held in his hand a large Club, when he came within 5 or 6 paces of Captn. McArthur he raised his Club over his Shoulder—from that Circumstance together with the Manner he grasped it and his appearance, I imagined he meant to give Capt. McArthur a severe Blow. Capt. McArthur being of the same opinion immed'y drew his Sword and asked him if it was his Intention to assault him in the same Manner he had that Morn'g done to Capt. Abbott and told Lieut. Marshall that if he advanced he would run him thro'—Lieut. Marshall seeing Capt. McArthur in a posture of Defence immed'y brought his Stick to the Ground saying to Capt. McArthur “You will not run me thro' now.” Lieut. Marshall then made Use of the most Abusive Language; Capt. McArthur asked him if he thus abused him for having prevented his robbing the dead and then gave him in Charge of the Sentry and I ordered a File of Men to take him to the Guard House.

Question by Prosecutor.—Had you any other Reason than his Menacing Approach and furious Countenance for supposing that he intended to Strike me with his Club?

Answer.—Having heard him that Morning say to Capt. Abbott that he wo'd serve Captain McArthur in the same manner as he had done him I was sure he was going to put his threat into Execution.

Q. 2.—How did he assault Capt. Abbott?

A.—By striking him with the same Bludgeon he then held in his hand.

Q. 3rd.—What distance do you suppose I might have been from Lieut. Marshall when I drew my Sword?

A.—I think about 3 or 4 Paces.

Q. 4.—Was he advancing hastily towards me in a strait line?

A.—He was.

Q. 5.—Do you not suppose I sho'd have rec'd a severe Blow had I delayed a Minute drawing my Sword?

A.—From the Manner Lieut. Marshall advanced towards You, it is my Opinion you would.

Q. 6.—Do you know whether, when Reports were first Circulated to ye disadvantage of Lieut. Marshall, I endeavoured to check or promote their Circulation?

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A.—As far as I co'd always learn, it was Capt. McArthur's wish to Check them.

Q. 7.—Will you state to the Court the Situation I held at the time Lieut. Marshall Assaulted me on the 23rd July?

A.—You at that time Commanded the New S. Wales Corps in the Absence of the Lieut. Governor.

Q. 8th.—Will you point out the exact Spot where he assaulted me?

A.—At the End of the Command'g Officer's House.

Q. 9.—Was it or was it not within reach of my own personal Sentry and on the Edge of the Regimental Parade?

Answer.—It was on the Sentry's post.

Q. 10th.—When you heard that a Challenge had been given by me to Lieut. Marshall for his insulting Language of the 22nd—do you know whether it was me or Lieut. Marshall that avoided the Meeting?

A.—I saw some Letters that had passed between Capt. McArthur and Lieut. Marshall and from them I understood that Capt. Abbott (Capt. McArthur's friend) had declined meeting Lieut. Marshall's friend as a Co-equal and that this had produced a Letter from Lieut. Marshall Stating that he wo'd drop the Business for the present with a Determination to renew it as soon as he saw Capt. McArthur, or words to that Effect. In Consequence of Capt. Abbott refusing to meet Lieut. Marshall's friend, Capt. McArthur asked, as he believes, All the Officers that then were at Head Quarters, if any of them wo'd go out with him and they all refused and on the same Ground that Capt. Abbott had founded his refusal on.

Q. 11th.—What did you understand Lieut. Marshall Meant when he Stated in his Letter that he wo'd resume the Business whenever he met me?

A.—From Lieut. Marshall's Letter I am of Opinion he meant to assault Capt. McArthur.

Q. 12th.—Do you recollect an Observation made by Capt. Tennant, in whose Ship Lieut. Marshall Came from England that he was Surprized I sho'd think of Considering Lieut. Marshall as a Gentleman, after what had passed, and do you remember where this Observation was made?

A.—I heard Capt. Tennant make Use of the Expression Alluded to at his own Lodgings, I think on the Morning of the 23rd July.

Question by Lieut. Marshall.—Do you not Conceive Capt. McArthur comenced this prosecution to avoid one himself for drawing his Sword on me unprovoked on the King's High-Way?

Answer.—I do not think Capt. McArthur comenced this prosecution under any such Idea, for I think from the Evidence I have given, Capt. McArthur was highly justified in drawing his Sword in his own Defence.

Q. the 2nd.—Did not the prosecutor threaten to run me thro' the Body if I advanced another Step and that before I had spoken to him and did not this happen on the King's High Way?

A.—Lieut. Marshall was approaching Capt. McArthur with an uplifted Weapon, with which, it is my opinion Lieut. Marshall wo'd have brought him to the Ground, had not Capt. McArthur acted in the Manner he did; this happened at the End of the Commanding Officer's House on the Road.

Question by Court.—Was it on the Parade or on the Road passing the Colonel's House?

A.—It was this End of the Sentry's Post which reaches half way across the Road.

Q. 2d.—Did you hear Lieut. Marshall make Use of any ill Language to Capt. McArthur previous to his drawing his Sword.

A.—I do not recollect that he did.

LIEUT. HOBBY of the N. S. Wales Corps being Sworn deposes that on the 23rd of July he was in Conversation with Mr. Campbell of the Harrington Brig, when he saw Capt. McArthur and Adjutant Minchin Come out of Col. Paterson's House and walk towards the Hospital Wharfe; they soon turned back and proceeded towards Mr. Laycock's. As soon as they had passed me I saw Lieut. Marshall Coming down by the Church Steeple, pass the provost Marshall's House, Cross the Bridge on the parade and appeared to be walking towards the Hospital Wharfe; by this time Capt. McArthur and Adjt. Minchin had turned again towards the Colonel's; Lieut. Marshall had got nearly to the End of the Parade and walked briskly towards Capt. McArthur and Adjt. Minchin with a large Stick in his Hand Which he held Carelessly until he arrived nearly opposite the Gate of the Colonel's Viranda When he threw it over his *left* shoulder, grasping it at same time in his right Hand and advanced towards Capt. McArthur apparently to me with an Intention to Strike him; but on Lieut. Marshall's Coming within a few paces of him Capt. McArthur drew his Sword and told Lieut. Marshall that if he offered to Strike him, or Use any Violence, as he had done to Capt. Abbott, he wo'd run him thro' the Body—on which Lieut. Marshall dropt his Stick and said "You will not run me through now, will you?" Capt. McArthur then ordered the Sentry to take Charge of Lieut. Marshall who then said, "You put on the Officer now, do you." Capt. McArthur then Called to the Sentry at the Main Guard and Lieut. Marshall was ordered to the Guard House escorted by a File of Men.

Question by prosecutor.—Had you any other Reasons for supposing Lieut. Marshall intended to Strike me than the Menacing and furious manner of his Approach?

A.—Yes—I had—because I had seen Lieut. Marshall strike Capt. Abbott and because I had heard him desire Capt. Abbott to tell Capt. McArthur he wo'd serve him in the same Manner wherever he met him.

Q. 2nd.—Would you know the Bludgeon again with which Lieut. Marshall advanced towards me?

A.—Yes.

The Stick being produced he says it is the same that Lieut. Marshall held in his Hand at the time he advanced towards Capt. McArthur.

Q. 3rd.—What Office was I exercising at the time Lieut. Marshall assaulted Me?

A.—That of Commanding Officer of the Corps.

Q. 4th.—And in what Situation with respect to the Colony?

A.—Second in Command.

Q. 5th.—Did you consider the Spot of Ground on which Lieut. Marshall assaulted me as a part of the Regimental Parade over which the Regiment always marches before it is dismissed?

A.—Yes I do.

Q. 6th.—Do you believe that had I delayed a mom't drawing my Sword that Lieut. Marshall wo'd not have knocked me down?

A.—From his Manner of approaching you I think he would.

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Q. 7th.—Do you recollect Lieut. Marshall Calling me a Rascal, before I ordered the Sentry to take Charge of Him?

A.—Yes I do.

Q. 8th.—Do you recollect whether I was in my Uniform?

A.—Yes you was.

Q. 9th.—Does it come within your knowledge whether I have ever associated with, insulted or offered him any Injury previous to his Assault on me the 23rd July?

A.—I never heard that Capt. McArthur ever associated with, insulted, or offered him an Injury.

Q. 10th.—When the first Reports were Circulated that Lieut. Marshall had exchanged and Concealed a part of the Effects of the late Lieut. Crawford. Do you know whether I did not endeavour to check the Circulation of those Reports as much as possible among the Officers?

A.—Yes—You did—for you told me it was improper to speak about it until it was properly investigated.

Q. 11th.—Do you think Lieut. Marshall has any other Cause for the Assault and Insults he has offered to me, than the Steps I have been obliged to take as Commanding Officer to oblige him to give up the late Lt. Crawford's Effects?

A.—I do not think he had any other Reason or Cause.

Q. 12.—When you heard that a Meeting was to take place between me and Lieut. Marshall did you discover that any Obstacles were thrown in the way by me?

A.—No—far otherwise.

Q. 13th.—Did you not understand that Lieut. Marshall has written a Letter Stating that he wo'd drop the Business with a determination to resume it as soon as he saw me?

A.—Yes—I heard Lieut. Marshall's Letter read.

Q. 14th.—And how did you understand that declaration?

A.—My opinion was that he meant to insult you the first time he saw You.

Question by Lieut. Marshall.—Do you not Conceive Capt. McArthur Commences this prosecution to avoid one agst himself for (unprovoked) drawing his Sword on me in the King's High-way?

A.—No—I do not conceive any such thing.

Q. 2nd.—Did not the prosecutor threaten to run me thro' if I advanced a Step further and that before I had Spoken to him—and was not that on the King's High-way?

A.—I heard Capt McArthur threaten to run you thro' if you offered any Violence, but Cannot say Whether any words had passed between you and Capt. McArthur; this happened on the Regimental Parade.

Q. 3rd.—Are you acquainted with the Nature of duelling?

A.—No—I am not.

Q. 4th.—Was you ever employed in a Business of that Nature?

A.—Yes.

Q. 5th.—Now Sir, tell me did you ever know of a Challenger refusing to meet a person Challenged on acct. of the Rank of the friend of a Gentleman Called on?

A.—I have never been involved in a Business of that nature when it has happened so unfortunately, as to have an improper person fixed on.

Q. 6th.—By Virtue of your Oath have you never, either prior to

my trial or since, held any discourse with Capt. McArthur relative to the Evidence you have now Sworn and deposed against me?

Answer.—Not any private or improper Conversation with Capt. McArthur on the Subject.

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MR. CAMPBELL, Commanding the Harrington Brig, being Sworn, deposes that he was on the 23rd July between the hours of 10 and 11 stand'g with Lieut. Hobby When Capt. McArthur and Ens'n Minchin came out of the Colonel's House and advanced towards the Hospital Wharfe; opposite the Store Door they turned and came again towards us, When they were about half-way I saw Lieut. Marshall Coming down the Hill, walking towards the Wharfe and being abreast of the Store Door, he turned round and came towards the Colonel's House at the end of which Capt. McArthur and Ens'n Minchin met him. A little before Lieut. Marshall came up Close to Capt. McArthur, he (Capt. McA.) asked Lieut. Marshall if he was Come to insult him in the Same Manner he had done Captn. Abbott, clasping his Hand to his Sword at the same time, and on drawing his Sword, told him to keep off.

Question by Prosr.—Did you see him elevate his Stick at the time of his Approach?

A.—I did.

Q. 2d.—Do you think he was going to strike me?

A.—I am not certain that he was, any further than from the Expression I had heard him make Use of to Capt. Abbott that he wo'd serve him (Capt. McA.) in the same manner.

Q. 3rd.—Would you know the Stick again with which he approached me?

A.—Yes.

The Stick being produced he says it is the same that Lt. Marshall held in his Hand at the time he approached Capt. McArthur.

Q. 4th.—As you have heard Lt. Marshall say that he wo'd treat me in the same manner he had treated Capt. Abbott, pray how did he treat Capt. Abbott?

Answer.—When he Came up to Capt. Abbott I saw him give him a Stroke on the Side with the Stick now produced.

Question by Lieut. Marshall.—Do you not conceive that Capt. McArthur Commences this prosecution to avoid one agst himself for (unprovoked) drawing his Sword on me on the King's High-way?

A.—I cannot say Whether he does or not.

Q. 2d.—Did not the prosecutor threaten to run me thro' the Body if I advanced another Step and that before I had spoken to him, and was it not on the King's High-way?

A.—Capt. McArthur told Lieut. Marshall to keep off or he wo'd run him thro'; that he did not hear Lieut. Marshall speak before Capt. McArthur had made Use of the above Expressions and that this happened on the King's High-way.

Q. 3d.—Have you any Idea that my Intention at the time was to have Struck Capt. McArthur with a Stick, or did I Carry it in a Manner so to do and is it not usual to Carry your Stick in various manners?

A.—From the Expression Lieut. Marshall made Use of to Capt. Abbott I had an Idea that it was his Intention to strike Capt. McArthur, but drawing of the Sword might have Stopt him.

Q. 4th.—On the Virtue of your Oath have you never either prior to my trial or since held any Discourse with Capt. McArthur or any

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other of the Witnesses relative to the Evidence you have now Sworn and deposed agst. me?

A.—I have had none with Capt. McArthur and to the best of my knowledge with none of the Witnesses, except this Morn'g with Lieut. Hobby.

Q. 5th.—Did you ever hear any of the Evidences use any gross opprobrious or illiberal Language agst. me any day previous to this Trial?

A.—I do recollect hearing it said You were a Rascal for striking Capt. Abbott when he had no weapon to defend himself with.

Capt. McArthur having read and delivered into Court the paper (No. 7) The Evidence on the part of the prosecution closed.

Lieut. Marshall having required until Tuesday Morn'g to prepare his Defence, the same was granted him.

Adjourned to Tuesday, 4th Augt. at 9 O'Clock.

August 4th, the Court met pursuant to Adjournm't.

Lieut. Marshall delivered into Court (No. 8) and on being asked if he had anything farther to say, he said he had not.

The Court was Cleared.

The Court having deliberated Are of Opinion that the Threat Lieut. Marshall made Use of at the time he Struck Capt. Abbott, relative to Capt. McArthur, as well as advancing towards and lifting up his Stick to him, that it was Lieut. Marshall's Intention to have Assaulted him, but was prevented by Capt. McArthur's drawing his Sword at that Critical Moment, which The Court conceives he was highly justified in doing. But no Blow having been given, they will not take upon themselves to say whether it amounts to an assault. Do therefore give a Special Verdict on the Case.

RD. ATKINS,
Judge-Advocate.

This is a true Copy of the original Documents with which it has been Compared before us the 17th August, 1801.

RICHARD ATKINS.
W. BALMAIN.
SAMUEL MARSDEN.

The Paper (No. 1).

[INDICTMENT OF LIEUTENANT MARSHALL.]

New South Wales

<p>The King agst James Marshall Esqr.</p>	}	<p>on the Prosecution of Edward Abbott Esquire for an Assault and Battery.</p>
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Cumberland to wit. James Marshall Esquire stands Charged,

For that he the said James Marshall on the twenty third day of July in the forty first year of the Reign of our Sovereign Lord George the third, King of the united Kingdoms of Great Britain and Ireland at Sydney in the County of Cumberland and Territory aforesaid in and upon Edward Abbott Esquire Captain in the New South Wales Corps in the peace of God and our Sovereign Lord the King then and there being with force and Arms wickedly and maliciously did make an assault and with a certain Unlawful Weapon or Stick which the said James Marshall in his Right Hand

then and there held Did beat bruise Wound and ill-treat so that his Life was greatly despaired of And other Wrongs to the said Edward Abbott then and there did to the great Damage and Injury of him the said Edward Abbott to the evil Example of All others in the like Case Offending and against the peace of our Lord and King his Crown and Dignity.

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Plea "NOT GUILTY."

Evidences for Prosecution.

James Tennant Esq.
Lieut. Hobby
Ens'n Minchin
John Palmer Esq.
W. Moore
— Tunks Private
John Harris Esq.

For the Prisoner.

W. Jefferies
Isaac Nicholls

The paper (No. 2).

[ADDRESS BY CAPTAIN ABBOTT.]

Gentlemen,

It is a piece of Justice I owe to myself and to the public to institute this Criminal prosecution agst. the Prisoner Lieut. Marshall who has been guilty of as atrocious and as Cowardly an Action as ever Disgraced a Man which I pledge myself to prove in the most satisfactory Manner to the Court, hoping with some degree of Confidence, that it will award agst. the prisoner a Sentence proportionable to the Enormity of the Offence, and such an One as my Character, Situation and prospects in Life gives me a Right to expect, which I also require for my fellow Subjects at large. I shall recite simply the Manner I was Assaulted, being Unarmed, unprotected and unprovoked, begging the Court would look at the great Disparity of Size and Bodily Strength there are between the prisoner and myself, who was Armed with a Bludgeon that I can scarcely Rise with an Hand from the Ground. Let the Court weigh this Inequality for a Moment and I doubt not its making a Suitable Impression upon them. I must intreat the Court will hear in what point of View the prisoner's Conduct was thought of respecting the Effects of the deceased Lieut. Crawford, which transaction was Considered in so improper a Light as to occasion not only the Officers of the Corps to Shun him, but most of the Gentlemen of the Colony—and in the Number one of his own Bail—this I shall also prove as it serves to shew his Behaviour in that and in every other Instance has been uniformly of the same Vile Tendency, which Compels me to enter this prosecution against him, the more readily to Secure every other of His Majesty's Subjects from the like dark and Cowardly Attacks. On the 23rd Inst. between the Hours of 11 and 12 o'Clock in the Morn'g I was walking in Company with Capt'n. Tennant, when soon Afterwards I perceived the Prisoner going towards Mr. Laycock's House—but upon seeing Us he turned shortly round and made towards Us, by the time he Came within a very few paces, I looked attentively at him and from the appearance of his Countenance, and his Eyes which were directed to Mine, I saw then, and not till then, as I had Neither Acquaintance or Quarrel with him that he meditated an Assault upon me which I was not prepared for, nor the Reception which followed and very naturally felt the weakness of my Situation without anything in

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my Hands to oppose so strong and powerful a Man with, armed as he was. He crossed Capt. Tennant and coming to me, placed himself in a Situation to prevent my passing him and holding his Stick in his right Hand close to his Side, said to me, "What is the Reason you do not give me an Explanation to Captn. McArthur's Business," I replied that I had no other to give him than what he was in possession of; he repeated his Question with redoubled Anger and on my saying that I must decline entering into any Conversation with him and on endeavouring to pass on he raised his Stick (upon which I had fixed my Eyes) said, Striking me a Blow with considerable force "this is the way I shall Serve you and Captn. McArthur." I was prepared for the Blow and I instantly reclined my Head and Body backwards and received it on my left Side and in a Slanting Direction; as I perceived his Intentions were to repeat it, as he held his Stick up again retreating backwards as fast as I could, and calling to the Sentry for Assistance, who stood at no great Distance from me; he Came up and prevented the prisoner repeating his Blows, for he endeavoured to withhold the Sentry's affording me his protection saying "that is no Officer of yours, meaning me, he is in Coloured Cloaths"; the prisoner when he was drove off by the Sentry desired I would tell Captn. McArthur he wo'd serve him in the same way he had done me. Whether the prisoner intended murdering me or not, will best appear from the Evidence nor could he have taken a more formidable weapon to effect that purpose, unprepared as I was.

If he pleads that the Blows were intended as a mere Matter of Insult, I can with Satisfaction Say, my Reputation sustains no more Injury by it, than if Bannylong, the Native, had struck me.

I fear that was not his only aim, as there was no occasion for a Bludgeon, the prisoner's great Strength was enough and the advantage would be as much in his favor then, as it wo'd be on my Side opposed to a Child of ten Years of age.

There perhaps never appeared before a Court of Justice a Case so outrageously Vile, as there was not one Word or Threat on my part to provoke the prisoner to the Assault and Battery. I prosecute not for pecuniary Damages to myself, except for those which are usually adjudged the Crown; the Security of the prisoner's person to prevent peaceable people from the like Attempts, is what I aim at and that the Notoriety of his Conduct might be made public. I now beg to Call upon my Evidences.

July 29th 1801.

ED. ABBOTT.

The paper (No. 3).

[CAPTAIN ABBOTT TO THE COURT.]

Gentlemen,

I hope I have supported my Charge in the amplest Manner and that in the Course of the Examination, I have not endeavoured to Colour the prisoner's guilt.

You will find that I have not been Actuated by Malice or ill-will, towards Lieut. Marshall, to provoke him to his Assault; he came here a perfect Stranger and might have remained such to me perhaps as long as we remained together in the Colony. I now, Gentlemen, leave him to you, hoping the universal maxim of doing unto All men, as he wo'd be done by, will govern Your Decisions.

Gentlemen—I have done.

Sydney 29th July 1801.

ED. ABBOTT.

The paper (No. 4).

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[LIEUTENANT MARSHALL'S PROTEST.]

I HAVE troubled the Court with putting a few Questions merely for the sake of gratifying the public Mind, which I have every Reason to believe is more than Commonly interested in this day's Event. But having been in the first Stage of this Business, denied the Privilege Allowed to the meanest Prisoner at an English Bar, of Challenging a Juror; after having been officially told by your first Law Officer, that I must submit to plead, and therefore having declared myself "Not Guilty" of the Charge against me, I here Close with a Solemn protest against the judicial proceedings of the Court, as informal and irregular, and so far as applies to my Case, inconsistent and repugnant to the amiable Qualities of the Constitution of England, of which I glory in having the Honor of being a Subject.

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J. MARSHALL.

The Paper (No. 5).

[INDICTMENT OF LIEUTENANT MARSHALL.]

New South Wales

The King against James Marshall Esq.	}	On the prosecution of John McArthur Esq. for an Assault.
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CUMBERLAND to wit. James Marshall Esquire stands Charged For that he the said James Marshall on the twenty third day of July in the forty first Year of the Reign of our Sovereign Lord George the third, King of the United Kingdoms of Great Britain and Ireland, at Sydney in the County of Cumberland and Territory aforesaid in and upon John McArthur Esquire Captain in the New South Wales Corps in the peace of God and our Sovereign Lord the King then and there being did make an Assault and other Wrongs to the said John McArthur then and there did to the great Damage of him the said John McArthur and against the peace of our Said Lord the King his Crown and Dignity.

Plea "NOT GUILTY."

Evidences for prosecution:

James Tennant Esq.
Edwd. Abbott Esq.
Ens'n Minchin
Mr. Campbell (Harrington)
Lieut. Hobby

For the prisoner:

Mr. Jefferies
Isaac Nicholls

The paper (No. 6).

[CAPTAIN McARTHUR TO THE COURT.]

Gentlemen,

I have this day a task to perform that I sho'd gladly have avoided had it been possible so to do with justice to myself, or to my friend who has been from the same Causes involved in a similarly irksome and unpleasant Situation. I wo'd have avoided it from a Conviction that I have not Capacity to do Justice to the Cause I am to maintain, from a Consciousness that I do not possess the power of displaying with proper Energy of Language the almost unexampled Conduct of the Man who now stands at your Bar.

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But altho' I am aware of my Incapacity, I hope, as I have *Truth, Right* and the *Law* upon my Side that the plain inartificial Recital of Facts which you will hear from the Evidences, will produce as strong an Effect upon your Minds as if I had Abilities to augment the force of Truth by the powerful persuasiveness of Eloquence as if I were Capable when I had Convinced your Judgments to rouze you to a resentful abhorrence of the brutal and unprincipled person before you; that the Reasons of the Assault which I am now to prove may be clearly understood I shall first Call Evidence to shew that Lieut. Marshall is an entire Stranger to me; that I have never Associated with him; that we had no private Quarrel; that I never offered him any personal Offence; and that there is no Cause to be assigned for his Insults and Assault upon me, but a diabolical and rancorous Spirit of Revenge arising from a Recollection of the Measures I was obliged to adopt to recover some of the Effects of the late Lieut. Crawford, which the prisoner had absolutely taken possession of and substituted other things of Considerable less value in their place; that he did so is known to the most of you, Gentlemen, and to a great part of the Spectators who fill this Court. I shall not therefore set about to prove a Circumstance which Cannot be denied; but as it may not be so well known how delicately I behaved to this Man throughout the whole of that transaction what forbearance I acted with towards him and how unwillingly I was bro't to believe that a British Officer Could be Capable of such an act, I shall Call Evidence to these points. I shall next proceed to prove the unprovoked Manner in which he insulted Me on the 22nd inst. and I hope, Gentlemen, to Convince you that my Conduct upon that occasion was temperate as a Man, and not disreputable as an Officer. I hope to Convince you that if the prisoner had possessed one Gentlemanly Sentiment, you had not been at my Request assembled here this day in Judgment upon him. When these points are established I shall bring forward the necessary Evidence to prove his Assault on me on the 23rd inst. and that being done I shall no farther trespass on your patience than to beg that I may be indulged with permission to make a few Observations on the Evidence.

JOHN MCARTHUR.

The paper (No. 7).

[CAPTAIN MCARTHUR TO THE COURT.]

Gentlemen,

I hope the Evidence which you have heard in Support of this prosecution has Convinced you all that it has not been instituted without great and sufficient Reason; it has been proved to you, Gent., that the prisoner Could have had no Cause of Quarrel with me and therefore the Brutal Violence of his Behaviour is greatly aggravated. The Testimony of Capt. Tennant and of Capt. Abbott I trust has Clearly established the Correctness of the whole of my Conduct to this Man, Altho' I am aware, he will endeavour to make it appear that I was the first aggressor by sending him a Challenge and he will attempt to gain Belief from you that I afterwards refused or Neglected to attend my own Appointment. On these Reasons he will probably attempt to account for and to excuse the Violence of which he was afterwards guilty. But you, Gentlemen, will recollect that this Challenge was not sent before the most ungentlemanly Language had been used to me. You will recollect

that every Officer who has been Examined has Sworn that instead of my Shrinking from or Avoiding to attend my Appointment, it was Lieut. Marshall who avoided it, by declining to nominate an accredited Gentleman as his friend and by writing in these express, positive and unequivocal words, "I shall drop the Business for the present with the Determination of resuming it when I see Capt. McArthur;"—there, Gentlemen, is his Letter—*read it*—you have done so, and doubtless you now Consider with Amazement the prisoner's Effrontery and Disregard of Truth in Attempting to make it appear, as he artfully did in his Cross Examination of Capt. Abbott that I had dishonored myself by failing to meet him.

You were yesterday, Gentlemen, interrupted in proceeding with the more important part of this Trial, by a ridiculous Attempt on the part of the prisoner to make it appear that Capt. Abbott had behaved rudely and insolently to him; this is also false, Capt. Abbott did not, Could not behave unlike a Gentleman to any one; he is well bred, his Mind is *too well* informed and his temper *better* regulated than to Allow him to behave on such an Occasion as he was Employed either provokingly or insolently; but why do I waste your time and exhaust your patience by saying thus much on this Head when I have proofs in my Hand, Proofs that you Cannot doubt, altho' the Prisoner may deny; Here are Lieut. Marshall's Letters; let him produce Capt. Abbott's; he has them; and then, Gentlemen, decide which is the Officer and the *Man of Honor*, and which the *Man of Rudeness*.

The Evidence of Ensign Minchin, of Capt. Campbell, and of Lieut. Hobby has I hope fully satisfied You that from the Manner of the prisoner's Approach towards Me on the Morning of the 23rd inst. there Could be no doubt of his hostile Designs. But if any Difficulty sho'd arise in your minds as to the propriety of determining on a Man's Intentions from his Gestures and Appearance, that Difficulty must Vanish when it is recollected that Capt. Tennant, Capt. Abbott, Ens'n Minchin, Lieut. Hobby and Capt. Campbell have Sworn that they All heard the prisoner say he would Assault me whenever he had an opportunity it has been proved to you how he assaulted Capt. Abbott; he met him unarmed and defenceless; he aimed a Blow at him which might have deprived him of Life, had it not been with great presence of Mind and Dexterity, in some degree avoided; he attempted a Second Blow, and most probably wo'd have persisted in his Attempts, Until he had perpetrated a Murder if he had not been prevented by the timely Interference of a Sentry who was fortunately near at hand; this, Gentlemen, you have heard he threatened to repeat upon me expecting, no doubt, to have found Me unprepared for Resistance, or incapable of Opposing his prodigious Strength. Let me intreat you to look upon this Man, view his gigantic Stature, examine his tremendous Club, imagine that you see him advancing (as it has been Sworn to you he did) intoxicated with Fury, breathing Mischief, and looking Destruction to the Object of his Search, and you will be enabled to form *some* Idea of the Danger of my Situation—for I have neither Language or Ability to give you a just or adequate description of it—it is true I was Armed with a Sword to oppose him (a Weapon as appropriate to Me as an Officer, as a Bludgeon was to him as a Ruffian), but what Could a Sword have availed in my Defence if this Monstrous Mass of Matter, this second Goliath had been animated with one Spark of Spirit, with one Atom of Courage? When I saw him hastening

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towards me with Rapid Strides, his Countenance and Air so menacing, his Club grasped firmly and uplifted in readiness to descend on my Head, I must Confess that I for an instant thought I had to encounter a most perilous Adventure; that I had exposed myself by braving his Threats to a most imminent Danger on most unequal Terms. Who is there who saw him advance, armed as he was, and who had witnessed or heard of his Attack upon Capt. Abbott, but supposed I must immediately be Crushed beneath his Arm? such was my own Expectation and great was my Astonishm't to observe my drawn Sword instantly Operating on this ferocious Savage, like the Wand of a Necromancer or the Talisman of a Magician to see it in a Moment taming him from the Excess of Offensive fury into unconditional Surrender and coward like Submission; to find him who the inst. before stood elate in the Confidence of his Strength, suddenly frightened into the attitude of a Suppliant with his Weapon dropt to ye ground and asking in a tremulous Tone of mingled Terror and Intreaty Whether I would "then run him thro' the Body permit me here, Gentlemen, to Call for your particular Attention to the Conduct of this Man at the Moment I am describing. You have heard of his advance towards me with an unlifted Club, and to judge from his own Words that he "would treat me as he had done Capt. Abbott" there Can be no doubt but that it was intended to descend on my Head with all the Violence that such a Hercules Could Strike with; Had his Courage Corresponded with his bulk, such a Man and such a Weapon were more fitted to oppose to a Nemean Lion, than such a pigmy as I am, when Compared with him. Now, remark Gentn. how this ferociousness disappeared, notwithstanding his Vast advantages, when he saw a hostile Weapon at his Breast; no longer in a disposition to act offensively, when he found he had an armed opponent to Contend with, he dropped his Club and with an instinctive Exclamation reminded me that he was no longer in a Situation to injure and therefore no longer an Object to be attacked; in his own case he appeared Capable on the most sudden Emergency to think justly; but let me reverse the scene: let it be remembered that Capt. Abbott, unequal in Strength, defenceless and unarmed as he was when he was assaulted by this Savage, could obtain no mercy, no forbearance; he thought him in his power and therefore wo'd have destroyed him regardless of every Call of Humanity—of every Tie of Honor—that he did not do so by me is to be attributed to no Virtue in him; most Certainly he intended it, as is proved by his Words and his whole Conduct; and on that *bloody Intention*, Gentlemen, I presume You will found your Verdict. But I leave him to your Justice with the most perfect Confidence that the unprovoked and atrocious Conduct which has been so clearly proved, must make you all look upon him as unworthy to be Classed with Gentlemen, as undeserving to rank with Officers, as a disgrace to the name of Man, and therefore a fit Object on whom the Law ought to inflict an exemplary punishment. I hope, Gent, that it has been proved to your satisfaction that I stand here almost entirely unknown to the prisoner, guiltless of any aggression or Offence towards him; that You are Convinced that I have been insulted, threatened, assaulted and my life exposed to great Danger without any other Reason, any other Cause than my having in the discharge of an unavoidable and sacred Duty, obliged the prisoner to restore the Effects which he had intended to keep for himself, as if he were

exempt from the Corrosive gnawings of a guilty Conscience, as if he were invisible to the Eye of an avenging God.

But I will not pursue this Theme any farther; it is disgusting to Comment on and dreadful to Contemplate. I hope Gentlemen, you are Convinced that I have discharged my Duty as a Man and as an Officer, and if you are, no doubt, you will punish the prisoner; let that Punishment be what it may, I hope it will produce Repentance.

JOHN McARTHUR.

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The paper (No. 8).

[LIEUTENANT MARSHALL'S DEFENCE.]

Gentlemen,

I am Called upon to answer a Charge for a supposed Assault on the person of Captn. McArthur.

I have been arraigned, tried, and a Verdict of Guilt from you has passed on me, for a similar Charge, (but with Circumstances very different) made by Capt. Abbott.

Whatever my Ideas were on the proceedings of that Trial, which warranted my protesting against them, they were not so important as those I feel on this—Compelled to listen to Language which under other Circumstances wo'd have produced immediate Resentment, Standing before you *one day* in which a syllable of the Charge made against me was not introduced by any Evidence whatever, and witnessing the theatrical, I had almost said, the ludicrous Exhibitions of my Prosecutor, I wo'd wish to remark that the motives which influenced Capt. McArthur, are evident, very evident; his ready Genius, however inventive and Convenient, was at a loss how in any other Manner to make a Retreat, a Retreat rendered necessary by his late unexampled, un-officerlike Conduct. He feared to meet me on the Ground, even by his own appointment, and he looks to his Adroitness and Power in a Criminal Court, to extricate himself from the Labyrinth into which his Misconduct has thrown him; he may Conceive when his Representation is made *here*, that a Close to the Business will follow; but here he may be mistaken, and I wonder how he Can for a Moment suppose I will surrender one particle of my Honor for the purpose of building a temporary Reputation for him, for whom, for Captain John McArthur.

You have listened, Gentlemen, with the greatest patience to the unnecessary Evidence introduced by Capt. McArthur in Support of this Charge against me. I only ask to trespass on your time a few Moments in order to make some observations on the Nature and Tendency of that Evidence against me. Capt. Abbott offered to prove that the N. S. Wales Corps had a general Dislike to Me, and that it was their Determination not to treat me as a British Officer,—this, Gentlemen, needs no Comment. I cannot avoid expressing my Astonishment at the Effrontery of Capt. McArthur in my presence, in the presence of any Man of Honor, attempting to justify his late Conduct; he would fain persuade you that *I* am the Coward; but you know perfectly well from your own and from the world's knowledge of that Man, and the Circumstances which have appeared before you, as well as those upon Record in the History of this Colony which of the two Shrunk from his Engagement—I will say from his Claim, if a Man so acting has any Claim, to Honor.

Gentlemen, the Laws of Duelling, as Captn. Abbott has termed them have been brought on the carpet, in the forlorn Hope that a

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Meaning might be tortured out of them to justify the Cowardice of the prosecutor; a Comparison of the Rank of Seconds is made and my Friend Objected to on the Grounds he was not fit to appear as the Co-equal of Captn. Abbott; it must be in the Recollection of You Gentlemen, that His Royal Highness the Duke of York attended the call of an inferior Officer but in this Case I cannot allow Mr. Jefferie to come under this Description.

Capt. McArthur has in the Evidence produced found it necessary to inform you that I called him a Ging Rascal, for which he sent me a Challenge and afterwards refused to meet me, because Mr. Jefferie was not Competent in Capt. Abbott's opinion, to meet him on the Same Ground which brought him, as my friend, to the Field—this is the first time I ever heard Seconds in an Affair of Honor, were to Compare their Ranks with as much Precision, as they Measured the Lengths of their principal's Swords.

I have Gentlemen thus far, unwillingly on my part, but rendered Necessary from the illiberal Conduct of the Prosecutor, taken up thus much of your time. Not as my Defence, for here I know of none that I am bound to make, but from the Sudden Impulse of the Moment, in Vindication of my Honor, much dearer to me than Existence, but which I trust cannot be in the slightest Degree tarnished by any Expression, however assumed the Consequence from whence it comes, under Circumstances like those which You have to deliberate upon; these Observations I do not, as I have observed before, Offer as a defence, but from so much irrelevant matter being introduced on the part of the prosecutor (which occupied a whole day spent in nothing) I wish as a matter of Course to make the foregoing Observations.

If you expect me to make any Defence to this Prosecution you will remember that I had Reason on the first Trial to Protest against your Proceedings; I look round to the Court and to the Colony at large to judge how much more I have Reason to protest against your Proceedings in this Second Attack upon my Reputation, my Honor, and my Liberty.

J. MARSHALL.

To Certify that what is Contained in this and the preceding ten Sheets is a true Copy of the original papers with which they have been Compared Before Us this 17th day of August 1801.

RICHARD ATKINS.
W. BALMAIN.
SAMUEL MARSDEN.

[Enclosure No. 2.]

CONDITIONAL REMISSION OF SENTENCE.

WHEREAS His most Excellent Majesty King George the Third By His Royal Letters Patent under His Royal Sign Manual bearing date the second day of April in the 27th year of His Majesty's Reign hath been Graciously pleased to Give and Grant to the Governor (or in Case of Death or Absence the Lieutenant-Governor) for the time being of His Majesty's Territory of New South Wales and the Islands thereunto adjacent "Full Power and Authority where he shall see cause or shall Judge any Offender or Offenders in Criminal Matters or for any fines or Forfeitures due unto His Majesty fit objects for His Royal

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Mercy to Pardon all such Offenders and to remit all such Offenders' Fines and Forfeitures Treason and Wilful Murder only excepted in which Cases he shall likewise have Power upon Extraordinary Occasions to Grant Reprieves to the Offenders until and to the Intent His Majesty's Royal Pleasure may be known therein."

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By VIRTUE of such Power and Authority vested in me as aforesaid, I, Philip Gidley King, Esquire Captn. General and Governor-in-Chief in and over the said Territory of New South Wales and its Dependencies Taking into Consideration the Attending and Consequent Circumstances on the Two Trials of James Marshall, Esq. Lieutenant of the Royal Navy, before a Court of Criminal Judicature i.e. The King against the said James Marshall Esq. for an Assault on John McArthur, Esq. Capt. in the New South Wales Corps, Whereby he was sentenced on the first Indictment i.e. for the Assault and Battery on Capt. Abbott to pay the Fine of £50 to the King and to be Imprisoned 12 Calendar Months in the County Jail and a Special Verdict being found on the Second Indictment for the Assault on Capt. Jno. McArthur I do hereby CONDITIONALLY remit the said Sentence passed on the said Lieut. James Marshall i.e. £50 to the King and one years Imprisonment in the County Jail PROVIDED always and on CONDITION that he the said Lieut. James Marshall embarks on board the Albion, South Whaler, about to sail for England in two Days from the Date hereof (giving Security for his peaceable behaviour until that Ship is out of the Limits of this Territory) and entering into Recognisances himself in the sum of Five hundred pounds Sterling and Two Sureties one of whom to be resident in this Colony in the sum of Two hundred and fifty pounds Sterling each To surrender himself to His Majesty's Principal Secretary of State for the Home Department or to such Officers as may be appointed to take Charge of him the said Lieut. Jas. Marshall within 14 Days after his Arrival in that part of Great Britain called England, To abide by His Majesty's Royal Pleasure being signified on the Proceedings and Documents attending the Two Trials, Sentence specified and Transmitted by the Albion, South Whaler, Otherwise the said Lieut. James Marshall and his Sureties forfeited their recognisances and payment of the Fine of £50 to the King and his Term of Imprisonment (in any Jail in England that his Majesty's Principal Secretary of State may appoint) to be in full Force and Effect as if this Permission had never been Granted.

Given etc. this 18th day of Augt. 1801.

PHILIP GIDLEY KING.

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[Enclosure No. 3.]

CORRESPONDENCE AND PAPERS RESPECTING LIEUT. MARSHALL'S
TRIALS.

(No. 1.)

THE MEMBERS OF THE CRIMINAL COURT TO ACTING-GOVERNOR KING.

Sir,

Sydney, 17th August, 1801.

Your Excellency having been pleased to refuse us a copy of Lieut. James Marshall's memorial, and of the letter which you caused to be read by the Judge-Advocate on Saturday, the 8th inst., wherein you were pleased to signify, in words to this effect, that your Excellency was determined to prefer a complaint against the Criminal Court, of which we were members, before His Majesty's Secretary of State, for having publicly insulted your legal commands, and directly disobeyed your orders by refusing to proceed to the investigation of certain allegations contained in the memorial of Lieut. Marshall, and to examine evidence thereon, the whole being produced as proofs that the Criminal Court had acted unjustly and injuriously towards the said Lieut. Marshall.

We, the undersigned, think it, therefore, necessary, in our own justification, to acquaint your Excellency that the Criminal Court, composed of the Judge-Advocate, Lieut. Jas. Grant, of the Royal Navy, and ourselves, were *unanimously* of opinion that it was impossible, without acting contrary to law, to comply with the order of your Excellency. Our reasons for thus thinking were,—

Because we, with great patience, waited to hear all the evidence Lieut. Marshall might think proper to produce at his trial, and because we had granted him the, perhaps, unprecedented indulgence of two days to prepare his defence.

Because we had dispassionately and impartially found him guilty of the offence with which he was charged, and publicly pronounced sentence upon him for the perpetration of a wanton, unprovoked, and barbarous attack upon an unarmed man.

Because we, therefore, could not proceed to a farther investigation of the same subject, or to the examination of new evidence relative thereto, without being guilty of a manifest injustice to the prosecutor, and without exposing the laws and the Royal authority under which we were assembled to great contempt and indignity.

Because we could not obey your Excellency's order to examine new evidence and proceed to a further investigation on that trial without a glaring departure from what we understood to be the invariable practice of every Court of law in the British dominions,

and without a direct and absolute violation of the solemn oath by which we had bound ourselves to administer *Justice* according to the established laws of our country.

We have therefore humbly to request that your Excellency will be pleased to allow this letter to accompany your complaint to His Majesty's Secretary of State, that the reasons which have governed us may be at the same time seen, and that it may be known that we have not treated your legal commands with insult, or directly disobeyed any order that it was possible to obey without drawing down dishonor upon ourselves.

And, here, we consider it not improper to declare that if your Excellency thinks there is any reason to believe, or if there be any one who will dare to maintain that we, or any of us, have been actuated by partial, unjust, or corrupt motives, in passing the sentence (which we joined with the other members of the Court to do), we shall feel the highest satisfaction if we be allowed an opportunity to justify our conduct before a Court competent to investigate so serious and important a charge, and possessing powers to decide thereon, either by punishment or acquittal.

We have, &c.,

W. PATERSON.	THOS. DAVIES.
JOHN PIPER.	HUGH PIPER.
N. MACKELLAR.	

(No. 2.)

ACTING-GOVERNOR KING TO THE MEMBERS OF THE CRIMINAL COURT.

Gentlemen,

18th August, 1801.

Your letter dated the 17th inst. I received only this morning, and observing in that, as well as yours of the 11th inst., that it does not come from you as the late Criminal Court, but as a part of the members thereof, without the signature of the presiding member, the Judge-Advocate, and Lieut. Grant, I have judged it necessary to submit your letter of yesterday to those gentlemen, as you will observe by the enclosed attested copies of my letter to them, and their answer to me, which answers some part of your letter of yesterday.*

By referring to my answer to yours of the 11th you will observe my reasons for declining furnishing you with the papers you required.

I have no objection to your letter of yesterday, with this and its enclosure, being transmitted with the proceedings and other documents.

I have, &c.,

PHILIP GIDLEY KING.

* Note 75.

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ACTING-GOVERNOR KING TO THE JUDGE-ADVOCATE AND LIEUTENANT
GRANT.

Gentlemen,

Sydney, 18th August, 1801.

With this you have a letter sent to me from five of the members of the late Criminal Court, in which, as well as in a former letter to me of the 11th instant, your names, as Judge-Advocate and one of the members, do not appear. I have to request you will take the trouble to inform me whether you agree to the contents of the inclosed letter respecting the unanimity of the Court and the reasons therein given for refusing to comply with my directions respecting Lieut. Marshall's memorial.

I am, &c.,

PHILIP GIDLEY KING.

(No. 4.)

JUDGE-ADVOCATE ATKINS AND LIEUTENANT GRANT TO
ACTING-GOVERNOR KING.

18th August, 1801.

WE are just favoured with your Excellency's letter of this day's date, enclosing another* signed by Lieut.-Col. Paterson, Captains Piper and Mackellar, Lieut. Davis, and Ensign Piper (forming a part of the members composing the Criminal Court that sat on the trial of Lieut. Marshall, and which had been ordered by your Excellency's letter to the Judge-Advocate to be convened for the purpose of investigating into the truth of certain assertions contained in the address of Lieut. Marshall to your Excellency, bearing date the 30th July), in which letter it is mentioned that "the members of the said Court were *unanimously* of opinion that it was impossible, without acting contrary to law, to comply with the order of your Excellency." We feel concerned that any doubts should have arisen between us and those gentlemen, but for our own justification we beg leave to declare that they misunderstood us, for that no opinion was given by us. And we must further observe that it appears rather extraordinary that, had we coincided with those gentlemen, our opinions and signatures had not been asked on the letter directed to your Excellency by them. We must further trespass on your Excellency's time to request you will look at the sentence as passed on Lieut. Marshall for an assault on Capt'n Abbott in which the word *unanimous* is there stated, and had it been the case in this instance, it would likewise have been inserted.

We have, &c.,

RD. ATKINS, J.-A.

JAS. GRANT.

* Note 76.

We must further observe that our opinion or signature were not asked on the letter enclosed to us from your Excellency.

RD. ATKINS, J.-A.
JAS. GRANT.

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(No. 5.)

CAPTAIN MACARTHUR TO ACTING-GOVERNOR KING.

Sir, Parramatta, 18th August, 1801.

On the 4th inst. I wrote to the Judge-Advocate of the colony to request a copy of the trial of Lieut. James Marshall on my prosecution against him for an assault, and on the 6th I received for answer that your Excellency had directed copies of the proceedings of the Criminal Court on Capt. Abbott's affair and mine to be transmitted to His Majesty's Secretary of State for the Home Department, and that when they were ready they would be publickly read at the Judge-Advocate's office, when a copy of the extracts from your Excellency's letter to the Secretary of State relative to the transmission of the proceedings would be delivered to me to make what use of I might think proper.

In consequence of this information and a particular notification from the Judge-Advocate, I yesterday attended at his office, when I heard the trials read, and very attentively remarked the reference which was made on my prosecution, but I heard nothing of the promised extracts from your Excellency's letter to the Secretary of State.

This circumstance, with the consequences which have directly arisen from my prosecution of Lieut. Marshall, and the event which has succeeded it, impresses me with a strong conviction that the most extreme caution and circumspection will be necessary on my part to prevent my conduct being misunderstood, and to secure it from the effect of misrepresentation.

I shall therefore beg leave to remind your Excellency that from the day when the report was first circulated that Lieut. Marshall had improperly appropriated to his own use a part of the effects of the late Lieut. Crawford to the time when he was bro't before the Criminal Court for his assault upon Capt. Abbott and myself, I had the precaution to acquaint your Excellency of every particular circumstance which took place, and on the most of them I had the honour to receive your advice, and throughout the whole of that affair so to act as to obtain your Excellency's entire and perfect approbation.

In the first instance, no doubt but your Excellency will remember that when the magistrates laid before you the evidence which they had taken by your order, on the charge that Lieut. Marshall

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had embezzled a part of the effects of the late Lieut. Crawford, your Excellency thought so ill of Lieut. Marshall's conduct that you signified to the magistrates a desire to bring him to a Criminal Court, and that in your address to him immediately after you expressed your approbation of the delicacy of my behaviour towards him.

Your Excellency will also recollect that on the day when Lieut. Marshall insulted me in the streets you were informed of the measures I pursued in consequence of it, and that you in the warmest manner declared yourself pleased with my conduct.

When I repeated to you the ungentlemanly behaviour of Lieut. Marshall to Capt. Abbott and myself in the assault he made upon us the next day, your Excellency will also remember that you expressed to us both your abhorrence of Lieut. Marshall's proceedings, and accompanied it with your advice to bring him immediately before a Criminal Court.

That advice we pursued, and the results of it I need not repeat. But as that result tends to make my friend Capt. Abbott and myself appear the aggressors, this call upon your Excellency becomes the more necessary; and that the effect of it may not be confined to this place, I have to request that my letter may accompany the trials and your remarks upon them to His Majesty's Secretary of State.

I have, &c.,

JOHN MCARTHUR,
Captain, N.S.W. Corps.

(No. 6.)

ACTING-GOVERNOR KING TO CAPTAIN MACARTHUR.

Sir,

Sydney, 19th August, 1801.

In answer to yours of yesterday's date, I enclose you the promised extracts which was made out ready to send you when my dispatches were closed, and from the tenor of the remaining part of your letter I find the following explanation necessary:—

Soon after the Cornwallis's arrival, as Commanding Officer in Col. Paterson's absence, you informed me that a report was circulated respecting Lt. Marshall's having appropriated the gun and a rug of Lieut. Crawford to his own purposes by substituting others in their room, and that you were taking steps to recover it, which I fully approved of. Lt. Marshall two days after bro't me a letter written by you at his request, as he told me, informing him of the reports that were in circulation, &c. The letter I did not read, but told Mr. Marshall that if his character was called in question his best way was to clear it up by some kind of enquiry, and if he wished it, I had no objection to direct the

magistrates to enquire into it, which was done, and it appeared from their report that Lt. Marshall had certainly (whether criminally or not the magistrates, *i.e.*, the Judge-Advocate and Mr. Balmain, wo'd not take upon themselves to say) sent his own gun and a rug on shore instead of those belonging to Lt. Crawford. As the business was left for my decision, I sent for Lt. Marshall and gave him a very severe reproof for his conduct in your presence, and added that it appeared such an incorrect transaction on his part that the least said about the business was the best. I also thought, and said, that your conduct throughout the business was nothing more than what your situation respecting the deceased officer's effects exacted from you. More than this I did not hear of till you came to my bedside, where I was confined by indisposition, and told me of Lt. Marshall's hav'g insulted you, your having called him out, and your friend, Captain Abbott, objecting to put himself on a footing with the person who kept Capt'n Tennant's shop as Mr. Marshall's friend, and that there the affair rested. In answer to which I perfectly remember observing that I could take no other notice of it than binding the parties over to keep the peace, which I would do if you requested it. Your answer was, that that was by no means your intention, assuring me that this communication was not official. I heard no more of the business till the next day, when Capt'n Abbott came and complained of the assault he had received from Lt. Marshall, and soon after was followed by yourself with a similar complaint. At your relations I certainly expressed the greatest disapprobation of Lt. Marshall's conduct, and wrote to the Judge-Advocate and another magistrate to enquire into the business, and if it appeared to them as represented to me, to commit Lt. Marshall for trial.

Having stated every circumstance as came to my knowledge in this affair, it is necessary I sho'd advert to your remark of "having received my advice." If you conceived my approbation of your conduct as Commanding Officer respecting the deceased officer's effects as giving my advice, I must disclaim it. Your coming to me with the information of how far you had gone on a point of honor was, I supposed, of the most private and confidential nature, totally unnecessary for me in my situation as Governor, and on a bed of illness, to be informed of, unless you meant to avail yourself of my authority in putting a stop to it, which you assured me you did not wish by any means to do. But could I have foreseen what has since occurred I most certainly sho'd have considered your then communication with me as a very sufficient reason for doing my duty in ordering yourself, Capt'n Abbott, and Lieut. Marshall into arrest until you had

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given sufficient securities to keep the peace. As I had no communication with you from the time of your complaining to me of the assault until the receipt of your letter, I most certainly do acquit myself of giving you any other advice in this business than directing Lieut. Marshall to be bro't to trial for his unwarrantable assault.

I could have wished that the Court which sat on those trials had done the prosecutors, themselves and the prisoner the justice I afforded it the means of doing in examining into the truth of Lt. Marshall's assertions respecting their illegal and informal proceedings, on which ground alone I form my representation to the Secretary of State, and which might have been avoided by the members obeying my legal commands.

Mr. Balmain's returning to Sydney enables me to enclose the three attested documents respecting your assertion in the fifth paragraph of your letter, of my having "signified to them as magistrates a desire to try Lt. Marshall by a Criminal Court, &c."

The proceedings and documents you heard read remaining in the same sealed state they were delivered to me, instead of opening them I shall send your letter, agreeable to your desire, with this and its enclosures, after being properly attested, in a separate cover.

I have, &c.,

PHILIP GIDLEY KING.

(No. 7.)

ACTING-GOVERNOR KING TO JUDGE-ADVOCATE ATKINS AND
SURGEON BALMAIN.

Gentlemen,

Sydney, 20th August, 1801.

I have to request you will have the goodness to give me a written answer to the following question:—

When you gave me the evidence you had heard for and ag'st Lieut. Marshall's conduct respecting the effects of Lieut. Crawford, deceased, on the passage from England in the Earl Cornwallis, without any decision of yours on the subject, *did I*, or *did I not*, signify a desire to bring Lieut. Marshall to a criminal trial?

I am, &c.,

PHILIP GIDLEY KING.

(No. 8.)

JUDGE-ADVOCATE ATKINS TO ACTING-GOVERNOR KING.

20th August, 1801.

IN answer to your Excellency's question, "Whether you did or did not express a desire to bring Lt. Marshall to a criminal

trial?" I beg leave to answer that on Mr. Balmain and myself presenting to your Excellency the proceedings as taken before us respecting Lieut't Crawford's effects, without our having given any decision thereon, you asked us if there were grounds sufficient to bring him before a Criminal Court, and that it was our opinion nothing could be made of it.

I have, &c.,

RD. ATKINS.

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(No. 9.)

SURGEON BALMAIN TO ACTING-GOVERNOR KING.

Sir,

Sydney, 20th August, 1801.

In answer to yours of this date addressed to Mr. Atkins and myself, "desiring to know whether or not, You signified a desire to bring Lt. Marshall to a Criminal Trial at the time the Evidences were delivered to you which we had taken by your order on his Conduct relative to the late Lieut. Crawford's Effects."

I perfectly well recollect that you asked whether in our opinion there appeared to be Sufficient Grounds to bring Lieut. Marshall to a Criminal Trial, and that I answered you by saying I thought nothing Could be made of it, or Words to that Effect, and the Conversation soon after ending on this Subject, I withdrew.

I have, etc.,

W. BALMAIN.

(No. 10.)

THE MEMBERS OF THE CRIMINAL COURT TO ACTING-GOVERNOR KING.

Sir,

Sydney, 20th August, 1801.

We have the honor to acknowledge the rec't of your Excellency's letter of the 18th, accompanied by a copy of a letter to the Judge-Advocate and to Lieut. Jas. Grant, together with a copy of their answer thereto.

In this answer they have denied that the opinion given by the Crim'l Court was unanimous, and they have expressed their concern "that any doubts should have arisen between us as members of the Court," and they attempt to account for this difference by saying that we misunderstood them.

We shall say nothing of our surprize and astonishment at this declaration, but content ourselves with repeating this asseveration—that the Judge-Advocate, Lieut. Grant, and ourselves were unanimously of opinion that it was impossible, without acting contrary to law, to comply with the order of your Excellency in proceeding further than we had done in the trial of Lieut. Marshall after we had passed sentence upon him.

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And as these gentlemen have thought it *prudent to deny* that any such unanimity existed, we feel ourselves compelled to throw off all reserve, to forego any disposition to forbearance which delicacy in a less important case might incline us to indulge, and to transmit herewith to your Excellency our solemn depositions to prove that they have denied the truth.

It is also proper for us to state that when your Excellency's first disapprobation was signified at our declining to examine additional evidence, or to proceed further in the trial of Lieut. Marshall after sentence was passed upon him, the Judge-Advocate declared to Captain Mackellar "that he only came in for the seventh part of it," and that both him and Lieut. Grant were requested to join in a representation to your Excellency of the 11th inst., to which the former gave a positive refusal, and the latter did the same, assigning as an excuse "that it was entirely in your Excellency's power to deprive him of his present command."

After such a declaration from the one, and such a reason from the other, your Excellency, we think, need not be troubled with the recital, *at present*, of the opinion which induced us not to consult those gentlemen or to ask for their signature to our letter of the 17th.

This explanation, we trust, will satisfactorily account for our not considering either the Judge-Advocate or Lieut. Grant as disposed to justify opinion, or to unite in an endeavour to shew that no principle but that of justice influenced us.

And if it should be thought necessary that we should assign a reason why the word "unanimous," used in the sentence of Lieut. Marshall, was not repeated in the opinion delivered to your Excellency on the 7th inst., we can offer no other than that we did not observe it, and can form no conclusion but that it was omitted by the Judge-Advocate for the express purpose which it has been applied to.

We have, &c.,

W. PATERSON.

JOHN PIPER.

N. MACKELLAR.

THOS. DAVIES.

HUGH PIPER.

(No. 11.)

DEPOSITION OF LIEUT.-COLONEL WM. PATERSON.

I, LIEUT.-COL. WILLIAM PATERSON, do make oath that on the 7th inst., in obedience to the orders of His Excellency the Governor, communicated to me by Richard Atkins, Esq're, the Judge-

Advocate, I met the other members of the late Criminal Co't which sat upon the trial of Lieut. James Marshall, of the Royal Navy, to take into consideration the orders of the Governor relative to certain allegations made by him in a memorial on the informality and injustice of the proceedings of that Court in the course of his trial.

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And that after hearing the memorial of the said L't James Marshall read, together with the Governor's directions on the subject to myself and the other members, we unanimously concurred in opinion that we could not, without acting contrary to law, comply with his orders to examine fresh evidence or to take a retrospective view of our proceedings on that trial after having passed sentence on the said L't James Marshall.

And in this opinion I solemnly declare Richard Atkins, Esq're, the Judge-Advocate, and Lieut. James Grant, of the Royal Navy, decidedly joined with myself and the other members of the Court. And I do further swear that the Judge-Advocate drew up an answer in writing, which he submitted to the opinion of the members, and which answer, with the addition of the words "or to take a retrospective view of any part of the proceedings," was unanimously agreed to and given as our answer to the Governor. It being proposed that each member should sign the report or answer, the Judge-Advocate replied it would be quite unnecessary, as he should sign it by order of the Court.

And I do further swear that on a proposition being made by some of the members to wait on the Governor and explain our opinion, Lieut. Grant was one who positively refused so to do, adding to his refusal that he was satisfied in his own conscience, as he was sure the other members must be in theirs, that every justice had been done Lieut. Marshall, and he was really ashamed of his (L't Marshall's) conduct after having had so fair a trial, and been dealt with with so much lenience as he had been.

And I do further swear that I was in company with Lieut. Grant, James Thomson, Esq're, and Capt. Mackellar, when Lieut. Grant being asked to join in addressing the Governor declined it, assigning as a reason that it was in the Governor's power to deprive him of his situation.

W. PATERSON.

(No. 12.)

DEPOSITION OF CAPTAIN JOHN PIPER.

I CAPTAIN JOHN PIPER do make oath that on the 7th inst.—in obedience to the orders of Governor King, Communicated to me by Richard Atkins Esqr. the Judge Advocate, I met the other

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Members of the late Criminal Court that Sat upon the Trial of Lieut. James Marshall of the Royal Navy to take into Consideration the Orders of the Governor relative to Certain Allegations made by him in a Memorial on the Informality and Injustice of the Proceedings of that Court in the Course of his Trial.

And that after hearing the Memorial of the Said James Marshall read together with the Governor's Directions on the Subject to myself and the other Members We unanimously Concurred in Opinion that we Could not, without acting Contrary to Law, Comply with his orders, in taking a retrospective view of our Proceedings on that Trial after having passed Sentence on the said James Marshall.

And in this Opinion I solemnly declare Richard Atkins Esqr. Judge Advocate and Lieut. James Grant of the Royal Navy, decidedly joined with myself and the other Members of the Court—And I do further Swear that the Judge Advocate drew up an Answer in Writing which he Submitted to the opinion of the Members and which Answer with the addition of the Words "or to take a retrospective view of our Proceedings" was unanimously agreed to, and given as our Answer to the Governor.

And I do further Swear that on a proposition being made by some of the Members to wait on the Governor and explain our opinion, Lieut. Grant was one who positively refused so to do.

JOHN PIPER.

Sworn Before Me this 20th Augt. 1801.

J. HARRIS, J.P.

(No. 13.)

DEPOSITION OF CAPTAIN NEIL MACKELLAR.

I CAPTAIN NEIL MACKELLAR do make oath that on the 7th inst. in Obedience to the Orders of His Excellency the Governor, Communicated to me by Richard Atkins Esqr. the Judge Advocate, I met the other Members of the late Criminal Court which sat upon the Trial of Lieut. Jas. Marshall, of the Royal Navy, to take into Consideration the orders of the Governor relative to Certain Allegations made by him in a Memorial on the Informality and Injustice of the Proceedings of that Court in the Course of his Trial.

And that after hearing the Memorial of the said Lieut. Jas. Marshall read together with the Governor's directions on the Subject to myself and the other Members we Unanimously Concurred in Opinion that we Could not without acting Contrary to Law, Comply with his Orders to examine fresh Evidence or to take a retrospective view of our Proceedings on that Trial, after having passed Sentence on the said Lt. J. Marshall.

And in this Opinion I solemnly declare Richard Atkins Esqr. the Judge Advocate and Lieut. Jas. Grant of the Royal Navy decidedly joined with myself and the other Members of the Court—And I do further Swear that the Judge Advocate drew up an Answer in writing which he Submitted to the Opinion of the Members and which Answer with the Addition of the Words “or to take a retrospective view of any part of our proceedings” was Unanimously agreed to and given as our Answer to the Governor—It being proposed that each Member should sign the Report or Answer, the Judge Advocate replied it would be quite unnecessary as he should sign it, “By Order of the Court.”

And I do further Swear that on a proposition being made by some of the Members to wait on the Governor and explain our Opinion Lieut. Grant was one who positively refused so to do—adding to his refusal that he was satisfied in his own Conscience, as he was sure the other Members must be in theirs, that every Justice had been done Lt. Marshall and that he was really ashamed of his (Lt. Marshall's) Conduct after having had so fair a trial and been dealt with with so much Lenience as he had been.

And I solemnly declare that I asked the Judge Advocate to join in writing to the Governor to request a Copy of his Letter to the Judge Advocate and of Lt. Marshall's Memorial that we might Answer them which he declined to do.

And I do further declare that I was present at Lt. Colonel Paterson's House when Lt. Grant being asked to join in addressing the Governor, declined it, assigning as a Reason that it was in the Governor's Power to deprive him of his Situation.

The above I declare to be the truth as I shall Answer to God.

N. MACKELLAR.

Sworn before me this 20th August 1801.

J. HARRIS, J.P.

(Nos. 14 and 15.)

DEPOSITIONS OF LIEUT. THOS. DAVIS AND OF ENSIGN HUGH PIPER.

[*These were verbatim repetitions of the deposition of Captain John Piper.*]

(No. 16.)

JUDGE-ADVOCATE ATKINS TO ACTING-GOVERNOR KING.

21st August, 1801.

YOUR Excellency's letter directed to L't Grant and myself inclosing certain papers received from five members of the Criminal Court which sat on the trial of L't Marshall, and whose names are thereunto signed, requesting we will explain the accusations they prefer against us, is duly received.

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trials.

I think it necessary to answer for myself, leaving L't Grant to do the same.

I still assert that the Court was not *unanimous* in their decision alluded to, and that when I said those gentlemen misunderstood us (as far as I am concerned) I meant to say that I had given no opinion whatever on the subject (it was unnecessary for me so to do, four gentlemen's opinions having coincided); and if they supposed my silence was an acquiescence (on which I presume the affidavits are founded), those gentlemen and myself entertained very different ideas on the subject.

I apprehend it is in the recollection of those gentlemen my telling them that I wo'd write whatever they thought necessary to say on the subject, and they will further call to mind that I signed it by order of the Court; but does it therefore follow that the Court was unanimous in giving that order?

I recollect perfectly well Capt. Mackellar saying to me in the street that he thought an answer to L't Marshall's address to your Excellency ought to be given, and that for himself he would answer it; but at the same time I recollect my not giving any reply to those observations.

I likewise remember my saying in *common conversation* that I came in only for a seventh part of His Excellency's disapprobation. Was not that disapprobation expressed in H. E. letter to the Judge-Advocate and the other members?

With respect to the gentlemen not taking notice that the word *unanimous* formed a part of the opinion of the Court on Capt. Abbott's prosecution, I shall only say that it was read by the Judge-Advocate to the members before the Court was opened, to be communicated to the prisoner and to the audience. To that part of their letter, "they can form no conclusion but that it was omitted by the Judge-Advocate for the express purpose which it has been applied to," I shall merely observe that at the time that circumstance took place it was altogether impossible for any person not possessed of a preternatural power to foresee any purpose to what it was likely to apply, either for the sake of ambiguity in one way, or duplicity in another. The word *unanimous* was certainly "*omitted by me on the last occasion, and for the express purpose with which it was applied,*" to shew that there was a difference of opinion, and consequently there could not be unanimity.

I have now, in obedience to your Excellency's orders, answered, as far as I conceive necessary, the accusation preferred against me by those gentlemen, and shall conclude with observing that it appears to me a great deal of time has been taken up on a subject that does not either affect the trial or sentence of Lieut. Marshall;

but how far I am or am not to be a partaker of the charge of disobedience to your Excellency's orders—which I hope I have exonerated myself from—the paper I read to your Excellency on the morning of the 7th, prior to the meeting of the Court, will, to an unprejudiced mind, convince that I did not suspect your orders would have been disobeyed, and surely I could form no idea of disobedience on my own part.

One thing more: the gentlemen cannot forget that I brought to the Court several law-books with the pages marked for reference on the subject before them, which they declined having recourse to.

I have, &c.,

RICHD. ATKINS,
Judge-Advocate.

(No. 17.)

LIEUTENANT GRANT TO ACTING-GOVERNOR KING.

Sir,

21st August, 1801.

I am this day honored with yours enclosing papers from the five members which composed part of the late Criminal Court held for the trial of L't James Marshall, and have read with attention the allegations therein contained.

In regard to any observations I might make on the justice of these proceedings, I cannot tax myself with any such expressions as are there preferred.

But this I said, and now say, that the sentence passed on L't Marshall for the assault on Capt. Abbott was, and is, in my own individual opinion, just, and at the same time moderate. In regard to any irregular proceedings of that Court, how far such sentence may be just in the eyes of the law I have not knowledge sufficient in these matters to determine.

I further observed when we were met together by your order to examine the allegations laid before you by L't Marshall that I was sorry L't Marshall had brought us again together on such an occasion; that I felt myself very awkwardly situated—but this was previous to any business being done by the Court on that day; and I further think that the word "ashamed" which those gentlemen have been pleased to apply is a premature expression, as it is a word not common to me. I also stated that the sentence passed on Lieut. Marshall was one that I could lay my hand to my heart and say, as an individual, I had done my duty by him; "that my conscience told me so; and when it was mentioned that our sitting on the business then before us was like trying ourselves, I replied, I cared not if ten thousand Courts were to sit on me for my conduct in that trial, and my verdict accordingly, I should not be afraid of any consequences."

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trials.

But now, sir, I must speak to the point to which all this business tends, which is neither more or less than "a disobedience of your orders."

I have in a joint letter* from the Judge-Advocate and myself expressed to you my sentiments on the unanimity of the answer sent you by that Court—and I here confirm them. But as I am now called on to reply to such allegations as those gentlemen have been pleased to lay before you, I trust it will be no difficult matter to convince you and every other disinterested person that such sentiments are just and true.

In the first place, I never dictated any part of that answer, for in my own breast I foresaw the consequences which were likely, and *has now* taken place; and this I believe I mentioned, tho' I will not be certain that it was taken notice of. Nay, further than this, after the answer was framed I observed to one of the members who stood next me that I wo'd not be surprized if *he*, meaning the Governor, sent us all to *jail* for it. This I believe was heard by more than the one I spoke to; however, it matters not, I at that moment said so.

I further, sir, inform you that, wishing to avoid any opinion of mine on the subject, I positively went from the place where the members were standing together and got up into the pulpit, endeavouring to kill the time as much as I could, from which I was called to hear the business read.

And I *further* say and declare that when the question was put I never said *yes* or *no*, for it was done in that manner that I got it avoided.

In regard to positively refusing to go and explain to you any of the proceedings of that Court, I certainly *did* refuse, for I was not in my own conscience guilty of any one thing that required such an explanation; but surely my opinion ought to have had no weight on any of the other members of that Court. I did not advise them to stay away—I only spoke for myself. At the same time, let it be remembered my observing if I wanted to explain anything to you I sho'd go by myself. With regard to my not entering into any explanations, the gentlemen themselves have pointed out the properest reason in the world for my *refusal*—however, not with the same motives, which I shall here lay before you (and which I was aware of, if they were not).

It is a certain fact I was given to understand a meeting of the members of that Court was necessary to point out to the Governor the propriety of their proceedings, which I positively refused—for this good reason, that I have always been led to guard against *meetings* of every kind, for I have never seen any good come of them. It perhaps in this case might have happened well; but as

* Note 77.

every man has an opinion of his own, which opinion you may hold different to any of us, what construction, sir, you might please to put upon such proceedings I know not; but I am determined not to expose myself to the lash of them. I have said before, you might allow them to be proper; at the same time it was equally in your power to say we, as private individuals, were privately settling *public matters*, and much more, perhaps. Therefore, sir, I am *resolved* to avoid all businesses of this kind, as my *Commission* is not only at stake, but my public character, as being the only naval officer in this colony next to yourself.

Therefore I declined having anything to do with this explanation (where *deliberations* were necessary), for by so doing I not only exposed my situation in life, but also laid myself open to your indignation.

I believe I have now answered to all the allegations those gentlemen have preferred against me, and I am sorry they have forced me to it, but these are my sentiments and nothing but the truth; and I still persist in saying the Court were not *unanimous* to the answer sent you, for I am one that did not approve of it.

I have, &c.,
JAS. GRANT.

(No. 18.)

CAPTAIN MACARTHUR TO ACTING-GOVERNOR KING.

Sir, Sydney, 22nd August, 1801.

I have the honor to acknowledge the receipt of your letter of the 19th inst., which I received at Parramatta late in the evening of the 20th, and should have replied to it immediately but that I thought it necessary to enter into a further explanation with Mr. Balmain on his answer to your question to him, whether "you did or did not signify a desire in his presence to bring Lieut. Marshall to a Criminal Court." This explanation I have now read, and enclose it herewith for your Excellency's information, together with the copy of a letter from Capt. MacKellar on the same subject, which I hope will be sufficient to set this *point at rest*.

And now, sir, I am to defend myself against that paragraph of your letter wherein you appear to reproach me with having improperly brought forward a private and confidential conversation, and with having obtruded myself and this conversation upon you at a time "when you were on a bed of sickness." To this I answer that I have never attempted to publish or thought of repeating what passed in that conversation; and when I spoke of the advice I received from your Excellency, I alluded not to any which you gave at that time, because I did not consider myself

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at liberty so to do—and, indeed, I am distressed that it is in any shape become the subject of an official correspondence; but as your Excellency has introduced it, and as you appear to be in some doubt what my motives were for making such a communication, I must endeavour to remove these doubts by assuring you that I was induced to it, not from a desire of bespeaking your interference, but to prevent it, as I was certain you would soon be in possession of all I had to relate by information from some other person.

I shall trespass on your Excellency's patience no further than to account for my conduct in troubling you with such an affair when you were confined to your bed. If the time I took for this purpose was improper, I am sorry for it, and it must be imputed to my ignorance, and not to a premeditated desire to disturb you unreasonably, for I knew not that you were then more indisposed than you were at noon the same day, when I found you perfectly inclined and ready to attend to business.

I have, &c.,

JOHN MCARTHUR,

Capt., N.S.W. Corps.

(No. 19.)

CAPTAIN MCKELLAR TO CAPTAIN MACARTHUR.

Dear Sir,

Sydney, 21st August, 1801.

In answer to your letter of the 20th, I have to inform you that I did not hear His Excellency Governor King ask the Judge-Advocate if there were sufficient grounds to bring Lieut. Marshall before a Criminal Court, and from the observations which accompanied it and the remarks His Excellency afterwards made to Lieut. Marshall in your and my presence, I certainly concluded he was desirous so to do, if the offence of which Lieut. Marshall was accused had appeared to be of such a nature as to warrant it.

I am, &c.,

N. MCKELLAR.

(No. 20.)

SURGEON BALMAIN TO CAPTAIN MACARTHUR.

Dear Sir,

Sydney, 21st August, 1801.

In reply to your letter desiring to know whether the expression in my letter to Governor King of the 20th inst., that nothing could be made of the business against Lieut. Marshall, was intended to convey an opinion that he was innocent of having appropriated, with an improper intention, the effects of the late Lieut. Crawford to his own use.

I have to observe that in my own mind I thought that Lieut. Marshall had acted in a very improper manner, and this sentiment I expressed in strong terms to the Governor, whose remarks to me evidently evinced a desire to try Lieut. Marshall by a Criminal Court, if such evidence could have been brought forward as would have produced a conviction; but what I heard of the evidence convinced me that the attempt would have been fruitless, and on that ground I founded my observation to the Governor that nothing could be made of it.

I am, &c.,

WILLIAM BALMAIN.

(No. 21.)

ACTING-GOVERNOR KING TO CAPTAIN MACARTHUR.

Sir, Sydney, 22nd August, 1801.

In the act of closing my despatches I have just received yours in answer to mine of the 19th instant.

As the testimony of the Judge-Advocate, Mr. Balmain, and Captain McKellar, my aid-de-camp, agrees so exactly respecting what they thought and said on the extent of Lieut. Marshall's criminality respecting the gun and quilt, I shall only add that had there been sufficient cause to try Lieut. Marshall for that transaction, I should have as readily have ordered it as I did his trial for the assaults.

What your motives were for saying in yours of the 18th that "in most of the transactions you had the honor of receiving my advice" are best known to yourself; but to prevent any improper conception by the readers of that letter, I found it necessary to state the facts contained in my reply in defence of my reputation in the situation I have the honor to hold.

I have, &c.,

PHILIP GIDLEY KING.

(No. 22.)

CAPTAIN MACARTHUR TO ACTING-GOVERNOR KING.

Sir, Sydney, 22nd August, 1801.

I had flattered myself that my last letter would have concluded the trouble I have so unwillingly given to you; but as you still seem to be unsatisfied as to my meaning in saying "I had the honor of receiving your advice," I must beg to acquaint your Excellency that I certainly did consider you as advising me in two conversations out of the three I had with you respecting Lieut. Marshall, and that I may not appear singular in this opinion, at least as to the last conversation, I beg leave to submit to you a letter from Captain Abbott.

I have, &c.,

JOHN MCARTHUR.

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and papers *re*
Lieutenant
Marshall's
trials.

1801.
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and papers *re*
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Marshall's
trials.

(No. 23.)

CAPTAIN ABBOTT TO CAPTAIN MACARTHUR.

Sir,

Sydney, 22nd August, 1801.

In reply to your letter of this date, I have to inform you that His Excellency Governor King certainly advised you and myself to commence the prosecution against Lieut. Marshall for assault.

I have, &c.,

EDWARD ABBOTT.

(No. 24.)

ACTING-GOVERNOR KING TO CAPTAIN MACARTHUR.

Sir,

If you will refer to my Letter of the 18th inst. you will there see that I admit *I Ordered* the Trial—other advice if you term that advice, I gave you *None*.

I have, etc.,

PHILIP GIDLEY KING.

CERTIFICATE RE ABOVE PAPERS.

To Certify that what is Contained in this and the preceding twenty-six pages is a true Copy of the originals Compared before Us. 22nd August 1801.

RICHD. ATKINS.

SAMUEL MARSDEN.

JOHN HARRIS.

[Enclosure No. 4.]

(No. 1) LIEUTENANT MARSHALL'S MEMORIAL TO ACTING-GOVERNOR KING.

Sydney, 30th July, 1801.

THE address of Lieut't James Marshall, of His Majesty's Royal Navy, most respectfully states to your Excellency, as the representative of his Sovereign, and as the protecting father of a people committed to your charge, a series of grievances which he at present labours under the weight of, fully confident that your Excellency's firm propensity to the exercise of justice will on this occasion be ready to afford a long, an honorable, and an approved servant of his country that redress which his case so peculiarly requires.

Without troubling your Excellency with a retrospective statement of the singular circumstances which have involved Lieut. Marshall in this prosecution, without animadverting on the conduct of a military officer who now comes forward to lead a prosecution, after having been the bearer of a challenge to him, Lieut. Marshall will merely confine his complaint to the events of yesterday, and he cannot help, at this moment, feeling particularly

The memorial
of Lieutenant
Marshall.

grateful to Divine Providence for affording him this short interval to look up to your Excellency graciously to interpose your high authority to shelter him from the impending effects of dangerous prejudice and a powerful combination.

1801.
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The memorial
of Lieutenant
Marshall.

Lieut. Marshall, at the sitting of the Court yesterday, respectfully enquired if he might challenge any individual member. He was asked his reasons; ignorant of the law in this respect, and unaided by professional abilities, he assigned his reason, and it was overruled. He has since understood that the meanest prisoner at an English Bar has a right to challenge his jurors, without being required or expected to give any reason for his objections.

And unless some privilege of this kind was, under certain circumstances, sometimes allowed a prisoner, he might look round him in vain for Judges—the Court that he stands before might be all his accusers.

Lieut. Marshall was officially directed by the Judge-Advocate to plead, and when, from the impulse of the moment, he was induced to ask a question or two, he was interrupted by some of the members of the Court, and haughtily and angrily told not to insult them. It could scarcely be to Lieut. Marshall's interest to offend or insult them.

Lieut. Marshall further complains of undue influence endeavoured to be made use of against him by repeated whispers between the prosecutor and the evidence, a circumstance which, to the honor of the British law, is unknown in the annals of a Court of justice.

And when he adverts to the prejudice of which he has so much reason to complain, it need only be remembered what was the question the prosecutor yesterday put to Lieut. Hobby, and that gentleman's answer, which afterwards, at the recommendation of the Court, was withdrawn.

In addition to which Lieut. Marshall has since been informed by persons on whose veracity he can rely, that two of the members of the Court and two of the principal evidence, a few days previous to the trial, publicly made use of the most gross and opprobrious language towards him, manifestly resulting from that prejudice by which they were then, and are to this hour, inflamed and controlled.

Lieut. Marshall further remarks that he believes it a novel practice in a Court of justice for one of the members to interrupt the prosecutor in his questions by introducing others of his own, and *forcing* a construction on the replies, insomuch that one of the members observed to the other that he hoped he was not putting those questions from any other motive than information.

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The memorial
of Lieutenant
Marshall.

Lieut. Marshall therefore hopes, if these circumstances can be established by any further proof your Excellency may think necessary, that your Excellency will interpose to grant him such relief as the circumstances of his case at this crisis require.

JAMES MARSHALL.

(No. 2) SECRETARY CHAPMAN TO LIEUTENANT MARSHALL.

Sir,

Sydney, 30th July, 5 p.m.

The Governor has just received your letter of this date, and directs me to acquaint you that as your trial is still pending any interference of his would be highly improper, until the trial is closed and the proceedings laid before him.

I am, &c.,

W. N. CHAPMAN.

(No. 3) OPINION OF COURT.

7th August, 1801.

Decision
of the
criminal court.

THE Court of Criminal Judicature having met in consequence of the Judge-Advocate's letter directed to the members, and the Judge-Advocate having read to them His Excellency's letter to the Judge-Advocate, Lieut. Marshall's address to His Excellency, together with his answer, are of opinion that, having already given a sentence on the prosecution of Capt'n Abbott against Lieut. Marshall for an assault and battery, under which sentence Lieut. Marshall is now suffering, they do not conceive themselves competent to take Lieut. Marshall's address into their consideration, or take a retrospective view of any part of the proceedings on that trial.

By order of the Court,

RICH'D ATKINS,

Judge-Advocate.

(No. 4) W. N. CHAPMAN TO MEMBERS OF COURT.

Sir,

Sydney, 7th August, 1801.

The proceedings
to be submitted
to the Secretary
of State.

I am directed by the Governor to inform you that he has received your report made by order of the Criminal Court, stating that "the Court of Criminal Judicature having met in consequence of the Judge-Advocate's letter directed to the members, and the Judge-Advocate having read to them Lieut. Marshall's address to his Excellency, together with his answer, are of opinion that having already given a sentence on the prosecution of Capt'n Abbott ag'st Lieut. Marshall for an assault and battery, under which sentence Lieut. Marshall is now suffering, they do not conceive themselves competent to take Lieut. Marshall's address into their consideration, or take a retrospective view of any part of the proceedings on that trial."

I am farther directed by the Governor to inform you that an attested copy of the above report, with the whole of the proceedings connected with Lieut. Marshall's trials before the Court, of which you was a member, will be transmitted to His Majesty's Principal Secretary of State for the Home Department, for His Majesty's most gracious consideration.

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21 Aug.

The proceedings
to be submitted
to the Secretary
of State.

I have, &c.,
W. N. CHAPMAN,
Sec'y.

(No. 5) ACTING-GOVERNOR KING TO THE JUDGE-ADVOCATE.

Government House, Sydney,
7th August, 1801.

Sir,

The inclosure is the copy of a circular letter written by my directions in consequence of your report* to me of this date, in which the Criminal Court that tried Lieut. Marshall refused to obey my directions to investigate into the truth of Lieut. Marshall's allegations, complaining of various illegal and informal proceedings of that Court, which, if proved, would have guided me in extending that mercy His Majesty has been graciously pleased to delegate to the Governor of this territory; and if not proved, must have operated greatly in continuing Lieut. Marshall's punishment, as sentenced by the Court, to its utmost extent.

King's
criticism of
the action of
the court.

You will, as the presiding member of that Court, in your capacity of Judge-Advocate, prepare a just and faithful transcript of the proceedings and every other document connected with those trials, and after being compared with the originals and properly attested, you will deliver them to me to transmit them to His Majesty's Principal Secretary of State for the Home Department, for His Majesty's most gracious consideration, and such directions as may be given respecting the special verdict found by the Court on the second indictment at the prosecution of Capt'n John McArthur.

You will also inform the members of the Court that, feeling most sensibly the injury done to His Majesty's authority by the public insult given by that Court to my legal commands, in execution of my bounden duty as Governor of this colony, by their refusing to obey my commands as before stated, it becomes my indispensable duty to pray His Majesty's most gracious support of the authority which he and the Legislature has been pleased to invest the Governor of this territory with.

I have, &c.,
PHILIP GIDLEY KING.

* Note 78.

1801.
21 Aug.

Inquiry
held by
magistrates.

(No. 6) ACTING-GOVERNOR KING TO THE MAGISTRATES.

Gentlemen, Sydney, 10th August, 1801.

I have to request you will meet this day at 2 o'clock, and cause Lieut. James Marshall, now a prisoner in the county gaol, as sentenced by the last Court of Criminal Judicature, to be brought before you, and put the following question to him in open Court, viz.:—

Having at the commencement of your trial, on the prosecution of Capt'n Edw'd Abbott, objected to the competency of the Criminal Court (as established by His Majesty's Letters Patent) to try you, and having by a paper given in at the close of that trial, and also at the close of your trial on the prosecution of Capt'n McArthur, protested against the judicial proceedings of that Court as informal and irregular, you are called on, by order of the Governor, to declare before this Bench of Magistrates whether that protest alludes to your first objection, viz., the incompetency of the Court to try you, or to the allegations contained in your address to the Governor on the first day of your trial, June 29th, or whether your protest was founded on both those objections?

Having put this question and received Lieut. Marshall's answer, you will transmit it to me from under your hands, and remand the prisoner to his imprisonment.

I have, &c.,
PHILIP GIDLEY KING.

(No. 7) REPORT OF MAGISTRATES.

Present:—The Judge-Advocate; William Balmain, Esq.; the Rev'd Mr. Marsden; John Harris, Esq.

Lieut. Marshall having been brought before the Bench by the Provost-Marshal, the following question was read to him by the Judge-Advocate:—

“Having at the commencement of your trial, on the prosecution of Capt'n. Edw'd. Abbott, objected to the competency of the Criminal Court (as established by His Majesty's Letters Patent) to try you, and having by a paper given in at the close of that trial, and also at the close of your trial on the prosecution of Capt'n. McArthur 'protested against the judicial proceedings of that Court as informal and irregular,' you are called on, by order of the Governor, to declare before this Bench of Magistrates whether that protest alludes to your first objection, viz., the competency of the Court to try you, or to the allegation contained in your address to the Governor on the first day of your trial, June 29th, or whether your protest was founded on both those objections?”

The question having been read in open Court by the Judge-Advocate, Lieut. Marshall, in answer thereto, says that he did not object to the competency of the Court, nor had he ever any intention so to do, for that it was only asked as a matter of opinion; but that the grounds of his protest was founded on his objection to one of the members of the Court, Captain McKellar, and the proceedings of the Court, as set forth in his memorial to His Excellency.

1801.
21 Aug.

Inquiry
held by
magistrates.

RICHARD ATKINS.
W. BALMAIN.

SAML. MARSDEN.
JOHN HARRIS.

(No. 8) THE MEMBERS OF THE COURT TO ACTING-GOVERNOR KING.

Sir, Sydney, 11th August, 1801.

A letter* from your Excellency having been communicated to us by Mr. Atkins, charging us with disobedience of your commands by not proceeding to investigate certain assertions contained in Lieut. Marshall's memorial to your Excellency, satisfied you will afford us every opportunity of exonerating ourselves, we have respectfully to request you will be pleased to direct us to be furnished with a copy of your Excellency's letter and Lieut. Marshall's memorial, by which we hope to convince you that we have not disobeyed your orders, and to controvert the assertions contained in that memorial for your satisfaction as well as in our own justification.

Officers' request
for a further
hearing.

We have, &c.,

W. PATERSON. THOS. DAVIES.
JOHN PIPER. HUGH PIPER.
N. MACKELLAR.

(No. 9) ACTING-GOVERNOR KING TO THE MEMBERS OF THE COURT.

Gentlemen, Sydney, 11th August, 1801.

In answer to yours of this date, observing that you only form a part of the members of the late Criminal Court, I must inform you that any application respecting its proceedings should have come from the Court before its dissolution, which took place in consequence of my circular letter of the 7th inst. to each and all the members thereof, as well as to the Judge-Advocate, to whom, as presiding member of that Court, I assigned my reasons for the necessity of the measure I found myself compelled to adopt on that Court's refusing to attend to my legal commands, communicated by him to the Court he convened on the 7th inst., by my Order of the 5th inst., which proceeding excludes any farther reference as inadmissible and extra-judicial for the present, until His Majesty's pleasure is received or signified thereon.

King's refusal
of further
correspondence.

Respecting my directing you to be furnished with a copy of my letter and Lieut. Marshall's memorial, neither justice or equity

1801.
21 Aug.
King's refusal
of further
correspondence.

can sanction my furnishing you, as a part of the members of the late Criminal Court, with materials to refute the prisoner's allegations (whether true or false, the Court has deprived me of the means of ascertaining) in his absence and unheard; when that Court, convened by my legal authority, publicly refused, in the face of the prisoner and the colony, to take any notice of his allegations, complaining to me, as the executive authority, of the Court's informal and irregular proceedings on his trial, for which purpose (I must repeat) that Court was re-convened by my mandate, in conformity to my oath of office as Governor of this colony, viz., "to administer justice duly and truly."

The whole of the proceedings and documents appertaining to those trials are now transcribing to be transmitted to the Secretary of State for His Majesty's most gracious consideration thereon. When compleat, the Judge-Advocate has my directions to compare the copy with the original in the presence of such of the parties concerned as may chuse to attend and see them properly attested.

I have, &c.,

PHILIP GIDLEY KING.

ACTING-GOVERNOR KING TO UNDER SECRETARY KING.

(Per whaler Albion; acknowledged by Lord Hobart, 29th August, 1802.)

Sydney, New South Wales,

Dear Sir,

21st August, 1801.

Opposition
incurred by
King due to
his reforms.

The accompanying letters and their inclosures will give you every information respecting our present situation and some of our future prospects. I wish it had been in my power to have made this dispatch less voluminous than it is; but as the information it contains would have been less satisfactory to myself and wanting in full information, I could not with any propriety shorten a sentence or curtail a paper. How far my exertions may appear to have answered the mission I was sent on must appear from the facts sent with this. A perusal of my General Orders will give some slight idea of what I have had, and still have to encounter, as I have been obliged to enforce every Order by severe examples, which has not and will not fail to draw on me the scourge and opposition of those whose interest is and has been concerned in a very opposite line of conduct to that which I have found myself obliged to adopt. And even in that system I take every responsibility, as you will observe many General Orders that are no ways provided for by any instructions. If they are approved of (as the welfare of the colony and

the interest of the public is materially concerned in them) I am right; if they are not approved of, I am sorry for what the situation of this colony will then be. The decided steps I have taken respecting sending the ships away with spirits has drawn forth much opposition to every plan I am framing. The arrival of the articles by the Helen and the Earl Cornwallis, with the regulations adopted thereon, has made every poor man respect me and the authority under which I act; but it is not so with the late commissioned hucksters, whose trade and shops I have totally suppressed. Taking away the servants (except two) has been a very great insult; collecting the debts formerly due to the Government has brought on me a sort of contempt I care very little about; and my late proceeding respecting the proceedings in Lt. Marshall's trial has finally sent me to Coventry, where I have no sort of objection to remaining for the time His Majesty may think proper to continue me in the command of the colony, which I have not a wish to extend a moment beyond the time of my conduct being approved of. And I beg to assure you that, oppressed as I am with a bad state of health, yet my every exertion has and will continue to be encouraging industry, managing the public concerns with the greatest œconomy, and not losing sight for a moment of the respect and subordination due to my situation. Without all that is observed this colony will be such a loadstone round the neck of Government that its troubles and expences will never have an end.

As the year I have been in the command is nearly closed within a few days, our expenses will not exceed the sums now drawn for, and which I have particularly stated in my public despatch. My voucher, as you will there observe, for stores which it was impossible to do without, £4,941 (including a great quantity of salt meat); for grain and animal food, £6,851; making in all for the year £11,793, of which there remained the 30th last June in store to the value of £4,164. By the papers I see the sum voted for bills drawn from New South Wales in the year 1799 was £30,000, and you will observe that we have upwards of 700 more people in the colony than there was at that time. I hope the next year will be still less expensive, as I have tied every description of fund up in such a manner that every transaction will appear publicly at the end of every quarter, and be transmitted yearly. Everything will depend on the supplies for the stores being sent out here yearly. In my despatch I have stated both a list for articles for barter as well as for Government use, to prevent confusion in the accounts. The articles I have ticked* are such as are absolutely necessary, and if not sent out, I fear we shall be under the necessity of purchasing them, which in the end comes much

1801.
21 Aug.

Opposition
incurred by
King due to
his reforms.

Expenses of
the colony for
twelve months.

* Note 80.

1801.
21 Aug.

Contract for
importing
cattle.

higher, exclusive of the probability of the purchase being made from Americans, which takes the money from England.

Respecting the contract I made for the cattle from India, the price was so advantageous to Government and the terms (as none are to be received that are not healthy and good) so clear, that I hope that unauthorised part of my conduct will be approved of, as there is no other certain way of becoming independent for animal food; and how long that belonging to Government would last, if expended, I have explained by my despatch. It will be a fortunate circumstance if the rice arrives before the harvest, for we certainly shall have little or nothing to eat before our present crops come off, which look very fine and promising throughout the colony. The cattle and sheep we have are increasing daily; and the man who looks after and has the present superintendence of them has got them all into excellent good order, and cured them of the inveterate disease they had contracted.

Condition of
the live stock.

Respecting the Irish who came out here for being concerned in the late rebellion, I hope my proposal in their favour will be attended to, as many of them are real deserving characters. The rest all behave very quiet and well, as, indeed, do all descriptions, some excepted, whose conduct I have reason to be dissatisfied with. The infamous transactions that have taken place respecting the numerous erasures in the convicts' term of transportation has introduced such confusion into the indents and Orders in Council that came with them that very few men's times can be ascertained, which bears hard upon a great number of these unfortunate people. I watch, and from what I can observe by the books, upwards of 200 people have left this colony whose terms are not expired. What to do in this I do not know. It cannot happen again, as I keep the books in my own possession ever since I have had the command, but unfortunately the mischief was done before.*

Mutilation of
the convict
registers.

The Orphan
Institution.

The institution of the Orphan House is now fully completed. It was the only step that could ensure some change in the manners of the next generation. God knows this is bad enough.

Purchase
of the
Harbinger.

I hope my purchase of the vessell will not be disapproved of, as she has, and will be constantly of great service, and no more than one King's ship being in the colony, she is a very good and cheap substitute at one hundredth part of the expence that any vessell of that kind would be of to the Crown.

The want
of clergy.

By the returns you will observe that we have only one clergyman here. I hope the Rev. Mr. Johnston and Mr. Haddock, or others in their stead, will be sent, and as Mr. Balmain takes advantage of His Grace's permission, and goes by the Albion, and the surgeon of Norfolk Island being now in England, I hope

the latter will be sent here as soon as possible, and that the former may be returned after being a year in England, as medical assistance is much wanted in this colony.

1801.
21 Aug.

It has given me great pain to be compelled, as I have been, to transmit the voluminous papers respecting Lieut. Marshall. To the facts contained in them I must refer. Whether I am right or wrong, I hope it will be allowed that I have acted from the properest motives, and that a fair investigation will be made of those documents. In this place it is incumbent on me to say that some change in our Criminal Courts of Judicature is absolutely necessary. It is now fourteen years since the colony was first settled, and that the mode of administering criminal justice then instituted has been followed, which was certainly the only form that could have been adopted at that time. Since then many complaints and representations have been made of great misunderstandings in the administration of that justice, which ought to bear as great a resemblance as possible to the laws of England and mode of conducting trials, and, if I am not misinformed, those misunderstandings have more or less originated from various causes incident to so great a proportion of our Criminal Courts being composed of one class of people; and I need only refer to the situation Lieut. Marshall stood in when tried by so great a majority of officers for a crime against one of their own Corps. I do not mean to question the conduct of his judges (that will appear by the documents sent Home), nor to extenuate Lieut. Marshall's crime, but merely to quote that circumstance as a reason, among many others, that may hereafter occur, for the necessity of making some change in the description of members who compose the Criminal Courts, as well for satisfying the minds of the inhabitants as for promoting a strict impartiality of criminal decisions. The general class of inhabitants of which this colony is composed will by no means allow of an indiscriminate trial by jury for some, nay many, years to come. I would therefore suggest the propriety of inserting in the Letters Patent constituting the Court of Criminal Judicature, instead of the words relating to the members constituting these courts, "the Judge-Advocate and six of His Majesty's sea or land forces," to insert "the Judge-Advocate and six commissioned officers of the civil establishment, sea or land forces." There are now six officers of the civil establishment in the colony. The interchange and mixing of them with the military officers in these trials would greatly strengthen the impartial and free administration of justice. In the instance of Lieut. Marshall, it is obvious how much easier the prisoner's mind would have been had he been tried by a more mixed

The case of
Lieutenant
Marshall.

The necessity
for reform in
the constitution
of criminal
courts.

1801.
21 Aug.

The necessity
for reform in
the constitution
of criminal
courts.

Captain John
Macarthur's
conduct.

Judge-Advocate
Atkins.

The position
of Colonel
Paterson.

The want
of artificers.

description of judges, or rather jurors, who had to decide in a prosecution, that however upright and just the intentions of those officers might be, yet it was one of those situations where a man's prejudice, in what concerns a member of his own Corps, might greatly bias his judgment and conduct, and that even unintentionally, when he went into court, such is the fallibility of human nature. Respecting the situation of the Judge-Advocate in these causes, it is so well described by the person that fills this office at present that I enclose his letter, on which, as well as the whole proceedings, I shall not comment, as they must speak for themselves if investigated by the matter of fact they contain. How many points are to be reconciled has exerted my closest thoughts. One thing I shall remark, that the arts and intrigues of a man you have heard so much about (I mean Captain McArthur) will one day or other sett this colony in a flame. Look at the art contained in his letter to me of the * in the documents, and my answer. His intention was to involve me in their dirty dispute. Respecting the Judge-Advocate, you know he is only acting in the room of Mr. Richard Dore, deceased. Of him you also have heard. He is the brother of the late Sir George and of General Bowyer, and is closely connected with Mr. Samuel Thornton. He is a man of abilities, and exceeding clever, but is, unfortunately, sometimes addicted to liquor. If the salary of that officer is not raised, so as to induce some professional man of rectitude and resolution to undertake it, I do not think a better person can be sent out than Mr. Atkins, as I fear few such men of abilities would undertake that situation with the present salary. As Colonel Patterson's name will appear as a member of the court against whom I form the representations that will accompany this, I beg to observe that his quiet, placid disposition by no means places him in the obnoxious point of view he may be involved in with the rest of the members who thought proper to set my authority at defiance. He is a weak, honest man, and if he acted from his own ideas of right and wrong would do the right thing; but, unfortunately, he is like many other men, "made a knave's tool of." I have been thus explicit on this point to prevent more blame being attached to Colonel Patterson than he deserves.

I am sorry to mention a circumstance that ought more properly to have been the subject of a publick letter—I mean respecting the detention of artificers and manufacturers among the convicts on board the hulks, and not sending them here, where their work and abilities would be very usefully and advantageously employed. Much umbrage has been given to all descriptions by my not employing and paying wages to soldiers and others as arti-

* Blank in manuscript (see note 81).

ficers—*i.e.*, to give them 5s. per diem. No; while convicts can be got I will enter into no expence of that kind. “Sir, my barrack wants new flooring, &c.”; “I have no carpenters; they are employed and can’t be broke off”; “Sir, you can hire”; “No, sir, I dare not.” These and similar conversations occupy from daylight till dark. I hope you will endeavour to put a stop to the artificers and labourers being detained in the hulks.

1801.
21 Aug.

I can say but little more to recommend the cattle and stock belonging to those who have made their proposals to have them purchased for the Crown being accepted of. That responsibility I by no means consider myself authorized to enter into, but it certainly would be very advantageous, for the reasons stated in my publick letter.

The purchase of
private stock.

I hope the Otaheite plan will answer. In that case, I hope to be able to announce by the next conveyance the probability of our being able to supply ourselves, in part, with salt pork, as we now make plenty of that article; and when we get salt-pans out, we shall make still more. Still it will be absolutely necessary to send a supply of salt meat out here immediately, as you will observe by the returns that before any can come from this request, that we shall have little or none left; and had it not been for the quantity we bought from the Americans, and the supply from Norfolk Island, we should have been very short. It will appear that all we purchased from the Americans were, at least, 3d. per lb. cheaper than it could be sent from England.

The supply of
salt provisions.

The want of another vessell of 3 or 400 tons is very great, and will be more so if Otaheite succeeds—which I am very sanguine about. We have a report that the *Xenophon** is coming out here, and is to be employed surveying. Surely the vessells we have here are equal to that service; and a ship of her tonnage might be more usefully employed going for salt meat to Otaheite.

Colonial
shipping.

Altho’ we do make a few blankets, viz., as many as we can get wool from Gov’t stock, and what we get from that of individuals, yet that number is barely sufficient to employ the men we have at work, and amount to a penny per yard, when we return what is coming to those who supply the wool. Most of the people who came out here last, and those here before, are totally destitute of blanketts, or any bedding. I hope some will be sent out, for the necessity of this article is very great and pressing, as, indeed, are all the wants I have stated.

The supply
of blanketts.

From the statements that accompany these dispatches, I think a very fair estimate of our yearly expenses may be made, both at Home and here. At the end of the year that calculation shall be made here. However, this must vary according to the additional

* Note 82.

1801.
21 Aug.
Probable
expenditure.

number of people sent out; yet it will be my plan to let as nearly the same numbers go off the stores as new hands arrive. You will see by the returns that upwards of two thousand full rations are of no expence to the Crown, which, if maintained, would be at least £20 a head.

Desired
termination
of office.

Nothing more strikes me at present to trouble you with on public matters, only, if I do wrong, as *I have stated everything*, I have not a wish to remain here beyond the time when my services may be judged necessary. If my conduct is approved, I hope not to remain for a longer time than five years from my first arrival, for which period my quiet, health, and every valuable consideration in life shall be sacrificed to my duty; and then I shall return a poor man, as my expences has already cost me £580 since I arrived for the mere articles of living. This brings me to express a hope that no difficulty will attend my agent receiving the whole of the salary as Governor—I mean the £1000—otherwise I can assure you the gates of jail will be open to receive *me* or *mine*.

I have sent a box containing specimens of plants and seeds for your disposal.

I am, &c.,

PHILIP GIDLEY KING.

Engineer
officer.

You will observe by a separate letter I have written, or rather postscript at the bottom of my military letter,* that Captain Abbott, who I had appointed to act as Engineer Officer, &c., has resigned that situation, in consequence, I suppose, of the steps I took respecting Lieut. Marshall. As Capt. Abbott's expectation was a guinea a day, I have consulted with Capt. Paterson, and appointed Ensign Barralier (who is the *protégé* of Mr. Greville) to do that duty, which he is very equal to, and shall pay him 5s. a day, altho' I hope, when his services in surveying, as well as these other duties are considered, that I may be allowed to draw for 10s. a day, as he is a young man of very great abilities, which you will observe by the accurate surveys sent with these letters.

Ensign
Barrallier.

[Enclosure No. 1.†]

GOVERNMENT AND GENERAL ORDERS.

14th March, 1801.

Orders *re*
Illicit sale
of barrack
furniture.

LIEUT.-COLONEL PATERSON having represented to the Governor that several of the inhabitants are purchasing the bedding and barrack furniture issued to the soldiers, it is to be understood that those articles, being the property of the Crown, both before and after it is issued to the soldiers, every person purchasing or receiving those articles will be prosecuted for receiving stolen goods, and if a prisoner, he will be sentenced to one year's hard labour in the battery gang.

As some individuals have applied to the Governor to interfere in obliging their creditors to receive wheat from them for 10s. per

* Note 83. † Note 84.

bushel for bargains made previous to the reduction of the price of wheat to 8s. per bushel, it is to be understood that where those bargains are made to be paid in wheat at the Government price, that the price so agreed for must depend on which is given by Government at the time the wheat is paid, unless the creditor chooses to take it at the former price, which is at the rate at which the Government debts are paid, which are contracted before the Order. But this being a concession on the part of Government is not to operate with respect to private bargains between individuals.

1801.
21 Aug.

Orders *re*
Price of wheat.

17th March, 1801.

THERE being reason to apprehend (from inundations and other accidents the crops have suffered) an insufficiency of grain to supply the inhabitants, no grain, flour, or bread is to be sent on board any ship, now lying, or that may arrive, in this port, without a particular permit from the Governor; and the masters of ships are recommended so to arrange the allowance of those articles of the ship's company, that they may not feel any inconvenience from the smallness of the quantity of those they will be allowed to receive on board.

Sale of grain
to visiting
ships.

22nd March, 1801.

MR. JOHN THOMPSON being appointed wharfinger and inspector of goods landed from merchant vessels, and having occasion to visit and inspect places about the cove during the night, is to pass all centinels and watchmen upon making himself known.

Wharfinger to
be passed by
the guards.

The taptoo to beat at 8 o'clock and the guards to mount at 9 until further orders.

2nd April, 1801.

MR. WILLIAM NEATE CHAPMAN, storekeeper at Norfolk Island, is appointed a Deputy Commissary in the room of Mr. Thomas Laycock resigned, with the Governor's approbation of his conduct during the time he has had the command. Mr. Chapman is also appointed secretary to the Governor, according to a previous arrangement, in the room of Capt. MacKellar, Aid-de-Camp; the latter gentleman being sworn in as a magistrate for the colony, and as such is to be respected and assisted.

Civil
appointments.

[The next part of this order was also forwarded in Enclosure No. 2 to the despatch numbered 4, and dated 21st August, 1801, from Acting-Governor King to the Duke of Portland.]

To-morrow, being Good Friday, is to be observed as a holy day. Part of the regiment and inhabitants to attend Divine service at ten o'clock.

Good Friday.

9th April, 1801.

LICENSED people selling spirits or entertaining any description of persons in their house, outhouses, or other premises from daylight on Sunday mornings until 9 o'clock at night will not only forfeit their license but will incur the penalty of £10; and if any other person shall presume to disobey this Order, all spirits found in their possession will be seized, and the offender otherwise punished, for a breach of these as well as former Orders on this head.

Closing of
public houses
on Sunday.

13th April.

AUGUSTUS ALT, Esq., Land Surveyor-in-General of this territory, having been surveyed by the surgeons and reported incapable of discharging the functions of his office through age and other in-

Civil
appointment.

1801.
 21 Aug.
 Orders *re*

firmities. Charles Grimes, Esq., Land Surveyor of Norfolk Island, is appointed to act as Land Surveyor-in-General of this territory until His Majesty's pleasure is known.

14th April.

Pork for
 visiting ships.

As a reduction in the ration of salt meat will shortly take place, no fresh pork or live hogs are to be sent on board any ship or other vessel except His Majesty's armed vessel Porpoise, and that only in such quantities as a permit may be given for by Captain McKellar.

Sydney, 21st April, 1801.

Free pardon
 for Boatsman
 and desertion.

SOME favourable circumstances having been represented to the Governor respecting the case of John Boatsman, private soldier in the New South Wales Corps, now under sentence of death, His Excellency is pleased to extend mercy towards him to grant him a free pardon; and it is hoped that the examples which have lately been made, and the awful state in which the delinquent Boatsman has been in, will operate in preventing the serious and unsoldierlike crime of desertion, which however inclined the Governor may be to extend mercy in all admissable cases, yet he feels a duty he owes to His Majesty's service to assure those who may so far forget their character as soldiers as to commit that crime, that any future sentences of a General Court-Martial for desertion will be confirmed and carried into execution.

1st May, 1801.

Civil
 appointment.

SIMON LUDDIT is appointed Superintendant in the room of Thos. Collier, discharged for disobedience of orders and other improper conduct.

The delivery of certificates to those whose terms of transportation are expired is postponed to the last Friday in June.

Treatment of
 natives in
 different
 districts.

From the wanton manner in which a large body of natives, resident about Parramatta, George's River, and Prospect Hill, have attacked and killed some of Government sheep, and their violent threat of murdering all the white men they meet, which they put into execution by murdering Daniel Conroy, stock-keeper, in a most savage and inhumane manner, and severely wounding Smith, settler; and as it is impossible to foresee to what extent their present hostile menaces may be carried, both with respect to the defenceless settlers and the stock, the Governor has directed that this as well as all other bodies of natives in the above district to be driven back from the settlers' habitations by firing at them. But this order does not extend to the natives in any other district; nor is any native to be molested in any part of the harbour, at Sydney, or on the road leading to Parramatta.

Breach of
 port orders.

Two convicts going in a boat on board the American that arrived yesterday, in disobedience of the General Order of the 1st October last, forbidding any person whatever to have any communication with vessels arriving here until the admission flag is hoisted, are sentenced to three months' imprisonment in the gaol gang, and their boat confiscated.

8th May, 1801.

THERE not being any more than sixteen weeks' salt provisions in the stores, and owing to the failure of part of the wheat last year,

and the inundations at the Hawkesbury having destroyed a great quantity of that grain as well as maize, and there being reason to apprehend a scarcity of grain at the end of the year, in order to guard against which, and against accidents happening to supplies of salt provisions coming hither, the following reduction of the weekly ration of salt meat, and alteration in that of grain, will take place till further orders, viz. :—

1801.
21 Aug.
Orders *re*
Rations.

Beef	..	..	..	..	5 lb.
Pork	..	..	..	..	2 lb. 10 oz.
Wheat	..	..	..	..	6 lb. 3 oz., or
Maize	..	..	..	..	13½ lb., or 18½ in cob.
Sugar	..	..	..	..	6 oz.

Women and children in proportion.

There will be a necessity for reducing the allowance of grain in the course of next month.

On this occasion, it appears necessary to remind the settlers and other cultivators, as well as those who have gardens (which are now lying totally neglected) of the necessity of their utmost exertions at this season to crop as much ground as possible which, in the course of next year, will be found highly beneficial to them, both in procuring the necessities of life as well as some of the comforts; and it is equally obvious that the idle and dissipated must experience the most distressing want.

Necessity for
increased
agriculture.

ORDINANCE.

It is hereby ordered that no other than one quality of wheaten bread is to be made throughout the colony, viz. :—Such bread to be composed of meal, from which only 24 lb. of bran is to be taken from 100 lb.

Baking.

As this regulation is necessary to prevent a distressing scarcity, any inhabitant or person resident in the colony disobeying this ordinance will be punished according to their respective situations, exclusive of the penalty of £5 for each offence.

And it is to be observed that bread baked for any merchant vessel is to be made of half Indian corn, and half wheat meal, sifted as above.

Bakers of any description disobeying or neglecting any part of this ordinance will, on conviction, have their ovens taken down, and be fined in the penalty of £5 for each offence. This ordinance to be in full force from and after the 11th instant.

10th May, 1801.

As storekeepers at Parramatta have yesterday, through obstinacy and neglect, issued the full ration of meat, the Commissary is directed to purchase a quantity equal to the excess and charge it to their respective wages; and it is to be understood that where the public interest suffers by the misconduct of those who have charge of the stores, &c., the loss will be made good out of their respective salaries.

Mistake in
issue of rations
at Parramatta.

11th May, 1801.

WHEREAS William Knight and James Warwick, have by regular form been outlawed, and are supposed to associate and commit violent acts of depredation, in conjunction with the natives, on the public, the Governor is pleased to offer a reward of thirty gallons of spirits

Rewards for
arrest of
outlaws.

1801.
21 Aug.
- Orders *re*
Penalties for
smuggling.
- Inspection
of bakeries.
- Receipt of
maize into
the stores.
- Baking.
- Boats at
night time.
- Hours of
public labour.
- Penalty of
illegal baking.
- Experiment
in baking.
- to any person or persons who shall lodge the bodies of the said William Knight and James Warwick in jail, or deliver them to the nearest magistrate or officer in command.
- In addition to the different orders respecting the landing spirits without a permit, it is to be understood that, although any individual may be bribed to conceal a transaction of that kind, yet on an information being substantiated, not only the bribe may be retained, but also the whole of the spirits landed, as well as all found under the roof and in the premises where it is deposited, and the fine will become the property of the informant.
- The magistrates are directed to visit the different bakehouses in their respective districts at least once a week, on such days and at such hours as they may judge proper, for the detection of any one who may disobey or neglect the ordinance of the 9th inst.
- The Commissary is directed to receive maize that is storeable into His Majesty's stores at Sydney on Fridays, both in payment of debts due to the Crown, and at the rate of four shillings per bushel; the rate of receipt to be two bushels in cob for one shelled. Permits for maize given in to be paid for must be obtained from the Secretary's office any morning at 8 o'clock.
- 14th May, 1801.
- THE only regulation that can at present be adopted respecting bread, until the mills can supply a quantity of meal, is the quality and its weight. As the ordinance of the 8th is fully sufficient to regulate the quantity, no other loaves are to be baked than those weighing when new two pounds and one ounce, and when a day old two pounds.
- No boats are to be rowing about the harbour after eight o'clock at night, and if any boats are found near the South Head, or any other part of the harbour after that hour, the boats will be confiscated to the public use, and the people in her to be confined, and will be dealt with as vagabonds.
- 15th May.
- OWING to the shortness of the days the following alteration is to take place in the public labour, until further orders, viz: to be at work at 7 o'clock in the morning, and to work until half-past two, at which times the bell will ring.
- In consequence of the Orders of the 8th inst. and of yesterday, a baker's oven has been taken down, and the fine paid, for selling a loaf that ought to have weighed 2 lb., short of weight six ounces. This notice is intended to convince every description that the Governor is determined on having his orders enforced.
- 17th May, 1801.
- AT daylight the Deputy Commissary and the Quartermaster of the New South Wales Corps will receive 14 lb. of meal from Mr. Palmer's mill, and the same quantity ground by a handmill from the store wheat; out of each they will see that 3 lb. of bran is taken, then kneaded by two bakers chosen from among those who may attend the experiment, one by each officer. The leaven is to be set in the store, and after sufficiently raised it is to be made into 2-lb. loaves, under the inspection of the above officers, who will see it put into an oven, over which a centinel and a constable is to be placed until it is drawn, then each sort is to be weighed, both when it comes out of the oven, and when it is cold.

19th May, 1801.

1801.
21 Aug.

It having been proved by the report of the officers ordered to make the trial, as directed by the Order of the 17th, that fourteen pounds of bread can be made from fourteen pounds of wheat after 3 lb. of bran is taken out; and a meeting of the Acting-Lieut. Governor and Magistrates having decided that 3 lb. of wheat given to the baker is a sufficient allowance for a loaf of 2 lb., as by regulated Orders of the 8th and 14th instants, it is to be understood that until wheat can be furnished the bakers, not more than 3 lb. of wheat can be demanded for a 2 lb. loaf.

Orders *re*
Equivalent
values of
grain and
bread.

26th May, 1801.

WILLIAM SULLY, Eliz. Fitzgerald, and Sarah Randall, being convicted before the magistrates of purchasing and selling for spirits the provision issued from the stores to the two children of Eliz. Fitzgerald, are punished by imprisonment and hard labour. As this is a crime the Governor is determined never to pardon or overlook, it is hoped that this example will prevent the repetition of a practice so injurious to the means of existence, and productive of robberies on private property.

Sale of
rations.

29th May, 1801.

THURSDAY next, being the anniversary of His Majesty's birth, will be observed as a holy day. The present Union* will be hoisted at sunrise. At $\frac{1}{4}$ before nine the New South Wales Corps and Association to be under arms, when the Royal Proclamation for the Union between Great Britain and Ireland will be publicly read by the Provost-Marshal, and on the new Union flag being displayed at Dawes's Point, and on board His Majesty's armed vessel Lady Nelson, the military will fire three rounds, which the batteries will take up, beginning at the main guard, Bennalong and Dawes's Points, at the Windmill Hills, and at the barracks. When finished, His Majesty's armed vessel Lady Nelson will fire 21 guns, man ship, and cheer. At noon, the salute will be repeated from the batteries. New South Wales Corps and Association will fire three rounds, and at one o'clock the Lady Nelson will fire 21 guns, in honor of His Majesty's birthday.

Celebration of
the King's
birthday and
hoisting the
Union Jack.

The Governor will be ready to receive the compliments of the officers, civil and military, on those happy occasions at $\frac{1}{2}$ -past one o'clock.

The Commissary is directed to issue one pound of fresh beef in addition to the ration to those victualled from His Majesty's stores on that day.

Every person, civil and military, to whom the labour of prisoners victualled from public stores is assigned, are to deliver in lists to Captain McKellar, on or before Friday, the 5th of June; and as the Governor has received a repeated Instruction on no account to allow of any person who does not labour for the public benefit receiving rations for any prisoners (except the allowance of two to each commissioned officer of the military, and to each officer of the civil establishment), he is under the necessity of discontinuing that indulgence to the sergeants of the New South Wales Corps.

Assigned
servants.

His Majesty having taken into his most gracious consideration the inconveniences that the inhabitants of this colony have in general laboured under from the excessive prices demanded by

* Note 85.

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21 Aug.
Orders re
Stores for
retail sale by
government.

adventurers and retailers for articles of necessary use, and the better to enable them to raise grain at a cheap rate, has been pleased to direct a considerable quantity of articles for common consumption to be shipped on board the Earl Cornwallis, which is shortly expected, and to be disposed of by the Commissary in exchange for grain and animal food supplied the public stores, at the advance of 30 per cent. on perishable articles, and 20 per cent. on unperishable articles, to indemnify the public for freight, losses, and issuing in small quantities. A list of the articles will be published on Monday next, to prevent the inhabitants from making any purchases at an extravagant rate.

The Commissary is directed to stop one pound of salt beef in the stores for one pound of fresh beef that will be issued on Sunday to those victualled; women and children in proportion.

Returns of
grain in
the colony.

1st June, 1801.

EVERY person in and about Sydney who can spare wheat and maize for the public use are to give an account thereof any morning this week, between nine and twelve o'clock, to the secretary's office, that orders may be made out accordingly.

The district constables are ordered to collect information within their respective districts respecting the quantity of grain in possession of individuals, and the quantity they can give into the stores.

Application to be made for orders to put maize or wheat into the stores on Fridays between nine and twelve o'clock.

Abuse of
system of
assigned
servants.

It having been represented to the Governor that several settlers and others who have been allowed to take prisoners off the stores have abused that indulgence by receiving payment from the prisoners to allow them to be on their own hands, or have let such prisoners out for hire, if any person cannot support or employ the prisoners they have taken off the stores they are to be returned to Government labour before next Monday, the 8th instant; and if any person is detected in letting out a prisoner to hire, or allowing him to be on his own hands, they will, on conviction before a magistrate, be fined in the sum of two shillings and sixpence for each day such prisoner has been assigned to them.

Inspection of
the police.

Serjeant-Major Jamieson and Sergeant Flemming are ordered to inspect into the police of George's River settlements and the watchmen in the military district at Sydney, and make weekly reports thereof to the Acting Lieut.-Gov'r, for which duty they are allowed the labour of one prisoner each.

2nd June, 1801.

[This order was forwarded in Enclosure No. 2 to the despatch, numbered 4, and dated 21st August, 1801, from Acting-Governor King to the Duke of Portland.]

Debts due to
government.

8th June, 1801.

THE Commissary having represented that Several of the Debts due to Government in Mr. Williamson's time as well as since his departure, remain unpaid, Summonses and Writs will be taken out by the Commissary when the Civil Court meets for the recovery of those Debts that are then unpaid.

9th June, 1801.

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21 Aug.

As the Service will admit of Lieut.-Colonel Paterson and Mr. John Harris, of the New South Wales Corps, being absent for a short time from head-quarters, and these gentlemen having expressed a wish to accompany Lieut. Grant in the Lady Nelson, going to survey and examine Hunter's River, the Governor is much gratified with the public advantage likely to result from their joint directions.

Orders *re*
Paterson and
Harris to
explore
Hunter River.

10th June, 1801.

THE absence of Lieut.-Colonel Paterson requiring the presence of the officer in command at headquarters, Captain Piper will take the command of the detachment at Parramatta till further orders.

The Judge-Advocate, Commanding Officer of the Regiment, Messrs. Balmain and Marsden, Magistrates, are requested to attend the Governor, at Government House, to consider the expediency of reducing the consumption of food, to guard against too great a want before the next harvest, or until supplies of salt meat may arrive.

Meeting
summoned at
Government
House.

11th June, 1801.

THE Governor is instructed to cause the following Orders and Regulations to be observed and enforced:—

The grants and leases of all buildings erected at the expence of the public in this colony are to revert to the Crown; also the grants and leases of all grounds allotted by Governor Phillip for public purposes; but the Governor for the time being may allow those to whom such buildings have been leased (and are not immediately wanted for the purposes they are erected) to occupy them during his pleasure. The same regulation is to be observed respecting the Crown lands (marked out as such by Governor Phillip), for the occupation of which (if not wanted for public purposes) leases may be given not exceeding the term of five years.

Leases of
crown
buildings
and land.

The following regulations are made respecting the convicts sent to this colony, viz.:—

The convicts being the servants of the Crown during their term of transportation, their labour is to be invariably appropriated to the public benefit, and reducing the heavy expences of the colony.

Convicts and
assigned
servants.

Convicts whose labour the Governor may assign the creditable inhabitants, who can employ them to advantage, either in cultivation or in necessary occupations, are to be of no expence whatever to the public.

The Governor for the time being is allowed such a number of convicts victualled from the stores as he may judge proper for his domestic purposes.

Commanding officers of troops stationed in the colony to have six convicts.

Civil and military officers commissioned and on the establishment, two convicts each.

Officers doing duty as Magistrates, two convicts each.

Freemen in places of trust, and also have no salary on the establishment such allowance assigned and labour as the Governor for the time being may judge proper.

Not more than the labour of one female convict victualled from the store to be allowed each officer's wife.

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21 Aug.

Orders *re*

No other women than the wives of civil and military officers, and soldiers (who have never been convicts), are to be allowed a ration.

The list of articles and their prices sent by Government for the accommodation of the inhabitants being arrived by the Earl Cornwallis, that list will be published on the goods being landed.

12th June, 1801.

Rations.

THE Governor is much gratified that, notwithstanding the repeated inundations that have happened at the principal agricultural settlements, and failure of other crops belonging to individuals (which has destroyed a great quantity of grain), and the reduced state of the salt provisions, whereby it was expected that he would be under the necessity of reducing the established ration one half, yet he is happy to find, on a minute investigation of the grain now in the King's stores, that still in the grounds and the stacks belonging to Government, also the quantities offered by individuals, together with the additional quantity of salt meat brought by the Earl Cornwallis, that (notwithstanding the addition of 272 people arrived by that ship) it is in his power to fix the rations of all species except sugar to two-thirds of the full ration until next harvest, or that further supplies of salt provisions may arrive. The following ration is therefore to be issued till further orders, viz. :—

Wheat—Six pounds.

Maize— Four pounds and a half, shelled.

„ Six pounds and three quarters, in cob.

Beef— 4 lb. 10 oz. ; or,

Pork— 2 lb. 10 oz.

Sugar— Six ounces.

As this calculation and ration is fixed on the faith of those who have offered the quantities given in to the Governor, they are not to fail delivering the quantities of grain they have offered into the stores immediately. Applications for orders to be made at the Secretary's office, at Sydney; the Rev. Mr. Marsden's, at Parramatta; and Charles Grimes, Esq., at Hawkesbury, every morning between 9 and 10 o'clock.

20th June, 1801.

Retailing of
articles
purchased
from the
public stores.

NOTWITHSTANDING the repeated orders against sloop cloathing being sold by those it is issued to, either as a prisoner or exchanged with settlers for grain supplied the stores at a very small advance on the English cost, yet this indulgence continues to be made use of by the settler for the purpose of extortion, charging, among other things, 20s. for a jacket which only cost them 8s. 9d. from the stores, which has been fully proved in the case of Job Miller, settler, and John Taylor, who has been fined two months' hard labor and the jacket returned to the stores.

The settlers and other individuals, who are allowed to purchase any article from the King's stores for the use of their families, retailing it out again, will forfeit every other indulgence of that kind. And if any persons still presume to purchase any article of sloop cloathing, which consist of rug, jacket, shirt, trowsers, hat, frock, shoes or stockings, from any prisoner, settler, or any other person, they will be punished by forfeiting the article purchased. And if a prisoner either makes the purchase or sells the article, he

will be severely punished and work six months in the battery gang. And if any free person whatsoever disobeys this order, they will, on conviction before two magistrates, be fined treble the worth of the article, and be ever after deprived of receiving any articles from the stores.

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21 Aug.

Orders *re*

And every individual will recollect that the great attention shown by His Majesty's Ministers (in this awful time of general distress in the mother country) to the convenience of the inhabitants in this colony for enabling them to procure the necessaries of life at a cheap rate, must not, and shall not, be perverted to the improper purposes of monopoly and extortion.

A general *muster* of all the male prisoners off and on the stores, also free men of all descriptions (except those who hold ground by grant, lease, or renting), on or off the stores, will be taken at Hawkesbury, Parramatta, and Sydney on Thursday, the first of July, at eight o'clock in the morning.

General
muster.

Those at Sydney and its districts are to assemble at the yard of the Orphan House.

Those at Parramatta, George's River, and its districts at the Court-house, Parramatta.

And those at Hawkesbury and its neighbourhood at the Government House there.

The women prisoners and those who are free, of all descriptions, with their children, whether on or off the stores, are to be present at the above places on Monday, 5th July.

The settlers of all descriptions will be mustered as soon after as possible, notice of which will be given.

Any persons not appearing at those musters will be taken up as vagrants and punished to the utmost extent of the law, if free; if a prisoner, they will be sentenced [to] twelve months confinement in the battery gang. And any attempt to impose false accounts of any person, absent or present, will be punished accordingly.

Non-attendance
at muster.

23rd June, 1801.

[*This order was also forwarded in Enclosure No. 4 to the despatch, numbered 4 and dated 21st August, 1801, from Acting-Governor King to the Duke of Portland.*]

3rd July, 1801.

THE Governor judging it necessary for the public interest to declare the coals and timber which are to be procured at Hunter's River, to be the exclusive property of the Crown, and having thought fit to establish a port at Freshwater Bay, within that view, he strictly forbids any boat or vessel going there for coal, timber, or any other purpose, without obtaining a special license from the Governor's Secretary, stating the purpose of such voyage (that license he is to produce to the person in command there); and to enter into recognizances, themselves in £50, and two securities in £25 each, for the due performance of the following regulations, viz. :—

Regulation of
coal-mining and
procuring
timber at
Hunter River.

To use one kind of basket, weighing one hundred weight, to measure the coals into and out of the vessel; to take a regular clearance from the Naval Officer; to enter the vessel with the person in command at the river, and to give him a daily account of the coals taken on board; to receive a certificate from the person in command previous to leaving the river; not to behave riotously or

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Orders *re*

troublesome to the guard or people stationed at the river; on arriving at this port to declare (on oath if necessary) the quality of coals, timber, or other articles they have on board; and, previous to hoisting the admission flag, security is to be given for the payment of the King's dues and fees, as hereafter stated.

Dues and Fees.

	£	s.	d.
Fees for coal-mining.			
License from the Governor's Secretary to go for coals, &c.	0	5	0
Harbour dues for Orphan Fund, as established 15th October, 1800.			
Entrance in the rivers to the person in command there	0	2	6
Ditto for clearance certificate	0	2	6

The King's Dues.

For each ton of coals for house consumption to be paid the Naval Officer	0	2	6
For each ton exported from the River or from hence	0	5	0
For every thousand feet square of timber for home consumption	1	0	0
For every ditto, for exportation	2	0	0
Metage, per ton, on coals	0	1	0
Measure of timber, per thousand	0	2	0

7th July, 1801.

Receipt of grain and animal food into the public stores.

THE civil officers in command at Parramatta and Hawkesbury will receive the Governor's directions weekly what grain or animal food is to be received into the stores from individuals, which order they will communicate to the storekeepers, who will give the parties a receipt (which they will receive from the officers in command, who are furnished with blank cheque and numbered receipts for that purpose), expressing the quantity of grain or animal food in words, and on what specific account it is received—whether for purchase or payment of articles from any ship, the public stores, or to be paid for, etc.—which particulars they will inform the Governor and Commissary of every Monday, by transmitting a return, the form of which they are furnished with.

The officers in command will also furnish the Governor with a weekly list of the numbers of the receipts they have given out, and for what purpose.

No grain purchased or received from individuals is to be received into the store on any other days than Fridays; and then to be measured in the presence of a respectable witness.

Should the storekeepers' returns be one week in arrear, they will answer for it at their peril, as well as for every other misconduct herein.

No written receipt for grain or animal food given in to the stores since the 30th of June is valid; and every person lodging grain in the stores is to take a proper printed receipt from the storekeeper for all grain, &c., already given in, and to be given in after that date.

14th July, 1801.

THE Governor directs that vouchers for payment of grain, &c., purchased from individuals for the public use, be made up and finally

settled once a quarter, viz.—on the 1st of January, 31st of March, 30th of June, and 30th of September. And every person in the colony will take notice that neither the Governor nor the Commissary are at all responsible for any payment after those dates for the preceding quarter, which payments are to be made by bills on His Majesty's Treasury (for not less than one hundred pounds sterling) in copper money, or articles from the public stores. To those who prefer copper money, payment will be made on producing to the Commissary the storekeeper's printed and chequed receipts, subscribed by the Governor; or such articles from the public stores as the Governor may approve of, will be delivered on producing the receipts as above.

1801.
21 Aug.
Orders *re*
Quarterly
settlement of
store receipts.

For the fourth time the inhabitants are informed that no applications for any articles whatever from the public stores will be received on any other days than Mondays; and applications respecting the victualling store, and those who are supported from it, on no other days than Fridays. The hours of attendance at the Secretary's and Commissary's office on these days will be from eight till one o'clock.

Issue of stores
and rations.

A muster of the settlers in and about Hawkesbury will be taken by the Governor on Friday, the 17th inst., at 8 o'clock in the morning, when every person cultivating ground, together with those who hold land by grant or lease, either in their own right, by purchase, assignment, or otherwise, are directed to attend with such grants at the Government House there. In failure, whereof the deeds that are not produced will be cancelled, and the allotments revert to the Crown.

Muster of
settlers at the
Hawkesbury.

18th July, 1801.

SEVERAL landholders having neglected to comply with the General Orders of the 14th instant, respecting the muster at the Hawkesbury, they are to appear at the Secretary's office, on Wednesday morning, the 22nd instant. In failure whereof, proper steps will be taken.

Non-attendance
at the muster
at the
Hawkesbury.

22nd July, 1801.

A MUSTER of all the settlers and landholders in the neighbourhood of Sydney, George's River, Concord, Kissing Point, Liberty Plains, &c., will be taken at Sydney on Saturday, the 25th inst., at eight o'clock in the morning, when every person cultivating ground, together with those who hold land by grant or lease, either in their own right, by purchase, assignment, or otherwise, are directed to attend with such grants at the Secretary's office. In failure whereof, the deeds that are not produced will be cancelled, and the allotments revert to the Crown.

Muster of
settlers at
Sydney.

A neglect being noticed in some individuals not appearing, the grants and leases held by non-attendants will revert to the Crown by proclamation, on Monday next, at twelve o'clock.

27th July, 1801.

ALL grants and leases of lands, houses, and tenements within this colony, that have not been accounted for, as required by the General Order of the 14th inst., and repeated the 18th and 22nd inst., will revert to the Crown, by the register of those deeds being respectively erased in the Register Book.*

Cancellation
of grants
and leases.

* Note 86.

1801.
21 Aug.

Orders re
The medical
staff.

Wm. Balmain, Esq., principal surgeon, having the Governor's consent to avail himself of the Secretary of State's leave of absence, and being about to embark for England in the Albion whaler, Mr. James Thompson, first surgeon's assistant, will, on Mr. Balmain's departure, take that officer's duty in his absence, and Mr. D. Wentworth will take the duty of assistant surgeon at Parramatta.

The volunteers
to be
disbanded.

In consequence of Captain Balmain (Commandant of the Sydney and Parramatta Association) going Home, and the necessity of Captain Thompson's (Captain of the Parramatta Association) removal from Parramatta, and Lieut. Palmer's resignation, the Governor, however anxious he is in applauding the good conduct of these officers and the inhabitants they have trained and disciplined in a manner that does them the greatest credit, yet, not having a sufficient number of officers on the civil department to appoint to those commands without being a hindrance to their professional duties, is therefore under the necessity of directing the associations to be disembodied,* previous to which Captain Balmain will inform them of the Governor's approbation of their general good conduct and attention, and that should any future cause call their services forth, he will be equally sure of their standing forward as he is now convinced of their loyalty and zeal.

The naval
officer.

John Harris, Esq., surgeon of the New South Wales Corps, is appointed Naval Officer in the room of Wm. Balmain, Esq.

Military
relief.

Capt. McArthur will this day relieve Captain Piper at Parramatta.

God Save the King.

4th August, 1801.

[This order was also forwarded as Enclosure No. 9 to the despatch numbered 4, and dated 21st August, 1801, from Acting-Governor King to the Duke of Portland.]

6th August, 1801.

Personal
attendance
required to
receive rations.

EVERY person victualled by Govt. is strictly required to attend personally at the stores of the different settlements where they are victualled, except the civil and military, and such domestic servants as are kept by the different officers—lists of whose names are to be sent to the Deputy-Commissary or storekeeper previous to the issue of provisions on Saturday next.

8th August, 1801.

Prisoners
exempt from
summons
for debt.

FROM the litigious disputes occasioned by the arts used by the prisoners and others to evade or attend to Governor Hunter's Order of the 4th October, 1798, as it suits their interest, the Governor strictly forbids any person who has the charge of public affairs in any part of the colony to suffer prisoners under sentence of the law to be taken from the place where they inhabit, on a summons or writ for debt; and the members of the present and future Civil Courts of Judicature are hereby enjoined to pay a due obedience to the above Orders.

11th August, 1801.

Prince of
Wales'
birthday.

TOMORROW, being the Anniversary of His Royal Highness the Prince of Wales's Birthday, the New South Wales Corps will fire three rounds at Noon.

* Note 52.

[Enclosure No. 2.*]

1801.
21 Aug.

INDEX to GENERAL ORDERS being the Substance of the most Material of those Issued from Head Quarters in His Majesty's Territory of New South Wales from the 25th day of September 1800 until the 30th June 1801.†

Index to
general orders.

On what Subject given.	Date when Given.
ALARM—Regulations respecting any	28 Dec. 1800
BAD CHARACTERS—Against becoming Sureties for	9 Mar. 1801
CROWN—Liquidation of Debts due to the ...	14 Oct. 1800
" Do Do 	12th Jan. 1801
" Do Do 	10th Feb. "
" Do Do 	8th June "
" Grants and Leases of Buildings to revert to the	11th " "
CIVIL COURT—Instructions to the	1st Oct 1800
" Do 	13th Nov. "
GRAIN and PORK—Reduction of the Price of ..	17th Oct. "
" " Quarterly payments to be made for	14th July 1801
GRAIN, FLOUR or BREAD—Against sending on board Ships without permission	17th Mar "
GENERAL MUSTERS.....	3rd Oct 1800
" " 	20th June 1801
HIS MAJESTY'S BIRTHDAY—On the Anniversary of	29th May "
HIS ROYAL HIGHNESS the PRINCE OF WALES'S BIRTHDAY Do 	11th Augt "
HUNTER'S RIVERS—regulations respecting Coals and Timber procured at	23rd June 1801
MONOPOLY—Suppression of	1st Octr 1800
Do 	2nd April 1801
Do 	29th May "
NORFOLK SLOOP—Daring Seizure of	9th Nov 1800
NOTICE—Against leaving the Colony without	18th " "
NATIVES—Murder and Outrages committed by the	1st May 1801
ORPHAN FUND and OTHER PUBLIC WORKS } Fees levied for the	10th Octr 1800
PROVISIONS, CLOATHING AND ASSIGNMENTS.	
PRISONERS—regulations respecting of the	1st Oct "
" Do 	29th May 1801
" Do 	11th June "
PUBLIC LABOUR—Price of	3rd Oct 1800
" Time of	15 May 1801
PROCLAMATIONS	3rd Oct 1800
" 	19th Novr "
" 	27th July 1801

* Note 84. † Note 87.

INDEX to GENERAL ORDERS—*continued.*

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21 Aug.
Index to
general orders.

On what Subject given.	Date when Given.
PORT ORDERS.....	10th Oct 1800
PUBLIC NUISANCE—Against	31st Decr ,,
PUBLIC and PRIVATE PROPERTY—Notice respect- ing safety of	3rd July 1801
RATIONS—Reduction of	8th May ,,
" Do	12 June ,,
SPIRITUOUS LIQUORS—Against the Sale of	1st Octr 1800
" " Licenses to sell by retail	27th ,, ,,
" " Permits for removal of	30th ,, ,,
" " Against Smuggling of	28th Novr 1800
" " Do Do	11th May 1801
" " Against purchasing and Selling provisions for	26th ,, ,,
SABBATH DAY—Attention to the observance of the	4th Octr 1800
" Do Do	9th Apl 1801
SETTLERS—Encouragements to the	10th Octr 1800
" Do	17th ,, ,,
" Do	12th Feby 1801
" Against letting out Prisoners for hire assigned to the	1st June ,,
" On a Petition from the	23rd ,, ,,
" Muster of the	14th July ,,
SLOP CLOATHING—Against the Sale of	16th Novr 1800
SLOP CLOATHING—Issue of	20th Novr 1800
" Against purchasing the Sol- diers	14th Mar. 1801
" Against the Sale of	20th June ,,
STORES—Against Prisoners going off the	24th Jan'y 1801
TERMS of TRANSPORTATION—Against the altera- tion of the	4th Augt ,,
VENDUE MASTER—Election of a by the Magis- trates	15th Jan'y ,,

[Enclosure No. 3.]

JUDGE-ADVOCATE ATKINS TO ACTING-GOVERNOR KING.

19th August, 1801.

IN consequence of some recent circumstances that have taken place on the trial of Lieut't Marshall, and feeling the delicacy of my situation as Judge-Advocate, I beg leave to submit the following observations to your Excellency's consideration.

It most probably may have escaped the observation of those persons who have not perused, or are ignorant of, the charter of this colony (under which the Court of Criminal Judicature is established), respecting the duty and power of the Judge-Advocate, who sits as presiding member of that court, upon whom it

The position
and duties of
the judge-
advocate.

may appear more responsibility attaches, as a law officer, than really belongs to his office. His duty I conceive to be simply that of pointing out, or separating, the law from the fact; but he has only a single voice in the court, and it has happened, and will probably happen again, that the opinions of six members may coincide, and give judgement on a case contrary to the decisive and avowed opinion of the Judge-Advocate, which judgement is binding, and may go into the world apparently with the sanction of the Judge-Advocate's voice, when in fact it may be directly the reverse of his opinion. It is further observable that the Judge-Advocate has no absolute power to check or controul any illegality in point of law, or any informality in respect to the proceedings of the court, except by a formal protest. and your Excellency will readily observe what that would lead to was it often put in practice. It would create a constant opposition to the Judge-Advocate's opinion, on the supposition that he might wish to controul the members in the free operation of their judgement.

In collecting the sense of the members individually, the junior member gives his opinion first, and from him it passes to the next, and finally to the Judge-Advocate, whose voice is of no greater weight than that of any other individual member acting from his own judgement on the case, and that he has no power of directing or influencing that judgement.

Yours, &c.,

RICH'D ATKINS,
Judge-Advocate.

ACTING-GOVERNOR KING TO SECRETARY NEPEAN.
(Per whaler Albion.)

Sydney, New South Wales,

August 21st, 1801.

Sir,

With this I have the Honor of forwarding, the Duplicate of my Letter, respecting the Employment of the Lady Nelson, and its Inclosures, in which you will observe that Vessel, sailed in March; But I am sorry to say, the bad Weather at that Season, prevented the accomplishment of the Orders she sailed under, Further than Ascertainning Western Port in Basses Straits to be a Safe and Commodious Harbour, which from its Central Situation in that Passage and being capable of Sheltering Vessels of any Burthen, will, hereafter be of great Utility to Vessels meeting with foul Winds in the passage thro' these Straits. Lieut. Grant, and the Officers who were with him give a most advantageous Account of the excellence of the Soil and the great abundance of Seals in its Neighbourhood.

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The position
and duties of
the judge-
advocate.

Discoveries of
Lieutenant
Grant.

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21 Aug.
—
Examination
of Bass'
Strait.

I also transmit thro' His Majesty's Principal Secretary of State a Copy* of Lt. Grants Passage thro' the Straits on his Passage hither from the Cape No. 1 Mr. Black's Passage thro' in the Harbinger No. 2 and the Margarets No. 3; Together with Ensign Barrallier's Survey in the Lady Nelson of Western Port and the connection of the Coast, between it and Wilsons Promontory No. 4, which was all the Bad Weather would allow Lt. Grant to examine; he returned here 15th May.

Examination of
Hunter River.

You will also receive a Chart and Narratives of an examination and survey of the Coal Harbour and Hunters River, about seventy miles to the Northward of this place. Since the Lady Nelson's return from that Service, she has been refitting to execute the Orders she first sailed under.

Despatch of
the Porpoise
to Otaheite.

Judging it Expedient to try whether supplies of Salt Pork might be got from the Society Islands, I have the Honor to enclose a Copy of my Instructions to the Commander of His Majestys Armed Vessel Porpoise to perform that Service which I hope meets their Lordships' Approbation.

The Porpoises last Weekly Account, before she sailed I enclose And have the Honor etc.

PHILIP GIDLEY KING.

[Enclosure No. 1.]

[A copy of the instructions to the Commander, H.M.S. Porpoise, was also forwarded as the first part of Enclosure No. 6 to the general despatch No. 4 from Acting-Governor King to the Duke of Portland, dated 21st August, 1801.]

[Enclosure No. 2.]

[A copy of the weekly accounts of H.M.S. Porpoise has not yet been found.]

ACTING-GOVERNOR KING TO TRANSPORT COMMISSIONERS.

(Per whaler Albion.)

Gentlemen, Sydney, N. S. Wales, 21st August, 1801.

Arrival of
the transport
Earl Cornwallis.

By the way of India I had the honor of writing you, a duplicate copy of which accompanys this. The Earl Cornwallis arrived here the 10th June. By that ship I received your letters and their several enclosures, together with the stores, provisions, and passengers, the Commissary's receipt for all which I enclose. The difference between the number of prisoners sent on board and landed here the master accounts for by their having died of the dysentery during the voyage. Many of those landed are extremely weak and feeble. No complaint has been made of improper treatment during the voyage, and what is very extraordinary no complaint has been made by the agent or master of

* Note 64.

any very bad behaviour of any of the prisoners during the voyage. On the contrary they both speak to their advantage. I am sorry to observe that Lieut. Crawford, of the New South Wales Corps, was drowned at Rio de Janeiro. The ship was cleared within the time allowed; therefore no demurrage has taken place.

1801.
21 Aug.

Drowning of
Lieutenant
Crawford.

Among the stores received by the Royal Admiral many deficiencies and totally damaged articles have been discovered, the exact number of which cannot be ascertained until the whole are issued, particularly the shoes, as many of the casks are deficient ten and twenty pair. The casks do not appear to have been opened or touched on the passage.

Stores per
the transport
Royal Admiral.

As I have made a request for more articles being sent out here to exchange with the settlers for grain and animal food, I have recommended those articles that are liable to be damaged by leaks and chafe to be put in packing cases or casks as some of the bales, &c., by the Earl Cornwallis are damaged by these causes. I have also sent a pattern hoe, as those sent out by the Cornwallis are not of much use.

A case of vitriol was received from the Cornwallis which the master can give no other account of than that he received it from your office.

A case of
vitriol.

Agreeable to your wish I engaged a passage for Lieut. Marshall in the Albion, South Sea whaler, for the sum of eighty-four pounds, but unfortunately between the time of my engaging his passage and that ship's departure he involved himself in a disagreeable situation, which brought on him the sentence of a Criminal Court of Judicature on one indictment to pay a fine of £50 to the King and suffer one year's imprisonment; and on the other indictment a special verdict was found. From some alledged illegal proceedings of the Court, and other circumstances, I have granted him a conditional remission of the sentences expressed in the instrument which I have directed him to communicate to your Board.

Return of
Lieutenant
Marshall.

I have directed Lieut. Grant to send duplicates of his correspondence respecting the Lady Nelson.

I have, &c.,
PHILIP GIDLEY KING.

ACTING-GOVERNOR KING TO SIR S. COTTRELL.

(Despatch per whaler Albion.)

Sir, Sydney, N. S. Wales, Aug. 21st, 1801.

With this I have the Honor to forward the Entries Inwards and Clearances Outwards of Vessels into this Port, from Sept. 28th 1800 to June 30th 1801.

Shipping
returns.

I have, &c.,
PHILIP GIDLEY KING.

1801.
21 Aug.

[Enclosure.]

[*The returns of shipping were duplicates of Enclosure No. 1 to the general despatch No. 4 from Acting-Governor King to the Duke of Portland.*]

ACTING-GOVERNOR KING TO THE SECRETARY AT WAR.

(Despatch per whaler Albion; acknowledged by Secretary Lewis, 1st May, 1802.)

Sir, Sydney, N. S. Wales, Augt. 21st, 1801.

I have the honor to enclose the Monthly returns of His Majesty's New South Wales Corps from November 1800 to July 1801.

I have, &c.,

PHILIP GIDLEY KING.

Returns of
the N.S.W.
Corps.

[Enclosure.]

[*A copy of this return has not yet been found.**]

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Per whaler Albion; acknowledged by Lord Hobart, 29th August, 1802.)

My Lord, Sydney, New South Wales, Augt. 22nd, 1801.

With this I have the Honor to transmit Counterparts of such Absolute Pardons as have been Granted by me, in the Colony, for the Reasons therein Specified, which I hope, will meet your Grace's Approbation.

I have, &c.,

PHILIP GIDLEY KING.

22 Aug.

Return of
pardons
granted.

[Enclosures.]

[*The counterparts of pardons were sixteen in number, issued from 16th October, 1800, to 21st August, 1801. Of those pardoned, four men were for good conduct, the warrant being issued on the King's birthday, 1801, and five men and one woman for a similar reason on other days; one woman was pardoned on the 6th December, 1800, because her time was thought to be expired, as the list of convicts per the Lady Juliana, in which she had travelled, was lost; one man for giving information about a conspiracy at Norfolk Island; two for ten years' service at Norfolk Island, as cooper and boat-builder respectively; and two to enable them to accompany their masters, Lieut. Braithwaite and Surgeon Balmain, to England.*]

ACTING-GOVERNOR KING TO SECRETARY NEPEAN.

(Per whaler Albion; acknowledged by Secretary Nepean, 5th May, 1802.)

Sir, Sydney, New South Wales, 22nd August, 1801.

With this I have the honor to transmit the order and examination of Mr. John Murray, late master's mate on board His Majesty's armed vessel Porpoise, and now mate on board His

Examination of
John Murray.

Majesty's armed surveying vessel Lady Nelson, where he is a very active and deserving young man, and as such I hope there will be no impropriety in my recommending him to their Lordship's notice.

1801.
22 Aug.

Examination of
John Murray.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure.]

IN pursuance of the directions of Sir Roger Curtis, Bart., Vice-Admiral of the White, and Commander-in-Chief of His Majesty's ships and vessels employed and to be employed at the Cape of Good Hope and the seas adjacent, dated the 8th July, 1800.

WE have examined Mr. John Murray, who appears to be more than twenty-one years of age, and has been at sea more than six years in the ships and qualities undermentioned, viz. :—

Ships.	Entry.	Quality.	Discharge.	Y.	M.	W.	D.
Duke.....	9 June, 1789	Able seaman ...	2 Dec., 1789	...	5	2	2
Polythemus ...	10 Oct., 1794	Midshipman ...	7 May, 1797	2	7	2	...
Apollo	8 May, 1797	Mate	27 Dec., 1797	...	8	1	3
Blazer	2 Jan., 1798	2nd master and pilot.	26 July, 1798	...	7	1	3
Porpoise	7 Oct., 1798	Mate	9 July, 1800	1	9	...	...
				6	1	3	1

He produceth journals kept by himself in the Polythemus, Apollo, and Porpoise, and certificates from Captain Lumsdine, Manly, and Scott, of his diligence and sobriety. He can splice knots, reef a sail, work a ship in sailing, and shift his tides, keep a reckoning of the ship's way by plain sailing and Mercator, observe the sun and stars, and find the variation of the compass, and is qualified to do the duty of an able seaman and midshipman.

Given under our hands, on board His Majesty's ship Adamant, in Simon's Bay, Cape of Good Hope, this 9th day of July, 1800.

J. MOTHAM	} Captains of	{ Adamant.		
THOMAS LARCOM			} His Majesty's	{ Lancaster.
ROGER CURTIS					ships	{ Rattlesnake.

ACTING-GOVERNOR KING TO UNDER SECRETARY KING.

(Per whaler Albion; acknowledged by Lord Hobart, 29th August, 1802.)

Sir, Sydney, N. S. Wales, Aug. 23d, 1801.

23 Aug.

1. In addition to my Military Letter No. 3 sent herewith I beg to inform you that Capt. Edwd. Abbott of the New South Wales Corps, who I appointed to act as Engineer and Artillery

Resignation
of Capt. Abbott.

1801.
23 Aug.

Officer, has this day resigned that situation, without assigning any reason and as it is absolutely necessary, to have some Officer conversant in these Tactics to superintend and direct those works, now carrying on, and that it will be necessary to construct, I have on consulting Lt.-Col. Paterson appointed Ensign Fras. Barrallier to that situation his abilities being fully equal to that Duty.

Ensign
Barrallier
appointed
engineer.

2. And as it is necessary to attach some pay to that situation, I hope there will be no impropriety, in my requesting that Officer may be allowed ten shillings a day; As I have promised to pay him only five shillings untill I receive further commands thereon. In hopes of receiving his Grace's Instructions on this subject by the next ship.

I have, &c.,

PHILIP GIDLEY KING.

ACTING-GOVERNOR KING TO UNDER SECRETARY KING.
(Per whaler Albion.)

25 Aug.

Dear Sir,

Sydney, 25th August, 1801.

Return to
England of
Surgeon
Balmain.

The person charged with my dispatches is Mr. Wm. Balmain, surgeon of this colony, who avails himself of His Grace's permission to return to England on leave. His long residence in this colony enables him to be possessed of every circumstance respecting it, and in the situation he has been in he has been very useful. Should you wish any information from him I do not doubt he will be ready to give it.

Yours, &c.,

PHILIP GIDLEY KING.

ACTING-GOVERNOR KING TO THE TRANSPORT COMMISSIONERS.
(Per whaler Albion.)

Gentlemen,

Sydney, August 25th, 1801.

Passage money
of Lieutenant
Marshall.

I have this day drawn a Sett of Bills on you at 31 days Sight for the Sum of £84 in favor of Captn. Ebor Bunker of the Albion So. Whaler being in Payment for the passage of Lieut. James Marshall Agent to your Board, to England who came here in the Earl Cornwallis.

I have, etc.,

PHILIP GIDLEY KING.

ACTING-GOVERNOR KING TO THE TRANSPORT COMMISSIONERS.
(Per whaler Albion.)

Gentlemen,

Sydney, N. S. Wales, Augt. 25th, 1801.

With this I have the Honor to enclose a Receipt for a Sett of Bills, I have this day drawn on you, to pay, Lieut. Marshall's Passage to England on the Albion South Whaler.

I am, etc.,

PHILIP GIDLEY KING.

[Enclosure.]

1801.
25 Aug.

Sydney, N. S. Wales, Augt. 25th, 1801.

RECEIVED of His Excellency Governor King, a Sett of Bills of Exchange, on the Commissioners of His Majesty's Transport Board for the Sum of Eighty four Pounds, Sterling being payment for a Passage to England for Lieut. James Marshall, on board the Albion South Whaler.

Passage money
of Lieutenant
Marshall.

E. BUNKER.

THE TRANSPORT COMMISSIONERS TO ACTING-GOVERNOR KING.

(Per transports Atlas and Hercules; acknowledged by Governor King, 9th August, 1802.)

Sir, Transport Office, 26th Augt., 1801.

26 Aug.

Having in pursuance of directions from His Majesty's Principal Secretary of State for the Home Department, chartered the Ships Atlas and Hercules for the Transportation of 300 Male and 50 Female Convicts from Ireland to New South Wales, and the Vessels being now about to leave the River for Cork; we transmit you herewith, a Copy of the Charter Party for your Information and guidance and are

Transports
Atlas and
Hercules
chartered.

Sir, etc., etc.,

RUPERT GEORGE.

AMBROSE SERLE.

JN. HUNT.

[Enclosure.]

[A copy of the charter party has not yet been found.]

LORD HOBART TO ACTING-GOVERNOR KING.

(Despatch No. 2, per H.M.S. Buffalo; acknowledged by Governor King, 30th October, 1802.)

Sir, Downing Street, 27th August, 1801.

27 Aug.

I transmit to you inclosed the copy of a letter from Colonel Brownrigg to Mr. King, transmitting the copy of one written by command of His Royal Highness the Duke of York to Lieut.-Colonel Paterson relative to the arrest of Brevet-Major Johnstone of the New South Wales Corps, and I am to signify to You His Majesty's Pleasure that on the arrival of Major Johnstone in the Settlement, and on your receiving from Lieut.-Colonel Patterson the Communication which He is directed to make to You, You are to state to Major Johnstone the reasons for his not being brought to a Court-Martial as the same will be stated to You by Lieut.-Colonel Paterson as also His Majesty's Pleasure that He should be released from his Arrest, and return to his duty.

The arrest of
Major
Johnston.

I am, &c.,

HOBART.

1801.
27 Aug.

The arrest of
Major
Johnston.

[Enclosure No. 1.]

MAJOR-GENERAL BROWNRIGG TO UNDER SECRETARY KING.

Sir,

Horse Guards, 29th June, 1801.

I am directed by the Commander-in-Chief to acquaint you for the information of the Duke of Portland, in addition to my communication of the 9th Inst. that a Letter which has since been received from Govr. Hunter together with the whole of the Evidence which was taken on Oath, on the Arrest of Brevet-Major Johnston of the New South Wales Corps before a full Bench of Magistrates assembled for that purpose, have been referred for the further consideration of the Judge-Advocate General; from whose report and opinion thereon His Royal Highness is fully satisfied of the inexpediency of bringing Major Johnston to a General Court-Martial; but considers that for the support of Discipline, it is indispensable that Major Johnston should proceed to his Corps in arrest as was first ordered, and His Royal Highness has commanded me to transmit to you, the enclosed Copy of a Letter to Lt.-Col. Paterson, which you will be pleased to communicate to the Duke of Portland, with his Royal Highness's request that His Grace will give such directions to Governor King, as he may judge necessary on the occasion.

I have, &c.,

ROBT. BROWNRIGG.

[Enclosure No. 2.]

MAJOR-GENERAL BROWNRIGG TO LIEUTENANT-COLONEL PATERSON.

Sir,

Horse Guards, 29th June, 1801.

I am directed by the Commander-in-Chief to acquaint you that, since my communication to you of the 9th instant, a letter has been received from Governor Hunter, accompanied by the whole of the evidence which was taken on oath, on the arrest of Brevet-Major Johnston, before a full Bench of Magistrates assembled for that purpose; and the same having been referred, by order of the Commander-in-Chief, for the consideration of the Judge-Advocate General, in addition to the former communication made to him in this case, Sir Charles Morgan has repeated his opinion on the impossibility of Major Johnston being brought to trial in this country on the written evidence produced, or unless the prosecutor and the witnesses, as well in support as in refutation of the charges, are brought here from New South Wales.

Sir Charles Morgan further states that altho' on the first impression of the matter it should seem that Major Johnston should be remanded to New South Wales in order to his being tried there, where the offences whereof he is accused are alledged to have been committed, and where all the witnesses who can speak

to the points in question are to be found, yet, from the representation made by Governor Hunter, it appears that a General Court-Martial properly constituted cannot be had in that country, unless some additional officers should be sent there for that duty, and that one or the other of these measures appear to me indispensibly necessary, in order to the obtaining of a judicial decision.

To the foregoing professional report, Sir Charles Morgan has added a confidential opinion that the issue of the trial is not likely to compensate for the inconvenience which must result to the service, as well as to many persons individually, from the adoption of either of the measures above stated; for upon a supposition the most favourable and natural that each of the witnesses when more solemnly and particularly interrogated, should adhere in substance to their respective depositions, Sir Charles is fully persuaded that upon the 1st and principal article of charge, "furnishing spirituous liquors to a soldier on account of his regimental subsistence, contrary to express orders," Major Johnston would be acquitted from want of sufficient evidence; whilst, on the other hand, the prosecutor will appear to have had good cause for preferring the charge on the 2nd article of charge, contempt expressed towards his commanding officer by charging him with an intention to *persecute*, Sir Charles is inclined to think that Major Johnston will be found to have suffered his feelings, on being charged with so serious a crime, to betray him into some improper expressions thereof; but that in regard to the long, tho' unavoidable duration of his arrest, the sentence of the Court-Martial would not exceed a reprimand. And as to the 3rd charge, which consists of a non-compliance with an order given to Major Johnston, when under an arrest, for the production of the books of his company accounts, to his commanding officer, who in this instance was also his prosecutor, Sir Charles thinks, when it shall be shewn that these books might materially affect the defendant upon his trial, and that altho' he did not deliver them up as directed, he deposited them, sealed up, in the hands of the Governor in order to their being forthcoming when required by a Court-Martial, that little will be made of this instance of disobedience; and should the trial so terminate, Major Johnston will of course continue to be a captain in the New South Wales Corps, in which it is scarcely possible that he and the officers who gave evidence on the part of the prosecutor can serve together consistently with harmony and good order.

The Commander-in-Chief having maturely considered the foregoing circumstances, coincides entirely in opinion with the

1801.
27 Aug.

The arrest of
Major
Johnston.

1801.
27 Aug.
The arrest of
Major
Johnston.

Judge-Advocate General that Major Johnston should not be brought to trial either in this country or South Wales; but as the measure of his having been brought for trial to England is entirely disapproved, he is to return to New South Wales in arrest, where, on his arrival, the reasons for his not being brought to a Court-Martial will be communicated to him through the Governor, and His Majesty's pleasure for his being released from his arrest, and return to his duty. I have, &c.,

ROBERT BROWNRIGG.

LORD HOBART TO THE GOVERNORS OF HIS MAJESTY'S COLONIES AND ISLANDS IN NORTH AMERICA AND THE WEST INDIES, N. S. WALES AND NEWFOUNDLAND.

(A circular despatch.)

2 Oct.
Announcement
of peace with
France.

Sir, Downing Street, 2nd October, 1801.

I have the satisfaction to acquaint you that preliminaries of peace between His Majesty and the French Republic were signed last night at Lord Hawkesbury's Office in Downing Street, by The Rt. Honble. Lord Hawkesbury, One of His Majesty's Principal Secretaries of State, on the part of His Majesty, and by Mons. Otto, on the part of the French Government.

I am, &c.,

HOBART.

ACTING-GOVERNOR KING TO SECRETARY NEPEAN.

(Per the American ship Hope, *viâ* China.)

31 Oct.
Return of
Lieutenant
Grant to
England.

Sir, Sydney, N.S.W., 31st October, 1801.

Lt. James Grant, who brought the Lady Nelson to this colony, has received my permission to return to England agreeable to his request contained in the enclosure. Untill the Investigator arrives I have appointed Mr. Jno. Murray, mate of the Porpoise, to act as Lt. and Commander of the Lady Nelson; and in case Capt'n Flinders should wish to put one of his own officers into that vessel, I shall appoint Mr. Murray to act in that vacancy untill their Lordship's directions are received. I have the honor to enclose Mr. Murray's passing certificate, and hope there will be no impropriety in my respectful recommendation of that young man to their Lordship's notice. It is also necessary I should inform you that I have been induced to give Lt. Grant leave to return on his own application; and had nothing else been requisite than the officer's and seaman's duty for the service the Lady Nelson is engaged, Mr. Grant would have acquitted himself much to my satisfaction.

His Majesty's armed vessel Porpoise returned here from Otaheite the 2nd instant, and brought all the casks (I could collect to send by her) filled with excellent salt-pork, which is a very acceptable supply to the colony. It was my intention to have sent the Porpoise immediately after her arrival to the Cape with a load of coals, of which there is a very great abundance, for the use of His Majesty's ships on that station, and to have taken Capt'n Jno. McArthur, of the N.S.W. Corps, that far on his way to England, under an arrest, charged with endeavouring to create dissension between me and Lt.-Col'l Paterson, commanding the N.S.W. Corps and Acting Lieutenant-Governor, whereby His Majesty's service has greatly suffered, as the conduct of Capt'n McArthur brought on a duel between him and the Lt.-Col'l, which had nearly deprived H.M. service and this colony of a valuable officer. But, unfortunately, that ship's foremast and bowsprit proved so bad as to be condemned, and several sheets of copper being off on both sides, fore and aft, as low as the keel, renders it necessary to lay her on shore, or heave her down. As the season is so far advanced, I have relinquished sending her to the Cape this year, and shall send her to Otaheite about next February for another cargo of pork. Capt. McArthur goes home by way of India. I enclose the Porpoise's last weekly acc'ts.

1801.
31 Oct.Return of
H.M.S.
Porpoise
from Otaheite.Macarthur
to return to
England.Condition
of H.M.S.
Porpoise.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1A.]

LIEUTENANT GRANT TO ACTING-GOVERNOR KING.

Sir, Lady Nelson, Sydney, 31st August, 1801.

From the little knowledge I have of Nautical Surveying, and understanding a Vessel is coming out with Gentlemen of Scientific Knowledge in that line, I respectfully beg leave to return to Europe by the first favorable opportunity, where I may be enabled to render myself more serviceable to my Country.

Grant's request
to return to
England.

I am, &c.,

JAMES GRANT.

[Enclosure No. 1B.]

ACTING-GOVERNOR KING TO LIEUTENANT GRANT.

Sir, Sydney, 1st September, 1801.

In answer to yours of this date stating that, from the little knowledge you have in Nautical Surveying, and understanding that a ship is coming here with gentlemen of Scientific Knowledge in that line, and require my leave to return to Europe by the first opportunity, where you may be enabled to be of more

Leave to
return for
Lieutenant
Grant.

1801.
31 Oct.
—
Leave to
return for
Lieutenant
Grant.

service to your Country, I can have no objection to your availing yourself of the first opportunity that may offer for that purpose, and I should have been glad if your abilities as a surveyor, or being able to determine the Longitude of the different places you might visit, was any ways equal to your ability as an Officer and a Seaman.

You will, therefore, prepare your accounts of the remains of Stores that Vessell has on board, and deliver me all the Mathematical Instruments, Books, charts, &c., And furnish me with a list of Stores deficient from that vessell's outfit in England to the present time, noting what has been delivered into His Majesty's Stores.

Yours, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1c.]

WARRANT TO MR. JOHN MURRAY.

By etc.

Appointment of
John Murray
to command
the Lady
Nelson.

LIEUT. JAMES GRANT having obtained my Leave to return to England,

You are hereby required and directed to take upon you the Charge and Command of His Majesty's Armed Surveying Vessel Lady Nelson as Acting Lieut. and Commander, strictly charging all the Officers and Crew of the said Armed Surveying Vessel to behave to you with all due respect and Obedience; And you are to Obey all such Orders and directions as you may from time to time receive from me or any other your superior Officer for His Majesty's Service. For which this shall be your authority.

Given, &c., 3rd September, 1801.

PHILIP GIDLEY KING.

[Enclosure No. 2.]

[A copy of Mr. Murray's passing certificate was forwarded as an enclosure to the despatch of Acting-Governor King to Secretary Nepean, dated 22nd August, 1801.]

[Enclosure No. 3.]

[A copy of the weekly accounts of H.M.S. Porpoise has not yet been found.]

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch per brig Anna Josepha.*)

Sydney, New South Wales,

5 Nov.

My Lord,

5th November, 1801.

By the Albion, whaler, I had the honor to send the trials and consequent proceedings respecting Lieut't Marshall, of the Navy, who came here as naval agent in the Earl Cornwallis.

I hoped that after the transmission of those papers your Grace would have had no further trouble on that head; but the circumstances which have since occurred, and are detailed in the enclosures, will inform your Grace that I have no other means of restoring and ensuring the tranquility of the colony than by sending Capt'n John McArthur, of the New South Wales Corps, to England under an arrest, as stated in the enclosed representation.

1801.
5 Nov.
MacArthur
ordered to
England
under arrest.

It would have been very desirable if I could with any propriety have settled this business on the spot; but I humbly trust that when your Grace considers the situation I am placed in here, and how much I have had, and still have, to contend with, together with my reasons for not trying Captain McArthur by a Court-Martial, that my sending him Home under the arrest he has thought proper to continue himself in will be considered as an unavoidable part of my duty.

Under the persuasion that I shall meet with that support I have been endeavouring to merit, by the most unwearied and unpopular exertions, to rescue this colony from the state it was plunged into previous to my arrival, I must humbly request that such an investigation of the accompanying representation may be made as to ensure the Governor of this colony that respect and support which he cannot act without, either with credit to himself or to the interests of the public and that of His Majesty's service.

King requests
a thorough
inquiry.

It was my intention to have sent Captain McArthur to the Cape on his way to England in the Porpoise, but as that ship requires greater repairs than can be finished before it is too late in the season, Capt'n McArthur, at his own choice, goes Home under the arrest by way of India, in the Hunter, rather than waiting for a whaler. I have given the master of that ship £100 for his passage to Calcutta, and have requested the Governor-General of India to direct a passage for him on board one of the Company's ships, on the same footing as officers of his rank. I am much concerned at this expence, but it is at that price that the peace of the colony is ensured. Capt'n McKellar, of the New South Wales Corps, who has acted as my aid-du-camp and assistant in carrying on the public works, will embark in the first whaler that goes direct for England, with Capt'n McArthur's sword, and duplicates of this despatch and those sent by the Albion. That officer will be able to give every information respecting the events which have rendered these measures necessary.

MacArthur to
travel in the
Hunter.

McKellar to
take
MacArthur's
sword to
England.

I have, &c.,

PHILIP GIDLEY KING.

1801.
5 Nov.Synopsis
of papers.

[Synopsis of Enclosures.]

LIST OF DOCUMENTS RESPECTING CAPTAIN JOHN MCARTHUR'S
ARREST AND BEING SENT TO ENGLAND.

THE Trials at large of Lieut. Marshall for an Assault on Cap-
tains John McArthur and Edwd. Abbott
and

THE Correspondence respecting the above were transmitted by
the Albion, and Duplicates will be sent by Captn. McKellar of
the New South Wales Corps.

N.B.—They are now sent. A. and B.

- No. 1 Representation of the Causes which have rendered it neces-
sary to send Captn. McArthur of the New South Wales
Corps to England in Arrest.
- No. 2 Abridgment of Lieutenant Marshall's Trials.
- No. 3 Copies of Letters from Lieut. Col'l Paterson to Major
Genl. Brownrigg and Sir Joseph Banks with Governor
King's Observations thereon containing Four Documents.
- No. 4 Reports and General Orders respecting Captn. McArthur
being sent to England in Arrest Containing Fourteen Docu-
ments.
- No. 5 Correspondence with Lieut. Col. Paterson respecting his
Duel with Captn. McArthur, Containing Two Documents.
- No. 6 Do with Captn. Piper, respecting the Duel Arrest etc.
Containing Eleven Documents.
- No. 7 Do with Captn. McArthur respecting the Duel Arrest etc.
Containing Nine Documents.
- No. 8 Proofs respecting the above Papers.
- No. 9 Copy of the Order for Captn. McArthur to Embark on
board the Hunter.

[Enclosure A.]

[*This is a duplicate of Enclosure No. 1, to the despatch of
Acting-Governor King to the Duke of Portland, dated 21st
August, 1801.**]

[Enclosure B.]

[*This enclosure consisted of duplicate copies of the correspon-
dence forwarded in Enclosure No. 3 to the despatch of Acting-
Governor King to the Duke of Portland, dated 21st August,
1801.**]

[Enclosure No. 1.]

REPRESENTATION of the Causes which have rendered it necessary
to send Captn. McArthur of the New South Wales Corps to
England in Arrest.

Sydney, New South Wales, 25th September, 1801.

BEING anxious to explore Hunter's River, I ordered the Lady
Nelson for that service. Lieut't-Col'l Paterson offering to assist,

The reasons
for sending
Macarthur to
England
under arrest.

and sensible how much the success of that expedition depended on his judgement, I accepted his offer; consequently the command devolved on Capt. McArthur. During the Col's short absence, the Cornwallis arrived with convicts and some soldiers. Lieut't Crawford, of the N. S. Wales Corps, having died* on the passage, Lieut't Marshall (agent), wishing to have a gun and quilt belonging to that officer in exchange for his own, very improperly substituted the one for the other. Capt'n McArthur interfered as commanding officer of the regiment, which produced an examination before a bench of magistrates, who would not take it upon themselves to say that Lieut. Marshall had any felonious intentions.† Lieut't Crawford's servant, on whose evidence any conviction rested, exculpated Lieut't Marshall from any improper motives. It also appeared that previous to Lieutenant Marshall's sending his own gun on shore, he informed the quarter-master of the regiment (who he thought was the proper officer) of the change he intended to make, as a small debt due from Crawford might ballance the difference in goodness. Notwithstanding these favourable appearances, I gave Lt. Marshall a severe reprimand for allowing any part of his conduct giving reason for suspicion. Here that affair rested. Some days after I informed Lt. Marshall I had taken his passage to England in the Albion, whaler, agreeable to the wish of the Transport Board. It appeared that soon after this information Lt. Marshall very improperly insulted Capt'n McArthur, who sent Capt'n Abbott with a challenge, which Lt. Marshall accepted, and chose for his second Mr. Jeffries, purser of the Earl Cornwallis, who Capt'n Abbott would not consider as his co-equal (altho' Mr. Jeffries has since been invited by Capt'n McArthur to his house in company with Capt'n Abbott). Lt. Marshall not choosing to get another, here this part of the business rested, which Capt'n McArthur, when it was over, came to my bedside, where I was confined by illness, and informed me of. It appeared that Lt. Marshall went to the ground and waited a considerable time. Next day he met Capt'n Abbott and struck him. He also signified the same intention towards Capt'n McArthur, who, being armed, prevented what was most certainly intended. On these circumstances being reported to me, I ordered Lt. Marshall to be tried by a Criminal Court, at the suit of the King, for an assault and battery on Capt'n Abbott and for an assault on Capt'n McArthur. The day after Col'l Paterson returned from the Coal River, which completed the Criminal Court as follows:—Col'l Paterson and four other officers of the Corps; Lt. Grant, of the Navy; and the Judge-Advocate. Lt. Marshall objecting to the competency of the Court, as well as to an individual member, both objections

1801.
5 Nov.

Lieutenant
Marshall's
improper
conduct.

Examination by
magistrates.

Marshall
challenged by
Macarthur.

Abbott
assaulted by
Marshall.

Marshall
to be tried
by the criminal
court.

* Note 92. † Note 93.

1801.
5 Nov.

Marshall's
memorial
to King.

Sentence on
Marshall.

Refusal of
court to
consider new
evidence.

Proceedings
submitted to
the Secretary
of State.

Correspondence
with members
of the court.

were over-ruled. On the evening of the second day Lt. Marshall sent me a memorial,* stating the grievances he laboured under by the proceedings of the court, and praying my interference. This I answered by pointing out the impropriety of my interfering until the trial ended and the proceedings were laid before me.* He was sentenced on the first indictment to pay a fine of £50 and imprisoned twelve months in the jail at Sydney. On the second indictment a special verdict was found, which, of course, referred that trial to the Secretary of State. On reading the proceedings, altho' I am satisfied that Lt. Marshall was highly culpable in his unwarrantable attack upon Capt'n Abbott, yet, for the sake of ample justice to all parties, I ordered the Judge-Advocate to reconvene the Court and lay before it Lieut't Marshall's allegations and to investigate them, not only to defend its own integrity, but to afford the most unequivocal justice to the prisoner, and to enable me to judge how far he was deserving of any part of the Royal mercy being extended towards him, or to expiate his full sentence. The members met, but refused attending to my directions and instantly dispersed.†

Thus situated in experiencing the mortification of finding my authority publicly insulted and my legal orders disobeyed, I directed the Judge-Advocate to inform the members how much I felt for the consequences of their conduct in refusing to do themselves, the prosecutors, and the prisoner the justice of attending to my commands, and no other resource was left me than to lay the whole of their proceedings before the Secretary of State, and to pray His Majesty's most gracious support of the authority which he and the Legislature had been graciously pleased to invest the Gov'r of this colony with. This produced a letter‡ from the five military members, requesting a copy of L't Marshall's address and my letter to the Judge-Advocate to exonerate them of any improper conduct. This I declined, considering it unjust to furnish them (as a part only of the Court by which he was tried), with materials to confute his allegations in private and in his absence, when they might have done all parties the justice of investigating it, by my authority, with the assistance of the Judge-Advocate and the other members in public, and in the presence of the prisoner who considered himself aggrieved. I received a reply from the same five members‡ (who took no notice of the impropriety of their addressing me on that subject without the Judge-Advocate and the other members), stating their reasons for not complying with my orders in terms which they ought not to have used, and declaring that this opinion was unanimous. Seeing the names of the Judge-Advocate and

* Note 94. † Note 95. ‡ Note 96.

Lieut't Grant omitted in both these letters, I requested to be informed whether they had agreed to the reasons given for disobeying my directions respecting L't Marshall's memorial.* They answered that they were neither consulted nor unanimous. This answer I sent to the five officers, who replied by maintaining that the Judge-Advocate and L't Grant had concurred in the unanimity of their opinion, which they supported by five depositions.† The Judge-Advocate and L't Grant again denied their truth. On these manifest contradictions I decided in favour of neither; but, considering the order I had given a duty I owed the Court, the prosecutors, and the prisoner, and the few law books I possessed informing me "that the tenderness and humanity for which the English laws are so justly famous, in allowing prisoners to challenge the jurors even on insufficient causes," are generally admitted of; whereas, L't Marshall's complaint of his peremptory challenge of a juror being overruled, who, as he says, "showed a great degree of warmth" before the trial commenced—this, as well as L't Marshall's other allegations (whether true or not the Court prevented me from ascertaining), appeared to me very sufficient reasons for giving the order I did. And if the members had asked the Judge-Advocate his opinion (for which purpose he carried books to the Court) they would have known, "that in all cases of moment where justice is not done upon one trial, the injured party is entitled to another," &c.; and if there is truth in L't Marshall's allegations, he certainly was a most injured man. Nor could I (although very reluctantly) draw any other inference from this refusal than that his complaint was not altogether groundless. Feeling most sensibly, as I did and do still, for the public insult thus given to the King's authority, I saw no other alternative than submitting those proceedings to His Majesty's Secretary of State, and giving L't Marshall a conditional remission of his sentence‡ to return to England, and there abide by such directions as might hereafter be given, both respecting the sentence and the special verdict, for the observance of which he entered into recognizances. My representation on this head was solely confined to a reference to the attested copy of those proceedings. In this stage of the business Capt'n McArthur wrote me a letter,§ insinuating that he had received my advice in most of the steps he had pursued. To refute this foul attempt, it is only necessary to refer to his letter, my reply, and his own corroborations.¶

A few days after Col'l Paterson informed me that Capt'n McArthur felt so much offended with him for not agreeing to withhold his visits to me, that he had threatened to divulge all their private and public conversations, correspondence, and trans-

1801.
5 Nov.

Correspondence
with members
of the court.

Opinions
of King.

Conditional
remission
of Marshall's
sentence.

Macarthur
quarrels with
Paterson.

* Note 94. † Note 97. ‡ Note 98. § Note 99.

1801.
5 Nov.

Correspondence
with Banks
and
Brownrigg.

actions. Three days after it was rumoured by some of the officers "that the Colonel had written a letter to Sir Jos. Banks, reflecting on my too great economy having occasioned the present scarcity";* that Capt'n McArthur had corrected these remarks; and, further, that a public letter had been written to General Brownrigg, containing many harsh reflections against my public conduct in the late events.* I immediately asked the Colonel for copies of those letters, in which it appeared my information was too true; nor had I any pains to convince Col'l Paterson of the impropriety and unfounded tenor of these assertions and reflections, which were so evidently indited by another person. I freely and fully forgave Col'l Paterson for acting otherways in this dark transaction than as the instrument of one who had a certain point of resentment to obtain. An officer (the Adjutant) no sooner heard that Col'l Paterson and myself intended to dine together, than notice thereof was sent to Capt'n McArthur. This information and much other disapprobation arising in Capt'n McArthur's mind respecting Col'l Paterson's not choosing to set me at defiance, occasioned (as it has since appeared) an exposure of much private correspondence by Capt'n McArthur, very hurtful to Col'l Paterson's feelings.

Exoneration
of Paterson.

Behaviour of
the officers
with regard
to King.

Hearing that most of the officers of the Corps had resolved to avoid any intercourse with me except on duty, and that they were instigated to that measure by Capt'n McArthur, conscious that (except it was the performance of my duty) I had done nothing to offend them, either collectively or individually, I sent cards of invitation on the 13th September to celebrate the anniversary of His Majesty's coronation, to every officer, civil and military, except Capt'n McArthur. This I did with the view of reconciling those who had been deceived and misled. I received the immediate acquiescence of all except four, who were so uncivil as not to send me any answer until I sent for it on the morning of the 15th, when they all refused. I could no longer be in doubt who were and who were not the adherents of Capt'n McArthur.

Duel between
Paterson and
Macarthur.

Not having any idea of what was going forward, I left Sydney about one o'clock, the 14th September, on my way to the Hawkesbury to arrange some public business. On arriving at Parramatta I learned that Col'l Paterson was wounded in a duel with Capt'n McArthur. I immediately returned to Sydney and instantly ordered the seconds, Capt'n McKellar, who carried the message, and Capt'n Piper, who was Capt'n McArthur's second, into a close arrest, and the following morning directed the Adjutant to conduct them to Government House, when I directed them to make out their respective reports,† leaving them in a room with the Adjutant.

* Note 100.

† Note 101.

As the surgeons had not then reported the nature and danger of Col'l Paterson's wound, and the colonial duty on which Capt'n McKellar was engaged, as having the principal charge in conducting the public works under my direction, not allowing of his being so suddenly removed and remaining under an arrest, I ordered him to be released, "but to consider himself answerable for any consequences that might happen to Col'l Paterson, and to consider himself subject to any censure that might occur from the representation that would be made of this event." Captain Piper's conduct in going out with an officer against their commanding officer, and against a man who had always acted towards him as a father and a friend, and departing so much from the rules of propriety (if I may so term it) as allowing Capt'n McArthur to load his own pistols, were circumstances that excited my most serious reprimand, and as he had then nothing to offer in reply I ordered him to return to his confinement, and prepare for being sent to England. Soon after the surgeons reported that Col'l Paterson's life was by no means out of danger. As some restraint on those officers who were concerned in this affair appeared necessary, until a more favourable report could be made, I conceived that by putting them into an arrest in their own houses would be more eligible than placing them in a common jail among the worst of felons. I therefore ordered Captains McArthur, Piper, and McKellar into arrest until the surgeons announced Col'l Paterson to be in a state of convalescence. On reflecting over these events, I too plainly saw that whatever provocation Col'l Paterson received by Capt'n McArthur's alledged conduct towards him, yet I could not but censure his calling an inferior officer out as being highly detrimental to His Majesty's service, nor was Capt'n McKellar's conduct less reprehensible in carrying the message. To have tried those four officers by a Court-Martial, admitting that Col'l Paterson recovers, would be (if that officer and Capt'n McKellar were removed from the duties of their situations, the first as Acting Lt.-Governor commanding the troops, and the second having the immediate direction of the public works) a great injury to His Majesty's service; therefore, situated as those two officers are, I considered myself justifiable in submitting this representation to His Majesty's most gracious consideration. It appeared highly necessary to separate Col'l Paterson and Capt'n McArthur for the preservation of the public peace as well as the tranquility of the regiment. I am well aware that the Order* I gave to that effect by relieving Capt'n McArthur from the command of the detachment at Parramatta to that of Norfolk Island, was not strictly conforming to the military routine of duty, yet the circumstances

1801.
5 Nov.McKellar
liberated
from arrest.Piper's
improper
conduct.Paterson's life
endangered.Macarthur,
Piper, and
McKellar
ordered into
arrest.Paterson
censured.Difficulties
of a trial by
court-martial.Macarthur
transferred
to Norfolk
Island.

* Note 102.

1801.
5 Nov.Paterson
censured.The cause of
the quarrel.Officers
released on
bail.Correspondence
with
Macarthur.Sureties
given to keep
the peace.

of the time and persons concern'd appeared to me a sufficient reason for so doing. As the surgeons did not see cause to give a favorable report on the 21st (when the eight days limited for a military arrest were expired), I judged it necessary to inform Col'l Paterson of my disapprobation of his conduct in calling an inferior officer out, when he might have had recourse to a General Court-Martial.* On receiving Col'l Paterson's answer, I saw the truth of the different reports I had heard of Capt'n McArthur's having had a very principal concern in all the events that had occurred, and that Col'l Paterson not joining him and some other officers of the Corps in treating me with disrespect (for what I must ever consider as discharging my bounden duty in the case of Lt. Marshall), had drawn down on the Colonel Capt'n McArthur's displeasure and revenge, which unfortunately produced this disagreeable event. As it was now necessary to release those officers from their arrest, the eight days being expired, and the surgeons not having given a favorable report of Col'l Paterson's convalescence, I directed, by General Orders of the 21st,† the release of those officers from their arrest, and notwithstanding the impropriety of admitting persons to bail situated as they were, yet the same reasons that operated with me in committing them to a military arrest rather than to the public jail, induced me to require security for their appearance in case Col'l Paterson dies in consequence of that wound, and also sureties for keeping the peace as long as they are in the territory and its dependencies.

In the interim between the arrest and the order for their liberation I received a letter from Capt'n McArthur,‡ “informing me of his obeying the order of arrest, requiring to know the reasons for that arrest, and reminding me of Capt'n Edw'd Abbott having been previously ordered for the duty at Norfolk Island.” This I answered by directing the Adjutant to refer Capt'n McArthur to the General Orders of the 15th. I also received letters from Capt'n Piper. To what end his explanations tend, why it was necessary Capt'n McArthur should load his own pistols, or the meaning of the singular certificate‡ that accompanied that correspondence, I am as much at a loss to guess as his reasons for the insinuation contained in his letter of the 21st, which I found it necessary to make him explain, as stated in the documents.‡

In consequence of the Order of the 21st,† Col'l Paterson and Capt'n McKellar gave proper securities for keeping the peace. Capt'n Piper, who had come out of arrest, wrote§ to the Judge-Advocate, requesting to be indulged 'till next day, until his sureties came, pledging his honor to observe the peace. The next morning I received information from a magistrate that a *rencontre* was apprehended between Captains Piper and McKellar,

* Note 103. † Note 104. ‡ Note 105. § Note 106.

who were out of arrest, but the former had not given the stipulated security. I directed the Judge-Advocate to require Capt'n Piper to appear immediately and sign his own recognizance.* The Judge-Advocate soon after brought me two letters, the one received from the Rev'd Mr. Marsden, magistrate at Parramatta, stating that "Capt'n McArthur had no objection to give bail for his appearance at a Criminal Court when called upon, but that he would give no bond to keep the peace until an information was lodged against him upon oath that he intended to break the peace";† and the other from Capt'n Piper, wrote in exactly the same words and terms of refusal as that of Capt'n McArthur's, from which he had evidently copied it.‡ Capt'n Piper having thus departed from the promise on which he was allowed to leave his arrest, I conceived it my duty, as Governor of the colony and conservator of the peace, to commit him to the jail until he discovered the violence he had done himself and the King's authority. He was committed at 4 o'clock in the afternoon, and at 10 that evening, on making a concession, was released and admitted to give his recognizances. The Adjutant deliver'd me a letter addressed to him by Capt'n McArthur,‡ signifying his refusal to quit the arrest he was placed in by the General Orders of the 15th,‡ demanding to be tried by a General Court-Martial, offering to do duty under that arrest, contradicting the validity of Capt'n McKellar's report respecting the duel, and desiring to be furnished with a copy of that report.

Capt'n McArthur's refusing to come out of the arrest he was placed in until Col'l Paterson's life was out of danger, unless being tried by a Court-Martial, and his refusal to give securities for keeping the peace he had already been concerned in breaking, and which I have every satisfactory reason to be assured was to be broken again, were, in my opinion, sufficient reasons for committing him to the jail until he should think proper to give that security which, as the supreme magistrate here, it was my bounden duty to require for preserving the peace. However proper this measure would have been, yet the same reason that operated with me, as expressed in the Orders of the 21st,§ still induced me to continue him in the arrest he had chosen to remain under. I saw no necessity for trying Capt'n McArthur by a Court-Martial for the consequences that might happen to Col'l Paterson, he being put under an arrest until the Colonel's life should be out of danger was what the public peace and common security required; and when the time limited for a military arrest expired I still saw the imperious necessity of binding the parties over to keep the peace. I have already stated that, from circumstances respecting the duel, I did not consider it consistent with the

1801.
5 Nov.

Macarthur's
and Piper's
refusals.

Piper
committed
to gaol.

Macarthur's
refusal to
leave his arrest.

Probability
of further
trouble.

* No'e 107.

† Note 108.

‡ Note 109.

§ Note 104.

1801.
5 Nov.

Macarthur
the principal
in opposition
to King.

public service to try all those officers for that offence by a Court-Martial, but to represent it to His Majesty's Minister. Throughout the whole of this unfortunate event—nay, from the very first part of this statement—Capt'n McArthur's conduct appeared more than suspicious to me, in advising the officers during Lieut't Marshall's trials. His insinuating artful letter to me of the 18th August,* calculated entirely to serve political purposes; his endeavours to persuade the officers not to come near me but on points of duty; the evidence of his handwriting in correcting, and, perhaps, framing, Lieut't Col'l Paterson's remarks to Sir Jos. Banks "that my too great œconomy had occasioned the present scarcity";† and I make no doubt his having principally indited Col'l Paterson's letter to General Brownrigg (which I have fully answered by marginal notes since I obtained it);‡ all which was done without my knowledge, until it became a public conversation after the Albion had sailed, evidently intended to reach my ears at a time when I could not answer the charges, and when it was notorious to every one that Captain McArthur had quarrelled with Colonel Paterson because he chose to pay me that attention which a friendship of ten years required, and would not join him and such other officers of the Corps as were of his party to treat me disrespectfully. These circumstances, and the accompanying documents, fully convinced me that Capt'n McArthur had throughout these events tried to effect a dissension between me and the second in command, which has greatly involved and retarded His Majesty's service by taking off my attention from those duties which require the constant attention of the Governor of this colony. To have tried Capt'n McArthur on that charge by a Court-Martial would neither have answered the ends of justice or restored confidence between the officers. As I must have given the order for holding the General Court-Martial I could not with propriety prosecute, nor had I a person I could delegate, neither could I with propriety approve the sentence, being myself the prosecutor. Most of the members who must necessarily have sat on that trial were so far compromised in these disputes that they could not be considered impartial judges, exclusive of which the members must have been referred to as witnesses. Therefore, as Captain McArthur did not choose to quit his arrest unless tried by a General Court-Martial, nor to give the necessary securities for keeping the peace, I judged it necessary and indispensable for the tranquility of the colony and regiment to direct that officer to be sent to England in the arrest he continued himself under, there to answer for his conduct in the preceding transactions, and more particularly on the representations I have very reluctantly been obliged to make, viz., of his having endeavoured

Macarthur's
attempt to
cause
dissension
between King
and Paterson.

Difficulties
in holding a
court-martial.

Macarthur
sent to
England
under arrest.

* Note 110. † Note 100.

to create a dissension between me and Lieut't-Colonel Paterson, commanding His Majesty's troops in this territory and Acting Lieut't-Governor, whereby His Majesty's service has been much injured, the proofs of which are contained in the preceding paragraphs of this statement and its references.

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5 Nov.

Charges against
Macarthur.

From all which I trust the following facts will appear:—

1st. That my conduct in and consequent on Lt. Marshall's trials was conformable to my oath of office, viz., "to administer justice duly and impartially."

Marshall's
trial.

2nd. That the attacks made on my public character, in the letters to General Brownrigg and Sir Jos. Banks,* would have remained unrefuted but that Lt.-Col'l Paterson, Commanding Officer of the N. S. Wales Corps, fell under the displeasure of Capt'n Jno. McArthur of the same Corps, because he (Lt.-Col'l Paterson) did not choose to follow his advice in treating me with disrespect.

Attacks on
King's
character.

3rd. That by Col'l Paterson and some other officers of the New South Wales Corps immediately rejecting Capt'n McArthur's proposals to treat me with disrespect, the colony was prevented from being involved in speedy ruin and confusion.

Rejection of
Macarthur's
proposals by
the officers.

4th. That Col'l Paterson adhering to the line his duty pointed out, produced such treatment from Capt'n McArthur as provoked Col'l Paterson to seek for private redress.

Cause of
the duel.

5th. That my conduct since the duel between Col'l Paterson and Capt'n McArthur has been so indispensable from the existing circumstances as to render any other proceeding on my part inadmissible either in my civil or military capacity.

King's actions
since the duel.

6th. That from the circumstances of the officers being so much involved in those events, recourse could not be had to the General Court-Martial demanded by Capt'n McArthur, nor could I try that officer for endeavoring to create dissension between me and the second in command, for the reasons stated.

Court-martial
impracticable.

7th. And should any further proofs be wanting of the restless and turbulent conduct of Capt'n Jno. McArthur, beyond what are contained in the preceding statement and proofs, I must require that the evidence of the late Governors Philip and Hunter may be procured, which, with many documents now in the Secretary of State's office, will fully prove that this conduct of Capt'n McArthur's has not been confined to the present moment.

Proofs of
Macarthur's
turbulent
conduct.

8th. Nor can I pass over unnoticed the improper conduct of Capt'n John Piper of the N.S.W. Corps (to whom I had given the local rank of captain), which will fully appear in the letters written by him to me, and the singular certificate accompanying them.

Conduct of
Piper.

* Note 100.

1801.
5 Nov.
Conduct of
Piper.

His breaking his word of honor, which caused his being imprisoned in the jail until he gave his securities for keeping the peace, I shall make no other comment on than submitting that circumstance as well as the whole of this representation to the high authority it is most humbly and respectfully referred to.

Sydney New South Wales

PHILIP GIDLEY KING.

October 10th 1801.

Since closing the preceding representation, this colony has nearly been thrown into a ferment by a cause which would have been attended with very unpleasant consequences if it had not been so critically prevented.

Macarthur's
present of
spirits to the
military.

And in which every blame attaches to Capt'n McArthur, who well knew that no spirits could be removed from one house to another without a permit; and what his reasons were for giving a detachment of soldiers who had formerly been under his command a treat of that kind, in his situation—under an arrest—without the Commanding Officer of the regiment's knowledge, or that of the officer commanding the detachment, appears equally obvious with the rest of his conduct.*

PHILIP GIDLEY KING.

[Enclosure No. 2.]

Lieutenant
Marshall's
two trials.

LIEUTENANT MARSHALL'S TRIAL—ABRIDGEMENT OF PROCEEDINGS.†

ON the 29th day of July, 1801, Lieut't Marshall, of the Royal Navy, was brought before the Court of Criminal Judicature for an assault and battery on Capt'n Abbott, of the New South Wales Corps, by striking him violently in the street with a stick, on the 23rd July. Lieut't Marshall objecting to the competency of the Court, as well as to an individual member, the Court was cleared, when both objections were overuled. Lieut't Marshall pleaded not guilty. Capt'n Abbott opened the prosecution by a few preliminary observations (No. 2) and called James Tennant, Esq're, commander of the Earl Cornwallis, whose evidence clearly proved the assault, as stated in the indictment, and that it was highly aggravated by Capt'n Abbott's being unarmed, and not having given Lieut. Marshall any cause of offence. James Tennant, on being cross-questioned by Lieut't Marshall, says, that neither himself or any of the bystanders (as he supposes) could imagine it was Lieut't Marshall's intention to murder Capt'n Abbott.

W'm Tonks, a private in the New South Wales Corps, proves that he was centry at the Commanding Officer's door; saw no blow struck, but by the order of Adj't Minchen he interfered, and desired Lieut't Marshall to go away, which he did; that Capt'n

* Note 111. † Note 112.

Abbott was not armed; that on his going between Capt'n Abbott and Lieut't Marshall, Lieut't Marshall neither reached over him, or attempted to strike Capt'n Abbott.

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5 Nov.

Lieutenant
Marshall's
two trials.

Lieut't Hobby says that on Lieut't Marshall seeing Capt'n Abbott, he suddenly altered the direction he was going; came up to Capt'n Abbott, and struck him with a large stick, and that he heard the blow at a considerable distance; that Capt'n Abbott told Lieut't Marshall he would have no conversation with him, on which Lieut't Marshall called him "a damn'd scoundrel," and says he thinks it was Lieut't Marshall's intention to have struck Capt'n Abbott a second time.

Adj't Minchen says that Lieut't Marshall passed him with a large bludgeon in his hand, and walked towards Capt'n Abbott, who said to Lieut't Marshall that he would have nothing to say or do with him, and endeavoured to pass Lieut't Marshall, who then struck him and attempted to repeat the blow, but was prevented by his ordering the centry, Tonks, to go to Capt'n Abbott's assistance; says that Capt'n Abbott was not armed; neither did he in any manner, by words or jestures, give Lieut't Marshall cause to strike him.

John Harris, Esq're, surgeon of the New South Wales Corps, says that on the 27th July he examined Capt'n Abbott's side; it was much discoloured; and that he is of opinion the blow which caused it must have been given with some considerable degree of violence, but no alarming symptoms were likely to ensue.

The evidence on the part of the Crown here closed. Capt'n Abbott addressed the Court in a few words (No. 3) and finished the prosecution. Lieut't Marshall entered into no regular defence, but protested against the proceedings of the Court as illegal, his objection to one of the members having been overuled.

Sentence.—To pay a fine of £50 to the King, and to be confined in the county jail for twelve calendar months.

Lieut't Marshall was a second time brought before the same Court, for an assault on Capt'n McArthur, of the New South Wales Corps, Lieut't Marshall again objecting to the competency of the Court and against two of the members. Both objections were overuled.

Capt'n McArthur opened the prosecution by reading a paper (No. 5) part of which Lieut't Marshall objected to, as tending to prejudice the Court and audience. The Court directed Capt'n McArthur to proceed, but to avoid any expressions that might operate to that effect.

James Tennant, Esq're, stated a conversation that had passed between himself, Capt'n McArthur, and Lieut't Marshall,

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5 Nov.
Lieutenant
Marshall's
two trials.

respecting the effects of Lieut't Crawford, who died on his passage to this country; but in no manner proved any assault on Capt'n McArthur by Lieut't Marshall.

Capt'n Abbott's very long evidence respect what passed between Capt'n McArthur and Lieutenant Marshall on the subject of Lieut't Crawford's effects, together with several conversations and letters that had taken place between himself and Lieut't Marshall, in consequence of a challenge sent to Lieut't Marshall by Capt'n McArthur, of which he was the bearer, but had no tendency to prove Lieut't Marshall's assault on Capt'n McArthur.

Adj't Minchen's evidence tends to prove that on the 23rd July he saw Lieut't Marshall advance within five or six paces of Capt'n McArthur and raise his stick on his shoulder, which, together with his appearance, led him to imagine he intended to give Capt'n McArthur a severe blow; that he saw Capt'n McArthur draw his sword, telling Lieut't Marshall at the same time that if he advanced he would run him through the body; that Lieut't Marshall made use of very abusive language to Cap'n McArthur, who gave him in charge of the centry, and that he, himself, ordered him to the guard-house; that this happened at the end of the Commanding Officer's house, and on the King's highway.

Lieut't Hobby's evidence confirming Adj. Minchen so far as that he saw Lieut't Marshall advance hastily towards Capt'n McArthur, apparently with an intent to strike him; that Capt'n McArthur drew his sword, and told Lieut't Marshall that if he offered any violence he would run him through the body; and that Lieut't Marshall was escorted to the guard-house by a file of men. Lieut't Hobby declares this happened on the parade.

The evidence of Mr. Campbell, commanding the Harrington brig, likewise confirms that of Adj. Minchen in every particular, and differs only with Lieut't Hobby's as to the place where it happened, for he declares it passed on the King's highway.

Capt'n. McArthur read to the Court the Paper No. 6 and closed the prosecution.

Lieut. Marshall having delivered into Court the paper No. 7 a special verdict was given.

Extracted from the proceedings of the Criminal Court, this 10th day of Sept'r, 1801.

RICHARD ATKINS,
Judge-Advocate.

A true copy of the original abridgement lodged in my office.

W. N. CHAPMAN, Secy.

[Letters forming Enclosure No. 3.]

COLONEL PATERSON TO GENERAL BROWNRIGG—MARGINAL NOTES BY GOVERNOR KING.*

1801.
5 Nov.Paterson's
letter to
Brownrigg.*Remarks by Governor King.*

Sir, Sydney, 24th August, 1801.

1st. I fully acquit Col'l Paterson of being the inditer, altho' he has signed this letter.

1st. Some events have lately taken place in this settlement of so serious and disagreeable a nature that I feel myself under the necessity of making a representation of them to you, sir, that it may be submitted to the consideration of His Royal Highness the Commander-in-Chief.

2nd. I am sorry that Col'l Paterson's zeal to promote His Majesty's service induced me to allow his ever quitting this place for a moment, and had he not gone these events would never have happened.

2nd. On the 8th of June I gave up the command of the New South Wales Corps to Captain John McArthur to proceed to the northward on a surveying expedition; and on the day of my departure from hence the Earl Cornwallis, transport, arrived with a detachment of soldiers on board that had been embarked in England under the command of a Lieut. Henry Crawford, who was drowned at Rio de Janeiro.

3rd and 4th. Respecting Lieut't Marshall's degree of guilt, see correspondence.

3rd. When the unfortunate loss of this young officer was reported to Captain McArthur, he caused the necessary enquiries to be made for the securing and recovering his effects, and these enquiries led to a discovery that part of them had been embezzled and exchanged by a Lieutenant Marshall, of the Royal Navy, who sailed in the Earl Cornwallis in the office of agent of transports.

4th. The circumstances which this discovery produced are partly recited in a letter to me from Captain McArthur, which, with the papers that accompanied it, I do myself the honor to enclose a copy herewith (No. 1).

5th. It will therefore be only necessary for me to state, for His Royal Highness's further information, that in consequence of Captains McArthur and Abbott having entered actions at the suit of the Crown, I was ordered by His Excellency Governor King to sit on a Criminal Court with four other officers of the New South Wales Corps, Lieutenant James Grant, of the Royal Navy, and the Judge-Advocate of the colony, for the trial of Lieutenant Marshall.

6th. Copies were applied for by Lieut't Marshall and his prosecutors, which I did not consider

6th. To have rendered this representation perfectly clear it would have been necessary that I should have sent with it copies of the trials of that officer, and

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myself justifiable in granting, as the special verdict found on Captain McArthur's prosecution required attested copies being transmitted to the Secretary of State.

of the memorial and letters which the trial on Captain Abbott's prosecution produced, but they were not to be obtained. An attested copy of the whole, however, is to be transmitted by Governor King to His Majesty's Principal Secretary of State for the Home Department, and I presume it may be without difficulty procured for His Royal Highness to inspect.

7th. See correspondence.

7th. In this copy will be found one of a letter* from Governor King, charging the Criminal Court with having publicly insulted his legal commands, and with directly disobeying his orders by declining to proceed to an investigation and to examine such evidence on certain allegations contained in a memorial from Lieutenant Marshall, and concluding with a declaration that he (Governor King) was determined to submit this charge to His Majesty's Secretary of State and to claim His Majesty's most gracious support in the authority he is entrusted with.

8th. The trials began 29th July; the 30th I received the memorial, and answered by No. 3; the trials ended Augt. 4th at noon, when Lt. Marshall was first committed. The remainder of the day I read the proceedings, and next morning wrote the letter. These dates, I hope, will refute this artfull insinuation. How far the court were unanimous will appear by statement, pa. 3 to 7, and by letters Nos. 10 to 17 and 21 to 24, including five depositions, to all which I must refer in explanation of those manifest contradictions.

8th. The copy transmitted to the Secretary of State will show that at the time the memorial and evidence here alluded to were offered to the Criminal Court, Lieutenant Marshall had been some days suffering under its sentence, and this consideration operated as a reason for declining to enter into any new investigation of an affair which it had before decided and passed sentence on. This opinion was joined in by every member of the court, but, unfortunately, happening to be different from what Governor King thought right, it occasioned the severe and threatening letter quoted in the foregoing paragraph.

9th. This is fully answered by the reference to the preceding paragraphs. Had Col'l Paterson acted from his own ideas, I am confident he would have done what was just and honourable, but he has been misled by

9th. The anamadversions contained in this letter, and Governor King's declaration that it was his intention to transmit to His Majesty's Ministers so serious a complaint, made me feel considerable uneasiness and therefore I thought it proper to endeavour to justify my own conduct, and that the persons united with me on the Criminal Court should

* Note 114.

the artifice of one whose principles he now detests, and whose counsels he has so much reason to lament. The Judge-Advocate went into court with Lt. Marshall's original memorial and my answer to it, when the members refused to attend to my letter No. 1. If the Judge-Advocate and Lieut. Grant (which they positively deny) had been consulted, why was that not stated in the five military members' letters, Nos. 9 and 11? Had the court attended to the observations, the Judge-Advocate was ready to make from the authority of the books he carried with him for that purpose, they would have seen that the intemperate and disrespectful language used in that letter (No. 11) but ill became them to offer or me to receive.

10th. For the number of letters, see correspondence, No. 12, 13, 14, 21 (including five depositions), 25, and 28. How to reconcile these contradictions is out of my power. The insinuation respecting "the opinion giving so much displeasure," I shall make no other observations upon except that it draws the principal composer of this letter from behind the canvas.

11th. I never considered the officers of the N.S.W. Corps on that trial but as members of the Court until they compelled me by their letters, Nos. 9 and 11, to address them particularly. Events have explained the purport of

do the same. To effect this it appeared necessary to request a copy of Lieutenant Marshall's memorial and of Governor King's letter (the Judge-Advocate having been directed to withhold the original), but Lieutenant Grant and the Judge-Advocate refused to peruse any measures for their justification, and therefore I was only joined in this request by Captains McKellar and Piper, Lieutenant Davies, and Ensign Hugh Piper (see No. 2). No. 3 is Governor King's reply, in which he positively refuses to allow copies to be given on the subject. The letter No. 4 was then written, containing a recital of Governor King's letter from memory and the reasons which we had to offer for not complying with his order.

10th. This was answered by No. 5 from Governor King, and its enclosure, No. 6, from Lieutenant Grant and the Judge-Advocate, in which both these gentlemen deny that they concurred with us in the opinion that gave so much displeasure. No. 7, and the depositions that accompanied it, produced the letter No. 8, enclosing two letters from Lieutenant Grant and the Judge-Advocate; and thus terminated this extraordinary and very disagreeable correspondence.

11th. When the whole of these papers are examined, I respectfully hope that His Royal Highness will be of opinion that I have endeavoured to discharge my duty to the best of my judgment; and if His Royal Highness should be pleased to interfere, so as to prevent the officers of the New South Wales Corps from being again threatened in the manner

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these dark insinuations. I fully approved the Court's sentence on Capt'n Abbott's just cause of prosecution; and had it been thought proper to do itself and the prisoner the justice of attending to my legal commands, probably Lieut. Marshall would now have been expiating that sentence.

12th. This disquiet is chiefly to be attributed to the restless disposition of an individual. And in this instance, notwithstanding the artful (but unsuccessful) attempts to set Col'l Paterson and myself at variance, yet no two men have so sincere an esteem and respect for each other. Col. Paterson, in a moment of anger, was prevailed on to lend the sanction of his name to what he now condemns, which events fully prove.

13th. The present Judge-Advocate is only acting in that situation, and the appointment falling on a person of this description will be highly acceptable and beneficial to the welfare of the colony; but, as Mr. Atkins was the only person here eligible to that office, I appointed him to act, on Mr. Dore's death, because he had before done that duty much to my predecessor's satisfaction; nor has he, in a single instance that I know of, acted contrary to strict justice and impartiality.

Why did not the officers who were members of the Criminal Court in question attend to the advice the Judge-Advocate was ready to give them?

they have been for discharging their duty according to their conscience in a Court of Justice, where they are sworn to decide in obedience to the laws and not in conformity to the pleasure of the Governor, it will be received by them all with the deepest gratitude.

12th. And here permit me to remark to you, sir, that most of the disquiet which has agitated this settlement, and does agitate it, is chiefly to be attributed to the unfortunate mixture of civil and military duties which exist in this country. But for this, I would be answerable that the most entire concord would be maintained between the officer in command and the officers of the New South Wales Corps; and were it possible to make such a change in the laws constituting the Courts of Civil Justice, as that the officers might no longer be called to sit upon them, I am positive such a change would tend greatly to restore the shattered peace of the colony, and to preserve it in future.

13th. But if this be not attainable at present, I must humbly intreat that His Royal Highness will use his influence that some means may be tried to ascertain that the person who may fill the office of Judge-Advocate in this Colony (and who as such presides in all but the military Courts of Justice) may be a gentleman of integrity, honor, and ability, and possessing some general legal knowledge. If such a man were appointed to that office there would be no danger of seeing the officers involved in difficulty and in doubt, as now unhappily but too often happens, his opinion in all ambiguous cases would greatly influence theirs, and absolutely govern it in all points of law on which they must be uninformed; and most probably he would have so much weight with the Executive power as to restrain it from improper interference. The officers would have no cause to fear when they joined in opinion with a gentleman of this description, that he would afterwards deny that he had

These insinuations, as far as they concern me, are of that dark nature that needs no reply from me, being conscious of my own integrity and justice of my conduct.

See the 8th, 9th, and 10th paragraphs.

15th. To the Judge-Advocate I have referred this paragraph, as it more particularly affects him, altho' not without the usual stile of insinuation against me.

I appointed him for three reasons: first, because no other person in the colony was any ways eligible to that office; next, because he was ordered on a former occasion to do that duty by the Secretary of State; and thirdly, because Gov. Hunter was very well satisfied with his conduct while he officiated; and as I have had no cause to be dissatisfied with his public conduct, I by no means reproach myself with having appointed him to act in that situation until His Majesty's pleasure is known.

given any opinion (even tho' it should prove opposite to the will of the Governor), and they would be certain not to be forsaken and left alone to maintain on unequal grounds the propriety of their conduct.

14th. This, sir, I am assured you will admit is a very cruel situation for officers to be placed in, and yet it is no imaginary case, for one of the trials which occasions this representation absolutely caused the present Acting Judge-Advocate of the colony to deny the opinion he had given in conjunction with myself and the other officers who composed the Criminal Court.

15th. If this circumstance should appear satisfactorily proved, as I hope and trust it will from my deposition and the others that accompany it, I conclude there can be no doubt but His Majesty's Ministers will dismiss Richard Atkins, Esquire, the Judge-Advocate, from the office he so unworthily filled, and which it is astonishing he was ever thought by Governor King a proper person to appoint to, as his character for low debauchery and every degrading vice, as well as a total want of every gentlemanly principle, is universally known throughout this settlement.

16th. I have been obliged to write in great haste, as the ship (Albion) sails early to-morrow morning, but if I have omitted any necessary explanation I beg leave to refer you to Mr. Balmain, the principal surgeon of the colony, who will have the honor to deliver my letter. He is fully competent to answer any questions relative to the representation I have made, as he was employed as a magistrate to inspect and attest the

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The papers referred to in the above replies were

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transmitted by the Al-
bion. Duplicates will be
sent by Capt'n McKellar.

PHILIP GIDLEY KING.

papers transmitted by Governor King,
and was also a witness of many of the
events which they relate to.

W. PATERSON,
Lieut.-Colonel.

COPY OF AN EXTRACT FROM A LETTER written by Lt.-Col. Paterson,
but corrected by Capt. John McArthur, to Sir Joseph Banks.

[Extract.]

*Remarks by Governor
King.*

As the store-houses were full of grain, and the vermin destroying a great part of it before it could be issued, where would have been the œconomy to purchase grain and leave it in the public streets? I answer, it would have suited those who had great sums due to them from the unfortunate settlers, for their former monopolising and iniquitous proceedings. Government might have paid for it, the vermin might have eat it, and the weather might have destroyed what the vermin left; and instead of the expences of grain purchased in the last three quarters amounting to £6,700, I might have explained to my superiors why it amounted to £20,000, and why half the quantity purchased was destroyed.

PHILIP GIDLEY KING.

"I need not say anything respecting the state of the colony, the Governor's despatches will be quite explanatory on that head. but I cannot help observing that he has carried his œconomy too far. There was a time when wheat might have been had (which he refused to take).* The consequence was that many of the settlers had no other way of disposing of their grain than to feed their stock with it, and hundreds of bushels have been used for that purpose.

W. PATERSON,
Lieut.-Colonel.

* *Footnote by Acting-Governor King.*—"This assertion, Col. Paterson tells me, was talked of publicly by the officers, and I believe that at that time their minds were as much worked on and agitated as the Colonel's. However, the trials at the Civil Courts and almost every settler's ground and crop being under assignments for the payment of the debts imposed on them by the most disgraceful extortions, prior to my taking the command, are sufficient proofs that the settlers were not at liberty to dispose of their grain in that manner, particularly after the destructive floods that happened during the last year; but admitting such was the abundance of grain, to what other purpose could the overplus be better applied than in feeding the stock? Justice to Col. Paterson requires my observing that after all the testimonies he has given of his hearty coincidence in my pursuits for the welfare of this colony, and more particularly the communications of what he has written to the respectable character to whom this extract is addressed, on every preceding occasion, I feel it necessary to close these observations by expressing my firm conviction that these assertions were extorted from him by the reports and persuasions of those who were aiming at anarchy and confusion.

"PHILIP GIDLEY KING."

[Enclosure No. 4.]

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[Of the fourteen documents forming this enclosure, twelve alone are available.]

(No. 1) ACTING-GOVERNOR KING TO ADJUTANT MINCHIN.

Government House, 14th September, 1801, 8 p.m.

LIEUT.-COL. PATERSON, Commanding Officer of the New South Wales Corps, now suffering under a wound he received this day from Capt. John McArthur, of the New South Wales Corps, Ensign and Adjutant Minchin will inform Captain Abbott, next in command, that it is my order Captains Piper and Mackellar, seconds to the above officers in the *rencontre*, be put under arrest, and a centinel placed at each of their barracks until further notice.

Piper and
McKellar placed
under arrest.

PHILIP GIDLEY KING.

(No. 2) GOVERNMENT AND GENERAL ORDER.

15th September, 1801.

THE Governor deeply laments that circumstances should have operated so forcibly on the mind of Lieut.-Col. Paterson, Commanding Officer of the New South Wales Corps, as to exact private satisfaction for the injury it appeared to him his honor had received from Capt'n McArthur, of the same Corps, whereby the King's service and the welfare of this colony may experience a great loss. In consequence of the event of that *rencontre*, and the surgeons having declared that Colonel Paterson's life is by no means out of danger, Captains McArthur, Piper, and Mackellar are to be put under a close arrest until the surgeons pronounce him in a state of convalescence. On that officer's life being out of danger, the good of His Majesty's service in this colony requires that Captain John McArthur and Lieut't T. Davies hold themselves in readiness to embark on board His Majesty's armed vessell Lady Nelson, for the duty of Norfolk Island. Capt'n Abbott and Ensigns Brabyn and Piper to remain at head-quarters. Lieut. Hobby to command the detachment at Parramatta. A captain to be constantly at head-quarters.

Macarthur,
Piper, and
McKellar placed
under arrest.

Macarthur
and Davies to
proceed to
Norfolk Island.

PHILIP GIDLEY KING.

(No. 3) ACTING-GOVERNOR KING TO CAPTAIN ABBOTT.

Government House, Sydney,

15th September, 1801, 8 a.m.

GOVERNOR KING requests Capt'n Abbott will direct the Adjutant to bring Captains Piper and Mackellar to Government House after guard mounting, when the centinels placed over those officers are to be taken off.

Piper and
McKellar
summoned to
Government
House.

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(No. 4) ACTING-GOVERNOR KING TO ADJUTANT MINCHIN.

Government House, Sydney,
15th September, 1801, 9 a.m.

Piper and
McKellar
ordered to
report on the
duel.

ADJUTANT MINCHIN will inform Captains Piper and Mackellar that it is my direction they do commit to writing the particulars of the *rencontre* that took place yesterday between Lieut.-Colonel Paterson and Captain McArthur, in which statement Capt'n Mackellar will explain the causes that led to that meeting, and Capt'n Piper will account for his conduct in going out as second to another officer in a duel against their Commanding Officer. The Adjutant will remain in the room with those officers, and when their separate reports are finished they are to be signed by them, and witnessed by him, previous to their being delivered to me.

(No. 5) CAPTAIN MCKELLAR'S ACCOUNT.

15th September, 1801.

McKellar's
account of
the duel.

LIEUT.-COL. PATERSON, feeling that the steps which had been taken by Capt. McArthur in divulging his private as well as public correspondence, and also in making public private conversations which took place at the Lt.-Colonel's house while he (Capt. McArthur) lived there as a friend; in exhibiting a letter from Mrs. Paterson to Mrs. McArthur to different descriptions of persons, and putting such interpretations on its contents as he thought most likely to answer his own purposes, and such as might give a colour to an alledged breach of hospitality and friendship on the part of Mrs. Paterson; in insinuating the probability of Mrs. Paterson's using undue influence with Governor King, through the medium of Mrs. King, to injure Capt'n McArthur; that this conduct having taken place since the day on which Capt. McArthur left Sydney, when he had dined with the Lt.-Colonel and taken friendly leave, and there having since then been no communication between them that could give Capt'n McArthur the shadow of pretence for such a violation of what has ever been held sacred amongst men of honor, proceeded from a design to injure his reputation in the opinion of the world, but particularly in that of the Governor, as well as to wound his feelings.

Conceiving, therefore, a just resentment for such, as he thought, treacherous and malicious conduct, he requested that I would call upon Capt. McArthur to give him the satisfaction of a gentleman.

Thursday, the 10th, I delivered Capt. McArthur a message from Lt.-Col. Paterson, nearly in the following words, viz't:—
"As you have abused the confidence Col. Paterson had reposed

in you, he expects you will give him that satisfaction he, as an injured man, has a right to require," to which he replied, "Whenever he pleases," when it was agreed that a meeting should take place on the following day, Friday, at 4 o'clock, which hour was afterwards altered to 1 o'clock; but the weather proving unfavorable, it was postponed to Saturday, the 12th, which morning being stormy, with rain, it was agreed between Capt. Piper and myself that he should go to Parramatta to stop Capt. McArthur's coming to the place appointed for the meeting, and determined on Monday, the 14th, at 1 o'clock.

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McKellar's
account of
the duel.

When we had agreed upon the spot, Capt. McArthur loaded his own pistols, while Capt. Piper stood by and helped him to what he wanted. I loaded Col. Paterson's, and when done tossed up for the first fire, which was won by Capt. Piper for Capt. McArthur; measured the distance (twelve paces) and desired Col. Paterson, who stood a little way off, to take his ground, which having done I gave him a pistol not cocked. Capt. McArthur fired, and his ball having hit the Colonel in the right shoulder he dropt his pistol. I made Capt. McArthur keep his ground until I found by Mr. Harris's assurance, as well as the Colonel's own, that it was impossible he could return the fire. I then told Capt. Piper that his principal might quit his ground, when Capt. McArthur sent me a message, as if exulting in victory, that he should be ready for Col. Paterson at any time.

NEIL MACKELLAR.

(No. 6) CAPTAIN PIPER'S ACCOUNT.

15th September, 1801.

THURSDAY, Sept'r 10th, Capt. McArthur informed me that Capt. Mackellar had waited on him with a message from Lieut.-Col. Paterson, demanding satisfaction, and requesting me to be his second.

Piper's account
of the duel.

The meeting took place yesterday, and Lieut.-Col. Paterson was wounded.

JOHN PIPER.

(No. 7) COPY OF A CERTIFICATE TO CAPTAIN MACARTHUR.

Parramatta, 15th September, 1801.

THIS is to certify that Capt'n John McArthur being this evening ordered into arrest, he produced to us the pistols which he used in the affair of honour between Lieut't-Colonel Paterson and himself; and that on examining them we were satisfied that, from some defects in the locks, no person, except well acquainted with the method of guarding against those defects, could load one of them without the greatest danger of shooting himself, and that

Certificate re
Macarthur's
pistols.

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Certificate *re*
Macarthur's
pistols.

another of them requires a very particular management in the half-cocking, to prevent it missing to go off when put on the full-cock.

WM. MINCHIN, Ensign and Adjutant.
WM. MOORE, Ens'n, N.S.W. Corps.
JOHN BRABYN, Ens'n, N.S.W. Corps.
HUGH PIPER, Ens'n, N.S.W. Corps.

We, the undersigned, do further certify that we know Capt'n McArthur's pistols were defective before the meeting with Lieut't-Col'l Paterson.

JOHN BRABYN, Ens., N.S.W. Corps.
WM. MOORE, Ens., N.S.W. Corps.

(No. 8) GOVERNMENT AND GENERAL ORDER.

21st September, 1801.

Liberation of
Macarthur,
McKellar,
and Piper
on bail.

ALTHO' the surgeons* have this day reported that Lieut.-Col. Paterson is not out of danger from the wound he received on the 14th inst., yet, as the eight days limited for a military arrest expire this day, Captains McArthur, Piper, and Mackellar, principal and seconds in the unfortunate *rencontre* in which Col. Paterson was wounded, are to be released from the arrest into which they were ordered by the General Orders of the 15th inst.; and notwithstanding the impropriety of admitting persons to bail situated as these officers are, yet the same reasons that operated with the Governor in committing them to a military arrest, rather than to the public jail, induce him to admit of their giving bail and proper security for their appearance before a Court of Criminal Judicature, in case it shall happen that Lt.-Colonel Paterson dies in consequence of that wound. Those officers, as well as Lt.-Col. Paterson (when his situation will admit of it), are to give security and enter into recognizances for keeping the peace towards each other as long as they are in this territory and its dependencies.

PHILIP GIDLEY KING.

(No. 9) GOVERNMENT AND GENERAL ORDER.

23rd September, 1801.

Macarthur's
refusal to give
security.

LIEUT.-COL. PATERSON and Captains Piper and Mackellar having entered into sureties for keeping the peace, agreeable to the Governor's Order of the 21st inst., and Capt'n John McArthur having not only refused to quit his arrest (directed by the General Order of the 15th and taken off by that of the 21st), but having also refused to give the security required by the Judge-Advocate and expressed in the General Order of the 21st inst.,—

* Note 115.

Notwithstanding this defiance of the civil law and the King's authority, the Governor forgoes the line his duty points out, by committing him to the public jail until he gives the sureties required, on account and in consideration of his family.

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In consequence of that officer's refusing to come out of arrest and giving security for his future peaceable behaviour, the indulgence the Governor allowed him, at his own request, of going about Parramatta, is, for the preservation of the King's peace, to be withdrawn, and he is to be placed under a close arrest.

Macarthur placed in close arrest.

His Majesty's service requires that Capt'n John McArthur do prepare himself to embark for England in the arrest he has thought proper to continue himself under.

Macarthur ordered to England.

PHILIP GIDLEY KING.

(No. 10) LIEUTENANT HOBBY TO ACTING-GOVERNOR KING.

Sir,

Parramatta, 5th October, 1801.

I beg leave to acquaint your Excellency that about 4 o'clock on Saturday evening last Sergeant Bayless informed me that the constables had seized from him two gallons and a half of spirits that he had been directed to fetch from Mr. Cox's, as a present from Captain McArthur to the detachment. I desired him to go for the constable that I might enquire into it, which he did, and I found it was a lawfull seizure, Sergeant Bayless not having taken the precaution to procure a permit.

Seizure of spirits given by Macarthur to the military.

A five minutes after this, myself and Ensign Moore saw a number of men running up the street, some of them armed with large sticks. We called after them, desiring them to come back. At first they paid no attention to us, but upon repeating our call one of them (Daniel Curry) stoped; the others dispersed in different directions. We walked up to Curry, and I asked him where they were all running to. He said they were going to get the spirits that the constables had seized. I then asked him in what manner they meant to recover it—by peaceable means or by force. He answered me by peaceable means if they could, otherwise by force.

I ordered Curry to be confined, but was induced to release him the next morning, as he appeared sensible of the impropriety of his conduct.

On Saturday evening, Ensign Moore informed me that Captain McArthur was going to give the detachment one pound of meat, one pound of wheat, and a gill of spirits to each man on the following day, and that the spirits in question was intended for that purpose.

I have, &c.,

JNO. HOBBY.

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(No. 11) ACTING-GOVERNOR KING TO LIEUT.-COLONEL PATERSON.

7th October, 1801.

Macarthur
forbidden to
give spirits to
the military.

LIEUT.-COLONEL PATERSON will direct that Captain McArthur be informed that I cannot but greatly disapprove of a dinner and spirits being given to the detachment at Parramatta by him, in his present situation, without the previous permission of the Commanding Officer of the regiment, or at least of the officer commanding that detachment, the consequences of which (in the soldiers sallying forth with sticks, &c., to rescue the spirits by force from the constables who had seized it lawfully) would have been such, had it not been critically prevented by Lieut. Hobby and Ensign Moore, as to throw this colony into the greatest confusion.

Captain McArthur will also be informed that I require he does not give any more spirits to the detachment, or otherwise interfere with any part of it.

PHILIP GIDLEY KING.

(No. 12) ENSIGN MOORE TO LIEUTENANT-COLONEL PATERSON.

Sir,

Parramatta, 30th October, 1801.

Seizure of
spirits given
by Macarthur
to the military.

According to your request, I shall relate the affair of the spirits being seized from Sergeant Bayliss by the constables as minutely as I possibly can.

On Saturday, the 5th of this month, I was in company with Lieut. Hobby, when Sergeant Bayliss came and informed us that one of the constables had seized two gallons and a half of spirits from him, that he had been desired to fetch from Mr. Cox's, as a present from Captain McArthur to the detachment. Lieut. Hobby desired Sergeant Bayliss to go for the constable that he might inquire further into the business; the constable returned with Sergeant Bayliss, and proved that it was a lawfull seizure, Sergeant Bayliss not being provided with a permit.

A five minutes after this we saw a number of the soldiers running up the street, some of them with large sticks in their hands. Both myself and Lieut. Hobby called after them, desiring them to come back. At first they appeared to pay no regard to us, but upon repeating our call, one of them (Daniel Curry) stoped, and the others walked away in different directions. We went up to Curry, and Lieut. Hobby asked him whither they were all running to. He answered they were going to gett the spirits the constables had seized. Lieut. Hobby then ask'd him in what manner they meant to get it—by peaceable means or by force.

He said by peaceable means if they could, otherwise by force.
Lieut. Hobby ordered him to be confined.

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The above is the whole of the circumstances.

I have, &c.,

WM. MOORE.

[Enclosure No. 5.]

(No. 1) ACTING-GOVERNOR KING TO LIEUT.-COLONEL PATERSON.

Sir, Sydney, 21st September, 1801.

Not wishing to create any uneasiness in your mind during the doubtful state you have been in, I have deferred doing what my duty required, until now, when the surgeons have reported you fit to receive this communication.

Paterson
requested to
explain his
reasons for
the duel.

I cannot help lamenting that any circumstance should have made such an impression on the mind of an officer of your rank, experience, and great respectability (exclusive of the consequences that would have attended your loss to His Majesty's service in this colony), to induce your seeking that satisfaction in a personal *rencontre*, by calling an inferior officer out, which might have been obtained by a Court-Martial.

As the events of this unfortunate business require my laying the particulars before His Majesty's Principal Secretary of State for the Home Department, I have to request you will furnish me with your reasons for this proceeding, which I cannot but consider as departing from the strict line of military discipline.

I have, &c.,

PHILIP GIDLEY KING.

(No. 2) LIEUT.-COLONEL PATERSON TO ACTING-GOVERNOR KING.

Sir, Sydney, 29th September, 1801.

I had the honor to receive yours of the 21st, and am extremely concerned that the steps I have taken with Capt. McArthur, in vindication of my conduct as an officer and gentleman, should have incurred your disapprobation; but I am certain that when I disclose to your Excellency that officer's perfidious behaviour towards me that it will greatly extenuate my irregularity on that occasion, and from the circumstance of Captain Abbott and Captain Piper, Ensign Piper and Ensign Minchin having withdrawn themselves from my house from the time I refused to connect myself with Capt. McArthur against you, it was evident that some means had been used to prejudice the minds of these officers against me; and had I brought Capt. McArthur to a Court-Martial for disrespectful and contemptuous aspersions on my character, I could not expect due candour from those officers under such influence. This, and Capt. McArthur's avowing to disclose my private and public letters to Mr. Marsden

Paterson's
reasons for
challenging
Macarthur.

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Paterson's
reasons for
challenging
Macarthur.

and Mr. Thomson, and from some occurrences of a private nature, which hurt my feelings as poignantly as those on which I was attacked in my public capacity, particularly a letter from Mrs. Paterson to Mrs. McArthur, who had been affectionate friends for twelve years, and which was written under the same kind intention and idea. This letter Capt. McArthur read to different persons, putting the most ungenerous and ungentlemanly interpretations on its contents, and such as he wish'd might tend to give an appearance of a breach of hospitality on the part of Mrs. Paterson, and likewise telling Mr. Jamieson, the Superintendent, that it was probable Mrs. Paterson would use her influence with Mrs. King to prejudice the Governor against Capt. McArthur. These illiberal, unprovoked, and unjust assertions, urged by my detestation of his conduct throughout the whole business, obliged me to call upon him for that satisfaction I, as an injured man, had a right to expect, and which, from the particular situation I was placed in with some of the officers, I had no other mode of obtaining. These reasons will, I trust, have some weight for my acting by Capt. McArthur as I have done, and plead some excuse for deviating from the exact line of military discipline.

I have, &c.,

W. PATERSON.

[Enclosure No. 6.]

(No. 1) CAPTAIN PIPER TO ACTING-GOVERNOR KING.

Sir,

Sydney, 19th September, 1801.

As you were pleased to order me into a close arrest on the evening of the 15th inst., and to post a sentinel over me, and also to order me from my own barrack, in charge of Adjutant Minchin, into your presence at Government House, and there to reproach me with the commission of several offences, in a manner and in language very hurtful to my feelings, and after threatening that you would send me to England, with charges against me, then to direct the Adjutant to take me back to my arrest, in which I have continued ever since, a close prisoner. Justice to myself obliges me to require that you will be pleased to furnish me with a copy of the charges that are to be preferred against me, that I may prepare for my defence.

And, if it be not presuming too much, I must desire to be informed what I have done that I, who only acted as the second of a challenged officer, am thought deserving more rigorous usage than the officer who carried the challenge.

I must further request that you will indulge me with leave to go to Parramatta to arrange my affairs before I quit this colony.

I have, &c.,

JOHN PIPER.

Piper requests
a copy of the
charges to be
preferred
against him.

(No. 2) ACTING-GOVERNOR KING TO CAPTAIN PIPER.*

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Sir,

Criticism of
Piper's conduct.

A reference to the General Orders of the 16th inst. might serve as an answer to your letter of this date; but to prevent a misconception which your letter seems to admit of, you will recollect that on my return to Sydney on the evening of the 15th, and finding Lieutenant-Colonel Paterson dangerously wounded in a duel with Captn. John McArthur, I ordered Captain McKellar and yourself as seconds in that *rencontre* into the arrest you describe. And should you not have said that I ordered Capt'n McKellar, as well as yourself, to be brought to Government House at 9 o'clock the next morning under charge of the Adjutant, and that I left you in a room together, to make out your separate reports of that affair, which, when finished, I returned, and after having perused them I must confess that the ideas they created in my mind was no ways favourable to you. In going out as a second to another officer of the same Corps against your Commanding Officer, Lieut.-Col. Paterson, whose friendship and attention to you certainly merited some other consideration and restraint on your part, both in the relation of Commanding Officer and a friend, and however reprehensible and improper Lieut.-Colonel Paterson certainly was in calling an inferior officer out, and Captn. McKellar for carrying the message, yet, sir, I must repeat that it would have been more becoming in you to refuse that office than to have accepted it. And after having taken upon you to see what is generally termed the most honourable proceedings between the parties, your suffering Captn. McArthur to load the pistol with which he unfortunately wounded Lieut.-Col. Paterson renders your conduct still more reprehensible.

As you have demanded the charges against you, and comment on my reproaching you, I have repeated the above circumstances, which will form the representation I shall make of your conduct. If you consult the General Orders of the 16th inst. you will observe that Captn. McArthur and McKellar are both under a similar constraint with yourself, until Lieut.-Col. Paterson's life shall be out of danger, which I hope will be before the eight days are expired, otherwise it will be necessary to deliver the parties over to the civil power.

I have, &c.,

PHILIP GIDLEY KING.

(No. 3) CAPTAIN PIPER TO ACTING-GOVERNOR KING.

Sir,

Sydney, 21st September, 1801.

I have the honor to acknowledge the receipt of your letter, without a date, the 20th inst., in reply to mine of the 19th inst.,

* Note 116.

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Piper's
explanation
of his actions.

and I feel myself obliged to enter into some explanation, which, but for your observations, I should not have thought necessary.

I am unable to discover why I should have remarked that Captn. McKellar was sent for, at the time I was, to Government House, on the morning of the 16th inst., but as I neither design to conceal anything, or to write in such a way as may occasion misconstruction, I very readily admit that he was so. I must, however, to make the detail more compleatly circumstantial, observe that there was the remarkable difference in the manner of our coming and going from hence. I was totally unprepared to make the statement I was directed to write, but Captn. McKellar (as if he had been previously informed why his presence was required) came provided with several memorandums, to which he very frequently referred in drawing up his statement.

At going, I was sent off in charge of the Adjutant, who was ordered to take me back to my confinement, whilst Capt. McKellar, the *challenger's second*, was released from his arrest at the same moment, and had his sword returned to him.

In answer to the observations you were pleased to make to me at Government House, and again to repeat in your letter, on my conduct in going out as the friend of Captn. McArthur, and on my ingratitude to Lieut.-Col. Paterson I have to say that I was induced to attend Captn. McArthur from friendship, and from a conviction that he was the injured person—a conviction not found on idle rumours, or the reports of unprincipled men, but from an entire and perfect knowledge of every circumstance that led to the call which was made upon him.

The charge of ingratitude I can as easily answer. I acknowledge that I am much obliged to Colonel Paterson for the politeness and attention which I have received from him, and I shall at all times acknowledge it, provided the claim on me does not extend beyond a demand of that practice of gratitude which every gentleman ought to feel for such attention and politeness as is I believe very commonly paid by officers in command to those who serve under them. This is all that I ever did owe to Colonel Paterson; and I cannot say that I did, or that I do now, think myself under such an immense load of obligation as that I should for him forsake an injured friend when my aid was necessary to the support of his honor.

As you appear to consider Capt'n McArthur loading his own pistols an offence of great enormity, I shall beg to explain you the cause. His pistols are so defective about the locks that no person but himself can load one of them without danger, and the other requires a very correct management in half-cocking or it

will miss at the full-cock. This Captn. McArthur mentioned to Captn. McKellar in my presence on the Thursday before the meeting, observing at the same time that he made a point of honor to make it known least Col. Paterson should request one of his pistols, and it should deceive him; in this Captn. McKellar observed that he knew one pistol was defective, but that Colonel Paterson would use his own—a new case of valuable ones. In this statement I must beg to add the enclosed copy of a certificate* obtained by Captain McArthur the night he was put into arrest, he having been told of the untrue and exaggerated representation written by Captn. McKellar, and that the circumstance of his loading his own pistols had been particularly remarked upon.

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Piper's
explanation
of his actions.

I have, &c.,

JOHN PIPER.

(No. 4) ACTING-GOVERNOR KING TO CAPTAIN PIPER.

Sir,

21st September, 1801.

In answer to yours of this date, you will please to observe that my observations on yours of the 19th was rendered necessary by the tenor of that letter.

Had the surgeons informed me of their opinion respecting Lieut't-Col'l Paterson's state previous to Captain McKellar and yourself giving your reports to me, Capt'n McKellar would not have been released, but would have been sent back to the confinement he, as well as Capt'n McArthur was ordered to, three hours after, on the surgeons making their report.

Reasons for
McKellar's
release.

To what aim your insinuation tends respecting Capt'n McKellar "being previously informed why his presence was required" I cannot discover; but I believe in most important and momentous concerns every correct man makes such memorandums as may assist his memory.

Should you not have remarked in your circumstantial detail on what account Capt'n McKellar was released, viz., that he still was to consider himself answerable for his conduct, when an answer could be obtained to the representation that will be made of those events, but that the furtherance of His Majesty's service in this colony in the important Colonial duties he was engaged did not allow of his being kept under an arrest.

Respecting the delicate construction of both, and defect you state in one of Capt'n McArthur's pistols, which is supported by a certificate, on which I shall make no comment, I am really sorry that for your own sake, as events have happened, that you had not been instructed in the management of the one that is not defective, between the Thursday when it appears this unfor-

Macarthur's
pistols.

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tunate business was in agitation and the Monday it took place, which would have rendered an explanation on that head unnecessary.

I have, &c.,

PHILIP GIDLEY KING.

(No. 5) JUDGE-ADVOCATE ATKINS TO CAPTAIN PIPER.

Sir,

21st September, 1801.

Piper to name
his sureties.

Having this day been directed by His Excellency the Governor to take your bail in £250, and two sureties in £125 each, for your appearance at a Criminal Court when called on, as well as to keep the peace towards Lieut't-Col'l Paterson and Capt'n McKellar during your residence in this territory and its dependencies, I request you will transmit to me, as soon as possible, the names of your sureties, in order to their being inserted in the bond, which will be ready to be executed at 5 o'clock this day, at my house.

I am, &c.,

RD. ATKINS, J.-A.

(No. 6) CAPTAIN PIPER TO JUDGE-ADVOCATE ATKINS.

Sir,

Monday Evening.

Piper
arranging
for sureties.

In reply to your letter, I have to request that His Excellency Gov'r King, will indulge me until to-morrow, as I have written to Parramatta to request that Mr. Marsden and Mr. Cox will be my sureties, and I am afraid it will be impossible for me to have their answer before to-morrow evening; and I pledge my honour that I shall remain at head-quarters, and keep the peace until that time.

I am, &c.,

JOHN PIPER.

(No. 7) JUDGE-ADVOCATE ATKINS TO CAPTAIN PIPER.

Sir,

22nd September, 1801.

Piper
suspected
of breaking
the peace.

I laid before His Excellency the Governor your letter, and as he understands a breach of the peace is intended on your part, it is his positive order that you immediately attend here and sign the recognizance agreeable to his Order of yesterday.

I am, &c.,

RD. ATKINS, J.-A.

(No. 8) CAPTAIN PIPER TO JUDGE-ADVOCATE ATKINS.

Sir,

22nd September, 1801.

Piper's refusal
to give sureties
to keep the
peace.

I have no objection to enter into the recognizance for my appearance at a Criminal Court when called upon; but I will give no bail to keep the peace till an information is lodged against me, upon oath, that I intend to break the peace.

I am, &c.,

JOHN PIPER.

(No. 9) ACTING-GOVERNOR KING TO JUDGE-ADVOCATE ATKINS.

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Sir,

22nd September, 1801.

Captain Piper having forfeited his word of honour as a British officer, in now refusing to give bail, on a pretext that does violence to my authority and lenient conduct, you will commit that person to jail till he appears to be convinced of the impropriety of his conduct in thus setting at defiance the King's authority.

I remain, &c.,

PHILIP GIDLEY KING.

Piper ordered
to gaol.

(No. 10) CAPTAIN PIPER TO ACTING-GOVERNOR KING.

Sir,

22nd September, 1801.

Having informed the Judge-Advocate yesterday that I had sent for my friends to Parramatta to be my sureties, and having requested time until this evening to have their answer, and having pledged my word of honor to keep the peace until that time, I conceived my bond was not entered into, and that I had a right to make objections within the time limited. I am now sorry in having made any objection to sign the bond agreeable to my letter of yesterday, and see the impropriety of my last letter to the Judge-Advocate, and request that you will admit me to bail.

I have, &c.,

JOHN PIPER.

Piper requests
to be admitted
to bail.*[A copy of the eleventh document is not available.]*

[Enclosure No. 7.]

(No. 1) CAPTAIN MACARTHUR TO ACTING-GOVERNOR KING.

Sir,

Parramatta, 16th September, 1801.

The Adjutant of the New South Wales Corps will report that your orders respecting me have been obeyed, and that I was last night put in arrest. Your General Orders of yesterday were also communicated to me by that officer, and from them I learn that I am at the same time put into arrest, relieved from the command of my detachment at this post, and ordered to prepare myself for another duty of detachment at Norfolk Island.*

Arrest of
Macarthur.

My part, sir, is obedience; but I think it incumbent on me to require information whether these, to me apparently extraordinary measures, are intended as a punishment for some supposed offence, or whether it is only to be considered as in the ordinary course of duty?

If it be meant in the first sense, as a British officer I require a copy of the charge against me, and permission to answer to it immediately before a General Court-Martial; but if it be to be

Macarthur's
protest.

1801.
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understood the latter one, I beg leave to acquaint you, sir, that Captain Abbott, a junior officer to myself, is now at headquarters, and whose duty it is to take the detachment on which I am ordered.

I am, &c.,

JOHN McARTHUR.

(No. 2) ACTING-GOVERNOR KING TO ADJUTANT MINCHIN.

Sydney, 17th September, 1801.

THE Adjutant of the New South Wales Corps will inform Captain John McArthur, in answer to his letter to me of yesterday's date, that the cause and extent of the officers' arrest who were concerned in the *rencontre* that took place on the 14th inst., as well as my reasons for ordering Captain McArthur to hold himself in readiness to take the duty at Norfolk Island, when the surgeons may pronounce Lieutenant-Colonel Paterson's life to be out of danger, are stated in the General Orders of the 15th inst.

PHILIP GIDLEY KING.

(No. 3) CAPTAIN MACARTHUR TO ADJUTANT MINCHIN.

Sir,

Parramatta, 21st September, 1801.

As you have been ordered by Governor King to return me my sword and to release me from his arrest, and as I am of opinion that it is necessary for the maintenance of my honour I should require and use every proper means to obtain a General Court-Martial upon my conduct before I consent to the arrest which I am now under being withdrawn, it may be proper for your justification that you should have my answer in writing.

I am therefore to desire, sir, you will acquaint Governor King that I decline coming out of arrest; but that from a solicitude not to impede His Majesty's service, I am ready to do my duty whenever I may be ordered, provided that it be admitted I am, from the peculiar circumstances of the colony, to be considered as doing duty under an arrest, and that I am to be brought before a Court-Martial as soon as the public service will admit it.

And that my reasons may be clearly understood, I must desire you will also inform Governor King that I do, through you, as the Adjutant of the New South Wales Corps, demand a General Court-Martial upon myself, because I have been publicly disgraced in being ordered into close confinement by his General Order of the 15th inst., preceded, as that Order was, by a comment on the late affair between Lieutenant-Colonel Paterson and me, which comment appears as if intended to prejudice the world against my conduct, and deeply to wound and injure my reputation as an officer and a gentleman.

Reasons for
the arrest
of officers.

Macarthur
declines to
quit arrest.

Macarthur
demands a
court-martial.

And I desire that you will assign, as further reasons for my declining to be released from arrest, that I conceive I have been put into it in the most disgraceful manner possible without having committed any offence, to which, either in itself or in its consequences, be they what they may, any military censure can be attached; and because I think that the good of His Majesty's service and the honour of the British Army requires that no officer should submit to unmerited disgrace and to injury without seeking for a public inquiry, and, if innocent, for public redress.

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Macarthur
protests his
innocence.

And I also desire you will inform Governor King that the statement which he has received from Captain Mackellar, and which was read by him in your presence and in the presence of Captain Piper, is greatly exaggerated and in some instances premeditatedly false; that I therefore respectfully request he will do me the justice to order a copy of that statement to be sent to me that I may have an opportunity of clearly proving that I have betrayed no private correspondence, no private conversations, that I have displayed no exultation over a wounded opponent, or in any way behaved unlike a gentleman, but that, on the contrary, I am the person who has been betrayed, who has been exulted over, and who has been treated with the basest ingratitude and the blackest treachery.

Macarthur
repudiates
McKellar's
account of
the duel.

I have, &c.,

JOHN McARTHUR.

(No. 4) ACTING-GOVERNOR KING TO ADJUTANT MINCHIN.

Sydney, 22nd September, 1801.

ADJUTANT MINCHIN will inform Capt'n McArthur, in reply to his written message by that officer yesterday, that the reasons for Capt. McArthur and the other officers being put in arrest, and for that arrest being withdrawn, are expressed in the General Orders of the 15th and 21st inst.

Cause of
Macarthur's
arrest.

In noticing Capt. McArthur's reasons for refusing to quit his arrest, Adjutant Minchin will inform him that the welfare of the King's service will not admit of Capt. McArthur's being tried by a Court-Martial in this colony for the reasons that will be transmitted to His Majesty's Minister.

Court martial
impracticable
in the colony.

Adjutant Minchin will also deliver to Capt. McArthur the attested report given by Capt'ns McKellar and Piper respecting this duel with L't-Col. Paterson.*

PHILIP GIDLEY KING.

(No. 5) REV. S. MARSDEN TO RICHARD ATKINS, ESQ.

Sir,

Parramatta, 22nd September, 1801.

I presented the enclosed† to Captain McArthur. He desired me to acquaint you that he had no objection to give

* Note 119. † Note 120.

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bail for his appearance at a Criminal Court when called upon, but that he will give no bond to keep the peace till an information is lodged against him on oath that he intends to break the peace.

I am, &c.,
S. MARSDEN.

(No. 6) CAPTAIN MACARTHUR TO ADJUTANT MINCHIN.

Sir, Parramatta, 24th September, 1801.

I have to request you will inform Governor King that I shall prepare myself with all possible despatch to embark for England, in obedience to his Order of the 23rd; but as the voyage is long and some perishable necessaries must be provided for it, I presume he will think it right to inform me as soon as possible by what ship I am to go.

I also wish to be acquainted whether my arrest is intended to be so rigid as to prevent me from walking over my own grounds for the benefit of exercise and health, as a close confinement previous to the voyage I have to undertake must necessarily make me very unfit to embark on it.

You will also have the goodness to require in my name that Governor King will be pleased to furnish me with a copy of the charges or representation that is to be made against me, that I may take such precautionary measures as are in my power for my defence.

I am, &c.,

JOHN McARTHUR,
Capt., N.S.W. Corps.

(No. 7) ACTING-GOVERNOR KING TO LIEUT.-COLONEL PATERSON.

Sydney, 25th September, 1801.

LIEUT.-COL. PATERSON will direct Adjutant Minchin to inform Capt. McArthur, in answer to his letter of yesterday's date, that as soon as I have determined by what conveyance Capt. McArthur is to be sent to England he will be informed of it. It is at present intended to send him by the Anna Josepha brig to the Cape, unless Capt. McArthur should prefer going by the Earl Cornwallis, by way of India, of which I wish to be informed as soon as possible.

Capt. McArthur's refusal to give security for keeping the peace totally precludes me, as conservator of that peace, from making any alteration in the confinement Capt. McArthur has thought proper to continue himself under, as stated in the General Orders of the 23rd inst., except the liberty of his garden and outhouses attached to his dwelling at Parramatta, which Capt. Mackellar and Colonel Paterson will be charged to avoid.

Macarthur's
preparations
for voyage
to England.

Request for
copy of
charges.

Macarthur
to embark
on the
Anna Josepha.

To remain in
close arrest.

Adjutant Minchin will also inform Capt. McArthur that the seconds' reports on his duel with Lieut.-Col. Paterson, the General Orders and messages consequent thereon, together with duplicates of the papers sent by the Albion, will be transmitted to His Majesty's Principal Secretary of State for the Home Department; also a representation of the reasons I have for being persuaded that Captain John McArthur has intended to create a dissension between me, as the Governor, and Lieut.-Col. Paterson, Acting Lieut.-Governor, commanding His Majesty's Forces in this colony, whereby His Majesty's service and the colony has been materially injured.

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5 Nov.
Papers to be
transmitted to
England.

PHILIP GIDLEY KING.

(No. 8) CAPTAIN MACARTHUR TO ADJUTANT MINCHIN.

Sir, Parramatta, 27th September, 1801.

By the paper* you transmitted to me, dated the 25th inst., I learn that the statement of the seconds on the affair of the 15th inst. is to form a part of the representation against me to His Majesty's Ministers; and as I am accused in Capt. Mackellar's statement of divulging private and public correspondence and private conversations, it is necessary I should be informed what conversations and what correspondence I am accused of divulging, and to whom I am said to have divulged them, because, without such a specification, it is impossible to provide myself with the necessary evidence for my defence. I must therefore request you will be good enough to inform Gov'r King that I require this information, and that I hope he will be pleased to direct Capt. Mackellar to furnish it immediately.

Request for
specific
charges.

I am, &c.,
JOHN MCARTHUR.

(No. 9) CAPTAIN MCKELLAR TO ACTING-GOVERNOR KING.

Sir, Sydney, 29th September, 1801.

In obedience to your Order, I have to inform you that the private and public correspondence was disclosed by Capt. McArthur to Mr. Marsden, and likewise the private conversations, to whom he told "that Lt.-Col. Paterson had written one letter to Sir Joseph Banks, reflecting on the Governor's public character, and another to His Royal Highness the Duke of York on the late trial of Lt. Marshall; besides he, the Lt.-Governor, had made use of improper language in the presence of the officers of the Corps to the prejudice of the Governor's character. Capt. McArthur further declared his full determination to represent, the first opportunity he had, the whole of the Lt.-Governor's

McKellar's
detailed
explanation
of the cause
of the duel.

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McKellar's
detailed
explanation
of the cause
of the duel.

deceitful conduct, and expose him to the Governor's displeasure. Capt. McArthur made no secret of his intention to lay before the Governor whatever he knew the Lt.-Governor had either written or said to the prejudice of the Governor's public character."

To Mr. Thompson he declared "that he would let the Governor know what the Colonel had expressed, both in correspondence and opinion, respecting the Governor."

I have, &c.,

N. MACKELLAR.

The Preceeding are true Copies of the Originals lodged in my Office.

W. N. CHAPMAN, Secy.

[Enclosure No. 8.]

(No. 1) SUPERINTENDENT JAMESON TO ACTING-GOVERNOR KING.

Sir,

Parramatta, Sepr. 11th, 1801.

Macarthur's
cattle.

Captn. John McArthur desired me to wait upon your Excellency to inform you that he still wished me to take Charge of his Stock of Cattle etc., Should your Excellency approve of it—the reason of this application is that Captn. McArthur being fearful that your Excellency may withdraw your former Promise, on Account of Mrs. Paterson advising your Excellency to the Contrary as Captn. McArthur says that he has heard Mrs. Paterson speak of me in the most Censorious terms to you, for not granting Colonel Paterson a Government Horse.

I have, etc.,

JNO. JAMESON,

Superintendent of all Government Stock.

Sworn before me this 2nd day of Octr. 1801.

RD. ATKINS, J.-A.

(No. 2) JUDGE-ADVOCATE ATKINS TO ACTING-GOVERNOR KING.

Sir,

23rd September, 1801.

Atkins' account
of Macarthur's
conduct.

I am called on (as a magistrate) by your Excellency's letter of this day's date to give, in the most unequivocal and unre-served manner, every information in my power respecting Captain McArthur's endeavouring to create dissention between yourself and the Lieutenant-Governor, commanding the N. S. Wales Corps, which has involved the officers in an unhappy dispute, and which has disturbed the tranquillity of this colony; and I am further called on to point out to your Excellency the means of substantiating the same, and to give you an account of

that officer's conduct with respect to the public peace of this colony, that it may guide your future proceedings respecting him.

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Atkins' account
of MacArthur's
conduct.

To the first part of your Excellency's enquiry I beg leave to say that I am not possessed of any authentic information, but the general report of the colony is that such an attempt has existed, and it is more than probable that that attempt may be substantiated by Messrs. Thompson and Grimes, who have been in the habit of visiting Captain McArthur. The many conversations that have passed between them on the Government and general affairs of this colony will sufficiently prove the existence of such an attempt.

My opinion on Cap'n McArthur's general conduct is pretty well known. In the year 1796 I accused him of having been the promoter of all the "feuds and animosities" in this colony, and I have since that time had no reason to alter my opinion of that gentleman's conduct. The whole colony will bear testimony of the truth of my observations respecting him, that by his infamous and diabolical conduct, his rapacity in accumulating a large fortune in so short a time, his extortions on the industrious and laborious settler, which has plunged themselves and families in distress and misery, and considerably impeded the happiness and prosperity of this colony. These are facts notorious to any common observer. His conduct towards your Excellency's predecessor, Governor Hunter, is well known; unequivocal proofs are in the possession of H.M. Secretary of State.

I could extend my observations much further; but as I shall have occasion to comment on that gentleman's conduct in my answer to the extracts communicated to me by your Excellency, I shall proceed to deliver it as my humble opinion that, unless he is sent Home as a common disturber of the public peace, and as a man who has most essentially injured H.M. service, this colony can never enjoy that happiness and prosperity it is H.M. wish that all his subjects should be partakers of, and which your Excellency is promoting in its fullest extent in this colony.

I have, &c.,

RICH'D ATKINS, J.-A.

Attested before me this 2d day of Octr. 1801

SAML. MARSDEN.

(No. 3) SURGEON THOMSON TO ACTING-GOVERNOR KING.

Sir,

Sydney, 23rd September, 1801.

I received your Excellency's letter of this date, calling on me as a magistrate to give the most unequivocal and unreserved

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Thomson's
account of
Macarthur's
conduct.

information I am able, how far Capt. John McArthur, of the New South Wales Corps, has endeavoured to create dissension between your Excellency and the Acting Lieutenant-Governor, commanding the New South Wales Corps, which has tended to involve the officers in the present unhappy dispute, and materially to affect the tranquillity of the colony and the good of His Majesty's service.

In answer to which, as I am thus called on, I consider it as a duty I owe to your Excellency, as well as to the public, to declare freely that Captain McArthur has endeavoured to create such dissension, and to assert it on the uncontrovertible evidence of his own words to me on the 1st inst., when he informed me that "in consequence of the correspondence which had taken place between the Governor and the officers respecting Lieutenant Marshall's address to the Governor, the officers had come to a resolution of *cutting* with the Governor, and that Colonel Paterson had assented to that resolution, but that, notwithstanding the Colonel had frequently been since at the Governor's, not on points of duty, as he was in coloured cloathes." He highly reprov'd this conduct of the Colonel, which he termed very pusillanimous. He also said "he himself had been brought into the business by the Colonel and another officer, who had now deserted him, and left him supported only by a very few, and as the Colonel had deviated from the resolution of withdrawing himself from the Governor he would assuredly let the Governor know what the Colonel had expressed, both in correspondence and opinion, respecting the Governor."

These, sir, if not the precise words, are the substance of what Capt. McArthur told me, in the presence of Mr. Grimes and Ensign Moore.

I must here observe to your Excellency that Colonel Paterson has frequently assured me that he never had assented to such resolution as alluded to by Capt. McArthur, but, on the contrary, had refused when urged to it by Captain McArthur.

Pardon me, sir, if I express my own opinion that Captain McArthur, by thus exciting and fomenting a misunderstanding between your Excellency and the Acting Lieutenant-Governor, instead of endeavouring (if such a difference had existed) a reconciliation, certainly had no other motive than to create a dissension materially affecting the tranquillity of this colony, and highly prejudicial to His Majesty's service. I am, &c.,

JAS. THOMSON.

Sworn before me this 2d day of Octr. 1801.

RICHD. ATKINS, J.-A.

(No. 4) THE REV. S. MARSDEN TO ACTING-GOVERNOR KING.

1801.
5 Nov.

Sir, Parramatta, 24th September, 1801.

Marsden's
account of
Macarthur's
conduct.

I have to acknowledge the receipt of a letter on service from your Excellency of yesterday's date, calling upon me, "as a civil magistrate, to give you in the most unequivocal and unreserved manner every information I am possest of respecting Captain John McArthur, of the New South Wales Corps, taking pains to create a dissention between you and the Lieut.-Governor, Col. Wm. Paterson, of the said Corps," to which I beg to return the following answer:—After the unhappy disputes which took place between Lieut. Marshall, of the Royal Navy, and Captains John McArthur and Edward Abbott, were settled in this country, and the proceedings of Lieut. Marshall's trial, with all the different documents and letters relative to it, that had past between your Excellency and the different parties concerned in that business, the whole of which I had been called upon as a civil magistrate to examine and attest; it evidently appeared that a violent breach was now between your Excellency and the officers of the Corps. Many of the officers began now [to] openly avow their sentiments, and to declare that they would not visit Government House in that friendly manner they had done, but only on duty. This appeared to be their fixed resolution at the time the Albion sailed for England in August last. It was expected that many who had made this resolution would not afterwards break it. Shortly after this I was informed by Captain McArthur that as soon as the Albion had sailed for Europe the Lieut.-Governor, Col. Wm. Paterson, had visited Government House in a friendly manner as usual, tho' he, the Lieut.-Governor, had, with himself and the rest of the officers, made a resolution not to visit Government House excepting on duty. I could make no reply to Captain McArthur's observation respecting the Lieut.-Governor's resolution not to visit the Governor but on duty, because I had never heard the Lieut.-Governor say anything on this subject, tho' I had heard other officers express their sentiments to that effect. Captain McArthur reprobated the Lieut.-Governor's treacherous conduct in visiting Government House in a friendly manner after what had taken place amongst the officers. Captain McArthur further said he would use every means he had in his power to be on friendly terms with the Governor, and exert his influence with the officers whose cause he had espoused to bring about a reconciliation between them and the Governor likewise. Captain McArthur also said that he, the Lieut.-Governor, had wrote one letter to Sir Joseph Banks reflecting on the Governor's public character, and another letter to His Royal

1801.
5 Nov.

Marsden's
account of
Macarthur's
conduct.

Highness the Duke of York on the late trial of Lieut. Marshall; besides he, the Lieut.-Governor, had made use of improper language in the presence of the officers of the Corps, to the prejudice of the Governor's character also. Captain McArthur further declared his full determination to represent, the first opportunity he had, the whole of the Lieut.-Governor's deceitful conduct, and expose him to the Governor's displeasure. Captain McArthur made no secret of his intention to lay before the Governor whatever he knew the Lieut.-Governor had either written or said to the prejudice of the Governor's public character. I not only heard him declare his intentions, but I heard other officers speak of it, to whom he had made it known. I would observe, that having been called upon officially as a magistrate to write this letter, I feel myself fully justified in laying this statement of the above circumstances before you, as they have come within my own knowledge, from the unfortunate events which have already taken place, as well as from the following considerations. I am aware that not only the peace and tranquility of the Governor and Lieut.-Governor, but also the peace of the rest of the officers, both civil and military, would be very much disturbed by any dissention between persons in so high authority. Had any dissention taken place, and it been mentioned only for a short time, it would have greatly impeded the public service, by drawing away the attention of the officers from their respective duties, exposing them to danger, and keeping them engaged in constant quarrels.

I have, &c.,

SAMUEL MARSDEN.

Sworn before me this 2d day of Oct. 1801.

RD. ATKINS, J.-A.

(No. 5) SURGEON J. HARRIS TO ACTING-GOVERNOR KING.

Sir, Sydney Barracks, 25th September, 1801.

In answer to your letter to me of the 23rd instant, wherein you call upon me as a magistrate to give you every information I am possessed of respecting Captain McArthur's attempts to create dissentions between you and the Acting Lieut't-Governor, rest assured was it in my power I would readily step forward in this or any other matter that you might think proper to call upon me for to render you every intelligence. But since my return from Hunter's River (in which period these unhappy disputes have arisen) I have not, directly or indirectly, held any communication with that gentleman or any other of his party on any subject of that tendency.

Harris unable
to report on
Macarthur's
conduct.

But that it is the common report that such attempts have been made by Capt. McArthur is notorious. Should anything occur to me on that subject I shall give you the earliest information.

And am, &c.,

J. HARRIS.

Sworn before me this 2d Octr. 1801.

RD. ATKINS, J.-A.

(No. 6) LIEUT.-COLONEL PATERSON TO ACTING-GOVERNOR KING.

Sir, Sydney, 25th September, 1801.

I have the honor to acknowledge the receipt of your Excellency's letter of the 23rd instant, wherein you state that "having learned that some pains have been taken by Capt. McArthur, of the New South Wales Corps, to create dissention between you and myself, which has involved the officers in the present unhappy dispute, and in which the tranquillity of the colony is materially concerned, as well as the furtherance or hinderance of His Majesty's service, and wherein you call upon me to give, in the most unequivocal manner, every information I am possessed of on that head, and to point out the means, as far as my knowledge extends, to substantiate the same."

Paterson's
account of his
relations with
Macarthur.

After closing the papers respecting the trial of Lieut't Marshall and the depositions of four other officers of the New South Wales Corps and myself, who sat on that trial, I concluded the business was finally settled until an answer arrived from England; but having seen that a correspondence, more of private than public nature, between your Excellency and Capt. McArthur had commenced, and in which he expected the support of myself and the other officers, I rejected having anything to do with it, conceiving it totally foreign to the trial in which I had been concerned, and leading to a misunderstanding between your Excellency and myself. And on the day the Albion sailed for England, by which conveyance the papers were sent, Capt. McArthur informed me that he believed the officers were unanimous in withdrawing themselves from the Governor's, and asked me how I meant to act. I replied to Capt. McArthur that my situation in the colony made it requisite for me to have frequent communication with the Governor on public business, both civil and military, and as I had perfectly justified myself in my own mind on the point wherein I felt hurt respecting your Excellency's circular letter on Lieut't Marshall's trial, I saw no reason why I should not continue to visit you as formerly. As this conversation took place only between Capt. McArthur and me I cannot substantiate it by any evidence, but my sentiments on this subject are well known to Capt. MacKellar, Lieut. Hobby, and Mr. Thomson,

1891.
5 Nov.
Paterson's
account of his
relations with
Macarthur.

who have heard me express my opinion on this head frequently. And further, with respect to Capt. McArthur having taken some pains to create dissention between you and me, having failed in my joining a party to withdraw from your house, I have every reason to believe from the circumstance of your being made acquainted with particular paragraphs in my private as well as public letters, wherein Capt. McArthur, as my confidential friend, at that time assisted me, living in my house on terms of friendship and hospitality, that he did by agents or otherwise give you such information respecting my letters as he thought would tend as much as possible to create dissention between us, and which was given for this express purpose; and this Capt. McArthur declared he would do, in the hearing of Mr. Thomson.

I have, &c.,

W. PATERSON.

Sworn before me this 2d Octr. 1801.

Rd. ATKINS, J.-A.

(No. 7) SURVEYOR C. GRIMES TO ACTING-GOVERNOR KING.

Sir,

Sydney, 25th September, 1801.

Report of
Grimes on
Macarthur's
conduct.

In answer to your letters of this date, to the first I have already answered that Captain McArthur never did in my presence endeavour to create dissentions between your Excellency or the Acting Lieutenant-Governor and the officers, nor do I know of any steps taken by Captain McArthur for that purpose.

In answer to your first question in the second letter, "Whether Captain McArthur did not say before me that the officers, and the Colonel amongst the number, had come to a resolution to cut with the Governor," I positively answer that I do not recollect any such assertion.

To the second part of the question, "If Captain McArthur did say that he was brought into the business* by the Colonel and other officers who had deserted him," I remember the remark perfectly.

To the question, "If Captain McArthur had said he had thrown down the gauntlet and let Governor King take it up, adding that he would make his life miserable," I never heard the expressions, nor can I recollect that Governor King's name was mentioned—at least, I can with confidence assert, not disrespectfully.

In a conversation this morning I mentioned my recollection of a conversation respecting throwing down the gauntlet. On think-

* *Marginal note by Governor King (in red ink).*—"On interrogation, Mr. Grimes says, 'the business then going forward.' Surely this is a great contradiction."

ing further on the time it happened, it is of a more recent date than the 1st inst., nor did it then or now appear to me that Captain McArthur alluded to your Excellency.*

1801.
5 Nov.

I am, &c.,

C. GRIMES.

Sworn before me this 2d Oct. 1801.

RD. ATKINS, J.-A.

(No. 8) LIEUTENANT HOBBY TO ACTING-GOVERNOR KING.

Sir, Sydney, 25th September, 1801.

I have to acknowledge the receipt of your Excellency's letter of the 23rd inst., stating that you were acquainted that Captain McArthur had taken some pains to create a dissention between yourself and Lieut.-Col'l Paterson, Commanding Officer of the New South Wales Corps, and calling on me as a British officer to give you in the most unequivocal and unreserved manner every information I am possessed of on that head, and to point out (as far as my knowledge extends) the means of substantiateing the same.

Hobby's
account of
Macarthur's
conduct.

Soon after the trial of Lieut. Marshall, and prior to the unfortunate duel that took place between Lieut.-Col'l Paterson and Captain McArthur, I heard Captain McArthur express his disapprobation of Lieut.-Col'l Paterson having any intercourse with your Excellency, further than what his duty as Commanding Officer of the Corps required.

I further recollect Captain McArthur saying that he had asked Mrs. Paterson if she and the Colonel meant to visit at the Governor's, and that he said he was answered in the affirmative. Captain McArthur further remarked that if that was their determination Mrs. McArthur should not visit Sydney. Captain McArthur likewise said that he had spoken to the Colonel on the subject, and that if he did not take his advice that he must take upon himself the consequences that might follow.

Captain McArthur asked me (at his own house, about a week before the duel took place between him and Col'l Paterson), "If you are asked to dine at the Colonel's in company with the Governor, what do you mean to do?"

I have no mode of substantiateing the above further than my own declaration.

I have, &c.,

THOS. HOBBY,

Lieut., New South Wales Corps.

* Marginal note by Governor King (in red ink).—"Mr. Grimes says, in the preceding para'h, that he never recollected the expression, and in this he says he does recollect it."

(No. 9) CAPTAIN MCKELLAR TO ACTING-GOVERNOR KING.

Sir, Sydney, 25th September, 1801.

Being called upon by your Excellency to relate what I know of Captain McArthur, of the New South Wales Corps, taking some pains to create a dissention between your Excellency and the Acting Lt.-Governor, commanding the New South Wales Corps, which has involved the officers in the present unhappy dispute, and in which the tranquillity of the colony is materially concerned, as well as the furtherance or hinderance of His Majesty's service, I have to inform your Excellency that Captain McArthur told me the Colonel ought not to visit the Governor, and that he would speak to him about it. It comes likewise within my knowledge that he advised other officers to the same effect. Some followed and others rejected his advice.

I have always heard Lt.-Col. Paterson say that he would visit the Governor as formerly. I have, &c.,

N. MCKELLAR.

Sworn before me this 2d Oct. 1801.

RD. ATKINS, J.-A.

(No. 10) COPY OF A CARD* WRITTEN AT PARRAMATTA, FRIDAY, 25TH SEPTEMBER, 1801.

CAPT N MCARTHUR presents his Compliments to Mr. Fitz: Jefferie, and if be disengaged this Evening, he will be very happy to see him, and any Friends he may have with him from the Cornwallis.

A true Copy

Witness

J. F. JEFFERIE.

J. TENNENT.

A true Copy of the Original Copy Lodged in my Office

W. N. CHAPMAN, Secy.

[Enclosure No. 9.]

[A copy of the orders for Captain Macarthur to embark is not available.]

ACTING-GOVERNOR KING TO UNDER SECRETARY KING.

(Per brig Anna Josepha.†)

Sir, New South Wales, 5th November, 1801.

1. In my last I informed His Grace of my having sent the Porpoise to Otaheite to endeavour getting a cargoe of pork from the Society Islands. She returned here on the 2nd October, with all the casks she carried filled with 31,000 lbs. of excellent salt pork.

2. The Porpoise's foremast and bowsprit being rotten and condemned, and much copper off her bottom, it will be necessary to heave her down, which will prevent my sending her to the Society

Return of
H.M.S.
Porpoise
from Otaheite.

Condition of
H.M.S.
Porpoise.

Islands for some time; but as I think it advisable to keep up the correspondence I have so successfully began, I am sending a small Colonial vessel (the Norfolk,* of 56 tons) to Otaheite for that purpose; and although the summer will be against curing the pork as well as when the Porpoise was there, yet, from the assurances of the chiefs and missionaries, I have great hopes of getting supplies.

1801.
5 Nov.

3. Conceiving it highly necessary that the earliest information should be given to H. M. Ministers of the circumstances that have occurred in this colony, I have forwarded (by a very uncertain conveyance, in which Lieut. Grant, late commander of the Lady Nelson, takes his passage) copies of all the papers and documents relative thereto, with a letter to His Grace the Duke of Portland. Captain McArthur,† of the N.S.W. Corps, to whom they relate, will go from hence in the first conveyance, in a vessel by way of India. Captain M'Kellar,† who takes his sword home, will also leave this in a whaler, which sails from hence about next February or March.

The
difficulties
created by
Macarthur.

4. We are now on the eve of reaping the finest crop of wheat that was ever seen in this country.

Prospective
harvest.

5. To my letters sent by the Albion, and the returns enclosed therein, I beg to refer you for the state of the colony at the time they were made up.

6. I have a pleasure in informing you of the general regular and orderly behaviour of every description of persons under my command, which I have no doubt will continue permanent when the author of the late and many former discords turns his back on this colony, and during his absence from it, whether long or short.

General conduct
of the colonists.

I have, &c.,

PHILIP GIDLEY KING.

ACTING-GOVERNOR KING TO UNDER SECRETARY KING.

(A private letter, per American ship Hope, *viâ* China.)

Sydney, New South Wales,

Dear Sir,

8th November, 1801.

8 Nov.

The official letters respecting Capt. McArthur must speak for themselves. Had I not taken the steps that these events have made unavoidable this colony would have been in as great a confusion as it is now tranquil. I need not inform you who or what Captain McArthur is. He came here in 1790 more than £500 in debt, and is now worth at least £20,000. His fortune, and thro' accumulating gains in this colony, by the great quantity of stock and land he possesses, enables him to boast of his indifference of whatever change happens to him. His employment during the eleven years he has been here has been that of making a large

Macarthur's
financial
position.

1801.
8 Nov.

Macarthur's
financial
dealings.

Macarthur
creates
discord.

Macarthur's
former
conduct.

Hunter's
challenge to
Macarthur.

fortune, helping his brother officers to make small ones (mostly at the publick expence), and sewing discord and strife. The points I have brought home to him are such that, if properly investigated, must certainly occasion his quitting the New South Wales Corps and the Army. But come out here again he certainly must, as a very large part of his immense fortune is vested here in numerous herds, flocks, and vast domains. The sums he has remitted Home, altho' they cannot be ascertained yet, are considerable to make four such as myself happy. His plan of turning his stock of cattle and sheep to compound interest has been so glaring that nothing short of the measures I took (and are detailed in a separte letter) prevented him from coming upon Government for at least £18,000 in the course of two years, and at least £3,000 more every quarter after until his speculations were accomplished. However, that Government may not be imposed on, I have been obliged to treat this matter officially. Experience has convinced every man in this colony that there are no resources which art, cunning, impudence, and a pair of baselisk eyes can afford that he does not put in practice to obtain any point he undertakes. It is to these odds and the independance of his fortune that I have to oppose my exertions for the tranquillity of this colony, the welfare of the publick service, and my own reputation. Had I allowed Capt. McArthur to direct the concerns of this colony, and Col'l Paterson had allowed him to command the regiment, this perturbator would have so far remained in silence as first to turn the surrender to his own advantage, but not without scenting an opportunity to throw the colony into that confusion he has so lately failed in doing. However, as a very different conduct was pursued by me, persecution and opposition became Captain McArthur's system. If the records of this colony, now in your office, are examined you will find his name very conspicuous. Many and many instances of his diabolical spirit had shown itself before Gov'r Phillip left this colony, and since, altho' in many instances he has been the master worker of the puppetts he has set in motion. So sensibly wounded were Gov'r Hunter's feelings previous to his leaving this colony that he was obliged to call this perturbator to a private account, which he declined. The injuries Col'l Paterson received from him have been such as to compel him to that resource; and I can assure you, sir, that nothing but the inevitable confusion and ruin the colony would have fallen into by any accident happening to me has prevented my sacrificing duty and the publick welfare to resenting the injuries I have received. If a Governor—nay, a succession of Governors—are to be thus treated, painful, indeed, will that man's situation be, if the very people

who ought to afford him every assistance (in managing such a class as this colony is composed of) are allowed to treat him, his authority (which is the King's), and the necessary discipline of subordination with disrespect and contempt; and if this is allowed with impunity, unhappy must be the lot of both Governor and governed.

1801.
8 Nov.

In my letter by the Albion I observed that if any part of my conduct was disapproved of I hoped for being removed. At that time I did not foresee this additional cause of representation. If it is fully investigated, I have no doubt the cruel situation I have been placed in will be evident; nor can I doubt the support of my superiors, in what I must ever consider as my absolute duty throughout these occurrences. Situated as this colony was when I took the command, every step I took clashed so much with the interest of trading individuals, both commissioned as well as uncommissioned, that all set their wits to work, not only to thwart my exertions, but also to use every measure that art, cunning, and fraud could suggest to impede my efforts. Mere oppositions, my conduct and orders will plainly evince, I have not only withstood, but I have also the satisfaction to see that these measures of mine have generally succeeded in rescuing the inhabitants and the public purse from the monopolies and extortions that have been so long practised on both, to the enriching Capt. McArthur, Mr. Balmain, and the late Acting Commissary, with a few other favored individuals. Whatever events Gov'r Hunter's recall may have produced, be persuaded, sir, that he (although made a tool of by the artful and designing friends he had in this colony), honest and upright as he was himself, was sadly duped and deceived by those he had about him. Events and facts fully prove this assertion.

King's
situation.

Opposition
of the
monopolists.

Impositions
practised on
Hunter.

To effect the points gained I have throughout acted on my own responsibility without a single written instruction,* except the copy of the King's Instructions left by Governor Hunter, which were very unequal to meet a hundredth part of the excesses I wanted to remove, one instance of which is a prosecution I am threatened with in the Court of King's Bench for staving a quantity of spirits† belonging to a licenced agent who was detected buying up the convicts' provisions as they were issued from the stores, for which purpose the huckster is gone to England, and is to be supported by the principal—Captain John McArthur. Matters and villainy had gone so far that when I took the command it required much precaution, and at the same time decision and new measures, to check the foul doings of all civil actions, for payment of spirits at £8 per gallon were not unusual. From

King's
determined
actions.

The traffic
in spirits

* Note 125. † Note 24.

1801.
8 Nov.

The limitation
of prices.

that curse I have nearly released this colony, and for which no poor devil was ever so much execrated. An effort has been made to recover at £3 per gallon for what cost 6s. This was attempted since I took the command; however, in consequence of my Ordinance, it failed. Nevertheless, a doubt arose with the Civil Court: whether my orders to restrain actions of that kind to 20s. per gallon was sufficient!! When no more spirits are brought here, which must very soon be the case, I make no doubt of that industry, peace, and comfort which is now beginning to shine through the black clouds of monopoly that has hitherto clouded it, continuing and increasing as it has begun.

King's request
to be removed
if not officially
supported.

Having taken up so much of your attention, I hope you will excuse my again repeating that if the measures I have adopted and am pursuing should be approved, it will be my duty to sacrifice everything that is comfortable to myself for the furtherance of what I have undertaken; but if the contrary should be the case, I hope a more eligible person will be sent out, as I have not the most distant wish to remain here an hour beyond the time my services are approved of, and until then I shall persevere in the path I have ever followed, notwithstanding I stand alone and goaded by the artifice of thieves and the duplicity of the tools I have to govern. Among the official correspondence you will observe my reply to a paragraph written by that *bon homme* Paterson to Sir J. Banks, complaining "of my too great œconomy having occasioned the present scarcity." Had I not used that and much other œconomy which cannot be detailed here, all that Captain McArthur and some others wished me to purchase would now be condemned (for the reasons given in reply to that artful assertion), and I might have drawn for £30,000 a year, as has been usual, whereas with the addition of six hundred people in the course of last year our expences have not exceeded what is stated in the official documents sent with this. Every engine that art, cunning, and impudence could invent were used to induce—nay, almost oblige—me to raise the price of wheat from 8s., which I reduced it to when I took the command, to 15s. the bushell; but being determined that neither scarcity or plenty should influence the price, the sollicitation and disguised threats ceased, but bitter resentment is cherished by those who have large debts to collect from former extortions. Judge, sir, from all this (which is no imaginary statement) how uncomfortable it is for any man to do his duty, goaded and perplexed as I have been, either with satisfaction to himself or advantage to the public interest; and had I preferred ease and quiet, and chosen to continue Captain McArthur arbiter of the colony, you would have heard nothing of this. If it appears I have done no more than my duty, I

King's
financial
reforms.

The price
of wheat.

cannot doubt the most decided support. I shall close the subject by observing that if Captain McArthur returns here in any official character it should be that of Governor, as one-half the colony already belongs to him, and it will not be long before he gets the other half.

1801.
8 Nov.

We now feel the loss of another King's ship to send to Otaheite for pork. What sums might not have been saved if the Reliance, Supply, and Buffalo had been employed in getting supplies from thence. It certainly is subject to the caprice of the natives, but with proper management and well-timed presents I hope we shall always keep on good terms with them. To make any settlement there would be, in my humble opinion, very impolitic and destructive to those islanders. As I have particularly stated how far this new resource ought to be considered as an eventual supply, I hope some salt meat will continue to be sent, and that what I have already [done] in contracting the expences will convince you that I shall persevere throughout in spite of every obstacle,

The supply of
pork from
Otaheite.

I am, &c.,

PHILIP GIDLEY KING.

P.S.—I hope my agent will have no difficulty in getting my full King's salary. pay. I can assure you I have already earned it.

TRANSPORT COMMISSIONERS TO ACTING-GOVERNOR KING.

(Per H.M.S. Buffalo; acknowledged by Governor King, 9th November, 1802.)

Transport Office,

Sir, 12th Novemr., 1801. 12 Nov.

In Pursuance of Directions, from the Right Honorable the Lords Commissioners of His Majesty's Treasury, signified to us, by Mr. Secretary Vansittarts Letter of the 22nd August last, we have provided And Caused to be Shipped on board the Buffalo, Lieut. Wm. Kent Commander, Consigned to the Commissary, at New South Wales, Sundry Articles for the Use of the Convicts and Settlers at that Colony; And Inclosed we Transmit, to you, the Invoices and Bill of Lading of the Same, for your Information.

Stores shipped
in H.M.S.
Buffalo.

We are, etc.,

RUPERT GEORGE.

AMBROSE SERLE.

WM. H. OTWAY.

[Enclosures.]

[Copies of the invoices and bills of lading have not yet been found.]

1801.
14 Nov.

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch No. 5, per American ship Hope; acknowledged by Lord Hobart, 24th February, 1803.)

My Lord,
Sydney, New South Wales,
14th November, 1801.

Transmission
of despatches.

By the Albion, whaler, I had the honor of addressing your Grace.* Duplicates will be sent by the first direct conveyance, which will be by a whaler that sails about next March.

Settlement
established at
Hunter River.

Since my last I have formed a small settlement† at the Coal Harbour, where coals are obtained in the greatest abundance without sinking a pit. This settlement consists at present of a magistrate, corporal, and five privates, with sixteen convicts, who are employed getting coals for such Government vessels as are sent for them. The Cornwallis and Hunter have each taken 100 tons to Bengal, and a brig belonging to an individual is loaded with 100 tons, bound to the Cape of Good Hope. A great quantity of excellent fustick has been found in Hunter's River, and I have no doubt of that settlement being of great use to this colony. The engineer and surveyor‡ are now there, completing the survey of that harbour, Hunter's River, and the interior. Coals being now used for all public purposes greatly assists the public labour. Any quantities might be sent to the Cape, but as the Porpoise has been, and will be, more advantageously employed, I have no vessel to send there belonging to the Crown.

Export
of coal.

The voyage
of the
Porpoise to
Otaheite.

In my last I informed your Grace of my having sent the Porpoise to Otaheite to try if salt pork could not be procured from the Society Islands. She left this the 23rd May, arrived at Otaheite the 26th June, stayed there till 14th August, and arrived here the 2nd ult'o, with all the casks she carried filled with 31,000 lb. of excellent salt pork. In this place I beg to express the great satisfaction I feel on Mr. Scott's (the commander of the Porpoise) conduct on this service, which will convince how great a prospect there ever has been of the Society Islands affording that resource which, altho' not quite certain, yet it is a great satisfaction to know it is at all attainable, and still more facilitated by our salt-works being perfected so as to supply our wants.

Condition
of H.M.S.
Porpoise.

The Porpoise's foremast and bowsprit being rotten and condemned, and much copper being off her bottom, it will be necessary to heave her down or lay her on shore, which will prevent my sending her to Otaheite in quest of more pork before next February. But in the meantime I am sending a small Colonial

* *Marginal note.*—Aug. 21st, 1801. † Note 126. ‡ Note 127.

vessel (the Norfolk, of fifty-six tons), under the enclosed orders, and from the assurance of the chiefs and missionaries (whose correspondence is enclosed), I have great hope of getting supplies. The summer will be against curing it so well as when the Porpoise was there in the winter. However, I think it adviseable to keep up the correspondence I have so successfully begun, as I am certain the Porpoise cannot be better employed, altho' she will not bring more than 100 tons. It is now that the colony misses the services of two such convenient ships as the Supply and Reliance. From the state the Porpoise will be in after another year I am apprehensive I shall be obliged to send her Home for such repairs as she cannot get here; and as I understand the Investigator is to be solely employed on discovery and surveying, the colony will again be without a ship to avail ourselves of that resource, if the Buffalo or some other ship is not sent in her stead.

1801.
14 Nov.The Norfolk
sent to
Otaheite.Want of
shipping.

In my former despatches I stated having contracted with an India merchant* resident here, to bring from Bengal 150 cows at £28 a head. When they arrive there will be as many belonging to the Crown as can be advantageously taken care of, as it is necessary now to erect extensive stockyards for the cattle Government now possesses, which will be greatly increased next year; still it will be necessary to continue the supply of salt meat for some time to come, as stated in my last,† to prevent killing that stock which has been procured at so great an expence, and if reduced to that necessity the whole will be to go over again; whilst our present prospects are such that in a very few years this colony will be totally independant of the mother country for meat. Much of the expences attending salt meat will, I hope, be greatly reduced by procuring it from the Society Islands, and it is with that view I have engaged to take as much salt pork at 6d. per pound as can be brought here (from those islands) from Mr. Bass, late surgeon of the Reliance, who now commands a small vessel navigating in those seas, the saving of which to the Crown I have stated in the enclosure, as well as of that brought by the Porpoise; but as both these modes of supplying the colony are quite eventual, and depending so much on the natives' caprice, I respectfully beg to suggest the propriety of a supply of salt meat being continued as stated in the enclosure,‡ which is the only means of ensuring the success of our present very fine stock of breeding cattle, nor can there be a finer grazing country.

Contract to
import cattle.Condition
of the
government
herds.Contract
with Bass.Supply of
salt meat.* Note 128. † *Marginal note.*—Aug. 21st, 1801, per Albion.‡ *Marginal note.*—No. 3 in Separate Letter A, Novr. 14th, 1801.

1801.
14 Nov.The condition
of the
wild cattle.

Of the wild cattle I can say but little from my own observation as yet, my numerous and constant avocations having hitherto prevented me from going where they frequent; but I hope ere long to make a report from my own observation. Some time ago a drum was accidentally beat in the woods; the herds of tame cattle, most of which were scarcely within hearing, came with great haste to the spot and surrounded the drummer. From this circumstance, two men accustomed to the place where the wild cattle resorted were sent with a drummer; on their return they reported that they went to the mountains, and having fallen in with tracks of the cattle on this side the Nepean, they soon after discovered a herd of near three hundred, and on beating the drum the cattle advanced, but, on seeing the men, run away. They tried the experiment of beating the drum twice, and had the same effect—a proof they may be drawn together by that means; and this certainly may lead to our hitting on some plan to take them hereafter. It is generally thought by those who know the mountains that the cattle never will be able to pass that barrier, and that in the course of time they will return towards Parramatta; but it is much to be apprehended that the fugitives who frequently wander in the woods will destroy many of them. Nevertheless, leaving them in the situation they are in for some time longer appears the most advisable measure.

The cattle
confined by
unpassable
mountains.Rewards for
industrious
settlers.New dietary
for the sick.Improvement
in the breed
of sheep.

In my late muster and visit thro' all the settlers I have had reason to distinguish some few who have been very industrious, and who never had any stock given them. As an encouragement to people of that description I have given some two and others one ewe sheep. About fifty are distributed in that manner; and as it has always been a custom to let the sick in the hospitals be at the same ration with those who are well, I have changed that system (at once expensive to the Crown and ruinous to the sick, who bartered their salt meat for spirits, of which there has been plenty about the hospitals), and ordered the surgeon to put them on a proper diet, for which purpose they are furnished with a proportion of mutton from Government wethers in lieu of the salt meat. As I am very anxious to increase and improve the quality of the wool, your Grace will observe by the enclosure the quantity of sheep Government possesses, not one of which (except the lambs yeaned since my taking the command) have any wool; but as I exchanged some wethers for three half-bred Spanish rams in Dec'r last, Government will in time get into that valuable commodity. It has not been so with the flocks now belonging to

individuals who have had the advantage of Spanish rams, by which their flocks are becoming covered with wool, and in a daily state of improvement. In my letter by the Albion I informed your Grace that Major Foveaux, now Act'g Lieut't-Gov'r at Norfolk Island, had applied to me to purchase his stock of sheep, which I declined without previous permission, and referring your Grace to that officer for his proposals by the Albion, which I find he was not enabled to do from not knowing their exact numbers. However, since then it appears that Captain McArthur has purchased the whole of that officer's stock of sheep and very extensive farms.

1801.
14 Nov.

The proposed purchase of Foveaux's sheep.

Respecting our prospects in grain, I am happy to say that it is not only my observation but that of those who have been longer acquainted with this part of the colony, that the settlers are renewing their former industry, and as they are very short of the stimulous, that has so long prevailed, I have my hopes that the prediction of those whose interest is greatly concerned in its being accomplished, viz't: "that the want of spirits will put a stop to all agricultural industry," will fail, and that every man will enjoy the fruits of his own industry. By the letters sent per Albion your Grace will have observed that the frequent inundations at our principal agricultural settlement (the Hawkesbury) during the last year occasioned a reduction in the full ration of grain, which I hope will hold out till the harvest is got in, which begins in about four weeks. As I am lately returned from a visit to all the settlements, it gives me great pleasure to say that the crops of wheat promise an abundant return for the quantity of grain sowed. No exertions of mine have been wanting to enforce œconomy among the settlers, a quality they have never yet possessed.

The prospects of agriculture.

So great was the fame of the propensity of the inhabitants of this colony to the immoderate use of spirits, and the certainty of getting any amount of payment in Government bills, that I believe all the nations of the earth agreed to inundate the colony with spirits. In my letter by the Albion I stated the Naval Officer's report of the quantities imported and sent away, a duplicate of which, made up to the present time, I have the honour to enclose, by which and my former communications on that subject your Grace will observe that the vile character the inhabitants of this colony has had may be retrieved, if not voluntarily, it will be by the measures that has been taken to rid it of that curse.

The spirit traffic.

Importation restricted.

I have a great pleasure in informing your Grace of the general regular and quiet behaviour of those deluded people, the Irish,

1801.
14 Nov.

The
demeanour of
the Irish
convicts.

lately sent from that country, and who have given so much trouble both here and at Norfolk Island. Should it be thought proper that those characters among them who have left families in Ireland may become the object of His Majesty's mercy, I shall, on its being notified to me (as requested in my letter by the Albion), feel a pleasure in selecting from among them those who are deserving of that clemency.

Arrival of
free settlers.

Two of the settlers who came in the Earl Cornwallis have been some weeks settled, and are doing well. I should be glad if I could say as much of the third, who is totally unqualified for any labour or exertion whatever, either of body or mind. This unfortunate man, who has a large family, must be fed at the public expence, or certainly starve. I have mentioned this circumstance in order to show how much Government is imposed on in the description of people who are recommended to be sent here as free settlers, without either property to employ others, or abilities to work themselves, and having generally large families; by which unfortunate selections, exclusive of their passage-money and provisions, that cannot amount to less than £150 for each family, they cost Government at least £250 more in provisions, labour, &c., before the time comes when they are to provide for themselves; and it often happens that period discovers their total incapacity and idleness, and that being continued to be fed at the public expence is the only means of saving them from perishing. Such is the case now with many of the free settlers who came from England. The description of people to allow a passage and maintain in this country for the time limited are farmers and graziers, who being used to procure their food from the earth, do not depend on getting it out of a public store. It is also necessary that those people should possess some little property to make a commencement with, whereas those that have hitherto been sent have scarcely been clothed, consequently every expence falls on the public. In this place I beg to suggest to your Grace that among the convicts sent by the Royal Admiral and Earl Cornwallis, not six carpenters or other useful artificers or mechanics could be found. If this colony had the advantage of having such mechanics and artificers* as are transported sent out here instead of being detained in the hulks and in houses of correction at Home, a great advantage would arise from possessing some people of that description, instead of the numbers that are almost entirely composed of the worthless London pickpockets who are incapable of any honest or industrious exertion beyond what they absolutely are compelled and driven to.

The desired
type of
settler.

The want
of artisans.

* Note 129.

Since grain has been so very scarce among the settlers the natives have been exceedingly troublesome and annoying to them, which has made it necessary to allow them to repel their predatory attacks. It is much to be apprehended that they are incited to several acts they have committed by some worthless vagabonds who have associated with them for the express purpose of plundering the settlers. However, I hope when grain is more plentiful this inconvenience will cease.

1801.
14 Nov.

Depredations
of the natives.

The events consequent on the representation I forwarded to your Grace by the Albion, respecting Lieut't Marshall's trials, &c., has rendered it necessary to send Capt'n John McArthur, of the N. S. Wales Corps, to England, under an arrest, by way of India, with my representation and proofs of the endeavours he has used to create a dissension highly injurious to His Majesty's service between me and Lieut't-Col'l Paterson, commanding the N. S. Wales Corps and Acting Lieut't-Governor, who was very badly wounded in a duel with Captain McArthur, occasioned by his (Colonel Paterson's) not choosing to join him and other officers in treating me with disrespect. I have sent a copy of those documents by a very uncertain conveyance, and, as originals will be forwarded in the ship Capt'n McArthur goes to England in, and by Captain McKellar, who takes that officer's sword Home in the first whaler that sails from hence, I shall not trouble your Grace with a copy thereof by this conveyance—an American going to Canton. It would have given me much satisfaction if this disagreeable occurrence could have been settled here; but I trust, when your Grace is informed of the unavoidable necessity of my referring it to England, that it will appear I could not have acted otherways than I have done (in sending Capt. McArthur Home), either with safety to the tranquility of the colony or of the N. S. Wales Corps.

Macarthur
sent to England
under arrest.

The Paterson-
Macarthur
duel.

The necessity
of Macarthur's
arrest.

Captain McArthur left this in the Hunter for Calcutta, from whence he will be forwarded by His Excellency the Governor-General, to whom I have written (of which the enclosure is a copy) to send him by the first ship bound to England after his arrival at Calcutta.

His departure
for England.

I have a pleasure in assuring your Grace of the general regular behaviour of the inhabitants, and wish I could say as much of those whose support I ought to have, instead of the opposite tendency their conduct has shewn.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

ACTING-GOVERNOR KING'S ORDERS TO MR. WM. HOUSE.

By etc. etc. etc.

THE Armed Colonial Brig Norfolk under your Command being Victualled for three Months you will receive on board the Casks, Salt and Pickle together with the Supernumeraries as pr. Margin,* and the Articles for Traffic as pr. separate list, and proceed without loss of time, and without touching at any other Port, to Matavia Bay in the Island of Otaheite. On leaving this Port if the Winds are at all favourable you will pass to the Northward of New Zealand and haul up as soon after as possible to 37° or 38° running your Longitude down in that Parrallel unles the wind should favor your getting to the Eastward in a lower Latitude. But as persevering to get to the Northward of New Zealand may occasion a great loss of time, if you find the wind scant you will bear up and pass thro' Cook's Straits taking care to make no stoppage in those Straits or to suffer the Natives of New Zealand to have any Communications with the Vessel whatever, and as the trade is far to the Eastward at this Season, you will take care to get sufficient Easting to enable you to fetch Otaheite; On your arrival at Matavia Bay, you will deliver my Letters to the Revd. Mr. Jefferson, Secretary to the Missionaries Established there, and Consult with that Gentleman and the other Missionaries, to whom of the Chiefs and in what manner, and times, the Presents you carry with you should be made, and also the most Eligible Plan for obtaining as great a quantity of Pork as you can Cure and bring from thence, and to enable you to form a judgment of the mode used by Lieut. Scott in the Porpoise you are furnished with a Journal of his Transactions at that Place. And as the Norfolk is by no means of sufficient size to have intercourse with any other of the Society or Friendly Islands, you will visit no other place than Matavia Bay, unles the Missionaries and Chiefs of Otaheite should advise you of going to the Dependent Island, Eimeo, in which Case, as well as during the whole of your stay at Matavia Bay, you will take every precaution both by Day and Night for the safety of the Vessel suffering no Natives on board except Otoo, Pomarree, and the rest of that Family to whom you will show an equal attention, as you observe Lt. Scott has done; but you will be careful not to take a decided part, in any of their Quarrels with the other Chiefs, which will not only prevent future Supplies but also endanger the Missionaries; You will also cause such attention to

* The margin is blank.

1801.
14 Nov.
Orders to
Wm. House
to procure
pork at
Otaheite.

be observed to the Missionaries as may impress the Natives with the Idea of their being greatly Respected by you and those under your Command.

1801.
14 Nov.

Orders to
Wm. House
to procure
pork at
Otaheite.

In Performing this Service, you will use the utmost Expedition and return to this Port as soon as possible (as the Provisions you can obtain will be much wanted before you return) delivering me a Journal of your Proceedings in which you will particularize every Occurrence.

As Pomarree has signified a wish to come to this Place, should he perservere in that desire, after you have told him the great length of the Voyage and the uncomfortableness of the Vessel you Command, you will not disappoint him by persisting in a Refusal to take him on board.

Given, etc., this 5th Nov., 1801.

PHILIP GIDLEY KING.

[Three Letters forming Enclosure No. 2.]

KING POMARRE TO ACTING-GOVERNOR KING.

Matavia Bay, Otaheite, 10th August, 1801.

May it please Your Excellency,

Your Excellency's renewed favor by Captn. Scott I received, and was with it much pleased; Your Excellency's Present of a Rich Scarlet Teaputa Parraoo, as also a part of the Muskets, I desired to be given to my Son Otoo; who by the Custom of the Country is superior to me in dignity; But I accepted a Scarlet Teaputa and Parraoo as given by Captn. Scott and Edeea my Wife, thankfully received the present your Lady sent her.

As for the Hogs, I have used my Endeavour in the Procuring of many and Restricted no one from Bartering; Also I have taken care to supply King George's Ship from time to time with Fruits etc. And at the departure of the Vessel I will lay a Prohibition upon Hogs so that when your Excellency sends again there may be more for you.

Pomarre's
report on
the traffic
in pork.

Your Excellency's request concerning King George's Subjects, my Friends under my Protection shall be attended to; It gives me pleasure that the Wicked Seamen are gone from the Island.

I must inform Your Excellency that I have a great desire to see your Excellency's Face in Sydney, and if it is agreeable to Your Excellency, if all is well, I will by the next Vessel you send pay your Excellency a Visit.

Respecting what Number of Hogs can be raised on the Island in the Space of Nine Months, from the departure of the Porpoise, we cannot form any Competent Calculation. So little were we acquainted (for we never Conceived it needful to make any enquiry upon the Subject) with what number of Hogs were in the Country, that when we read Your Excellency's Letters we supposed that 200 would be as many as we could procure on the Island. Pomarre promises to lay a Prohibition upon Hogs as soon as Lieut: Scott Sails: If this is done it is probable in the Space of Nine Months Hogs will be very Numerous.

1801.
14 Nov.

Report on
transactions
at Otaheite.

Your present of Sugar, we thankfully received, and are much indebted to Your Excellency for your kindness towards us, and Concern for our Welfare,—Your Excellency will have the satisfaction of hearing from Captn. Scott, what great success he has met with, without having occasion to move his Vessel to any other Island, or any other part of this Island, than where he first Cast Anchor. For a fortnight some of us Constantly attended on board and rendered every assistance in our power; by that time Captn. Scott and Officers were sufficiently acquainted with the mode of Bartering, so as to be able to dispense with our Personal Aid, and the Royal Admiral arriving with a reinforcement of Missionaries opened a new source of Continual Employment that has necessarily engaged our Attention very much.—Captains Scott and Wilson have removed the noxious Seamen off the Island, which has done us, and the Country a considerable Benefit, and for which we render Your Excellency our thanks for Authorizing them so to do.

Captn. Scott, Officers and Seamen have treated us with every Mark of Respect, for which also Your Excellency Claims our acknowledgement, for thinking upon us, after the manner you did.

Your Excellency's enquiry concerning our particular situation and prospects, we gladly Gratify by informing you, that the addition of Nine Members of our small Number, makes a Considerable alteration in our former situation, and opens an extensive view of usefulness in due time. At present we enjoy Health (Mrs. Henry excepted) Peace and sufficiency of all necessaries. Pomarre and Otoo continue our steady Friends, and the Natives treat us with Kindness.

Again we request Your Excellency, to take Charge of, and undertake the forwarding our Packet for England, when opportunity suits. We also thank Your Excellency for your Reception and Care of our last.

1801.
14 Nov.

Report on
transactions
at Otaheite.

We shall hold it our duty to obey Your Excellency's Commands on all future occasions to the extent of our Power.

With our Prayers for the real Prosperity of Your Excellency, and the Colony of New South Wales, we have the Honor to subscribe ourselves

Your Excellency's Much obliged

Very Humble Servants

JOHN JEFFERSON,

for the Society.

REV. JOHN JEFFERSON TO ACTING-GOVERNOR KING.

British House, Matavia, 10th August, 1801.

May it please Your Excellency,

Yours by Captn. Scott I received and return my thanks for Your Excellency's favor.

Agreeable to Your Excellency's wish, I believe you will find Captn. Scott has succeeded in the object of his Voyage and perhaps every way beyond expectation. I am sure it has been far beyond mine, for I had not the smallest thought Otaheite could produce one Third of the Hogs, that have been Shipped on board the Porpoise exclusive of what the Royal Admiral procured who arriving a fortnight after His Majesty's Ship has also done surprizingly.

Your Excellency's care of us respecting the factious Seamen on the Island calls for our acknowledgment. I believe your first Letter to Pomarre had some good Effect, for as soon as it was noised abroad the Governor of New South Wales had declared himself the Friend of Pomarre it intimidated both the Natives and Seamen. When the Porpoise arrived, a general meeting of the Chiefs was commencing and which we had Cause to fear would terminate in a War. Pomarre was in expectation of it, and preparing for it; what may take place after the Vessels departure I cannot tell.

The removal of Three noxious runaway Seamen by Captains Scott and Wilson is a real benefit to the Island. And I hope Your Excellency will be pleased to Continue to shew favor to Otaheite by removing from time to time as may be found here such Characters as are a disgrace to all Society and disturbers of Public Tranquility. It happened exceedingly favorable that His Majesty's Ship Porpoise was here at the same time that the Royal Admiral was, as she was a great check to the last mentioned Vessel's Crew, in preventing their endeavouring to Elope, as many of them (I have heard) purposed to do as soon as they Arrived at this Island.

Your Excellency's desire, to know our particular situation, I am happy to Gratify, by informing you, that the addition of Nine Persons to our small Number, and the Harmony of our Union, among ourselves, and the Continued Peaceable disposition of the Chiefs towards us, give as Cheering a Prospect as we can expect—We consider that it is but by Degrees men usually Emerge from a State of Rude and Barbarous uncultivation into Civilization, and Tho' this may be Effected by Human Power, yet, to draw men (even tho' Civilized) as Rebels against God, to seek for Pardon and Salvation thro' the Merits of our Crucified Saviour, can only be Accomplished by the Arm of God.

1801.
14 Nov.

Report on
transactions
at Otaheite.

The Otaheitians I believe and Hope are enlarging in their Ideas, some of their National Prejudices are, I trust weakening, and a few begin to see and feel, there are Nations in the World more mighty and Skilful than themselves—which from their want of knowing better they have long imagined impossible. As for their Political Government we have never presumed to intermeddle with it—We are Friends to Subordination and Peace—We are Friends to Monarchy, which form of Government we believe perfectly Consonant with the word of God. And therefore should any Person through Prejudice or Malice, or Ignorance, endeavour to bias Your Excellency's mind against us, as being inimical to Monarchy, Your Excellency is requested to disbelieve the Report.

Should Your Excellency think proper to Continue Honoring me with your Correspondence, I shall esteem it a favor, and be happy to fulfil Your Excellency's desires to the utmost of my Ability.

I remain Your Excellency's
Much Obliged Humble Servant

JOHN JEFFERSON.

[Enclosure No. 3.]

CONTRACT WITH MESSRS. BASS AND BISHOP FOR THE IMPORTATION
OF PORK.

9th October, 1801.

CONCLUDED and agreed upon at Sydney, in New South Wales, October 9th, 1801, between His Excellency Governor King, on the part of His Majesty, on the one part, and Messrs. Bass and Bishop, merchants, on the other.

Contract with
Bass and
Bishop for the
importation
of pork.

1. That the brig Venus,* belonging to Messrs. Bass and Bishop, shall proceed to the South Sea Islands, and there endeavour to procure a cargo of salted pork, of which are to be excluded the heads, feet, and flays of the pigs, they engaging to touch at no part of Otaheite except Matavia Bay, nor to dispose or make

1801.
14 Nov.

Contract with
Bass and
Bishop for the
importation
of pork.

presents of more than twelve muskets, twenty pounds of gunpowder, and fifty pounds of ball, which are not to be given to any other persons than those whom Otoo or Pomarré may allow to purchase them.

2. That His Excellency Governor King, on the part of His Majesty, engages to purchase the whole cargo of pork so put up, or as much of a cargo as they may bring to Port Jackson, at the rate of sixpence per pound sterling, to be paid in a bill upon the Lords of the Treasury, agreeable to the weight of the pork at the time it is received into Government's stores, provided it is well cured and full of pickle.

3. That as the Venus has a cargo of goods now on board destined for other markets, Governor King shall allow of that cargo being put in one of Government's stores free of all charges (except the usual charge of wharfage to the Orphan Fund) until the contract hereby entered into shall expire and the Venus is ready to proceed on her intended voyage to other markets, the owners of the goods to answer for risks and losses of all kinds; some one person, specified by the owners for this purpose, being to be allowed free admission into the stores where the cargo is lodged from time to time, in order to inspect into the then state of the goods, and to have the power of shifting or removing any part of them from one part of the store to another should he perceive any injury likely to arise to them from remaining in that part where they may then happen to be.

4. That Governor King, on the part of His Majesty, shall allow of such casks as can be spared from the necessary public uses to be collected for containing the above-mentioned cargo of pork, for which casks no charge is to be made by Governor King, except for such of them as may be lost or destroyed, Bass and Bishop holding themselves responsible for the safe re-delivery of the whole of them. And it is further agreed that in case Government should not be able to supply a sufficiency of casks to complete the whole quantity of what the Venus can bring, then the owners of the Venus will be at liberty to purchase or procure casks to supply that deficiency, and to fill them with pork for sale at Port Jackson on their own account. And if the Venus should fail in procuring a full cargo of pork, that then on her arrival at Port Jackson the owners shall be allowed a share of pork on their own account, exactly in the proportion that their quantity of empty casks bear to the proportion of empty casks supplied by Government.

PHILIP GIDLEY KING.
BASS AND BISHOP.

COMPARISON between the Price of One Ton of Salt Pork Purchased from Messrs. Bass and Bishop if they bring it from the Society Islands, and the Price of One Ton of Salt Pork sent from England at this Time.

1801.
14 Nov.

Cost of pork imported from England and Otaheite.

From Society Islands.	From England.
£ s. d.	£ s. d.
One Ton of Pork at 6d pr lb as agreed for with Messrs Bass and Bishop to bring from the above Islands is } 56 0 0	Salt Pork by the last Accounts is 8¼ per lb One Ton, includ- ing 1d pr lb by Whalers for Freight is } 86 6 8

STATEMENT of the Expence to the Crown for 30,000 lbs. of Salt Pork procured at Otaheite by His Majesty's Armed Vessel Porpoise for the Use of His Majesty's Colony in New South Wales.

Cost of pork imported in H.M.S. Porpoise.

Exclusive of the Porpoises Pay and Expences.	Including the Porpoise Pay and Expences.
£ s. d.	£ s. d.
Value of Articles sent for	Total Expence of Pork on the other side... 298 4 1½
Barter 261 12 3½	Estimate of Porpoises pay and Expences for 4 Months at £7 a man pr Month for 60 Men } 1680 0 0
Do Do Returned 87 4 2	
Do Do given in Barter 174 8 1½	Total Expence £1978 4 1½
Present to Capt'n Scott to remunerate him for entertaining the Chiefs, etc. *	30,000 lbs Pork 1/3¼ is 1978 4 1½
Hogshead Wine £26 0 0 } 44 18 0	
Do Spirits 18 18 0 } 44 18 0	It is to be observed that had not the Porpoise been sent on this Service she would have been lying in Harbour or less usefully employed and the Expence of Wages, etc. still going on.
Present to Ships Company	
360 lbs Tobacco @ 1/- 18 0 0 } 78 18 0	
60 Suits } 78 18 0	
Slops 60 18 0 } 78 18 0	
Total Expence £298 4 1½	
30,000 lbs Pork @ 2¼ pr lb is 298 4 1½	

* Blank in original.

1801.
14 Nov.
Return of
live stock
and cultivated
land belonging
to government.

[Enclosure No. 4.]

RETURN of Stock and Ground in Cultivation belonging to Government in New South Wales, Nov. 8th, 1801.

District.	Horned Cattle.					Horses.				Sheep.					Ground in Cultivation.		
	Bulls.	Cows.	Bull Calves.	Cow Calves.	Oxen.	Stone Horses.	Mares.	Fillies.	Colts.	Geldings.	Rams.	Ewes.	Wethers.	Ewe Lambs.	Wether Lambs.	Acres in Wheat.	Acres in Maize.
Parramatta	5	208	137	147	33	2	23	2	3	2	8	333	199	219	82	..	..
Toongabbee	5	92	95	135	24	..	..	..	..	..	..	..	..	..	..	..	..
Seven Hills	2	24	30	32	8	..	..	..	..	..	..	..	..	..	..	..	..
Sydney	2	29	7	15	35	..	..	..	..	..	..	..	..	..	..	..	..
Total	14	353	264	329	100	2	23	2	3	2	8	333	199	219	82	476	300
Increase since last Return	1	10	85	72	2	1	..	1	..	..	3	13	12	22	4	..	..
Decrease since last Return	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

Killed and Issued to the Sick in the General Hospitals at Sydney and Parramatta, in lieu of Salt Meat 13 wether Sheep.
Killed and Issued to those Victualled from the Stores, in lieu of Salt Meat 15 old Bullocks.

PHILIP GIDLEY KING.

[Enclosure No. 5.]

ACCOUNT of Spirits and Wine imported into His Majesty's Colony in New South Wales between 28th Sept. 1800 and 1st November, 1801, etc.

1801.
14 Nov.Return of
spirits
imported.

This return was similar to that forwarded as the second part of Enclosure No. 1, to the general despatch of Acting-Governor King to the Duke of Portland, dated 10th March, 1801, with the following additions:—

Venus	1200	gals.	Spirits imported.	1200	gals.	Spirits landed at	5/-	per gal.
Hunter	1877	"	"	1877	"	"	9/-	"
Nautilus	1200	"	"	1200	"	"	5/-	"

The last two vessels were noted as from India.

By these additions, the totals in the first and third columns were increased by 4,277 gallons.

[Enclosure No. 6.]

ACTING-GOVERNOR KING TO MARQUIS WELLESLEY.

Sydney, New South Wales,

11th November, 1801.

My Lord,

With this I have the honor to transmit the enclosed despatch for His Grace the Duke of Portland, containing the charges and other documents respecting Captn. Jno. McArthur, of the New South Wales Corps, who goes to England under an arrest by way of India in the Hunter bark. On his arrival at Calcutta, I have to request your Excellency will have the goodness to direct a passage for himself and servant in the first of the Honourable Company's ships bound to Europe at the price paid by the Honourable Company or Government for officers of his rank going from India to England, which I respectfully request your Excellency will allow the proper officer to draw for on His Majesty's Treasury, presuming that will be the proper mode of defraying that contingent expence of this colony.

Macarthur's
passage from
India.

I also take the liberty of requesting that the accompanying despatch may be transmitted with your Excellency's despatches to Government in the ship Cap. McArthur embarks on.

I have, &c.,

PHILIP GIDLEY KING.

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Separate A," per American ship Hope; acknowledged by Lord Hobart, 24th February, 1803.)

Sydney, New South Wales,

14th November, 1801.

My Lord,

With this I have the honour to enclose a duplicate of my separate letter, A,* and such enclosures as are not made up to this

* Marginal note.—Aug. 21st, 1801; sent per Albion.

1801.
14 Nov.

date, and the end of the Sept'r quarter, sent by the Albion, which are annexed to this letter.

The want
of iron.

The quantity of coals we procure from the coal harbour has occasioned a great demand for iron to make grates and ranges for the barracks, guard-houses, &c., which will turn the great proportion of public labour hitherto employed on these objects to that of agriculture; and the great success the Porpoise has met with in procuring pork at Otaheite, requiring iron to work into tools for barter, and the want of flat iron to make saltpans, induced me to purchase a quantity of iron from the Earl Cornwallis for those public purposes.

Purchase of
iron on the
Earl Cornwallis.

Importation
of cattle.

By the Hunter, bark, lately arrived from India, seven cows and two cow calves were brought for sale, which I directed the Commissary to purchase at the contract price, *i.e.*, £28 a head for the cows, and £10 a head for the calves.

Business
transacted
at the
government
store.

Exclusive of the quantities of wheat, maize, and animal food as per enclosed received into the public stores for articles supplied therefrom, and copper coin, the quantities, as per Voucher No. 8, have been given into the stores since the 30th last June by those who have purchased articles from the whalers' investments received into the store and sold from thence, as stated in my letter No. 4 per Albion; to liquidate which I have directed the Commissary to draw for payment on His Majesty's Treasury in favour of the owners to whom the investments belong. These expences being indispensable, I hope for your Grace's approval thereof.

Accounts and
returns
forwarded.

As the year since I took the command is now expired, I have directed the Commissary to make out an account of all the contingent expences in the colony in that period, which I have the honour to submit to your Grace's inspection, as well as a statement of the remaining provisions, and what will be wanting to compleat the salt meat to the 31st Dec'r, 1802, with an estimate thereon.

As this has ever been the most painful part of my duty, I hope the above references will give your Grace the fullest explanation of what has and what may be necessary.

Supplies of
salt pork
required.

From what I have observed in my general letter No. 5, sent herewith, your Grace will observe how necessary it is to continue supplying the colony with salt meat for those necessarily maintained at the public expence (to prevent our present increasing and prospering stock of breeding and labouring cattle being killed). No exertions of mine will be wanting to procure as much as possible from the Society Islands, well knowing the heavy

expense of salt meat in England at this period; but that resource depending so much on the caprice of the natives, and should any want of animal food occasion the cattle being killed, the future resources of this colony will be most effectually destroyed. I therefore respectfully submit these circumstances to your Grace's consideration.

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The
preservation
of cattle.

I have, &c.,
PHILIP GIDLEY KING.

[Enclosure No. 1.]

[Copies of the vouchers enclosed have not yet been found.]

[Enclosure No. 2.]

[A copy of the return of the expenditure from September, 1800, to September, 1801, has not yet been found.]

[Enclosure No. 3A.]

PROVISIONS remaining in His Majesty's Stores New South Wales
November 1st 1801. Commissariat returns.

	Beef. lbs	Pork. lbs	Sugar. lbs	Wheat. lbs	Maize. lbs
Sydney	43,452	130,406	4,780	19,136	348
Parramatta	545	.....	473	7,800	928
Hawkesbury	1,802	8,362	844	652	807
Total	45,799	138,768	6,097	27,588	9,363
Rate per week for One full Ration	7 or 4		6 oz	13½ or 18	
Time each species will last the Present Numbers Victualled, Vizt. 2,250 at full Ration	Wks day 2 6	Wks day 15 2	Wks day 7 2	Wks day 0 6½	Wks day 0 1½
Rate pr Week for One Ration at 2/3rds	4 lb 10 oz or 2 lb 10 oz		6 oz	9 or 12	
Time each Species will last the present Numbers Victualled, Vizt. 2,250 at 2/3rds, that being the Ration now under Issue	Wks days 4 2½	Wks days 23 3	Wks days 7 2	Wks days 1 2½	Wks days 0 2¼

OBSERVATIONS ON THE FOREGOING.

No. 1 The Total of Beef Pork and Sugar includes that purchased from Vessels during the Year, and 31,000 lbs. of Pork from Otaheite by the Porpoise.—Also Grain remaining of that Purchased from Private Cultivators from Sepr. 28th 1800 to Sepr. 30th 1801 and remaining in Government's Stacks.

1801.
14 Nov.
—
Observations
on the
commissariat.

The saving by the necessity of the reduced Ration is obvious from the Statement between a full and Two thirds Ration, but the Labor is necessarily reduced in proportion.

No. 2 By referring to the Return of Sepr. 23 1800* it will appear that 2,416 full Rations were then Victualled and that 366 full Rations were Struck off the Stores between July and that date, that notwithstanding the Increase of Convicts i.e. 620 since that date, not more than 2,250 full Rations are now Victualled, including Officers belonging to Ships. Therefore since July 1800 1,152 full Rations have been struck off the Stores, (exclusive of 120 whose Terms of Transportation have expired and permitted to leave the Colony) the saving of which at £20 each full Ration Amounts to the Yearly Rate of £23,040. Not including upwards of 2,000 Full Rations who support themselves at no Expence to the Crown.

ACTING-GOVERNOR KING TO UNDER SECRETARY KING.

(Per American ship Hope, *viâ* China.)

Sydney, New South Wales,

14th November, 1801.

Sir,

To prevent Government being drawn into a very heavy expence it appears my duty to state the following particulars.†

By Governor Hunter, who left this colony in October, 1800, I transmitted to his Grace the Duke of Portland, Captain McArthur's proposal for selling his stock and farms to Government, of which the enclosure is a copy. As the price of stock then was, and it being so desirable a circumstance for Government to repossess his extensive farms, I recommended those proposals being acceded to; and even was I allowed to purchase them and the farms it would be highly advantageous to the Crown, were it only for the wool of the sheep.

The proposed
purchase of
Macarthur's
land and stock.

But Captain McArthur has thrown a great objection in the way of Government making that purchase, as he has not only purchased up 1,400 sheep within a few days before he embarked, and several head of cattle, in addition to the great numbers he had before, which he has signified his determination of considering as included in his proposals at the prices stipulated—

Purchase of
sheep by
Macarthur.

* Note 132. † Note 133.

1801.
14 Nov.

The price
of cattle.

i.e., £37 a head for the cattle, and two pounds ten shillings for the sheep, including those he has lately purchased and their increase.

The present price of cattle, according to contract with Mr. Campbell, is £28 per head for the cattle, and not more than two pounds was given by Captain McArthur for the 1,400 sheep he purchased lately, with 1,000 acres of land included. He has also informed me that supposing I am authorised to make the bargain for the stock contained in the proposals, and should choose to take on myself the responsibility of purchasing the great quantities of stock he has since purchased and its increase, that nothing can be concluded on until he is informed thereof from this country, and until his answer is received, which would consume at least two years before the bargain could be closed, at which time I have no doubt but the price of cattle and sheep will be reduced one-half; but according to his proposals he is to be paid £37 a head for his cattle, when they may not be worth more than £20 a head; two pounds ten shillings a head for the sheep, when they may not be worth more than one pound ten shillings a head. This, calculating the common increase of the stock, will occasion a demand of at least £19,000 on the public. Such is the compound interest Captain McArthur doubtless has in view from the line of conduct he has pursued on this occasion, which compelled me previous to his departure, and before the receipt of His Grace's last dispatch, to relinquish any design of treating any further on behalf of the Crown for his extensive concerns on my own responsibility.

Macarthur's
speculations.

I have considered it my duty to say this much on a subject that might eventually be embarrassing to the Governor of this colony and to Government at home.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure.]

[*These papers were copies of Enclosure No. 3, to the letter of Lieutenant-Governor King to the Duke of Portland, dated 9th September, 1800.*]

ACTING-GOVERNOR KING TO UNDER SECRETARY KING.

(Per American ship Hope, *viâ* China.)

Sir,

Sydney, 14th November, 1801.

Altho' I have written so fully by the Anna Josepha, yet, as that conveyance is very uncertain, I take this opportunity by an American ship of sending such official information as appears necessary.

Despatches.

As it became a doubt whether I was to be allowed exercising my duty without the concurrence of Captain McArthur and his party, I have been obliged, from the events that have followed, to send him Home under an arrest, and with such proofs of his having attempted to create dissensions between me and Colonel Paterson that I cannot help regarding them as fully conclusive. If ever Captain McArthur returns to this colony I shall feel much for its concerns. Half of it belongs to him already, and he very soon will get the other half. Fully relying on the support I shall receive, I shall endeavour to entertain as little anxiety as possible respecting what may be the issue of these events. As I trust an impartial investigation of them will be made, I cannot doubt but that he will be prevented returning to this colony, where a few years' residence has been employed in accumulating a large fortune and creating discord and strife. And should it so happen that he is allowed to return here in any official capacity it should be that of Governor, for that office he has ever aimed at, and had I chosen to resign the concerns of the colony to him you would have heard nothing about this, but the Treasury would have had some good pulls on it.

1801.
14 Nov.

Macarthur's
arrest.

His influence
and wealth.

An aspirant
for the office of
governor.

Soon after I came here he prevailed on me to make an offer of his stock and farms to Government, which he valued at £4,000. I did so, and recommended it as an advantageous acquisition to the public. The stock were valued at a certain sum a head, and their increase to be taken at the same rate when approved of, which approbation I expect very soon to receive. Since his being put in arrest he has purchased up 1,500 sheep, besides horses and cattle, with some very extensive farms belonging to individuals. Those, he informed me, he expected Government were to take on the same terms; but should the approbation arrive after his departure, no purchase could be concluded on until he was consulted in England. This opened a case of compound interest which would have ended in his having a claim on Government in two years' time for at least £20,000. I have consequently informed him that, whatever answer might be received to his original proposals, I should defer taking any further notice of them. This is one of this great monopolist's traits. By his securing such an abundance of sheep he has secured the wool. I shall write officially on this subject, but have mentioned the above to prevent Government being imposed on by this rich Botany Bay perturbator.

The proposed
sale of
Macarthur's
stock and
farms.

I am, sir, labouring hard, both in body and mind, on one of the most severe tasks ever imposed on a man. Every step I have taken has been the most unpopular. To eradicate, or even remove in part, the systems that have been pursued here is wounding the

Difficulties
encountered
by King.

1801.
14 Nov.

interest of every individual in the colony. Confident of justice being done in Captain McArthur's case, I must rest my confidence on the Supreme Disposer of events, under the firm conviction of having acted an indispensable part.

I have, &c.,
PHILIP GIDLEY KING.

ACTING-GOVERNOR KING TO THE SECRETARIES OF THE TREASURY.
(Per American ship Hope.)

Gentlemen, Novr. 14th, 1801.

Macarthur's
passage
money
to India.

I have this day drawn a Sett of Bills of Exchange on the Rt. Honble. the Lords Commissioners of His Majesty's Treasury at Ninety days sight, in favor of Mr. Wm. Anderson or Order Master of the Bark Hunter, for the Sum of One hundred Pounds Sterling, it being the Passage Money of Captn. John McArthur of the N. S. Wales Corps who goes in that Vessel (on his way to England under arrest) to Calcutta, from whence he is to be forwarded by His Excellency the Governor General in the first Vessel bound to Europe—A Voucher for the Receipt of which goes by this Conveyance.

I have the honor to be, etc.,
PHILIP GIDLEY KING.

ACTING-GOVERNOR KING TO THE SECRETARIES OF THE TREASURY.
(Per American ship Hope.)

Gentlemen, Sydney, N. S. Wales,
Novr. 14th, 1801.

Voucher for
Macarthur's
passage
money
to India.

With this I have the honor to enclose a Voucher for the Receipt of a Bill of Exchange for £100 on my Lords Commissioners of His Majesty's Treasury, for the reasons stated in the said Voucher and Letter of Advice.

I have the Honor, etc.,
PHILIP GIDLEY KING.

[Enclosure.]

Sydney, N.S.W., Novr. 14th, 1801.

RECEIVED of H.E. Govr. King a Sett of Bills of Exchange on the R.H. the Lords C. of H.M. Treasury for the Sum of £100 Sterg. being for a Passage to Calcutta on board the Bark Hunter for Capt. John McArthur of the New So. Wales Corps going that far in the said Ship, on his way to England under arrest, for which I have signed 4 Receipts of this Tenor and date.

W. ANDERSON.

THE TRANSPORT COMMISSIONERS TO ACTING-GOVERNOR KING.
(Per H.M.S. Buffalo; acknowledged by Governor King, 9th
November, 1802.)

1801.
19 Nov.

Sir, Transport Office, 19th November, 1801.

It appearing by a Letter which we have this Day Received, from Messrs. Brook Watson and Co. that a Mistake has been made in the Invoice of the Articles provided by them, And Shipped on Board the Buffalo, for New South Wales, by Charging ie. 1,500 *Pairs* of Blankets; instead of 1,500 *Single* Blankets; we beg to Acquaint you therewith, and inclose to you, a Correct Invoice of the Articles, with the proper Charges, annexed for your Information.

Blankets
shipped on
H.M.S.
Buffalo.

We are etc. etc. etc.

RUPT. GEORGE.
AMBROSE SERLE.
JOSH. HUNT.

[Enclosure.]

[*A copy of this invoice has not yet been found.*]

MR. RICHARD SAINTHILL* TO ACTING-GOVERNOR KING.
(Per transport Hercules.)

Sir, Cork, Nov. 25th, 1801.

25 Nov.

By Command of His Excellency the Lord Lieutenant I inclose you a List of Convicts, put on board the Atlas, R. Brooks, Master for New South Wales, and also a receipt for Provisions for the Voyage etc. and Cloathing to be given the convicts when Landed; as no Pork could be had when those Ships were Victualled, Beef was ordered in lieu.

Convicts and
provisions on
board the
Atlas.

I have, etc.,

RICHD. SAINTHILL,
A.G.I.

[Enclosure.]

[*A copy of this return has not yet been found.*]

LORD HOBART TO ACTING-GOVERNOR KING.

(Per H.M.S. Buffalo; acknowledged by Governor King, 9th
November, 1802.)

Sir, Downing Street, 27th November, 1801.

27 Nov.

It being expedient that Mr. James Gordon,† Botanist, who sailed some time since for New South Wales, and who was recommended to your protection by Mr. King (Secy.) should return to this Country, I am to request that he may be furnished with a convenient passage to England by the first opportunity.

Return of
James Gordon.

I am, &c.,
HOBART.

* Note 134. † Note 135.

1801.
2 Dec.

SECRETARY NEPEAN TO ACTING-GOVERNOR KING.

(Despatch per H.M.S. Buffalo; acknowledged by Governor King,
9th November, 1802.)

Sir, Admty. Office, 2nd Decr., 1801.

King
appointed
commander
H.M.S.
Buffalo.

My Lords Commissrs. of the Admty. having appointed you
Commander of His Majesty's Armed Vessel the Buffalo, I am
Commanded by their Lordships to send you inclosed a Commis-
sion for that purpose.

Kent
appointed
second
commander.

And my Lords having been pleased to sign a Commission
appointing Lieutenant William Kent to be Second Commander
of the said Armed Vessel, with the rank of Commander (which
Commission is herewith sent you) it is their Lordships direction
that you will fill up the blank left for the date, and deliver it to
Lieut: Kent, on the day he shall arrive in the said Armed Vessel,
at New South Wales; letting me know the date so inserted, that
the proper entry may be made in the Books of this Office.

You will please to direct your Agent to pay the usual Fee into
this Office, and desire Lieut: Kent to do the same.

I am, etc.,
EVAN NEPEAN.

[Enclosure No. 1.]

WARRANT OF APPOINTMENT TO P. G. KING.

Warrant of
appointment
as commander
H.M.S.
Buffalo.

BY the Commissioners for Executing the Office of Lord High
Admiral of the United Kingdom of Great Britain and
Ireland etc.

To Philip Gidley King Esqr. hereby Appointed Commander
of His Majesty's Armed Vessel the Buffalo.

By Virtue and the Power and Authority to us given, We do
hereby Constitute and Appoint you Commander of His Majesty's
Armed Vessel the Buffalo. Willing and requiring you forthwith
to go on board and take upon you the Charge and Command of
Commander in her accordingly Strictly Charging and Com-
manding all the Officers and Company of the said Armed Vessel
to behave themselves jointly and severally in their respective
Employments, with all due Respect and Obedience unto you their
said Commander and you likewise to observe and execute the
General Printed Instructions, and such Orders and Directions as
you shall from time to time receive from Us, or any other your
Superior Officers for His Majesty's Service. Hereof nor you nor
any of you may fail as you will answer the Contrary at your
Peril: And for so doing this shall be your Warrant: Given

under our Hands and the Seal of the Office of Admiralty this
Twenty eight day of November 1801. In the Forty second Year
of His Majesty's Reign.

1801.
2 Dec.

T. TROWBRIDGE.
JAS. ADAMS.
J. MARKHAM.

By Command of Their Lordships
EVAN NEPEAN.

[Enclosure No. 2.]

WARRANT OF APPOINTMENT TO WILLIAM KENT.

By the Commissioners for Executing the Office of Lord High
Admiral of the United Kingdom of Great Britain and
Ireland etc.

Warrant of
appointment
as second
commander
H.M.S.
Buffalo.

To William Kent Esqr. hereby appointed Second Commander
of His Majesty's Armed Vessel the Buffalo, with the rank of
Commander and with power to Command her in the absence of
the Principal Commander, subject nevertheless to the Controul
and to such Orders and directions as he may from time to time
receive from the said Principal Commander for the Regulation
of his Proceedings.

By Virtue of the Power and Authority to us given, we do hereby
Constitute and appoint you second Commander of His Majesty's
Armed Vessel the Buffalo, Willing and requiring you forthwith
to go on board and take upon you the Charge and Command of
second Commander in her accordingly, strictly charging and
Commanding all the Officers and Company of the said Armed
Vessel, to behave themselves jointly and severally in their respec-
tive Employments, with all due Respect and Obedience unto you
their Second Commander, and you likewise to observe and exe-
cute the general Printed Instructions, and such Orders and
directions as you shall from time to time receive from Us, or any
other your Superior Officers for His Majesty's Service. Hereof
nor you, nor any of you, may fail as you will Answer the Contrary
at your Peril; And for so doing this shall be your Warrant.

Given under our Hands and the Seal of the Office of Admi-
ralty, this Sixteenth day of October 1802 In the Forty
Third Year of His Majesty's Reign.

WM. ELIOT.
T. TROWBRIDGE.
J. MARKHAM.

By Command of their Lordships
EVAN NEPEAN.

THE COMMISSIONERS OF THE NAVY TO ACTING-GOVERNOR KING.
(Per H.M.S. Buffalo.)

Sir, Navy Office, 10 Decr., 1801.

10 Dec.

Enclosed we send you an account of Stores put on board
His Majesty's Storeship Buffalo, at Portsmouth yard, and com-

Stores
shipped on
H.M.S.
Buffalo.

1801.
10 Dec.

mitted to the care of Mr. Ralph Stott, Master, to be Transported to His Majesty's Colony at New South Wales for the use of small Craft there.

WM. RULE.
W. PALMER.
H. HARMOOD.

[Enclosure.]

Portsmo. Dock, 10th Decr., 1801.

AN Account of Stores put on board His Majesty's Ship Buffalo and committed to the care of Mr. Ralph Stott, Master to be transported to His Majesty's Colony at New South Wales for the use of sundry small Craft there pr. Honble. Navy Boards Warrant 9th November 1801 vizt.

Invoice of stores shipped on H.M.S. Buffalo.

Species.	Quantity.	Weight.	Rate.	Value.					
Rope Hawser, 6 Ins.	3	Fine. No. 113 each	£ s. d.	£ s. d.					
Coils of 4 "	3	} 130 "	T. cwt. qr. lb. 11 15 1 1	pr. cwt. 3 8 0	799 17 7				
3½ "	2								
3 "	3								
2½ "	3								
2 "	3								
1½ "	4								
1 "	4								
¾ "	6								
Cablets of 3 "	3					} 102 "			
3½ "	3								
4 "	3								
4½ "	3								
5 "	3								
5½ "	2								
6 "	2								
6½ "	2								
7 "	2								
7½ "	2								
8 "	2	} 102 "							
Anchors Ironed									
Stocked of 1 No.	1					5 3 16			
1 "	1					5 3 21	} pr. cwt. 2 7 1½	148 6 9	
1 "	1					5 1 22			
1 "	1					5 1 20			
1 "	1					4 1 7			
1 "	1					4 0 13			
1 "	1					3 3 27			
1 "	1					3 3 13			
1 "	1	4 0 21							
1 "	1	2 3 19							
1 "	1	2 1 25							
1 "	1	2 1 26	} ea.						
1 "	1	2 1 21							
1 "	1	2 0 7							
1 "	1	2 0 5							
1 "	1	1 3 19							
1 "	1	1 0 26							
1 "	1	1 1 2							
1 "	1	1 1 2							
2 "	2	0 3 21							
Blocks, Single, Wood, Pin'd } of 7 Ins.	10				0 0 8½	0 7 1		
Coaked, 8 "	10	2 0 2½	1 2 1					
9 "	10	0 3 0½	1 10 5					
10 "	5	0 4 1	1 0 5					
11 "	5	0 5 1½	1 5 7					
12 "	3	0 6 7	0 19 9					
13 "	3	0 8 3½	1 4 11					
14 "	2	0 10 1½	1 0 3					
15 "	2	0 10 11½	1 1 11					

An Account of Stores put on board His Majesty's Ship
Buffalo—*continued.*

1801.
10 Dec.

Species.	Quantity.	Weight.	Rate.	Value.
Blocks, Double pin'd of 7 Ins. } Coak'd. 8 " 9 " 10 " 11 " 12 " 13 " 14 " 15 "	10 No. 10 " 10 " 5 " 5 " 3 " 3 " 2 " 2 " .....	..... ..... ..... ..... ..... ..... ..... ..... .....	£ s. d. each. 0 1 5 0 4 5 0 6 1 0 8 2 0 10 3 0 13 2 0 16 7½ 1 0 3 1 1 11	£ s. d. 0 14 2 2 4 2 3 0 10 2 0 10 2 11 3 1 19 6 2 9 10 2 0 6 2 3 10
Oars, Cutter, Ash	50	.....	0 8 0	20 0 0
Twine, fine	5 Cwt.	.....	0 1 5 per lb.	39 13 4
Lines, Deepsea	20 No.	.....	0 12 6	12 10 0
Cabin or Sail, 18 lb. to Dozen. } Log White or Hambro'	20 " 50 " 20 " cwt. qr. lb.	..... ..... ..... .....	0 1 9 0 1 0 0 1 9 per lb.	1 15 0 2 10 0 1 15 0
Paint, Dry, White Lead..... Venetian Red Yellow Black.....	6 3 0 3 3 0 1 2 18 0 3 24	..... ..... ..... .....	0 0 4 0 0 6 0 2 6 gals.	19 12 0 4 13 0 13 10 0
Oil, Linseed Spirits of Turpentine	93 Gls. 7 .....	..... .....	0 5 1 0 4 0 ea.	23 12 9 1 8 0
Brushes, Large Small	70 No. 30 .....	..... .....	0 0 7½ 0 0 4½	2 3 9 0 11 3
Paint Stone and Muller	1 No. each	.....	.....	0 12 0
Knife	1 "	.....	.....	0 1 0
New Iron Sweeds Squares of 1¼ In. } 1½ " 1 " 1 " 1 "	19-10 1 7 20-10 1 0 27-12 0 7 31-12 0 11 51-12 0 14	..... ..... ..... ..... .....	pr. cwt. 1 17 0	187 1 11
Flats of 2¼ by 1 " 1 " 1 "	26-10 0 0 25-10 0 18 44-12 0 14 46-12 0 0	..... ..... ..... .....	Pr. yard.	
Canvas, New, No. 2 3 4 5 6 7 8	8 — 320½ 7 — 279½ 10 — 400½ 10 — 410 15 — 609½ 15 — 611 15 — 615	..... ..... ..... ..... ..... ..... .....	0 1 6 0 1 5½ 0 1 5 0 1 4½ 0 1 3½ 0 1 2½ 0 1 1½	24 0 9 20 7 7 28 7 4 28 3 9 39 7 3 36 6 5 34 12 8
Do. for 5 Sets of Boatsails, No. 8. } Ensign, red, of, 12 bds. Jacks, Union, 6 " Pendants, Ordry., 18 yds.	7 — 287¾ 6 No.* 6 " * 6 " * .....	..... each.	0 18 4 0 4 7 0 7 3	5 10 0 1 7 6 2 3 6
Boats, Grapnels Copper sheets of Improved, 18 ozs. } Nails, Ct. sunk, No. 6..... Bolts of ¾ Ins. 1 " 1½ "	10 4 2 26 100 6 3 7 1 0 14 10 1 3 3 10 3 1 9 10 4 2 18	..... ..... ..... ..... ..... .....	Lbs. 0 0 4 0 1 4¾ 0 1 5½	8 16 8 53 5 0 88 19 2

Invoice of
stores shipped
on H.M.S.
Buffalo.

AN Account of Stores put on board His Majesty's Ship
Buffalo—*continued.*

1801.
10 Dec.

Invoice of
stores shipped
on H.M.S.
Buffalo.

Species.	Quantity.	Weight.	Rate.	Value.
	No. cwt. qr. lb.		£ s. d.	£ s. d.
Pitch Pots	10 1 3 21	.....	1 5 9	2 9 10
Glasses, $\frac{1}{2}$ Watch	10 No. ....	.....	0 1 0	0 10 0
„ „ Inside	10 „ .....	.....	} 0 0 6	0 10 0
„ „ do	10 „ .....	.....	
Caulking Irons	10 „ .....	.....	0 0 10	0 8 4
Sail Needles	200 „ .....	.....	Dozen,	0 0 7 $\frac{1}{2}$
Glass, Stone ground, } 14 by 9 Ins.	50 Pieces .....	.....	0 6 2 $\frac{1}{2}$	15 10 5
Leads, Deep-sea	10 2 3 12	.....	} Cwt.	5 6 5
Hand	10 1 0 18	.....	
Leather Liquored	5 $\frac{1}{2}$ 3 0 0	.....	lbs.	0 1 10 $\frac{3}{4}$
Steel, Blistered	52 10 0 0	.....	0 0 10	46 13 4
Tar	} Iron bound. {	20 Barr's	1 14 8	34 13 4
Pitch		10 „	2 11 7	25 15 10
Turpentine		10 „	2 5 9 $\frac{1}{2}$	22 17 11
Brimstone.....		cwt. qr. lb.	5 2 9 nett.	0 18 10 $\frac{3}{4}$	5 5 5
For preserving the Stores.				
Hogsheads, Iron-bound	16 No. ....	.....	each.	0 12 3
Casks, Iron-bound of 40 Gals.	1 .....	.....	pr. gals.	} 0 0 3 $\frac{1}{2}$
„ „ „ 14 „	14 „ .....	.....	.....
Rundlet of 10 „	1 .....	.....	.....	0 3 5
„ „ „ 6 „	1 .....	.....	.....	0 2 3
Hogsheads, Wood-bound	3 .....	.....	each.	0 9 0
Stone Bottle of 4 Gns.	2 .....	.....	0 4 8	0 9 4
Cases	9 .....	.....	0 5 0	2 5 0
			Total ...	1,903 10 0

The Centages are included in the Rates.

JO. CRANE, GEO. SMITH, WILLM. GILBERT.

THE TRANSPORT COMMISSIONERS TO ACTING-GOVERNOR KING.

(Per transport Perseus; acknowledged by Governor King, 9th August, 1802.)

31 Dec.

Sir,

Transport Office, 31st December, 1801.

Despatch
acknowledged.

We received your Letter of the 10th March, 1801, on the 28th instant, and have to express our satisfaction with the Account you have given us of the good conduct of Captain Wilson of the Royal Admiral, and of the other Circumstances which you have communicated to us relative to the delivery both of Convicts and Stores.

The
Lady Nelson.

Respecting the Lady Nelson, our concern with her terminates with her Arrival at Port Jackson, and we shall accordingly pay

the Drafts you have given upon us for the pay of her Com-
mander and Crew to that period, of which we approve.

1801.
31 Dec.

When we receive the Paper you mention relative to the passage thro' Basses Straits from the Secretary of State, we shall not fail to communicate Copies of it to such Vessels as may be taken up by us for your Colony.

Directions for
navigating
Bass' Strait.

We are concerned for the Mutinous behaviour of the Irish Convicts on board the Anne Transport, and are much satisfied that the Master's Conduct was justified by the Decision of the Court of Vice-Admiralty.

The convicts
on the
transport Anne.

It is much to be lamented that such vast quantities of Spirits have been clandestinely imported into New South Wales contrary to the Spirit and Tenor of our Charter parties; But we trust that your Endeavours, co-operating with our own, will in future greatly discourage, if not entirely prevent, a Traffic so pernicious to the Health and Morals of the People under your Government.

The traffic
in spirits.

We cannot conclude without returning you our thanks for the information you have transmitted. The more Public and official they are the greater use we shall be always able to make of them. Private information cannot generally possess that advantage.

We are, &c.,

AMBROSE SERLE.
WM. AY. OTWAY.
JOS. HUNT.

THE TRANSPORT COMMISSIONERS TO ACTING-GOVERNOR KING.

(Per transport Perseus; acknowledged by Governor King, 9th August, 1802.)

Sir, Transport Office, 31st Decr., 1801.

We beg to refer you to our Letter of this date by the Perseus and have now to enclose to you, sundry Documents relative to the Stores shipped on board the Coromandel consigned to your Address Vizt:

Invoices and
papers *re*
shipments
on the
Coromandel.

Invoices and Bills of Lading of Goods being a Moiety of the Annual supply provided in pursuance of direction from the Right Honble. the Lords Commissioners of His Majesty's Treasury dated 29th July 1800; the other Moiety Shipped on board the Perseus.

Copy of a Letter from the Commissioners of the Victualling relative to the Cost Price of 656 Gallons of Port Wine, Shipped on board the Coromandel.

List of Medicines put on board for the use of the Convicts during the Voyage; the remainder (if any upon the Vessels Arrival in New South Wales) to be delivered up by the Surgeon for the use of the Colony.

1801.
31 Dec.

Invoice of Cloathing provided for the use of the Convicts after their Arrival at New South Wales.

We also transmit to you herewith a Copy of the Vessels Charter Party and are

Sir, etc.,
RUPERT GEORGE.
AMBROSE SERLE.
WM. HY. OTWAY.

[Enclosure.]

THE VICTUALLING BOARD TO THE TRANSPORT COMMISSIONERS.

Gentlemen, Victualling Office, 7th Decr., 1801.

Shipments of
port wine.

In answer to your Letter of the 2nd Instant we have to acquaint you that the following quantities of Port Wine, have in compliance with your Letter of the 5th Ult. been supplied from our Stores at Deptford and Shipped on board the Convict Ships Coromandel and Perseus Vizt:

Coromandel	656 Gallons
Perseus	648 „
	1,304 Gallons

which being computed at the price we originally paid for the same, being £32 10 0 pr. Pipe of 138 Gallons, amounts to the Sum of £307 2 0¼; and which Sum we have accordingly to request you will cause to be paid into the Hands of the Treasurer of His Majesty's Navy.

We are, etc.,
JOHN MARSH. FRAS. STEPHENS.
G. P. TOWRY. WM. BOSCAWEN.

[Enclosures.]

[Copies of the invoices and bills of lading have not yet been found.]

THE VICTUALLING BOARD TO THE GOVERNOR OF N. S. WALES.

(Per transport Coromandel; acknowledged by Governor King, 31st August, 1802.)

1802.
1 Jan.
Shipments of
pork for
the colony and
provisions
for the
Investigator.

Sir, Victualling Office, January 1st, 1802.

The Right Honble. the Lords Commissioners of His Majesty's Treasury and of the Admiralty, having been pleased by Mr. Vansittart and Mr. Nepean's Letters of the 30th May and 18th of July last to direct us to cause the following quantities of Provisions to be sent out to New South Wales. Vizt.

For the use of the Settlement—Pork—242,428 Pounds.

For the Supply of His Majesty's Sloop Investigator at Port Jackson—Flour for Bread, 27,888 Pounds—Spirits 1,743 Gallons Beef 996 Pieces of 8 lbs. ea.—Pork 1,992 Pieces of 4 lbs. ea.,

Flour 5,976 Pounds—Suet 996 Pounds Pease 124 Bushels 4 Gallons, Oatmeal 93 Bushels 3 Gallons, Wheat 93 Bushels 3 Gallons, Sugar 1,494 Pounds, Rice 2,988 Pounds, Vinegar 249 Gallons.

1802.
1 Jan.

Shipments of pork for the colony and provisions for the Investigator.

We beg to acquaint your Excellency that in compliance therewith we have Shipped the several quantities and species of Provisions particularized in the accompanying abstract* on board His Majesty's Store Ship Buffalo Lieut. Wm. Kent Commander and the Coromandel Transport Alex Sterling Master, and that we have consigned the same to you.

The Invoices of, and the Bills of Lading for the Provisions so Shipped, will be conveyed to you by the Ships, to which they severally relate, and we have to request you will Order proper receipts to be granted for what shall be delivered.

We are, etc., etc., etc.,

JNO. MARSH. JNO. HARRISON.
G. P. TOURY. WM. BOSCAWEN.
R. S. MOODY.

[Enclosure.]

AN Abstract of Provisions Shipped on board the undermentioned Ships for the supply of the Settlement at New South Wales, and for the use of His Majesty's Sloop Investigator at Port Jackson. Victualling Office, 1st January, 1802.

Abstract of shipments in the Buffalo and Coromandel.

Dates of Bills of Lading.	Ships Names.	Commanders Names.	Pork 4 lb Pieces.	Beef 8 lb Pieces.	Flour lbs.	Rice lbs.	Wheat Bushels	Oatmeal Bushs.
For the use of the Settlement at New South Wales.								
2nd Decr, 1801	Buffalo	William Kent	50,044	...	...	...	...	...
For the Supply of the Investigator.								
11th ,, ,,	Coromandel	A. Sterling ...	2,000	996	34,037	2,953	95	105
2nd ,, ,,	Buffalo	William Kent	...	...	...	...	...	...

Dates of Bills of Lading.	Ships Names.	Commanders Names.	Suet lbs.	Vinegar Galls.	Sugar lbs.	Pease Bus. Gals	Brandy Galls.	Rum Galls.
For the use of the Settlement at New South Wales.								
2nd Decr, 1801	Buffalo	William Kent	...	...	...	...	...	...
For the Supply of the Investigator.								
11th ,, ,,	Coromandel	A. Sterling ...	1,020	249	1,497	127 4	...	...
2nd ,, ,,	Buffalo	William Kent	...	...	...	...	1,285	512

THE TRANSPORT COMMISSIONERS TO ACTING-GOVERNOR KING.
(Per transport Alexander; acknowledged by Governor King, 9th November, 1802.)

Sir, Transport Office, 2nd January, 1802.
We have to enclose to you, herewith for your Information, a Copy of the Charter Party of the Atlas and Rolla, Two Ships

2 Jan.

* Marginal note.—200,176 lbs.

1802.
2 Jan.

taken up by this Board in Pursuance of Directions from the Right Honorable the Lords of the Treasury, for the Transportation of Three Hundred Male Convicts from Ireland to New South Wales.

We presume that all other Documents, necessary for your further Information with respect to these Vessels, and their lading, will be transmitted to you, by the Government of Ireland; The Engagement of the Requisite Tonnage only, coming under the Cognizance of this Department.

We are, etc., etc., etc.,

AMBROSE SERLE.

W. H. HUNT.

JOSH. HUNT.

[Enclosure.]

[Copies of the charter parties have not yet been found.]

THE TRANSPORT COMMISSIONERS TO ACTING-GOVERNOR KING:

(Per transport Alexander; acknowledged by Governor King, 9th November, 1802.)

19 Jan.

19th January, 1802.

[A copy of this despatch has not yet been found.]

[Enclosure.]

CHARTER OF THE COROMANDEL AND PERSEUS.

Charter party
of the transports
Coromandel
and Perseus.

THIS Charterparty of Affreightment made and Concluded upon, this Twenty seventh of October, One thousand, Eight hundred and one: By and Between the Commissioners for Conducting His Majesty's Transport service &c. (for and on the behalf of His Majesty) of the one part, and Messieurs Brown, Welbank and Petyt, on behalf of the owners of the Ships undermentioned, of the other part, for Carrying Passengers, Soldiers, Convicts, other persons, Provisions, Stores and whatever else may be ordered on board by the said Commissioners, or their Agents, from London or Portsmouth to Port Jackson in New South Wales, on the Terms and Conditions following, Vizt:

Ships Names.	Tons.	Masters' Names.
Coromandel	522 $\frac{3}{4}$	Alexander Sterling.
Perseus	362 $\frac{3}{4}$	John Davison.

The said Brown, Welbank & Petyt, on behalf of the said Owners, Do Covenant, promise and Agree, that the said Ships and each of them shall be tight, strong and substantial both above Water

and beneath, and at all times during the intended Voyage shall respectively be Manned with Six Men and One Boy to every One hundred Tons, Register Measurement and in that proportion for any number of Tons less than One hundred, fit and capable to manage and sail them and shall be fitted and furnished with Masts, Sails, Yards, Anchors, Cables, Ropes, Cords, Apparel and other furniture and be provided with Coals, Wood, Fire-Hearths, Coppers and Furnaces for Cooking and dressing the Provisions, and with Bowls, Spoons, platters and other Necessaries for the Convicts, Soldiers and others ordered on board, and also Water Casks and Water at the rate of One Butt for each person, and particularly that each Ship shall be furnished with sufficient Scrapers, Brooms, Swabs and whatever else may be wanted to make clean the parts of the Ships in which the Convicts are, which Scrapers, Brooms, Swabs and other Articles shall always be at the disposal and subject to be used, according to the Direction of the Surgeon or Surgeon's Mate on board the Ships. And further that each of the said Ships shall have not less than three proper Boats and sufficient and wholesome Provisions for the Seamen, with a proportion of Water for their use as above mentioned and each Ship shall be provided with two Windsails and One Osbridge's Machine for sweetening Water, and that a strong Bulkhead shall be put up on Deck, so as to admit of the Convicts coming up and remaining there securely when ordered. All the above Articles to be furnished and provided at the Costs and Charges of the respective Owners.

And further, the said Brown, Welbank & Petyt, do Covenant, that the said Masters shall respectively obey all orders that they may receive from the said Commissioners, their Agent or Agents, or the Officers in Chief under whose Command they may be, and that each of the said Ships shall forthwith be in readiness, and the Masters of the said Ships shall receive such number of Convicts, Provisions, Stores and whatever else shall be ordered on board as hereafter mentioned by such person or persons as the said Commissioners or their Agents shall appoint either in the River Thames or at Portsmouth, both or either, and the Masters having signed proper Receipts, Bills of Lading and other Indents for the same, shall proceed therewith with all possible Expedition to Port Jackson in New South Wales, without any delay whatever and without stopping at any place unless it be found absolutely necessary to do so for Refreshments on account of the Health of the Convicts and in that case they are not to remain for the private Concerns of the Masters, or for any other cause longer than is absolutely necessary for taking in Water or Provisions, and shall and will Deliver the Convicts and other persons,

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and Perseus.

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Coromandel
and Perseus.

Provisions, Stores and whatever else may belong to Government, or that may be delivered into their charge for Conveyance by order of the said Commissioners, or their Agents, according as they may be directed by the Governor, Lieutenant Governor, Commander in Chief, or senior Officer for the time being.

And the said Brown, Welbank & Petyt do further more Covenant, that during the Passage the Master of each of the said Ships and his Men, shall use all the means in their power for Ventilating and cleaning the parts of the said Ships in which the Convicts are, and shall as much as possible consistent with Safety, admit the Convicts on Deck, particularly those, whose Health may most require it, taking care to admit a proper number at a time, and in the several respects, the said Masters shall attend to the Application of the Surgeon or Surgeon's Mate.

And the said Masters shall and will keep two Logbooks (Duplicates of each other) of the Winds and Weather, and of all remarkable Observations, particularly respecting the said Convicts, such as Births, Sickness, Behaviour, or Deaths, the number of Convicts from time to time admitted on Deck, or reasons why they are not admitted on Deck; and the said Masters shall be obliged in the said Logbooks to enter any request made by the Surgeon or his Mates, touching the said Convicts, likewise the daily expenditure of Provisions and Water. And the said Masters shall on arriving at Port Jackson deliver to the Governor or Deputy Governor, On Oath, if required, one of the said Logbooks and shall obtain a Certificate of having so done, and shall deliver the other on Oath if required, to the said Commissioners for Transports, on the arrival of the said Ships in England, together with all such Orders and Instructions as shall have been given by the said Commissioners or their Agents or the Officers in Chief under whose Command they may have been at any time during the Voyage. And the said Brown, Welbank and Petyt (on behalf of the owners) do also Agree, that Thirty Working days, from the time the Ships are Certified to be in complete readiness on the Owners part shall be allowed to the said Commissioners to build the Cabins &c., and to Embark the Convicts, Soldiers and other Persons, Provisions and Stores in the River Thames, or at Portsmouth, and Twenty Working days shall be allowed to disembark the Convicts, Soldiers and other Persons, Provisions and Stores at Port Jackson in New South Wales, Notice having first been given by the respective Masters to the proper Officers of the Ships arrival there and of their being ready for these purposes; but if it shall happen that the said Ships shall be detained by the orders of Government in fitting, Embarking

and Disembarking more than Fifty Working Days altogether, the said Brown, Welbank and Petyt, on behalf of the owners, are to be allowed Demurrage at the rate of Fourteen Shillings per Ton per Kalendar Month, during such detention, provided nevertheless, that if any delay can be proved against the the Masters, or if any of their Ships Crews shall not give every Assistance in their power, with the Ships' Boats in Embarking and Disembarking the said Convicts, Soldiers and other persons, Provisions and Stores. No Claim will in that case be allowed for the said Demurrage, nor is any to be allowed for detention by contrary Winds or bad Weather.

And the said Brown, Welbank and Petyt do further more Covenant, promise and agree, that the respective Masters of the said Ships shall not bring any Person or persons from the Settlement at Port Jackson without Orders in writing, from the Governor, or Lieutenant Governor for the time being, which orders they are to produce upon their return to the said Commissioners, or previously, if they shall have an opportunity of transmitting them.— And also that neither the Masters, or any of their Ship's Companies shall land Spirits, or any other Commodities at the Settlement in New South Wales, that are forbidden by the Port orders, without a regular Permit first obtained from the Governor, Lieutenant Governor, Commander in Chief, or senior Officer for the time being.

And the said Brown, Welbank & Petyt (on behalf of the owners and at their Expence) agree to provide a Qualified Surgeon for each Ship, to be Approved of by the said Commissioners, who shall be furnished with complete Sets of Instruments to attend the Convicts and other Persons embarked, the said Commissioners agreeing to provide the necessary Medicines for the Voyage to Port Jackson, and such Surgeon shall keep a Diary, and make a Duplicate thereof, not only relating to the Sick and Medicines, but also to the daily number of Convicts admitted on Deck, the fumigating, ventilating and scraping the parts, where the Convicts are and of all other Circumstances which may immediately or remotely affect the Health of the said Convicts, one of which Duplicates shall be delivered to the Governor or Deputy Governor of New South Wales on the Ships arrival there, and a Certificate shall be obtained of such Delivery and of the good Conduct of the Surgeon, and the other part shall be delivered to the said Commissioners for Transports.—

In Consideration of which Covenants and Conditions to be performed by the said Brown, Welbank and Petyt (on behalf of the owners) the said Commissioners (on behalf of His Majesty) do

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of the transports
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agree to pay unto the said Brown, Welbank & Petyt (on behalf of the owners) for the Hire and Freight of the said Vessels respectively, for the Voyage aforesaid (i.e. from the River Thames to Portsmouth and from thence to Port Jackson in New South Wales) at the rate of Ten Pounds per head for each Convict, Passenger, or other person (Man or Woman) embarked, and half that Sum for each Child, and Five Pounds more for each Man or Woman landed alive at Port Jackson in New South Wales and half that Sum for Children, which Sums are to include the Freight of the Baggage and Stores belonging to the Passengers, other persons or Convicts as well as Provisions put on board for their use during their Voyage and for Nine Months after their arrival at Port Jackson for the Convicts, over and above which Space is also to be reserved equal to One fifth or Sixth of the Ship's registered Tonnage, which is to be Bulk-headed off for the sole use of Government, which Space so reserved, is to be paid for at Two pounds per Ton: the Payments to be made in the manner undermentioned; and Fourteenpence per Man or Woman per Lunar Month for necessary Money.

One third of the Freight to be paid on producing Certificates from the Agent of the Commissioners of the Ships having finally sailed from Portsmouth on their intended Voyage, complete in Men and Stores and in every other respect fitted and furnished as above stated on the Owners part, and the remaining part of the Freight on producing Certificates from the Governor or Deputy Governor of New South Wales of the number of Convicts and other persons that were Embarked in England being landed at Port Jackson, and the usual Certificates of the true and just delivery of all the Provisions, Cabins, Wood and Iron Work, Medicines and other Stores belonging to Government, or which were delivered into the Master's charge, through the Authority of the said Commissioners, or their Agents, and that were put on board and not properly used, for the whole of which the Masters are previously to Account and be Accountable and of the proper Conduct of the Masters and Surgeons.

The Payments are to be made by Transport Bills in the usual way, with the Interest added thereto:—Provided and it is hereby agreed that on breach of Orders, or on breach of the Covenants herein contained, or neglect of Duty of the Master, Surgeon, or Ships Company, or from the Ships Inability to Execute the said intended Voyage being made appear to the said Commissioners by Evidence given before the Governor, Lieutenant Governor, Commander in Chief or Senior Officer in New South Wales, and certified by him in an Official way, or by Evidence given to the said Commissioners for Transports, The said Commissioners

shall be at liberty to Deduct and retain (by way of Mulet) out of the Freight and Pay so much thereof, as they shall Judge to be reasonable and just.

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of the transports
Coromandel
and Perseus.

To the true performance and keeping all and singular the said Agreements on the part of the said Brown, Welbank and Petyt (on behalf of the owners of each respective Ship) they, the said Brown, Welbank and Petyt do hereby bind themselves, their Executors, Administrators and Assigns and the said Ships' Apparel and furniture unto the said Commissioners for conducting His Majesty's Transport service (for and on the behalf of His Majesty) in the Penalty of One thousand Pounds of lawful Money of Great Britain, for each Ship, by these presents to be paid and recovered.

In Witness whereof, the said Brown, Welbank and Petyt (on behalf of the owners) have set their Hand and Seal to one part hereof, and to the other part hereof, the said Commissioners, on behalf of His Majesty, have Signed their Names and Caused the Seal of the Transport Office to be Affixed the Day and Year above written.

(Signed) BROWN, WELBANK & PETYT (L.S.).

Signed Sealed and Delivered (being first duly stamped) in the presence of
W. HARDING.

Memorandum.—The Owners agree to provide Twenty Able Bodied Men as a Guard to the Convicts Embarked on board the Coromandel, and also Sixteen able Bodied Men as Guard to the Convicts Embarked on board the Perseus; which Men are to be paid, Victualled and in all respects at the Cost and Charge of the Owners, and for which the said Commissioners agree to allow the Owners, the Sum of Seventy five Pounds for each of the said Thirty six persons;—One half to be paid upon the Ships' finally sailing from Portsmouth, proof being first given by Certificate from an Agent of Transports that the whole number of Men (Crew and Guard) are on board:—the other half, upon Completion of the Service and production of a Certificate from the Governor or Deputy Governor of New South Wales, that the said Men have satisfactorily discharged their Duty as a Guard.

THE VICTUALLING BOARD TO THE GOVERNOR OF N. S. WALES.
(Per transport Coromandel; acknowledged by Governor King, 31st August, 1802.)

Sir,
Victualling Office, 25th January, 1802.
The Right Honble. the Lords Commissioners of His Majesty's Treasury, having been pleased by Mr. Vansittart's

25 Jan.

1802.
25 Jan.
Shipment of
pork on the
transport
Coromandel.

Letter of the 30th May last, to direct us to send out a supply of Pork equal to Four hundred and ninety two thousand, four hundred and Twenty Eight Pounds, or a proportionate quantity of Beef, Annually for three Years for the use of the Settlement at New South Wales; We beg to refer your Excellency to our Letters of the 4th Augst. last, and 1st Inst. stating the quantities of Pork we had caused to be laden in the Vessels therein-mentioned, and to acquaint you, that in completion of the first years supply, we have shipped the further quantity of forty two thousand Pounds of the said Article on board the Coromandel Transport, Alex Sterling Master and that we have consigned the same to you.

An Invoice of, and the Masters Bill of Lading for the Pork so Shipped, we herewith Transmit and have to request you will cause a receipt to be granted for what he shall deliver.

We have, etc., etc.,

JNO. MARSH. R. S. MOODY.
G. P. TOWRY. WM. BOSCAWEN.

[Enclosure.]

[Copies of the invoice and bill of lading have not yet been found.]

THE VICTUALLING BOARD TO THE GOVERNOR OF N. S. WALES.

(Per transport Coromandel; acknowledged by Governor King, 31st August, 1802.)

Sir, Victualling Office, 25th January, 1802.

Shipments of
salt meat on
the transports
Coromandel
and Perseus.

Having in consequence of an Order from the Right Honble. the Lords Commissioners of His Majesty's Treasury signified to us by Mr. Addington's Letter of the 10th of September last shipped on board the undermentioned Transports the following quantities of Beef and Pork for the subsistence of the Convicts etc. intended to be carried out in them, during the space of Nine Months after their Arrival at New South Wales, Vizt:

Vessels Name.	Masters Name.	Beef.	Pork.
Perseus	Jno. Davidson.....	6720 lbs.	13400 lbs.
Coromandel	Alexr. Sterling.....	8736 lbs.	17200 lbs.

We beg leave to acquaint your Excellency that the Invoices of, and Masters Bills of Lading for such Provisions will be for-

warded to you, by the Vessels to which they respectively relate: We therefore request you will be pleased to cause proper receipts to be granted to the Masters for what they shall severally deliver and have the Honor to be

1802.
25 Jan.

Sir, etc.,

JNO. MARSH.	G. P. TOWRY.
FRAS. STEPHENS.	R. S. MOODY.
J. RODNEY.	WM. BOSCAWEN.

UNDER SECRETARY SULLIVAN* TO ACTING-GOVERNOR KING.

(Per transport Alexander; acknowledged by Governor King, 9th May, 1803.)

Sir, Downing Street, 26th January, 1802. 26 Jan.

Mr. Reid who is the Bearer of this letter, having obtained Lord Hobart's permission to proceed as a Settler to the Colony under your Government; I am directed to acquaint you therewith, and at the same time to inform you, that His Lordship was induced to accede to Mr. Reid's request, in consideration of his having formerly been an Officer in His Majesty's Service, and being now in very distressed circumstances.

Reid to become a free settler.

I have, &c.,
JOHN SULLIVAN.

UNDER SECRETARY SULLIVAN TO ACTING-GOVERNOR KING.

(Per transport Alexander; acknowledged by Governor King, 9th May, 1803.)

Sir, Downing Street, 26th January, 1802.

Mr. Hiscock who is the Bearer of this letter, having obtained Lord Hobart's permission to proceed as a Settler to the Colony under your Government; I am directed by His Lordship to acquaint you therewith, and to transmit to you the enclosed Letters which I have received in Mr. Hiscock's behalf.—The usual rations of Provisions and Grants of Land are to be allowed to him upon his arrival in the Settlement, and I trust he will be found to contribute in some degree to the benefit of the Colony.

Hiscock to become a free settler.

I have, &c.,
JOHN SULLIVAN.

[Enclosure.]

[Copies of the testimonials in favour of Mr. Hiscock have not yet been found.]

* Note 136.

1802.
30 Jan.

LORD HOBART TO ACTING-GOVERNOR KING.

(Despatch No. 1, per transport Hercules; acknowledged by Governor King, 30th October, 1802.)

Sir, Downing-street, 30th January, 1802.

King appointed Governor and Commander-in-Chief.

I have the satisfaction to acquaint you that the King has been pleased to signify his commands that a Commission should be prepared for His Royal signature appointing you his Governor and Commander-in-Chief of the settlement of New South Wales in the room of the late Governor Hunter, and I hope this Commission, together with His Majesty's General Instructions for the guidance of your conduct in this important trust, will be ready to be forwarded by an early opportunity.

Despatches received.

I am not aware that anything of material importance regarding the settlement under your charge remained for consideration previous to the receipt of your despatches of the 10th March, which reached England on the 31st ultimo, excepting the case of the persons mentioned in the enclosed list respecting whom no decisive instructions appear to have been given to you.*

The cases of Isaac Nichols and others.

I have perused with great attention the reports transmitted by Governor Hunter of the trials of these persons, and on a full consideration of the circumstances attending those trials, and of the difference of opinion which prevailed amongst the members who composed the Court, as well as of the length of time that has elapsed since their several sentences were passed upon them, I have ventured to recommend them as proper objects of His Majesty's mercy, and I have in consequence received His Majesty's commands to direct you to grant pardons to each of those persons respectively for the offences of which they were convicted before the Court to which I allude, annexing to those pardons such conditions as you shall think most adequate to the due attainment of the ends of justice.

Intercourse with the natives.

Before I dismiss this subject, I cannot help lamenting that the wise and humane instructions of my predecessors, relative to the necessity of cultivating the good-will of the natives, do not appear to have been observed in earlier periods of the establishment of the colony with an attention corresponding to the importance of the object. The evils resulting from this neglect seem to be now sensibly experienced, and the difficulty of restoring confidence with the natives, alarmed and exasperated by the unjustifiable injuries they have too often experienced, will require all the attention which your active vigilance and humanity can bestow upon a subject so important in itself, and so essential to

* Note 137.

the prosperity of the settlement, and I should hope that you may be able to convince those under your Government that it will be only by observing uniformly a great degree of forbearance and plain, honest dealing with the natives, that they can hope to relieve themselves from their present dangerous embarrassment.

1802.
30 Jan.

Intercourse
with the
natives.

It should at the same time be clearly understood that on future occasions, any instance of injustice or wanton cruelty towards the natives will be punished with the utmost severity of the law.

I have now to acquaint you that I have had the honor to lay before the King your letters of the 10th of March, and I shall proceed to remark upon such points of them as require observations.

I am concerned to observe the mortality that prevailed on board the Royal Admiral. It is, however, a satisfaction that no blame can attach on this account to the master of the vessel, who appears, by your report to the Transport Board, to have discharged his duty to the public and to the individuals under his care.

Mortality on
the transport
Royal Admiral.

It is not possible to guard upon all occasions against a similar misfortune, but it will be as much my inclination as it is my duty to take care that everything that can be effected by precaution and preventive measures shall be attempted to ensure the health of every individual. For this purpose I have required a return from the Medical Inspector* of the state of the convicts and settlers in each of the respective ships now about to proceed to New South Wales, made up to the latest period previous to their departure, and I enclose copies thereof for your information.

Medical
supervision of
the transports.

These documents will serve very materially to guide your judgment in instituting any enquiry into the conduct of the persons having the charge of the ship and of the convicts, in the event of any similar misfortune recurring, and I most earnestly desire that you will on no account fail to make the most strict enquiry into the observance of the terms of the several contracts entered into, with a view to insure, not only the safe delivery of the convicts, but their proper treatment during the voyage, and that you do on every occasion most strictly enforce the penalties that may be incurred.

It is His Majesty's pleasure that you conform to the instructions given by the Lords Commissioners of the Treasury to the Commissary, relative to the drawing bills for the payment of such provisions and stores as it may be necessary to purchase on the

Method of
drawing bills on
the Treasury.

* Note 133.

1802.
30 Jan.

public account; and that you do afford every assistance in your power to the Commissary, to enable him to carry his said instructions into effect in the manner most advantageous to the public interests.

Instructions
to continue
exploration.

The instructions with which you have furnished Lieutenant Grant for the further prosecution of the interesting voyage on which he has been instructed to proceed appear to have been framed with the most accurate attention to the directions you received from the Duke of Portland, and the ready and effectual assistance you afforded in refitting the *Lady Nelson* merits approbation. This vessel is to be continued on the establishment of the Navy, under your direction.

Initiation of
viticulture.

I shall certainly advise the payment of the bills drawn upon the Treasury by the Commissary, for the payment of the allowance of £60 to each of the Frenchmen sent out in the Royal Admiral, for the purpose of cultivating the vine;* and I hope the mode you have pursued of clearing and planting a vineyard in a regular manner at Parramatta, will answer the expectations entertained of its success. It is quite unnecessary here to expatiate upon the advantages that would result to the inhabitants of the colony if the vine could be brought into such a state of general cultivation as to supply even an ordinary wine.

Escape of
convicts to
India.

Your application to the Governor of Bengal, with a view to prevent the practice prevailing amongst the convicts of escaping to India, and the proclamation issued by the Governor-General, together with the notice you have given in the colony thereupon, appear well calculated to prevent future attempts of this nature.

The
importation
of spirits.

I very much approve the steps you have taken to lessen the evils arising from the enormous quantities of spirits imported into the colony, and you may depend upon my firm support in every legal and justifiable exertion you may continue to make in furtherance of this very essential object. The dismissal of the American vessel will operate more powerfully than any measure to prevent the resort of others so laden, and the most strict instructions will be given to all masters of vessels from this country and from Ireland, in conformity to your suggestions, which I have not failed to communicate to the Commissioners of Transports.

Economy
in public
finances.

The measures you have so judiciously taken to reduce the public expences, by striking off a considerable number of persons from the list of those who receive rations from the public stores,† cannot fail to operate in many ways to the advantage of the

* Note 5. † Note 139.

colony. It will lessen the consumption of the public stock, and, by stimulating individual industry, will promote the collective produce of private property.

1802.
30 Jan.

Your observations* upon the conduct of the Irish convicts, and the precautions you have taken for counteracting their machinations and violence, seem extremely proper and well calculated to discourage and render ineffectual any attempt they may make to carry their wild schemes into effect. The most vigilant circumspection and unabated firmness on your part will undoubtedly be requisite, and I strongly recommend to you to continue by every means in your power to encourage the armed associations in which it is the indispensable duty, and indeed obviously the best security, of every respectable inhabitant to enroll himself.

The problem
of the Irish
convicts.

The dreadful and frequent devastations occasioned by the inundations of the Hawkesbury must have materially impeded the exertions of the settlers of that district, particularly in the cultivation of bread corn; and the dread of similar losses recurring cannot fail to deter many of them from again subjecting their seed to the same danger. It has occurred to me that the very causes which have contributed to produce this effect might be brought to operate in favour of the cultivation of an article of food that would not be much less advantageous to the public or the individuals than that of bread corn. It is perfectly well known that rice will only succeed in ground that is occasionally inundated; and as the plant rises in proportion as the water rises, without suffering material injury, it would seem to be better adapted for the banks of the Hawkesbury than any other corn. By removing the buildings to the higher grounds, and selecting for cultivation such parts as appear to be least exposed to the rapidity of the water, I should apprehend that a very beneficial change might be effected in that district. But without more accurate knowledge than I at present possess of the particular nature and properties of the soil, I can only offer the above suggestion for your consideration.

The floods
in the
Hawkesbury.

Proposed
cultivation
of rice.

Your report† of the state of the cattle in the settlements is, on the whole, satisfactory, and the regulations you have made for the better care of them cannot fail to produce the best effect.

Live stock.

I trust the attempts to procure some of the wild cattle will succeed. This object ought to meet with every encouragement on your part, and, if carried on with intelligence and perseverance, I have very little doubt that at least many of the young will be

The wild
cattle.

1802.
30 Jan.

secured. The quantity of salted pork sent out by the last and present opportunities, will show the attention that has been paid to the keeping up a supply of animal food for the consumption of the settlement, and will, I trust, with the annual supply which you will regularly receive, obviate all danger of your being obliged to have recourse to the live stock until the increase of it shall enable you to do so upon system.

Approval of
contract for
importing
cattle.

The contract you have entered into with Mr. Campbell appears very advantageous, and as such meets my perfect approbation.*

Supplies of
clothing.

The supplies of cloathing sent by this opportunity, as particularized in a separate letter, will, I trust, be found adequate to your demands. The articles of which they consist were provided for a different service, at prices affixed to them in the invoices; but they seem exceedingly well calculated for the use of the different descriptions of persons in the settlement, and it will be expedient that they should be sold on account of Government. The charge of 30 per cent., which has hitherto been added to the prime cost of articles sent from hence, in order to cover the freight and risk attending so long and dangerous a voyage, appears to me very inadequate to that purpose.

The selling
price of stores
imported by
government
for sale.

Observing from your dispatches the enormous interest charged on all articles introduced by the speculation of individuals for sale in New South Wales, I have been induced to recur for information to the opinions of experienced merchants in this country, to enable myself to form a well-grounded opinion of the advance that ought to be made upon articles in this manner provided by Government, with the double object of checking as much as possible the inordinate charges so justly complained of, and also of fairly covering all charges incidental to the mode of supplying the articles in question, together with a reasonable profit to be applied as hereafter explained. The result of the investigation of this subject justifies me in directing you to impose an addition of 50 per cent. to the prime cost of the articles now sent.

It will be necessary that a particular account of the several articles should be kept, and that authenticated copies of it should be regularly transmitted to me. The amount of the prime cost of the articles, as stated in the invoices, together with the freight and other charges, is to be carried to the credit of Government in your accounts with the Treasury, but the profit upon the sales which may remain after the above deduction is to be applied in such manner as you shall be occasionally instructed by me to observe.

* Note 128.

If the institution for the care and maintenance of the orphan children, which I hope will continue to meet with your attentive care, and which will not fail to receive every proper protection and support in my power to afford, should stand in need of any immediate assistance which this fund may be capable of supplying, it cannot be directed to a more interesting object; and you will therefore consider yourself at liberty to appropriate to it either a part or the whole of its produce, as you shall deem expedient, in the present year. With these sentiments I cannot but approve of the appropriations you have already made for the support of this establishment, the amount of which you will regularly specify in your correspondence with me.

1802.
30 Jan.
The Orphan
Institution.

It is probable that Mr. Johnson will not return to New South Wales.* I shall, in that event, endeavour to supply the vacancy as soon as possible, and at the same time to provide a clergyman of respectable character to proceed to Norfolk Island.

Probable
retirement of
Rev. R.
Johnson.

The conduct of Major Foveaux in Norfolk Island fully justifies the appointment of that officer to the station of Lieutenant-Governor, and I desire you will take the earliest opportunity of communicating to him my perfect approbation of his promptitude and vigour in suppressing the dangerous insurrection on the point of breaking out there, and that you will exhort him to persevere in the same firm and vigilant course.†

Approval of
Foveaux's
administration.

The result of the inquiry instituted into the conduct of the officers of the Anne, transport, clearly justifies the extremities to which they were compelled to resort for the suppression of the mutiny on board that ship.‡

The mutiny
on the
transport
Anne.

I have the satisfaction to acquaint you that His Majesty has been pleased to confirm your appointment of Mr. Atkins to the office of Judge-Advocate to the settlement in the room of Mr. Dore, and I trust he will be found to merit the recommendations I have received in his favour.

Richard Atkins
appointed
judge-advocate.

A copy of your military letter§ has been referred to His Royal Highness the Commander-in-Chief for his information.

As the articles purchased from the American ship Diana appear by your separate letter B§ to have been much wanted in the settlement, I shall not fail to recommend the payment of the Commissary's bills for the amount of the purchase as well as for that of the stores procured from the master of the Royal Admiral; but I hope the measures now taken to ensure a regular supply of every article judged necessary or useful in the settlement will relieve you from the necessity of recurring to the accidental means afforded by ships touching at the settlement, particularly those of foreign nations.

Purchase of
stores on the
Diana and
Royal Admiral
approved.

* Note 142. † Note 143. ‡ Note 144. § Note 145.

1802.
30 Jan.
Approval of
King's
administration.

I have reserved for a separate letter the important subject of supplies, and have now only to express the great satisfaction I have derived from your statement of the steps taken by you for reducing the expence of the colony, in which I have no doubt you will persevere with a scrupulous attention.

HOBART.

[Enclosure No. 1.]

LIST OF PRISONERS* RESPITED BY GOVERNOR HUNTER.

Return of
prisoners
respited.

Isaac Nickolls, felony and burglary, 12th March, 1799; 14 y'rs transportation to Norfolk Island.

Wm. Collins, felony and burglary, 11th March, 1799; death.

T. Wm. Lancashire, forgery, 1st April, 1799; death.

Edward Powell,

Simon Freebody,

Jas. Metcalfe,

Wm. Timms,

Wm. Butler,

Chapman Morris, forgery, 16th Dec'r, 1799; death.

} Wantonly killing two natives, 14th Oct., 1799;
guilty.

[Enclosure No. 2.]

SIR JOHN FITZPATRICK TO MR. A. GRAHAM.

Sir,

Portsmouth, 26th January, 1802.

Medical report
on convicts
and passengers
about to leave
England.

I have the pleasure of informing you that at present there is a favorable appearance in respect to the probable healthiness of the Convicts on the voyage to New South Wales. But I cannot say the same for the Passengers, several of whom are uncleanly and will not subject themselves to regulation. There are two women Passengers on board the Perseus, from whom, in consequence of their advanced state of Pregnancy, there is much to be apprehended; for there is no one matter which so soon contaminates the air in a crowded place, and a hot climate as the unavoidable consequences of women's lying in; where they cannot have the necessary means of cleanliness or fresh air and where they must be subject to every inconvenience arising from the crowd and clatter of all about them. Thus do they themselves risk the fatal consequences, whilst those around them and afterwards the ship at large, must experience the effects of foul, contaminated, putrid air, and the unoffending babes equally suffer. Hence it is, that in the transporting of Troops, we must never permit any woman, be who she may, to proceed, if likely to be brought to bed on the passage. Therefore I pray you to transmit this my opinion to Mr. King, vizt. That Elizabeth Loyde, on

* Note 137.

board the *Perseus*, the wife of John Loyde, a Carpenter, now pregnant near eight months, and Margaret Jones, wife of — Jones, a Stonemason, pregnant seven months, should not at present proceed. The former has her husband on board and four children; the latter her husband only.

1802.
30 Jan.

Medical report
on convicts
and passengers
about to leave
England.

As whatever concerns the health of all on board those ships, I consider my special Duty, I thus take the liberty of mentioning it having only discovered it yesterday.

I am, etc.,

JNO. FITZPATRICK.

LORD HOBART TO ACTING-GOVERNOR KING.

(Despatch No. 2, per transport *Hercules*; acknowledged by Governor King, 30th October, 1802.)

Sir,

Downing Street, 30th Jany., 1802.

You will, by the enclosed statements, Nos. 1 and 2, perceive the steps that have been taken to provide for the several demands received from you for Provisions and Stores on account of the Settlement of New South Wales, and that not only the necessities, but the comforts of Individuals have been minutely attended to; Invoices of the particulars of the Stores, and of a great variety of Articles not specified in your demands, are forwarded by the Commissioners of Transports, with the Articles themselves, on board the *Coromandel* and *Perseus*, and I have given directions that such as could not be prepared in time for those Ships, shall be forwarded by the earliest opportunity. The greatest part of the provisions have been, as you will observe by Enclosure, No. 2, either already sent, or proceed on board the Ships above mentioned. The residue of the Pork, together with the Flour and Sugar are shipped on board the *Rolla* and *Atlas*, Victuallers, now in the River, and will be forwarded as quickly as possible.

Shipments
of stores.

The Enclosures Nos. 3, 4, 5, 6, are Invoices and Bills of Lading of the Articles forwarded on board the *Perseus* and *Coromandel*, particularly adverted to in my General Despatch, to be disposed of to purchasers in the manner therein pointed out. Inclosure No. 7 is a list of those Articles with the prime cost; to which you will, as I have therein desired, add the advance of £50 per cent. You will understand that you are at liberty to dispose of these Articles either for money, or in Barter, for Corn etc. the produce of the Settlement.

I have, &c.,

HOBART.

[Enclosure No. 1.]

ARTICLES necessary for the Settlement of New South Wales.

1802.
30 Jan.Invoice of
shipment
of stores.

Quality.	Quantity required.	Already supplied.	At what Times.	Total sent.	De ficiency.	Surplus.
Men's Clothing.						
Blue Jackets	2,000	4,000	Sept., 1801	4,000	...	2,000
Russia Duck						
Frocks	2,000	...	do ...	...	2,000	...
Do Do Trousers	2,000	4,000	do do	4,000	...	2,000
Do Do Yards	4,000	3,914	Aug., 1800	3,914	86	...
Women's Clothing.						
Jackets	1,000	1,300	Oct., 1801	1,300	...	300
Shifts	1,000	1,300	do	1,300	...	300
Petticoats	1,000	1,500	do	...	...	...
Shoes	500	702	Aug., 1800	702	...	202
Rugs	1,000	1,000	Oct., 1801	1,000	...	...
Blankets	1,000	1,500	do	1,500	...	500
Bed Ticks	500	1,000	do	1,000	...	500
Combs (Small) ...	500	1,728 of sorts.	Nov., 1801	1,728	...	1,228
Soap	500 lbs	{ 5,000 200	Aug., 1800 Nov., 1801	} 5,200	...	4,700
Stores.						
Nails	36 casks	{ 50 43 1,000	Aug., 1800 Novr., 1801 Aug., 1800	} 93	...	57 Casks
Files of Sorts	1,500	{ 492 840 30	Oct., 1801 Novr., 1801 Aug., 1800	} 2,332	...	832
Cross Cut Saws ...	20	{ 20 66 10	Oct., 1801 Novr., 1801 Aug., 1800	} 116	...	96
Pit Saws	20	{ 20 10 100	Oct., 1801 Novr., 1801 Aug., 1800	} 40	...	20
Hand Saws	50	{ 100 100	Aug., 1800 Novr., 1801	} 200	...	150
Centre Bits	6	{ 6	Octr., 1801	{ 6	...	...
Rough Planes ...	8	{ 8	do	{ 8	...	...
Augurs	60	{ 80 168 80	Augt., 1800 Nov., 1801 Augt., 1800	} 148	...	88
Stock Locks	50	{ 40 120 120	Novr., 1801 Augt., 1800 Novr., 1801	} 164	...	114
Padlocks	50	{ 500 198 500	Aug., 1800 Oct., 1801 Nov., 1801	} 1,198	...	598
West India Hoes	600	{ 30 26 30	Aug., 1800 Oct., 1801 Nov., 1801	} 86	...	30
Brass Wire Sieves	56	{ ...	...	{ ...	...	...
Fishing Seines ...	2 of 40 Ftms.	{ ...	...	{ ...	2 of 40 Ftms.	...
Lead Sheet	2,000 lbs	{ ...	...	{ ...	2,000 lbs	...
Sole Leather	10 Hides	{ 1,000 Boots, 3,000 Shoes	Sept., 1801	{ 4,000 Boots, and Shoes.	} 10 Hides	...
Farriers Tools ...	1 Set	{ 1 Set	Oct., 1801	{ 1 Set	...	...
Stone Masons Do	4 Sets	{ 2 Sets	Do	{ 2 Sets	2 Sets	...
Coopers Do	3 Sets	{ ...	...	{ ...	3 Sets	...
Iron, Assorted ...	20 Tons	{ 6 Tons	Augt., 1800	{ 6 Tons	14 Tons	...
Tin, Double	700	{ 1,325 200 450	Augt., 1800 Oct., 1801 Nov., 1801	} 1,975	...	1,275
Bolting Cloth	12 of 18/- each.	{ ...	...	{ ...	12 of 18/- each.	...
Steel.....	80 Bars	{ ...	...	{ ...	80 Bars	...
Stationary	The same quantity as sent by the Royal Admiral.					

[Enclosure No. 2.]

PROVISIONS required for the Settlement of New South Wales,
dated the 10th March, 1801.

1802.
30 Jan.

Shipments of
provisions.

	Quantity required.		Shipped on the 28th July, 1800.	Shipped on the 17th July, 1801.	Shipped on the 18th July, 1801.	Shipped subsequent to the 18th July, 1801.	Shipped on the 3rd Dec., 1801.	Shipped on 29th Jany., 1802.	Total Quantity Shipped.
	lbs	lbs	lbs	lbs	lbs	lbs	lbs	Bar- half rels Hds	Bar- half rels Hds
Pork ...	713,792	72,822	124,980	125,040	42,200	200,176	148,506	1,086 142	713,724
Wheat	Bush 23,387	...	...	...	...	...	...	1,086 142	1,086 142
Sugar...	44,574	...	...	...	...	...	113 1	113 1	113 1

[Enclosure No. 3.]

INVOICE of Sixty Bales and Sixty Casks of Clothing, Shipped by
Alexander Davison on board the Perseus, Captain John, for
New South Wales, on account of Government consigned to
Govr. King at that place being marked and numbered as per
Margin vizt.

Invoice of
clothing.

N.S.W.			£	s.	d.
No. 1 ad	28 Bales 28	2,250 Red Jackets	12/-	1,350	0 0
29 ad	40 Do 12	2,250 Duck Waistcoats	2/10	318	15 0
	90 Do 1	2,250 Do Trousers	5/3	590	12 6
92 ad	100 Do 10	750 Blue Jackets	12/6	468	15 0
103 ad	106 Do 4	750 Do Pantaloon	11/-	412	10 0
111 ad	115 Do 5	2,500 Hats, Cockades and Feathers	3/9½	473	19 2
122 ad	124 Casks 3	2,500 Pair of Shoes.....	5/-	625	0 0
41 ad	55 Do 15	500 Pr of Boots	21/-	525	0 0
56 ad	70 Do 10	10 gr. Yellow Buttons	4/6	2	0 0
71 ad	80 Do 10	10 gr. Horn Moulds	1/-	0	10 0
128 ad	132 Do 5	22 lbs. Thread	3/6	3	17 0
134 ad	136 Do 3	1,000 Taylor's Needles and 20 Thimbles	9/-	0	9 0
	138 Do 1	Cartage to the Packers		3	0 0
	140 Do 1	Packing Charges		98	10 0
142 ad	146 Do 5	Cartage, Loading, Wharfage, Lighterage, and			
148 ad	149 Do 2	Shipping Charges		22	0 0
Packages	120			£ 4,894	17 8

[Enclosure No. 4.]

[A copy of the invoice of stores shipped on the Coromandel
has not yet been found.]

[Enclosure No. 5.]

Government

London.

To Alexr. Davison Dr.

1802.
30 Jan.Invoice of
military
uniforms.

1801 Sept., 7th			£	s.	d.	£	s.	d.
	To 3,000 Infantry	Jackets ...	12/-	1,800	0 0			
	" 3,000 Do	Waistcoats	2/10	425	0 0			
	" 3,000 Do	Trousers ...	5/3	787	10 0			
	" 3,000 Do	Pair Shoes	5/-	750	0 0			
	" 3,000 Do	Hats, Cock- ades, etc.	3/9½	568	15 0			
	" 3,000 Do	Sets of Ac- coutrem'ts	18/-	2,700	0 0			
	" 1,000 Cavalry	Jackets	12/6	625	0 0			
	" 1,000 Do	Pantaloons	11/-	550	0 0			
	" 1,000 Do	Pair Boots...	21/-	1,050	0 0			
	" 1,000 Do	Helmets	17/-	875	0 0			
	" 38 lbs Thread	.....	3/6	6	13 0			
	" 2,000 Taylors' Needles, 30 Thimbles.....	.....	...	0	18 0			
	" 15 Gro. Spare Yellow Butt's		4/-	3	0 0			
	" 5 Do Do White Do		2/-	0	10 0			
	" 15 Horn Moulds		1/-	0	15 0			
	" Cartage to J. Lodge & Co., Packers			5	0 0	10,143	1	0
	" Packing Charges							
	" 80 Bales of Clothing		16/-	64	0 0			
	" 30 Casks of Hats		18/-	27	0 0			
	" 30 Do of Shoes		16/-	24	0 0			
	" 60 Do of Accoutrements		17/-	51	0 0			
	" 20 Do of Helmets		18/-	18	0 0			
	" 20 Do of Boots		16/-	16	0 0			
	" Cartage, Loading, Wharfrage, Light'ge, and Shipping Charges on 160 Packages for New South Wales pr. the Coromandel and Perseus			29	10 0	234	10	0
						£10,377	11	0

[Enclosures Nos. 6 and 7.]

[Copies of these enclosures have not yet been found.]

LORD HOBART TO ACTING-GOVERNOR KING.

(Despatch per transport Hercules; acknowledged by Governor
King. 30th October, 1802.)

Sir,

Downing Street, 30th Jany., 1802.

At the request of the Committee of the Society for Bettering the Condition of the Poor, I have the honor to transmit and present to you, the enclosed copy of the Reports of the Society.

I am very sensible that whatever information these Reports may afford that can be made instrumental in increasing the Comforts of the Inhabitants of the Settlement under your Command, will be judiciously applied to that interesting object, and it is therefore with the greatest Satisfaction that I comply with the wishes of the Committee of the Society in making this communication to you.

I have, &c.,

HOBART.

[Enclosure.]

[Copies of these reports are not available.]

Reports of the
Society for
Bettering the
Condition of
the Poor.

UNDER SECRETARY SULLIVAN TO ACTING-GOVERNOR KING.

1802.
30 Jan.(Per transport Alexander; acknowledged by Governor King. 9th
May, 1803.)

Sir, Downing Street, 30th Jany., 1802.

Amongst the persons who will proceed as Settlers in the ships now about to depart for the Colony under your Government, are Mr. Charles Palmer, Humphrey Evans, and W. Heath; the former has been acting for some short time as usher to a School, and has also been employed as a clerk by two respectable gentlemen of Doctors Commons; He will, therefore, in all probability, be found useful in the Institution which has been established in the Settlement for the education of the Orphan Children. Inclosed I send you by Lord Hobart's direction, copies of certificates which Mr. Palmer has obtained in his behalf, together with copies of certificates which your predecessor has given to Heath and Evans, and I am to desire that every advantage, to which these two deserving men may be entitled from their services, may be secured to them on their arrival in the Settlement.

Departure of
Palmer, Evans,
and Heath as
free settlers.

I have, &c.,

JOHN SULLIVAN.

[Enclosures.]

[Copies of these certificates have not yet been found.]

UNDER SECRETARY SULLIVAN TO ACTING-GOVERNOR KING.

(Per transport Hercules; acknowledged by Governor King, 9th
May, 1803.)

Sir, Downing-street, 30th January, 1802.

I am directed by Lord Hobart to transmit the enclosed list of persons who have obtained permission to proceed to New South Wales by the ships now under dispatch. I am to request that upon their arrival in the settlement the usual rations of provisions may be issued to them, as well as such grants of land made to them as have been heretofore allowed to persons of a similar description.

List of free
settlers.

Most of these persons are mechanics or have some knowledge of agriculture, and have produced very favourable testimonies of their character. I trust, therefore, they will not only contribute to the prosperity of the settlement under your government, but to merit your favourable protection.

The total number of these persons, including women and children, amounts to forty-eight.

I have, &c.,

JOHN SULLIVAN.

1802.
30 Jan.
List of free
settlers.

[Enclosure.]

[A complete copy of this list is not available. There were fifteen men, eleven women, and twenty-two children. Of the men one was a farmer, one a whitesmith, two tailors, three carpenters, two toolmakers, one husbandman, one bricklayer, and one school-master.]

UNDER SECRETARY SULLIVAN TO ACTING-GOVERNOR KING.

(Per transport Hercules; acknowledged by Governor King, 9th May, 1803.)

1 Feb.

Sir, Downing Street, 1st Feby., 1802.

Convicts on
the Perseus and
Coromandel.

I have received Lord Hobart's directions to transmit to you herewith, a Copy of a Letter which I have received from Mr. King under Secretary of State for the Home Department, together with the Assignment of the 250 Convicts, which have been embarked on board the Perseus and Coromandel Transports for the Settlement under your Government.

I have, &c.,

JOHN SULLIVAN.

[Enclosure.]

UNDER SECRETARY KING TO UNDER SECRETARY SULLIVAN.

Sir, Whitehall, 1st February, 1802.

I am directed by Lord Pelham to transmit you the Assignment of the Two Hundred and fifty Convicts which have embarked on board the Perseus and Coromandel Transports; and I am to desire that you will move Lord Hobart to transmit the said Assignment which include the Sentence of each particular Convict therein named to Governor King; and I am further to desire that You will acquaint Lord Hobart that those Ships are in perfect readiness for sailing and only wait his Lordship's final Orders for that purpose.

I am, etc.,

J. KING.

[Sub-enclosure.]

[A copy of the assignment of convicts has not yet been found.]

UNDER SECRETARY SULLIVAN TO ACTING-GOVERNOR KING.

(Per transport Hercules; acknowledged by Governor King, 9th May, 1803.)

2 Feb.

Sir, Downing Street, 2nd Feby., 1802.

Salary of
Zachariah
Clark.

I am desired by Lord Hobart to acquaint you that he has thought it right to recommend that an additional allowance of Five Shillings per Day shall be made to Mr. Zachariah Clark, the Deputy Commissary at Norfolk Island, in consideration of the length of his Services and of the considerable increase of the duties of his employment and that this additional allowance shall

commence from the beginning of the present Year, being the period of his embarkation to return to Norfolk Island.

1802.
2 Feb.

I have, &c.,

JOHN SULLIVAN.

ACTING-GOVERNOR KING TO UNDER SECRETARY KING.

(Despatch per transport Canada.)

Sir, Sydney, New South Wales, 2nd February, 1802.

I have the honor to acquaint you of the arrival of the Canada, Minorca, and Nile, with the persons and provisions stated in the enclosed account. The passengers were all in good health, and the convicts the healthiest and best conditioned that ever arrived here, being all fit for immediate labour.

Arrival of the transports Canada, Minorca, and Nile.

We have just got in a very good harvest for the quantity of ground sowed with wheat, which has enabled me to issue a full ration of grain, after having eat our very last before the harvest began. I am not without my apprehensions that we shall have a scarcity of grain this year, from the additional numbers arrived and those expected, but every care shall be taken to avoid it. The accounts of the crops from Norfolk Island are equally favourable.

The result of the harvest.

Our stock of salt provisions (which was so seasonably increased by the supply obtained from Otaheite), including the nine months received with those who came by the late ships, is so much reduced that we have no more than twelve weeks remaining at a full ration. I have reduced that ration to two-thirds, which I hope will secure the stock until the supplies arrive, which I am informed may soon be expected.

Supply of salt provisions.

As those ships sail so soon I shall defer answering in detail His Grace's letters, &c., received by them, until a more direct conveyance offers, which will be in a short time by a whaler.

In consequence of the great reduction in the ration of salt meat and grain, I have considered it necessary to extend the ration of six ounces of sugar a week to the convicts at Government labour, which I have been enabled to do at the cheap rate of 6½d. per lb., from the masters of the Canada and Minorca, for the payment of which, amounting to £707 1s. 10d., as well as for £126 4s. 6d., payment for 314 bushels of wheat purchased from settlers, in the quarter between September and December last, have been made by bills drawn by the Commissary on His Majesty's Treasury, in favour of William Wilkinson and James Sunter, which I hope will be approved of, vouchers for which will be sent by the direct conveyance I am in hourly expectation of.

Alterations in the rations.

I have pleasure in remarking the general orderly and regular behaviour of those under my command. I have, &c.,

PHILIP GIDLEY KING.

1802.
2 Feb.General return
of passengers
and provisions
on the
transports
Canada,
Minorca,
and Nile.

[Enclosure.]

GENERAL Account of Persons and Provisions landed from the Canada Minorca and Nile Transports
Jan'y. 2d 1802.

Ship.	Quantity and Quality of Provisions.														Military.			Passengers.			Prisoners.		
	Bread, Pounds.	Beef Pounds.	Pork, Pounds.	Pease, Bushels.	Oatmeal, Bushels.	Flour, Pounds.	Suet Pounds.	Raisins, Pounds.	Stock Fish, No.	Spirits, Gallons.	Sugar, Pounds.	Molasses, Pounds.	Vinegar, Gallons.	Rice, Pounds.	Men.	Women.	Children.	Men.	Women.	Children.	Men.	Women.	Children.
Canada	3,543	9,919	14,638	30	5	2,088	220	108	222	189	207	...	...	16	3	...	6	12	11	101	...	...	...
Minorca	2,487	11,256	13,562	34	...	2,294	120	237	...	209	100	756	63	523	16	1	3	7	11	26	99	...	...
Nile	943	6,384	12,884	30	...	940	100	134	174	30	1,289	499	...	345	...	...	10	9	21	...	96	4	4
General Total	6,973	27,559	41,084	94	5	5,922	440	479	396	428	1,596	1,255	63	868	32	4	3	23	32	58	200	96	4

JOHN PALMER,
Commissary.

ACTING-GOVERNOR KING TO THE VICTUALLING BOARD.

1802.
2 Feb.

(Per transport Canada.)

Sydney, New South Wales,

Gentlemen, February 2nd, 1802.

By the Canada, Nile, and Minorca I had the Honor of Receiving your Letters, Informing me of the Provisions put on Board for the Use of the Colony, which have been Received. And I have directed the Commissary of Provisions and Stores to furnish the Masters with proper Receipts for what he has Recd.

I have, etc.,

PHILIP GIDLEY KING.

ACTING-GOVERNOR KING TO THE TRANSPORT COMMISSIONERS.

(Per transport Canada; acknowledged by the Commissioners, 14th November, 1802.)

Sydney, New So. Wales,

Gentlemen, February 2nd, 1802.

By the Canada, Nile and Minorca Transports, I had the Honor of receiving your Letters as pr. Margin* with their Inclosures; And the Provisions Convicts and other Passengers as stated in the inclosed Account. It is necessary that I should remark the great attention shown by the Masters of those Ships, to those under their Care, who were all landed in high health and fit for immediate Labour.

The above Ships were Cleared before the time limited for their coming on Demurrage was expired.

I have, etc.,

PHILIP GIDLEY KING.

[Enclosure.]

[*This return was a duplicate of that forwarded to Under Secretary King in a despatch of the same date.*]

UNDER SECRETARY SULLIVAN TO ACTING-GOVERNOR KING.

(Per transport Alexander; acknowledged by Governor King, 11th May, 1802.)

Sir, Downing Street, 4th Febry., 1802.

4 Feb.

Observing in a private communication from you to Mr. King, that you were at a loss with regard to a Mr. Gordon, sent out by Mr. Woodford for the purpose of procuring for him some of the curious productions of New South Wales, I have

* *Marginal note.*—23rd May, 1801; 8th June, 1801; 8th June, 1801; 8th June, 1801; all rec'd 15th Decr., 1801. (See note 146.)

1802.
4 Feb.
The return
of James
Gordon.

the honor to inform you at the request of Mr. W. that it is wished you should provide Mr. Gordon with a convenient passage to England (if he shall not have left the Settlement previous to the receipt of this Letter) and that you will draw on Mr. W. for the amount of the advances you may have made, or may make to him, for the purpose of affording him any Extra Comforts during his residence, or on his passage home, or for defraying any reasonable expences he may have incurred, on account of Mr. Woodford.

I have, &c.,
JOHN SULLIVAN.

COMMISSIONERS OF THE NAVY TO ACTING-GOVERNOR KING.

? February, 1802.

[A copy of this despatch, per H.M.S. Buffalo, approving of the Lady Nelson acting as tender to H.M.S. Buffalo, and reducing the establishment of H.M.S. Porpoise, has not yet been found.]

THE TRANSPORT COMMISSIONERS TO ACTING-GOVERNOR KING.

(Per transport Hercules; acknowledged by Governor King, 9th August, 1802.)

Sir, Transport Office, 4th Feby., 1802.

Settlers on
the transports
Perseus and
Coromandel.

In addition to the papers which we have thought it necessary to transmit for your information by the Ships Perseus and Coromandel, we have now to inclose a List of the Settlers and their Families embarked on board those Vessels for a Passage to New South Wales and are

Sir, etc., etc., etc.,
AMBROSE SERLE.
WM. HY. OTWAY.
JOS. HUNT.

[Enclosure.]

LIST of Passengers embarked on board the Ships Perseus and Coromandel for New South Wales Viz.

PERSEUS.

Settlers on
the transport
Perseus.

Men.	Women.	Children.
Charles Palmer	Mary Ann, his wife.....	Clara, aged 3 years. Sabina, aged 10 months
Edward Pugh	Ann, his wife Mary Pitches Mary Beaumont Cathe. Roby Stanley	
Willm. Hiscock		

List of Passengers embarked on board the Ships Perseus and
Coromandel—*continued.*

1802.
4 Feb.

COROMANDEL.

Settlers on
the transport
Coromandel.

Men.	Women.	Children.
Zachariah Clarke ...	and Daughter Ann Ann Selby Isabella Suddis	
Andrew Johnson ...	Mary, his wife	and Thomas aged 10 Years William " 8 do John " 5 do Alexander " 3 do Abraham " 8 months and Elizabeth " 9 Years George " 7 do William " 5 do John " ½ do
George Hall	Mary, his wife	
John Johnston		
John Howe	Frances, his Wife ...	and Mary " 3 Years
James Davidson ...	Jane, his Wife	and John " 3½ do James " 20 Months
James Mein	and Susannah, his wife	
Andrew Mein		
Willm. Stubbs	Sarah, his Wife	and William " 5 Years Sarah " 3 do Elizabeth " 1 do and Ralph " 10 do Mary " 5 do James " 4 do Jessica " 19 Months
John Turnbull	Ann, his Wife	

UNDER SECRETARY SULLIVAN TO GOVERNOR KING.

(Per transport Alexander; acknowledged by Governor King, 9th
May, 1803.)

26th February, 1803.

26 Feb.

[A copy of this despatch has not yet been found.]

LORD HOBART TO GOVERNOR KING.

(Per transport Alexander; acknowledged by Governor King, 9th
May, 1803.)

Sir, Downing-street, 28th February, 1802.

28 Feb.

Herewith I transmit to you His Majesty's commission
under the Great Seal appointing you Capt'n-General and
Governor-in-Chief of New South Wales, together with instruc-
tions under the Royal Sign Manual for your guidance in that
government.

Commission
of Governor
King.

I am, &c.,

HOBART.

1802.
28 Feb.

[Enclosure No. 1.]

GOVERNOR KING'S COMMISSION.

George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, to our trusty and well-beloved Philip Gidley King, Esquire, greeting:—

Recital of
Hunter's
commission.

WHEREAS we did by our letters patent, under our great seal of Great Britain, bearing date at Westminster the sixth day of February, in the thirty-fourth year of our reign, constitute and appoint our trusty and well-beloved John Hunter, Esquire, to be our Captain-General and Governor-in-Chief in and over our territory called New South Wales, extending from the northern cape or extremety of the coast, called Cape York, in the latitude of ten degrees thirty-seven minutes south to the southern extremety of the said territory of New South Wales, or South Cape, in the latitude of forty-three degrees thirty-nine minutes south, and of all the country inland to the westward as far as one hundred and thirty-fifth degree of longitude, reckoning from the meridian of Greenwich, including all the islands adjacent in the Pacific Ocean within the latitudes aforesaid, 10° 37' south, and 43° 39' south, and all towns, garrisons, castles, forts, and all other fortifications or other military works which might be erected upon the said territory, or any of the said islands for and during our will and pleasure, as by the said recited letters patent, relation being thereunto had may more fully and at large appear.

Revocation of
letters patent.

Now know ye that we have revoked and determined, and by these presents do revoke and determine, the said recited letters patent, and every clause, article, and thing therein contained.

King to be
Governor-in-
Chief.

Territorial
jurisdiction.

And, further, know you that we, reposing especial trust and confidence in the prudence, courage, and loyalty of you, the said Philip Gidley King, of our especial grace, certain knowledge, and meer motion, have thought fit to constitute and appoint you, the said Philip Gidley King, to be our Captain-General or Governor-in-Chief in and over our territory called New South Wales, extending from the northern cape or extremety of the coast, called Cape York, in the latitude of ten degrees thirty-seven minutes south, to the southern extremety of the said territory of New South Wales, or South Cape, in the latitude of forty-three degrees thirty-nine minutes south, and of all the country inland to the westward as far as the one hundred and thirty-fifth degree of east longitude, reckoning from the meridian of Greenwich, including all the islands adjacent in the Pacific Ocean, within the latitudes aforesaid, of 10° 37' south, and 43° 39' south, and of all towns, garrisons, castles, forts, and

all other fortifications or other military works which are or may be hereafter erected upon the said territory or any of the said islands.

1802.
28 Feb.

And we do hereby require and command you to do and execute all things in due manner that shall belong to your said command, and the trust we have reposed in you, according to the several powers or directions granted, or appointed you by this present Commission, and the instructions and authorities herewith given to you, or by such further powers, instructions, and authorities as shall at any time hereafter be granted or appointed you, under our signet and sign manual, or by our order in our Privy Council.

General
instructions.

And our will and pleasure is that you, the said Philip Gidley King, after the publication of these our letters patent, do in the first place take the oaths appointed to be taken by an Act passed in the first year of the reign of King George the First, intituled "An Act for the security of His Majesty's person and government and the succession of the Crown in the heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors, as altered and explained by an Act passed in the sixth year of our reign, intituled 'An Act for altering the oath of abjuration and the assurance and for the amending so much of an Act of the seventh year of Her late Majesty Queen Ann, intituled 'An Act for the improvement of the union of the two kingdoms as after the time therein limited requires the delivery of certain lists and copies therein mentioned to persons indicted of high treason or misprison.'"

Oaths of office
to be taken.

As also that you make use and subscribe the declaration mentioned in an Act of Parliament made in the twenty-fifth year of the reign of King Charles the Second, intituled "An Act for preventing dangers which may arise from Popish recusants."

And likewise that you take the usual oath for the due execution of your office and trust of our Captain-General and Governor-in-Chief, in and over our said territory and its dependencies, for the due and impartial administration of justice.

And further that you take the oath required to be taken by Governors in the plantations, to do their utmost that the several laws relating to trade and plantations be duly observed, which said oaths and declaration our Judge-Advocate in our said territory is hereby required to tender and administer unto, and in your absence to our Lieutenant-Governor, if there be any upon the place.

All which being duly performed you shall administer unto our Lieutenant-Governor, if there be any upon the place, and to our

1802.
28 Feb.

Judge-Advocate, the oaths mentioned in the first recited Act of Parliament altered as above, as also cause them to make and subscribe the aforementioned declaration.

Custodian of
the public
seal.

And we do hereby authorize and empower you to keep and use the public seal, which will be herewith delivered to you or shall be hereafter sent to you, for sealing all things whatsoever that shall pass the Great Seal of our said territory and its dependencies.

Power to
administer
oaths of
allegiance.

We do further give and grant to you, the said Philip Gidley King, full power and authority from time to time, and at any time hereafter, by your self or by any other to be authorized by you in that behalf, to administer and give the oaths mentioned in the said first recited Act of Parliament, altered as above, to all and every such person or persons as you shall think fit who shall at any time or times pass into our said territories or its dependencies or shall be resident or abiding therein.

To appoint
justices and
officers of
the law.

And we do hereby authorize and empower you to constitute and appoint justices of the peace, coroners, constables, and other necessary officers and ministers in our said territory and its dependencies, for the better administration of justice and the putting the law in execution, and to administer or cause to be administered unto them such oath or oaths as are usually given for the execution and performance of offices and places.

To pardon
and reprieve.

And we do hereby give and grant unto you full power and authority where you shall cause or judge any offender or offenders in criminal matters, or for any fines or forfeitures due unto us, fit objects of our mercy, to pardon all such offenders, and to remit all such offences, fines, and forfeitures, treason and wilful murders only excepted, in which cases you shall likewise have power upon extraordinary occasions to grant reprieves to the offenders until and to the intent our royal pleasure may be known therein.

And whereas it belongeth to us, in right of our royal prerogative, to have the custody of idiots and their estates, and to take the profits thereof to our own use, finding them necessaries, and also to provide for the custody of lunatics and their estates without taking the profits thereof to our own use.

And whereas while such idiots and lunatics and their estates remain under our immediate care, great trouble and charges may arise to such as shall have occasion to resort unto us for directions respecting such idiots and lunatics and their estates, we have thought fit to intrust you with the care and commitment of the custody of the said idiots and lunatics and their estates.

And we do by these presents give and grant unto you full power and authority, without expecting any further special war-

rant from us from time to time, to give, order, and warrant for the preparing of grants of the custodies of such idiots and lunatics and their estates as are or shall be found by inquisitions thereof to be taken by the Judges of our Court of Civil Jurisdiction, and thereupon to make and pass grants and commitments under our Great Seal of our said territory of the custodies of all and every such idiots and lunatics and their estates to such person or persons suitors in that behalf, as according to the rules of law and the use and practice in those and the like cases, you shall judge meet for that trust, the said grants and commitments to be made in such manner and form, or as nearly as may be, as hath been heretofore used and accustomed in making the same under the Great Seal of Great Britain, and to contain such apt and convenient covenants, provisions, and agreements on the parts of the committees and grantees to be performed, and such security to be by them given as shall be requisite and needful.

1802.
28 Feb.

To pass grants for the custody of lunatics and their estates.

And we do hereby give and grant unto you, the said Philip Gidley King, by yourself, or by your captains or commanders, by you to be authorized, full power and authority to levy, arm, muster, command, and employ all persons whatsoever residing within our said territory and its dependencies under your government, and as occasion shall serve to march them from one place to another, or to embark them for the resisting and withstanding of all enemies, pirates, and rebels, both at sea and land, and such enemies, pirates, and rebels, if there shall be occasion to sue and prosecute in or out of the limits of our said territory and its dependencies, and (if it shall so please God) them to vanquish, apprehend, and take, and being taken according to law, to put to death or keep and preserve alive at your discretion, and to execute martial law in time of invasion or other times, when by law it may be executed, and to do and execute all and every other thing and things which to our Captain-General and Governor-in-Chief doth or ought of right to belong.

To levy armed forces.

To proclaim martial law.

And we do hereby give and grant unto you full power and authority to erect, raise, and build in our said territory and its dependencies such and so many forts and platforms, castles, cities, boroughs, towns, and fortifications as you shall judge necessary for the security and defence of the same, or any of them to demolish or dismantle, as may be most convenient.

To erect fortifications.

And for as much as divers mutinies and disorders may happen by persons shipped and employed at sea during the time of war, and to the end that such persons as shall be shipped and employed at sea during the time of war may be better governed and ordered, we do hereby give and grant unto you, the said Philip Gidley

1802.
23 Feb.

To exercise
sovereign
naval powers.

King, full power and authority to constitute and appoint captains, lieutenants, masters of ships, and other commanders and officers, and to grant to such captains, lieutenants, masters of ships, and other commanders, commissions to execute the law martial during the time of war, according to the directions of an Act passed in the twenty-second year of the reign of our late royal grandfather, intituled "An Act for amending, explaining, and reducing into one Act of Parliament, the laws relating to the government of His Majesty's ships, vessels, and forces by sea," as the same is altered by an Act passed in the nineteenth year of our reign, intituled "An Act to explain and amend an Act made in the twenty-second year of the reign of His late Majesty King George the Second, intituled 'An Act for amending, explaining, and reducing into one Act of Parliament the laws relating to the government of His Majesty's ships, vessels, and forces by sea.'" and to use such proceedings, authorities, punishments, corrections, and executions upon any offender or offenders who shall be mutinous, seditious, disorderly, or any way unruly, either at sea or during the time of their abode or residence in any of the ports, harbours, or bays of our said territory, as the case shall be found to require according to martial law, and the said directions during the time of war, as aforesaid.

With certain
limitations.

Provided that nothing therein contained shall be construed to the enabling you, or any by your authority, to hold plea, or have any jurisdiction of any offence, cause, matter, or thing committed or done upon the high seas, or within any of the havens, rivers, or creeks, of our said territory and its dependencies under your government, by any captain, commander, lieutenant, master, officer, seaman, soldier, or other person whatsoever who shall be in actual service and pay in or on board any of our ships of war or other vessels acting by immediate commission or warrant from our Commissioners for executing the office of our High Admiral of our United Kingdom of Great Britain and Ireland, or from our High Admiral of our United Kingdom of Great Britain and Ireland for the time being under the seal of our Admiralty, but that such captain, commander, lieutenant, master, officer, seaman, soldier, or other person so offending shall be left to be proceeded against and tried as the merits of their offences shall require, either by Commission under our Great Seal of this Kingdom as the statute of the twenty-eighth of Henry the Eighth directs, or by Commission from our Commissioners for executing the office of our High Admiral of our United Kingdom of Great Britain and Ireland, or from our High Admiral of our United Kingdom

of Great Britain and Ireland for the time being according to the aforesaid Act, intituled "An Act for amending, explaining, and reducing into one Act of Parliament the laws relating to the government of His Majesty's ships, vessels, and forces by sea," as the same is altered by an Act passed in the nineteenth year of our reign, intituled "An act to explain and amend an Act made in the twenty-second year of his late Majesty King George the Second, intituled 'An Act for amending, explaining, and reducing into one Act of Parliament the laws relating to the government of His Majesty's ships, vessels, and forces by sea.'"

1802.
28 Feb.

Provided, nevertheless, that all disorders and misdemeanors committed on shore by any captain, commander, lieutenant, master, officer, seaman, soldier, or any other person whatsoever belonging to any of our ships of war or other vessels acting by immediate commission or warrant from our Commissioners, for executing the office of our High Admiral of our United Kingdom of Great Britain and Ireland or from our High Admiral of our United Kingdom of Great Britain and Ireland for the time being, under the seal of our Admiralty, may be tried and punished according to the laws of the place where any such disorders, offences, and misdemeanors shall be committed on shore, notwithstanding such offender be in our actual service, and borne in our pay on board any such our ships of war or other vessels acting by immediate commission or warrant from our Commissioners for executing the office of our High Admiral of our United Kingdom of Great Britain and Ireland for the time being, as aforesaid, so as he shall not receive any protection for the avoiding of justice for such offences committed on shore, from any pretence of his being employed in our service at sea.

The trial of
offences
committed
at sea.

Our will and pleasure is that all public monies which shall be raised, be issued out by warrant from you, and disposed of by you for the support of the Government, or for such other purpose as shall be particularly directed, and not otherwise.

Power to
control finances.

And we do hereby likewise give and grant unto you full power and authority to agree for such lands, tenements, and hereditaments as shall be in our power to dispose of, and then to grant to any person or persons, upon such terms, and under such moderate quit rents, services, and acknowledgements to be thereupon reserved unto us, according to such instructions as shall be given to you under our sign manual, which said grants are to pass and be sealed by our seal of our said territory and its dependencies, and being entered upon record by such officer or officers as you shall appoint thereunto, shall be good and sufficient in law against us, our heirs and successors.

To grant land.

1802.
28 Feb.

To control
commerce.

And we do hereby give you, the said Phillip Gidley King, full power to appoint fairs, marts and markets, as also such and so many ports, harbours, bays, havens, and other places for conveniency and security of shipping, and for the better loading and unloading of goods and merchandizes, as by you shall be thought fit and necessary.

And we do hereby require and command all officers and ministers, civil and military, and all other inhabitants of our said territory and its dependencies, to be obedient, aiding and assisting you, the said Phillip Gidley King, in the execution of this our Commission, and of the powers and authorities herein contained, and in case of your death or absence out of our said territory to be obedient, aiding and assisting unto such person as shall be appointed by us to be our Lieutenant-Governor or Commander-in-Chief of our said territory and its dependencies, to whom we do therefore by these presents give and grant all and singular the powers and authorities herein granted, to be by him executed and enjoyed during our pleasure, or until your arrival within our said territory and its dependencies.

And if upon your death or absence out of our said territory and its dependencies there be no person upon the place commissioned or appointed by us to be our Lieutenant-Governor or Commander-in-Chief of our said territory and its dependencies, our will and pleasure is that the officer highest in rank who shall be at the time of your death or absence upon service within the same, and who shall take the oaths and subscribe the declaration appointed to be taken and subscribed by you, or by the Commander-in-Chief of our said territory and its dependencies, shall take upon him the administration of the Government, and execute our said Commission and instructions, and the several powers and authorities therein contained, in the same manner and to all intents and purposes as other our Governor and Commander-in-Chief should or ought to do in case of your absence, until your return, or in all cases until our further pleasure be known therein.

And we do hereby declare, ordain and appoint that you, the said Phillip Gidley King, shall and may hold, execute, and enjoy the office and place of our Captain-General and Governor-in-Chief in and over our said territory and its dependencies, together with all and singular the powers and authorities hereby granted unto you for and during our will and pleasure.

In witness, &c., the twentieth day of February.

By writ of Privy Seal.

Provision
for vacancy
in office.

Term of office.

[Enclosure No. 2.]

GOVERNOR KING'S INSTRUCTIONS.*

George R.

23rd February, 1802.

INSTRUCTIONS for our trusty and well-beloved Philip Gidley King,
Esq're, &c., &c.

1802.
28 Feb.Instructions
to Governor
King.

1. With these our Instructions you will receive our Commission under our Great Seal constituting and appointing you to be our Captain-General and Governor-in-Chief of our territory called New South Wales, extending from the northern cape or extremity of the coast, called Cape York, in the latitude of $10^{\circ} 37'$ south, to the southern extremity of the said territory of New South Wales, or South Cape, in the latitude of $43^{\circ} 39'$ south, and of all the country inland to the westward as far as the 135th degree of east longitude, reckoning from the meridian of Greenwich, including all the islands adjacent in the Pacific Ocean within the latitudes aforesaid of $10^{\circ} 37'$ south and $43^{\circ} 39'$ south, and of all towns, garrisons, castles, forts, and all other fortifications or other military works which now are or may be hereafter erected upon the said territory or any of the said islands, with directions to obey such orders and instructions as shall from time to time be given to you under our signet and sign manual or by our order in our Privy Council. You are therefore to take upon you the execution of the trust we have reposed in you, and as soon as conveniently may be with all due solemnity to cause our said Commission under our Great Seal of the United Kingdom of Great Britain and Ireland, constituting you our Governor and Commander-in-Chief, as aforesaid, to be read and published.

Territorial
jurisdiction.Commission
to be read
in public.

2. It is our royal will and pleasure that you do pursue such measures as are necessary for the peace and security of the same and for the safety and preservation of the public stores and stock of every description, and that you do proceed without delay to the cultivation of the lands, the curing of fish and all other provisions, distributing the convicts for those and other purposes in such manner and under such inspectors and overseers and under such regulations as may appear to you to be necessary and best calculated for securing supplies of grain and ground provisions and for curing fish and other provisions for rendering their services the most useful to the community. The assortment of tools and other utensils which have been from time to time provided for the use of the convicts and other persons who compose the said settlement are to be distributed according to your discretion, guided by such further instructions as you may receive from us through one of our principal Secretaries of State and according to the employ-

General
instructions.

* Note 147.

1802.
28 Feb.

Instructions
to Governor
King.

ment assigned to the several persons. In the distribution, however, you will use every proper degree of economy, and be careful that the Commissary do transmit an account of the issues from time to time to the Commissioners of our Treasury and to one of our principal Secretaries of State, to enable them to judge of the propriety or expediency of granting further supplies. The clothing of the convicts, and the provisions issued to them and the civil and military establishments, must be accounted for in the same manner, pursuant to such instructions in that behalf as you from time to time shall receive from the Commissioners of our Treasury or one of our principal Secretaries of State.

The importation
of salt
provisions and
live stock.

3. And whereas the Commissioners of our Admiralty have commissioned certain of our ships to be employed at our said settlement under your orders for the purpose of supplying the same with live stock and other necessaries from such places as shall be found most convenient for that purpose, you are in consequence thereof to consider the providing such supplies of live stock and necessaries as an object of the first importance, and you are to follow without delay such directions in the execution thereof as you shall from time to time receive from us under our sign manual, or from one of our principal Secretaries of State in that behalf; and all such live stock as shall be brought into our said settlement by means of our aforesaid ships or otherwise at the public expence are to be considered as public stock, and for the use of the settlers and emancipated convicts, being settlers, and under no pretext whatever to be sold, given away, made over, or transferred by them or any of them to whom such live stock shall be granted by you without your special leave and license in writing, first had and obtained for that purpose, on pain of forfeiting the same, which shall in such case revert and be added to the public stock of our said settlement.

The
preservation of
the breeding
stock.

4. And as the increase of the stock of animals must depend entirely upon the measures you may adopt for their preservation, you are hereby particularly charged and directed to be extremely cautious in preventing all cattle, sheep, hogs, &c., which are to be preserved as much as possible for propagating the breed of such animals, from being slaughtered or taken away from our said settlement on any pretence whatsoever, by any vessels or craft which shall come there, until a competent stock may be acquired to admit of your supplying the settlement from it with animal food without having further recourse to the places from whence such stock may have originally been obtained.

5. It is our will and pleasure that the productions of all descriptions acquired by the labour of the convicts shall be considered

as a public stock, which we so far leave to your disposal that such parts thereof as may be requisite for the subsistence of the said convicts and their families, or the subsistence of the civil and military establishments of the settlement, may be applied by you to that use. The remainder of such productions you will reserve as a provision for such further number of convicts as you may expect will, from time to time, be sent from hence to be employed under your direction in the manner pointed out in these our instructions to you, and you are always to take care on the arrival of such convicts to obtain an assignment to you or the Governor-in-Chief for the time being from the masters of the ships bringing the said convicts of the servitude of such convicts whose services are assigned, either for the remainder of the terms which shall be specified in their several sentences or orders of transportation, or for such less time as shall be specified in their respective sentences in that behalf.

1802.
28 Feb.

Instructions
to Governor
King.

The
assignment of
the services of
convicts.

6. And whereas it has been humbly represented unto us that advantages may be derived from the cultivation of the flax plant which is found in the islands not far distant from the said settlement, not only as a means of acquiring clothing for the convicts and other persons who are and may become settlers, but from its superior excellence for a variety of maritime purposes; and as it may ultimately become an article of export, it is, therefore, our will and pleasure that you do particularly attend to its cultivation, and that you do send Home, by every opportunity which may offer, samples of that article, in order that a judgment may be formed whether it may not be necessary to instruct you further upon this subject.

The cultivation
of flax.

7. And whereas we are desirous that some further information should be obtained of the several ports or harbours upon the coast and the islands contiguous thereto within the limits of your Government, you are, whenever any of our said ships can be conveniently spared for that purpose, to send one or more of them upon that service. You are to endeavour by every possible means to extend your intercourse with the natives and to conciliate their affections, enjoining all our subjects to live in amity and kindness with them; and if any of our subjects shall wantonly destroy them or give them any unnecessary interruption in the exercise of their several occupations, it is our will and pleasure that you do cause such offenders to be brought to punishment according to the degree of the offence. You will endeavour to procure from time to time accounts of the number of natives inhabiting the neighbourhood of our said settlement, and report your opinion to one of our Secretaries of State in what manner the intercourse with these people may be turned to the advantage thereof.

Voyages of
discovery
to be made.

Intercourse
with the
natives.

1802.
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Instructions
to Governor
King.

The observance
of religion.

The
importation
of spirits.

8. And it is further our royal will and pleasure that you do by all proper methods enforce a due observance of religion and good order among the inhabitants of the said settlement, and that you do take particular care that all possible attention be paid to the due celebration of public worship.

9. And whereas it hath been represented to us that great evils have arisen from the unrestrained importation of spirits into our said settlement from vessels touching there, whereby both the settlers and convicts have been induced to barter and exchange their live stock and other necessary articles for the said spirits to their particular loss and detriment, as well as to that of our said settlement at large, we do therefore strictly enjoin you, on pain of our utmost displeasure, to order and direct that no spirits shall be landed from any vessel coming to our said settlement without your consent or that of our Governor-in-Chief for the time being, previously obtained for that purpose, which orders and directions you are to signify to all captains or masters of ships immediately on their arrival at our said settlement, and you are at the same time to take the most effectual measures that the said orders and directions shall be strictly obeyed and complied with.

The granting
of lands to
emancipists.

10. And whereas we have by our Commission bearing date the 20th of February, 1802, given and granted unto you full power and authority to emancipate and discharge from their servitude any of the convicts under your superintendance who shall from their good conduct and disposition to industry be deserving of favor, it is our will and pleasure that in every such case you do issue your warrant to the Surveyor of Lands to make surveys of, and mark out in lots, such lands upon the said territory as may be necessary for their use, and when that shall be done that you do pass grants thereof with all convenient speed to any of the said convicts so emancipated, in such proportions and under such conditions and acknowledgments as shall hereafter be specified, vizt., to every male shall be granted 30 acres of land, and in case he shall be married 20 acres more, and for every child who may be with them at the settlement at the time of making the said grant a further quantity of 10 acres, free of all fees, taxes, quit-rents, or other acknowledgments whatsoever, for the space of ten years, provided that the person to whom the said land shall have been granted shall reside within the space and proceed to the cultivation and improvement thereof, reserving only to us such timber as may be growing or to grow hereafter upon the said land which may be fit for naval purposes, and annual quit-rent of sixpence for every 30 acres after the expiration of the term or time before mentioned. You will cause copies of such grants as may be passed to be preserved, and make a regular return of the said

grants to the Commissioners of our Treasury and the Lords of the Committee of our Privy Council for Trade and Plantations.

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28 Feb.

11. And whereas it is likely to happen that the convicts who may, after their emancipation in consequence of this instruction, be put in possession of lands, will not have the means of proceeding to their cultivation without the public aid, it is our will and pleasure that you do cause every such person you may emancipate to be supplied with such a quantity of provisions as may be sufficient for the subsistence of himself and also of his family until such time as their joint labour may reasonably be expected to enable them to provide for themselves, together with an assortment of tools and utensils, and such a proportion of seed grain, cattle, sheep, hogs, &c., as may be proper and can be spared from the general stock of the settlement.

Instructions
to Governor
King.
Assistance
to be given to
emancipists.

12. And whereas it is our royal intention that every sort of intercourse between our said settlement or other places which may be hereafter established on the coast of New South Wales and its dependencies and the settlements of our East India Company, as well as the coasts of China and the islands situated in that part of the world, to which any intercourse has been established by any European nation, should be prevented by every possible means, it is our royal will and pleasure that you do not upon any account allow craft of any sort to be built for the use of private individuals which might enable them to effect such intercourse, and that you do prevent any vessels which may, at any time hereafter arrive at the said settlement from any of the ports before mentioned, from having any communication with any of the inhabitants residing within your government, without first receiving special permission from you for that purpose.

Prohibition
of foreign
intercourse.

13. And whereas certain of our subjects now resident within our said settlement and others from hence, or from other parts of our dominions, may be desirous of becoming settlers in our said settlement, our will and pleasure is that in case such persons shall apply to you for grants of land, you do afford them every encouragement that can be given in that undertaking without subjecting the public to expence, and that grants of land to such amount as you shall judge proper, be made for each person applying not exceeding 100 acres over and above the quantity herein before directed to be granted to such convicts as shall be emancipated or discharged from their servitude, free of all taxes, quit-rents, and other acknowledgements for the space of ten years; but, after the expiration of that time, to be liable to an annual quit rent of 1s. for every fifty acres.

Grants of land
to free settlers.

14. It is nevertheless our royal intention, in case of any peculiarly meritorious settler or well-deserving emancipated con-

1802.
28 Feb.

Instructions
to Governor
King.

The granting
of additional
lands.

vict, who shall become a settler as aforesaid, that you shall be at liberty to enlarge the said grants so respectively to be made to such settler or emancipated convict as aforesaid, by the addition of such further number of acres to be granted to them respectively as you, in your discretion, shall judge proper, subject nevertheless to our approbation thereof upon your transmitting to one of our Principal Secretaries of State, which you are hereby directed to do by the first opportunity, your reasons for making the same.

The assignation
of convicts.

15. And whereas such persons as are or shall become settlers upon our said continent of New South Wales or the islands dependent thereupon, may be desirous of availing themselves of the labour of part of the convicts who are or may be sent there, it is our will and pleasure that in case there should be a prospect of their employing any of the said convicts to advantage, that you assign to each grantee the service of any number of them you may judge sufficient to answer their purpose, on condition of the maintaining, feeding, and clothing such convicts, in such manner as shall appear satisfactory to you or to our Governor of New South Wales for the time being.

The method
of granting
lands.

16. You are to take care that all grants to be given of lands in our said continent or islands be made out in due form, and that the conditions required by these our instructions be particularly and expressly mentioned in the respective grants; that the same be properly registered, and that regular returns thereof be transmitted by the proper officers to our Commissioners of our Treasury, and to the Committee of our Privy Council, appointed for all matters of trade and foreign plantations, within the space of twelve months after the passing such grant.

General
conditions for
land grants.

17. It is also our will and pleasure that in all grants of land to be made by you as aforesaid, regard be had to the profitable and unprofitable acres, so that each grantee may have a proportionable number of one sort and of the other; as likewise that the breadth of each tract to be hereafter granted be one-third of the length of such tract, and that the length of such tract do not extend along the bank of any bay or river but into the main land, that thereby the said grantees may each have a convenient share of what accommodation the said harbour or rivers may afford for navigation or otherwise.

Crown
reservations.

18. It is our will and pleasure that between every 1,000 acres of land so to be allotted to settlers or emancipated convicts, being settlers as aforesaid, you do reserve not less than 500 acres adjacent thereto, for the benefit of us our heirs and successors, which spaces so reserved you are not to grant without our special direction and licence, but you are at liberty to lease the same for

any term not exceeding 14 years, and on such terms and conditions as you shall judge advantageous to our service, subject to such orders as shall be given to you in that behalf under our sign manual, or by one of our principal Secretaries of State.

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28 Feb.

Instructions
to Governor
King.

19. And whereas it has been found by experience that the settling planters in townships* hath very much redounded to their advantage, not only with respect to the assistance they have been able to afford each other in their civil concerns, but likewise with regard to their security, you are, therefore, to lay out townships of a convenient size and extent in such places as you in your discretion shall judge most proper, having, as far as may be, natural boundaries extending up into the country, and comprehending a necessary part of the sea coast, where it can conveniently be had.

The
formation of
townships.

20. You are also to cause a proper place in the most convenient part of each township to be marked out for the building of a town sufficient to contain such a number of families as you shall judge proper to settle there, with town and pasture lots convenient to each tenement, taking care that the said town be laid upon, or as near as conveniently may be, to some navigable river or the sea coast. And you are also to reserve to us proper quantities of land in each township, for the following purposes, vizt., for erecting fortifications and barracks, or for other military or naval services, and more particularly for the building a town hall, and such other public edifices as you shall deem necessary. And also for the growth and production of naval timber, if there be any wood lands fit for that purpose.

The building
of towns.

21. And it is our further will and pleasure that a particular spot, in or as near each town as possible, be set apart for the building of a church, and 400 acres adjacent thereto allotted for the maintenance of a minister, and 200 for a schoolmaster.

Reservation of
church lands.

22. And whereas it is necessary that a reasonable compensation shall be made to the Surveyor General of our lands for surveying and laying out the said lands for the use of such persons who may be disposed to become settlers in the said continent, or islands dependent thereupon, we have thought fit to establish the table of fees hereunto annexed, which you are to allow him to demand from all persons whatsoever, excepting the non-commissioned officers and men of the detachment of our marine corps, or to the convicts emancipated or discharged, who are not to be subjected to the payment of such fees.

Fees on
land grants.

23. You are to cause the above-mentioned table of fees to be hung up in one of the most public places, that all persons concerned may be apprized of the charges which may be demanded of them on their taking up lands within the said continent, or islands dependent thereon.

G.R.

* Note 148.

LIST OF FEES UPON GRANTS OF LAND.

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Schedule of
fees on
land grants.

<i>Governor's Fees.</i>		£	s.	d.
For the Great Seal to every grant not exceeding 1,000 acres		0	5	0
For all grants exceeding 1,000 acres, for every 1,000 each grant contains		0	2	6
For licence of occupation		0	5	0

Secretary's Fees.

For every grant, and passing the Seal of the Province, if under 1,000 acres	0	5	0
Between 1,000 and 5,000 acres	0	10	0
All above	0	15	0
In grants of land, where the number of proprietors shall exceed 20, each right	0	2	6
In ditto, where the number of proprietors shall not exceed 20, the same as in grants, in proportion to the quantity of land			
For every licence of occupation of land	0	2	6
For every grant of land, from 1,000 to 20,000 acres; take for the first 1,000 15s., and for every 1,000 more	0	2	6

Fees to be taken by the Chief Surveyor of Land.

For every lot under 100 acres	0	2	6
From 100 to 500 acres	0	5	0
All above	0	7	6
Every township, if above 20 rights, each right	0	2	6

Auditor's Fees.

For the auditing of every grant	0	3	4
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Register's Fees.

For recording a grant of land for or under 500 acres	0	1	3
For recording a grant of land from 500 to 1,000 acres	0	2	6
For every 1,000 acres to the amount of 20,000	0	0	6
For recording a grant of a township	1	0	0

GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch No. 6. per American schooner Caroline; acknowledged by Lord Hobart, 24th February, 1803.)

Sydney, New South Wales,

1st March, 1802.

1 Mar.

My Lord,

Acknowledgment of
despatches.

By the Canada, Minorea, and Nile, which arrived the 15th December last, I had the honor to receive your Grace's dispatches as per margin.* All the settlers and convicts were landed in health, and were by far the best conditioned that have ever arrived here, being fit for immediate labor, which is not yet the case with many of those who came by former ships.

* January 10th; May 29th; June 9th, 9th, 12th, 19th, 19th, 1801. (See note 149.)

I feel much satisfaction at your Grace's approbation of the measures I have taken to reduce the expences of this colony, which, I trust, will appear further explained by the papers that accompany this dispatch.

1802.
1 Mar.

Agreeable to your Grace's suggestions, no officer who cultivates land is allowed the labour of any convicts victualled at the public expence. The number of men allowed to officers who act as magistrates has been reduced to four each, which is the least recompence they can have for their useful services. I have also found it necessary to reduce the number of women victualled for soldiers to five for each company. All those reductions, as well as the disposal of those maintained at the public expence, are stated in the enclosed "Statement of Employment," and "Gen'al Statement of the Settlement," in which your Grace will observe that the labourers on the public account have been considerably increased, while there has been no addition, but rather a reduction, in the numbers victualled; and that, exclusive of the good crop that has been obtained from the ground cultivated last year for the public, a great progress has been made in clearing land at Castle Hill, where I hope to sow 200 acres on the public account this year, and I hope near 600 acres will be sowed in all for the Crown. Additional stockyards being now enclosed for our increasing stock, has required an additional number of men for that necessary object.

Assigned
servants to
officers.

The progress of
public work.

In addition to the communications I have made in my former letters respecting the articles received by the ships as per margin* (the Walker having arrived ten months before I took the command), I have now to submit the enclosed account† of the disposal of those articles, and what remained on survey when I took the command; also the debts paid to Government, and those due up to the 31st last December, most of which are now receiving in grain produced by a most plentiful harvest for the quantity of ground sowed, which was well got in. The most rigid economy is observed, not only in the distribution of those articles, but in every description of public property; nor is there a nail issued but by my written order, which takes up one entire day in the week. Nor am I less occupied the remaining days in other objects of public duty; nor can the affairs of the colony be transacted in any other manner than by the Governor's immediate direction and control in every, and the most minute, public transaction.

Government
stores.

The good harvest we have been blessed with has enabled me to issue a full ration of grain, after having eat our very last loaf

* Walker, Royal Admiral, Porpoise. † *Marginal note.*—No. 3 in Separate A.

1802.
1 Mar.

The grain
supply.

The supply
of salt
provisions.

before the harvest began; and I cannot conceal from your Grace that I have my apprehensions of a scarcity this year, from the additional numbers arrived, and those expected; but every care shall be taken to avoid it.

Our stock of salt provisions (which was so seasonably increased by the supply obtained from Otaheite, that purchased from Americans, &c., and nine months' for the convicts that came by the last ships) is so much reduced that not more than sixteen weeks remain at our present ration, which I trust will last until the supply of salt meat your Grace has so liberally provided for arrives, which will be a great security to the increase of our prospering stock of cattle. In a former dispatch I had the honor of informing your Grace of the Porpoise's succeeding in her voyage to Otaheite, from whence she brought 31,000 pounds of salt pork for the use of the colony, exclusive of a quantity procured for the use of the ship. Since her return it has been necessary to replace her masts with new ones, and to heave her down to repair the copper on her bottom. As we are going on making salt, and have already a great quantity made, and as I hope we shall be able to fit her with sails and rigging, she will be despatched to that island again in about six weeks; but the great difficulty will be our almost total want of articles necessary for traffick, which our stores are unprovided with. A list of such articles as are in request among the inhabitants of those islands is enclosed in the general list of stores wanted. As it was necessary to keep up the correspondence so successfully begun, I sent the Colonial brig to Otaheite in November last with salt, and such articles of barter as could be collected, and I have little doubt of her succeeding. I have also promised to purchase all that can be brought by Mr. George Bass (who brought a small vessel* out here) at 6d. per lb., which is less than half what it can be brought here from England for. Although these are resources that cannot absolutely be depended on (as its success or continuance so much depends on the caprice of the natives), yet I should consider myself blameable in neglecting to profit by them, by every means in my power, for two reasons—first, to save our stock; and next, to reduce our expences as much as possible.

The Norfolk
sent to
Otaheite.

The increase in
the live stock.

By the return of the stock your Grace will observe how much it has increased and will continue to increase if no accident happens. Some few have been killed and issued in lieu of salt provisions, some of which have been exchanged for wheat; and many of the sheep have been necessarily given to the settlers to breed from, but it has been under such restrictions that no improper use can be made of them. I hope in the course of

* Note 131.

next year to be able to kill a certain proportion, but that must be done with great caution and economy. As an officer* is now going to endeavour to penetrate into the interior, for which purpose I shall establish a chain of depôts, and several people having offered to attempt bringing the wild cattle in, I hope soon to give your Grace some certain account of those objects. From what I have stated in this paragraph and in my former communications on this head, and when your Grace compares the numbers in the settlement (5,975), noticing those (3,273) who are no expense to the Crown, and the employment of those (2,072) who are unavoidably supported at the public expense, among whom are many (1,594) whose labor is not in the least productive—as the civil, military, invalids, and children, I trust it will be obvious that no exertion or anxious care has been spared by me to hasten the time when supplies of animal food from abroad may be greatly diminished and finally removed, but this desirable event cannot be calculated upon to a certainty on account of the numbers sent out yearly. In a separate statement† I have estimated the probable quantity of wheat that it will be necessary to purchase, which includes the articles furnished the inhabitants from the whalers and investments which, with the supplies sent by Government, has so totally destroyed monopoly that almost all European articles are now selling at little above prime cost.

1802.
1 Mar.

Proposed
explorations.

Population
statistics.

As so great a time has elapsed since several material articles were received by the Walker, Porpoise, &c., some of which are entirely and others almost totally expended, I have enclosed lists of such articles as are indispensably necessary for the public works, as well as those wanted for the accommodation of the inhabitants, and should any supplies have been sent since the Cornwallis sailed a deduction may be made of those already sent. No stores were received by the Canada, &c., only the provisions stated in the enclosed return of the Commissary.

Requisitions
for stores.

I feel myself highly gratified and flattered by His Majesty's most gracious approbation of my appointment of Lt.-Col'l Paterson to be Lieut't-Governor of this territory, and Major Jos. Foveaux to be Lieut't-Governor of Norfolk Island, which mark of His Majesty's favor I have communicated to those officers, and they request my offering their respectful acknowledgements to your Grace for the honor conferred upon them.

Appointments
as lieutenant-
governors of
Paterson
and Foveaux.

I have a peculiar pleasure in assuring your Grace of the regular and orderly behaviour of the Irish convicts, and indeed of every other of that description. I wish I could say as much of some officers of the N. S. Wales Corps, who, having first attempted to set their Commanding Officer and myself at

Conduct of
certain
military
officers.

1802.
1 Mar.

variance, and having failed in that, have occasioned much trouble and vexation to that officer as well as myself, which I have detailed in my military letter accompanying this.

The Orphan
Institution.

Respecting the Orphan Institution, I am happy to inform your Grace that it has been some time fixed, and I have no doubt the most permanent good will result from it—at least, the succeeding generation will be benefitted by it.

The conduct of
Macarthur.

I observe your Grace's remarks respecting Capt'n McArthur's proposals for his farm and stock. That officer's ill behaviour having taken up so much of my time, and his conduct having been such, with respect not only to his own stock, but also depriving Government, by the most indirect means, of Major Foveaux's fine stock of sheep, which would have furnished a sufficiency of wool to keep the manufactories going. It is necessary I should inform your Grace that when Capt'n McArthur was leaving the colony he did his utmost to thwart my views for the public benefit respecting Major Foveaux's sheep; but as I had written a separate letter on this head* previous to receiving your Grace's commands, I now enclose it. The great fortune that officer has made in this colony, and the possessions he now has in it, are so notorious, that any further comment of mine is unnecessary how it was acquired, or how realized. As I have detailed his conduct, and the necessity I felt myself under to order him Home under the arrest he thought proper to continue himself in, I must refer your Grace to the duplicates of my dispatches† sent by him and Lieut. Grant, as also to the triplicates now carried by Capt'n McKellar, who had acted as my aid-du-camp, with great advantage to the public service since I took the command. He will have the honor of delivering this despatch, and is well qualified to give your Grace every information you may desire respecting this colony, and the public transactions in it.

The spirit
traffic.

By the enclosure No. 5 in my general letter No. 5,‡ and my General Orders, your Grace will observe the method used to regulate the price of spirits, and to restrict the quantities brought here. The fame of the colony is not yet done away with in America, as we have lately had a vessel in here with 4,000 gallons of spirits. However, the letter I enclosed to the American Minister in my former dispatches,§ and what I now enclose in this, as well as the circular letter which I have written to the Consuls in America, of which I enclose a copy,|| will, I hope, entirely do

* *Marginal note.*—Separate letter to Mr. Secy. King. (See note 151.)

† *Marginal note.*—Nov. 14th, 1801; Nov. 5th, 1801. ‡ *Marginal note.*—Nov. 14th.

§ *Marginal note.*—No. 3—Mar. 10, 1801; No. 4—Aug. 21, 1801.

|| *Marginal note.*—Sent by this conveyance to Consul Barclay at New York.

away that evil. In the meantime it is lessened as much as possible by the internal regulations, which I have lately been compelled to enforce, respecting an officer of the New South Wales Corps, which is more particularly detailed in the military letter accompanying this.

1802.
1 Mar.

When the Buffalo arrives no time shall be lost in making her as useful as possible, by going to the Islands in quest of salt pork. A small vessel of 26 tons,* which was left almost finished by Governor Hunter, has been lately added to our Colonial vessels, and will be useful in bringing grain from Hawkesbury, &c. By my former despatches† your Grace will observe that although I appointed myself captain of His Majesty's armed vessel Porpoise (in consequence of a Commission I received from the Admiralty to command the Reliance), yet that Mr. Scott retains the command of that ship.

Building of a
colonial vessel.

I observe your Grace's approbation of my having purchased the articles from the John Jay,‡ the expense of which to Government was only confined to the part of the salt meat and 241 gallons of spirits. All the rest was purchased by the inhabitants at the restricted price I laid on those articles, which enabled every one to supply their own wants, and was the first blow to destroy the monopolies that existed here to such an alarming and infamous degree, which is now done away.

The purchase
of the cargo of
the John Jay.

I had the honor to receive the copies of letters your Grace transmitted from His Royal Highness, the Commander-in-Chief, and the Barrack Master. The barrack furniture was received by the Royal Admiral. Respecting the instructions and directions contained in the Commander-in-Chief's letter, had I received them before Capt'n McArthur's departure, my conduct most certainly should have been guided by them. In that case,§ whatever reason I might have of his being but little, if at all, censured by a Court-Martial, composed of the present officers of the New South Wales Corps, so great is the influence which his art and wealth has given him among many of the subordinate officers, who now remain his adherent partizans, and occasion much trouble and vexation to Lieut.-Col'l Paterson and myself. As these circumstances are more particularly detailed in my annexed military letter, I beg your Grace's reference thereto.

Instructions
from the war
office.

Through some omission, the indents of the convicts received by the Canada and Nile were not sent by those ships; only the Minorca's indent was received. Respecting the list of settlers and emancipated people, I have caused as correct a list as possible to be made of them under the different heads, which I have now

Indent papers
of transportees.

* Note 152. † Marginal note.—No. 3, March 10th, 1801. ‡ Note 153.

§ Note 154.

1802.
 1 Mar.
 The free
 settlers.

the honor to enclose, and shall cause similar lists to be transmitted regularly. Some of the settlers arrived by the Canada, Minorca, and Nile, are settled, and situations are searching for the rest, but I fear many of them will prove of the description of those mentioned in my despatch sent by way of China,* a duplicate of which accompanies this. Every means shall be used to make them useful to themselves, and as little as possible burthensome to the public.

Having replied to the different paragraphs in your Grace's last letter, in the order they occur, I shall trespass further by referring to some passages in my former despatches.

Appointment of
 superintendents.

In my Despatches by Governor Hunter, I stated the necessity I should soon be under of appointing another superintendant, to direct the labor of the prisoners employed at cultivation on the Public Account, and as the settlement at Castle Hill is detached from the other settlements, I have appointed a free settler, who came out in the Canada, and well recommended to that situation, his salary, (the same as the other superintendant) will be paid as a contingent expence, until I receive your Graces further instructions on this head—In the same despatch I stated my having appointed a trusty person,† who came as superintendant from England in 1791 to take the entire superintendance of government stock—As his salary was £50 pr. annum I informed your Grace of my having given him £50 pr. annum, in addition, which his attention and care of the Stock, renders him very deserving of, and indeed of a still further encouragement as his charge is very great, and he performs it with great satisfaction to me, and advantage to the Crown—I hope for your Graces approbation of this additional expence, and permission to increase it as he has a very large family, and devotes the whole of his time to that valuable object of public property in this Colony—Your Grace will observe that I have been obliged to discharge one superintendant for improper behaviour and have appointed a free settler in his place.

The supply
 of pork.

In my despatch No. 2‡ I informed your Grace of the steps I had taken to induce the settlers to raise swine for Government at 6d. pr. lb. and the measures I had taken for œconomising that supply—by the Commissary's statement you will observe, that a very small quantity has been furnished owing to the great losses experienced by the floods, in sweeping away their grain and stock at Hawkesbury, the quantity supplied the numerous shipping that

* *Marginal note.*—No. 5, 14th November, 1801. Paragraph 11.

† *Marginal note.*—Mr. Jno. Jamieson. See Return of Superintends., No. 15.

‡ *Marginal note.*—Sepr. 28th, 1800.

have been here during the last year and the numbers who are entirely fed from that species who are not supported at the public expence—perhaps a greater progress will be made in the next year, as I hope we shall not be visited, by quite so many ships, and escape the ruin attendant on a flood—As any supplies of that kind will be quite partial our dependance must be on our present thriving stock of cattle; than which none can be in a more promising state, in any part of the world—The Stock belonging to Govr. Hunter Majr. Foveaux and Captn. Kent have been mixed with Governments, in consequence of the intimation, in your Graces last Despatch;* the cattle contracted for with Mr. Campbell, at £28 a head, as stated in my former despatch† are not yet arrived, nor have I sent the Porpoise, either to India for rice, (as we did without it) nor to the Cape for cattle, as she could have stowed very few of the latter, a better use has been made of her by sending her to Otaheite for pork.

1802.
1 Mar.

Additions
to the
public herds.

The cultivation of Europe Flax is attended to, 646 yards of unbleached linnen has been made, of which I have the honor to send a sample by Captn. McKellar—In my former letters I stated having employed a convict to conduct that work, but as he turned out a bad character, I have to request your Grace will allow of some trusty sober person being sent out to superintend that work in the room of the unfortunate man who was drowned on the passage‡—The terms he was coming out on, are lodged in your Grace's office—Had we a person who understood the cultivation and working of the flax, we should soon possess a great quantity of useful linnen—Our woollen manufactory still goes on, but the want of wool occasions frequent and long stoppages, could I have got Majr. Foveaux's sheep for the crown in a few years, a considerable manufactory might have been carried on to great advantage; but our only dependance is on the government stock of sheep, which necessarily decreases as each free settler is entitled to two ewes. I have offered 2d. pr. pound for the wool, but as yet none has been offered, waiting I suppose for a higher price, which I shall not give.

The
manufacture
of linen.

The price
of wool.

Referring your Grace to my former communications, respecting the two Frenchmen arrived by the Royal Admiral, for the purpose of cultivating the vine—They have planted one vineyard,§ in as favourable a situation as can be found—the plants are doing very well, but unfortunately those vines, that have been sometime planted, have been entirely blighted, not a grape

The progress
of viticulture.

* Marginal note.—19th June, 1801. † Marginal note.—March 10th, 1801.

‡ Note 155. § Marginal note.—About 7,000 plants.

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1 Mar.

Blights on
the vines.

remains on them, and the leaves entirely burnt, which has been so much the case for the last three years, that I much fear they will not succeed here; however as the Frenchmen do not despair, I hope we shall so far succeed as to find, that those blights are accidental and as the old vines have evidently failed (excepting the blights), by improper management, I hope we shall do better with those that are lately planted—Much information on this object may be obtained from Monr. de Clambe who arrived by the *Minorca*.

Appropriation
of customs and
shipping dues.

Having already informed your Grace of the duties I found it necessary to lay on the spirits brought to this port and allowed to be sold, as well as for the entries of Ships, Wharfage etc. as expressed in the enclosed printed paper. The produce of those receipts, and their application I have the honor to state in the enclosure, and as the whole of the debt due on the erection of the spacious and strong County Jail erected at Sydney, is paid, the Committee are now erecting a bridge and jail at Parramatta from the Jail Fund—The sums on the Orphan Fund are applicable to that institution alone the state of which I have remarked on, in the 11th Paragraph of this and in former Letters.

The settlement
at Hunter
River.

In my despatch No. 5* sent herewith I informed your Grace of my having formed a settlement at the Coal Harbour, the persons I had sent there, and two ships having taken a quantity to India, and a Vessel having taken a cargo to the Cape on their own account. That a quantity of fustick was found there, and that I had sent two officers to explore it further than Colonel Paterson had time to do, the surveyor's opinion of that place and a small copy of the Harbour and adjacent country I have the honor to enclose—As the person who went there in the command,† conducted himself improperly, I was obliged to withdraw him, and not having any person I could send there in his room I withdrew the convicts, and left only the guard—As the want of vessels to send coals to the Cape prevents that being done, and as coals can always be got from thence for the use of the Colony, I shall not send any more people to remain there until I can find a fit person to take charge of that settlement, which, except for the coals and fustick, seems to promise no other advantages than what we possess here.

Officers
on leave.

As the services of the civil officers belonging to this establishment, now on leave in England, are much wanted, I have to request those officers, or others in their place, being ordered out as soon as possible. I enclose a list of their names, and where it is possible they may be heard of.

* *Marginal note.*—Nov. 14th, 1801. † Note 156.

Notwithstanding the appointment of the Rev. Chas. Haddock as clergyman of Norfolk Island, upwards of two years ago, and the various conveyances that have offered in that time if he had chosen to have profited by them, yet, as he has not appeared, I presume he has declined coming. Under that persuasion I requested, in my letter No. 3,* that his pay might be detained in Mr. Chinery's hands until a certificate arrived from this country of his doing duty here. There is only one clergyman in this colony; and the Rev. Mr. Fulton, sent from Ireland for seditious practices, having conducted himself with great propriety and in a most exemplary manner since he has been here, I have given him a conditional emancipation, and directed him to perform Divine Service at Norfolk Island until the clergyman arrives that belongs to that establishment. As his conduct in that situation has been very satisfactory I have drawn on the Colonial Agent for half the salary allotted for the clergyman for Norfolk Island, which I hope will be approved if referred to your Grace.

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Non-arrival of
the Rev.
Charles
Haddock.

Emancipation
of the Rev.
Henry Fulton.

In my letter No. 3* I informed your Grace of the death of the Deputy Judge-Advocate, and of my having appointed Mr. Rich'd Atkins, who had done that duty before, and who is the only person in the colony anyway fit for that office, to act until His Majesty's pleasure is received thereon. As so much information and assistance to the Governor is required of the person who acts in that situation, I humbly suggest to your Grace's consideration the propriety of a person having some general knowledge of the law, and a fair character, being sent here to fill that important situation as soon as possible.

The office of
deputy judge-
advocate.

By the last letter received from Lt.-Gov'r Foveaux, he informs me the failure of their crops of maize last season has, for the first time these six years past, rendered it necessary to go to a very reduced ration of animal food, but as the present crops are surprisingly abundant he hopes to renew the full ration. I have the honor to enclose copies of his last returns to me of the state of the settlement, the employment of those supported by the Crown, and the live stock in that settlement.

Failure of
crops at
Norfolk
Island.

Besides the papers already mentioned I have the honor to enclose the usual returns of the Officers of the Civil Department and Superintendants now in the execution of their duty; also a list of the births and deaths from Sept. 28th, 1800, to Dec. 31st, 1801.

Returns
forwarded.

I have, &c.,

PHILIP GIDLEY KING.

* Marginal note.—March 10th, 1801.

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1 Mar.
Return of
employment.

[Enclosure No. 1.]
STATEMENT of Employment.

1800.	Agriculture and Stock.		Buildings.										Boat Builders, etc.										Various Employments.									
	Month.	Selement.	Overseers.	Agriault on ye Public Account.	Care of Governmt Stock.	Brick and Tile Makers.	Brick-layers, Plasterers, and Labourers.	Blacksmiths and Labourers.	Shingle Pale and Lath Splitters.	Brick and Timber Carriages.	Stone Cutters and Layers.	Sawyers and Timber Measurers.	House Carpenters and Labourers.	Painters.	Lime and Charcoal Burners.	Carpenters, Shipwrights, and Caulkers.	Labourers, Watchmen, and Clerks.	Blacksmiths, Sawyers, and Rope Makers.	Making Roads and Repairing Bridges.	Taking Care Govt. Huts.	Whewrights, Millwrights, and Labourers.	Armourers, Printers, and Bailiffs.	Basket and Broom Makers.	Flax Dressers, Wool Carders, and Weavers.	Millers.	Schoolmasters, Sextons, and Bellmen.	Writers or Clerks.	Coopers, Carters, and Wire Drawers.	Granary Provision Stores and Clerks.	Executioners and Jailers.		
August.....	26	30	51	45	39	45	14	39	35	26	42	2	23	15	6	14	17	26	14	6	6	6	10	7	10	7	5	26	5			
1801.																																
March.....	26	169	39	18	23	45	8	35	35	38	39	1	20	11	5	11	25	7	16	3	1	18	5	8	9	4	17	11				
June.....	39	194	47	11	17	37	8	38	34	30	35	2	18	9	8	9	31	16	19	3	3	26	13	6	12	5	20	4				
September..	40	142	47	11	23	32	7	36	34	30	38	1	8	10	8	9	..	15	8	3	3	29	14	6	13	3	20	4				
December..	35	195	49	11	24	38	2	29	16	26	37	1	7	10	8	9	..	19	10	3	4	26	10	6	11	5	16	3				
1802.																																
March.....	15	..	4	16	14	16	2	17	28	7	22	1	5	10	8	8	..	7	4	2	1	6	2	3	4	10	1	7	2			
	6	..	42	17	8	19	2	19	16	18	23	..	6	..	..	..	..	..	8	4	..	2	28	5	2	1	2	9	..
	2	42	1	6	3		
	10	158	4	4	9	11	
	43	200	51	33	22	36	4	37	45	35	57	1	11	10	8	8	..	26	8	2	5	29	9	7	13	3	17	4				

STATEMENT of Employment—continued.

1800.	Month.	Settlement.	Various Employments.													Servants.					Recapitulate.					General Total.					
			Sadlers.	Natural History Painters and Botanists.	Tanners, Tool Helvers, and Thatchers.	Bakers.	Blind, Insane, and Invalids.	Pilots, Book-binder, and Printer.	Boiling Salt.	Boats Crews.	Govt. Gardens and Vineyards.	Government Vessels.	Miners searching for Coals.	Town Gang.	Gaol Gang, and making Batteries	Constables and Watchmen.	Carrying Water for Guards.	Attending Hospital.	Sick and Convalescents.	Tailors, Shoemakers, and Barbers.	To Commissd Officers, Civil & Military, Including Supernts. Non-Comisd Officers of New So. Wales Corps.	Overseers, Constables and Free men doing Govt. work as Artificers.	Settlers.	Overseers, Stock-keepers, and Employed in Agriculture.	Artificers, etc., employ'd in Buildings.		Shipwrights and Boat Builders.	Various Employments.	Servants to Officers, etc.		
	August.....	4	2	6	2	7	2	2	16	12	1	5	50	19	67	6	27	35	34	260	26	80	97	107	3	0	35	447	463	1362
	1801.																														
	March ....	.....	2	2	7	4	5	1	1	18	16	15	12	16	44	57	6	20	22	10	123	22	54	10	234	254	27	387	207	1111
	June ....	.....	2	2	10	4	7	..	8	18	21	31	..	8	19	48	5	22	24	15	154	3	39	8	280	23	26	407	204	1142
	September ..	.....	4	2	1	7	2	..	8	18	20	31	16	52	..	49	5	2	4	15	138	3	47	8	229	22	27	331	196	1011
	December ..	.....	2	1	7	..	..	..	8	18	19	31	16	68	..	49	6	10	6	13	125	3	50	8	279	181	27	367	186	1040
1802.	March ..	Sydney	1	1	1	..	..	2	8	14	4	45	..	13	..	24	2	6	4	5	42	3	18	2	19	128	26	173	63	..
		Parramatta	3	1	3	..	..	..	..	5	12	..	..	29	..	19	2	3	26	7	46	..	16	32	58	128	..	169	94	..
		Hawkesbury .....	..	..	..	..	..	..	..	..	..	..	..	..	..	12	1	1	1	1	20	..	10	4	45	10	..	23	34	..
		Toongabbe .....	..	..	..	..	..	..	..	..	..	..	..	..	..	14	2	..	..	3	8	..	..	..	172	15	..	47	8	..
		(	3	2	10	..	4	2	8	19	16	45	..	42	..	69	7	10	38	16	116	3	44	38	294	281	26	412	197	1212

PHILIP GIDLEY KING.

1802.
1 Mar.
Return of
employment.

GENERAL STATEMENT OF THE SETTLEMENT—continued.

Date.	People not Victualled from the Stores.				Convicts Victualled from the Stores.				Loyal Association Victualled.		Number Victualled at the different Rations.				Settlers.		Weeks Provisions in the Store at the Established Ration.									
	Men.	Women.	Children.	Numbers not Victualled from the Stores	Men.	Women.	Children above Ten Years Old.	Children above Two Years Old.	Children under Two Years Old.	Sydney.	Parramatta.	Natives Victualled from the Stores.	Whole.	Two Thirds.	Half.	Quarter.	Number Victualled from the Public Stores.	Number at full Ration	Men.	Women.	Number of Souls in the Settlement.	Wheat and Maize as Flour.	Beer.	Pork.	Sugar.	
1800.																										
July	808	275	39	1122	1010	1363	546	482	184	..	..	4	1938	688	628	276	3530	3009	387	14	4953	..	..	..	..
September 28th	1106	429	203	1635	1523	1194	315	402	100	..	..	4	1672	451	584	192	2809	2416	387	14	4827	14	10—4	20—6	23—
March 10th, 1801.	1725	608	403	2736	2309	1156	275	265	88	50	40	4	1832	394	398	155	2779	2348	387	14	5515	56½ y.	8—5	17—5	1—	
August 21st, 1801.	1370	728	451	2549	2068	1350	229	91	30	51	28	1	1965	315	254	75	2610	2321	375	14	5547	5½	6½	21½	25½	
March 1st, 1802	1833	905	485	3273	2713	1246	203	69	195	80	..	..	1820	347	347	113	2627	2360	405	20	5975	6—2	5	9—3	25—1

JNO. PALMER, Commissary.

1802.
1 Mar.
General return of the settlement.

1802.
1 Mar.

[Enclosure No. 3.]

[The subject of this enclosure has not been elucidated.]

[Enclosure No. 4.]

Returns of
live stock.

RETURN of Stock belonging to the Crown in His Majesty's territory of New South Wales, the 28th Sept., 1800, and the 31st Dec., 1801, with the remains to the 1st March, 1802.

Time.	Cattle.	Horses.	Sheep.	Account of Stock dead (exclusive of the numbers contained in the return), and issued in lieu of Salt Provisions between September, 1800, and 31st December, 1801.
28 Sept., 1800...	765	30	625	Horned cattle dead 29. Quantity of fresh beef issued in lieu of salt provisions, 6,829 pounds; sheep issued in lieu of salt provisions to the hospital, 60, weighing 1,323 pounds; supplied Governor's family, 33, weighing 670 pounds.
31 Dec., 1801...	1093	39	826	
1 Mar., 1802...	1109	38	809	

JNO. JAMIESON,
Superintendent of the Stock.

RETURN of Stock belonging to the Crown in His Majesty's Colony of New South Wales, with the Increase and Decrease from Sept. 28th 1800 to March 1st 1802.

At What Settlement.	Horned Cattle.					Horses.				Sheep.			Remarks, etc.		
	Bulls.	Cows.	Bull Calves.	Cow Calves.	Oxen.	Sto. Horses.	Mares.	Filleys.	Colts.	Geldings.	Rams.	Ewes.		Wethers.	Ewe Lambs.
Parramatta	5	193	53	89	35	2	23	6	5	2	6	334	254	215	Cattle Killed and Issued in Lieu of Salt Meat } 21 Cattle Killed and given as a present on their Majesty's Birthdays } 10 Cattle died } 29 Sheep Killed and Issued to the Sick in lieu of Salt Meat } 60 Sheep Supplied the Govr's Family ... } 33
Toongabbe...	7	115	141	185	26	...	...	...	...	...	...	...	...	...
Castle Hill ...	...	8	90	75	...	...	...	...	...	...	...	...	...	...
Hawkesbury	1	11	54	6	8	...	...	...	...	...	...	...	...	...
Sydney	1	15	4	6	28	...	...	...	...	...	...	...	...	...
Total	14	342	293	363	97	2	23	6	5	2	6	334	254	215	
Increase	...	...	318	...	...	...	...	9	...	...	...	304	...	...
Decrease	...	57	3	...	...	...	1	...	...	...	31	99	...	...

N.B.—The within includes the Number of Cattle purchased and Received from the undermentioned Persons vizt.

Governor Hunter	No. 11	Mr. Robert Campbell	No. 9
Major Foveaux	31	Mr. Wm. Bahmain	Received into Govt. Herd and valued, but not paid for. } 13
Capt. Kent	11		

[Enclosure No. 5.]

COMMISSARY'S Return of Provisions by the Canada Minorea and Nile.

1802.
1 Mar.
Commissariat
return.

[*This return was a repetition of the first portion of the enclosure to the despatch of Acting-Governor King to Under Secretary King, dated 2nd February, 1802.*]

[Enclosure No. 6.]

GOVERNOR KING TO BRITISH CONSULS IN NORTH AMERICA.*

Sydney, New South Wales,

Sir, 1st March, 1802.

As it is so much the custom for American vessels to come here laden with spirits, which His Majesty's instructions to me absolutely forbids the importation and sale of here; and as it has been my indispensable duty to send two Americans away with a great quantity of spirits, as well as a vessel from India, I have to request you will make it as generally and publicly known as possible, that no greater quantity than 300 gallons of spirits will ever be allowed to be imported here from any one vessel. As I send this letter with the approbation of His Majesty's Principal Secretary of State for the Home Department, I have to request your compliance therewith, as well to prevent the merchants in America from being losers, as to prevent the bad consequences of spirits being brought here.

The importation
of spirits.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosures Nos. 7, 8, and 9.]

[*Copies of these returns of settlers and emancipated convicts have not yet been found.*]

[Enclosure No. 10.]

[*A copy of the printed notice re duties on spirits and wharfage dues has not yet been found.†*]

[Enclosure No. 11.]

[*A copy of the return re revenue received from duties and wharfage dues has not yet been found.*]

[Enclosure No. 12.]

OBSERVATIONS BY SURVEYOR GRIMES ON HUNTER RIVER.‡

Sydney, 11th December, 1801.

Observations
on the Hunter
River district.

Hunter's River, from the Bason to Paterson's River.

NEAR the bank is low and swampy, the tide at high water flowing over in many places; where it does not the ground at the back is

* Note 157.

† Note 158.

‡ Note 159.

1802.
 1 Mar.
 Observations
 on the Hunter
 River district.

lower than the bank, and covered with weeds; there are some few spots of a white sandy soil running between the swamps, covered with good grass, but not fit for cultivation.

Hunter's River above Paterson's River.

There is very little carradjang* up this part of the river, and no ground fit for cultivation. There are a few hills N.E. of the joining of the rivers, extending at the back of the swamp, of a light sandy soil, and covered with good grass for about a quarter of a mile back; then the most barren sandy soil, with a low brush of a thorny shrub, and between every little hill a swamp; the principal timber is the Banksea, oak, and a few blue-gum trees.

Between M't Harris and M't Grant I think the country overflowed from the river, and no part not overflowed until the foot of the mountains; the ground from the mountains to the rivers is almost a continued reedy swamp; there are some spots of fine ground, but the least rise of the river must lay them under water. The high lands are covered with rocks, but good grass between them to the tops. The timber on the low land is principally apple tree and blue-gum trees; on the high lands blue-gum and iron-barked trees.

Edgerton and Hobby's Hills, and the space between them.

The hills are very rocky, but good grass between them. The soil is very light, mostly sand; the space between the hills is nearly a continued swamp covered with reeds. The land is much lower at the back than close to the river, tho' the banks are very low, except in a few places where the points of the high hills come down to the rivers, which are uniformly of a light sandy soil and very stony, but good grass. The low banks are covered with vines, the timber at the back blue-gum and apple trees; on the high lands blue-gum and iron-barked trees.

In a N. line from Hobby's Hills and a body of mountains to the fall, and from the high land above the fall you are surrounded with high rocky mountains in every direction, but good grass growing to the top; the timber blue and red gum, apple tree and iron-barked trees. Beyond the fall, on the west side of the river, are the finest stringy-bark and black-buttred blue-gum trees I ever saw, but the flood rises to a considerable height.

Schanck's Forest Plains, above the New River.

The water rises on the banks a great height, as appears from the rubbish left on the trees, and the country for about half a mile back is full of lagoons, or swamps covered with reeds, which

* Note 73.

are bounded by moderate high hills. The ground is good between the river and the hills; but much lower than the bank in most places, so that the country is under water before the banks of the river are generally overflowed, and there are marks of the flood a considerable distance up the hills at the back, which are of a light sandy soil and covered with small ironstone. The grass is very fine, except at the top of the hills, which are in general covered with an ironbark scrub. The vallies are wet, and marks of heavy torrents running down them. The timber on the low ground is principally blue-gum and apple-tree. Near the banks of the river a great quantity of large cedar, vines of different kinds, and plenty of curradjong; but the cedar and curradjong are more plentiful up the new river than any other part. On the high land blue-gum and ironbark trees are almost the only timber growing.

C. GRIMES,

Acting Surveyor-Gen'l.

1802.
1 Mar.

Observations
on the Hunter
River district.

[Enclosure No. 13.]

RETURN of Officers on the Civil Establishment of His Majesty's Colony of New South Wales Absent on leave in England with a reference to the places where they may probably be heard of dated the 1st March 1802.

Return of
officers absent
on leave.

Names.	Quality.	Where to be found. Remarks etc.
Richd. Johnson	Clergyman	On Govr. Hunter's leave. Sept. 28th, 1800. Ambrose Martin, Esq., Banker, Finch Lane, Cornhill, London; or W. Wilberforce, Esq., M.P.
Willm. Balmain	Surgeon.....	On Secy. of State's leave, Augt. 21st, 1801. Messrs. Clementson and Denton, Clement's Inn.
Jas. Williamson	Dy. Commissary	Ordered by Govr. Hunter, 28th Sept., 1800. Messrs. Clementson and Denton, Clement's Inn.
Chas. Haddock	Chaplain, Norfolk Island.	Has never appeared in the Colony.
Thos. Jamieson	Surgeon, Norfolk Island.	On Govr. Hunter's leave. 28th Sept., 1800. Messrs Wolfe and Crafers New Palace Yard.
Zach. Clark	Dy. Commissary, Norfolk Island.	On Govr. Hunter's leave. 1st Octr., 1799. Mr. Sykes's, Arundel Street.

1802.
1 Mar.

[Enclosures Nos. 14 and 15.]

[Copies of the returns of officers of the civil department and of the superintendents have not yet been found.]*

[Enclosure No. 16.]

Vital
statistics.

RETURN of Births and Deaths.

Sept., 1800—Dec. 31st, 1801.

[This return enumerated 116 births, but the sexes cannot be ascertained, as in many cases the surname alone is given.

The deaths recorded numbered 96, of whom 66 were males; the sexes of two were unknown.]

GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Separate A," with General Letter No. 6, per American schooner Caroline; acknowledged by Lord Hobart, 24th February, 1803.)

Sydney, New South Wales,

1st March, 1802.

My Lord,

Considering it my duty to possess your Grace of every and the most minute circumstances connected with this colony, I fear my present despatch will be considered as unnecessarily voluminous; but having been upwards of a year in the command, I conceive it necessary to give the details which accompany this and my other letters, to possess your Grace as fully as possible of the present state of this colony. For that purpose, exclusive of my general letter No. 6, and its enclosures, I transmit the enclosed "Present State of the Settlement," in which I have endeavoured to state every cause that produces expense to the Crown.

Report on the
settlement.

I have also enclosed an account, made up to the 31st Dec'r, 1801, of the expenses that have occurred during the first fifteen months of my command, which your Grace will observe amounts to £12,747,† and that out of that sum £2,494 17s. 4d. was for salt meat (which is nearly all that remains in store at this time), £7,284 4s. 6½d. for grain, £968 10s. for sugar, and the remainder, £1,999 15s. 6½d. for the purchase of such stores as were indispensable for carrying on public works, many of which were purchased prior to the arrival of the Earl Cornwallis, the remains of which, being of that kind that will be always useful (amounting to £802 15s.), will prevent the necessity of any more being purchased, except in case of great necessity, until we receive the regular supplies from England; and to make those returns more compleat, I have directed the Commissary to furnish me with a

Expenditure
on the colony.

* Note 160. † Marginal note.—Equal to £10,198 for the year.

statement, abstracted from his accounts, of all the stores, provisions, and cloathing he received into his charge (when Governor Hunter left the colony), the disposal of them, and remains, with an account of grain, &c., received for that part exchanged with settlers, and its value is stated in the enclosure, which, together with the Commissary's account of that part of the Cornwallis's investment exchanged for grain, &c., up to 31st last December, closes our public accounts up to that date. I have directed the Commissary to forward his accounts, which are made up to that period, to the Commissioners for Auditing Public Accounts, by the first direct conveyance.

1802.
1 Mar.
Commissariat
returns.

I also enclose a statement of the salt meat now remaining, and the quantity, together with that of grain wanted to compleat to the 31st December, 1802, for the present number of full rations victualled from the stores, to which I have added the proportion of salt meat for one year after December, 1802, which, if sent in time, will effectually guard against accidents and short allowance, which so considerably reduces the public labor. Respecting the deficiency of grain, altho' the quantity in Government stacks is counted as present in store, yet experience points out the necessity of letting that resource remain to the last. It was that precaution which enabled me to continue giving a little bread last year till the present crops came in, which induces me to take in all the grain that can be offered, either in exchange or for payment; and with all that I apprehend we shall be short before the end of the year, particularly if more convicts arrive.

The supply
of grain.

From what idea I can at present form of our expences for grain, where the cultivators purchase articles from masters of ships, or require payment instead of barter, and other incidental expences (which, if at all necessary, shall be done with the most sparing hand), I see no probability of our contingent expences exceeding those of last year; but this will in some measure depend on the additional numbers sent out.

Probable
expenditure.

Lieut't Neil McKellar, who is leaving this colony, having disposed of his live stock, and such other property as he possessed here, to those who have given wheat into the public stores, and having lodged all the wheat he grew on his farm last year in the stores also, I have directed the Commissary to draw for the amount in Lieut't McKellar's favour, on His Majesty's Treasury, a voucher for which I have the honor to enclose, which I hope will meet your Grace's approbation.

Purchase of
Lieut.
McKellar's
grain.

I have, &c.,

PHILIP GIDLEY KING.

Having omitted mentioning our list of wants referred to in my General Letter No. 6, I have the Honor to enclose them with this

1802.
1 Mar.

Letter. In making those lists I have been as economical as possible and hope for your Grace's Approbation by directing them to be forwarded by the first conveyance.

[Enclosure No. 1.]

General report
on the colony.

STATE OF HIS MAJESTY'S SETTLEMENTS IN NEW SOUTH WALES.*

31st December, 1801.

Constitution
of the civil
staff.

CIVIL ESTABLISHMENT consists of the following officers:—

Governor.	Provost-Marshal.
Lieut.-Governor.	Secretary.
Judge-Advocate.	Surgeon, three mates, and one assistant.
Two Clergymen.	Surveyor of Lands.
Commissary and two Deputies.	Boat-builder.
Two clerks to Commissary.	Nine Superintendants.
Two Storekeepers.	

Of the above are absent, &c.,

One Clergyman.	Surgeon.
One Deputy Commissary.	Surveyor, invalided.

Duties of the
governor.

GOVERNOR.—As Governor-in-Chief and Captain-General the person administering that office is charged with the whole responsibility of all civil, judicial, and military concerns, also the constant inspection and control of the several departments and public works of every kind; this and the daily routine of requests, complaints, and appeals, together with the numerous occasional circumstances and events gives full employment for the whole of his time and every exertion of body and mind.

Duties of
lieutenant-
governor.

LIEUT.-GOVERNOR.—This officer also commands the New South Wales Corps, acts as a magistrate, and consequently commands in the Governor's absence from any of the settlements where he may be resident at the time.

Duties of
magistrates.

MAGISTRATES.—From the distribution of superintendants (many of whom have been necessarily drawn from among well-behaved convicts, who are become free), it will be obvious that they are ineligible for the entire superintendance of Government concerns, which renders it necessary to appoint some officer of responsibility (in whom the Governor can place a confidence) to have the direction of public affairs under the Governor's inspection at each settlement, and also to act as magistrates. For that purpose the Governor's aid-du-camp performs that office at Sydney, the Reverend Mr. Marsden at Parramatta, and another officer at Hawkesbury; they deliver weekly returns of everything

* Note 161.

that is transacted under their direction,* and as a recompence for these essential duties each is allowed the labour of eight convicts, *i.e.*, four as a magistrate, and four for superintending the public labour and other concerns.

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JUDGE-ADVOCATE.—This officer's duty will be more particularly noticed under the head of "Administration of Justice." Duties of the judge-advocate.

COMMISSARY, DEPUTYS, STOREKEEPERS.—This officer is charged with the provisions, stores, and every other article or concern wherein the public expence or expenditure is included. To assist him one deputy has charge of the provision-stores at Sydney, and one at Parramatta; a storekeeper has charge of the dry stores at Sydney; one of the grain-store at Parramatta; and a third has charge of the store at Hawkesbury; as there are only two storekeepers on the estimate, the third is a superintendant. Weekly returns are made by the deputies and storekeepers to the Governor and Commissary. No article of any kind is received into or issued from the stores without the Governor's written order, which part of his duty (or what he conceives to be such) is not the least perplexing, and constantly occupies one entire day each week. Those orders and returns are checked on the Commissary's accounts, which are inspected quarterly by the Governor, and transmitted annually by the Commissary to the Lords of the Treasury and to the Commissioners for Auditing Public Accounts, which from Sept. 23, 1800† (when Governor Hunter left the colony), till Decr. 31, 1801, are forwarded by the conveyance this goes by, an abstract of which is annexed to this statement. The duties of this department being much increased to what they ever have been before makes it necessary to observe that, exclusive of the receipts, care and issue of the provisions and stores, the Commissary is now charged with exchanging such articles as are sent by Government with the settlers, &c., for grain or animal food; and disposing of the whalers' investments in the same manner, which effectually destroys all monopolies. These duties and the exactness required in keeping the different accounts require the constant attendance of four extra clerks, exclusive of the two allowed by Government, and as much responsibility is attached to this office, a reference‡ may be had to the instructions given the Commissary on Gov. Hunter's departure. It is perhaps sufficient to observe that the other officers of this department perform their respective duties under the Commissary. Administration of the commissariat department.

MILITARY ESTABLISHMENT.—Consists of His Majesty's New South Wales Corps, under the command of the Lieut.-Governor, The military establishment.

* *Marginal note in the original.*—"From which the quarterly and annual employment of those at public labour is made."

† Note 162. ‡ *Marginal note.*—Sent by this conveyance.

1802.
1 Mar.

The military
establishment.

Lieut.-Col. Paterson. That part of them doing duty in the territory at this time are stationed as follows:—

Where stationed.	Field Officers.	Captains.	Lieutenants.	Staff.					Serjeants.	Drummers.	Rank and File.
				Paymaster.	Adjutant.	Quartermaster.	Surgeon.	Surgeon's Assistant.			
Sydney and outposts.....	1	1	8	1	1	1	1	...	22	16	368
Doing duty on board sundry vessels.	...	...	...	...	...	...	...	...	...	...	24
Parramatta and outposts .....	...	...	2	...	...	...	...	...	3	...	82
Hawkesbury .....	...	...	...	...	...	...	...	...	...	...	12
Hunter's River .....	...	...	...	...	...	...	...	...	...	...	5
Norfolk Island	1	1	3	...	...	...	...	1	4	2	96
Total	2	2	13	1	1	1	1	1	29	18	587

A corporal and four privates of the Corps are mounted as a body-guard to the Governor when travelling, and for the convenience of carrying orders expeditiously and safely from one settlement to another, for which extra duty the corporal has a shilling and the privates sixpence a day each. An ensign, non-commissioned officer, and one private are employed constructing, repairing, and having charge of our batteries and guns mounted on them, for which extra duty the ensign, &c., receive five shillings and eightpence a day Colonial pay, which is all the expence the Engineer and Artillery Department* of this colony is subject to. At present, as all the above are only employed on military duty, their labour is no otherways productive than as it tends to the general security [A]. It was customary for all the women and children belonging to or living with the military to be victualled by the Crown, and the non-commissioned officers to have one convict each maintained at the public expence. Among other alterations this has been retrenched. Five women and their children are now victualled for each company of soldiers and the convicts drawn from the non-commissioned officers to public labour. The whole number of full rations issued for the military department, including the women and children, are 646. While the Irish convicts shewed such a spirit of sedition an association was formed, commanded by some officers of the civil department, and composed of free men and settlers, who were cloathed and victualled from the public stores. However, since that disposition to disturb the peace of the colony has subsided, the association has been disembodied [A].

* Marginal note.—See state of Settlement under Military Department for July, 1800, and March, 1801. (See note 163.)

ARMED VESSELS.—Consist of His Majesty's armed vessel Porpoise and Lady Nelson, surveying vessel. During the year the Porpoise has been here she has been twice to Norfolk Island, and once for pork to Otaheite, for which place she is now refitting. The Lady Nelson has been employed surveying in Basses Straits, on which service she is now absent.

1802.
1 Mar.

Armed vessels on the colonial service.

COLONIAL VESSELS are stated in the Appendix No. 1.* The Norfolk, Francis, and Bee have been advantageously employed to Norfolk Island, to the Coal Harbour for coals, and to the Hawkesbury for grain. The Norfolk sailed in Nov. last for Otaheite in quest of salt pork. To these has lately been added the Cumberland, which was nearly finished when Gov. Hunter left the colony. The small expence these vessels are of to Government is by no means proportioned to the great use they are of, but it is to be observed that they, as well as the King's ships, are victualled from the stores of the colony, which requires 105 full rations for the whole.

Employment of colonial vessels.

SETTLERS [B] are of two classes, *i.e.*, those who came free from England, and those who were convicts whose terms of transportation are expired, or who are emancipated. Of the first class, I am sorry their industry and exertions by no means answer the professions they made in England, several of whom are so useless to themselves and everyone about them that they are not only a burthen to the public but a very bad example to the industrious. As they brought no other property than their large families, many have been and will continue an expensive burthen on the public, or starve. This description of settlers are maintained by the Crown eighteen months, and have the labour of two convicts assigned to each, which is very sufficient to provide against the time of doing for themselves, but that period too often discovers their idleness and incapacity to raise the least article from a fertile and favourable climate, after having occasioned an expence of upwards of £250 for each family, exclusive of their passage out. The desirable people to be sent here are sober, industrious farmers, carpenters, wheel and mill wrights, who having been used to draw their food from the earth, secure and manufacture it, would here find how bountifully their labour would be rewarded. If they possessed a little money in England to purchase agricultural or other tools, according to their calling and other necessaries, they would ever after (if prudent) find the great benefit of providing themselves with these necessary articles, and without them (which is the case with every settler hitherto arrived) they will have to contend with many difficulties and disappointments [B].

The condition of settlers.

* Note 164.

1802.

1 Mar.

The condition
of the settlers
of the
emancipist
and expiree
class.

SETTLERS WHO HAVE BEEN CONVICTS [C] are by no means so destitute as the free settlers. Used for the most part to labour during the period of their sentence, all work is habitual to them. Many of this description do not quit their bad habits on resuming the condition of free men [C]. *It is notorious that since the time Governor Phillip left this colony in 1792 the utmost licentiousness has prevailed among this class, altho' they have used the most laborious exertions in clearing land of timber, but unfortunately the produce went to a few monopolizing traders, who had their agents in every corner of the settlement, not failing to ruin those they marked for their prey by the baneful lure of spirits. So wretched has been this class that previous to Governor Hunter's giving up the command forty-seven settlers had assigned their farms and growing crops to satisfy their rapacious creditors, and many were compelled to leave their families destitute of the necessaries of life. It is true that some of these class who have been agents to the higher class of dealers have comfortable dwellings, but the most part (whose interest has been forfeited on the soil they labour) have wretched hovels, and that in a country abounding in the best materials for building. It can scarce be credited that, in a soil and climate equal to the production of any plant or vegetable, that out of 405 settlers scarce one grew either a potato or cabbage till the want they have experienced during the last year has enforced the necessity of cultivating gardens. Growing wheat and maize, which are the articles required by the public stores, has been their only object, and when that has been obtained it has often occurred that one night's drinking at the house of some of those agents has eased them of all their labour had acquired the preceding year.*

[D] I hope the reform so evidently commenced will continue. Industry appears to be returning, and all except a few abandoned characters among the settlers are endeavouring to regain the independance and comforts they have so long forfeited. The regulations respecting private investments* brought for sale, and the advantage Government has given the settlers of supplying their wants at 30 per cent., instead of paying 4 or 500 between the ship and the shore, and as much after to the retailers,—all these advantages appear to operate on this *hitherto oppressed* class of inhabitants who have enriched those now worth thousands, gained at the expence of the settlers' labour from the public purse. I do not mean to exculpate the settlers from their share of censure. The warnings of former Governors have been of little service, nor indeed could it be expected while the cause of these evils abounded so much, and while the trading individuals charged and recovered the extortionate charges they made

* Marginal note.—“ See General Orders transmitted.”

without any check. £8 per gallon for spirits was recovered at the Civil Court before Gov'r Hunter's departure, and the verdict confirmed in an appeal. Among the regulations made on Gov. Hunter's departure, destroying monopolies, causing the proprietors to bond the spirits they brought for sale, restricting the price and distribution of it, ordering wheat and live stock to be accounted legal payment for debts, and reducing the price of grain, were, among many other regulations, objects of much animadversion, secret threats, and officious advice, all which have been silently contemned, and by persevering in the line of duty pointed out, it is hoped a continuation of that amendment which is so obvious will fully contradict the predictions, or rather hopes, of those who foretold the ruin of the colony from these regulations, and particularly from the prohibition of spirits. There is a third description of settlers not mentioned, *i.e.*, officers cultivating farms, among whom are a few who, from the great property they have acquired in money, farms, and stock, may be termed leading men among the settlers from the influence their property gives them. It is true that the exertions of these officers, altho' guided by their private interest alone, appears to have greatly forwarded the clearing of land and raising grain, nor is it improbable but that the restraint laid upon monopolies and spirituous liquors has checked these exertions in a small degree, but at the same time it has increased the industry of the other description of settlers, who *are* now *beginning* to enjoy the fruits of their own industry, many of whom might now have been independant and had flocks of sheep from those distributed among them by Gov'r Phillip. Only one settler has reserved the produce of the ewes given him, the rest having been suffered to sell theirs a few hours after Gov. Hunter left the colony. The detail of officers cultivating land is stated in the Appendix No. 2.* [D]

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1 Mar.

The suppression
of monopolies.

Settlers from
amongst the
officers.

MALE CONVICTS AT PUBLIC LABOR.—[E] As this class are victualled from the public stores, the labor of such as are not aged, ruptured, and otherways disabled (which are not a few), is for the public benefit, a great part of whom are not employed in producing grain, their labour being indispensable at other works of public necessity, as detailed in the "Quarterly Employment."† By that statement it appears that (except at seed-time and harvest, when almost every other description are put to that necessary labor) two hundred are now employed in cultivation and preparing ground. The care of Government stock requires the constant attendance of fifty-one men, which are all classed under the head of agriculture. As the labor of this class is

Male convicts
engaged in
public labour.

* *Marginal note.*—“ See Enclosure No. 7 in general letter No. 6 sent with this.”

† *Marginal note.*—For March 1st, 1802. Annexed to General Letter No. 6.

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1 Mar.

Male convicts
engaged in
public labour.

exacted from them by the hand of authority, they are not actuated by the same motives as those who labor for their own profit. This, with their very bad characters and former pursuits, with their perseverance in those crimes which brought them here, requires a constant and unremitting attention to make their labour the least beneficial. Nor can it be so productive as if guided by the will and for the self-interest of an industrious individual, which is very obvious by comparing the settlers who have just emerged from that state and the convicts who continue in it. There certainly are some exceptions, yet they are but few, as the same perverseness and indifference pervade the whole of this class, among whom are many of the United Irish, whose minds are constantly occupied in exciting confusion by their stubborn seditious principles, which requires great vigilance to counteract. The overseers placed over this class are not much better, for the want of the incentive of a certain reward, which is limited to their having the labour of one man each, and their families victualled from the stores, with the prospect of emancipations and free pardons; it therefore often happens that notwithstanding the assistance given by the superintendants, that every exertion necessarily falls on the Governor, who alone is responsible, and consequently interested in the advancement and prosperity of the colony.

The next class maintained at the public expence are servants to officers, civil and military, extra convicts allowed officers who do duty as magistrates, &c., and those allowed to free men who are in places of trust and receive no salary from the Crown. The number of convicts thus disposed of are detailed in the Appendix in which the great reduction made in that class since September 1800 is obvious [E].

Female
convicts.

FEMALE CONVICTS AT PUBLIC LABOR.—[F] As most of these are of the worst description, and totally irreclaimable, being generally the refuse of London, very few of them are useful, except those employed spinning, who are mostly from the country [F].

Convicts
allowed
off the store.

CONVICTS OFF THE STORE.—[G] There are many convicts still under the sentence of the law who are, in consequence of good behaviour and long servitude, either allowed to get their own maintenance or allotted to settlers and other cultivators, the number of which amounts to six hundred and eleven men and two hundred and sixty-one women, who, in labouring for themselves, are advantageous to the colony without being of any expence to the Crown. On any improper behaviour they are recalled to Government labour [G].

Expirees.

CONVICTS WHO HAVE SERVED THEIR TERMS OF TRANSPORTATION AND WHO WORK FOR THEMSELVES.—[H] If it is desirable for those who

are under the sentence of the law to earn their own livelihood, those who have expiated that sentence loose no time in availing themselves of that privilege. As this description form so great a part of the inhabitants who are of no public expence, they employ themselves either in agriculture, fishing, or at their different callings, and not a few (as in all other societies) live by plundering their neighbours and the unwary; hence it frequently happens that many of this class are re-transported and sentenced for short terms to public labour [H].

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Expirees.

CHILDREN.—[J] Another class remains, *i.e.*, children, whose numbers amount to one thousand and seven, and finer or more neglected children were not to be met with in any part of the world. Soon after I arrived here the sight of so many girls between the age of eight and twelve, verging on that brink of ruin and prostitution which several had fallen into, induced me to set about rescuing the elder girls from the snares laid for them, and which the horrible example and treatment of many of their parents hurried them into. ORPHAN HOUSE.—A spacious brick house *built by Lieut. Kent, offered as an immediate asylum, which was valued and the estimate sent Home with a bill, the payment of which was conditional on the Secretary of State's approval,* and a committee consisting of the chaplain, three other officers, Mrs. King, and Mrs. Paterson, accepted the office of managing this institution. Forty-nine girls from seven to fourteen years old were received into the charge of as eligible people for that purpose as could be selected in this colony. They are victualled by the Crown, but every other expence attendant on this institution has been defrayed by contributions, fines, duties on shipping, &c., with no other expence to the public except the house [J]. [K] The children are taught needlework, reading, spinning, and some few writing. *Materials for building a much larger asylum are collecting.* As this is the only means to rescue the succeeding generation from the great depravity that exists among the present inhabitants of this colony, a sincere hope is formed of its being continued and supported with that earnestness and prospect of success that has marked its commencement [K].

The problem
of the children.The Orphan
Institution.

Having *gone through* [L] the different descriptions of persons in this colony, it is necessary to state the numbers who maintain themselves and those maintained by the Crown. The number of those who support themselves by their own labour is 3,273, or 2,765 full rations, equal £55,300. The number supported by the Crown is 2,627, or 2,260 full rations, equal £45,200, of which there are 1,594, or 1,243 full rations, whose labour is no ways productive for the support of themselves. Those who are actively

General
statistics of
the colony.

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The condition
of agriculture.

employed for the Crown in the various occupations incident to raising grain, securing it, taking care of the stock, and in works of public necessity, amount to 1,013 full rations. The means of providing for the wants of both these descriptions is the next object.

Out of 10,800 acres of land cleared of timber by individuals, *not more than 7,195 acres were cultivated in 1800, and 8,421 in 1801, from whence it will appear that many farms are totally deserted for want of ability in the possessor to cultivate them.* Many now laying waste would be highly productive, but belonging to individuals whose involved state prevents them from cultivating those farms that have hitherto been worked for the lure of spirits in exchange for Government bills arising from their industry, are now lying idle and waste [L]. The influx of spirits being now greatly reduced, and I have no doubt will be soon totally done away, it is hoped that labour will be carried on as well without spirits as with, altho' it has been confidently asserted that from the time three American ships were ordered away with 58,000 gallons of spirits and wine, agriculture would lose its greatest support.

Floods at the
Hawkesbury.

In the different districts [M] some farms more or less are worked, but the principal cultivation among the settlers is at the Hawkesbury, than which there cannot be a more productive soil; and but for those destructive inundations* that so frequently happen, those settlements alone would ensure a supply of grain for the whole colony; but this calamity happening so frequently is a great discouragement to those who have so often been washed from their farms and lost their all. From October, 1800, to May, 1801, four floods happened in that district, the principal of which was in February and October, when it rose fifty feet above the ordinary tides.

The floods in February took away 3,589 bushels of wheat and 588 acres of maize; the floods in October took away 484 acres of wheat and 766 acres of maize—making a loss of 12,269 bushels of wheat and 27,000 bushels of maize (besides a great quantity of stock, dwellings, &c.), equal to sixty weeks' consumption for those victualled from the stores, a loss we felt greatly; and had it not been for the reserve of Government's wheat and maize this colony would have felt every distress of a famine, as it required great management to make the remains of *last year's* crop serve until supplies could be obtained from this year's harvest. Notwithstanding this great discouragement and loss the settlers have persevered in that quarter, and a most abundant crop of wheat has been produced and well saved, but unfortunately is still liable to be swept away before it can be thrashed, such is the precarious dependance on those highly productive settlements.

* Note 40.

The other cleared parts of the colony, altho' free from those misfortunes, are very inferior in point of produce or facility of working the ground, the banks of the Hawkesbury being a fertile light mould, enriched by the floods it is so subject to, and the other settlements in general being of a clayey, cold soil. *The average crops at the Hawkesbury are twenty-five bushels per acre, but thirty-five have often been produced; at the other settlements not more than twelve or fourteen.* The evident and great advantages the settlers and lower orders of people now have of supplying their wants at a cheap rate by the necessaries lately sent by Government, which those who are industrious obtain at thirty per cent. above the prime cost in exchange for their overplus grain, which will not only redouble their exertions to obtain the means of satisfying them, but also rouse them from that debauched and destructive conduct they have so long been slaves to, yet it will require some time, much bearance and forbearance, to attack and destroy habitual misconduct sanctioned by long custom, especially when the wound is so very deep and so many are interested in the cure not being attempted. The settlers and other private cultivators necessarily require the labour of those free men who have no grounds of their own, in addition to the Government servants assigned them. They not only raise a sufficiency of grain for their own use and those they employ, but have a great overplus which they sell to Government either in payment or in exchange for necessaries, by which they are enabled to supply themselves with other necessaries and some of the comforts of life from masters of ships [M].

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Fertility of the soil in different districts.

[N] The extent of ground about Toongabbee designed by Governor Phillip for public cultivation has been mostly granted away to settlers, leaving Government a very circumscribed space not containing more than 300 acres of entirely worn-out land, which has been in constant cultivation. The manure from the stockyards, and folding the stock upon it, *will allow of its being sowed this year. A quantity of timber had been fallen at some distance from Toongabbee, but the soil was found cold and clayey.* From the arrangements made in public labour in 1800 several men were drawn from other employments to public cultivation; and as it requires time to clear away at a place designed by Governor Phillip for a public farm (*where a number of men have began to clear away*), it was necessary therefore to employ the rest usefully. After the public grounds about Toongabbee were sown and some weeks remaining of the season, no more public ground being clear, and many private farms lying waste (altho' the property lies in the grantees and purchasers), one of the most productive* was rented at fifteen shillings per acre, which was

Report on the district of Toongabbee.

* Note 41.

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Public
agriculture.

cropped with wheat [N], making in the whole 476 acres of that grain sowed for Government and about 120 acres of maize, which may by estimation produce about 7,600 bushels of wheat and 2,000 bushels of maize. About 120 acres have been cleared this year for Government, and will be cropped with wheat this season, and as much of that sowed last year as can be got ready.

From the preceding paragraphs the following comparison may be made between the number of inhabitants and the produce of the grounds cultivated belonging to the Crown and individuals, viz. :—

General
summary of
grain supplies.

Number of full rations victualled, 2,365; wheat to supply at full ration for twelve months ...	29,640 bushels.
Produce of Government grounds ...	8,000 do
Deficiency to be supplied by individuals ...	21,640 do
Number of full rations not victualled, 2,765; wheat to supply them ...	34,658 do
Produce of individuals' grounds—say 4,000 acres ...	60,000 do
Overplus, which, if spared by the floods and accidents, will go towards maintaining any additional numbers who may arrive, and for cropping the ground this year ...	13,702 do

The live stock.

PUBLIC STOCK.—Since September, 1800, the increase and present state of stock, exclusive of the wild cattle, is as follows, viz. :—

1,109 cattle ...	£36,597
38 horses ...	2,280
809 sheep ...	1,618

[O] The above are calculated at the present price, *i.e.*, as sold by the inhabitants among each other, viz., at about £33 a head for the cattle, £60 for horses, and £2 for sheep, which amounts to the sum of £40,495; but Government does not give more than £28 a head for the cattle contracted for from Bengal. Part of the oxen are yoked and do much public labour. Great care is taken of the females. This stock is divided into four herds, under the inspection of a trusty, active person, who came from England as a superintendant in 1792. As his charge is great he has £50 per annum, exclusive of his superintendant's pay, which is the least recompense he can have considering the great charge he is entrusted with. The following is a statement of the time this last resource would last at whole and half ration for the numbers victualled from the store :—[O]

1,109 cattle at 300 lb. each—332,700 lb. ...	{ 21 weeks at whole. 42 do at half.
809 sheep at 30 lb. each—24,270 lb. ...	
Total ...	{ 1 do at whole. 2 do at half. 22 do at whole. 44 do at half.

[P] In a very few years the increase will nearly supply the consumption of the present numbers in the colony, as there is not a

finer grazing country in the world, but at present they would be a very inadequate resource and soon expended. One point must be kept in view in all these calculations, viz., that they are made for the number of inhabitants in the colony at the time the calculation was made; but as upwards of 925 convicts and others were received in the year 1801, and the probability that the number sent out will be greatly increased *when* the war is over, that circumstance is to be kept in view. It is true that nine months' salt meat is sent with each ship for the convicts they bring, and that a greater quantity of grain may be raised in the year if they arrive at the proper time; but it is not so with the increase of animal food [P].

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Increase in the
population.

WILD CATTLE.—Altho' the wild cattle are getting very numerous, yet from their ferocious state and their distance from the settlements, no certain dependance can as yet be placed on them. It is probable the mountains will stop their progress westward, and in which case they must return eastward, which will put them within our reach, and to ascertain this point an officer is gone with a party to endeavour establishing the possibility of being able to get over this barrier.

The wild cattle.

HORSES.—The horses being mostly of the Cape breed are far from being so useful as the English breed would be; they are generally appropriated to labour.

Horses.

SHEEP.—Sheep, where they are taken care of, do very well, but many die by the footrot and water in the head.* [Q] The greatest proportion of sheep belong to individuals, which, by the introduction of three Spanish rams in 1797,† are improving greatly in their wool. Some half-bred Spanish rams that have lately been procured for Government flock have greatly improved the fleeces, which, being of the Cape breed, are entirely hair [Q].

Sheep.

Stock belonging to individuals consists of nearly the following numbers:—Cattle, 344; horses, 226; sheep, 6,091; goats, 1,310; swine, 4,760; [R] the value of which, according to the preceding estimate, amounts to nearly £62,859. The cattle have been procured from those brought for Government in the Gorgon in 1791, which were given to certain officers by Major Grose. Some few cattle, horses, and sheep were brought from India and the Cape by masters of ships, which the officers bought. I have already remarked that previous to Governor Phillip's departure he gave each settler two ewes belonging to the Crown; to some officers he had been equally liberal. As these sheep were given with an expectation and injunction not to be parted with, it was hoped that each settler might raise a good stock; but on his departure every ewe, except those belonging to one settler, was purchased

Stock owned
by individuals.

* Note 165. † Note 166.

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The value of
fresh meat.

from those unthinking people at five gallons of spirits a head. This accounts for so great a proportion of sheep being in the hands of officers, and those which do not now belong to officers have been sold by them to the present possessors. Beef, when killed by individuals, is sold at 3s., and wether sheep at the rate of 2s. per lb. Purchasing beef or mutton at that rate for Government is out of the question. The hogs, which are more equally divided, being so few in number, are generally appropriated to the use of the settlers and people who support themselves, and many have necessarily been sold to ships. Much encouragement was held out to settlers to put their overplus fresh pork into the stores; but owing to the losses of grain and hogs by floods, and the necessity of supplying their own families and *their* labourers from this species of stock, has hitherto prevented them from supplying the stores with any. It will therefore appear that the general dependance must be placed on the horned cattle, which increase and thrive so well that in a few years there will be a great abundance of that stock, if not too soon and incautiously began upon for the maintenance of the inhabitants, which I have already shewn would last but a short time [R].

[T] From the preceeding part of this statement it appears,—

Self-supporting
colonists.

1. That out of 5,975 souls in the territory, 3,273 support themselves without any expence to the Crown.

The supply
of grain.

2. Respecting grain raised by those at public labour for those supported by the Crown, it is obvious that the necessity of carrying on several indispensable public works, and the great proportion of civil, military, invalids, aged, infirm, and children who do no public labour, is the cause why the grain raised by those at public labour is insufficient for the use of those unavoidably maintained at the expence of the Crown; and that the deficiency is either purchased from the settlers or exchanged for such necessaries as Government has sent and will continue to send out.

The supply of
animal food.

3. Respecting animal food, the numbers who support themselves are necessarily requiring the produce of their stock for their own support. The accumulating increase of Government cattle is the only certain dependance for animal food for those maintained by the Crown, for the preservation and increase of which salt pork should be sent here for a few years, although there is great reason to hope the want of that supply will decrease yearly, particularly if supplies can be procured from the Society Islands and more cows can be obtained; but if a number of people are sent out yearly the term of not needing further supplies of animal food must consequently be prolonged.

4. As the sugar is a part of the ration ordered by the Treasury, it is continued to be issued; but being got at 6½d. per lb. the expence is not half what it would be if wheat was substituted in lieu of it. 1802.
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The supply of sugar.

5. Respecting cloathing, the present quantity of sheep, the indifferent quality of their fleeces, the flax being in its infancy of growth and manufacture, and the great want of two persons perfectly qualified to superintend and direct those works, renders it necessary to continue sending supplies of cloathing here for the use of those maintained by the Crown, as well as a quantity for those who maintain themselves, to be given in exchange for grain. The supply of clothing.

6. In explanation of the five preceeding paragraphs it is necessary to make the following estimate of what the expence will amount to for maintaining those necessarily maintained by the Crown [T]. The present number of full rations victualled is 2,365; but allowing 200 more, which I presume is the least number that may arrive this year, the number of full rations may be averaged at 2,565, at £16 7s. 2d. each, is £41,959 2s. 6d. per annum. Probable expenditure on supplies.

[U] A full ration for one week consists of the following articles, with the value thereof, for twelve months, viz. :— Cost of a full ration.

	£	s.	d.
4 lb. pork sent from England, supposed 1s. per lb.	10	8	0 per ann.
12 lb. wheat, at 8s. per bushel is 1¾d. per lb. ...	4	11	0 do
6 oz. sugar, at 6½d. ...	1	8	2 do
Value of a full ration for twelve months ...	£16	7	2

For the clearer understanding the description of people supported at the expence of the public, the different classes are thus particularized, and the annual value of their full ration [U], viz. :— Individuals supported by government.

	£	s.	d.
46 full rations to Civil establishment, at £16 7s. 2d. each	752	9	8
662 do military do do ...	10,829	4	4
72 do settlers lately arrived do ...	1,177	16	0
1,414 do convicts, &c., at public labour, including invalids, sick, aged, infirm officers, servants, women, and children at £16 7s. 2d. ...	23,130	13	8
66 do orphan and deserted children...	1,079	13	0
2,260 do will cost the Crown, supposing a full ration to be constantly issued ...	£36,969	16	8

To this estimate must be added the value of two suits of slops a year to each convict at public labour, *i.e.*, 1,759, at £2 4s. 7d. each suit.

The produce of the grounds cultivated for the public benefit is as follows:— Value of public agriculture.

	£	s.	d.
1800:—Wheat, 3,600; maize, 1,480 bushels ...	1,800	0	0
1801:— Do 7,600; do 2,000 do ...	3,440	0	0

1802.
 1 Mar.
 Supplies of
 salt pork from
 Otaheite.

EXPERIMENT OF OBTAINING SALT PORK FROM THE SOCIETY ISLANDS.
 —From the missionaries' accounts, as well as from Cook's and Vancouver's voyages, and the very recent visits of whalers to Otaheite, it was probable a quantity of pork might be obtained from that and other islands in the Pacific Ocean. Some salt had been purchased from a whaler, and a sufficiency was made here to salt about fifteen or sixteen tons of pork. Casks were collected, and some articles got together for barter as soon as the Porpoise could be got ready. After making two voyages to Norfolk Island, I sent her to Otaheite, giving the commander such orders as I thought most likely to enable him to attain the object of his voyage. After an absence of nineteen weeks she arrived with a very timely supply of 31,000 pounds of excellent salt pork for the use of the colony, procured at the trifling expence of 2½d. per lb., counting every expence. The Porpoise stopped at Tongataboo, one of the Friendly Islands, on her return, but found the inhabitants of this once plentiful island starving. From the assurances I received from the chiefs of Otaheite and the missionaries established there, I have reason to suppose that island will continue to afford us a supply of salt meat, as we now make a sufficiency of salt to keep up the connexion, and as the Porpoise wanted great repairs, I despatched a small Colonial brig of fifty-six tons (the Norfolk) with salt, casks, and such articles as could be collected for barter and presents to the chiefs. She sailed the 8th Nov., and may be expected to return about next April. When the Porpoise returned from Otaheite, Mr. George Bass (late surgeon of the Reliance), who ascertained the existence of the straits that separate Van Dieman's Land and New Holland (which bear his name), was here in a small vessel going to the north-west coast of America, but as he had learned that skins were no object for the China market, he offered to go to those islands and procure what salt pork he could, and let Government have it at 6d. per lb. I agreed to his making the trial, which I was induced to do, knowing that every pound of pork brought here from England stands the Crown in 1s. a pound. If articles for barter can be collected, the Porpoise will go again in April, when the Norfolk may be expected to return. Notwithstanding the success that attended the first experiment, a constant supply cannot be expected. Exclusive of the caprice of the natives in supplying hogs, it is well known that at Otaheite there is often a necessity for preventing the swine being killed, and that being the only island that needs little or no precaution for the safety of those who visit it. At every other island some address and much circumspection is necessary in having any communication with the natives, which the momentary error either of a native or

seaman might destroy. It is on these accounts and the want of proper articles of barter that renders the certainty of this supply quite eventual, and by no means to be depended on, altho' it is of too much consequence to be neglected.

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CLOATHING.—[S] To supply the want of cloathing we have no present means in any material degree, and the only prospect of acquiring it is by the growth of wool and cultivation of flax. The problem of clothing supplies.

In the preceding part of this statement I have noticed the numbers and manner in which the sheep are distributed, their diseases, and improvements in the fleeces by the introduction of Spanish rams, as the covering of Government sheep is mostly hair. The wool belonging to individuals' sheep was received into the manufactory and coarse blanketting made of it, the proprietors of the wool receiving one yard out of four. Since Governor Hunter's departure 676 yards have been made and returned into the store, after deducting the owner of the wool's part. As about thirty-six full rations, on an average, have been employed, most of whom being convalescents or invalids were unfit for any other labour, and as an encouragement to the convict who has the charge of that work and the weavers, they are allowed 1d. per yard, which brings the blanketting given into the stores to 20s. per yard. When the wool gets of a finer grain and more plentiful (as there is not now sufficient to give constant employment) the cloth may be made of a texture fit for common apparel; but as this desirable event depends on the increase of the sheep and improvement of the fleeces, it will be some time before woollen cloathing can be furnished from that resource.

From a small quantity of European flax-seed a sufficiency has been grown to make 279 yards of fine and 367½ of coarse linnen, according to the samples sent with this. The manufacture of linnen. As the person appointed to superintend this necessary object was drowned on the passage out,* an Irish convict conducted that manufactory. Every woman that can spin has been employed since October, 1800. As the man this charge was given to has turned out a worthless character, it would be proper to send a free man from England who understands the growth and manufacture of this necessary article, and whose character for sobriety, diligence, and having a thorough knowledge of his business would bear the strictest enquiry and be depended on. With such a man a very great progress would be made in manufacturing linnen. Until one can be sent the growth and manufacture of flax will be constantly attended to. From what has been stated under this head the necessity of continuing to send cloathing here will be obvious. The quantity required for those at public labour is two suits each man and woman, at per annum, giving constables and others

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on particular occasions and losses additional suits or separate articles. Of bedding, it is much to be regretted that few or none of the labouring people are possessed of the least article [S].

[X] Having detailed every circumstance that respects the expences within the colony, *i.e.*, for the maintenance of those supported at the public expence, I shall next state such further information respecting this settlement which appears necessary to communicate.

The want of
respectable
settlers.

From what has been already stated it is obvious that mixture of the inhabitants would be very desirable. If fifty respectable families, the heads of which ought to be good practical farmers, were sent here with the idea of staying here all their lives, much improvement would be made in that pursuit. People without any property will find themselves very uncomfortable and ill provided for, but with about £200 or £300 in England they might provide such necessaries and comforts as they would long feel the advantage of. Altho' much of the ground about the settlements in its natural state is of an indifferent kind, yet there is a very sufficient proportion of as fine soil as in any part of the world, and at some distance large tracts of a fine country that might be cultivated to great advantage, and the whole surface is perhaps unequalled for grazing-ground, either for sheep or horned cattle. Of fresh water there is certainly no want, the convenience of streams in many places being amply supplied by ponds of good water, and almost all situations produce water by digging wells. Thus there can be no want of good land and every other natural convenience for a number of settlers, but great care should be used in the selection of those who are sent out, as any other callings but the farmer, carpenter, millwright, and wheelwright are very unequal to provide for the large families they bring out, and would in all probability prove a continual and expensive burthen to Government.

Coal the only
known natural
product.

This colony being a place of exile for those who have violated the laws of their country, it is necessary to observe that at this moment no other natural production is known of that can defray any part of the expence except coals. The want of proper vessels to transport them, on the part of Government, to the Cape of Good Hope has become an objection to sending any there, as the Colonial vessels are much too small for a voyage of that kind, and the Porpoise, which would not carry more than one hundred and fifty tons, has been hitherto more advantageously employed. Some ships that brought convicts have taken a few tons to India [X]. As a settlement has been made at Hunter's River, where the coal is found in such abundance, vessels are sent occasionally to bring

them for the use of the colony. The river and surrounding country has been recently examined, and from the report of the officer who went on that service since Col'l Paterson was there, it appears very inelligible for an agricultural settlement. The only articles that could be raised (if hereafter no natural productions are discovered) would be wine, cotton, or indigo. The probability of raising either to advantage I shall endeavour to state.

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The settlement
at Hunter
River.

[Y] When this colony was first settled the growth of vines was an object of Governor Phillip's attention. The vines then planted in gardens did extremely well for the first four years, after which as the country was cleared and the management of vines not being understood, they failed so much that for the last two years not 20 lb. of good grapes were produced, except from a vine here and there in situations entirely sheltered from the southerly and S.E. winds.

The cultivation
of the vine.

For the last two years, in the course of one night every vine has been blighted, the grapes and leaves being entirely burnt up. Whether this is owing to a blight in the air or any other cause we are at a loss to guess [Y]. In December, 1800, two Frenchmen engaged by Government to superintend the growth of vines and make wine arrived here. As the vines then in the colony were all that remained of those first planted in gardens, and quite spoiled by bad management and other causes, they planted about 7,000 cuttings in the most favourable situation, and are now doing very well, but it will be at least two years before they bear fruit. How far they may be still liable to blights and being destroyed must depend on the result, but in the meantime planting those cuttings in different situations will be persevered in until a sufficient experiment has been made.

[Z] Respecting cotton, much seed has been sown here, both from the Bahamas and the Isle of Bourbon. Experience has proved that it will not do here, but there can be no doubt of its succeeding further to the northward if a harbour and access to it can be found within and through the Labyrinth from the latitude of 20° to Cape York. Indigo would also thrive extremely well between those parallels. *In the course of the next summer two of the Colonial vessels, if they can be spared, will be sent to explore the coast and the openings of the Labyrinth, from Sandy Cape to the north point of this continent, if that should not be an object of Capt'n. Flinders' researches.* And should an eligible situation for a settlement with respect to a port, access to it, and soil, be found within that space, forming an establishment for the express purpose of cultivating cotton and indigo, with maize for the subsistence of those sent there, might in the course of time prove highly productive and beneficial, as the cotton might be

Cotton.

Indigo.

Proposed
exploration.

1802.
1 Mar.

Proposal for
a new
settlement.

advantageously disposed of at China, and the indigo sent to European markets. In the event of such a place being found, the particulars should be transmitted to England, and if Government judge necessary to form such an establishment a proper person should be sent from England. If a man of activity both of body and mind, acquainted with the cultivation and manufacturing those articles, and who has been sufficiently habituated to the manners of the better sort of mankind to command and enforce obedience and respect, such a person would in all probability be successful.

Discovery
of fustick.

Exploration in
the interior.

Discoveries
by Flinders
and Bass.

Voyages in
Bass' Strait.

It would also be advisable to send a certain number of convicts, male and female, in the same ship, and to be sent to the new settlement at once, so as to have as little intercourse as possible with this place. However, until such a situation is found any further observation on this subject is premature. Fustick* has been found at Hunter's River, samples of which are sent. It grows very small, but appears to be an excellent dye, nor can there be any doubt but the country affords many valuable articles which time must discover [Z]. An officer† is going a journey into the interior at least so far as to endeavour ascertaining whether there is a passage thro' the mountains. That fact once known it is my intention to form a chain of dépôts for provisions to enable him to continue his pursuit without returning for provisions. A person‡ employed by Sir Joseph Banks is also going on a similar pursuit, and I hope much will be done by the scientific people‡ who I am told may be expected in the Investigator. Much has been done towards exploring the coast to the southward by Captain Flinders and Mr. Bass, but I can observe nothing in either of their narratives to conjecture that a more eligible situation exists on every account for forming the principal settlement at than Port Jackson. Nor can I discover from their observations any other place proper to fix another settlement at to the southward of this, unless in the straits, either at Port Dalrymple on the south, or Western Port on the north side. Perhaps the former would be the most eligible place on account of the prevailing winds which are from the south to west. Since the discovery of Basses Straits, and the chart published by Arrowsmith, the following vessels have gone thro' them, and from their observations the charts that accompany this are formed: The Lady Nelson passed thro' coming from England in December, 1800. She made the land in latitude 38°, long. 141°, and kept along the New Holland shore. In January, 1801, a small brig§ from the Cape of Good Hope, commanded by Mr. Black (a person of good abilities as a surveyor and navigator) passed thro', and keeping more to the southward made Cape

* Note 167. † Note 168. ‡ Note 169. § Note 64.

Albany Otway, and standing across to the southward made an island lying in the centre of the west entrance of the strait, which he named "King's Island," and afterwards passed thro' the centre of the straits. A few days after a brig* from England made "King's Island," and having met with an uncommon easterly wind, was ten days getting through. She worked from the north to the south side and passed thro' Banks's Straits. Since then two vessels† have been for six months together sealing at different times of the year, and have attempted to get to the westward of Western Port, but could not succeed owing to the constant west and south-west winds, which blow with scarce any interval, and sends a very great sea quite thro'. As these vessels were extremely well found and persevered greatly, I am led to believe that a passage to the Cape of Good Hope, through those straits, if not impracticable, would be very unadvisable to attempt. But for ships coming from the westward these straits are certainly most happily situated as no ship need go higher than 39° S., and every seaman knows the difference there is in the weather in that latitude and in 45°, which ships must necessarily get into to round Van Dieman's Land. It is true that the wind is constantly from the westward and S.W. until the distance of the South Cape, when it invariably comes from the N.E., which causes nine ships out of ten to be from ten to fourteen days getting to Port Jackson after having rounded the Cape, all which is avoided by passing thro' the straits, which are sufficiently wide. The distance from Cape Albany Otway to King's Island not being more than 16 leagues, the parallel of 39° 15' takes a ship clear of all. The latitude and longitude of Wilson's Promontory, from many coinciding observations and by chronometers, is 39° 10' south, and 146° 52' east.‡ The chart§ that accompanies this is not meant as a conclusive one, as much additional information is expected from the Lady Nelson's present voyage of survey, which she sailed on in Nov'r last, nor can a chart be considered as perfect until Capt'n Flinders has examined the straits; still the one now sent may be published as a sufficient guide for any vessels using the common precautions on their way hither. The conjecture of N. S. Wales being insulated from New Holland still remains undecided.|| Lieut. Grant, in the Lady Nelson, saw no land at the bottom of Portland Bay in passing it, but his survey of Wilson's Promontory and Western Port does away with the supposed opening between these points, which was presumed might be the south entrance of such a separation, as it lies nearly in the meridian of the Gulf of Carpentaria. Respecting the whale-fishery on this coast, it has certainly succeeded so far that three ships have gone home loaded with spermaceti oil,

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1 Mar.

Sealing in
Bass' Strait.

The prevailing
winds near
Tasmania.

Imperfections
in the chart of
Bass' Strait.

Geographical
conjectures.

The whale
fishery.

* Note 64. † Note 170. ‡ Note 171. § Note 172. || Note 173.

1802.
1 Mar.
The whale
fishery.

i.e., Eliza, Britannia, and Albion. Six are now on the coast and off the north end of New Zealand. When last heard of they had various success. Some had upwards of 600 barrels (70 tons). Every ship that comes here, and indeed our Colonial vessels, always see great quantities of whales; but the objection on the part of the masters of the whalers is the frequent gales of wind that happen on this coast. However, as it is certain that whales may be caught in great plenty here, this coast will generally be preferred to the coast of Peru in war time, and even in peaceable times. The run by Van Dieman's Land is less destroying in wear and tear than by Cape Horn, which will not only give the whaler the chance of bringing prisoners and stores out, but also inable them to try this coast before they go to the coast of Peru.

STATEMENT OF PUBLIC WORK done from Sept. 23rd* 1800 to Dec. 31st 1801.

Cultivation—Average Number of Men Employed 191.

Sept. 23rd, 1800	}	Breaking up and manuring 100 acres of ground, planting it with maize, hoeing it at different times, gathering and housing 1,570 bushels of maize.
June, 1801		
Novr., 1800, to Novr., 1801.	}	Reaping, carrying, and securing the wheat from 300 acres of ground sowed in Govr. Hunter's time, and thrashing it out, which produced 3,600 bushels of wheat.
May to July		
Novr. and Decr., 1801.	}	Breaking up and manuring 476 acres of ground. Sowing it with wheat, reaping and securing it, estimated to produce 7,600 bushels.
Sept. and Oct., 1801		
During the year ...	}	Breaking up and manuring 100 acres of ground and planting it with maize, estimated to produce about 2,000 bushels. Fell the timber and cleared it off 110 acres of ground for this year's cultivation. Raised English flax from a small quantity of seed, sufficient to make 646 yards of linnen.

Stock—Average Number of Men Employed 47.

Divided into 4 herds of cattle and three flocks of sheep.

Buildings—Average Number of Men Employed 249.

A Stone Magazine and a store-room at the Battery—Finished the tower of a stone wind mill and making the machinery—Built a large house and horse mill for grinding flour—constructing a stone reservoir for salt water to make salt from—built a store house at the Hawkesbury—weather boarded 40 houses at Parramatta and Toongabbee which were in ruins—building chimnies—finishing the church at Parramatta and began one of stone at Sydney—repairing and keeping in order the Barracks and all the

* Note 162.

Government houses at the different settlements—masons reconstructing the battery at Dawes Point and making another at the entrance of the harbour—built a guard house at the South Head—erecting a tan yard and buildings at Parramatta—built a large blacksmith's shop and carpenters' work shop etc. of brick and enclosed a lumber yard at Sydney for the carpenters at public labour.

1802.
1 Mar.

General
summary of
public work.

Boat Builders—Average Number of men employed 28.

Built two boats—finished and launched the Cumberland colonial vessel of 26 tons—rebuilding old boats and doing constant repairs to the Porpoise, Lady Nelson, Francis, Norfolk and Bee colonial vessels.

Woollen Manufactory—Average no. of able men 5, invalids 12.

Women spinners 30 have been employed as often as wool could be got for them, in sorting picking washing carding and spinning and weaving 676 yards of blanketting.

Flax Manufactory—Average no. of men employed 5 and
12 women.

Sowing, pulling and going through the various necessary works, spinning and weaving 279 yards of fine and 367 yards of coarse linnen, two superintendents as mentioned in page [433] of the present statement would greatly improve these necessary works.

Tanning—3 men employed.

Have tanned several hides for harnessing Government oxen and various other purposes—a quantity of hides remain in the yard going through the different processes.

Dec. 31st 1801.

PHILIP GIDLEY KING.

[Enclosure No. 2.]

[A copy of the return of expenses from 28th September, 1800, to 31st December, 1801, has not yet been found.]

[Enclosure No. 3.]

[A copy of the Commissary's return of stores sent for sale has not yet been found.]

[Enclosure No. 4.]

[A copy of the return re the investment shipped in the Cornwallis has not yet been found.]

[Enclosure No. 5.]

No. 1.

PROVISIONS remaining in His Majesty's Stores New South Wales, 1st March, 1802.

	Beef. lrs.	Pork. lbs.	Sugar. lrs.	Wheat. lbs.
Sydney	12,842	90,382	19,020	74,368
Parramatta .....	.....	1,610	2,091	92,792
Hawkesbury	3½	4,546	637	36,841
Total.....	12,845½	96,538	22,348	204,001
Rate per week for One Full Ration	7 lbs or 4 lbs.		6 oz.	13½ lbs.
Time each Species will last the present Numbers Victualled, vizt., 2,365 at a Full Ration, including 105 Full Rations on board the different Colonial vessels.	} 0 wks. 5 days		9 wks. 3 days	25 wks. 1 day
Rate per week for One Ration at 2/3rds.	} 4 lbs. 10 oz. or 2 lbs. 10 oz.			6 oz.
Time each Species will last the present Number victualled, vizt., 2,365 at 2/3rds Ration	} 1 wks. 1 day		15 wks. 1 day	25 wks 1 day
				9 lbs.
				9 wks 4 days.

1802.
1 Mar.
Return of
provisions in
store.

No. 2.
STATEMENT of Provisions etc. in His Majesty's Stores in New South Wales, 1st March 1802.

Quality.	Quantity remaining in Stores.	Weekly Issue for 2,365 full Rations Victualled from the Stores.	Number of Weeks each kind will last.	Quantity Wanted.	Time to complete to at a Full Ration.	Statement of the Expence that will incur for Provisions to Issue to 2,365 Full Rations Victualled from the Stores up to 31st December, 1802, for Grain and Salt Meat.
Beef	12,845½ lbs.	16,555 lbs.	10 Wks 1 day	316,720 lbs.	31st Dec., 1802	£ s. d. 11,877 0 0
Pork	90,382 "	9,460 "				Supposed value of Salt Pork sent out from England (including Tonnage) to the Crown to be at 9d. per lb. for 316,720 lbs.....
Wheat remaining now in Stores, 204,001 lbs Wheat in Public Stacks supposed to contain 420,000 lbs.	224,001 lbs.	31,927 lbs.	19 wks. 3 days	775,370 lbs. or 12,060 Bush. of Wheat.	> 31st Dec., 1802.	Pork being more advantageous as stated in a former Statement (March 14th, 1801).
Sugar.....	22,348 lbs.	887 lbs.	25 Wks. 1 day	16,470		Supposed value of Wheat at 8/- per Bushel for 12,060 Bushels wanting to Complete to the 31st Decr., 1802

1802.
1 Mar.
Return of provisions in store.

OBSERVATIONS ON THE FOREGOING.

No. 1.—The Total of Beef, Pork, and Sugar, includes that purchased from Vessels, and that received from Otahaiti from 28th Sept. 1800 to 31st Decr. 1801. The 204,001 lbs. of Grain is that remaining from what has been given into the Stores by Settlers in Exchange for Articles and for Payment since 1st Jany. 1802. It is not intended to use the Wheat estimated in Government Stacks, until the last, to guard against Accidents—The saving by the necessity of the reduced Ration during the last Year is Calculated at £10,769 16s. 0d. But unfortunately the Public Labour has been necessarily reduced in Proportion.

No. 2.—By referring to the Return of 23rd Septr. 1800, it will appear that 2,416 Full Rations were then Victualled, and that 366 full Rations were struck off the Stores, between July and that Date: That notwithstanding the increase of people *i.e.* 925 since that Date, not more than 2,365 Full Rations have been struck off the Stores (exclusive of 140 whose Terms of Transportation have expired, and have been permitted to leave the Colony) The saving of which at £20 each Full Ration, amounts to the Yearly rate of £25,900. Not including 2,765 Full Rations who support themselves at no Expence to the Crown.

[Enclosure No. 6.]

Sydney, New South Wales.

LIST of Slop Cloathing remaining in His Majesty's Stores Sydney New South Wales and Norfolk Island 31st Decr. 1801 with the quantity wanting for the use of the Number of Male and Female Convicts at Public Labour, up to the 31st December 1803 for the present and in the Proportion as undermentioned. Vizt.

1,542 Male Convicts. 217 Female Do.

Men's Cloathing.	Remaining in Store at Sydney.	Wanted at Sydney.	Remg. in Store at Norfolk Is.	Wanted at Norfolk Is.	Total Quantity Wanted at both Settlements.
Blue Jackets	2,140	3,400	22	820	4,220
Shirts	14,370	.....	1,815	.....	.....
Duck Frocks	382	2,800	137	570	3,370
Do Trousers .....	.....	2,800	.....	700	3,500
Breeches of Coarse } Blue cloath ... }	.....	2,800	65	640	3,440
Hats	7,946	.....	646	.....	.....
Stockings	5,011	.....	.....	.....	.....
Caps	1,240	.....	379	.....	.....
Shoes	6,610	.....	110	.....	.....
Materials for Do	3,773	.....	270	.....	.....

1802.
1 Mar.
General
remarks on the
commissariat.

Returns
relating to
supplies of
clothing.

LIST of Slop Cloathing remaining in His Majesty's Stores Sydney
New South Wales and Norfolk Island, &c.—*continued.*

1802.
1 Mar.

Women's Cloathing.	Remaining in Store at Sydney.	Wanted at Sydney.	Remg. in Store at Norfolk Is.	Wanted at Norfolk Is.	Total Quantity Wanted at both Settlements.
Shifts	29	800	.....	200	1,000
Petticoats	11	1,000	.....	200	1,220
Shoes	5	400	54	50	450
Jackets .....	.....	400	.....	100	500
Caps .....	.....	400	.....	100	500

Returns relating to supplies of clothing.

ANNUAL Proportion of Slop Cloathing for each.

<i>Man.</i>	<i>Women.</i>
2 Jackets	2 Shifts
2 Shirts	2 Petticoats
1 pr. Trowsers or Breeches	2 Pr. Shoes
2 hats	2 Jackets
2 Pr. Shoes and at Seed time and Harvest	2 Caps
2 Pr. extra	

LIST of STORES remaining in HIS MAJESTY'S STORES in SYDNEY
NEW SOUTH WALES and NORFOLK ISLAND 31st Decr. 1801
with the Quantity wanted for the use of those who carry on
the Public Work of the Colony, estimated as sufficient until
31st December 1803.

Returns relating to supplies of general stores.

Articles.	Remaining in the Store at Sydney.	Wanted at Sydney.	Remg. in Stores at Norfolk Is.	Wanted at Norfolk Is.	Total quantity Wanted.
Blankets	none	2,000 No.	.....	500 No.....	2,500 Nos.
Pelliasses.....	.....	400 ,,	.....	100 ,, ...	500 ,,
Rugs	119 No.....	400 ,,	.....	100 ,, ...	500 ,,
Soap .....	.....	1,000 lbs.	.....	250 lbs. ...	1,250 lbs.
Nails	-/4d. 226 lbs. ...	12 Casks...	.....	3 Casks...	15 Casks.
	-/8d. 469 ,, ...	6 Do ...	.....	2 Do ...	8 Do
	-/12d. 316 ,, ...	12 Do ...	.....	3 Do ...	15 Do
	-/20d. 305 ,, ...	12 Do ...	300	2 Do ...	14 Do
Pitt Saws (9 Ft. long) .....	.....	20 No. ....	.....	5 No.	25 No.
X Cut Saws .....	.....	10 ,, ...	2 No ...	3 ,, ...	13 ,,
Hand Do .....	.....	20 ,, ...	.....	5 ,, ...	25 ,,
Fennon Do .....	.....	6 ,, ...	.....	2 ,, ...	8 ,,
Turning Do .....	.....	3 ,, ...	.....	2 ,, ...	5 ,,
Pit Saw Files .....	.....	20 gross...	.....	5 Gross...	25 Gross
X Cut Do .....	.....	5 Do ...	.....	1½ Do ...	6½ Do
Glue .....	.....	50 Lbs. ...	.....	10 lbs. ...	60 lbs.
Spoke Shaves .....	.....	10 No. ....	.....	3 No.	13 No.
Oil Stones .....	.....	6 Do ...	.....	2 Do ...	8 Do
Locks Stock.....	.....	2 Dozn. ...	5 No. ...	1 Doz. ...	3 Doz.
Do Pad .....	.....	4 Do ...	.....	1 Do ...	5 Do
Spades.....	59 No. ...	200 No. ...	56 No. ...	50 No. ...	250 No.
Strong Coal Shovels. ....	.....	6 Dozn. ...	.....	.....	6 Dozn.
Falling Axes	92 No. ...	300 No. ...	5 No. ...	80 No. ...	380 No.
West India Hoes	3 Do ...	500 Do ...	24 Do ...	120 Do ...	620 Do

1802.
1 Mar.LIST of STORES remaining in HIS MAJESTY'S STORES in SYDNEY
NEW SOUTH WALES and NORFOLK ISLAND, &c.—*continued.*Returns
relating to
supplies of
general stores.

Articles.	Remaining in the Store at Sydney.	Wanted at Sydney.	Rer g. in Stores at Norfolk Is.	Wanted at Norfolk Is.	Total quantity Wanted.
Iron Square and Flat ...	Ten Tons	} Ten Tons.	2½ Tons...	2½ Tons...	12½ Tons
Do Rod	9 Cwt.				
Do Slab	818 lbs. ...				
White Paint	5 lbs.	200 lbs.	.....	50 Lbs.	250 Lbs.
Paint Oil	1½ Galls.	50 Galls.	.....	10 Galls.	60 Gallon
Wire Sieves of Sizes for Cleang Wheat and Flour. ....	.....	24 No. ...	.....	6 No. ...	30 No.
Wheat Skreens .....	.....	6 No. ...	.....	2 No. ...	8 No.
Bolting Cloths that only separate the Coarsest Bran from the Meal. ....	.....	12 No. ...	.....	3 No. ...	15 No.
Patent Boxes for Timber Carriage Wheels. ....	.....	10 Dozn.	.....	.....	10 Dozen
Stationary for the Govern- or and Comis'y, as per separate List .....	.....	.....	.....	.....	.....
Naval Stores for the Colonial Vessels—					
Anchors, small 4 Cut.....	.....	6 No. ...	.....	.....	6 No.
Rope, 1½ In. ....	.....	6 Coils ...	.....	.....	6 Coils.
Do 2 " .....	.....	6 Do ...	.....	.....	6 Do
Do 2½ " .....	.....	6 Do ...	.....	.....	6 Do
Do 3½ " .....	.....	6 Do ...	.....	.....	6 Do
Do 5 " .....	.....	4 Do ...	.....	.....	4 Do
Pitch .....	.....	6 Barrels	.....	2 Barrels	8 Barrel-
Tar .....	.....	10 Do ...	.....	2 Do ...	12 Do
Seines for Fishing .....	.....	4 No....	.....	.....	4 No.
Grain Tin.....	.....	1 Cwt. ...	.....	.....	1 Cwt.

The Paint Oil should be sent in stone Jars, that sent in Cask by the Earl Cornwallis almost all leaked out.

The Sieves sent by the Earl Cornwallis were useless, when they arrived from the Sea air and wet having perished the wire, it would be adviseable to send the bottoms and rims separate, the former might be closely packed with Canvas in a tight Cask or Box.

The Stationary would be better preserved by being cased with Tin which would be useful when arrived.

Requisition
for stationery.LIST of Stationary wanted for the use of the Governor of New
South Wales, March 1st 1802.

Best thick fools Cap latest make	Six Reams
Best thick Quarto Post	Three Do.
Pens	1,500
Sealing Wax	Six pound
Best Pen knives	Two
Pencils	Three Dozen
Tapes	Three Dozen
Penny Ribbon	Six Pieces
Needles	Twelve
Paste Boards	Fifty
Parchment Skins for Records of allotments of Grounds	Fifty

PHILIP GIDLEY KING.

A DEMAND for Stationary for the Commissary's Office, New South Wales.

1802.
1 Mar.

Requisition
for stationery.

3 Rm. Sup. fine Royal	2 m. Quils
1 do Eliphant Ordy	1 lb. Wax
3 do Ordy Royal	1 do Irish Wafers
1 do Fools C. Gilt	1 doz. Pen knives
4 do Plain	12 Memo. Books
1 do Qr. Gilt demy	4 Doz. Black Ink Powder
½ do Blotting Paper	1 do Red do
2 Rm. fine demy	½ do Slates
2 do Cartridge	100 Slate Pencils
2 „ Royal Marble	1 doz. Black Lead Pencils
2 „ „ Medium	1 Skin Russia Leather
1 „ Fools Cap	
100 lot of paistboards to make backs to Books.	

JNO. PALMER,
Commissary.

Sydney Jany. 1 1802.

Approved

PHILIP GIDLEY KING.

GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Separate," with General Letter No. 6, per American schooner Caroline; acknowledged by Lord Hobart, 24th February, 1803.)

Sydney, New South Wales,

My Lord,

1st March, 1802.

With this I have the honor to transmit a plan* of the districts and allotments of ground in these settlements, in which is distinguished the farms that have been in any degree in cultivation the last year, and those that are deserted or lying waste after having been in part cleared. By this plan, your Grace will observe that the Government grounds at Toongabbee (designed by Governor Phillip for public cultivation) have been circumscribed and parcelled out to settlers.

Plan of the
settled
districts.

To secure grazing ground for Government stock of cattle, and for future cultivation, I have judged it expedient to give a special security of the tracts of ground marked EE in the plan, as designed by the enclosed instruments, which, with the plan, I humbly propose, may be kept as a record in your Grace's office, a copy of which shall be left in the Governor's possession. As there are a number of farms deserted and lying waste, and others that have never been occupied, altho' grants have been given for them, I have to request your instructions whether lands thus situated are to revert to the Crown, as in general they occupy the choicest and most desirable spots in the settlement.

Land reserved
for the crown.

I have, &c.,

PHILIP GIDLEY KING.

* Note 172.

1802.
1 Mar.

Reservation of
land for
the use of
government.

[Enclosure.]

RESERVATION OF LAND FOR THE CROWN.*

By His Excellency Philip Gidley King Esquire Captain-General and Governor in Chief in and over His Majesty's Territory of New South Wales and its Dependencies etc. etc. etc.

WHEREAS full Power and Authority for Granting Lands in the Territory of New South Wales to such Persons as may be desirous of becoming Settlers therein, is vested in His Majesty's Captain General and Governor in Chief in and over the said Territory and its Dependencies, by His Majesty's Instructions under the Royal Sign Manual bearing date respectively the Twenty Fifth day of April, One Thousand and Seven Hundred and Eighty Seven, and the Twentieth day of August One Thousand Seven Hundred and Eighty Nine, In Pursuance of the Power and Authority vested in me as aforesaid I do by these Presents appropriate and Secure to the Governor of this Colony (or Officer administering the Government thereof for the time being) for the use of His Majesty and for the purpose of Pasturage for Government Stock of Cattle and Sheep, and for the purpose of Cultivation on the Public Account, for ever, until Revoked by His Majesty's Special Commands all that Tract of Land in the Township or District of Toongabbé situated and bounded as follows and marked E in the Chart (Vizt.) Beginning at the N.W. corner of Lot No. 1 Dundas District, along the W. boundary of No. 1; the N. and W. boundaries of No. 3 and the W. boundary of No. 6; from thence to the N.W. Corner of Lot 16 in the Field of Mars District; from thence to the Eastern Fork of the Stream at the Northern Rocks, keeping along the W. side of the Stream to the N.E. corner of Lot 76, Parramatta District on the N. and W. Boundaries of 76, to the N. side of the Stream of Water leading from Toongabbe, keeping the N. side of the Stream, to the joining of the Ponds, running on the S. side of the Government Cleared Ground at Constitution Hill up the W. side of the Cleared Ground to the N.W. corner; from thence to the S.E. Corner of Lot 30 Toongabbe District along the E. boundary to the Stream; from thence along the N. side of the Stream to the S.E. Corner of Lot 5; from thence to the N.W. Corner of Lot 35, along the W. Boundaries of Lots 35, 34 and 37, the S. boundaries of Lots 37, 38, 39, 40, 41 and 89, up the E. lines of 89 and 78 to the S.W. Corner of 90, and up to the S.E. lines of 90 and 47 to the N.E. Corner; from thence to the N.W. Corner of Lot 1 Dundas District.

The Original Instrument being transmitted to His Majesty's Principal Secretary of State for the Home Department as a

* Note 174.

Record of this Ground being Appropriated and Secured for the above mentioned purposes.

1802.
1 Mar.

In Testimony whereof I have hereunto Set My Hand and the Seal of the Territory at Government House Sydney in New South Wales this First Day of March in the Year of Our Lord One Thousand Eight Hundred and Two.

Reservation of land for the use of government.

PHILIP GIDLEY KING.

Signed and Sealed in Our Presence

W. PATERSON RICHARD ATKINS.

Registered in the Secretary's Office

W. N. CHAPMAN, Secy.

[Two other plots of ground* were granted by similar instruments for the same purpose.]

GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch per American schooner Caroline; acknowledged by Lord Hobart, 24th February, 1803.)

Sydney, New South Wales,

My Lord,

1st March, 1802.

I have to acquaint your Grace that the East India Company's cruizer, Fly, arrived here 2nd January last, from Bombay, with a letter from the Governor and Council of that settlement, enclosing a notification of the Court of Recorder, stating the sentence it had passed on Mr. Geo. Bridges Bellasis, vizt., fourteen years' transportation, and that by virtue of an Act passed in the 39th and 40th years of His Majesty's reign, the Courts of Judicature in the Company's territories were empowered to transport convicts to this colony.

Arrival of the cruizer Fly.

Transportation of G. B. Bellasis.

With Mr. Bellasis (who brought his wife and family with him) came a memorial signed by the principal inhabitants of Bombay, and the heads of corps serving in that Presidency, and other stations along the coast of Malabar, of which I have the honor to enclose a copy.

Mr. Bellasis appears to have served with much credit in the Company's Artillery on the Bombay establishment, and but for the melancholy event that deprived the Company of his services, there appears no doubt but he would have continued his career as a good officer. Under these circumstances, and the want we are in of an officer properly qualified to train some people to the use of our few cannon, I was induced to use the power His Majesty has been pleased to delegate to the Governor of this colony, in giving Mr. Bellasis an emancipation, *conditional* on his not going

Former services of Bellasis.

1802.
1 Mar.
Conditional
emancipation
of Bellasis.

without the limits of this territory during the term for which sentence was passed on him. This extension of His Majesty's mercy I trust will not be disapproved, considering the object and the motives that have induced me to take that step. With this I have the honor to transmit a petition to His Majesty from Mr. Bellasis, in compliance with the wish of such a respectable body as the signers of the memorial he brought here with him. As the peculiar circumstances he came here under were of such a nature, I have not given him any hopes of obtaining a free pardon but, through His Majesty's clemency, I therefore most humbly request your Grace will be pleased to lay his petition before His Majesty, which I respectfully trust may be the means of his again serving his King and country with effect and gratitude, and that your Grace may be enabled to signify that such a future extension of the Royal mercy by a free pardon will not be disapproved of, if the person in whose favour I make this humble request continues that line of conduct here which report has spoken so favourably of.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

MEMORIAL.

To the Honourable the Governor, at Port Jackson,
New South Wales.

Honorable Sir,

Bombay, 13th August, 1801.

We take the liberty to intercede with you in favor of Mr. George Brydges Bellasis, late a lieutenant of the Corps of Artillery in the Honorable the East India Company's service, on their Bombay establishment, who, unfortunately, has violated the laws of his country, while impelled by his sense of honor as a gentleman to redress an insult offered to a young lady (Miss King), the sister of his wife, who lived under his protection.

Mr. Bellasis has been convicted of felony and murder in killing the late Arthur Forbes Mitchell, Esq., in a duel; but, in consideration of the circumstances in alleviation, he was recommended by the jury to mercy, and the Court, by virtue of a late Act of Parliament, commuted the punishment of death for that of fourteen years' transportation to New South Wales. We feel for and heartily deplore his situation.

Mr. Bellasis for nine years was in the army under this Presidency. During that time he has been in actual service in the war against the late Tippoo Suldaun,* and in other places, and his courage and conduct has ever merited the approbation of his commanding officer.

* Note 175.

Memorial
interceding
on behalf
of Bellasis.

With these sentiments, we venture to notice to you the military merits of Mr. Bellasis, as having been that of a brave, an active, and a deserving officer; and, as we persuade ourselves that his behaviour will entitle him to your favour, we hope for your compliance with our solicitations to avail yourself of an early opportunity to recommend his case to the merciful consideration of His Majesty, and for such mitigation of the sentence as to His Majesty shall seem meet.

1802.
1 Mar.
Memorial
interceding
on behalf
of Bellasis.

We have, &c.,

[Signed by 110 of the principal inhabitants, Generals, Field Officers, and other officers of the Bombay Army.]

[Enclosure No. 2.]

PETITION OF LIEUTENANT BELLASIS.

Petition of
Lieutenant
Bellasis.

To the King's Most Excellent Majesty.

The humble petition of George Bridges Bellasis, late a lieutenant of Artillery in the Honourable East India Company's service, at Bombay,—

Sheweth: —

That your Majesty's humble and dutiful petitioner, altho' charged with the atrocious crime of murder, and now suffering under a verdict of imputed guilt, presumes to approach your Majesty under circumstances of stronger extenuation than perhaps were ever before submitted to the throne of mercy.

Your petitioner humbly presumes there are scarcely any circumstances or events in domestic life more interesting to the feelings of sensibility than when a beloved relative becomes a victim to the artifices of designing villainy; and if the tyrant custom of duelling on any occasion admits an extenuating plea, it may be considered when the hand of an injured brother or husband is uplifted against that species of treachery and fraud which all the laws of social society unite to hold in common execration.

The situation in which your Majesty's humble petitioner appears, as the protector of his sister's honor, is marked with peculiar circumstances of infamy on the part of his rash and ill-advised opponent, who, after having voluntarily made honorable proposals to his sister—after having been received and acknowledged as her intended husband—at length, without the power of assigning any just cause, peremptorily recedes from those proposals. Nor had your Majesty's humble petitioner been induced to take the step which produced the unhappy consequences he has so much reason to lament, until every other mode of accommodation had been attempted in vain.

1802.
1 Mar.
Petition of
Lieutenant
Bellasis.

That if those incentives which called your Majesty's humble petitioner forth, as the protector of a beloved sister, wounded in her feelings and insulted in her pride, have been held by the jury in this trial as entitled to a degree of alleviation, and your Majesty, considering that there are, unfortunately, existing rules in superior society (however immoral their source and dangerous their tendency) which operates imperatively on human nature, your petitioner humbly hopes your Majesty will graciously deign to extend your mercy to your humble petitioner, for an act committed under circumstances of dire and peculiar aggression, and in the situation your petitioner had the honor to be placed from the irresistible force of jealous and tenacious honor.

And your humble and dutiful petitioner, as in duty bound, will ever pray.

• GEORGE BRIDGES BELLASIS.

[Enclosure No. 3.]

Conditional
emancipation
of Lieutenant
Bellasis.

CONDITIONAL EMANCIPATION OF LIEUTENANT BELLASIS.

WHEREAS His Most Excellent Majesty King George the Third by a Commission under the Great Seal of Great Britain, by His Majesty's Royal Sign Manual, bearing date the eighth day of November, in the thirty first year of His Majesty's Reign hath been graciously pleased to Give and Grant full Power and Authority to the Governor (or in case of his Death or Absence the Lieutenant Governor) for the time being of His Majesty's Territory of the Eastern Coast of New South Wales and the Islands thereunto adjacent, by an Instrument or Instruments in writing under the Seal of the Government of the said Territory or as He or they respectively shall think fit and convenient for His Majesty's Service to remit either Absolutely or Conditionally the Whole or any part of the Term or Time, for which persons convicted of Felony, Misdemeanours or other Offences, amenable to the Laws of Great Britain, shall have been or shall hereafter be Respectively conveyed or Transported to New South Wales or to the Islands thereunto adjacent.

By Virtue of such Power and Authority so vested as aforesaid, I, Philip Gidley King Esquire, Captain General and Governor in Chief in and over the said Territory of New South Wales and its Dependencies taking into consideration the very high character I have received from a great part of the Respectable Inhabitants of Bombay and from the Officers of His Majesty's and the Honorable Company's Forces of that Residency, of George Bridges Bellasis's moral and military character and from the pressing necessity of His Majesty's Service, being so highly advantaged, by the Abilities of an Officer properly qualified to put the cannon

and fortifications of this Harbour into a state fit for service, which he, the said George Bridges Bellasis, is fully competent to, having served nine years with great credit and honor as an Officer of Artillery in the East India Company's Service; and to enable him to benefit His Majesty's Service as Colonial Officer of Artillery, do hereby Conditionally remit the remainder of the Term or Time which is yet to come, and unexpired of the original sentence or order of Transportation passed on the said George Bridges Bellasis, Provided always and on condition, that he, the said George Bridges Bellasis, continues to reside within the limits of this Government, for and during the space of his original Sentence or Order of Transportation, otherwise, he the said George Bridges Bellasis shall be subject to all the pains and penalties of reappearing in any of the Honorable East India Company's Possessions in Asia, or in Great Britain or Ireland for and during the Term of his original Sentence, or as if this Remission had never been granted.

1802.
1 Mar.
Conditional
emancipation
of Lieutenant
Bellasis.

Given under my Hand and the Seal of the Territory at Sydney, New South Wales, this Sixth day of January, one thousand eight hundred and two.

(Signed) PHILIP GIDLEY KING.

Registered in the Secretary's Office

(Signed) W. N. CHAPMAN, Secy.

A true Copy of the Original—W. N. CHAPMAN, Secy.

GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch per American schooner Caroline; acknowledged by Lord Hobart, 24th February, 1803.)

My Lord, Sydney, N.S.W., March 1st, 1802.

1. Having transmitted returns of the Entries and Clearances of Vessels in this Port from Sept. 1800 to June 30th 1801, I now have the Honor to transmit those from the last date to Decr. 31st 1801.

Shipping
returns.

2. The quantities of Articles brought here by adventurers, from all parts of the World must soon stop, as several Vessels have been obliged, to take away the whole or most considerable parts of the Investments they brought on Speculation, and those which remain are selling at little above Prime Cost; such is the good Effect of the Articles sent by Government.

3. I have also the Honor to annex to those Reports an Account of the Spirits that have been bro't here, since I have had the Command, and the quantities sent away again.

Importations
of spirits.

I have, &c.,

PHILIP GIDLEY KING.

A List of Ships and Vessels which have clear'd Outwards from the Harbour of Port Jackson, in His Majesty's Colony of New South Wales, between the 1st day of July, 1801, and the 31st day of December following, with the particular quantity and quality of the lading of each vessel.

Time of Clearing.	Ship's name.	Master's name.	Built.	Tons.	Guns.	Men.	Where and when built.	Where and when registered.	Owner's name.	General cargo.	Whither bound.
9 July	Anne	J's. Stewart	Foreign	384	12	45	Prize to the Dover and Ocheil.	London, 9th April, 1799	Princess & Co. . .	Ballast	Bengal.
16 "	Greenwich	Alex. Law	British	338	2	23	London, 18 Sep., 1800	London, 13 Nov., 1800.	Messrs. Enderbys	"	Whaling.
18 "	Anna, Josepha (brig).	M. Meehan	Foreign	170	2	28	Prize to the Betsey, whaler.	Sydney, N. S. Wales	Lord and Meehan	"	Hunter's River.
25 "	General Boyde	Geo. Hales	"	302	4	24	America, 1773.	London, 26 Oct., 1798	Watson & Co. . .	"	Whaling.
" "	John (brig)	Saml. Fuller	"	179	..	13	Prize to His M.'s ship Star.	Cape of Good Hope	Chace, Sewel, & Co.	121 casks rum, 72 tons sperm oil	Amboyia
8 Aug.	Speedy	Geo. Quedsted	British	313	..	24	London, 1779	London, 1791	Messrs. Enderbys	"	Whaling.
20 "	Harriot	Saml. Chace	Foreign	227	6	20	Prize, taken May, 1797.	London, 24th July, 1797.	T. and J. Mather	With a part of her cargo.	"
26 "	Albion	Eber Bunker	British	302	10	29	Deptford, 25 Oct., 1778	London, 23rd Nov., 1798.	Messrs. Champions	155 tons sperm oil	England.
2 Sept	Harrington (snow).	Wm. Campbell	Foreign	180	6	40	Calcutta, 1796	Calcutta, 16th Jan. 1798.	Chace & Co. . .	Ballast	Sealing.
4 Oct.	Earl Cornwallis	J's. Tennent	British	784	20	72	London, 1788	London, 11 July, 1798	Wilson, Tennent & Co.	"	Bengal.
13 "	Venus	B. Gardner	"	295	10	24	Deptford, 1780	London, 31st Dec., 1800.	Messrs. Champions	"	Whaling
26 "	Anna, Josepha (brig).	H. Meehan	Foreign	170	2	31	Prize to the Betsey, whaler.	Sydney, N. S. Wales	Lord and Meehan	100 tons coal, 4,000 ft. timber.	Cape of Good Hope.
3 Nov.	Britannia	Rt. Turbulla	British	301	6	24	C. of Dorset, 1783	London, 7th June, 1787.	Messrs. Enderbys	550 barrels sperm oil.	Whaling.
15 "	Hope	Nathl. Ray	Foreign	269	8	29	New Haven, Hales, Connec., 1799.	New Haven	Duggell & Co. . .	34,000 sealskins, 550 doz. other ditto	China.
" "	Hunter (bark)	Wm. Anderson	"	300	8	54	Batavia	Calcutta, 9 Apl., 1801	Campbell & Co. . .	Ballast	Bengal
23 "	Venus (brig)	Chas. Bishop	"	142	8	25	Bengal	London, 8th Nov., 1800.	Craigton, Bass, and Bishop.	"	Otaheita.
30 Dec.	Harrington (snow).	Wm. Campbell	"	180	6	40	Calcutta, 1796	Calcutta, 16th Jan. 1800.	Chace & Co. . .	"	Sealing.

P H I L I P G I D L E Y K I N G .

1802.
1 Mar.
Shipping returns; outwards.

APPENDIX.

1802.
1 Mar.
Returns
of cargo
of ships
entering
inwards.

- G. General Cargo of the Brig Anna Josephus: 100 Tons Coals. 4,000 Feet Timber.
- H. General Cargo of the Britania: 550 Barrels Sperm Oil.
- I. General Cargo of the Hope: 34,000 Seal Skins. 555 Dozen Otter Skins.
- J. General Cargo of the Snow Harrington: 3,000 Hair and Furr Skins. 2,500 Galln. Seal Oil.
- K. General Cargo of the Minorca: Hatts 5 Cases. 2 Cases Supr. Cloths, Quiltings etc. Soap 20 Cwt. Stationary 4 Cases. Glass Ware 2 Cases. Gloves 1 Case. Ladies Shoes 1 Do. Earthen Do. 5 Puncheons Cherry Brandy, Raspby. etc. 6 Cases Check 1 Case. Boots 60 pr. Wt. Wine 10 Pipes. Hams 20. Cheese 1 doz. Port Do. Wine 2 Hhds. Rum 10 pipes. Handkfs. 12 Dozen. Tobacco 25 Cwt. Gin 1 pipe. Printed Muslins 6 Cases. Coffee 7 Cases. Shawls 5 Dozn. Cutlery 1 Case. Peppermint Losanges 2 Cases. Sheetings 1 Case. Sugar 7 Cases. 2 Cases Men's and Wom's Shoes 400 pr. Port Wine 1 Pipe. Haberdashery 1 Case. Watch Glasses 1 Case. Ladies Bonnets 2 Cases.
- L. General Cargo of the Nile: Rio Rum 14 Casks. Coffee 8 Do. Earthenware 9 Crates. Hatts 2 Cases. Sugar 6 Cases. Tobacco 20 Rolls. Paint and Oil, Small Quantity. Gin 2 Casks. Pipes 3 Boxes. Hams 20. Cheese 1 Dozen. Sundries 12 Boxes. Soap 1 Ton. Raspberry and Rum Shrub 12 Dozn. Rum and Brandy 12 Do. Port Wine 4 Pipes. Spirits 2 Casks (Officers) Port Wine 1 Do. Stockings 3 dozen pair.
- M. General Cargo of the Canada: Sugar 7 Boxes. Loafe Sugar $\frac{1}{2}$ Hhd. Shoes 3 Cases. Check 1 Case. Hams 20. Cheese 1 Dozn. Hatts 2 Do. Cutlery 3 Do. Toys 2 Cases. Port Wine 4 pipes and 2 Hhds. Whips 2 Parcels. Lisbon 8 Do. Rum 15 Pipes. Paint and Oil small Quantity. Coffee 3 puncheons. Haberdashery 1 Chest. Tobacco 60 Rolls. Perfumery 2 Boxes. Tea $\frac{1}{4}$ Chest. Soap 1 Ton. Stationary 2 Cases. Telescopes 1 Case. Mustard 3 Do. Linnen 1 Do. Silk small Quantity. Gin 2 Casks. Corks 600 Gross. Tar 15 Barrels some new rope. 1 Roll Green Table Cloths.
- N. General Cargo of the Schooner Caroline: Brandy 4 Pipes. Gin 3 Do. Boards 1,000 Feet. Rum 30 Hhds. and 30 Barrels. Oars 1,359 Feet. Wine 4 pipes. Pipes 3 Boxes. fine Hatts 9 Coarse do. 4. Empty Gin Cases 40. 14 Hhds. Tobacco. Glass Ware 1 Box. 3 Boxes Brown Sugar. 3 Do. White Do. Soap 10 Boxes. Snuff 1 Hhd. Tea 3 Chests. Tobacco 7 Kegs. Cyder 12 Casks. Ware 5 Crates. Sives 1 Gross. Firkins Butter 22. Men's Shoes 154 pair. Tobacco 15 Kegs. Bohea Tea, 13 Chests.

[Enclosure No. 2.]

ACCOUNT of Spirits and Wine imported into His Majesty's Colony in New South Wales between the 28th September, 1800, and 31st December, 1801, with the quantity sent away and remains of that landed being lodged in His Majesty's Stores and given out as the Governor grants permits.

This return was similar to that forwarded as Enclosure No. 5 to the general despatch of Acting-Governor King to the Duke

Return of
spirits and
wines landed
and sent away.

of Portland, dated 14th November, 1801, with the following additions:—

Minorea ..	1200 gals.	Spirits imported	1200 gals.	Spirits landed at	5s. per gal.		1802.
Nile	1600 "	" "	1600 "	" "	5s. "	" "	1 Mar.
Canada ...	1800 "	" "	1800 "	" "	5s. "	" "	
Caroline ..	4000 "	" "	4000 "	" "	6s. "	" "	Return of spirits and wines landed and sent away.

The last vessel was noted as from America.

[By these additions the totals in the first and third columns were increased by 8,600 gals.]

GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch per American schooner Caroline; acknowledged by Lord Hobart, 24th February, 1803.)

My Lord Duke, Sydney, New South Wales, March 1st, 1802.

With this I have the Honor to inclose the proceedings of the Criminal Courts of Judicature held on five Convicts* for Murder, four of whom are sentenced to die. But from the recommendation of Robert Alcock to Mercy, and some unquestionable extenuating circumstances being related to me, which were confirmed by the dying confession of Burton (who alone was executed) I was induced to respite the two others with Alcock, until His Majesty's most Gracious pleasure is signified thereon, which I humble hope may be transmitted as soon as possible; also some directions respecting three respites† left by Governor Hunter, who I understand had referred their case.

Respites granted to four convicts.

The Second enclosure contains the names etc. of every person tried by the Criminal Court since I took the Command—a Similar return to which will be sent yearly.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosures Nos. 1 and 2.]

[Copies of these enclosures have not yet been found.]

GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Military Letter No. 4," per American schooner Caroline; acknowledged by Lord Hobart, 24th February, 1803.)

Sydney, New South Wales,

My Lord, 1st March, 1802.

Since my last military letter, No. 3,‡ some circumstances have occurred in this settlement which require being detailed for your Grace's information.

Military report.

Lieut't Neil McKellar, of the New South Wales Corps (with local rank here as captain), who has done duty as adjutant to the

* Marginal note.—Robt. Alcock, Thos. Blacket, Edwd. Cox. (See note 176.)

† Marginal note.—Jno. Chap. Morris, Jno. Wm. Lancashire, Wm. Collins. (See note 177.)

‡ Marginal note.—Aug. 21st, 1801.

1802.
1 Mar.

McKellar sent
to England
with
despatches and
MacArthur's
sword.

N.S.W. Corps previous to my taking the command, and since as my aid-du-camp, much to my satisfaction and the public advantage, will have the honor of delivering this dispatch, that officer's local knowledge enabling him to give every information, and answer any questions that may be put to him, as well with respect to the colony as the disagreeable events that have occurred among some of the officers here. The necessity there appears to Lieut't-Colonel Paterson and myself of this officer's being present on Capt'n McArthur's arrival in England together with his wish to return on leave of absence (he having been ten years in the colony) and more officers expected to arrive daily, has induced me to charge that officer with my despatches and Captain McArthur's sword, who I sent Home under an arrest in December last; but as he went by way of India, it is probable that Lieut't McKellar may arrive about the same time as Capt'n McArthur.*

The Paterson-
MacArthur
duel and its
consequences.

As the causes which led to the unfortunate event of Lieut't-Colonel Paterson's exacting private satisfaction for the injuries he conceived he had received from Captain McArthur, in which the Lieut't-Colonel was dangerously wounded; the necessity I found myself under to take efficient measures to prevent other *rencontres* among the officers of the Corps, and a renewal thereof between Colonel Paterson and Captain McArthur; that officer's refusal of coming out of arrest; my reasons for not trying him by a general Court-Martial in the colony; and his refusal to give securities for keeping the peace, which he had been concerned in breaking, and which I was certain would be broke again; and the tranquility of the New South Wales Corps and the colony depending so much on that officer being sent from hence; all which circumstances being detailed in the representations I have made of these events, and the annexed documents which Lieut't McKellar is the bearer of, I respectfully request your Grace's reference thereto, and humbly hope it will appear that doing justice, and preserving the peace, good order, and tranquility of the colony, has guided every part of my conduct; and should any reference be made to Lieut. McKellar, that officer is possessed of every circumstance attendant and consequent on these events.

The court-
martial on
Lieutenant
Piper.

By the receipt of the letter contained in your Lordship's despatch of June 19th, 1801, containing His Royal Highness the Commander-in-Chief's sentiments respecting Brevet-Major Johnston's case, I found it necessary to try Lieut. John Piper† (with local rank as captain) on the charges contained in the representation I had made of that officer's conduct. The minutes of that Court-Martial I have directed the officiating Deputy-Judge-Advocate to transmit to the Judge-Advocate General, to be laid before

* Note 178. † Note 179.

His Majesty, to whose most gracious consideration I have referred it. Being the prosecutor, whatever the sentence might have been, I did not consider myself eligible to decide thereon; but (as it appears in the proceedings) in consequence of what appeared to me a sentence by no means adequate to the evidence produced, I directed the revision of the proceedings, and required the Court's reasons for the sentence given, which the members did not think proper to do. In humbly submitting these proceedings and sentence to His Majesty's most gracious decision, I am confident of experiencing that justice which may be deemed admissable in support of the situation I have the honor to hold.

1802.
1 Mar.

The court-martial on Lieutenant Piper.

It has also been necessary to try Ensign Bayly,* of the N.S.W. Corps, twice within one month for disobedience of orders, his first trial being at the instance of Lieut.-Colonel Paterson, and the latter at mine. I have the honor to enclose copies of the correspondence that led to that officer's being tried by Colonel Paterson, which your Grace will observe is one out of the many instances of the vexatious difficulties I have to contend with in carrying my instructions into effect. I have directed the Deputy-Judge-Advocate to transmit the proceedings and sentence of Ensign Bayly's first trial, which I approved, and was carried into execution; also the proceedings and sentence on his second trial, for a breach of my public orders, the sentence of which I declined confirming, for the reasons given in the preceding paragraph, being myself the prosecutor, which I humbly submit to His Majesty's gracious consideration and decision.

Court-martial on Ensign Bayly.

Lieut.-Colonel Paterson's decided conduct (but for which this colony and the N.S.W. Corps would have been plunged in confusion) in refusing to connect himself with Captain McArthur and those officers who had concerted the plan of treating me with disrespect, brought on him the unfortunate *rencontre* with Captain McArthur, which produced the measures I was compelled to adopt with the latter officer, and my consequent conduct with respect to Captain Piper's trial. Nor can I conceal that Lieut.-Colonel Paterson and myself have experienced much vexatious and unwarrantable treatment from Ens'n Bayly and the officers who are become the partisans of Capt'n McArthur, whose names I understand Lieut.-Colonel Paterson has communicated to His Royal Highness the Commander-in-Chief, which conduct on the part of those officers is but ill-calculated to support the good order and discipline so necessary to be observed in this distant part of His Majesty's dominions.

Paterson and the MacArthur party.

Having submitted the conduct of those officers to your Grace's consideration, it is equally my duty to inform you that the utmost order and regularity has uniformly prevailed since I took

* Note 180.

1802.
1 Mar.
Good conduct of
the privates.

the command among the non-commissioned officers and privates of the N.S.W. Corps; nor do I mean to censure the conduct of any other officer, except those I have felt it my duty to bring forward.

I have the honor to send with this a copy of all the General Orders issued by me from the time I took the command up to the present date, which has an index,* to the reader finding any order.

I have, &c.,

PHILIP GIDLEY KING.

P.S.—I have the honor to enclose a General Return of His Majesty's N.S.W. Corps doing duty in this Colony.

P.G.K.

[Enclosure No. 1.]

PAPERS REFERRING TO THE CASE OF ENSIGN BAYLY.

[A]

ENSIGN BAYLY TO LIEUTENANT-COLONEL PATERSON.

Sir,

Sydney, 29th December, 1801.

On Monday morning Simeon Lord informed me that a cask of spirits which was in his house belonging to me had been seized on account of Government by Governor King's order.

In the course of the day I wrote to His Excellency stating how and for what purpose it came there. Enclosed I have the honor of laying before you his answer.

By His Excellency's letter you will perceive I am referred to a General Order of the 24th October, which, on perusal, you will find has no reference to the present business, and that the words (*for their domestic purposes*) inserted in the Orders of Monday last, as a quotation from the Orders of the 24th October, are not even mentioned.

I am next referred to the Orders of last Monday. At the time I received the Governor's letter they were not given out. You must therefore see the impossibility of my so long ago as a week back acting contrary to an Order which in all probability was not at that time thought of.

Lastly, I am referred to the King's instructions, which he informs me you are possessed of. Any instructions you may have received which are connected with this business are entirely strange to me.

By the General Orders of Monday last I am concerned to find that every officer is in some degree censured on account of my conduct; for, surely, saying that an officer has been guilty of any impropriety without inserting that officer's name is certainly a reflection upon the whole until the name of the officer alluded to is mentioned. I am not anxious that His Excellency should show

* Note 181.

The case of
Ensign Bayly.

any delicacy towards me, at the expense of my brother-officers. I have therefore to request on their account that my name may be inserted in the Orders as the officer alluded to by His Excellency in the General Orders of Monday last.

1802.
1 Mar.
The case of
Ensign Bayly.

I have now, sir, as my Commanding Officer, to lay before you what I consider as a very heavy grievance—that of being publicly censured in the General Orders without having given any cause. As an officer, and under your command, I am entitled to seek redress through you, which redress I am willing to accept on such terms as will not be derogatory to the character of a British officer, bearing his Sovereign's commission, to receive.

I have, &c.,

NICHOLAS BAYLY.

[B]

ACTING-GOVERNOR KING TO LIEUTENANT-COLONEL PATERSON.

Sir,

1st January, 1802.

I have received the letter wrote by Ensign Bayly to you, dated the 29th ult'o, which you have laid before me.

I have to request you will direct the officers, civil and military, to be convened at your house at 8 o'clock on Sunday next, the 3rd instant, and cause to be read to them His Royal Highness the Commander-in-Chief's letter to you of March 6th, 1799,* my letter to you dated the 8th September, 1800*; the 7th article of my Instructions to Major Joseph Foveaux,* previous to his going to Norfolk Island, and the copy of an Instruction received by me in my last dispatch from His Majesty's Principal Secretary of State for the Home Department,* also this letter.

I now proceed to reply to the different points contained in Ensign Bayly's letter to you, in the order of the different paragraphs.

1st. In consequence of many repeated daring attempts made by several people in this colony to obtain spirits in the most illegal and collusive manner, in defiance of my authority, particularly by a noted dealer, agent, and smuggler, I directed his premises to be searched for spirits, to ascertain the quantity he had, previous to my granting further permits. In this man's possession was found a cask containing the remains of sixty gallons of spirits I gave Ensign Bayly a permit for a few days before, for his domestic purposes, and which the agent informed me he was to deliver to such people as Ensign Bayly might give orders to, which Ensign Bayly also states in his letter to me of the 28th ult'o, in consequence of which I directed the King's mark to be put on those spirits, and detained as having been come improperly by, and, for aught I know, appropriated to

* Note 182.

1802.
 1 Mar.
 The case of
 Ensign Bayly.

purposes directly contrary to the indulgence given that officer of being allowed to purchase that quantity of spirits for his domestic use, which he had made over to a licensed retailer of spirituous liquors contrary to the meaning of the documents stated in the second paragraph of this letter, and my General Order of the 24th October last.*

2nd. A copy of Ensign Bayly's letter to me, which he has not furnished you with, I enclose, with my remarks upon it; the answer it appears you are possessed of.

3rd. How far the General Orders of the 24th last October* have a reference to what Ensign Bayly terms "the present business," I must leave to you to determine. I certainly meant it should have the most forcible application to every irregularity of the kind, and if I did not particularize officers in the general description of "any persons," it was an adherence to the same delicacy I have ever observed on those occasions, the instances of which are numerous. Ensign Bayly's remarks on the sentence, "for their domestic purposes," is truly just and critical. In the rough copy of the Orders, that sentence was included in a parenthesis, to distinguish it from the quotation. The person who copied it into the General Order Book omitted that distinction, which I certainly could not mean to insert in contradiction to my own handwriting and orders.

4th. I received Ensign Bayly's letter of the 28th ult'o at noon, and sent the answer by my orderly at the same time he carried the General Orders of that day. How far back every officer's conduct ought to have been regulated on this head must be proved by the injunctions contained in His Royal Highness the Commander-in-Chief's letter to you,† my letter to you of the 8th September, 1800,† and my Instructions† to Major Foveaux on this head, which I ought not to suppose either you or Major Foveaux left the officers ignorant of.

5th. It is possible that Ensign Bayly may not have had the King's Instructions as contained in my letter to you, or my Instructions to Major Foveaux, communicated to him; still I cannot help thinking it singular that such a public occurrence, affecting the officers under your command in so particular a manner, should not have reached his ears either at this place or Norfolk Island; and I believe it generally understood that every officer ought to inform himself of the existing Orders and Regulations of the Garrison he serves in, and that such an alleged ignorance does not shelter any officer for a breach of those Orders, when he has the means of knowing them, which Ensign Bayly and every other officer in this colony certainly has by the General and Regimental Order Books. However, let this be as it

* Note 183. † Note 182.

may, surely Ensign Bayly could not be ignorant of the Duke of York's injunctions to you as Commanding Officer of the Corps on this head.

1802.
1 Mar.
The case of
Ensign Bayly.

6th. The officer I alluded to in my General Order of the 28th ult'o, was Ensign Bayly, and as I never heard of any other officer abusing the indulgence I have given them by permitting them to receive more than the forty gallons of spirits annually for their domestic purposes, I hope, and am persuaded, that no one of them will view that Order as the most distant censure on their conduct, which I have every reason to believe has been perfectly correct on this head since I took the command; and sorry should I be to find myself obliged (under the present restrictions and regulations) to withdraw those indulgences from the officers, whilst the colony is so unfortunate as to have spirits brought into it.

7th. Having replied to the different points contained in Ensign Bayly's letter, I must now refer that officer's conduct (which I consider as highly censureable) to you, he being an officer in the Corps you command.

I can have no objection to any part, or the whole, of my public conduct in administering the Government of this colony being represented to the authority competent to decide thereon; and at the same time I must observe that no difficulties, opposition, collusion, or alleged ignorance of Public Orders will ever occasion the least relaxation in my efforts to carry His Majesty's Instructions into full execution and effect, by every means that my authority invests me with.

I have, &c.,
PHILIP GIDLEY KING.

[C]

ACTING-GOVERNOR KING TO ENSIGN BAYLY.

Sir, 28th December.

I have received yours, and have to refer you to the General Orders of the 24th October last,* those of this day,† together with the King's Instructions,† which Lieut.-Colonel Paterson is possessed of.

I am, &c.,
PHILIP GIDLEY KING.

[D]

ENSIGN BAYLY TO ACTING-GOVERNOR KING.

Sir, Sydney, 28th December, 1801.

I am this instant informed by Simeon Lord that you have ordered the broad ♂ to be put on a cask of spirits which he has in his house belonging to me.

* Note 183. † Note 184.

1802.
1 Mar.
The case of
Ensign Bayly.

Lest any mistake or misrepresentation should have been made to you how it came there, or for what purpose, I beg to inform you that it is part of a cask of spirits which I had a permit from your Excellency to land from the ship *Minorca*, and that Mr. Harris gave me a permit for it to be removed to Simeon Lord's house.

My motives, sir, for sending it there was because I preferred making him a certain allowance for his trouble in issuing it, as I might have occasion to draw for it, to keeping it in my own barracks, and run the risque of its being stolen, or made away with at the discretion of servants.

I have, &c.,
NICHOLAS BAYLY,
Ens'n, N.S.W. Corps.

[E]

LIEUTENANT-COLONEL PATERSON TO ACTING-GOVERNOR KING.

Sir, Sydney, 3rd January, 1802.

Agreeable to your Excellency's commands of the 1st instant, I assembled the civil and military officers of the colony at my house this morning. As Ensign Bayly declined attending, I have judged it necessary to order him into arrest for disobedience of orders, and request a General Court-Martial may be convened for the trial of that officer.

I have, &c.,
WM. PATERSON.

The Within are true copies of the Originals

W. N. CHAPMAN, Secy.

[Enclosure No. 2.]

GOVERNMENT AND GENERAL ORDERS.*

Orders *re*
Hours of
labour.

23rd August, 1801.

NOTICE.—The working hours to be from daylight till 8 o'clock, and from nine to one. The bell will ring at gun-fire in the morning, and it is expected that every person will be at work at daylight. The breakfast bell will ring at eight, and at a quarter before nine, at which time every person is to return to their respective labour.

Barrallier
appointed
artillery
officer.

Capt. Abbott, of the New South Wales Corps, having resigned his appointment as Acting Engineer and Artillery Officer, Ensign Francis Barrallier is appointed to that situation, and Serj.-Major Jamieson to be his assistant.

Issue of stores.

25th August, 1801.

THE Commissary is directed not to issue any more articles from the Cornwallis investment until after the ensuing harvest, that the settlers (for whose purposes that investment was principally designed) may be advantaged thereby; consequently, no more orders are to be applied for until notice is given that the store is again open.

* Note 181.

4th September, 1801.

THERE being a necessity for altering the ration now under issue, the following increase and decrease of the different species are to be issued until further orders, which the Governor hopes will hold out until the harvest is got in, viz. :—

1802.

1 Mar.

Orders *re*
Rations.*To Civil, Military, Overseers, and Constables.*

Men—Per week.	Women—Per week.
Wheat, 7½ lb.	Wheat, 4 lb.
Pork, 3 lb., or beef, 5 lb.	Pork, 2 lb., or beef, 3¼ lb.
Sugar, 6 oz.	Sugar, 4 oz.

To Prisoners.

Men—Per week.	Women—Per week.
Wheat, 6 lb.; maize, 2½ lb.	Wheat, 4 lb.
Pork, 3 lb., or beef, 5 lb.	Pork, 2 lb., or beef, 3¼ lb.
Sugar, 6 oz.	Sugar, 4 oz.

A proportion of slops will be issued to the prisoners and free-men victualled from the public stores, on Friday, the 11th, and Saturday, the 12th inst., when those who do not attend will be excluded. Issue of
clothing.

No prisoner will be allowed to go off the stores for four months after the slops are issued, and any person purchasing such slops will be dealt with according to former Orders on that head. A proportion of slops will be issued to the women at flax-work, and to some children, on Saturday, the 19th instant.

7th September, 1801.

MR. JAMES THOMPSON, Acting Principal Surgeon to the territory, being sworn in as a magistrate for the County of Cumberland, is as such to be respected and supported. Magistrates.

The acting magistrates at Sydney are: The Acting Lieut.-Governor, the Judge-Advocate, John Harris, Neil McKellar, and James Thompson.

It is expected that the officers, civil and military, do wait on the Governor at ten o'clock the morning after his arrival at headquarters, or at any of the other settlements where he may visit, when the officer in command will deliver returns of the regiment or detachment they command. Military.

10th September, 1801.

THE magistrates will issue licenses to retail spirituous liquors to the same number as were licensed last year. The licenses to be delivered on Saturday, the 19th instant. Spirit
licenses.

The proportion of slops to be issued to the freemen and prisoners at public labour will be as follows, viz. :— Issue of
clothing.

To Overseers.

A coat of blue cloth
Pantaloons of grey cloth
Two shirts
One pair of shoes
One pair of strip'd trowsers
One hat, and
One quarter of a pound of thread

To Watchmen.

One green or blue jacket
Two shirts
One pair of shoes
One pair of duck trowsers
One pair of breeches
One hat
One pair of stockings, and
One quarter of a pound of thread

1802. 1 Mar. Orders <i>re</i> Issue of clothing.	<i>To Male Prisoners.</i>	<i>Female Prisoners at Flax-work.</i>
	One blue jacket	One jacket
	One shirt	One petticoat
	One p ^r of duck or gurrah trowsers	One cap
	One pair of stockings	One shift
	One pair of breeches	One hat
	One pair of shoes	One pair of shoes
	One hat	One pair of stockings
	One worsted cap	

In case any person whatever purchases any article of the above sloop cloathing from those to whom they are issued, or by means of any agent, they will (according to orders repeated since the establishment of the colony) be prosecuted for receiving the King's stores, knowing them to be stolen, as every article of that kind remains the property of the Crown after it is issued.

15th September, 1801.

[A copy of this order was also forwarded as sub-enclosure No. 2 (page 295) of the despatch from Acting-Governor King to the Duke of Portland, dated 5th November, 1801.]

Reward for
discovery
of theft.

19th September, 1801.

WHEREAS a coil of rope, the property of the Crown, has been stolen by some person or persons, either from the Government wharf or out of a boat in which it was to be conveyed to George's Head, His Excellency the Governor is pleased to offer a reward of fifty pounds sterling, twenty gallons spirits, and an absolute emancipation (if a prisoner) to any person who shall bring to conviction the offender or offenders before a Court of Criminal Jurisdiction; and if any accomplice shall discover and bring to justice his confederates, he will be in the same manner entitled to an absolute pardon and the above reward.

Fustick.

20th September, 1801.

It having been ascertained that a very fine kind of *Fustick* has been found at Hunter's River, no trees of that kind are to be cut down but by a written permission of the Governor.

Claims on
government.

Every person who has public claims on the Governor or Commissary are to make them on the quarter day, *i.e.*, the 30th instant, agreeable to the General Orders of the 14th July, as no attention will be paid to them after that date.

21st September, 1801.

23rd September, 1801.

[Copies of these two orders were also forwarded as sub-enclosures Nos. 8 and 9 (page 298) of the despatch from Acting-Governor King to the Duke of Portland, dated 5th November, 1801.]

Military
relief.

24th September, 1801.

His Majesty's Armed Surveying Vessel *Lady Nelson* will sail for Norfolk Island on Monday the 28th Inst. Lieut. Colonel Paterson will arrange the Relief of Officers for that Island including a Captain who will embark on Monday next.

Removal of
spirits.

7th October, 1801.

No spirits are to be removed but by permit, as pointed out in former Orders; and if any are passed without that permit the

person giving it will on conviction before a magistrate be fined five pounds to the Orphan Fund. No less quantity than half a gallon to be charged the 6d. for the permit.

1802.
1 Mar.

The receipt of a quantity of salt pork from Otaheite by His Majesty's ship Porpoise will allow of a full ration of pork being issued in pork weeks.

Orders *re*
Issue of
salt pork.

9th October, 1801.

A PRINTED abridgment* of certain General Orders from the 28th of September, 1800, to the 8th of October, 1801, are distributed for the purpose of reminding the inhabitants at large of those Ordinances, which are to be placed in some conspicuous part of the houses of such as they are sent to.

General
orders.

11th October, 1801.

WHENEVER spirits, wines, or other strong drinks are taken out of a ship, on any account, without the Governor and Naval Officer's permit they become seizable wherever found. Permits for removing half a gallon or less of spirits or other strong drinks may be given by the following persons, viz.:—Civil and military commissioned officers or superintendants; for the military at Sydney by the officer of the day, adjutant, or serjeant-major; at Parramatta, by one of the officers of that detachment. Licensed people to give their own permits for the above quantity, which they may dispose of, and should this privilege be abused they will forfeit their license and recognizance; other descriptions to apply to the magistrates, who alone can grant permits for a greater quantity than half a gallon. Any person giving the smallest quantity of spirits without a permit will forfeit £5.

Permits for
landing spirits.

24th October, 1801.

ALL boats conveying spirits from Sydney to the Hawkesbury are to be seized, as well as everything in them, if not provided with a removing pass from the Governor.

The public are once more informed that no debts or notes of hand can be recovered that are not on the printed notes, as pointed out by the General Order of October, 1800. No other notes are negociable.

Promissory
notes.

The settlers in general are warned not to make away with the expected produce of their farms for the enriching those who have made so great a prey of their necessities. They will also do well to consult the Abridgement of the General Orders, issued during the last twelve months, which fully warrants their resisting any extortionate demands.

Assignment
of crops.

Licensed people receiving permits for spirits are to receive it themselves; and if any persons convicted of giving the spirits they draw to any licensed or other person, on any pretext, they will forfeit their licenses and recognizances.

Spirits.

25th October, 1801.

THERE being reason to suspect that some vagabonds are living among the natives, and instigating them to commit many acts of violence on the settlers, any person apprehending Thomas Thrush or William Knight will receive seven gallons of spirits for each.

Bushrangers.

1802.
1 Mar.
Orders *re*
- The settlers and inhabitants throughout the colony are cautioned to pull the grass up round the wheat, to prevent accidents by fire. No person whatever is to carry a lighted stick or smook a pipe near any wheat. Persons offending herein to be reported.
-
- Issue of coal.
- 29th October, 1801.
- THE winter allowance of coals allowed to guards in England will be issued to such guards as have grates put up for that purpose, to be drawn every morning after guard-mounting, viz.: A commissioned officer's guard, one bushel; a non-commissioned officer's guard, half a bushel.
-
- Appointment
of Wm. House.
- 6th November, 1801.
- HIS EXCELLENCY the Governor has been pleased to grant a Colonial Commission to Mr. Wm. House to be commander of His Majesty's armed Colonial brig Norfolk, for the purpose of enabling him to carry into effect the articles of war and regulations for establishing good government on board His Majesty's ships and vessels of war.
- The Governor desires that such persons as have been indulged with men off the store, and who have no wheat to reap, will give in a return of such men to Capt. McKellar on or before Saturday the 14th inst., that they may be employed by Government during the harvest. Such as do not pay strict attention to this Order will be deprived of any future indulgence from Government.
-
- Rewards for
arrest of
outlaws.
- 17th November, 1801.
- WHEREAS William Knight, Thomas Thrush, and T—— B—— have, by regular form, been outlawed, and are known to associate and commit violent acts of depredation in conjunction with the natives, whom they excite to the most diabolical and outrageous offences on the public, the Governor is pleased to offer the following reward for apprehending them.
- To a prisoner for life or fourteen years, a conditional emancipation.
- To a person already conditionally emancipated, a free pardon and a recommendation for a passage to England.
- To a settler, the labour of a prisoner for twelve months.
- And to any other description of persons, twenty gallons of spirits and two suits of slops.
- Any mitigation of the punishment due to the above offenders must totally depend on their immediately surrendering themselves.
-
- Detachment
at George's
River.
- 22nd November, 1801.
- A DETACHMENT at George's River is to consist of a sergeant, corporal, and six privates until further orders, who are to be posted as follows:—A sergeant and four privates at Major Johnston's, a corporal and two privates at Sergeant-major Jamieson's or Corporal Teutrell's. This detachment is to prevent the natives from firing the wheat, for which purpose a private will patrol occasionally from daylight till nine o'clock at night, and one private to be always ready during the night as a picquet. They are to fire on any native or natives they see, and if they can, pursue them with a chance of overtaking them. Every means is to be used to drive them off, either by shooting them or otherwise, taking care always to leave one private where posted.

A captain is to inspect that post once a week. Similar orders are to be given to the outposts from the Parramatta detachment; an officer from that post will inspect these outposts once a week, or oftener.

1802.
1 Mar.
Orders *re*

It being known that William Knight and Thomas Thrush (outlaws) and the native, Pemulwoy, are the promoters of the outrageous acts that have been lately committed by the natives, whereby two men have been killed, several dangerously wounded, and numbers robbed, the reward advertised on the 17th inst. will be given to those who will bring the above delinquents in, dead or alive, or a proportionate part thereof for each.

Rewards for apprehending outlaws.

23rd November, 1801.

In the Governor's absence from head-quarters one centinel is to be taken from Government House.

Sentinels at Government House.

From the 1st November to the 1st March the centinels are to be taken from Government House from ten in the morning till three in the afternoon until further orders.

9th December, 1801.

THE Governor being informed that several individuals are attempting to obtain the labour of some of the servants of Government employed at the harvest, by offering them very high rewards, the magistrates and superintendants of the different districts are strictly enjoined to bring to immediate justice every person who shall offend therein, and, on conviction before two magistrates, they are to be fined ten pounds sterling for each offence, the fine to be levied by immediate distress on the offenders' goods and chattels; and if any person under Government shall presume to hire out, or suffer any prisoners to be employed by individuals, until the harvest belonging to the public is secured, proper notice will be taken of it by the Governor, according to the situation of the person offending therein. Persons giving information will, on conviction, meet with a reward suitable to the discovery, which will not be less than five pounds sterling.

Employment of government servants.

13th December, 1801.

A LATE omission renders it necessary the Governor should inform the officers, civil and military, that when they return from any detached service it is their duty to wait on the Governor, Acting Lieutenant-Governor, or any other officer in command, immediately on their arrival at head-quarters.

Officers to report.

16th December, 1801.

HIS MAJESTY having been pleased to approve of the manner in which His Excellency the Governor-in-Chief* has carried his Royal Instructions into execution, by the General Orders issued prior to the Buffalo's leaving this colony, His Grace the Duke of Portland (exclusive of the Orders received and promulgated since that period) now signifies His Majesty's pleasure on the following heads:— "Such officers, civil and military, who do not cultivate land are to be allowed the labour of two convicts, supported by Government, for their domestic purposes, and in all cases where they have had grants or leases of land given them they are to feed and clothe all the convicts allowed them, without any exception whatever.

Assigned servants.

"The five convicts allowed to each officer acting as magistrate being judged too great an expence to the public, not more than four convicts are to be allowed to the magistrates in future.

* Note 186.

“Not more than five women are to be allowed to each company of the New South Wales Corps; the supporting that number of women and their children at the public expence to be considered a great indulgence.

“His Majesty’s Principal Secretary of State for the Home Department and the Lords Commissioners of His Majesty’s Treasury having made the necessary arrangements for a constant and regular supply of all necessaries for the use of the colony, to enable individuals to avoid the scandalously exorbitant prices of the dealers,” no articles will be issued from the public stores until payment is made in grain of all Government debts and those belonging to the owners of whalers whose investments have been and now are retailing from the public stores (as stated in the Orders of the 2nd of April and 2nd of June last), except to those who have paid their debts or who are not indebted as above, for which purpose the stores are open for the receipt of grain.

Any master of a ship landing spirits without the Governor’s licence, exclusive of forfeiting the penalty of his bond, is to be ordered out of the port immediately, and information thereof to be transmitted to the Secretary of State, that such masters may not be employed by Government in future.

Lieutenant-Colonel Paterson will deliver the Commissary a list of the five families to be allowed to each company of the New South Wales Corps on Friday next; and on Monday the extra convicts allowed to officers and magistrates will be called to public labour, unless their present employers choose to take them off the store, in which case application is to be made to Captain McKellar on Friday next.

In consequence of the late scarcity of grain and the settlers’ losses, the Governor takes upon himself the responsibility of suspending the Treasury Order for one year longer, and continues the price of wheat at 8s. and maize at 4s. per bushel.

26th December, 1801.

LIEUT. COLONEL PATERSON will furnish the Governor with the proportion of Coals and Oil (in lieu of Candles) for a Captain and Subaltern, agreeable to the King’s Regulations on that behalf, that such Officers as are deprived of their servants by the Order of the 16th Inst. may be furnished with a regular supply of those articles, which the Store will admit of.

28th December, 1801.

JOHN GREEN, a convict, being detected in exchanging spirits for wheat with the Government threshers, at the rate of one wine-bottle of spirits for a bushel of wheat, has forfeited the spirits and wheat, which, with his dwelling-house, are confiscated to the purposes of Government, and the delinquent is sent to Norfolk Island.

The General Order of the 24th of last October “forbidding any person giving the spirits they draw for their domestic purposes (by the Governor’s permission) to any licensed or other person on any pretext”; notwithstanding that Order, and His Majesty’s instructions on that behalf, it appears that an officer has given the spirits he was permitted by the Governor to purchase for his domestic purposes to a licensed retailer of spirituous liquors, to deliver to individuals by his orders; the Governor once more calls the attention of the officers, civil and military, to the delicate manner in

1802.

1 Mar.

Orders re

Payment of
debts to the
government.

Illicit landing
of spirits.

Price of grain.

Issue of coal
and oil.

Penalties for
irregular trade
in spirits.

which he communicated the Royal Instructions to them on that behalf; and he now directs that if any officer shall so far abuse the indulgence granted him, of being allowed to purchase spirits for his domestic purposes, by giving it on any pretext to any retailer whatever, or licensed person, to retail or give out by his orders, such spirits will not only be seized, but also the offender will be tried by a General Court-Martial.

1802.
1 Mar.
Orders *re*
Penalties for
irregular trade
in spirits.

Licensed persons receiving permits for spirits are to draw it themselves; and if they receive spirits from any other person, to dispose of on their account, all such spirits will be seized, and the receiver forfeit his license, recognizances, and all strong drinks found on his premises, which will become the property of the person suing to conviction.

And if any person, civil or military, settlers, free men, or prisoners, shall presume to purchase wheat with spirits, all such wheat, spirits, and the premises on which they are found will be forfeited to the Crown, and the offender dealt with according to his situation.

1st January, 1802.

A SOLDIER of the Parramatta detachment, has with great propriety complained of a licensed retailer of spirituous liquors exacting from him 8s. per quart, which, being investigated by a magistrate, it appeared that the charge had not only been made, but also that it has been customary. The Governor has already, and will persevere in destroying monopolies and extortion to the extent of his authority. Every licensed retailer of spirituous liquors who demands more than 20s. per gallon for spirits, which is not to be exceeded by any person whatever, will forfeit their license and recognizance, and other offenders will be dealt with according to their situation.

The price
of spirits.

A serjeant has, with an equal degree of propriety, brought forward a licensed retailer who has made use of short measures, and on the magistrates' inspection several other short measures were found. As most of those short measures were made by Thomas Collier and Thomas Randall, all licensed persons are to attend with their measures at the Court House on Monday next, when they will be examined by a magistrate and the Provost-Marshal. Those measures that are found just are to be stamped; those which are deficient are to be replaced by others of a full measure, at the expence of the licensed person, or the maker if he has deceived his employers.

Short
measures.

The bakers and other retailers will also attend on Tuesday, with their respective weights and scales. No other than those that run the full weight are to be retained; those that are deficient to be immediately replaced by full weights properly stamped. Any person whatever hereafter detected in using short measures or light weights, or any that are not properly stamped, will, on conviction before two magistrates, be fined in the sum of ten pounds, (to the Orphan School) for each weight or measure that may be deficient. The magistrates, the Provost-Marshal, head constable, and serjeant-major, to search at all times they may judge necessary, for short weights and measures.

Stamping of
weights and
scales.

A full ration of wheat will be issued to the civil and military, and to the prisoners, if there is a sufficient supply of grain during the ensuing week.

Ration of
wheat.

8th January, 1802.

1802.
1 Mar.
Orders re
Quality of
bread.

NOTWITHSTANDING the plentiful harvest that has just been got in, yet the Governor feels it his duty to caution the settlers and other inhabitants against an improvident use of wheat, which no doubt will be very scarce before next harvest.

The ordinance of the 8th of May last respecting the quality of the bread remains in full force, as well to save grain as to prevent the poorer part of the colony being imposed on by the bakers.

Samuel Foster having been convicted this day of selling bread short of weight, his oven is ordered to be taken down, and all the bread he has baked forfeited to the Crown.

12th January, 1802.

THE unwarrantable behaviour of the prisoners sent to the Government harvest at Hawkesbury and Toongabbee, who are dispersed about in consequence of their having been allowed to take their time, has been such as to render the following Orders necessary, viz. :—

Convicts not
victualled by
the stores.

1st. That all persons of the above description who have been allowed to go off the store within the last fortnight, or who now are, or ought to be, at Government labour, shall give themselves up to the magistrate of the district where they were at work before the harvest by Saturday next, otherwise each person not giving himself up shall receive 200 lashes and work in the gaol gang 12 months.

2nd. That no application is to be made by any prisoner to go off the store who has arrived in the colony since the Hillsborough.

3rd. That no prisoner will be allowed to go off the store (on his own hands) who does not find sufficient security for his good behaviour.

4th. Any person applying for prisoners off the store who does not employ them on their own grounds, suffers them to be on their own hands, or hires them out, will, on conviction before two magistrates, forfeit £10 to the Orphan School, besides 2s. 6d. for every day such prisoner has been from Government labour.

13th January, 1802.

Court-martial
on Ensign
Bayley.

ENSIGN NICHOLAS BAYLEY, of the New South Wales Corps, having been found guilty, by the sentence of a General Court-Martial, of a breach of part of the 5th Article of the 2nd Section of the Articles of War, and adjudged to be reprimanded by the Commander-in-Chief of the territory, which sentence the Governor-in-Chief approves, and dissolves the Court. Painful as the task is of conveying a reprimand, yet the Governor cannot, without a great neglect of duty, omit observing that when officers treat their superior's orders with negligence and actual disobedience, the worst of consequences must inevitably ensue to the discipline and good order of His Majesty's service, if not prevented by the regulations made for that purpose in the Articles of War.

Lieutenant-Colonel Paterson will order the above reprimand to be read to Ensign Bayley, in the presence of the officers of the Corps; he will also order such officers of the Corps as may be at headquarters to-morrow to attend and hear the papers alluded to in the Governor's letter to him of the 1st instant read to Ensign Bayley, which that officer ought to have attended to on the 3rd

instant, when the officers, civil and military, were convened for that purpose, but which, by refusing to comply with, has very deservedly drawn upon him the censure conveyed by the sentence of the General Court-Martial.

1802.
1 Mar.

Orders *re*

January, 16th, 1802.

MONDAY next being the Anniversary of Her Majesty's Birthday a Royal Salute is to be fired from the Batteries; the New South Wales Corps to fire three rounds at noon; His Majesty's ship Porpoise to fire a Royal Salute at One O'Clock. All the other vessels to begin when the Porpoise has fired her second gun. The Governor will be ready to receive the Compliments of the Officers, Civil and Military on that occasion at half past one O'Clock.

Her Majesty's
birthday.

A Civil Court will be convened on Monday the 25th instant.

Meeting of
civil court.

Mr. George Brydges Bellasis is appointed to act as Colonial Artillery Officer.

23rd January, 1802.

RECENT circumstances require that the Governor should recal the attention of every description of His Majesty's subjects entrusted to his charge to the following General Orders, viz. :—

1. Dec. 26th, 1800.*—Strictly forbidding all officers and every person, bond or free, from beating or horse-whipping any prisoner in this colony, particularly those whose labour has been assigned them, or allowed them as servants, and pointing out the mode of bringing such delinquents to justice, &c.

Treatment of
prisoners and
assigned
servants.

2. June 1st, 1801.*—Requiring every person who cannot support and employ the prisoners they have taken off the stores to return them to Government labour.

3. Jan. 12th, 1802.*—Specifying that every person applying for prisoners off the stores, who do not employ them on their own grounds, subject themselves to such fine and expences as are pointed out by that Order; besides which, if a military offender, being subject to a General Court-Martial, for a disobedience of Orders. It is not only to the above Orders, but to every existing General Order, that the Governor exacts and demands the most implicit obedience; and should any one presume to treat any of those Orders with neglect or disobedience, he will not fail to consider it a duty he owes to the high trust reposed in him to prosecute all offenders.

Jan. 25th, 1802.

THE Francis will leave this, on Sunday next, with the two Officers belonging to the Norfolk Island detachment.

Sailing of
the Francis.

28th January, 1802.

THERE being only 13 weeks full ration of salt meat in the store, the following reduction will take place on Saturday next until further orders, viz. :—2 lb. 10 oz. of pork, or 5 lb. of beef, women and children in proportion.

Ration of
salt meat.

1st Feby., 1802.

CAPT. E. ABBOTT and Ensign Hugh Piper are directed to hold themselves in readiness and embark to-morrow evening at 5 o'clock on board the Francis Colonial Schooner to rejoin the detachment at Norfolk Island.

Military
relief.

* Note 187.

1802.

1 Mar.

Orders *re*
Court martial
on Captain
Piper.

The Governor considering his approval of the sentence of the General Court Martial, held on Captain Piper, inadmissible, under the existing circumstances, declines deciding thereon; the officiating Deputy Judge Advocate will transmit a Copy of these Proceedings to the Judge Advocate General, to be laid before His Majesty, to whom the Governor refers the proceedings and sentence etc. for His Majesty's Most Gracious Consideration and Decision thereon; in consequence of which, the General Court Martial is dissolved, and Capt. John Piper liberated from his arrest, to do duty in the New South Wales Corps until His Majesty's pleasure is received.

2nd February, 1802.

Hours of
labour.

THE working bell will ring to leave off at 2 o'clock, while the present short ration of salt meat continues.

3rd Feby., 1802.

Status of
Captain Piper.

As the necessity of His Majesty's service, and the scarcity of Officers requires that Capt. John Piper should do duty in the Corps and as pointed out by the orders of the 1st inst. and as he does not appear eligible to sit as a member of a General Court Martial until His Majesty's pleasure is received on the sentence of the General Court Martial passed on that Officer, the General Order of the 1st Instant as far as relates to Captain Piper being a member of the Court Martial to be convened this day is countermanded; and Adjutant Minchin being one over the number necessary to constitute a General Court Martial that Officer will do his own duty as Adjutant.

6th February.

Assigned
servants.

THE Governor finds it necessary to call the attention of those to whom the labour of convicts is assigned, as well as of the convicts themselves, to the different Orders that have been given on that head since the 28th September, 1800.* By the Orders of the 2nd of October, 1800,* they will observe that no convict thus assigned can refuse to do the Government labour pointed out by Governor Hunter's Orders;* and if the master can give them employment after their Government hours or task is finished, they are to do his work in preference to any other person's; that they are not to absent themselves from their master's farms without his leave, or that of his overseer's; nor in any case to go from one settlement to another without a pass from the magistrate. And if the master or his overseer has cause of complaint against a convict servant for neglect of work, disobedience of orders, or absenting himself without leave, the magistrates are directed to enquire into it and award punishment. That Order further states, as an encouragement to servants to behave well, that the Governor will reward those whose services may procure a recommendation from their masters, &c. The willingness of masters to recompence honesty and diligence in their servants, and the Governor's readiness to reward them, appears by the many emancipations and free pardons given on those recommendations. Whilst the just discharge of the convict's duty to those they are assigned to has been so amply provided for and carried into execution (from Oct. 15, 1800, to Oct. 15, 1801), by twelve convicts being punished for abuse, and nine for neglect of work, on the complaint of their masters, who are officers, exclusive of the numerous instances of convicts being punished for disobedience of orders, neglect of work, abuse to soldiers, constables,

* Note 188.

as recorded in the gaol register, appears a sufficient assurance that no crime of that nature will ever be pardoned or overlooked; and as a further proof of the Governor's conduct on that behalf, a convict servant belonging to an officer is this day ordered to receive 100 lashes, and remain in the gaol gang one year, for gross abuse to his master (an officer), and refusing to sleep on his farm. A complaint of a convict being horsewhipped by the person his labour was assigned to, occasioned the Order of the 26th of December, 1800,* which pointedly forbade any master from beating his convict servant, but to have recourse to the mode pointed out by the Order of Oct. 2nd, 1800, all which Orders issued between the dates before mentioned are confirmed, and the strictest obedience required thereto by all and every His Majesty's subjects resident or stationed in this colony.

1802.
1 Mar.
Orders re
Assigned
servants.

No convict whose labour is assigned to any person whatever will be suffered to go off the stores without having not only obtained his master's previous consent to make the application, joined to the testimony of the convict's good conduct, but also that he produces his master's security for his good behaviour; but if any person should beat or use their servant ill, they will be taken from them to Government labour, and the offenders dealt with according to their situations in the colony. Before the Governor quits this subject, he feels it necessary to remind those convicts who are allowed to go off the store that any insolence to an officer, soldier, or constable, imposition in their demands for labour, neglect of doing the work they have engaged to perform, or idleness, will subject them to be recalled to Government labour and otherwise punished; and although there are many who have obtained their free pardons and emancipations, or who have expiated their sentence of the law, or are otherwise ranked as free people, yet they will recollect that the Governor possesses ample power to restrain and punish every act tending to disturb the peace, good order, and tranquility of this colony, which he is at all times ready to enforce, as it is his study to seek for occasions to reward and protect the industrious and well-behaved.

The Governor requests that Lieut.-Colonel Paterson will direct Capt. Neil McKellar to hold himself in readiness to embark on board the *Caroline*, American schooner, with his despatches for His Majesty's Ministers.

McKellar to
embark with
despatches.

19th February, 1802.

If any prisoner under sentence of the law presumes to strike any known free person, they will, on conviction before two magistrates, be sentenced to receive 200 lashes and remain in the gaol gang twelve months; and if any free person (not subject to military discipline) strikes a convict, they will for the first offence be fined £2 and find security themselves in £50 and two sureties in £25 each for keeping the peace while they are in the colony; for the second offence they will be fined £5 sterling and the security doubled.

Assaults
by and on
prisoners.

26th February, 1802.

It having been represented to the Governor that several settlers and other individuals are in the habit of making over their property by assignments to different creditors or others, to prevent such scandalous frauds every person will take notice that no assignment of property will henceforth be considered legal unless

Registration of
assignments.

* Note 189.

1802.
1 Mar.

Orders *re*
Registration of
assignments.

regularly drawn up at the Judge-Advocate's office and duly registered, which will enable every person receiving an assignment to see if a previous assignment has been made, or the same forfeited. This regulation has become absolutely necessary, from the illiterate and irregular manner in which those instruments are drawn up, exclusive of the frauds that are so frequent, which has been productive of serious loss and disappointment to the parties concerned, confusion and perplexity to the civil courts, and general mischief to the interests of the colony. Every person now holding assignments are to appear with them at the Judge-Advocate's office on Friday next, the 6th instant, to have them examined and registered, otherwise no cognizance of them will be taken by the civil court.

27th February, 1802.

Payment of
debts due to
government.

THE Commissary having represented to the Governor that those indebted to the Crown and to the stores for the whaler's investments do not show that readiness in discharging those debts which ought to be done, it is expected that every person indebted to the stores on the above account do make their payments on or before 1st day of April next, otherwise writs will be issued for the recovery thereof.

Frauds in
receipt of
grain.

The Deputy Commissary's assistant having been detected (the first day of receiving wheat into the stores) in placing a greater quantity of wheat to the credit of the owner than was delivered, and having also been detected in receiving payment for the same, any person discovering such a proceeding in future will, on conviction, have a reward of ten pounds sterling, and such other reward as the person and case may merit.

[Enclosure No. 3.]

[A copy of the return of the New South Wales Corps has not yet been found.]

GOVERNOR KING TO UNDER SECRETARY KING.

(Per American schooner Caroline; acknowledged by Lord Hobart, 24th February, 1803.)

Sir, Sydney, New South Wales, March 1st, 1802.

Lieutenant
McKellar
to carry
despatches to
England.

As I have judged it necessary to charge Lt. Neil McKellar with my Despatches, for His Majesty's Principal Secretary of State for the Home Department, It is necessary I should inform you, that he takes his Passage in the American Schooner Caroline, belonging to New Bedford, from which place I have directed him to take the most expeditious Passage to England. In consequence of some indulgence shewn by me, to the Master of that Vessel, in allowing him to Land and Bond in the Store, (to be disposed of to such of the Inhabitants as I may give permits to,) about 4,000 Gallons of Spirits, which he cleared out with, from America for this place, He takes this Officer to America free of any Expence whatever—A small expence will

occur for Lt. McKellar's passage from America to England, which I have directed him to draw on the Treasury for, in favour of the Master of the Ship that takes him from America to England; a Copy of my Order to Lieut. McKellar I enclose—As that Officer goes home on the Public Service, I have continued him the allowance of Four Convicts on his Farm, as my Aid du Camp until it is known, whether he returns to this Colony or not—

1802.
1 Mar.

Servants
assigned to
McKellar.

It is also necessary I should inform you, that in consequence of the differences, that have lately existed, among the Officers, which has been particularly aimed at Lt. McKellar, as the Friend of Lt.-Col. Paterson in the *rèencontre*, and his having joined that Officer, and such others as did not choose to obey Captn. McArthur's dictates in treating me with disrespect and contempt; And Captn. McArthur having refused to give Securities for keeping the Peace, I have judged it necessary to Order Lt. McKellar, not to enter into any Engagement, that may deprive the Public Service of his Testimony respecting the Conduct of Capt. McArthur which is the particular object of his going to England.

McKellar
cautioned.

I have the Honor to enclose Two Public Notices which it has been necessary to give here, since closing my Despatches.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

GOVERNOR KING'S ORDERS TO LIEUT. MCKELLAR.

By etc. etc. etc.

King's orders
to McKellar.

WHEREAS it is necessary that you should take Charge of my Despatches for His Majesty's Ministers

You are hereby required and directed to Embark on board the Caroline American Schooner, bound to New Bedford, from whence you will loose no time in getting a safe Conveyance to England; On your arrival you will deliver my Despatches to His Majesty's Principal Secretary of State for the Home Department, and receive his Directions, respecting the necessity of your attendance in London, reporting yourself of Course to the Adjutant General of His Majesty's Forces.

For which this shall be Your Order.

Given etc. this 1st March 1802.

PHILIP GIDLEY KING.

By etc. etc. etc.

WHEREAS I have been under the necessity of sending Captn. Jno. McArthur of the New South Wales Corps to England under

1802.
1 Mar.
King's orders
to McKellar.

the Arrest that Officer chose to continue himself under, and having refused to give security for keeping the Peace which he had been concerned in breaking and other Charges which form a representation from me, to His Majesty's P.S. of S. for the H:D: of that Officers Conduct.

And as it is necessary that an Officer possessed of all the Circumstances attending those Events should take Charge of my Despatches, and be on the Spot on Capt. McArthur's arrival or as soon after as possible, to answer such Questions as may be required of him on my part and on that of Lieut: Col: Pater-son's—And as I see no Person so fit as yourself who have acted so long as Adjutant to the Corps, and latterly as my Aid du Camp, which reasons together with your desire to return to England on leave of Absence, induces me to charge you with my Despatches for His Majesty's P.S. of S. for the H.D. and Capt. McArthur's Sword. On your arrival in England, you will follow such directions as you may receive from the Secretary of State and report yourself immediately to the Adjutant General of His Majesty's Forces to whom you will Communicate this order and receive his Commands respecting Capt. McArthur's Sword, and for your further Proceedings.

For all which this shall be your Order.

Given etc. this 1st March 1802.

PHILIP GIDLEY KING.

MEMO.

As you go to England on the Public Service, your Expences of Board and Lodging in America previous to your Embarkation for England, you will add to the Expence of your Passage from America to England, and your Journey to London drawing a Bill for the Amount on the Rt. Honble. the Lords Commissioners of His Majesty's Treasury, and furnishing yourself with proper Vouchers for the same, Delivering in an Account thereof, to the under Secretary of State for the Home Department, on your Arrival in England.

March 1st 1802.

PHILIP GIDLEY KING.

[Enclosure No. 2.]

GENERAL ORDERS.

Proclamation.

16th March, 1802.

It having been usual for those hitherto allowed to Kill and Vend Sheep and Swine's Flesh to have their Agents among the Settlers and others searching for good stock of any kind, whether male or female, and after obtaining them by various artifices (but mostly

Trade in
fresh meat.

by the lure of spirits) from the unthinking possessors, they are killed and sold at the most exorbitant prices. Ewes lately given to Settlers from Government Flock to breed from have been thus purchased, killed, and sold; Sheep have been purchased from an absent Officer's Overseer; and individuals have had Sheep stolen from them repeatedly for the purpose of selling to Butchers.

1802.
1 Mar.
Trade in
fresh meat.

As these proceedings have a manifest tendency to destroy the breeding stock (which Government was originally at so great an expence in procuring) for the purpose of enriching a few individuals at the present expence and future existence of the Inhabitants of this Colony, The following Ordinance is to be obeyed by all and every of His Majesty's Subjects in this Territory and its Dependencies, viz. :—

The Lieutenant-Governor and Magistrates will proceed forthwith to Elect and give License to two Freemen in Sydney, and one in Parramatta, as Butchers, who alone shall be allowed to kill and expose for sale, directly or indirectly, any Carcase Meat under the penalty of Five Pounds for each Offence; The Persons licensed to pay 5s. for the License and find two responsible Securities in £20 each, and themselves in £40, for the due performance of the following Rules :

Licensing
of butchers.

1. Not to purchase or receive for killing any Cow, Ewe, or breeding Sow.

Regulations to
be observed
by butchers.

2. Not to sell or send on board any ship or vessel Live Stock (except Poultry) or Carcase Meat, without a Permit from the Governor, or in his absence the Lieutenant-Governor.

3. To deliver to the Governor a weekly Account of the number of Male Stock killed and sold.

4. Not to give more than 1s. 1d. Sterling per Pound for Mutton and 6d. per Pound for Swine's Flesh, or to demand more than 1s. 3d. Sterling per Pound for Mutton, and 8d. per Pound for Swine's Flesh. This regulated Price to continue for one Year from the date hereof, and any demand exceeding these prices (exclusive of the penalty the Butcher is liable to) the Governor commands the Magistrates and all Courts of Justice not to take cognizance of either directly or indirectly.

A Disobedience or Neglect of the above Regulations will, on Conviction before two Magistrates, incur the Forfeiture of the Recognizances to the profit of the person or persons prosecuting to Conviction, and the Offender sentenced a Year's Imprisonment and Hard labour.

All Persons are strictly forbid killing or sending from this Territory, or any of its Dependencies, any Female Stock, except they have the Governor's Permission for killing such as may appear past breeding.

19th March, 1802.

1802.

1 Mar.

Orders re
ration of
salt meat.

THERE being only twelve Weeks Salt Meat remaining in the Stores at the present Ration for the numbers maintained by the Crown, and as accidents may have happened to detain the expected supplies of Salt Meat, the Governor is sorry to be under the disagreeable necessity of striking all Women, Children, and those Men who are not actively employed, off the Stores for Salt Meat, until further Orders. The Civil, Military, and those actively employed at Government work, to remain on the present Ration until further Orders.

The former Orders respecting those who have put Wheat into the Public Stores during the present Quarter, to be attended to, otherwise no claims of any kind will be allowed of after the 10th of April next.

GOVERNOR KING TO JUDGE-ADVOCATE GENERAL.

(Despatch per American schooner Caroline; acknowledged by Sir Charles Morgan, 11th December, 1802.)

Sir, Sydney, New South Wales, 1st March, 1802.

I have directed the officer officiating here as Deputy Judge-Advocate to transmit you the proceedings of three General Courts-Martial held by my order, viz.:—Two on Ens'n Nich's Bayly* and one on Lt. John Piper,† both of the N.S.W. Corps.

Circumstanced as I am with respect to those Courts-Martial it is necessary I should trouble you with this letter, which I respectfully request your consideration of, and that you will lay it with the proceedings before His Majesty.

Respecting Ens'n Bayly's first trial for disobedience of orders, as he was prosecuted by Lieut.-Col. Paterson, commanding the Corps, I shall only trouble you with a reference to the correspondence and other documents that led to that prosecution, occasioned by a disregard of orders consequent on H.M. instruction forbidding officers being concerned in the traffic of spirituous liquors. On the above officer's second trial (which was a short month after the first) for disobedience of my General Orders, I was necessitated to prosecute, for which purpose I deputed my aid-du-camp to conduct the prosecution. The peculiar situation I stood in by directing the Court to be convened, and being the prosecutor, appeared to cast an impropriety in my deciding on the sentence of this, as well as on that of Lt. Piper's trial, which had intervened. On this consideration I declined approving the sentence.

* Note 180. † Note 179.

Court-martials
on Piper
and Bayly.

The two trials
of Ensign
Bayly.

To my letter to the Deputy Judge-Advocate I request your reference for my reasons for trying Lt. Piper by a General Court-Martial, after I had represented that officer's conduct to H.M.'s Ministers, and also solicit your attention to those proceedings, the written and oral evidence adduced, and the sentence of the Court, together with the letter and its enclosures, which I have directed the Deputy Judge-Advocate to lay before you, as I considered the sentence so very inadequate to the evidence and the well known facts, that I directed a revisal of the proceedings, which you will observe, sir, by my letter to the President, wherein I pointed out what to me appeared conclusive evidence, and required the Court's reasons for its decision, which was not attended to, but returned with the same sentence. Whatever that sentence might have been, delicacy prevented me from deciding on it, for the reasons I have already given, which makes my request necessary, that you will be pleased to submit those proceedings and the two unapproved sentences to H.M.'s most gracious consideration and decision, to which I am the more strongly urged, from the reflection how much the peace of this colony, and the discipline so necessary to be observed in this distant part of H.M.'s dominions, is concerned in such conduct as that of Lt. Piper's and those with whom he is so unfortunately connected.

Lt. McKellar, who has acted as my aid-du-camp, and who conducted the prosecution, will have the honor of delivering you this letter and the Deputy Judge-Advocate's, and in case you should wish any reference to that officer, I have directed him to leave his address at your office.

I have, &c.,

PHILIP GIDLEY KING.

1802.
1 Mar.

The trial of
Lieutenant
Piper.

GOVERNOR KING TO SIR S. COTTRELL.

(Per American schooner Caroline.)

Sir, Sydney, N.S.W., March 1st, 1802.

I had the Honor of forwarding the Entries and Clearances of Vessels into and from this Port, from Sept. 28th 1800 to June 1801. I now transmit those from the last date up to Dec. 31st 1801.

Shipping
returns.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure.]

[The return of Entries and Clearances of Vessels was similar to that enclosed by Governor King in his despatch to the Duke of Portland of the same date; see pages 452-453.]

1802.
1 Mar.

GOVERNOR KING TO THE RT. HON. THE SECRETARY AT WAR.
(Per American schooner Caroline.)

Sir, Sydney, N.S.W., March 1st, 1802.

Returns of
the N.S.W.
Corps.

I had the Honor of enclosing the Monthly returns of His Majesty's New South Wales Corps, serving in this Colony from Nov. 1800 to July 1801. I now transmit those from the last date up to Dec. 31st 1801.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure.]

[A copy of the return of the New South Wales Corps has not yet been found.]

GOVERNOR KING TO WILLIAM CHINNERY.
(Per American schooner Caroline.)

Dear Sir, Sydney, N.S.W., March 1st, 1802.

With this I enclose a Duplicate of my Letter sent by the Albion, dated April 10th 1801 The answer to which I hope soon to receive, especially respecting Martin Tims's business, who has so long acted as Superintendent at Norfolk Island without any Salary.

The chaplain
at Norfolk
Island.

Revd. Mr. Haddock, who was appointed Chaplain of Norfolk Island, has never made his appearance; I fear I shall not be able to obtain the receipts from Norfolk Island in time to transmit one of them by this opportunity for a set of Bills I have drawn on you in favour of the Revd. Henry Fulton, for half Mr. Haddocks pay, whose duty he has done for some time past, but as you have no doubt made a reserve of half the Salary at least, I hope there will be no difficulty in his receiving the allowance when the Bills do come to hand, I have mentioned this circumstance to the Secretary of State.

Salaries of the
civil staff.

The Commissary with my permission has Drawn on you, for the difference of Pay, for those (on the Civil Establishment) whose Salaries are drawn for here, according to the Parliamentary Estimate, (Sent to me from the Secretary of State's Office) for the Year 1801,* in which there appears an advance on all the Salaries.

For your guidance, I enclose a Copy of the Persons acting here on the Civil Establishment, similar to that sent to the Secretary of State by this Conveyance.

I am, etc.,

PHILIP GIDLEY KING.

[Enclosure.]

[A copy of this return† is not available.]

* Note 190. † Note 160.

THE VICTUALLING BOARD TO THE GOVERNOR OF N.S.W.

1802.
16 Mar.

(Per transport Alexander; acknowledged by Governor King, 9th November, 1802.)

Sir, Victualling Office, 16th March, 1802.

Having in Consequence of an Order from the Right Honorable the Lords Commissioners of His Majesty's Treasury Communicated to us by Letter from Mr. T. H. Addington dated the 7th of January last Directed the following Quantities of Pork Sugar and Flour to be sent out to New South Wales Vizt.

Shipments of
pork, sugar,
and flour.

Pork	148,574	} Pounds
Sugar	44,547	
Flour	1,122,576	

We beg leave to Acquaint your Excellency that the Several Quantities of those Species particularized in the Accompanying Abstract, have in Consequence been Shipped on board the Undermentioned Transports, Viz:—

Vessels Names.	Masters Names.
Rolla	Robt. Cumming
Atlas	Thos. Musgrave
Alexander	Jams. Normand

And that in Obedience to their Lordships Direction, the Same have been Consigned to the Commissary General at the Settlement, to whom we have Caused, the Invoices etc. of the said Provisions to be forwarded.

We therefore Request you Will Direct proper Receipts to be Granted to the Masters of the Aforesaid Vessels for what they shall respectively Deliver, And have etc.

JOHN MARSH. FRANS. STEPHENS.
G. P. TOWRY. R. S. MOODY.
JOHN RODNEY.

[Enclosure.]

Victualling Office, 16th March, 1802.

AN Abstract of Provisions Shipped on board the Undermentioned Transports for the Use of the Settlement at New South Wales and Consigned to The Commissary General in pursuance of an Order from the Right Honorable the Lords Commissioners of His Majesty's Treasury, dated the 7th January, 1802. Vizt:

Abstract of
provisions
shipped.

Dates of the Bills of Lading.	Vessels Names.	Masters Names.	Pork, Pounds.	Flour, Pounds.	Sugar, Pounds.
30th Jany., 1802	Rolla	Robt. Cumming.....	74,412	230,496	22,344
5th Feby.....	Atlas	Thos Musgrave ...	74,094	260,636	22,203
5th March	Alexander...	Jams Normand ...	.....	511,945	.....
			140,506	1,003,077	44,547

1802.
19 Mar.

THE TRANSPORT COMMISSIONERS TO GOVERNOR KING.

(Per transport Alexander.)

Transport Office,

Sir,

19th March, 1802.

The charter
of the
Alexander.

We have to Transmit to you Inclosed for your Information, a Copy of the Charter Party of the Alexander a Vessel taken up for the Conveyance of Provisions to the Colony, under your Government.

We are Sir, etc., etc.,

RUPERT GEORGE.

AMBROSE SERLE.

WM. HENY. OTWAY.

[Enclosure.]

[A copy of the charter party has not yet been found.]

GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch per American schooner Caroline; acknowledged by Lord Hobart, 14th February, 1803.)

Sydney, New South Wales,

29 Mar.

My Lord,

29th March, 1802.

Return of the
Lady Nelson.

The vessel in which L't McKellar takes his passage, not being ready to sail before to-morrow, enables me to inform your Grace that the Lady Nelson returned here on the 23rd instant, having been absent five months executing the service I had the honor to inform your Grace of in a former letter. With this I transmit Acting-L't Murray's journal,* and copies of his charts of discoveries he has made in the straits that separate New Holland from Van Dieman's Land, and although the bad weather and contrary winds he met with has prevented him from executing the orders he sailed under so fully as might have been wished, yet I hope his survey of the east and north coasts of King's Island, lying in the center of the west entrance of the straits, and having discovered another very noble and spacious harbour (Port Phillip) within the straits, which are both so fully described in his journal and the charts, with the other objects of his researches, will serve to assure your Grace that no time has been lost in putting His Majesty's Instructions on that behalf into execution; and as Mr. Murray, who has served eight years in the Navy, and passed for a lieutenant, has acquitted himself very much to my satisfaction, and, I trust, to the public advantage in what he has done, I hope there will be no impropriety in my respectfully requesting your Grace's recommendation for his being confirmed as a Lieut't in the Royal Navy, and appointed to the command of the Lady Nelson.

Discoveries of
Lieutenant
Murray.

* Note 191.

I am sorry the vessel's sailing so soon prevents those surveys being connected with the other parts of the straits; but if the charts and journals now sent, and those constructed before the Lady Nelson's return, are put into the hands of Mr. Dalrymple, hydrographer to the Admiralty, a chart sufficiently correct may be compiled therefrom for present purposes until further discoveries are made, which chart will be of the utmost service to ships coming here from England.

1802.
29 Mar.
Chart of
Bass' Strait.

I have sent the accompanying packet to the secretary of the Admiralty, which I have left open for your Grace's perusal.

The Lady Nelson continues in excellent condition, and only wants a partial caulking and new sails (the latter of which I shall hardly be able to supply her with for the want of canvas) to proceed on further service.

Condition of
the Lady
Nelson.

This detention also gives me an opportunity of informing your Grace of the Colonial schooner's return from Norfolk Island on the 25th instant. A copy of the L't-Govr's public letter and returns I have the honor to enclose,* by which you will observe the great success the South Sea whalers have had off Norfolk Island and New Zealand.

Reports from
Norfolk Island.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

[A copy of acting-lieutenant Murray's journal has not yet been found.]

[Enclosure No. 2.]

[This consisted of returns from Norfolk Island.*]

GOVERNOR KING TO SECRETARY NEPEAN.

(Per American schooner Caroline.)

29th March, 1802.

[The first two paragraphs of this letter were a repetition of the corresponding paragraphs in the despatch to the Duke of Portland of the same date.]

The Lady Nelson continues in excellent Condition, and only wants a partial Caulking, and New Sails (the latter of which I shall hardly be able to supply her with for want of Canvas,) to proceed on further Service.

Condition of
the Lady
Nelson.

I have also just received an account that Seven South Sea Whalers, off Norfolk Island and New Zealand are filling their Ships very fast with Spermaceti Oil.

Whale
fishery.

His Majesty's Armed Vessel Porpoise, Sails for Otaheiti in quest of more Salt Pork about the 12th of April.

Sailing
of H.M.S.
Porpoise.

I have, etc.,

PHILIP GIDLEY KING.

* Note 192.

1802.
31 Mar.

LORD HOBART TO THE GOVERNORS OF H. M. COLONIES IN THE WEST INDIES, &c., TO GOVERNOR KING AND LIEUT.-GOVERNOR BENTER.*
(A circular despatch. per H.M.S. Glatton: acknowledged by Governor King, 9th May, 1803.)

Sir, Downing Street, 31st March, 1802.

The treaty
of peace.

I have the satisfaction of transmitting to you an Extraordinary Gazette announcing the arrival of Mr. Moore, Assistant Secretary to the Marquis Cornwallis, with The Definite Treaty of Peace which was signed at Amiens on the 27th Instant.

You will not fail to make this important Communication public throughout your Government without the least possible delay.

I am, &c.,
HOBART.

[Enclosure.]

[A copy of this Gazette is not available.]

LORD HOBART TO THE GOVERNORS OF H. M. COLONIES IN THE WEST INDIES, NEWFOUNDLAND AND NEW SOUTH WALES.

(A circular despatch. per H.M.S. Glatton; acknowledged by Governor King, 9th May, 1803.)

Sir, Downing Street, 1st May, 1802.

1 May.
Proclamation
of peace.

I transmit to you herewith printed Copies of His Majesty's Proclamation† notifying the conclusion of the War, and of an Abstract of the Regulations contained in an Act passed in the 34th Year of His present Majesty's Reign Intituled "An Act for the further encouragement of British Mariners and for other purposes therein mentioned, respecting the manner in which British Ships shall be navigated after the conclusion of the War"—and I am to desire that the same may be published and made known within your Government.

I have, &c.,
HOBART.

Inclosure.
Regulations for the Navigation of British Ships in Time of Peace.

[Copies of the enclosures are not available.]

UNDER SECRETARY SULLIVAN TO GOVERNOR KING.

(Despatch per H.M.S. Glatton; acknowledged by Governor King, 9th May, 1803.)

Sir, Downing Street, 1st May, 1802.

The House of Commons having voted the sum of £5,908— for the Civil Establishment of the Settlement of New South Wales, from the 1st of January to the 31st of December, 1802—* I am directed by Lord Hobart to inclose for your information, a copy of the Estimates upon which the Grant is founded.

Parliamentary
vote.

I have, &c.,
JNO. SULLIVAN.

[Enclosure.]

ESTIMATE of the charge of defraying the Civil Establishment of New South Wales from the 1st of January to the 31st of December 1802.			1802. 1 May.
	£	s.	d.
Salary of the Governor	1,000	0	0
Deputy Judge-Advocate	182	10	0
Commissary	365	0	0
Provost Marshall	91	5	0
Secretary to the Governor	91	5	0
For Stationary	20	0	0
Clergyman	182	10	0
Do. at Parramatta and Hawkesbury	146	0	0
Surgeon	182	10	0
Do. Three Mates £91 5s. each	273	15	0
Do. Assistant	50	0	0
Surveyor of Lands	182	10	0
Boat Builder	91	5	0
Two Deputy Commissaries of Stores	182	10	0
Two Assistant Clerks to the Commissary at £60 per annum each	120	0	0
Two Assistant Store Keepers	100	0	0
Nine Superintendants of Convicts at £50 per annum each	450	0	0
	(£3,711	0	0)
<i>Norfolk Island.</i>			
Lieut.-Governor of Norfolk Island	250	0	0
Clergyman	96	0	0
Surgeon	130	0	0
Deputy Commissary of Stores	91	5	0
„ Additional Salary to Mr. Clarke Deputy Commissary of Stores in consideration of his long service and the great increase of the Duties of his situation at the rate of £91 5s. 0d. per Annum to com- mence from the beginning of the year being the period of his em- barkation to return to Norfolk Island.....	91	5	0
One Store Keeper	50	0	0
Deputy Surveyor of Lands	91	5	0
Three Superintendants of Convicts at £50 each	150	0	0
One Master Carpenter	40	0	0
One Beach Master and Pilot	50	0	0
Dep. Judge-Advocate at 8s. per diem	146	0	0
Provost Marshall	70	0	0
Allowance to Governor Phillip in consideration of his meritorious Services	500	0	0
Allowance to Mr. White late Surgeon	91	5	0
Allowance upon account for fees on Receipt and Audit	200	0	0
Agent	150	0	0
	£5,908	0	0

Estimate of
expenditure
on the civil
establishment
for 1802.

1802.
1 May.
Estimates
for the
year 1803.

In Estimates for 1803, the following charges are to be observed.

	£	s.	d.
Deputy Judge-Advocate	365	0	0
Clergyman	250	0	0
„ Parramatta and Hawkesbury	182	10	0
Surgeon	365	0	0
One Mate Do.	182	10	0
Two Mates at £136 17s. 6d. ea.	273	15	0
Assistant	91	5	0
One Superintendent of Convicts	100	0	0
Two „ at £75	150	0	0
Six „ at £50	300	0	0

Norfolk Island.

Dep. Judge-Advocate	182	10	0
Clergyman	182	10	0
Surgeon	182	10	0
Dep. Commissary of Stores	182	10	0
„ Addl. Salary to Mr. Clarke	91	5	0
<hr/>			
Allowance to Governor Hunter	300	0	0
„ Mr. Alt, late Surveyor	91	5	0

Salaries for
settlement at
Port Phillip.

ALSO—Salaries in Estimates on account of the New Settlement
to be at Port Phillip.

	£	s.	d.
Lieutenant-Governor	450	0	0
Deputy Judge-Advocate	182	10	0
Clergyman	182	10	0
Surgeon	182	10	0
1st Assistant Do.	136	17	6
2nd „ Do.	91	5	0
Deputy Commissary	91	5	0
Deputy Surveyor	91	5	0
Mineralogist	91	5	0
Two Superintendants of Convicts at £50	100	0	0

The Total Estimates for 1803 (including Port
Phillip) Total £9,124 17 6

SECRETARY LEWIS TO GOVERNOR KING.

(Per H.M.S. Glatton.)

Sir,

War Office, 1st May, 1802.

Despatch
acknowledged.

I am directed by the Secretary at War to acknowledge the Receipt of your Letter of 22d Augt. last enclosing the Monthly returns of the New South Wales Corps from Novr. 1800 to July 1801.

I have, &c.,

M. LEWIS.

SECRETARY NEPEAN TO GOVERNOR KING.

(Per H.M.S. Glatton; acknowledged by Governor King,
12th April, 1803.)

1802.
5 May.

Sir, Admiralty Office, 5th May, 1802.

I have received and communicated to my Lords Commissioners of the Admiralty your letter to me of the 22nd August last, inclosing the passing certificate of Mr. John Murray, serving as mate on board the *Lady Nelson*, surveying vessel, and recommending him to their Lordships' favour for promotion; and I have their Lordships' commands to send you the copy of a letter which I have received from the Navy Board, pointing out the imposition attempted to be practised in his report of service; and to acquaint you that they will not, in consequence, give him a commission, nor will they allow him to pass for an officer at any future period.

The position of
John Murray.

I am, &c.,

EVAN NEPEAN.

[Enclosure.]

Sir, Navy Office, 2nd April, 1802.

In answer to your letter of the 29th ultimo we send you herewith, for the information of the Right Honourables the Lords Commissioners of the Admiralty, a certificate of the servitude in the Navy of Mr. John Murray, by which it will appear that he has not served six years on the 8th July, 1800, when he passed his examination for a lieutenant at the Cape of Good Hope.

Incorrect
statements
made by
Murray.

By his passing certificate, which is herewith returned, it is set forth that he served in the *Duke* from the 9th June, 1789, to the 2nd December, 1789; but we must observe that the *Duke* was not in commission in 1789, neither is he found on her books from the 10th August, 1790, to 28th August, 1791, when she *was* in commission; nor is he borne in the *Duke* while she was in ordinary, which time, even admitting he did belong to her, would not have been allowed towards the regular servitude of six years.

We are, &c.,

H. DUNCAN.

J. HENSLOW.

B. TUCKER.

SECRETARY NEPEAN TO LIEUTENANT-GOVERNOR KING.*

(Per H.M.S. Glatton; acknowledged by Governor King, 12th April,
1803.)

Sir, Admiralty Office, 5th May, 1802.

I have Received and Communicated to my Lords Commissioners of the Admiralty Your Letter of the 30th November† Acquainting me for their Lordships Information of your having

Despatch
acknowledged.

* Note 194. † Note 195.

1802.
5 May.
King's self-
appointment
to H.M.S.
Porpoise
approved.

for the reasons therein mentioned, appointed Yourself Captain of His Majesty's Armed Vessel, The Porpoise, as also of your having given an Order to Mr. William Scott Master of that Vessel to Act as Lieutenant and Commander of her during your absence, And I have their Lordships Commands to Acquaint you that under the particular Circumstances you have Stated, they will not disapprove of what you have done although the proceeding has been Irregular.

I am, etc.,
EVAN NEPEAN.

THE TRANSPORT COMMISSIONERS TO GOVERNOR KING.

(Per ship Bridgewater.)

11 May.
Shipment
of stores.

Sir, Transport Office, 11th May, 1802.

In pursuance of Directions from the Right Honorable the Lords Commissioners of His Majestys Treasury Signified to Us by Letter from J. H. Addington Esqr. dated the 4th of January last, we have provided, And Caused to be Shipped on Board the Bridgewater—Palmer Master Consigned to your Address, Sundry Articles of Tools, Ironmongery etc. for the Use of the Colony at New South Wales And inclosed we transmit to you for your Information, the Invoices and Bill of Lading for the Same.

We are, etc.,
RUPT. GEORGE.
AMBR. SERLE.
WM. H. OTWAY.

[Enclosures.]

[Copies of the invoices and bills of lading have not yet been found.]

GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch No. 7, per whaler Speedy; acknowledged by Lord Hobart, 24th February, 1803.)

Sydney, New South Wales,
21st May, 1802.

21 May.
Arrival of
the whaler
Speedy.

My Lord,

The Speedy, whaler, having filled on this coast, and put in here for a few days previous to her return to England, enables me to forward your Grace duplicates of my last despatches, sent by Lieut't McKellar in an American schooner bound to New Bedford, from whence he is to take his passage to England. As I

endeavoured to make that despatch and its accompanying documents as explanatory as possible, and so short a time having elapsed, I have but little general information to communicate in addition.

1802.
21 May.

I continued the reduced ration of pork until only eight weeks remained in the stores, when it became necessary to go to the very reduced ration of three ounces and a half of pork daily.

Ration of
pork.

The women and children have been long excluded from that part of the ration; but I hope soon to receive a part of that supply of provisions mentioned in your Grace's last despatch,* as the necessity of lessening public labor in proportion as the ration is reduced will be obvious. Our present remains,† at the utmost calculation, will last only twelve weeks, and I trust that the arrival of supplies before that period will prevent our thriving stock being touched, which I shall endeavour to prevent by every means in my power, well-knowing what an immense expence has been incurred for what the colony now possesses, how soon its present quantity would be destroyed, and the great expence, losses, anxiety, and disappointment that would attend its being replaced.

Provisions
in store.

Notwithstanding what I have stated in my former letters of the change which I hoped had taken place among the Irish, sent here for sedition, and being principally concerned in the rebellion in that country, yet I am much concerned to say that the same restless and diabolical spirit still pervades them. It was but very lately some of their leaders very incautiously discovered what their intentions were, of which I had the most corroborating proofs. As some of the principals are removed to Norfolk Island, I hope the others will find it their interest to be quiet; otherways it will be absolutely necessary for me to proceed in a very summary manner to prevent worse consequences. As I am informed more Irish convicts are coming here, it may be necessary to re-embolden the association if they are troublesome, which unfortunately is attended with the expence of their provisions.

Behaviour
of the Irish
convicts.

Altho' it is not my duty to press on your Grace the description of people to be sent here, yet I would humbly propose that as few as possible of those convicted of seditious and republican practices should be sent; otherways, in a very short time this colony will be composed of a few other characters, which must necessarily draw on anarchy and confusion, as nothing but the hand of authority keeps those we now have within the bounds of order. Among those deluded people, I was reluctantly obliged to send away the man I entrusted with the linnen manufactory, which will be a great hindrance, until some person equal to conducting it

Transportees
guilty of
sedition not
desired.

* *Marginal note.*—June 19th, 1802.

† *Marginal note.*—See enclosure, No. 5, in Separate Letter A, with this.

1802.
21 May.

can be sent from England, instead of the man who was drowned* coming out here. Any person that is sent in that situation should be acquainted with the growth and manufacture of the flax.

Settlement
at Port Phillip
proposed.

From the account given by Acting-Lieut't Murray and Captain Flinders, of the goodness of the soil and natural advantages of Port Phillip, in Basses Straits, I beg leave to suggest the propriety of a settlement being made at that place, as much for the purpose of separating the numbers that will be sent here when peace is made, as to make an establishment in a place so connected with this settlement; nor can there be a doubt, from the accounts I have received from those officers, of its being a much more eligible climate for raising wheat than this is. This measure I should immediately adopt, but unfortunately I have no person under me that can be spared or entrusted with such a command; but when more officers come out, perhaps I may be able to select out one that would answer for that situation, which will require a person of some abilities and perseverance. Unless I find it absolutely necessary, I shall not take this step without your Grace's approbation, and if approved of, I respectfully beg leave to submit the establishment proposed in a former letter† to your Grace's consideration, which I have the honor to enclose with a marginal reference. I am the more solicitous respecting forming this settlement, from the probability of the French having it in contemplation to make a settlement on the N.W. coast (of straits), which I cannot help thinking is a principal object of their researches.

Returns
transmitted.

I have the honor to enclose the quarterly employment, returns of superintendants and officers on the civil establishment, and a return of the stock belonging to Government up to the date of this despatch, referring your Grace to my separate letters A with this and my last despatch No. 6, for the detail of our expenses and documents annexed thereto.

Report from
Norfolk Island.

Agreeable to Lieut't-Governor Foveaux's request, I sent 400 bushels of wheat from hence for seed. The Colonial vessel that took it is returned, and exclusive of the letter and returns (copies of which I have the honor to enclose), it appears that officer is doing his utmost to reduce the expences of that island, and to draw it from the neglected state it has been in.

Legal books
wanted.

I have also the honor to enclose the Acting-Judge Advocate's letter to me, requesting being supplied with a copy of the statutes at large and the sessions papers, the former of which we are much in want of, particularly the late Acts respecting sedition and seditious meetings.

* Note 155. † *Marginal note.*—Letter No. 1, Sept. 28th, 1800.

Excepting the trouble occasionally given by the United Irishmen, I am happy to inform your Grace of the general regular and orderly behaviour and good state of health of that part of His Majesty's subjects over whom I have the honor to preside.

1802.
21 May.
General
condition of
the colonists.

I have, &c.,
PHILIP GIDLEY KING.

[Enclosure No. 1.]

GENERAL ORDER RE RATIONS.

7th May, 1802.

FROM delay or accident attending the expected arrivals of salt meat, and the very reduced state of the salt provisions remaining in the stores, it is become absolutely necessary that a further reduction should be made in the ration of salt meat, which, the Governor has every reason and assurance to hope, will not be of long duration, viz.:

Reduction in
the meat
ration.

To all males now victualled, one pound ten ounces of salt pork per week, three pounds of maize, and three ounces of sugar (women and children in proportion) will be issued, in addition to the full ration of grain and sugar. At such times as fresh meat can be killed, it will be issued in the proportion of one pound and a quarter, in lieu of one pound of salt pork.

It is recommended to officers and others who possess stock to cease drawing the ration of animal food until supplies arrive.

The Commissary is directed to receive maize, well dried, into His Majesty's stores at Sydney and Parramatta.

[Enclosure No. 2.]

PROPOSED ESTABLISHMENT FOR A NEW SETTLEMENT.

A CAPTAIN of the New South Wales Corps to have a Colonial appointment as Commandant; and as his attention to the public duties of the Settlement would be an extra duty, I should recommend his having at least 10s. a day.

A Surgeon's Assistant at £91 p. annum	} To be added to the	
A Deputy-Commissary at £91 p. annum		} Establishment of the
Two Superintendants £50 each p. annum			} Colony.

Proposed
establishment
for settlement
at Port Phillip.

A Company of Soldiers from the New South Wales Corps which cannot be detached from hence until an augmentation takes place, and about 300 convicts, if a great number are sent out here, which I presume will be the case when a peace takes place.

1802.
21 May.
Return of
employment.

[Enclosure No. 3.]
QUARTERLY EMPLOYMENT.

1802. Months.	Settlement.	Agriculture and Stock.		Buildings.							Boat Builders, etc.			Various Employments.																	
		Overseers.	Agriculture on the Public Account.	Care of Government Stock.	Brick and Tile makers.	Bricklayers, Plasterers, and Labourers.	Blacksmiths and Labourers.	Shingle, Pale and Lath Splitters.	Brick and Timber Carriages.	Stone Cutters and Layers.	Sawyers and Timber Measurers.	House Carpenters and Labourers.	Painters.	Lime and Charcoal Burners.	Carpenters, Shipwrights and Caulkers.	Labourers, Watchmen and Clerks.	Blacksmith, Sawyers and Rope-makers.	Making Roads and Repairing Bridges.	Taking Care of Government Huts.	Wheeliwrights, Millwrights and Labourers.	Armourers, Printers and Bailiffs.	Basket and Broom Makers.	Flax Dressers, Wool Carders and Weavers.	Millers.	Schoolmasters, Sexton & Bellmen.	Writers or Clerks.	Coopers, Farriers & Wire Drawers.	Grainery, Provision Stores & Clerks.	Executioners and Gaolers.	Sailors.	Natural History Painters & Botanists.
May	Sydney.....	8	..	4	..	13	20	2	15	12	6	22	1	6	10	9	8	..	8	4	3	1	4	2	4	10	1	8	6	..	1
	Paramatta....	7	45	43	..	8	11	2	19	4	6	12	..	10	..	..	..	18	14	5	..	3	9	4	2	1	8	..	3	1	
	Hawkesbury ..	3	147	6	..	..	..	..	..	..	2	2	..	..	..	..	..	..	2	..	..	..	..	..	2	..	1	..	..	..
	Toongabbe, etc.	2	32	11	..	..	..	..	..	..	..	..	..	..	..	..	..	..	8	..	..	..	..	1	1	..	..	..	..	..	..
		20	224	64	..	21	31	4	34	16	14	36	1	16	10	9	8	18	32	9	3	4	13	7	7	13	3	17	3	3	2

QUARTERLY EMPLOYMENT—continued.

1802.	Various Employments.													Servants					Recapitulate.					General Total.			
	Months	Settlement.	Tanners, Tool Helvers & Matchers.	Bakers.	Blind, Insane and Invalids.	Bookbinders.	Boats Crews.	Government Gardens & Vineyards.	Colonial Vessels.	Town Gang.	Jail Gang & Making Batteries, etc.	Constables & Watchmen.	Carrying Water for Guards.	Attending Hospital.	Sick and Convalescents.	Tailors, Shoemakers & Barbers.	Boiling Salt.	To Commis'd Officers Civil and Military, including Superintendants.	Non-Commis'd Officers of the New South Wales Corps.	Overseers, Constables & Freemen doing Government work as Artificers.	To Settlers.	Overseers, Stock keepers and employed in Agriculture.	Artificers, etc., employed in Buildings.		Shipwrights and Boat Builders.	Various Employments.	Servants to Officers, etc.
May	Sydney..... Parramatta.... Hawkesbury .. Toongahbe, etc.	1	..	..	1	14	5	45	21	..	23	2	4	9	4	8	53	5	18	4	12	97	27	185	80	1098	
		7	3	..	6	23	1	2	..	23	1	21	2	3	6	9	..	46	..	16	11	95	72	..	156		73
		2	..	..	..	..	..	1	..	..	..	8	..	..	4	1	..	14	..	3	15	156	4	..	34		32
		..	3	..	..	..	..	..	..	..	..	..	..	..	..	3	..	8	..	..	..	45	..	..	22		8
		10	3	1	19	11	45	44	1	71	5	8	19	17	8	121	5	37	30	308	173	27	397	193			

PHILIP GIDLEY KING.

1802.
21 May.
Return of
employment.

[Enclosure No. 4.]

STATEMENT of Officers on the Civil Establishment of His Majesty's Colony New South Wales, in the Execution of their respective duties and absent on Leave May 21st 1802.

1802.
21 May.
Return of
the civil
officers.

Names.	Quality.	Remarks, etc.
Philip Gidley King	Governor	Took the Command Sepr. 28th 1800.
Richd. Atkins	Dy. Jdgc. Advt.	Appointed to act in the room of Rd. Dore D.D. 13th Decr. 1800.
John Palmer	Commissary	
Thos. Smyth.....	Provt. Marsl.	
W. N. Chapman ...	Secy. to Govr.	Pay commenced 2nd April 1801.
Rd. Johnson	Clergyman	In England on Govr. Hunter's leave. 28th Sepr 1800.
Saml. Marsden	Do	Officiates in Mr. Johnson's place and does his own duty.
Wm. Balmain	Surgeon.....	In England with the Secy. of States leave, 21st Augt. 1801—Mr. J. Thomson does his duty.
Jas. Thomson	} Mates	} Sydney Parramatta Sydney
D'Arcy Wentworth		
Jas. Mileham.....		
Martin Mason .....			Assistant .....	Toongabbee etc. See Superintendts List.
Augt. Alt	Surv'y'r of Lands ...	Invalided
Wm. Moore	Boat Builder	
W. N. Chapman ...	Dy. Commy.	Pay commenced 2nd April 1802.
Jas. Williamson.....	Do	Gone to Eng'd, by Govr. Hunter's Order, 28th Sepr. 1800, Mr. Sutton Actg. in his room from 28th Sepr. 1800.
Wm. Bennett.....	{ Clerks To Comm'y Assr. Storekeeper do Superint't	See Superintendants List.
Jas. Wilshire		
As pr. Superinten-		
dants List.		
<i>Norfolk Island.</i>		
Jos: Foveaux.....	Lieut: Governor	Appointed June 26th 1800.
C. Haddock	Chaplain	Has not made his Appearance.
Thos. Jamieson	Surgeon.....	To England, Govr. Hunter's leave, 28th Sepr 1800.
Zach: Clark	De'y Commiss'y	To England on Govr. Hunter's leave, 1st Octr. 1799. Willm. Broughton Acting in his Room.

STATEMENT of Officers on the Civil Establishment, &c.—*continued.*

1802.
21 May.

Names.	Quality.	Remarks, etc.
<i>Norfolk Island—continued.</i>		
As pr. Superintdts List.	{ 3 Superintendents of Convicts 1 Mast. Carpenter 1 Beach Master	
Thos. Hibbins	Depy. Judge Advoc.	
Fane Edge	Provost Marshall	Suspended March 13th 1802, for improper Conduct.
Martin Tims	Actg. Pro. Marsh.	In the Room of Fane Edge.

Return of the civil officers.

LIST of Officers who perform Extra Duties for which they receive no other Payment, than the following Remuneration.

Return of officers performing extra duties.

Names.	Quality.	Remarks, etc.
Neil McKellar ...	Aid du Camp	Has 4 Extra Convicts.
Saml. Marsden ...	{ Magistrate and Superintending Public Concerns at Parramatta and Toongabbee.	Has 10 Do
Chas. Grimes	Do at Toongabbee...	Has 4 Do
Jno. Harris	Magistrate	Has 4 Do
Thos. Arndell	Do	Has 4 Do

[Enclosure No. 5.]

RETURN of Storekeepers, Superintendants etc. Employed in New South Wales May 21st 1802.

Return of storekeepers and superintendants.

No.	Storekeepers.	How and Where Employed.
1	Willm. Baker..... Willm. Sutton	At Hawkesbury. At Parramatta, and Actg. Depy. Commissary in the Room of Mr. James Williamson, gone to England with Govr. Hunter, pay Commenced Sepr. 28th, 1800.
	Superintendants.	
1	John Gowen	Storekeeper at Sydney.
2	Rowd Hassall	Manages the Receipt and Issue of Grain at Parramatta and Toongabbee. Pay Commenced 20th Sept., 1800.
3	Richd. Fitzgerald...	Superintends Agriculture at Toongabbee.
4	Nichs Devine	Ditto Ditto at Sydney.
5	John Whitter	Master Carpenter at Parramatta in the Room of James Puckey, discharged for neglect of Duty. Pay Commenced 4th Jany., 1801.
6	Peter Hodges.....	Master Blacksmith, at Sydney, in the room of S. Ludditt, discharged for neglect of duty. Pay Commenced Jan. 16th, 1802.
7	James Bloodworth	Master Bricklayer, at Sydney.
8	Geo: Barrington ...	Superintends the duty of Constables and executing the Police Orders, invalidated, half his Salary is paid to John Jennings, who does his duty.

RETURN of Storekeepers, Superintendants, etc.—*continued.*

1802.
21 May.
Return of
storekeepers and
superintendants.

No.	Superintendants.	How and Where Employed.
9	John Jamieson	Has the Care and Superintendance of the whole of Govt. Stock of Horses, Cattle, and Sheep from the 28th Sept. 1800, in the room of Andrew Hume, and as that Charge is very great, I recommend his Salary at £100 pr. Annum, the Additional £50 will be drawn for, or paid in the Colony until further Orders.
10	Martin Mason	Assistant to the Surgeon, pay Commenced 25th October, 1800. <i>Norfolk Island.</i>
	Storekeeper.	
1	Wm. Broughton	Actg. Deputy Commissary, pay commenced 1st Jany., 1801.
	Superintendants.	
1	Jno. Drummond ...	Attendant Beach Master.
2	Jno. Best	Superintendent at Phillipburgh. Appointed Augt. 14th, 1801, in lieu of James Nairn.
3	Alexr. Dollis	Master Boat Builder, Sydney. Appointed Jany. 13th, 1801.
4	Robt. Jones	Superintend't at Queensboro'. Appointed March 13th, 1802, in the room of M. Tims—appointed to Act as Dy. Provost Marshall.
5	Nathl. Lucas	Actg. Mast. Carpenter, Sydney. Appointed Mar: 13th, 1802, in the room of Robt. Jones.

Return of
former
superintendants
and
storekeepers.

ACCOUNT of former Superintendants and Storekeepers Discharged since the 27th September 1800 New South Wales.

No.	Names.	Reason of Discharge.
	Andw. Hume	For a total neglect of Government Stock Mr. Jno. Jamieson appointed in his room, 28th Sept, 1800.
	Walter Broady	Master Blacksmith, discharged for drunkenness and neglect of duty, the 28th Sept., 1800.
	Wm. Broughton	Appointed Storekeeper and Actg. Dy. Commissary of Norfolk Island.
	Jas. Puckley	Mastr. Carpenr., discharged for neglect of duty, 4th Jany., 1801.
	Thos. Collier	Mastr. Blacksmith, discharged for improper conduct in his duty, May 1st, 1801.
	Simon Luddit	Do Do Do Jany. 16th, 1802. <i>Norfolk Island.</i>
	W. N. Chapman ...	Storekeeper and Acting Deputy Commissary to be Deputy Commissary in New South Wales.
	Jas. Nairn	Superintendent Discharged, Augt. 14th, 1801.
	Fras Wheeler.....	Master Carpenter, Discharged March 13th, 1802.
	Martin Tims	Superintendent, appointed Acting Provost Marshall, March 13th, 1802.

[Enclosure No. 6.]

A RETURN of all Government Stock, 22nd May, 1802.

	Horned Cattle.					Horses.					Sheep.					Remarks.
	Bulls.	Cows.	Bull Calves.	Cow Calves.	Oxen.	Horses.	Mares.	Filley's.	Colts.	Geldings.	Rams.	Ewes.	Wethers.	Ewe Lambs.	Wether Lambs.	
Parramatta	5	197	44	78	35	2	23	6	5	2	5	333	230	232	16	Increase of horned cattle since the last week's return, 6.
Toongabbe	7	110	153	188	21	..	..	..	..	..	..	..	..	..	..	No decrease of horned cattle.
Castle Hill .....	..	2	107	90	..	..	..	..	..	..	..	..	..	..	..	No increase of sheep since the last week's return.
Hawkesbury	1	10	4	6	8	..	..	..	..	..	..	..	..	..	..	Decrease of one lamb.
Sydney	1	17	5	9	28	..	..	..	..	..	..	..	..	..	..	Sent one wether to Government House, Sydney.
	14	336	313	371	92	2	23	6	5	2	5	333	230	232	16	Sent one to Parramatta Hospital.
																Discharged four cows to Norfolk Island.
																Individuals, two bulls, one cow and calf belonging to Government.
																Ditto, one ox.

Since the 1st March, increase of horned cattle 33
 Decrease of horned cattle 13
 (One cow and two calves died, one cow sent to the store at Parramatta, one ox to the store at Parramatta, and one to the store at Sydney.)
 Three oxen sold for wheat to the store; four cows sent to Norfolk Island.
 Increase of sheep, 38. Decrease of sheep, 30.

Wethers sent to Government stores 12
 Wethers sent to the Hospital at Parramatta 7
 Wethers sent to Capt'n Mealler 4
 Deaths—2 ewes, 1 wether, and 4 lambs 7

30

JNO. JAMIESON, Superintendent of the Stock.

1802.
 21 May.
 Return of government stock.

1802.
21 May.

[Enclosures Nos. 7 to 11.]

[*These enclosures consisted of returns from Norfolk Island.**]

[Enclosure No. 12.]

JUDGE-ADVOCATE ATKINS TO GOVERNOR KING.

Sir,

25th May, 1802.

Statutes and
sessions papers.

I beg leave to State to your Excellency the necessity of having the Statutes at large sent out to this Colony, to regulate the decisions of the Courts of Judicature; and it would be highly beneficial if the Sessions Papers† were regularly transmitted. None have been received since the year 1789. The Statutes at large now in my Possession are up to the 34th of George 3rd.

I have, etc.,

RICHD. ATKINS,
Judge-Advocate.

GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Separate A," per whaler Speedy; acknowledged by Lord Hobart, 24th February, 1803.)

Sydney, New South Wales,

My Lord,

21st May, 1802.

Reports
transmitted.

With this I have the Honor to forward a Duplicate of my Separate Letter A sent with my General Letter No. 6,‡ to which I have to request your Grace's reference, as well as its Enclosures, which details the State of this Colony, on the 31st December 1801, after I had been in the Command fifteen months: In which I also detailed the expences incurred in that period, with every explanatory document, Supported by Vouchers, regularly transmitted by me, to your Grace, and by the Commissary to the Secretaries of the Treasury, at the time those Expences have occurred: all which I hope, on examination, will be approved of. By this Conveyance the Commissary sends his last year's Accounts to the Secretaries of the Treasury, and Commissioners for Auditing Public Accounts.

Quarterly
settlement
of accounts.

In a former letter§ I stated the regulation I have made, of having all the Public Accounts of the Colony, made up Quarterly, agreeable to the Printed Notice. I then sent a duplicate of which I now enclose, as that Regulation could not be brought into

* Note 192. † Note 196. ‡ *Marginal note.*—March 1st, 1802, sent per Lt. McKellar via America. § *Marginal note.*—Par. 9, Separate Letter A, Aug. 21, 1801.

full effect until the first year was up in December last. Everything has been settled for the Quarter ending the 31st of last March, which will be continued regularly.

1802.
21 May.

An Abstract of the Expences, the necessity of incurring them, the quantity of grain purchased from Individuals in the last quarter, who required payment by Bills on the Treasury, and a Statement of those Bills, as well as such others as have been drawn, are stated in the enclosure together with the Value of what now remains in the Stores from that purchased the last 15 Months (*i.e.* from September 1800 to December 1801) and the Quarter ending the 31st last March, which includes every outstanding Expence. To that Statement is also annexed an account of the wheat and maize received into the Stores during the last Quarter, and on what account it has been received, all which I trust will tend to assure your Grace, that, however much it is against my inclination to incur those Expences, yet, that every Economy has been used to contract them as much as possible, which I hope will be further evinced by the enclosed Quarterly Employment of the Convicts maintained at the Public Expence, and the Return of the General State of the Settlement. To which documents, I have added the Commissary's Return of the remains of Provisions in Store, at this date, with an Estimate thereon, and such other observations as it is necessary your Grace should be possessed of; by which, and the enclosed printed Notice, it will appear that our Salt Provisions and ration, is reduced very low, and I am sorry to observe, that if we do not receive the expected Supplies before the 21st June, it will be necessary to make a greater retrenchment, by striking all the Convicts off the Stores for meat, Every exertion shall be used to prevent the Cattle being Killed, which if at all necessary shall be confined to the Males.

Financial
administration.

Commissariat
returns.

In a former letter,* I had the Honor of stating that "His Majesty's armed Vessel Porpoise, being on the Establishment of the Navy, and the provisions and stores for that ship being of course included in the Navy and Victualling Supplies, and there being no Agent, victualler, or Naval Store Keeper here, I conceived it necessary, for the clearer Statement of the expences of this Colony, to give the Commissary two Orders, of which the enclosed are copies, which I hope will be deemed regular by the Navy and Victualling Boards, to whom I have written the enclosed letter on that Subject." By those Orders your Grace will observe, that the Commissary is directed "To make a Separate Statement in his annual accounts of Articles received into his charge from

Expenses
of H.M.S.
Porpoise.

* *Marginal note.*—See Genl. Letter No. 4, Aug. 21, 1801, Paragraph 6.

1802.
21 May.

The naval
establishment.

England and issued His Majesty's Ships on this Station; but to draw Bills on the Navy and Victualling Boards, for all Stores and Provisions, purchased from Masters of vessels or Inhabitants," as expressed in the Order. As far as relates to the latter part of that Order, the Expences attending the Navy part of our Establishment (which at present is confined to the Porpoise) is distinct from the colonial expences. But as Stores, Provisions and Clothing have been supplied that Ship from the Colonial Stores, to the amount stated in the enclosures, and as the Commissary, or rather the Colony is charged with them by the Treasury, I have to request your Grace's Instructions whether the Commissary is to draw for those and similar amounts, that may hereafter be issued to His Majesty's Ships on this Station, and paid away for grain, agreeable to the tenor of the enclosed Order, or whether they are to be Supplied, and only a Separate Statement made thereof, in the Commissary's annual accounts with the Treasury. On this Subject I have to request your Grace's particular Instructions, as you will observe that the Articles hitherto Supplied the Porpoise from the Colonial Stores amount to £554 11s. 4½d.,* which if drawn for and paid away for grain would have made the Treasury Bills so much less.

Requisitions
for stores
required.

I have the Honor to enclose Separate Lists of the different Articles the Public Service of this Colony stands in great need of, as well as the list of articles for Barter, which I hope will be supplied as soon as possible by some of the Whalers, as our Stores are now exhausted of many indispensable Articles, particularly slops for the Convicts at Public labour.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

[A copy of the printed order for the quarterly settlement of public accounts was forwarded as Enclosure No. 9 to the despatch marked "Separate A," and dated 25th August, 1801, from Acting-Governor King to the Duke of Portland.]

[Enclosure No. 2.]

ABSTRACT of Articles Purchased by Mr. Commissary Palmer from the Masters of Vessels etc. for the Public Use of His Majesty's Colony in New South Wales per Order of Governor King, also Quarterly Payments for Grain, delivered into the Stores, by Private Cultivators (to Supply those necessarily maintained by the Crown) who have Received Articles

Abstract of
provisions
purchased.

* Marginal note.—Boat'ns Stores, £344 4s. 4½d.; Gun'rs do., £8 2s. 8d.; Slops, £162 4s. 8d.; Masts, £50 0s. 0d.—£554 11s. 4½d.

for their Domestic Use and Comfort from the Masters etc. in whose favor those Bills have been drawn from December 31st 1801 to March 31st 1802.

1802.
21 May.

Abstract of provisions purchased.

PURCHASED from Mr. Jno. Harris, Agent to Messrs. Bass & Bishop of the Brig Venus December 6th 1801, which is included in the Remains for 1802. Bills for which are now drawn dated March 27th 1802. } Voucher No. 15

			£	s.	d.
Beef	15,120 lbs.	at 9d. per lb.	567	0	0
Pork	10,000 lbs.	„ 10d. „ „	416	13	4
			<hr/>		
			£983	13	4

PURCHASED from Mr. Willm. Wilkinson Master of the Ship Canada January 8th 1802 Bills for which are drawn in the March Quarter 1802 dated January 8th 1802. } Voucher No. 13

Sugar	26,108 lbs.	at 6½d. per lb.	£707	1	10
-------	-------------	-----------------	------	---	----

PURCHASED from Mr. W. N. Chapman Deputy Commissary being Stock left by him on Norfolk Island, Bills for which are dated April 3rd but included in the March Quarter 1802 Viz: } Voucher No. 17

50 Ewe Sheep	at £2 each	.....	100	0	0
39 Lambs and Wethers	at £1 10s. 0d.	.....	58	10	0
			<hr/>		
			£158	10	0

ABSTRACT of Grain and Animal Food, Purchased from the 31st December, 1801 to the 31st March, 1802.

Abstract of grain and animal food purchased.

Articles.	Quantity.	Rate.	Amount.		Amount of bills drawn.	In whose Favor.			
			£	s. d.		£	s.	d.	
Wheat ..	7,698½	8	3,079	5 0	3,079 5 0	Jam's Sunter	126	4	6
						Neil McKellar ..	600	0	0
						Matt. Kearnes ..	295	0	9
						Robt. Campbell..	464	16	0
						Simeon Lord	400	0	0
						Jam's Larra	101	0	0
						Hes'r. Julian	238	10	0
						Wm. Balmain....	201	18	4
						Row'd Hassall ..	110	18	0
Messrs. Enderby.	540	17	5						

[Copies of the seven vouchers enclosed are not available.]

[Enclosure No. 3.]

[The return of the Quarterly Employment of Convicts was the same as Enclosure No. 3 to Governor King's general despatch numbered 7 and dated 21st May, 1802.]

[Enclosure No. 4.]

GENERAL Statement of Inhabitants in His Majesty's Settlement
of New South Wales May 21st 1802.

Civil Department.—[The officials enumerated were the same as those given in the return for 1st March, 1802—see Enclosure No. 2 to general despatch No. 6—except that there were three instead of two assistant surgeons.—Ed.]

Military Department.—[The officers, sergeants, and drummers were the same as in the above-mentioned return of 1st March, 1802.—Ed.] 486 Privates, 55 Women, 6 Children above Ten Years Old, 113 Children above Two Years Old, 28 Children under Two Years Old.

Vice-Admiralty Court.—Judge (Lieut. Governor), Registrar (see Judge Advocate), Marshall and Serjeant at Mace.

People not Victualled from the Stores.—1,932 Men, 923 Women, 507 Children.

3,362 Number not Victualled from the Stores.

2,790 Number full Rations not Victualled from Stores.

Convicts Victualled from the Stores.—1,197 Men, 185 Women, Orphans 64 Children above Ten Years Old, 188 Children above Two Years Old, 65 Children under Two Years Old.

Loyal Association Victualled. —* Sydney —* Parramatta —* Natives Victualled from the Stores.

Number Victualled at the Different Rations.—1,765 Whole, 321 Two Thirds, 322 Half, 96 Quarter.

2,504 Number Victualled from the Public Stores.

2,164 Whole Number at Full Rations.

Settlers.—404 Men, 20 Women.

Weeks Provisions in the Stores at the Established Rations.

5,866 Number of Souls in the Settlement.

7 W. 6 D. Wheat and Maize as Flour.

4 D. Beef.

4 W. 3 D. Pork

13 W. 1 D. Sugar.

In the within Statement the following Number
of Weeks Salt Provisions remained for
those Victualled by the Crown at the full
Ration

5 Weeks

But the additional Quantity purchased from the
American Ship Arthur gives

10 Weeks more

Total Number of Weeks at full Ration 15

But at our present Ration of Two Thirds it
will last

20 Weeks

Sydney, New South Wales,

JNO. PALMER,

May 26, 1802.

Commissary.

[Enclosure No. 5.]

No. 1.

Provisions remaining in His Majesty's Stores, New South Wales, May 21st, 1802.

	Beef. lbs.	Pork. lbs.	Sugar. lbs.	Wheat. lbs.	Maize, lbs.
Sydney	10,088	26,640	10,171	194,488	1,700
Parramatta .....	.....	10,200	599	46,224	700
Hawkesbury	239	2,635	.....	1,456	11,635
Total	10,327	39,475	10,770	242,168	14,035
Rate per week for One full Ration	7 lbs. or 4 lbs.		6 oz.	13½ lbs. or 18.	
Time each Species will last the present numbers victualled, vizt., 2164 at a full Ration.	4 days	4 wks. 3 days	13 wks. 1 day	7 wks. 4 days	2 days
Rate per week for One Ration at the present reduced Ration of Meat and 2½rds allowance of grain.	4 lbs. 10 oz. or 1 lb. 10 oz.		9 oz.	9 lbs. or 12 lbs.	
Time each Species will last the present numbers victualled, vizt., 2,164 as above.	1 wk. ,, days	11 w. 1 d.	8 w. 6 d.	12 w. 3 d.	3 d.

JNO. PALMER,

Commissary.

1802.
21 May.
Provisions in
the public
stores.

1802.
21 May.
Provisions in
the public
stores.

No. 2.
STATEMENT of Provisions etc. in His Majesty's Stores in New South Wales May 21st 1802.

Quality.	Quantity remaining in Stores.	Weekly Issue for 2,164 full Rations Victualled from the Stores.	Number of Weeks of each kind will last at a full Ration.	Quantity Wanted. Pounds.	Time to complete to at a full Ration.	Statement of the Expence that will incur for Provisions to issue to 2,164 full Rations Victualled from the Stores up to 31st Decem-ber, 1802, for Grain and Salt Meat.	£ s. d.
Beef	10,327	15,148	5	233,712	Dec. 31st, 1802	Supposed value of Salt Pork sent out from England (including Tonnage) to the Crown to be at 9d. per lb for 233,712 lbs	3,754 4 0
Pork	39,475	or 8,656					
Wheat and Maize as now in Store, 251,525 lbs, Wheat in public Stacks supposed to contain 392,000 lbs.	643,525	30,214	21 Wks 1 day	332,354 lbs. or 5,935 Bush. of Wheat.	do	Supposed Value of Wheat at 8/- per Bushel for 5,935 Bushels wanting to compleat to the 31st Decr., 1802	2,374 0 0
Sugar	10,770	811	13 Wks 1 day	15,409	do		

OBSERVATIONS ON THE FOREGOING.

No. 1.—The Total of Beef, Pork, and Sugar is the remains of Supplies from England, that purchased from Vessels, and received from Otaheite from Sept. 28th, 1800 to Dec. 31st, 1801. The 251,525 lbs. of Grain is that remaining from what has been given into the Stores by Settlers in exchange for Articles and for Payment since January 1st, 1802. It is not intended to use the Wheat estimated in Government Stocks until the last to Guard against Accidents.

1802.
21 May.
—
Observations
on the
commissariat
returns.

No. 2.—By referring to the return of Sept. 23rd, 1800, it will appear that 2,416 full Rations were then Victualled and that 366 full Rations were struck off the Stores between July and that date; That notwithstanding the increase of People *i.e.* 925 since that date, not more than 2,164 full Rations are now Victualled not including those belonging to the Colonial Vessels. Therefore since July 1800, 1,416 full Rations have been Struck off the Stores (exclusive of 200 whose terms of Transportation have expired and have been permitted to leave the Colony) The saving of which at £20 each full Ration amounts to the yearly rate of £28,320 Not including 2,765, the whole Number of full Rations who support themselves at no Expence to the Crown.

[Enclosure No. 6.]

[*The notice re rations was a duplicate of that forwarded as Enclosure No. 1 to the general despatch, No. 7, dated 21st May, 1802.*]

[Enclosure No. 7.]

VOUCHERS FOR THE EXPENSES OF H.M.S. PORPOISE.

Victualling Accounts.

By etc. etc. etc.

Expenses of
H.M.S.
Porpoise.

You are hereby required and directed to draw one Set of Bills of Exchange on the Honble. the Commissioners for Victualling His Majesty's Navy at Ninety days sight for the Sum of Five hundred and Twenty five Pounds Sterling in favor of James Wilshire, being payment for Pork and Spirits purchased for the use of His Majesty's Armed Vessel Porpoise, taking care to transmit proper Vouchers for the same, giving me Two Sets thereof For which this shall be your Order.

Given etc. this 30th March 1802.

PHILIP GIDLEY KING.

Jno. Palmer Esqr.
Commissary.

1802.
21 May.
Expenses of
H.M.S.
Porpoise.

Sydney, New South Wales,
30th March, 1802.

Jno. Palmer Esqr. Commissary to His Majesty's Territory of
New South Wales Dr.

To James Wilshire

	£	s.	d.
Pork 13,368 pounds @ 6d.	334	4	0
Spirits 477 Gallons @ 8s.	190	16	0
	<hr/>		
	£525	0	0

[An order similar to that dated 30th March, 1802, was attached to each of the three following accounts.]

Sydney, New South Wales, May 24th, 1802.

Jno. Palmer Esqr. Commissary to His Majesty's Territory of
New South Wales Dr.

To

Mr. Scott Jenkes Master of
the Arthur American

Beef 3,000 pounds @ 7½d. £96 17 6

Sydney, New South Wales,

between the 1st Jany. and 20th May, 1802.

His Majesty's Armed Vessel Porpoise Dr.

To Mr. Wm. Bond

	£	s.	d.
7,628 Pounds of Flour @ 3½d.	111	4	10
19,856 „ Biscuit „ 4d.	330	18	8
16S½ Bushels of Wheat „ 8s.	67	8	0
	<hr/>		
	£509	11	6

Sydney, New South Wales, Jany. 8th, 1802.

Mr. John Palmer Commissary to His Majesty's Territory of
New South Wales Dr.

To

Mr. Jno. Leith Master of the
Ship Minorea.

Spirits ... Eight Hundred Gallons @ 6s.	240	0	0
Sugar ... One Thousand and Seventy pounds at 6½d.	29	19	7
	<hr/>		
	£268	19	7

Pilotage Account.

By etc. etc. etc.

You are hereby required and directed to draw one Set of Bills of Exchange on the Navy Board at Ninety days Sight, in favour of

Mr. Henry Hacking for the Sum of Twenty One Pounds Sterling, being payment for the Pilotage of His Majesty's Armed Vessel Porpoise, into, and out of the Harbour of Port Jackson, between Novr. 6th 1800 and October the 2nd 1801, taking care to transmit proper Vouchers for the Same, furnishing me with two Sets thereof.—For which this shall be your Order.

1802.
21 May.

Expenses of
H.M.S.
Porpoise.

Given etc. the 14th May 1802.

PHILIP GIDLEY KING.

Jno. Palmer Esqr.
Commissary.

THESE are to Certify the Honble. the Principal Officers and Commissioners of His Majesty's Navy, that Mr. Henry Hacking Pilot took charge of and Piloted His Majesty's Armed Vessel Porpoise in, and out of the Harbour of Port Jackson New South Wales, and left her in perfect safety agreeable to the under-mentioned dates.—

Vizt.

November	6th,	1800,	from Sea into Port Jackson, N.S.W.
December	20	„	from Port Jackson, N.S. Wales, out to sea.
Feby.	7th,	1801,	from Sea into Port Jackson, N.S.W.
„	16	„	from Port Jackson, N.S.W., out to Sea.
March	25	„	from Sea into Port Jackson, N.S.W.
May	23	„	from Port Jackson, N.S.W., out to Sea.
October	2nd	„	from Sea into Port Jackson, N.S.W.

Amounting to the Sum of Twenty One Pound Sterling.

Given etc. this 2nd day of October 1801.

WM. SCOTT,

Actg. Lt. Commander.

Maintenance Account.

By etc. etc. etc.

You are hereby required and directed to draw one Sets of Bills of Exchange at Ninety days sight on the Principal Officers and Commissioners of His Majesty's Navy for the Sum of Nineteen pounds five Shillings and Twopence Sterling being in payment for Boatswains and Carpenters Stores supplied to His Majesty's Armed Vessel Porpoise from the Investments of the Britannia and Greenwich South Sea Whalers, taking care to transmit proper Vouchers for the same, delivering me two Sets thereof—For which this shall be your Order.

Given etc. this 2nd April 1802.

PHILIP GIDLEY KING.

John Palmer Esqr.
Commissary.

Sydney, New South Wales, April 2d, 1802.

His Majesty's Armed Vessel Porpoise Dr.

1802.
21 May.
Expenses of
H.M.S.
Porpoise.To John Palmer Esq. on account of the
Britannia and Greenwich Investments.

2 Kegs White Paint	..... @ 22/1½	.....	2	4	3
2 Barrels Pitch	..... @ 103/-	.....	10	6	2
2 do Tar	..... @ 67/4½	.....	6	14	9
			<hr/>		
			19	5	2

Clothing Account.

By etc. etc. etc.

You are hereby required and directed to draw One Set of Bills of Exchange at Ninety days sight on the Commissioners of His Majesty's Slop Office, for the Sum of Twenty One Pounds, Nineteen Shillings and Nine pence Sterling being in payment for Articles of Cloathing supplied to the Crew of His Majesty's Armed Vessel Porpoise from the Investments of the Cornwallis, and Greenwich, taking care to transmit proper Vouchers for the same, furnishing me with Two Setts thereof—For which this shall be your Order.

Given etc. this 14th April 1802.

PHILIP GIDLEY KING.

Jno. Palmer Esqr.
Commissary.

Sydney, New South Wales.

His Majesty's Armed Vessel Porpoise Dr.

To John Palmer Esqr. Commissary On Account of
the Cornwallis and Greenwich Investments.

			£	s.	d.
April 14th, 1802,	To 150 Yards of Duck Cornwallis @ 1/9½	...	13	8	9
„	„ 1 lb. of Thread Do	...	0	6	0
„	„ 60 Yard Check Greenwich, 2/9	... ..	8	5	0
			<hr/>		
			£21	19	9

[Enclosure No. 8.]

[Copies of the requisitions for stores have not yet been found.]

GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Separate B," per whaler Speedy; acknowledged by Lord Hobart, 24th February, 1803.)

My Lord, Sydney, New South Wales, 21st May, 1802.

In my despatch* by Lieut. McKellar, I had the honor of informing your Grace of the Lady Nelson's return from her

* Marginal note.—April 1st, per Caroline, No. 6.

voyage to Basses Straits, just before I closed my letters, which enabled me to transmit Acting Lieut't Murray's log,* and copies of the discoveries he had made on that voyage of King's Island and Port Phillip, in Basses Straits. Those important discoveries, being combined with the chart of former surveys that have been made, which I now transmit, with a copy of Acting Lieut't Murray's journal,* I hope will convince your Grace that that highly useful vessel, the Lady Nelson has not been idle since under my direction, and altho' Mr. Murray unfortunately does not possess the qualities of an astronomer and surveyor, yet I trust his efforts and success will, in proportion to his conduct and abilities as a seaman and officer, more effectually ensure your Grace's recommending him for his being confirmed as a lieutenant in the Navy, and in the command of the Lady Nelson, which I hope he will appear deserving of.

1802.
21 May.

Discoveries
made by
Murray in
Bass' Strait.

Services
of Murray.

2. The *Naturaliste*, one of the French ships on discovery, which sailed from Havre de Grace in 1800, appeared off this port the 24th April. An officer was sent on shore with an Admiralty passport, bearing date 25th June, 1800, and a request was made by the captain to enter the harbour for water, which he was much distressed for, and also to procure such refreshments as might enable him to continue his voyage of discovery. Observing by the passport that a provision was made therein for their being allowed "to put in any of His Majesty's ports, in case of stress of weather, or for the purpose of obtaining assistance if necessary to enable them to prosecute their voyage," I permitted them to come in, and lye in Neutral Bay, under certain restrictions, a copy of which I have the honor to enclose. Their principal wants were water, wood, a bower anchor, wheat, and vegetables, which being furnished with, they sailed the 18th instant, after a stay of twenty-three days, during which time they experienced every attention and hospitality on my part, and that of all the officers in this colony, which I trust will not be disapproved of, considering the situation and character they came in, which their conduct and demeanour fully corresponded with during the short stay they made here.

Arrival of the
French ship
Naturaliste.

At anchor in
Neutral Bay.

Departure
of the
Naturaliste.

3. From the accounts I have been able to collect, it appears those ships first destination was the Isle of France; from thence to the Land of Lions on New Holland, the western and north-west coast of which they examined minutely as far as Timor, where they refreshed; from thence they stood off to the S.W., and were two months before they made the coast of New Holland again. They anchored and lay some time in Shark's Bay, named by them Chein Marin Bay, where they provided themselves with abundance of turtle and fish, but describe the land about it to be

Movements of
the French
ships.

* Note 191.

1802.
21 May.

Movements of
the French
ships.

sterile and sandy. We also learned that they had discovered a very spacious bay, where they had anchored, situated between Swan River and the point of the Land of Lions.* They deny having been into King George III harbour. On leaving the South Cape, it appears they saw no other part of the intermediate coast till they made the south-west cape of New Holland. After having rounded Van Dieman's Land, they put into D'Entrecasteaux's Bay, and examined the Derwent. Their next and grand object on the coast appears to have been Basses Straits, which they entered by Banks's Strait, having previously visited Oyster Bay, and ascertained the three northernmost of Schouten's Islands (within which they tried to pass) to be connected by an isthmus with the nearest point to the northern island. It also appears that between St. Patrick's Head and Banks' Strait the two ships parted company in a gale of wind, and a fog. The *Naturaliste* after having cruized off Waterhouse's Isle the time prescribed by the rendezvous, proceeded to Western Port, where they lay some time without seeing the excellent watering place Acting Lieut. Murray found on Phillip Isle during the Lady Nelson's last voyage, which appears to have been a principal reason for their visit to this place. It does not appear they have any knowledge of Port Phillip or King's Island, not having been to the westward of Western Port. The remainder of the *Naturaliste's* voyage is a secret. She has been supplied with four months wheat. Besides their daily consumption, they have only two months salt meat, at 2 ounces each man per diem, and the very reduced ration we were at, did not admit of my supplying them with that article; therefore, I conclude they will soon return to the Isle of France thro' Basses Straits. By the account of an English seaman they got at Timor, who I claimed, and they readily gave up, it does not appear that they have made any other discoveries than the bay above-mentioned, and that they did not carry their survey to the eastward of Timor on the north coast of New Holland; consequently that part and the Gulf of Carpentaria is reserved for Captain Flinders.

Provisions
on the
Naturaliste.

Arrival of
H.M.S.
Investigator.

Flinders'
voyage.

4. Previous to the *Naturaliste's* sailing from hence, I was highly gratified by the arrival of His Majesty's ship *Investigator*, on the 9th, and was still more pleased to find that Captain Flinders had surveyed the S.W. coast to within six degrees of Basses Straits before he met the *Geographe*, which it appears had passed through the straits after parting company with the *Naturaliste*, and that it was the Commodore's intention to come here for refreshments, in consequence of which the captain of the *Naturaliste* intends cruising off the coast till Mons'r Baudin arrives.

* Note in the original.—“This bay they named Baie du Géographe.”

5. By Captain Flinders I had the honor of receiving your Grace's letter* respecting the Lady Nelson being attached to the Investigator while the latter remained in and about this territory, provided the public service would admit of its being done, leaving it to myself to determine according. I also received directions from the Admiralty* to put the Lady Nelson under the orders of Captain Flinders. As I always intended that the Lady Nelson should accompany the Investigator (well knowing the necessity of two vessels being employed on a service of that nature), which I have had the honor of informing your Grace of, and also the Secretary of the Admiralty, in my former letters, I could not hesitate a moment in obeying your Grace's wishes, the directions of the Admiralty, and my own inclinations, and am very happy to place so useful and desirable a vessel under the orders of an officer so well qualified to make the most of the service he has undertaken.

1802.
21 May.

The Lady
Nelson to act
as tender to
H.M.S.
Investigator.

6. As soon as the Investigator is refitted, and supplied with the necessary quantity of biscuit, &c., Capt'n Flinders will pursue the object of his instructions. As that officer will inform the Admiralty of his proceedings this far, I have only to observe that I have given Captain Flinders every information I am possessed of, and shall continue to give him every assistance in carrying on the service he is employed on.

H.M.S.
Investigator
refitting.

7. The charts now sent† are forwarded more from a wish to possess your Grace of what has been done previous to the Investigator's arrival than to recommend it as a conclusive survey of the Straits. There are still some points to examine, which will be effectually done when Captain Flinders revisits that part of the coast; but as Capt'n Flinders will take some considerable time to arrange his conclusive survey of those straits, I beg to suggest the propriety of the charts I have the honor to send now being allowed to be published for the advantage of ships bound to this place, until Capt'n Flinders's charts are published, as passing through those straits, in preference to going round Van Diemen's Land, is of the greatest consequence to vessels coming here, and for which purpose the charts now sent, I have every reason to suppose will be found sufficiently correct.

Charts of
Bass' Strait.

8. His Majesty's armed vessel Porpoise being refitted with new masts, caulked, &c., and having exhausted our stores of every naval store, with all which she is incompletely fitted, sails on the 27th for Otaheite, in quest of salt pork. A copy of my instructions to Mr. Scott, and a list of the articles he is supplied with for barter (which I fear will be very inadequate to purchase a large supply), I have the honor to enclose. The Norfolk, Colonial brig, which sailed for Otaheite in November last, has not returned. As the

Projected
sailing
of H.M.S.
Porpoise for
Otaheite.

1802.
21 May.

Prospects of
the whale
fishery.

Speedy, South Sea whaler, by which this despatch is forwarded, has got a full cargo of spermaceti oil on this coast, and four other whalers having nearly completed their cargoes, I have judged it proper to possess your Grace of what may be expected by that fishery being carried on upon this coast, for which purpose I have the honor to enclose a copy of three of the masters' answers to some queries I put to them.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

REGULATIONS TO BE OBSERVED BY THE FRENCH SHIP DURING HER
STAY IN PORT JACKSON.

By, &c., &c.

1st. No person is to be admitted on board (except the officers, who will be known by their regimentals) without a pass from the Governor or Lieut't-Governor.

2nd. All boats coming on shore, either for refreshments or to bring or take off officers, are to land at the Governor's wharf.

3rd. No boats are allowed to remain on shore after sunset, except those that come with or for officers, in which case the officer of the guard is to be informed thereof, and the French officers are requested to send their boats on board before eight o'clock in the evening.

4th. An officer will point out the place where the French ship may wood and water.

5th. No person is to go higher up the harbour than the anchoring place, nor is any person to go into the country without permission from the Governor.

6th. As the centinels and police officers are ordered to stop and confine every person whatever who cannot give the countersign after eight o'clock, the captain of the ship is requested to order his people not to remain on shore after that hour, and the officers are recommended to get one of the civil or military officers of the garrison to accompany them after that hour.

7th. As the commanders of all English vessels are ordered to cry down the credit of their ship's company, the Governor recommends the captain of the *Naturaliste* to use the same precaution.

8th. The Governor exacts from the captain of the French ship his word of honour that he will not allow any person whatever to be received on board during his stay here or at his departure without the Governor's permission.

Given at Government House, 27th April, 1802.

PHILIP GIDLEY KING.

Regulations
for the sojourn
of the French
ship.

AN Account of Articles put on board His Majesty's Armed Vessel Porpoise, &c.—*continued.*1802.
21 May.Articles for
barter at
Otaheite.

		£	s.	d.
Cask No. 3	35 Fishing Hooks	3/-	0	3 0
	104 Towis.....	1/6	7	16 0
130 Tomahawks	79 Falling Axes	3/-	19	10 0
	121 Falling Axes	3/9	14	16 3
,, No. 4	20 Tomahawks	3/-	22	13 9
	8 Muskets and Three Bayonets	21/-	3	0 0
	4 Ram Rods.....	1/-	8	8 0
	159 Musket Balls.....		0	4 0
	2 Cartouch Boxes	3/-	0	2 6
	10 Swivel Shot		0	6 0
	1 Swivel		0	2 6
	6 Grind Stones.....	3/6	1	4 0
	695 lbs. Iron Hoops—(250 in No.)	-/9d.	1	1 0
	1,000 Rivetts	1/6	9	7 6
			0	15 0
		pr. 100.		
	1 Hammer		0	3 0
	2 Drivers		0	4 6
	1 Punch		0	1 9
	1 Flagging Iron		0	2 3
	1 Drawing Knife		0	2 6
	1 Vice		0	1 0
	1 Brace and Bit		0	3 0
	1 Adze		0	4 2
	50 Musket Flints.....		0	2 6
			£	146 3 8

WM. SCOTT.

I do hereby Certify the above Stores were issued by my Order.

PHILIP GIDLEY KING.

[Enclosure No. 3.]

QUERIES by Governor King to Messrs. Turnbull, Quedsted, and Gardiner, masters of the South Sea whalers Britannia, Speedy, and Venus, of London:—

*Answers.**1st.*

Which do you think the best way of getting into the South Sea, with respect to the wear and tear of your ships and the health of your crews, either by Cape Horn or by Van Dieman's Land?

1st.

We think the passage round by Van Dieman's Land is much the easiest, with respect to the vessel, &c., and health of the crew.

2nd.

What difference is there in the weather on this coast and that of New Zealand, as far

2nd.

Within the same parrallels, on both coasts, the weather is boisterous, but with this diffe-

The whale
fishery.

north as your present limits, and the weather on the opposite coast, in the same parralels of latitude?

rence, that on the coast of Chili and Peru the gales are steady, and this coast variable and attended with squally weather and a great sea; but off New Zealand the weather and sea is as favorable as on the coasts of Peru and Chili.

1802.
21 May.
The whale
fishery.

3rd.

What difference in time do you imagine there is in getting a voyage on this coast and New Zealand, or on the coast of Chili, Peru, Mexico, and California?

3rd.

The example of ships fishing on this coast proves that there is no material difference in time.

4th.

Do you think any advantage would attend the fishery by being allowed to go as far to the northward on this side the Pacific as you are permitted to go on the east side?

4th.

We have always observed the spermaceti whales going in large scholes to the northward, and are certain, from our experience, that great quantities must resort about the Hebrides and New Guinea.

5th.

From the experience and success you and others have had in fishing on this coast, and off New Zealand, do you think it would be to the interest of the adventurers in the South-Sea fishery persevering in sending their ships entirely to this coast for spermaceti oil?

5th.

We think, for the reasons stated in the answer to the 1st quere, that it would be to the interest of the owners sending their ships here first, and making up the voyage, if necessary, on the opposite coast, or running to New Guinea, if allowed, and then the opposite coast to complete the voyage.

6th.

How far do you think the adventurers would be advantaged by their ships coming first to this coast and New Zealand then running to the coast of Peru and completing their voyage there in peacable times?

6th.

Answered by the former.

7th.

What has been the general state of your ships company's health, and how far have you been benefitted by the refreshments you have obtained here and at Norfolk Island?

7th.

Our ships company's have been in good health, neither of us having lost a man. Respecting refreshments we have had more plentiful and cheap supplies at Norfolk Island than at this place. but at both we have had sufficient to keep our crews in good health.

1802.
21 May.

The whale
fishery.

Sth.

Any other information respecting the fishery on these coasts which can be communicated will be transmitted to Government, and some of the principal adventurers in the South-Sea fishery.

Sth.

We know of no other particular information, except that a very great advantage would be derived by the limits being extended on this side the Pacific Ocean to the Equator, and the longitude of 130° east of Greenwich.

Given under our hands, at Sydney, in New South Wales, this 21st day of May, 1802.

ROBERT TURNBULL.
GEORGE QUESTED.
BARNABUS GARDINER.

GOVERNOR KING TO UNDER SECRETARY KING.

(Per whaler Speedy.)

Sir,

Sydney, N.S.W., May 21st, 1802.

The accompanying Packet was confided to my care by the Captain of the *Naturaliste*, French ship on discovery, which I have enclosed in my Box with the Despatches to His Grace the Duke of Portland.

I have, &c.,

PHILIP GIDLEY KING.

GOVERNOR KING TO SECRETARY NEPEAN.

(Per whaler Speedy.)

Sir,

Sydney, New South Wales, May 21st, 1802.

His Majesty's Armed Surveying Vessel *Lady Nelson*, having returned here the 24th March, enables me, to transmit, for their Lordships information, Acting Lt. Murrays Log, and Copies of the discoveries he made on that Voyage, of King's Island, and Port Phillip, in Basses Straits; Those important discoveries, being combined with the Chart of former Surveys that have been made, which I now transmit, I hope will convince their Lordships, that, that highly useful Vessel, the *Lady Nelson*, has not been Idle, since under my direction, and altho' Mr. Murray unfortunately, does not possess, the Qualities of an Astronomer and Surveyor, yet I trust his efforts, and success will, in proportion to his Abilities, and conduct as a Seaman and Officer, recommend him to their Lordship's Notice, he having passed for a Lieutenant at the Cape of Good Hope, a Copy of which Certificate, and of my Appointment for him to Command the *Lady Nelson*, I have the Honor to enclose, and respectfully Submit his Services, to their Lordships consideration.

Transmission
of French
despatches.

The
discoveries
made by
Murray in
the *Lady
Nelson*.

[Paragraphs 2 to 5 were a repetition of the corresponding paragraphs in the despatch marked "Separate B," dated May 21st, 1802, from Governor King to the Duke of Portland.]

1802.
21 May.

The Lady Nelson to act as tender to H.M.S. Investigator.

As I always intended that the Lady Nelson should accompany the Investigator, (well knowing the necessity of Two Vessels being employed on a Service of that Nature,) which I have had the Honor on informing you of, in my former Letters, I could not hesitate a moment in obeying their Lordships' directions and my own inclinations, and am very happy to place, so useful and desirable a Vessel, under the Orders of an Officer so well qualified to make the most of the Service he has undertaken.

[Paragraphs 7, 8, and 9 were a repetition of paragraphs 6 and 7 and the last part of paragraph 8, beginning at "as the Speedy," in the above-mentioned despatch to the Duke of Portland.]

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

[A copy of Lieutenant Murray's passing certificate was forwarded as Enclosure No. 2 to the despatch of Acting-Governor King to Secretary Nepean, dated 31st October, 1801.]

[Enclosure No. 2.]

APPOINTMENT OF LIEUTENANT MURRAY.

By etc. etc.

Appointment of John Murray to the command of the Lady Nelson.

LIEUTENANT JAMES GRANT having obtained my Leave to return to England,

You are hereby required and directed to take upon you the Charge and Command of His Majesty's Armed Surveying Vessel Lady Nelson, as Acting Lieut. and Commander, Strictly charging all the officers and Crew of the said Armed Surveying Vessel to behave to you with all due respect and obedience; And you are to Obey all such Orders and directions, as you may from time to time receive from me, or any other your superior Officer for His Majesty's Service, For which this shall be your Authority.

Given, etc. Sept. 3rd, 1801.

PHILIP GIDLEY KING.

To Mr. Jno. Murray hereby appointed
to Act as Lt. and Commander of
H.M.A.S. Vessel Lady Nelson.

GOVERNOR KING TO THE VICTUALLING BOARD.

(Per whaler Speedy.)

Gentlemen,

Sydney, May 21st. 1802.

His Majesty's Armed Vessel Porpoise having been in want of different Articles, which the Colon'l Stores could not furnish,

1802.
21 May.

Purchase of
provisions for
H.M.S.
Porpoise.

I have directed the Commissary (agreeable to my former Orders already transmitted) to purchase the Provisions demanded by the Acting Commander for the use of that Ship, at the Cheapest Rate and to draw on your Board for the Amounts, transmitting Proper Vouchers and Receipts for the Same. Exclusive of the Provisions purchased as above, the Commissary has Supplied that Ship, with Provisions from the Colonial Stores, The Acting Commanders Receipt for which I have directed him to forward: And beg to suggest the Propriety of Twelve Months Salt Meat being sent out for that Ship,* in addition to the Quantity Ordered for the Colony by the Treasury; a part of which I am anxiously looking for, as we have not more than Twelve Weeks Meat in Store at 1 lb. 10 oz. each full Ration per Week.

I have, etc.,

PHILIP GIDLEY KING.

GOVERNOR KING TO WILLIAM CHINNERY.

(Per whaler Speedy.)

Sir, S., N. S. Wales, May 21st, 1802.

With this I send you a List of the Officers on the Civil Establishment of this Colony at this time as well as those on Norfolk Island, by the Lieut. Governor's last return to me, similar returns will be sent by every opportunity that may offer on or after the 10th October and 10th April Annually.

I am, etc.,

PHILIP GIDLEY KING.

[Enclosure.]

[These lists were similar to that forwarded as Enclosure No. 4 to the general despatch, numbered 7, and dated 21st May, 1802.]

GOVERNOR KING TO UNDER SECRETARY KING.

(Despatch per whaler Speedy; acknowledged by Lord Hobart, 24th February, 1803.)

Sir, Sydney, New South Wales, 26th May, 1802.

Since finishing my letter sent by this conveyance, the Arthur, American ship, from New Providence, arrived here on her way to China, with the enclosed list of articles for sale. As only twelve weeks' salt meat remained in the stores for those victualled by the Crown, at the reduced ration of 1 lb. 10 oz. of meat a week, and in order to provide against any accident or detention happening to the expected supplies from England (which I am sorry to say are not yet arrived), I directed the Commissary to purchase all the beef and pork, which he bargained for at 7½d. p'r lb. This supply has enabled me to increase

* Marginal note.—Complement 60 Men.

Return of
officers on
the civil
establishment.

26 May.
Purchase of
stores on the
ship Arthur.

the ration of animal food, whilst there is a necessity for making a partial reduction in that of grain, as stated in the enclosed General Order. Payment for this meat will not be made until after the Speedy sails. On the back of the state of the settlement,* I have stated the period to which this timely supply of meat will last at our present ration—being two-thirds of the full.

1802.
26 May.

Purchase of stores on the ship Arthur.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

INVOICE OF SHIP ARTHUR'S GENERAL CARGO.

May 22nd, 1802.

Invoice of the cargo on the ship Arthur.

400 Barrels Beef 200 Do. Pork *purchased for Govt.*
 12 Hds. Tobacco 13 Kegs Negroes Head.
 2 Barrels Pigtail 1 Hhd. Loafe Sugar.
 15 Boxes Sperm'y Candles 80 Boxes Tallow Do.
 40 ps. Raven Duck 40 ps. Russia Do.
 40 ps. Russia Sheetings.
 200 ps. Nankeens.
 4 Qr. Chests Bohea Tea 2 Chests Hyson Do.
 2 Chests Souchong Do. 2 Do. Hyson Skin Do.
 2 Pipes Port Wine. 6 pipes teneriffe Do.
 90 Cases Claret.
 35 Casks Porter.
 35 Hhds. Rum.
 32 Firkins Butter.
 3 Pipes Gin.
 20 Boxes Soap.
 30 Barrels Tar: perhaps some of this will be purchased for Govt.
 3 Boxes Glass Ware cont'g Decanters, Tumblers, Wine Glasses.
 1 Cask Spirits
 1 Trunk Bonnets
 Several small pack'gs Tobacco and piece Goods } Seamen.

J. HARRIS.

[Enclosure No. 2.]

ORDER REGULATING THE RATION.

28th May, 1802.

WHILST the supply of salt meat purchased from the American ship Arthur enables the Governor to make an increase in the late reduced ration of animal food (which he hopes the expected arrivals will soon increase to a full ration), he is sorry to be under the necessity of making a timely retrenchment in the ration of grain. To prevent the scarcity felt last year, the following weekly ration will be issued until further orders: To all males victualled

Order regulating the ration.

* Marginal note.—No. 4 in Separate Letter A, May 21st.

from the public stores—Wheat, 9 lb.; maize, 3 lb. shelled, or 4½ lb. in cob; pork, 2 lb. 10 oz.; or beef, 4 lb. 10 oz.; sugar, 6 oz. Women and children in proportion. The addition of 3 oz. of sugar will be continued until a full ration of meat or grain can be issued.

1802.
26 May.
Order
regulating
the ration.

GOVERNOR KING TO SECRETARY NEPEAN.
(Per whaler Speedy.)

28 May.

Sir,

Sydney, 28th May, 1802.

With this I have the honor of forwarding an abstract of His Majesty's armed vessel Porpoise's weekly accounts, from those delivered to me by Mr. Scott. These accounts were made up to the date of that ship's being ready to sail to Otaheite in execution of the enclosed orders.

It is necessary I should inform you that on the Porpoise's return from Otaheite in October last, it was discovered that at least fourteen sheets of copper were off her bows, from the gripe to the after part of the fore chains, and that her lower masts, bowsprit, &c., were rotten. Those defects were remedied as soon as possible, by taking everything out and laying her on shore, which enabled us to replace the copper. Lower masts were procured and made by the master carpenter of this territory. It is necessary I should add that the loss of the copper must have happened while the ship was in the Spanish service,* as it is very evident the Porpoise has never touched the ground since she was purchased. The hull and masts of the ship were in perfect good order when she sailed from hence the 27th instant.

As fitting the Porpoise for her present voyage has exhausted the Colonial stores of every article of naval stores, I have applied to the Navy Board for stores being sent for that ship agreeable to Mr. Scott's demand, and to the Victualling Board for twelve months provisions for that ship, which I hope their Lordships will approve, as no naval stores or salt provisions can be purchased here from masters of ships for less than 100 per cent. above the English cost.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosures.]

[Copies of these returns are not available.]

GOVERNOR KING TO THE COMMISSIONERS OF THE NAVY.
(Per whaler Speedy; acknowledged by the Commissioners, 27th November, 1802.)

Gentlemen,

Sydney, N.S.W., May 28th, 1802.

His Majesty's Armed Vessel Porpoise having been in want of Stores, which the Colonial Stores could not furnish, I have

Stores for
H.M.S.
Porpoise.

Repairs to
H.M.S.
Porpoise.

Requisitions
for stores and
provisions.

directed the Commissary, (agreeable to my former Orders on that head) to purchase the Articles demanded by Mr. Scott for the use of that Ship, at the cheapest rate, and to draw on your Board for the Amounts transmitting full Vouchers and receipts thereof.

1802.
28 May.

Exclusive of the Stores purchased as above the Commissary has supplied that Ship, by my Order from the Colonial Store, with the Articles I have directed the Commissary to inform you of, which has exhausted all our Naval Stores, but as the Service of that Ship is much wanted to go the Society Islands for Salt Pork, every exertion has been made, to fit her out as well as our resources will allow of, all of which are very inadequate to her indispensable wants.

Naval stores
for H.M.S.
Porpoise.

The Commissary is also directed to transmit Mr. Scott's receipts for the Articles supplied to that Ship, in which, those that were purchased, and those supplied from the Colonial Stores are distinguished.

Since the Porpoise's return from Otaheite in October last, it was discovered that at least 14 sheets of Copper were off her Bows, from the Gripe to the afterpart of the Four Chains, and that her lower Masts Bowsprit etc. were rotten. Those defects were remedied as soon as possible by taking every thing out and laying her on shore, which enabled us to replace the Copper.—Lower Masts were procured, and made by the Master Carpenter of this Territory.—A Cutter has also been furnished that ship, in the room of one that was lost on the Passage out, which has been paid for by the exchange of some condemned Stores received from the Porpoise.

Repairs to
H.M.S.
Porpoise.

It may be necessary I should observe that the loss of the Copper, must have happened while the Ship was in the Spanish Service,* as it is very evident the Porpoise has never touched the Ground since she was purchased.—The Hull and Masts of the Ship were in perfect good Order when she sailed from hence the 27th Instant. I have the Honor to inclose Mr. Scott's demands for the Stores that the Porpoise will absolutely need before she can go to Sea again after her return from Otaheite, which I hope will be in October next.—I beg leave to suggest, that the Whalers are the quickest, and perhaps the cheapest conveyance of Stores to this Colony.

Loss of copper
on ship's bows.

I have already had the Honor of informing you, that the Naval Stores sent by the Royal Admiral and Earl Cornwallis were landed here and the Commissary's Receipts were given to the respective Masters of those Ships.

Naval stores
received.

I have, etc.,

PHILIP GIDLEY KING.

* Note 198.

1802.
28 May.

[Enclosure.]

[A copy of the requisition for stores has not yet been found.]

MR. RICHARD SAINTHILL TO GOVERNOR KING.

(Per transport Atlas.)

Sir, Waterford, May 28th, 1802.

Convicts and
stores on the
transport Atlas.

By Order of His Excellency the Lord Lieut., I have sent you a List of the Convicts on board the Atlas Thomas Musgrave Master, and also lists of Convicts, in the last Ships from Cork; with an Account of Provisions and Stores in this Ship, with also a Certificate of the Master, that the Convicts have been Supplied here, with fresh Provision, not touching the Sea Stock; Government having embarked more Men, than was originally Intended, which was One Hundred and Seventy, And the Ship so much Crowded, as not to be able to Receive any more Provision; She is in Consequence short of the Seven Months, ordered for the Voyage, a part of the Cloathing intended to be given them when landed, has also been Used for the additional Number, but this last shall be Replaced by the Rolla, which is now at Cork, and probably will sail in the Next Month for Port Jackson.

I have, etc.,

RICH. SAINTHILL,

Agent for the Government of Ireland.

Clothing
shipped on the
transport Atlas.

P.S.—More are now on board the Atlas, One Hundred and Forty four Setts Convicts Cloathing.

191

144

47 Setts Deficient to be sent by the Rolla

3 Ditto

50

[Enclosure.]

[A copy of the indent papers is not available.]

GOVERNOR KING TO UNDER SECRETARY KING.

(Despatch per whaler Speedy; acknowledged by Lord Hobart,
24th February, 1803.

5 June.
A wreck on
King Island.

Sir, Sydney, New South Wales, June 5th, 1802.

The Speedy having been detained until this date by foul winds, enables me, to communicate the disagreeable News of a Vessel* being wrecked, on the South West extremity of King's

* Note 199.

Island, at the West entrance to Basse's Straits, the particulars of which are stated in the enclosures, and a sketch of the West side, the East, and N.E. sides of which were surveyed by Acting Lieut. Murray in the Lady Nelson, as stated in my Separate Letter B.—

1802.
5 June.

A wreck on
King Island.

We can only be certain, that the Vessel lost is neither of the French Ships on discovery, or any of the Whalers, or other Vessels, belonging to, or known to be on the Coast of this Colony; From the quantity of Staves I am apprehensive it is a Vessel from England, or an American; The pieces of the Wreck do not appear to be more than Three or Four months old, no marks could be discovered to indicate what, or from whence, this unfortunate Vessel was, whose Crew must all have perished, as no traces of any human being could be found.

I have, &c.,
PHILIP GIDLEY KING.

[Enclosure.]

CAPTAIN CAMPBELL TO GOVERNOR KING.

Sir, Snow Harrington, Sydney, June 4th, 1802.

March 18th 1802, Came to Anchor in 7 Ftm. Sand and Shells between New Years Islands and King's Island, found several pieces of the Deck plank of some Vessel with a great quantity of Pitch; conjecturing she had been Wrecked on the Southern part of the Island walked about 35 Miles where we fell in with a Yard 27 Feet Square, and a Butt, that had contained Flour or Meal, with several pieces of the Stern Sheets of a Boat Painted Red; On returning on board sent Two Men next day to walk round the Island, and endeavour to find the Keel of the Wreck; On the ninth day after leaving the Vessel, the men returned and informed us that on the Southern Extm. of the Island between Two Rocky Points, saw a great quantity of the Wreck vizt:

Captain
Campbell's
report on the
wreck.

- 1 Sprit Sail Yard broke
- 3 Top Gallt. Masts cut away by the Cap
- 1 Top Mast 10½ In. through under the Cross Tree
- 1 Main Hatch Grating
- 47 Feet of Keelson
- 1 Floor Timber Oak
- 1 Ash Oar Broke
- 1 small Quaker Gun
- 12 Feet of a Rail about 11 In. in breadth
- 15 Do. of the Fish of a Mast Pine
- A great quantity of Deck Plank Staves of Water Casks and Butter Casks etc.

I also send you a Sketch I took of the West side of King's Island which is very Dangerous for any Vessel to approach nigh,

1802.
5 June.

Account of
King Island.

but we lay in very smooth Water in a Bay between New Years Islds. which will afford good Shelter to any Ship, as we lay there from March 18th 1802 'till May the 27th 1802 when we left it with a Cargo of Sea Elephants Oil and Blubber and Seal Skins; We did our utmost to discover if any of the People had escaped from the Wreck, but perceived only One English Cat: On this Island we found great Quantities of Kangaroos, Badgers, Porcupines, Emues etc. About one Mile in land the Ground runs Swampy, with small Lagoons, in which there are great quantities of Black Swans, Teals, and Ducks; The Cedar Trees run very high, strait, and thick, several other sorts of Trees, on the So. Wt. side; saw several runs of Fresh Water.

On New Years Islands we found a few brush Kangaroos, Caught great Quantities of Fish, little Water on the Islands. We were only 4 Days from King's Island to Port Jackson, and run right through the Straits in an E: b N: and E.N.E. Course. The Passage between Cape Albany and King's Island is very safe, but not so between Hunter's Isles.

I am, etc.,

WM. CAMPBELL,

Commander of the Snow Harrington.

[Sub-Enclosure.]

Extracts from
the log-book
of the snow
Harrington.

EXTRACTS from the Snow Harrington's Log Book on a Sealing Voyage in and about Bass's Straits.

1802, March 17th.—Strong Breezes and Clear Weather at Noon bore down towards King's Island—At Sunset the extremes of Two Headlands on ditto Island W.S.W. to W. by N. $\frac{1}{2}$ N. The extremes of an Island to Southward S.W. b. W. to N.W. distance 10 or 12 Miles—At Midnight Sounded in 18 to 20 fathom from 8 to 12 laid bye. distance of the Island, about 12 Miles Lati'e Obs. $39^{\circ} 20'$ Wind: P.M. E.S.E.; A.M., E.N.E.

March 18th.—Strong Breezes and Squally—Tacked and Stood to the Island. 4 p.m. Cape Shortland S.E. $\frac{1}{2}$ E. Cape Palmer S.S.E. Harbinger's Rocks West S or 9 Miles. 5 P.M. Rounded ditto Rock. Sounded Sundry times. 14:15 to 11 fm. Coral Rock 6 p.m. Anchored in 13 fm. Sand, Shells, and small Stones, in a Bay on the West side of King's Island. Entrance of the Bay from S.W. to N.E. b. E. extremes of the land from N. to N. b. E. Extreme of New Years Islands from W. b. S. to S.W. b. S. distance about $2\frac{1}{2}$ or 3 Mile—Moderate, at daylight, sent the Whale Boat to New Year's Islands—10 A.M. Ditto returned, informed they had seen a number of Seals—Noon hove up and run down towards the Island. Variable Airs from the Southward, Sounded from the Bay to the Island 19 to 5 regular Soundings, the Whale Boat a head Sounding. Wind: P.M., Pt.; A.M., S.S.E.

March 19th.—At 2 P.M. Came to Anchor in 5 fms. Sand between the two Islands—the Passage between S.W. b. W. $\frac{1}{2}$ W. to Clear the

1802.
5 June.Extracts from
the log-book
of the snow
Harrington.

N. Island N.N.E. 3 P.M. Sent 14 Men with their Sealing Materials on Shore to the North Island Under the Command of Thomas Evans, to Act as Master of the said Gang of Men; by Order of Captn. Campbell. sent on Shore One Month's Provision of Bread and Water, And One Week's Salt Provisions, Daylight Captn. Campbell, with the Ships Sea-cunnies Went on Shore to the South Island. Mr. Graham 2nd Officer. went on Shore to the North Island.

The Harrington lay for the above date to the 27th of May following at the Anchorage in New Years Islands, in which time they got the Blubber and Oil from 600 Elephants and 4,300 Seal Skins; This Anchorage was very open and insecure, a heavy Sea rolling in and being in general the Weather side of the Island, the following Remarks respecting the Wreck are extracts from the said Log Book.

March 27th.—Light variable Airs from Eastwd. P.M. received on Board about 80 Gallns. of Oil Moderate throughout the Night, daylight went with both Boats to kill Elephants on King's Island, fresh breezes from N.E.

April 11th.—Brought on Board a Scuttle belonging to Some Vessel, found ditto laying a little way from where we had seen the deck plank; Sent a Man to the Southward extreme of the Island, to look out for more of the Wreck.

April 17th.—Midnight Capt. Campbell Returned with the Whale Boat informed us he saw the Topsail yard of a Vessel, measured 27 feet. And a large legu which had been full of flour or Meal; likewise several pieces of Decks etc., drove up on the Beach at the S.W. Extreme of King's Island, Suppose the Vessel to have been Wrecked on the Reefs laying off.

April 29th.—P.M. The Whale Boat Returned, informed us they had seen the Fishing of a Small Vessel's Main Mast And several Pieces of Deck plank, brought on Board. about 200 lb. of Pitch they found on the Sand.

May 20th.—The Two Men, that was sent to Walk round King's Island, returned, informed they had walked along the Sea Shore all round, And at the Southrn. Extreme of the Island, they saw great Quantitys of the Wreck of the Vessel, 3 top Gallant Masts, Top etc.

The Log Book Contains no other Information than the facility they had in procuring and loading the Vessel with Oil and Blubber; And that they had left 13 Men on King's Island to procure more against their Return; The Situation of the Anchorage, at New Years Island. they fix from several Altitudes and distances, to be in Latitude 39° 43' South Longitude 144° 22' East of Greenwich.

The above are true Extracts, made from the Log Book of the Snow Harrington.

W. N. CHAPMAN,

Secy.

 GOVERNOR KING TO SECRETARY NEPEAN.

(Per whaler Speedy.)

June 5th, 1802.

[This letter was a duplicate copy of the preceding letter and its enclosures to Under Secretary King.]

1802.
5 June.

GOVERNOR KING TO UNDER SECRETARY KING.

(Despatch per whaler Speedy; acknowledged by Lord Hobart,
24th February, 1803.)

Dear Sir,

Sydney, 5th June, 1802.

General state
of the colony.

Having written you so fully by Lieut. McKellar, and not doubting of his safe arrival, I do not trouble you with a duplicate of the private letters, to which I must refer you. We are now going on in a tolerable strait path of order and regularity, and excepting now and then a few discontented Irish make their appearance, the colony has not enjoyed such a calm for some years—I mean individuals; for respecting myself, it requires every exertion to keep up those orders and restrictions I have had so much trouble to effect. However, time and perseverance will do much.

Supplies of
animal food.

Previous to the arrival of the American,* our prospects were bad with respect to animal food, of which you observe how short we were, and how much the stock must have suffered. I have not admitted more than two-thirds ration of meat, and our grain will not admit a greater proportion being issued. We are in daily hopes of seeing a vessel from England. Since we have heard the account of the wreck, I fear much she is one of the Irish ships. As the meat purchased from the American (which I think is at least 2d. per lb. cheaper than it can be bought for in England) will keep off the evil day until supplies do arrive, we shall do very well for meat for at least twenty weeks longer. My plan of letting the deserving provide for themselves under proper restrictions has eased Government of a great expence, and as I am now turning all the attention I can to publick cultivation, I hope those expences will still decrease. You will see what they were last year. Purchasing this meat from the American will make our present year's expence greater in the colony, but less in England. The Porpoise is gone to Otaheite for pork, but the Norfolk is not yet returned. I hope she is safe.† The supply from the Islands is quite eventual; it will, therefore, be necessary to supply us for some time longer with salt meat, until the increase of our stock renders it less necessary; but if great numbers of people are sent, the time of no longer needing the supplies of salt meat must be necessarily prolonged. The necessary reduction of publick labour, as the ration is reduced, is of great consequence to us, although the expence is considerably lessened. I must mention that when the ration of salt meat was reduced to 2 oz. a day, every one was contented; however, I do not attribute this to any motive of love. In one of my private letters by Lieut. McKellar, I stated my ideas respecting the hint you gave me of what might be done with our present military. Should that measure be adopted, I hope

* Note 200. † Note 201.

some care will be taken in the selection of the officers. Government may count on at least 250 of the present privates and non-commissioned officers entering, which would save a great expence in raising and sending others out; and justice to the soldiers requires my saying that since I have been in the command, their conduct has been regular and good, and, in many instances, very praiseworthy; nor can I, with justice, say that a stigma ought to be thrown on all the officers. Their conduct generally has been proper since I took the command; but the turbulent characters pointed out by Colonel Paterson and myself have influenced the others so much as to make it necessary that if Captain McArthur is allowed to return here, and some notice is not taken of the other officers' conduct, my recall, or permission to return, will be absolutely necessary, to prevent such steps being taken by me as will not much tend to the quiet and good of the colony; for to serve under such a set as will then be in the colony, is what neither my pride will stoop to, nor situation allow of. If I speak too decidedly on this subject, I hope you will make some allowances for what I have already gone through, and what I have still to do.

1802.
5 June.

The problem of
the military.

There were some Government debts left unpaid here—I mean by Gov'r Hunter, Mr. Williamson (late Acting-Commissary), Captain Johnston, and Captain Prentice—which I was told by Governor Hunter were to be settled and paid in England. I wish to know whether they have been paid or not, as they amount to a great sum by our books.

Debts due to
government.

I hope you will cause my representation respecting the payment of articles supplied the Porpoise or other King's ships to be settled, as it takes a considerable sum from our Colonial stores. I think the best way would be for that and other King's ships to be furnished independent of the stores when it can be done, by sending what is wanted from England by the whalers, which is the cheapest way; and when these supplies are not sent, to purchase them, and draw on the respective Boards. Respecting the stores, &c., now demanded, they are necessary to prevent purchasing from ships, which must often be done at 100 p'r cent. Of slops we shall have few or none after the next serving in July. At Norfolk Island they now have none. I, therefore, hope a proportion will be sent as soon as possible, otherwise we shall not only be *sans culottes*, but *sans chemises*. A good character to direct the growth and manufacture of the flax plant is now necessary, as the man who had charge of it was such a determined "Croppy" that I have sent him away.

Stores and
provisions
for the
King's ships.

Requisitions
for stores.

We are much in want of the officers, civil and military, who are now in England, or others in their room being sent out as

Officers absent
on leave.

1802.
5 June.

soon as possible. I have mentioned this in my publick letters, as I understand the Rev'd Mr. Johnston does not mean to return; nor has Mr. Haddock made his appearance. I hope one will be sent out. I wrote some time ago to Mr. Chinnery for the latter's pay being stopped, and have also mentioned it in my letter No. 6, March 1st.

Settlement at
Port Phillip
and Hunter
River.

What I have said respecting another settlement in the Straits, I hope will be attended to.* Unfortunately, I have no person to send, or stores, otherwise I would go about it immediately. The little settlement I made at the Coal River was obliged to be withdrawn, from the improper conduct of the person I entrusted it with. As an addition to the establishment will be necessary, I can take no steps in this until I hear from England.

The disposition
of the Irish
convicts.

I wish the Irish Government would send some clever, obstinate, loyal fellow to take charge of some of his countrymen, who now ought to be mixed and sent to another settlement. I have drafted as many as possible, or that I can with safety, to Norfolk Island.

Port wine.

No port wine has been sent here since the ten pipes by the Royal Admiral. I applied for fifteen pipes, which I hope will be sent.

Salary of
Governor King.

I must now close this letter, and request that if my full salary is not paid, you will have the goodness to procure me that relief, for I do assure you I have strictly earned it, and expended it almost.

With every sincere wish for your health, and that of your family,

I have, &c.,

PHILIP GIDLEY KING.

GOVERNOR KING TO THE TRANSPORT COMMISSIONERS.

(Per whaler Speedy; acknowledged by the Commissioners, 14th November, 1803.)

Sydney, New South Wales,

Gentlemen,

June 5th, 1802.

With this I have the Honor to forward a Triplicate of my last Letter† to you and am much concerned to give you the information stated in the inclosure.

[*Here follows the particulars of the wreck discovered on the S.W. side of King Island in Bass Strait by the Harrington, being a repetition of the despatch to Under Secretary King of the same date.*]

When any Articles that are sent to this Colony, which can damage by Leaks I beg to suggest the propriety of their being packed in Water tight Casks or Wooden Packages, the former would be useful to the Whalers. I have, etc.,

PHILIP GIDLEY KING.

The wreck on
King Island.

* Note 202.

† *Marginal note.*—Feby. 2nd, 1802.

[Enclosures.]

1802.
5 June.

[The enclosures were duplicates of those forwarded to Under Secretary King in a despatch of the same date.]

GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch No. 8, per transport Hercules, *viâ* China.)

My Lord, Sydney, New South Wales, June 9th, 1802.

9 June.

Referring your Grace to my Despatches by the Speedy, South Whaler, and particularly to my Letter to Mr. Secretary King, in which I informed of the Arrival of the Arthur, American Ship, on her way to China, and that from the reduced State of our Stores, the Apprehension of Accidents or detention having befallen some of the supplies of Salt Meat, of which we had only 12 Weeks at 1 lb. 10 oz. each full Ration, and to increase the time of Public Labor, as well as to preserve the Stock, I directed the Commissary to purchase on Account of Government, the Salt Beef and Pork, the Master of that Vessel had for Sale—It has also been necessary to purchase from the same Vessel Fourteen Casks of Tar, for the Boats and Colonial Vessels, which are included in the inclosed Voucher, and as the Meat is purchased for less than it would have been sent from England, I hope to receive Your Grace's Approbation of this Needful and timely purchase.

Purchase of
stores from the
master of the
ship Arthur.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure.]

STORES purchased from the Master of the ship Arthur.

Sydney, New South Wales, May 24th, 1802.

Jno. Palmer Esq.

Commissary to His Majesty's Territory of New South Wales;

Dr. to Mr. Scott Jenkes, Master of the Arthur American.

Beef 3,000 Pounds at 7½d. £96 17 6

Sydney, New South Wales, 7th June, 1802.

Jno. Palmer Esq.

Commissary to His Majesty's Territory of New South Wales;

Dr. to Mr. Scott Jenkes, Master of the Arthur American.

Beef	64,635 Pounds	at 7½d.	£2,693	2	6
Pork	33,600 „	at 9d.	1,260	0	0
Tar	14 Barrels	at 40/- per Bar.	28	0	0

 £3,981 2 6

THE VICTUALLING BOARD TO GOVERNOR KING.

1802.
28 June.

(No. 1, per transport Bridgewater; acknowledged by Governor King, 9th May, 1803.)

Sir,

Victualling Office, 28th June, 1802.

Flour shipped
on the transport
Bridgewater.

Referring to our Letter of the 16th March last, informing Your Excellency of the quantities of Pork, Sugar, and Flour we had Shipped on board the Rolla, Atlas and Alexander Transports for the use of the Settlement at New South Wales, We beg to acquaint you, that in Completion of the Order of the Right Honble. the Lords Commissioners of His Majesty's Treasury therein referred to, we have laden the Bridgewater Transport, E. H. Palmer, Master, with One Hundred and Nineteen Thousand Six Hundred and Sixteen Pounds of Flour, and we have consigned the same to the Commissary General at the Settlement.

An Invoice of, and Bill of Lading for the Flour so Shipped, will be forwarded to the Commissary by the Vessel, and we have to request you will cause a Receipt to be granted to the Master for what shall be delivered.

We have, etc., etc.,

JOHN MARSH.

FRAS. STEPHENS.

JOHN RODNEY.

R. S. MOODY.

THE VICTUALLING BOARD TO GOVERNOR KING.

(No. 2, per H.M.S. Glatton; acknowledged by Governor King, 9th May, 1803.)

[A copy of this despatch, notifying the shipment of six pipes of port wine and thirty puncheons of stout, has not yet been found.]

THE TRANSPORT COMMISSIONERS TO GOVERNOR KING.

(Per H.M.S. Glatton.)

16 July.

Sir,

Transport Office, 16th July, 1802.

Clothing
shipped on
H.M.S. Glatton.

In pursuance of Directions from the Right Honorable the Lords Commissioners of His Majesty's Treasury Signified to Us by Letters from J. H. Addington Esq. of the 20th and 28th May last we have provided and Caused to be put on Board His Majesty's Ship Glatton, J. Colnet Esq. Commander, Consigned to your Address, Sundry Articles of Cloathing for the Use after their Arrival in New South Wales of 270 Male and 130 Female Convicts now about to proceed to that Colony in the before-mentioned Ship and Inclosed we transmit to you for your Information the Invoices and Bill of Lading of the Same.

We are, etc.,

AMBROSE SERLE.

WM. HY. OTWAY.

[Enclosures.]

[Copies of the invoices and bill of lading are not available.]

GOVERNOR KING TO LORD HOBART.
(Per transport Hercules, *viâ* China.)

1802.
23 July.

Sydney, New South Wales,

My Lord,

23rd July, 1802.

Enclosed I have the honor to forward a duplicate of my last letter to His Grace the Duke of Portland, and as I shall shortly have the honor of addressing you by a returning South Sea whaler, I shall forbear troubling your Lordship at this time with any details of the colony, except informing you that the Coromandel arrived here on the 13th ult'o, with the convicts in so good a state of health that they were all fit for immediate labor, which reflects the highest credit on the master and surgeon of that ship. I am sorry I cannot say as much of the Hercules and Atlas. The former arrived on the 26th June, and the latter on the 7th inst. Both these ships have lost 127 convicts out of 320 put on board, and the survivors are in a dreadfully emaciated and dying state. Your Lordship has already been informed of the attempt made by the convicts on board the Hercules to get possession of that ship previous to her arrival at Rio de Janeiro, and that a number were killed. As the master of that ship has been tried by a Vice-Admiralty Court, the examinations now pending on the masters of those ships to determine how far they have infringed the tenor of their charter-parties, will prevent my communicating those particulars until the return of the South Sea man, which is more than probable your Lordship will receive before this may come to hand. The arrival of the above ships has released my mind from the apprehension of the wreck* seen on King's Island, in Basses Straits being one of the ships coming here with supplies.

Arrival of, and convicts on, the Coromandel.

Convicts on the Hercules and Atlas.

The position of the transport masters.

I have, &c.,

PHILIP GIDLEY KING.

P.S.—The master of the Coromandel informs me that the Perseus has put into Rio Janeiro.

GOVERNOR KING TO THE TRANSPORT COMMISSIONERS.

(Per transport Hercules.)

Gentlemen,

Sydney, July 23rd, 1802.

As a Whaler will sail from hence in about a Month, in which Ship an Officer on leave will take his passage, and will in all probability reach England before this possibly can I shall defer informing you of any particulars until then excepting that the Coromandel arrived here the 13th June, having lost only One Man on the Passage: When she arrived here the Prisoners and Passengers were fit for immediate Labor, and Justice to the Commander of that Vessel requires I should mention the

Arrival of, and convicts on, the Coromandel.

* Note 199.

1802.
23 July.
Arrival of, and
convicts on, the
Hercules and
Atlas.

great merit he has in making so expeditious a passage, without touching anywhere—The *Perseus* it appears has put into Rio Janeiro—A different scene has presented itself respecting the *Hercules* and *Atlas* the first arrived here the 26th June the latter the 7th Instant. In a situation shocking to Humanity the whole of the Convicts being dead, and in a dying state, which I shall more particularly detail, as I only write this just to inform you of those Ships' arrivals.

I am, etc.,
PHILIP GIDLEY KING.

THE TRANSPORT COMMISSIONERS TO GOVERNOR KING.

(Per H.M.S. *Glatton*.)

30 July.
Stores shipped
on H.M.S.
Glatton.

Sir, Transport Office, 30th July, 1802.

In Pursuance of Directions from the Right Honor'ble The Lords Commissioners of His Majestys Treasury to Purchase the Various Articles, for which a Requisition was made to Lord Hobart by Your Letter of the 21st Augt. 1801, We have procured the Stores particularized in the Margin* in part thereof, which have by permission of the Lords Commissioners of the Admiralty been put on Board His Majestys Ship *Glatton*, James Colnett Esqr. Commander, Consigned to Your Address, And Inclosed We Transmit to You for your Information the Respective Invoices and Bills of Lading for the Same.

You Will be pleased to Inform Us of the Receipt of the above named Articles the Remainder are under preparation and Will be forwarded by the earliest Opportunity in our Power.

We are, etc., etc.,
RUPT. GEORGE.
WM. HENY. OTWAY.

[Enclosures.]

[Copies of the invoices and bills of lading have not yet been found.]

THE COMMISSIONERS OF THE NAVY TO GOVERNOR KING.

(Per H.M.S. *Glatton*; acknowledged by Governor King, 9th May, 1803.)

3 Aug.
Shipment
of stores.

Sir, Navy Office, 3rd Augt., 1802.

The Officers of Chatham Yard having Acquainted Us they have put on Board His Majestys Ship *Glatton* the Stores

* Marginal note.—No. 1, 6 Bales of Canvas; 2, 20 Coils of Cordage; 3, 12 Anchors; 4, 2 Boxes of Stationary; 5, 30 puncheons of Brown Stout; 6, pipes of Red Port Wine, in part of 15 Ordered.

Specified in the enclosed Account for the Service of His Majestys Colony at New South Wales, We Signify the Same for your Information And are

1802.
3 Aug.

Sir, etc., etc.,

WM. RULE.

WM. PALMER.

H. HARWOOD.

[Enclosure.]

[A copy of this return is not available.]

UNDER SECRETARY SULLIVAN TO GOVERNOR KING.

(Per H.M.S. Glatton; acknowledged by Governor King, 9th May, 1803.)

Sir,

Downing Street, 5th August, 1802.

5 Aug.

This letter will be delivered to you by Mr. Bedell, who has obtained Lord Hobart's permission to proceed to the Colony under your Government as a Settler. Mr. Bedell is represented to have a perfect knowledge of Agriculture, having held a very considerable farm in his own hands, but which through Youthful Indiscretion he has found it necessary to relinquish. This Misfortune will however in all probability lead him to adopt a more steady line of Conduct; upon this presumption and in consideration of the particular manner in which he has been recommended to Lord Hobart, I am to request that you will place him above the common Class of Settlers and I trust that his Conduct will be such as to merit hereafter your favourable Consideration.

Bedell
recommended as
a free settler.

I am, &c.,

JOHN SULLIVAN.

UNDER SECRETARY SULLIVAN TO GOVERNOR KING.

(Per H.M.S. Glatton; acknowledged by Governor King, 9th May, 1803.)

Sir,

Downing Street, 5th August, 1802.

Lord Hobart has directed me to transmit the enclosed Paper containing the names and avocations of the Persons to whom His Lordship has granted Permission to proceed to New South Wales as Settlers in His Majesty's Ship Glatton, and I am to request that upon their arrival in the Settlement the usual Ration of Provisions may be issued to them as well as such Grants of Land made to them as have been heretofore allowed to Persons of a similar description.

Free settlers
on H.M.S.
Glatton.

Most of these Persons are either Mechanics or have some Knowledge of Agriculture and have all produced favorable Testimonies

1802.
5 Aug.

of their Characters, Lord Hobart therefore trusts that they will ultimately contribute to the prosperity of the Colony and to merit your Approbation.

Sergeants
Stroud and
Knight.

Inclosed I send you a Copy of a letter from Captain Townson in behalf of Sergeant Stroud and Copies of Certificates of the Captains of His Majesty's Ship London testifying the good conduct of Sergeant Knight, both of whom have Lord Hobart's permission to proceed to the Colony as Settlers, and I am to desire that every advantage to which the Merits of these Men have entitled them may be secured to them on their arrival.

Sergeant
Peate.

Sergeant Peate with whose Services and Fidelity you are I conclude not unacquainted, has also Lord Hobart's permission to return to the Colony with his Son as a Settler.

The purser of
the Atlas.

I am to add that, in the event of an application being made by Mr. McCormick, Purser of the Ship Atlas, for permission to become a Settler within Your Government, Lord Hobart sees no objection thereto.

I am, &c.,

JOHN SULLIVAN.

[Enclosure No. 1.]

LIST of Persons going out to New South Wales in His Majesty's Ship Glutton.

Return of
free settlers
on H.M.S.
Glutton.

Names.	Occupation.	Recommendation.
William Cuddie.....	Farmer	Well recommended.
Barthw. Morley	Carpenter	Recom'd by Ld. Sydney.
Wm. Cannop and Wife...	Tallow Chandler	
Jeffrey Bolton and Wife	Farmer	Recom'd by Mr. Balmain.
Richd. Wall .....	.....	do do
— Frederick, Wife and 4 children.	Taylor	do by Mr. Moore of Lord Hawkesbury's Office.
Aaron Birt, Wife and 3 children.	Carpenter	do Jas. Bradie, Temple.
John Stroud, Wife and Child.	late Sergeant in the N.S. Wales Corps.	do by Capt. J. Townson.
Isaac Knight, Wife and 2 Sons.	late Serjeant of Marines.	Recom'd by Captus Murray and Purvis.
Serjeant Peate and Son	Do do ...	Refers to Govrs. Hunter, Phillip, and Col. Collins.
Mrs. Jones.....	going to her husbd...	Govr. Hunter applies.
Bridget Heath	Do to her Father...	Mr. Bibbers, 19 York Buildgs.
Fras. Jennings	Do to her husbd.	
Rev. Mr. Twisleton .....	.....
Mr. John Savage and Wife.	Surgeon	
Mr. Bedell	Farmer	recd. by Mr. Crew.
	Total	24 persons.

[Enclosures.]

[Copies of the papers re Sergeants Stroud and Knight have not yet been found.]

GOVERNOR KING TO LORD HOBART.

1802.
9 Aug.(Despatch per transport Hercules, *viâ* China.)

My Lord, Sydney, New South Wales, 9th August, 1802.

As the Hercules sails to-morrow I have judged it advisable to send by that ship this letter and its enclosures, without waiting for the whaler stated in the enclosed duplicate,* which may be in England before this can arrive.

Departure of
the Hercules.

I have the honor to enclose the proceedings of a Court of Vice-Admiralty, held on the master of the Hercules, for shooting a number of convicts on the passage, who were in the act of mutiny, and also for shooting one after it was alledged the mutiny had ended. Your Lordship will observe that on the first count the master was acquitted, and on the second he was found guilty of manslaughter. The Court sentenced him to pay a fine of £500 to the Orphan School, and to be imprisoned 'till it was paid. As it appeared by the practice of the Admiralty Court,† “that in cases which would be manslaughter at land the jury is always directed to acquit,” &c., I therefore judged it advisable to give the Master, Mr. Luckyn Betts, a conditional remission of that sentence until His Majesty's pleasure may be signified thereon, for which purpose I have enclosed his trial, together with the trial of five seamen belonging to the Hercules for being implicated as principals in the mutiny on board that ship, who were acquitted. Should the sentence of the Admiralty Court be confirmed respecting the fine, I respectfully hope it may be transmitted to this colony for the benefit of the institution it was adjudged to.

The trial of
Captain Betts.

Considering the Transport Board the proper office to represent the conduct of the masters of the Hercules and Atlas, through your Lordship, I have the honor to lay before you my letter to that Board,‡ and its several enclosures, which I trust will be found sufficient to mulct those ships considerably.

The conduct of
Captains Betts
and Brooks.

Your Lordship will observe by the above letter that the Perseus arrived here with her convicts in a state of high health and fit for immediate labor.

Convicts on
the Perseus.

I am happy to inform your Lordship that we are all quiet, peaceable, and healthy. As this letter is only written in case any accident may happen to the ship that will carry my despatches in answer to your Lordship's letter of January 30th last, I shall only enclose the Commissary's return of the quantity of salt meat we now have in the stores, and the time it will last. Respecting grain, we shall have quite a sufficiency to continue at two thirds of the full ration untill the next harvest.

Commissariat
returns.

The Geographe and Naturaliste, French ships on discovery, are here refitting. Captain Flinders, in His Majesty's ship Investi-

Movements
of shipping.* Note 203. † *Marginal note.*—Foster, 288. ‡ Note 204.

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gator, with the Lady Nelson, sailed from hence the 22nd ultimo to prosecute the service he is ordered on.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

THE TRIAL OF CAPTAIN BETTS.

THE INDICTMENT.

Cumberland, } LUCKYN BETTS, Master of the Transport Ship
to wit. } Hercules, Stands Charged for that he, the said
Luckyn Betts, on the twenty-ninth day of December, in the year of our Lord 1801, on the high Seas, in Lat. 16° 46' N., with Force and Arms, the persons hereunder named, being Convicts on board the said Ship Hercules, and of which he, the said Luckyn Betts, was Master, was conveying to this Port of Sydney, in County aforesaid, from the Port of Cork, in the Kingdom of Ireland, to wit, John Blair, William McKnight, William Long, Hugh Murray, Richard Nixon, Peter Mulvahill, Patrick Whelan, Michael Lee, John McCottell, William Knox, John Fitzpatrick, Barney Kaanaan, and Thomas Walker, wilfully did Shoot, or cause to be shot, and thereby them severally did kill and Murder; and the aforesaid Luckyn Betts stands further Charged For that he, the said Luckyn Betts, on the day and year and on the high seas aforesaid, one Jeremiah Prendergass, then in the peace of God and our Sovereign Lord the King, being with a certain Pistol which he, the said Luckyn Betts, in his right Hand then and there held, and did forcefully and feloniously Shoot, so that he, the said Jeremiah Prendergass, instantly died, and him, the said Luckyn Betts, the said Jeremiah Prendergass in manner aforesaid did kill and Murder, against the Peace of our Sovereign Lord the King, his Crown and Dignity.

Plea, "NOT GUILTY."

PROCEEDINGS OF THE COURT.

PROCEEDINGS of a Vice-Admiralty Court held at Sydney, the 6th day of July, 1802, by virtue of a Precept under the Hand and Seal of His Excellency Philip Gidley King, Esqr., Captain-General, Vice-Admiral, &c.

Present:—Lieut.-Col. William Paterson, N. S. Wales Corps, President and Judge; John Palmer, Esqr., Commissary; Capt. Matthew Flinders, Comm'r of H.M. ship Investigator (Commissioners); Lieut. Robert Fowler, of the same; John Murray, Esqr., Acting-Lieut. of H.M. armed Surveying vessel Lady Nelson; Robert Campbell, Esq., Merchant; Mr. Alex'r Stirling, Master of the Coromandel; Mr. John Robinson, Mate of the same; Mr. Thomas Moore, Master Boat-BUILDER and Planter; Richard Atkins, Esqr., Registrar.

LUCKYN BETTS, Master of the Hercules, Transport Ship, placed at the Bar.

The patent establishing a Vice-Admiralty Court, together with L't-Colonel Paterson's Commission as Judge and President, the Precept for convening the Court, the Registrar's Authority, and the Marshall's Warrant to act, being read, and the Court sworn.

CAPTAIN RALPH WILSON, of the N. S. Wales Corps, being sworn:—

Deposes that he Commanded the Troops on board the Hercules, Transport, of which the Prisoner at the Bar was Commander; that on or about the 29th day of last December, about half-past two

o'Clock, as they were at dinner in the Cabin, the convicts rushed on the Quarter Deck from the fore-part of the Ship, and made every Attempt to take her; that they were resisted by the Officers of the Ship, Capt'n Wilson, and Soldiers, by which means a Number were killed, which he imagines might amount to the Number of 12; that during the Attack they had been killed by a Number of Officers and others; that the firing and Resistance might last nearly an hour; the Quarter-deck was then cleared, and the dead Bodies, with the wounded men (number he cannot speak to), were brought aft; about an hour, or something more, some Convicts who were out of Irons were brought forward to the Quarter Deck, but cannot say by whom they were bro't forward, or by whose orders; that two Convicts were all that were brought, one of whom was Jeremiah Prendergass; that he heard a Pistol fired, and that an hour interviened from the time he, Prendergass, was brought on Quarter Deck till it was fired; that he saw Capt. Betts with a Pistol in his Hand after it was fired, not before, but cannot say whether any other person besides him had a Pistol or any other Firearms; that during the time Prendergass was on the Quarter Deck and before he was shot, a Conversation had passed chiefly between him and Mr. Betts; the Chief part of such Conversation was Mr. Betts endeavouring to extort a Confession from Prendergass of his and the others guilt; the Deponent says that he thinks Prendergass a very hardened Man, and that he pleaded his Innocence of the Plot; that he heard some persons say Capt'n Betts had Shot the Man.

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Q. 1st by the Court.—Being asked by the Court if he can speak precisely as to the time the Convicts might have possession of the Quarter Deck, says that from first to last of the Mutiny he thinks it might be near an hour, and that they had possession of the Quarter Deck 10 or 15 minutes at the least.

Q. 2d.—Did you see Convicts with arms in their Hands using them against the Officers, &c.?

A.—He did; that one Man snapt a Blunderbuss at the Prisoner and Dep't, which was at the Commencement of the meeting; he thinks there were at least 50 concerned in the Mutiny, but cannot take on him to say how many of them had offensive Weapons in their Hands.

Q. 3.—What orders did Capt'n Betts give?

A.—No particular ones.

Q. 4.—Was the Ship restored to that Tranquility and Obedience, that it was in the power of the Prisoner to have put Prendergass in Irons at the time he was Shot?

A.—It was.

Q. 5th.—What interval of time elapsed between Prendergass being brought up and the Ship restored to Tranquility and his being shot?

A.—I should think an Hour.

Question by Prisoner.—Have you not often said that the Shooting of Prendergass was a Measure you approved of, and that if he had not been Shot you would have Shot him; and did you not repeatedly call out, "Shoot the Rascal"?

A.—I said Prendergass deserved his Fate; but did not say that had he not been Shot by some other person I would Shoot him; neither did I ever make use of the Expression, "Shoot the Rascal!"

Q. 2d.—What arms had you when on the Quarter-deck?

A.—During the Mutiny I had one of the Men's Muskets; but after the Business was over no Weapons Whatever.

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THOMAS TROTTER, Serjeant, N. S. Wales Corps, being Sworn :—

Deposeth that he was under the Command of Capt. Wilson, on board the Hercules, on the 29th of last December; that he was in the Guard Room between Decks; hearing a Noise on main Deck, he immediately came up; one of the Prisoners coming forward with a Bayonet pointed towards him, dep't tumbled him down the Hatchway, and immed'y after heard two Shots fired from the Cabin, in Consequence of which he got together some arms and went on the main Deck with Intent to drive the Prisoners below; that a Number of Prisoners were killed—11 in Number; that he thinks the Prisoners had not possession of the Q'r Deck more than a few (3) minutes; that about a Quarter of an hour after (if so much), Prendergass, Tracey, and 5 or 6 others were ordered on the Q'r Deck; that Dep't bro't them there by order of the Chief Mate, Mr. Aiken; one of the prisoners, Tracey (now alive), said he might blame Prendergass for the whole; Capt. Betts desired Dep't to go and hear what Tracey had to say; he did go, and Tracey told him that Prendergass was at the head of the whole; Capt. Betts then desired Prendergass to pray, for that he was a dead man; Prendergass fell on his knees and declared he was innocent; Capt. Betts clapped a Pistol to his Head several times, and said he would Shoot him, but he did not see him do it; Dep't was a second time ordered to bring more Prisoners on the Q'r Deck, which he obeyed; that he thinks most of the Persons on the Quarter Deck had arms; that at the time the Prisoners were bro't on the Q'r Deck he thinks the Ship was secured and every thing safe; thinks Prendergass was not in Irons; that the Prisoners were down below in the Prison; that he thinks there was an Interval of an hour between Prendergass being brought on deck, and hearing the Pistol fired that he supposed had killed Prendergass, but who shot him cannot say.

Question by the Court.—Was it in the power of the Prisoner, from the Tranquility of the Ship and Obedience to the Officers, to have confined Prendergass instead of his having been Shot?

A.—I think it was, by the Soldiers and Ship Officers being in Possession of the Quarter Deck, and part of the Sailors under due Obedience.

Q. 2d.—Do you think that the Eleven men, which you have stated in your deposition of yesterday as having been killed, were all in a State of Mutiny at the time they were Shot?

A.—Cannot say, but think they were not; because one of the men who had given the information was amongst the Number Shot.

Q. 3d.—What Information do you allude to?

A.—A prisoner of the name of Wm. Knight came to me, I think on the 30th Nov'r, and told me there was a Conspiracy to take the Ship, and kill all the Soldiers, Seamen, women, and Children, and begged that Dep't wo'd inform Capt. Betts; he did so, and the man was bro't on the Q'r Deck before him; he (Knight) informed Capt. Betts of the same in his, the Deponent's hearing; Capt. Betts answered, "Let them Come, I am always prepared for such Rascals," and that day, or the day after, took two of the men (as I considered as ringleaders) out of irons, and said it was for the purpose that they might be ready for the attack.

Q. 4.—Did you inform your Commanding Officer of this Information?

A.—I did some time after.

Q. 5.—Of the Eleven Men, as stated in your deposition to have been shot, How many of them were killed on the Q'r Deck?

A.—I saw none Shot there, but believe only one besides Prendergass.

Q. 6.—Where were the other Men Shot?

A.—Some on the main deck, others between Decks, and others in the Hold.

Q. 7.—Were any of them Shot after you had Considered the Ship, &c., in safety?

A.—I think there were, for I considered the ship in Safety after the Q'r Deck had been Cleared of them, and several were Shot after that.

Q. 8.—Did you hear Capt. Betts give any orders to leave firing on the Convicts?

A.—I did not; but the Chief Mate, as well as Dep't, endeavoured to stop the firing.

Q. 9.—Can you take on yourself to say who Shot or killed any of the Men?

A.—I cannot.

Q. 10.—Under whose Command did you Conceive yourself?

A.—Under Capt. Wilson and Capt. Betts.

Q. 11.—Who ordered the Centrys to be planted, and wo'd you have obeyed the orders of Capt. Betts in the planting of Centrys independent of your Commanding Officer, Capt. Wilson?

A.—I should; because Capt. Wilson had desired me to assist in everything for the preservation of the Ship.

Question by Prisoner.—For what purpose were the Prisoners brought aft;—was it not to put them in Irons, and examine them respecting ye mutiny?

A.—Cannot say, but suppose it was.

Q. 2d.—What arms had the Troops in general?

A.—There were 2 sentries with brass Blunderbusses and one on the Q'r Deck, I think, had a Cutlass and Pistole.

Q. 3d.—Who were the Sentries at the time the Mutineers came aft, and what became of the Arms?

A.—Charles Carty, James Brunton, and I think, John Cullingham; with respect to the Arms, cannot say; I saw one of the Blunderbusses afterwards, but the other I never saw.

Q. 4.—Who gave the Alarm?

A.—The first alarm I heard was the rushing of the Men thro' the Barricade and the rattling of Irons.

Q. 5.—What arms had Capt. Wilson at the time you were bringing the men aft?

A.—Cannot recollect.

Q. 6.—Are you sure he had none?

A.—Cannot say; but I saw Capt. Wilson with a Musket in his hand on the main Deck.

Q. 7.—Have you not heard Capt. Wilson express his Satisfaction at Prendergass being Shot?

A.—I really do not remember; but I never heard him disapprove of it.

CORPORAL CHARLES LAWRENCE, N. S. Wales Corps, being sworn, deposeseth that he was on board the Hercules on the 29th day of December last—says that he was on guard on that day—that the Prisoners Came on the Quart'r Deck between one and two o'Clock and he saw the Sentry knocked down by one of the Prisoners. The Prisoners

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got into the Cabin—Pat Whelan Came with a hot Logger-head, broke the Cabin Door open and burnt the Captains Coat with it—that he was knocked down with a 6 lb. shot by Barney Kaanaan who went down into the Prison, changed his Coat and Came up again—that he was sent for by the 2 men who were Sentries over the fore-Hatch to assist in keeping the Prisoners down—Serjt. Trotter soon after sent for him to the Main Hatch to plant a Sentry there—says he did not see any men shot—that he saw Prendergass laying dead, but who killed him Cannot say—the Mutineers as they advanced towards the Quarter Deck shouted—that he saw 6 or 7 on the Q'r deck and between 30 or 40 there and on the Main Deck—says that 7 or 8 Men were shot down the fore-Hatch-way and brought upon the Quarter deck—says that he saw some of the soldiers fire at them—that 12 men were the number killed.

Q. 1st.—Did you hear Capt. Betts give any Orders for Shooting any person?

A.—I did not.

Q. 2.—Did you hear Capt. Betts give any Orders to Stop firing?

A.—I did not, but the first mate did.

Q. 3.—What space of time was it that the Scuffle lasted and the Convicts got down below?

A.—About half an hour, After which time every thing was quiet and Tranquility restored, that Prendergass was brought on Deck about $\frac{3}{4}$ of an hour after by Serjeant Trotter—that he Prendergass was there about a quarter of an hour before he heard the report of a Pistol—Tracy was likewise bro't up on the Q'r Deck.

Q. 4.—Were the men that were killed bro't on the Deck before or after Prendergass's Death?

A.—About 10 minutes before.

CORPORAL KEOGH of the New South Wales Corps being Sworn deposes that he was on board the Hercules the 29th of Decr. last says he was at the Galley which was on the Quarter deck where a Loggerhead was heating—that one of the Sailors (Stow) took it out of the fire and carried it forward on the Main deck—soon after Pat Whelan Came and took it up, ran on the Q'r deck and broke the window of the Captain's Cabin with it,—on which he Depon't went into Capt. Wilson's Cabin and br't on the Main Deck a Pair of Pistols and there he remained during the Mutiny which lasted about 3 quarters of an hour—some time After the Bodies of the Men that had been Shot were bro't up from below and laid on the Quart'r Deck where he saw Prendergass—that he Understood he had been killed but Cannot say by whom that the dead Bodies had been on the Quarter deck about 3 quarters of an hour before Prendergass was ordered there—that he heard a Shot fired about 6 minutes after that Capt. Wilson Ordered Dept. and others to defend themselves and in Consequence he fired off the Pistols at the Convicts—that he loaded them a second time.

Question 1st.—What distance of time was it between the quelling of the Mutiny and Prendergass being shot?

A.—About 3 quarters of an hour.

Question by prisoner.—I wish to know if any questions have been asked you by any of the Witnesses who have been already examined?

A.—There has not.

Q. 2.—What did you do with the Pistols after you had reloaded them?

A.—I brought them aft and Captn. Wilson desired me to take them again into his Cabin which I did.

Q. 3.—Did you see Capt. Wilson with Pistols in his Hand during any part of the Mutiny?

A.—He had either a Pistol or a Fire-lock.

Q. 4.—What was your duty on board the Ship?

A.—I acted as Corporal.

Q. 5.—What other Duty did you do?

A.—I acted as Servant to Capt. Wilson.

JOHN CULLINGHAM, Private N. S. Wales Corps being sworn deposes that he was on board the Hercules on the 29th of last Decr. on which day a Mutiny existed on board which lasted about 3 quarters of an hour—that 12 or 13 men were killed—remembers Jeremiah Prendergass being bro't by Serjt. Trotter from below to the Quarter deck—that this happened about an hour after the Mutiny had Ceased—that he was Sentry on the Q'r Deck at the time and Prendergass was bro't some time after the dead Bodies had been on the Quarter deck—Captn. Betts had a brace of Pistols and he heard him threaten Prendergass with Death if he would not Confess—Prendergass was on his knees protesting his Innocence when Capt. Betts said he should Die with a Lie in his Mouth and immed'y shot him through the Head—that he saw him fall—that he was ordered from one side of the Deck to the other by Captn. Betts and he thinks the whole of the time he was on the Quart'r Deck was about a quarter of an hour—that he heard the Chief mate Mr. Aikin, order Serjt. Trotter to go for Prendergass—that Capt. Wilson was on the Quarter deck at the time—that he heard no Conversation whatever pass between Capt. Betts and Captn. Wilson, Nor did he or any other Person interfere in any Manner Whatever.

Q. 1.—When Prendergass was ordered from one side of the deck to the other by Captn. Betts was any Force used, or did Prendergass go of his own Accord?

A.—He went of his own Accord in Consequence of Captn. Betts's order and knelt down among the dead bodies.

Q. 2.—Was it in Capt. Betts' power to have Chained Prendergass down to the Deck had he been inclined so to do?

A.—I think it was for the Mutiny was entirely quelled.

Q. 3.—Were there more Sentries than yourself on the Deck at the time Prendergass was Shot?

A.—There was not—except Captn. Betts.

Question by the Prisoner.—Do you recollect any part of the Discourse between Prendergass and myself on the Quarter deck, or was it within your hearing?

A.—I heard Capt. Betts press Prendergass to Confess.

Q. 2.—Did you hear myself and Capt. Wilson in Conversation between the time Prendergass was bro't aft and the time he was Shot?

A.—No Conversation passed to my knowledge.

CHARLES CARTY Private in the N. S. Wales Corps being sworn deposes that he was on board the Hercules the 29th of last Decr.—that a Mutiny on that day existed which lasted 3 hours—recollects Prendergass being brought on the Q'r deck by Serjt. Trotter—that it was after the dead Bodies had been brought from below and placed on the Quarter deck—that he was Sentry on the Q'r deck at the time—that Tracey had declared that he Prendergass was

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one of the head men—that Capt. Betts was standing opposite Prendergass with a Case of Pistols in his Hand and told to go on his knees and Confess directly. Prendergass declared his Innocence, Capt. Betts told him a second time to Confess or he was a dead Man Capt. Betts Steward Came out of the Cabin and said, he Prendergass was a d—d infamous Rascal and desired Capt. Betts to Shoot him immediately, on which he shot him thro' the Head—that it was a full hour from the time he was bro't on the Quart'r Deck to the time that he was shot—that Capt. Wilson was at the time Prendergass was shot about 7 or 8 yards from him—that during the whole time no person Whatever interfered or (to use Depon'ts own words) troubled their heads about the matter—that Capt. Betts had it in his power to have secured Prendergass in any Manner he might have Chosen.

Q. 1st.—Was Prendergass removed from one Side of the Deck to the other?

A.—He was not, but remained on the same side during the whole time, which was on the same side the dead Bodies were lying.

Q. 2d.—Did you hear any person order Prendergass from one side of the Deck to the other?

A.—I did not.

Q. 3d.—Were any Persons under Arms at the time Prendergass was shot, and who were they?

A.—Corporal Lawrence was under Arms at the fore Hatch and other persons to the number of 5 or 6 including Centinels.

Question by the Prisoner.—You was Sentry on the Q'r Deck at the time Cullingham was Sentry?

A.—I was.

Q.—Was Mr. Carr on the Quarter Deck?

A.—I did not see him.

Deponent says at the time Prendergass was shot there were no Quarter Masters in the Ship but that a man of the name of Seals has been since made.

Q.—Had Capt. Wilson Arms or not?

A.—He had his own Sword in his Hand on that day, but he was not in the habit of carrying it at other times.

Q. 3.—Have you directly or indirectly had any Conversation with any one respecting the Evidence you was to give this day?

A.—I have not.

The Evidence on the part of the Crown being Closed the Prisoner is Called on to make his Defence.

Adjourned to half past 9 on Thursday the 8th July.

8th July, 1802.—The Court met pursuant to Adjournment.

The Prisoner, Mr. Luckyn Betts, entered on his Defence,* and produced No. 2. which being read. Prisoner Called MR. AIKIN, Chief Mate of the Hercules, who being Sworn:—

Question by Prisoner.—Were you on the Quarter Deck on the 29th Dec'r during the Mutiny?

A.—I was.

Q. 2.—Do you recollect Prendergass, Tracey, and other Convicts on the Quarter Deck on that day?

A.—I do.

Q. 3.—Did you hear any Person accuse Prendergass with being a Ringleader in the Mutiny, and that if the first failed he was to make a second Attack?

* Note 205.

A.—I did.

Q. 4.—Did you see Capt. Wilson on the Q'r deck at the same time Prendergass and other Prisoners were there?

A.—I did.

Q. 5.—Was Capt. Wilson, or any of the Troops or Ship's Company under Arms at that time, and what Arms had Capt. Wilson?

A.—To the best of my knowledge all the Troops were under Arms, and the Arms Capt. Wilson had in his Hand were a Pistol, and either his own Sword or a Cutlass; Dep't had at same time a Pistol and a Cutlass.

Q. 6.—Did you hear any person say, "Shoot, Shoot the Rascal!" and if you did, who was that person?

A.—I did, and Capt. Wilson was that person.

Q. 7.—Have you ever heard Capt. Wilson express his Satisfaction at Prendergass being Shot, and if he had not been Shot he wo'd have Shot him himself, for he was the greatest Villain in the Ship, or words to that Effect?

A.—I have repeatedly heard Capt. Wilson express his Satisfaction, and I heard him say that he had a pistol in his Hand to shoot him, had it not been before done; and I have repeatedly heard Capt. Wilson call Prendergass the greatest Villain in the Ship.

Q. 8.—Did you Conceive the Mutiny to have been entirely Subsided while Prendergass and others were on the Quarter Deck?

A.—I did not.

Q. 9.—Was not Capt. Wilson, some of the party, and seamen under Arms a Considerable Length of time after Prendergass was dead?

A.—They were.

Q. 10.—Do you know whether Prendergass was or was not ordered from one side of the Q'r deck to the other?

A.—I believe he was not.

Q. 11.—Had Capt. Wilson and myself any Conversation during the time Prendergass was on the Quarter deck?

A.—They had.

Q. 12.—Did not Capt. Wilson and his party follow the Prisoners, altho' the Q'r deck was Cleared, and continue firing on them until you desired them to desist; and where was I at that time, and did I give any orders to the Soldiers to fire?

A.—They did Continue firing on them as stated in the Question; Mr. Betts was on the quarter-deck, and I did not hear him give any orders for the Soldiers to fire.

Q. 13.—Now, sir, as you had understood Capt. Wilson and his party had been apprized of this Mutiny near a Month before it broke out, Do you not think there was some Marked neglect on the part of the Troops being in such a Scattered and defenceless State when the Prisoners rushed Aft, and was not the Alarm first given by the female Convicts, and was I not the first that came out, after having had a Blunderbuss snapt at me, which fortunately missed Fire?

A.—I think there was some mark of neglect on the part of the Troops that the first alarm was given by the female Convicts; Capt. Betts was the first that got out of the Cabin, and I believe a Blunderbuss was Snapt at him, but I did not see it as I was within the Cabin.

Q. 14.—If the Officers had been Collected together immediately after the Mutiny, do you think they would not have subscribed a

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general approbation of my Conduct, and Capt'n Wilson amongst the rest?

A.—I think they would; I should have done it myself.

Question by the Court.—Were the Soldiers Musketts usually kept loaded before the Mutiny?

A.—They were about a week before.

Q. 2.—Was the Prisoner acquainted with the intended Mutiny before it happened?

A.—I believe he was.

Q. 3.—Were any of the Prisoners let out of Irons between the time the Information was given and the Mutiny took place?

A.—I believe not; I cannot say.

Q. 4.—Did you receive any orders from Capt. Betts to fire on the Prisoners or to Cease firing?

A.—I did not, either in one Case or the other.

Q. 5.—Can you mention the Number of Prisoners that were out of Irons at the time the Mutiny broke out, and was Prendergass one?

A.—I suppose about 25 or 30, and those people were principally to Assist the Surgeon, and Prendergass was not one.

Q. 6.—State to the Court the Interval of time between the Convicts being driven from the Q'r-deck and the firing Ceasing to the time Prendergass was shot?

A.—To the best of my Knowledge the Interval of time was from 10 minutes to a quarter of an hour.

Q. 7.—Were any other Convicts on the deck, except such as were ordered up, at the time Prendergass was shot?

A.—I cannot say; I did not see any.

Q. 8.—Did any other person, except Tracey, accuse Prendergass of being a Ringleader, and did you believe him to be such?

A.—At that time no other person accused Prendergass except Tracey, but he was previous to that time generally understood to be such.

Q. 9.—Was it in the power of the Prisoner to have confined Prendergass at the time he was Shot in any Manner he might have thought proper?

A.—I do not think it was; Nothing was secure in the Ship, and she was in an entire State of Confusion.

Q. 10.—What number of men were usually let upon deck daily between the Information given and the Mutiny taking place?

A.—Any number the Surgeon thought proper.

MR. JOHN CARR, Purser of the Hercules, being sworn:—

Question 1st.—Were you on the Quarter deck on the 29th decr. during the Mutiny?

A.—I was.

Q. 2d.—Same as to the last witness. *Ansr.*—I do.

3 do

Ansr.—I heard Tracey accuse Prendergass of being the principal Ringleader and that if the first failed he was to make a second attack.

4 do.

Ansr.—I did.

5 do

Ansr.—The Troops were under Arms and to the best of my knowledge Capt. Wilson had a Pistol and a Cutlass.

Q. 6 do

Answer.—I heard Capt. Wilson say "Shoot—Shoot the Rascal."

Q. 7.—Same as to the last witness.

Answer.—I heard Capt. Wilson express his Satisfaction at Prendergass being Shot, and if Capt. Betts had not done it, he, Capt. Wilson had a Pistol in his Hand that would have done it. same Answer as by the last Evidence.

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Q. 8th do

Q. 9th do

Q. 10th do

Q. 11th do

Q. 12th.—If the officers had been Collected together immediately after the Mutiny, do you think they would not have subscribed a general Approbation of my Conduct, and Captn. Wilson among the rest?

Answer.—I firmly believe they would—I should myself have done it.

Question by the Court.—Was the prisoner acquainted, and how long, with the intended Mutiny, before it broke out?

A.—He was, but cannot say how long—perhaps a fortnight or 3 weeks.

Q. 2d.—Were any of the Prisoners let out of Irons and Continued so between the time of the Information and the Mutiny?

A.—I never saw any let out.

Q. 3.—What number of Prisoners were out of Irons at the time the Mutiny broke out—and was Prendergass one of them?

A.—There were some, but I do not recollect Prendergass being one.

Q. 4.—What time might the mutiny last?

A.—We did not Conceive ourselves in a State of Security in less than three hours.

Q. 5.—Were the Prisoners resisting the Officers of the Ship during that Period?

A.—Not the whole of that time but we did not Conceive the Mutiny entirely quelled.

Q. 6.—State the time between the firing of the last Musket or Pistol and the time Prendergass was Shot?

A.—As near as I can recollect, 10 minutes or a quarter of an hour.

Q. 7.—Where were you at the time Prendergass was Shot?

A.—On the Quarter Deck.

Q. 8.—Did you see the Prisoner Shoot Prendergass?

A.—I did not—I heard the Report of a Pistol.

Q. 9.—To the best of your knowledge and Belief, who did Shoot Prendergass?

A.—Captn. Betts.

Q. 10.—What number of Officers, Soldiers, and Seamen were on the upper deck at the time Prendergass was Shot, and were they under Arms?

A.—Cannot recollect the number—they were under Arms as well as myself.

Q. 11.—What was the reason of their being Armed?

A.—We did not Conceive the Mutiny to have Subsided.

Q. 12.—Were any other Convicts on the deck except Such as had been Ordered up at the time Prendergass was shot?

A.—There were none on the Quarter Deck.

Q. 13.—Was it in the power of Captn. Betts to have Confined

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Prendergass in any Manner he might have Chosen at the time he was Shot?

A.—I believe it was.

Q. 14.—Were the usual Sentries at the Barrackade at the time Prendergass was Shot?

A.—Cannot say.

MR. RICHARD BROOKS, Master of the Atlas Transport, being Sworn :—

Q. 1.—Did you not hear Capt. Wilson express his perfect Satisfaction at Prendergass being Shot, and of my general Conduct during the Mutiny; and was not Capt. Wilson and myself on the most friendly Terms both at Rio and the Cape?

A.—I have heard Capt. Wilson express his Satisfaction at the general Conduct of Capt. Betts during the Mutiny, and all the fault he found with Capt. Betts was his showing too much Lenity to the Convicts and having too many out of Irons.

Question by the Court.—Did you understand Capt. Wilson by Lenity to mean that the Convicts were too much out of Irons before the Mutiny?

A.—I did.

EBENEZER JENKINS, Cooper of the Hercules, Sworn :—

Q. 1st.—Where was you on the 29th decr. during the Mutiny?

A.—When it was begun I was in the after Hold—I then went forwards and afterwards to the Quarter deck.

Q. 2.—Did you hear any person accuse Prendergass of being a Ringleader and who said it?

A.—I did, Tracy by name.

Q. 3.—Was he accused of intending to make a second Attack?

A.—Tracey said so the same Evening after Prendergass was Shot.

Q. 4.—Did you see Capt. Wilson on the Q'r deck at the time the Prisoners were there?

A.—I did.

Q. 5.—Was Capt. Wilson, any of the Troops, or Ships Crew under Arms?

A.—They were.

Q. 6.—Do you know what Arms Capt. Wilson had?

A.—I believe a Pistol and a Sword or Cutlas.

Q. 7.—Did you hear any person say " Shoot—Shoot the Rascal " ?

A.—I heard Capt. Wilson express those words.

Q. 8.—Did you ever hear Captn. Wilson express his Satisfaction at Prendergass being Shot?

A.—I have repeatedly and that he wished half the Convicts had been Shot.

Q. 9.—Did you Conceive the Mutiny to be entirely Subsided when Prendergass and others were on the Quarter Deck?

A.—No—nor Some time Afterwards.

Q. 10.—Was not Capt. Wilson, some of the party and Seamen under Arms a considerable time after Prendergass was dead?

A.—They were.

Question by the Court.—Did you see Prendergass Active in the Mutiny?

A.—I did not.

Q. 2.—Was he in Irons?

A.—He was single-Ironed.

Q. 3d.—What Interval of time was there between firing the first and last Shot when the Convicts were driven down below?

A.—Between the first and last about ten minutes.

Q. 4.—How long had the Convicts Possession of the Quarter Deck?

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A.—I was not present but to the best of my Judgement about 3 or 4 Minutes. The trial of
Captain Betts.

Q. 5.—What time elapsed between the last Shot fired in the fore-Hatchway and the time Prendergass was killed?

A.—Half an hour to the best of my Knowledge.

Q. 6.—Where was you at the time Prendergass was Shot?

A.—The Star-board Side of the Qr. deck.

Q. 7.—To the best of your Knowledge and Belief who shot Prendergass?

A.—Captn. Betts.

Q. 8.—At the time Prendergass was Shot and Capt. Wilson, some Soldiers and several Others were under Arms, were any of the Convicts on the upper deck except such as were ordered up?

A.—I do not know of any.

Q. 9.—Had Captn. Betts the power of Confining Prendergass in any Manner he might have Chosen at the time he was Shot?

A.—The Ship being in a Mutinous State at that time I do not think he had that power.

Q. 10.—Would you have assisted as one to have Secured him had you been ordered?

A.—I sho'd certainly have obeyed any order my Captain might have given me.

Q. 11.—In your opinion would any person, Soldier or Sailor have disobeyed Capt. Betts order to have secured Prendergass?

A.—At the time I sho'd have thought not.

Q. 12.—Did you from the time the last Shot was fired and after Prendergass was killed Consider the Ship as in a State of Security for 3 hours after that time?

A.—I did not.

Q. 13.—At what time did you Consider the Ship in a State of perfect Security?

A.—Not until the latter End of the next day.

Q. 14.—Were you employed to put on and take off the Irons?

A.—I was.

Q. 15.—What was Capt. Betts general Conduct towards the Prisoners before the Mutiny took place?

A.—He showed them the greatest Lenity as a Proof of it there was only one Man in double Irons and between 20 and 30 out of Irons, and the Remainder in single Irons.

Q. 16.—Are you of Opinion that had no Mutiny taken place Capt. Betts Lenity wo'd have Continued towards them?

A.—It wo'd have Continued to a greater Extent than before.

Q. 17.—Had yourself and the Soldiers been employed in Securing Prendergass do you think it might have endangered the Prisoners rising again?

Ans.—At that time I should not have thought it prudent to have done it.

Q. 18.—At the time Prendergass was Shot, in what Position was he?

A.—Sitting down on the Deck and I heard him protest his Innocence and Tracey who supposed himself dying was accusing him of having been the Cause of his Death.

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Captain Betts.

HENRY TAYLOR, Boatswain's Mate, Sworn :—

Q. 1.—Did Prendergass attempt your life?

A.—He did.

Q. 2.—What with—and at what time?

A.—With a Carpenter's Adze and during the time of the Mutiny.

Question by the Court.—If Capt. Betts had ordered you to put Prendergass in Irons would you have obeyed him?

A.—Yes.

Q. 2.—Do you think any Man or Men in the Ship would have attempted to prevent you?

A.—I think not.

Here the Prisoner Closed his Evidence and the Court adjourned to tomorrow Mornng. at 10 o'clock.

THE ADDRESS OF CAPTAIN BETTS.

Mr. President and Gentlemen of the Court,

The Charge of having wantonly Sacrificed the Life of a fellow Creature is one of the most painful to a mind of Sensibility, that marks any Stage of human Infirmary. And however I may feel fortified by the Consciousness of approving Rectitude, I will not relax in my endeavours to dismiss from your minds, any Impression that may tend to give a Colour to that accusation on the Circumstances of which You are assembled to decide.

Gentlemen, it was my Intention to have objected to Captn. Wilson's Testimony (upon which it appears you have founded the present Charge against me) for Reasons which I wished to have submitted to your Consideration, and which would instantly have had their due weight with you, when you understood that he has grossly libelled and falsely accused me in a Letter to the Governor—that he was himself, (as well as his party whom he has also brought forward in Evidence) Actively employed in killing several of the Insurgents and of Course implicated in their Deaths, as well as myself—and lastly when it will be proved that Captain Wilson, when Prendergass was on the Quarter Deck, Called out repeatedly to Shoot him—(which at that Moment of Agitation and Alarm might have had Some Effect upon me) and that he has since expressed the most perfect Satisfaction at his fate—Gentlemen, I was at a Loss when to State my Objections, or in what mode to introduce them with Preciseness and Accuracy—far more delicate would it have been for Capt. Wilson, if he had Surrendered the Lead of this prosecution to others and left to impartial and unprejudiced Minds the Task of Evidence on this Occasion—Not that I can entertain the most remote Idea that anything Malevolence or Malice Can Suggest will sully the Current of Justice, or divert You Gentlemen, as its ministers from the pure dispensation of it—In You, I Cheerfully Confide to supply my want of Legal Knowledge or professional Talent—you are the Judges, and you will be happy to be the advocates of Innocence.

Gentlemen, Inconsistency and Contradiction are the leading Features of imperfect Evidence—You need no Comment from me to point out how often your Ears have been wounded in this way, in the various Stages of this Prosecution—I will trespass upon your time as little as possible Altogether, and that Circumstance shall occupy no more of it—only suffer me to remark how industriously and readily every Matter has been brought forward that could tend to Criminate me, and how Cautiously and Craftily every Circumstance in my Justification has been Concealed.

That Enquiries of this Nature should be instituted, I readily admit; the Honor and Character of the British Nation require it. Humanity demands it. and God forbid that the Life of a fellow Creature should wantonly be taken away,—but let the Investigation of all the relative Circumstances be Conducted with Candor,—let Justice be tenacious and Strict, but Uniformly Collected and sacredly impartial.

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Captain Betts.

Gentlemen—you will upon mature Deliberation make every Allowance for the force of Circumstances as they operated on my mind in that Moment of Agitation and Alarm. You will trace no private motive of Revenge or Malice in My Actions—You will pause to Conceive what my feelings must have been at that awful Crisis—a Blunderbuss had been snapt at my Head, the Consequences of which the Hand of Providence had averted—I had just heard the Solemn Declaration of a dying Man, who was reproaching Prendergass for being the Sole Author of the Mutiny—Prendergass had but a little time before been detected with an Adze in his Hand attempting the Life of one of the Seamen—He was an avowed desperate Ringleader—I had been told he was to have been the Leader of a Second party in Case the first failed—Captn. Wilson was Calling out “Shoot—Shoot the Rascal, or I will” the Deck was Strewed with dead Bodies—the Confusion was great, the Agitation of my Mind was more than Language can describe—and perhaps unless you, Gentlemen, Can for a Moment Conceive yourselves in my Situation, it will be impossible for you to have any thing like an adequate Idea of it.

Circumstances, less violent, have hurried Men into Excesses far more fatal than I am brought here to answer for—they have produced even a temporary Phrenzy—they might not have that powerful Effect upon me—but I felt as a Man the Danger I was Surrounded with and my Actions were the result of dire, and I trust, of justifiable Necessity.

I call Mr. Aiken Chief Mate.*

9th July, 1802.—The Court met pursuant to Adjournment.

The Court, after mature deliberation, are satisfied that a Mutiny actually existed on board the Ship Hercules, of which the Prisoner, Luckyn Betts, was Master; Do, therefore, acquit him of the first Count in the Indictment, but find him Guilty of Manslaughter on the Second, and do Sentence him to pay a Fine of £500. to be appropriated to the Orphan Fund of this Colony, and that the said Luckyn Betts be imprisoned until the said Fine of £500 be paid.

W. PATERSON,

Judge and Pres'd't.

RICHARD ATKINS,
Registrar.

[Enclosure No. 2.]

REMISSION OF THE SENTENCE ON CAPTAIN BETTS.

WHEREAS His Most Excellent Majesty King George the 3d By His Royal Letters Patent under his Royal Sign Manual bearing date the 2d day of April in the 27th Year of His Majesty's Reign Hath been graciously pleased to give and grant to the Governor (or in Case of Death or Absence the Lieutenant-Governor) for the time being of His Majesty's Territory of New South Wales and the Islands thereunto adjacent “Full Power and Authority where he shall See Cause or shall judge any Offender or Offenders in Criminal

Remission of
sentence on
Captain Betts.

* Note 205.

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Matters or for any Fines or Forfeitures fit Objects for His Royal Mercy to pardon all such Offenders and to remit all such Offenders' Fines and Forfeitures Treason and Wilful Murder only excepted in which Case he shall likewise have power upon extraordinary occasions to grant Reprieves to the Offenders until and to the Intent His Majesty's Royal Pleasure may be known thereon."

By VIRTUE of such Power and Authority vested in me as aforesaid I Philip Gidley King Esquire Captain-General and Governor-in-Chief in and over the said Territory of New South Wales and its Dependencies taking into Consideration some favorable Circumstances in the Case of Luckyn Betts on a Trial before a Court of Vice-Admiralty on an Indictment Containing two Counts, for Murder, Whereby he the said Luckyn Betts was on the first Count in the said Indictment acquitted, but on the second Count found Guilty of Manslaughter and sentenced to pay a Fine of Five Hundred pounds to be appropriated to the Orphan Fund of this Colony Do Hereby Conditionally Remit the said Sentence passed on the said Luckyn Betts PROVIDED ALWAYS and on Condition that he the said Luckyn Betts forthwith enters into a Bond with two Sureties himself in two hundred and Fifty pounds and his said Sureties in One Hundred and twenty five pounds each (One of whom to be resident in this Colony and of Sufficient responsibility) that he the said Luckyn Betts shall and do Surrender himself to the Judge of His Majesty's Admiralty Court of England or to such Officer as shall be appointed for that purpose within four days after his arrival in the Port of London To abide by His Majesty's Royal Pleasure being signified on the proceedings and Documents attending the said Trial and Sentence Otherwise the said Luckyn Betts shall forfeit and be deprived of the Benefit of this Conditional Pardon and the said Original Sentence shall be and remain in full force.

Given under my Hand and the Seal of the Territory at Sydney the Twentieth day of July in the Year of our Lord one thousand Eight Hundred and two.

Registered in the Secretary's Office.

(L.S.) PHILIP GIDLEY KING.

[Enclosure No. 3.]

TRIAL OF WILLIAM STOW AND OTHERS.

THE INDICTMENT.

New South Wales
Vice-Admiralty Court. }
The King
against
William Stow other-
wise Francis French
and others. }

On the prosecution of
Luckyn Betts, Commander
of the Transport
Ship Hercules.

WILLIAM STOW, otherwise Francis French, JOHN ATTENDER, JOSEPH HISLETT, ROBERT NICHOLLS and JOHN MASON severally and respectively Stand Charged For that they on the twenty ninth day of December in the year of our Lord one thousand Eight Hundred and One with Force and Arms upon the High Seas within the Jurisdiction of the Admiralty of England to wit on the passage of the Transport Ship Hercules from Cork to this Territory and before the said Ship arrived at Rio de Janeiro being in the Latitude 16-46 N. and in

The trial of
Wm. Stow
and others.

divers other parts upon the high Seas in and on board the said Transport Ship Hercules whereof Luckyn Betts a Subject of the King of Great Britain then and there was Captain and Commander Piratically feloniously and wickedly did Combine and Confederate together or some of them did Combine with others of them or with other persons unknown to Stir up bring about and make Revolt and Mutiny in the Said Ship and Wilfully and deliberately did Contrive and intend to Seize upon the said Ship to Murder Several of the Officers Passengers and others and other Crime and Piracies to Commit against the peace of our said Sovereign Lord the King his Crown and Dignity.

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Wm. Stow
and others.

Plea "NOT GUILTY."

Witnesses for the Crown.

- Corporal Keogh
- James Tracey
- John Brakin
- Patrick Stones
- Ainsby McGrath
- James Hughes.

} Convicts on board the Ship Hercules.

PROCEEDINGS OF THE COURT.

New South Wales
14th July, 1802.

} PROCEEDINGS of a Vice-Admiralty Court held by Virtue of a Precept under the Hand and Seal of His Excellency Philip Gidley King Esquire Governor of New South Wales, &c., &c., &c.

Lieut.-Col. William Paterson of the New South Wales Corps; John Palmer Esqr. Commissary; Charles Grimes Esqr. Acting Surveyor-General, Commissioners; Lieut. Murray Royal Navy; Robert Campbell Esqr. Merchant; Thomas Rowley Esqr. Planter; Owen Bunker Master of the General Boyd; William Tough Merchant; Thomas Moore Planter; Richard Atkins Esqr. Registrar.

The patent establishing a Vice-Admiralty Court together with Lt.-Colonel Paterson's Commission as Judge and President the Precept for Convening the Court, the Registrar's Authority and the Marshall's Warrant, being read and the Court Sworn.

WILLIAM STOW, O'wise Francis French, JOHN ATTENDER, JOSEPH HISLETT, ROBERT NICHOLLS, JOHN MASON were put to the Bar (Vide Indictment).

DENNIS KEOGH, L. Corporal of the New South Wales Corps being Sworn, deposes that he was on board the Transport Ship Hercules on the 29th day of last December—recollects a Loggerhead being heated in the Galley—Cannot say who put it into the fire, but William Stow, o'wise French, was the person who took it out and carried it forward from the Quarter deck—did not see him give it to any person—Stow asked the Cook for it and it was given by him to said Stow.

The prisoner in his Defence Called HENRY TAYLOR, Boatswains Mate, on board the Hercules Transport on the 29th day of last December, who says that on that day he gave William Stow, one of the Prisoners a Loggerhead to heat in the fire and desired him to bring it forward to him as soon as it was heated—says that it was Not brought forward by the Prisoner, nor was it in the Pitch Pot.

W. PATERSON,

Judge and Presd't.

RICHARD ATKINS,

Registrar.

All NOT GUILTY.

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9 Aug.

[Enclosure No. 4.]

[This was a copy of Governor King's despatch to the Transport Commissioners, dated 9th August, 1802.]

[Enclosure No. 5.]

Commissariat
return.

PROVISIONS remaining in His Majesty's Stores at Sydney Parramatta and Hawkesbury July 31st, 1802, which includes that Purchased from the Arthur; and received by the Coromandel Hercules, Atlas, and Perseus, also the Number of Full Rations now under Issue, which includes the Convicts and Passengers lately arrived by the above Ships.

Date.	Place.	Beef lbs.	Pork lbs.	Total No. of Full Rations.	No. of Weeks each Specie will last.		
					Weeks.	Days.	
July 31st, 1802	Sydney	134,088	344,572	1,252	} Beef Pork	2 35	8½ 2¼
	Parramatta	4,336	1,054	1,054			
	Hawkesbury	10,650	4,265	134 53 Orphans			
		144,738	353,173	2,493		43	5

JNO. PALMER,
Commissary.

GOVERNOR KING TO THE TRANSPORT COMMISSIONERS.

(Per transport Hercules; acknowledged by the Commissioners, 14th November, 1803.)

Gentlemen, Sydney, 9th August, 1802.

Despatches
acknowledged.

I had the honor of receiving your letters and their several enclosures dated as per margin,* by the Coromandel which arrived here 13th June, Hercules 26th June, Atlas 6th July, and Perseus 4th instant.

Unloading of
the transports.

The above transports were cleared of all the prisoners, passengers, provisions, and stores, before the time limited for that purpose was expired; and the Commissary has furnished the respective masters with receipts for all that was landed here.

Commendation
of the masters
of the Perseus
and
Coromandel.

The healthy state in which the Coromandel and Perseus arrived requires my particularly pointing out the masters of those ships to your notice. It appears by the log books, surgeon's diaries, and the unanimous voice of every person on board those ships that the utmost kindness had been shown by the masters and surgeons to the convicts. This, with the proper application of the comforts Government had so liberally provided for them, and the good state of health all the people were in, induced the master of

* Marginal note.—26th August, 1801; 31st December, 1801; 31st December, 1801; 4th February, 1802.

the Coromandel to proceed without stopping at any port. He arrived here in four months and one day, bringing every person in a state of high health, and fit for immediate labour; and altho' it appears that the Perseus necessarily stopped at Rio and the Cape, yet the convicts were in as good condition as those on board the Coromandel; nor can I omit the great pleasure felt by myself and the other visiting officers at the grateful thanks expressed by the prisoners and passengers for the kind attention and care they had received from the masters and surgeons, who returned an unusual quantity of the articles laid in by Government for the convicts during the voyage.

1802.
9 Aug.

Commendation
of the masters
of the Perseus
and
Coromandel.

I am sorry that the conduct of the masters of the Hercules and Atlas appears to be the reverse of what I have just stated. By the surgeon's list, and the masters of the Hercules and Atlas's letters to me, of which I send you a copy, you will observe the dreadful mortality that raged on board those ships, exclusive of the numbers killed.* Altho' there was no mutiny on board the Atlas, yet in every other respect the master of that vessels conduct appears as much if not more reprehensible than the other. The miserable state the survivors were in in both those ships on their arrival in this port, being filthy beyond description, some of the convicts lying dead with heavy irons on, many of them died as they were coming from the ship to the hospital. These circumstances, together with the complaints made against the masters by the officers, rendered it necessary to investigate the necessity of their having to put in Rio de Janeiro and the Cape, and how far the masters had infraacted the charter-parties. The result of these investigations are enclosed. The log books and diaries will be forwarded by the first direct conveyance mentioned in my letter of the 23rd ultimo.

Censure of
Captains Betts
and Brooks.

The master of the Hercules was necessarily tried by a Court of Vice-Admiralty on two indictments, first for killing ten men in the mutiny, and afterwards for shooting one man (a ringleader), it was alledged, some time after the mutiny had subsided. On the first count he was acquitted, and on the second he was found guilty of manslaughter, and sentenced by the Court to pay a fine of £500 to the Orphan School, and to be imprisoned until it was paid. As a doubt arose in my mind respecting the propriety of his being fined, I have given a conditional remission of that part of the sentence which I have referred to the judge of the Admiralty Court, for His Majesty's pleasure being signified thereon; and that the course of justice may not be perverted (if I am wrong respecting a fine), the master is bound over to abide by that determination, and to surrender himself within five days after his arrival in the port of London.

The trial of
Captain Betts.

* Note 206.

1802.
9 Aug.
Private
speculations
of Captain
Brooks.

The master of the Atlas having such a quantity of private trade and spirits on board, appears to have produced most of the bad consequences complained of in that ship. What that private trade consisted of, and the bulk occupied on board, will be obvious from the enclosed report of that ship's entry.

I have judged it necessary to forward this by the Hercules, in case she should arrive in England before my letters w^h I mean to send by the conveyance pointed out in my letter of the 23rd ultimo.

I have, &c.,
PHILIP GIDLEY KING.

[Two letters forming Enclosure No. 1.]

CAPTAIN BROOKS TO GOVERNOR KING.

Atlas, 6th July, 1802.

Brooks' report
on his arrival
and passage.

I HAVE to inform your Excellency of my arrival here this day with Convicts from Cork after a passage of Seven Months and Nine days—On our passage out we were obliged to put into Rio Janeiro on the 5th February 1802, owing to our Mizzen Mast being sprung, and our Bowsprit Bitts being carried away also to get a supply of Water.—On the 25th February we sailed and arrived at the Cape of Good Hope on the 12th April to get a supply of Bread and Water owing to the quantity of Bread being damaged from the badness of the Weather we experienced on our first Sailing we sailed from the Cape on the 19th April.

It is with concern I inform your Excellency of the Number of Deaths we have had on board owing to the disorders called Dysentery and Scurvy and have still Twenty Men remaining very Sick.

I have, etc.,
RD. BROOKS.

[Sub-enclosure.]

RETURN relating to Convicts on the transport Atlas.

151 Male Convicts	} received on board at Cork.
28 Female Do	

Died on the Passage.

Soldiers 2 and 1 Serjts Wife

Male Convicts 63 Female Do 2

Male Convicts escaped Three

85 Male Convicts 26 Female Do remaining on board.

SURGEON ELPHINSTONE WALKER TO GOVERNOR KING.

[A copy of this letter from the surgeon of the Atlas has not been found.]

Return of
convicts on
the Atlas.

[Enclosure No. 2.]

EXAMINATION INTO THE CONDUCT OF CAPTAIN BROOKS.

1802.
9 Aug.Inquiry into
the conduct
of Captain
Brooks.

Gentlemen, Sydney, New South Wales, July 11th, 1802.

The Atlas Transport being Arrived (after a passage of Seven Months and Nine days) in this Port, and the Master and Surgeon having reported a Number of Deaths among the Convicts occasioned by the Scurvy, and that many still remain very ill with that disease and the Dysentery, And as the Atlas has touched at Rio de Janeiro and the Cape of Good Hope on her Passage from Cork to this place I have to request that you will repair on board that Ship, (after having given the Master and those concerned sufficient warning) and inquire whether from the Sickness of the Convicts or Crew, the want of wood or water, or any necessary *repairs to the Ship* it was *absolutely requisite*, he should put in to one or both of the abovementioned Ports; Whether the Master has fulfilled the Terms of the Charter party (which is inclosed for your guidance) by using every exertion in his power to expedite the Arrival of the Atlas at this Port; and how the detention occasioned by his putting into the abovementioned places, may have been the cause of the Number of Deaths that have happened, and of the dreadful diseases that still rage among the Convicts who came in that Ship.—You will also inquire how far the circumstance of a part of the Hospital and Prison being filled with a part of the Ships Stores, and the Masters Private Trade and a quantity of Lead being stowed in the 'tween Decks contributed to prevent the Circulation of Air and keeping the place where the Convicts were in a clean and wholesome State from which causes it is alledged that the Mortality on board that ship has been occasioned. Having examined into these particulars you will proceed to investigate any complaint that may be made of the said Master's Conduct towards the passengers and Convicts and report to me from under your hands your proceedings herein.

I have, etc.,

P. G. KING.

Lt. R. Fowler H.M.S. Investigator.
Jno. Harris Esqr. Naval Officer and
Surgeon N.S.W. Corps.
Mr. Alxr. Law Master of the Green-
wich So: Sea Whaler.

On the first Enquiry—We are unanimously of Opinion that the Master of the Atlas was justifiable in putting into Rio from the Repairs necessary to be done to the Ship for its preservation.

1802.
9 Aug.
Inquiry into
the conduct
of Captain
Brooks.

ON the Second Enquiry—We are also unanimously of Opinion that the Master was not justifiable in putting into the Cape, for the alledged want of Bread having had it in his power at Rio to supply that deficiency of Bread which had been thrown overboard nor has he even from the Cape used every exertion in his power to expedite the Ship to this Port as appears by his Log, nor has he fulfilled the Terms of his Charter Party.

ON the Third Enquiry.—We are of Opinion that the Mortality on board the Atlas has been occasioned not from the infection of Epidemic disease received on board, but from the want of proper attention to cleanliness, the want of free Circulation of Air, and the lumbered state of the Prison and Hospital as appears in the Evidence inserted in the Minutes, and which we have minutely examined; and therefore the Charter Party in this Instance has not been fulfilled.

INVESTIGATION of Complaint of Passengers etc.—We are of Opinion that there are grounds for Investigation by a Civil Court, and refer the same to the consideration of His Excellency the Governor.

ROBT. FOWLER, 1st Lt. Investigator.
J. HARRIS, Naval Officer and Surgeon
N.S.W. Corps.
ALEX. LAW, Master of the Ship Green-
wich.

[Enclosure No. 3.]

[A copy of the return of patients received from the transport Atlas, with the times of their death or discharge, has not yet been found.]

[Enclosure No. 4.]

[A copy of the directions to the Bench of Magistrates respecting Mr. Brooks has not been found.]

[Enclosure No. 5.]

[A copy of this return, of similar nature to enclosure No. 3, but relating to the transport Hercules, has not been found.]

[Enclosure No. 6.]

TWO LETTERS FROM

CAPTAIN LUCKYN BETTS TO GOVERNOR KING.

(No. 1.)

Sir, Ship Hercules, Sydney Cove, 26th June, 1802.

On the 29th Dec'r, 1801, about $\frac{1}{4}$ past 2 p.m., Captain Wilson, passenger, my first Officer, Surgeon, and Purser, together

Betts' report on
the mutiny on
the Hercules.

with two Lady Passengers and myself, being at Dinner in the Cabbin, and the seamen employed in different parts of the Ship, and the Troops (excepting two Centinels who were stationed on the Quarter Deck), being between Decks and without Arms, we were all suddenly alarmed by the Cries of the Convict Women who were on the round House, and who had perceived the intentions of the Male Convicts to force the two Centinels on the Star-board side, and who were then in possession of the Quarter Deck; having overpowered the Centinel, the Officer of the Deck and man who was at the Wheel were not to be found. Under these circumstances of Alarm and danger, I came forward with my Officers and Captain Wilson, and immediately shot One Man who had a Blunderbus presented at me, but the piece did not go off. Some more of the insurgents were killed by the rest of the party, and the Convicts seeing their intentions frustrated, ran forward as speedily as they came Aft; and the Ship's Company and Troops now being collected together began to vent their rage upon such of the Insurgents as were to be found on Deck, in beating them with Cutlasses and the Butt ends of their Muskets, until at length they forced them down into the Prison. When the tumult had entirely subsided we found Twelve of the Convicts killed and ten wounded, two of whom died soon after.

It may be necessary to remark that Jeremiah Prendergass, who towards the latter end of the affray I had been obliged to Shoot, was a desperate ringleader, and a Man that had been reported to me as a person singled out to head another party in case the first had failed. The person from whom I had this information was James Tracey, and who then conceived himself in a dying state; he is now living.

I have, &c.,

LUCKYN BETTS.

(No. 2.)

Ship Hercules Transport,

June 27th, 1802, Port Jackson.

His Excellency Govr. King.

Sir,

I have to inform you of the Arrival of the Hercules Transport in this Port from Cork with Troops Convicts, and Government Provision, which are clear for delivery when your Excellency may think proper to Order them.

Arrival of
the transport
Hercules.

Inclosed I hand your Excellency a list of the Names Deaths and causes of their Deaths,* also a Sick list of those now on board.

I remain, etc., etc.,

LUCKYN BETTS.

* Marginal note.—Died, 30; Killed, 14; Sick, 43.

[Enclosure No. 7.]

1802.
9 Aug.
—
Inquiry into the
conduct of
Captain Betts.

EXAMINATION INTO THE CONDUCT OF CAPTAIN BETTS.

Sydney, New South Wales,
June 28th, 1802.

Gentlemen,

The Hercules Transport being arrived (after Seven Months Passage) in this Port, and the Master and Surgeon having reported a Number of Deaths among the Convicts occasioned by their being Shot in consequence of an alledged Mutiny; Also that a Number have died of the Scurvy and that many still remain very ill with that disease and the Dysentry; And as I understand the Hercules has touched at Rio Janeiro, and the Cape of Good Hope on her passage from Cork to this place, I have to request you will repair on board that Ship (after having given the Master and those concerned sufficient Warning,) and inquire whether the Master was necessitated to proceed to such extremities as he has done with respect to shooting the People abovementioned, whether from the Sickness of the Convicts or Crew the want of wood or water or any *necessary repairs* to the Ship was *Absolutely requisite* he should put into *One or both* of the abovementioned Ports; Whether he has fulfilled the terms of his Charter Party (which is inclosed for your guidance,) by using every exertion in his power to expedite the Arrival of the Hercules at this Port; And how far the detention occasioned by his putting into the abovementioned places has been the cause of the Number of Deaths that have happened and of the dreadful diseases that still rage on board that Ship.

Having inquired into these particulars you will then proceed to investigate the Charges brought by Captn. Wilson of the N.S.W. Corps, (as contained in the enclosed Letter), or any other Passenger against Mr. Betts or any of his Officers or Peoples' improper conduct towards Captn. Wilson his party or the Convicts, and report to me from under your hands your proceedings herein.

I have, etc.,

P. G. KING.

Lt. Fowler of H.M.S. Investigator.
Jno. Harris Esqr. Naval Officer and
Surgeon of the N.S.W. Corps.
Mr. Alexr. Law Master of the Green-
wich So. Sea Whaler.

On board the Hercules, June 30th, 1802.

On the first enquiry.

We are of Opinion from the Tenor of Captn. Betts's
Testimony, that he was necessitated to proceed to those Ex-

tremities from the Circumstances of the moment, but conceive that the matter should be left to the cognizance of a Vice-Admiralty Court.

1802.
9 Aug.

Inquiry into the
conduct of
Captain Betts.

ON the Second enquiry.

We are of Opinion that Captn. Betts has acted contrary to the Charter Party, in as much as it does not appear that he was necessitated in any respect to put into either of the Ports of Rio or the Cape.

ON the third and last Subject of enquiry we have proceeded to examine the several Evidences produced in support of Captn. Wilson's Charges against Captn. Betts, as far as we conceive necessary in this stage of the Business and enclose the papers for your Excellency's perusal agreeable to your Letter of the 28th June.

ROBT. FOWLER, Lt. H.M.S. Investigator.
JNO. HARRIS, Naval Officer and Surgeon
N.S.W. Corps.
ALEX. LAW, Master of the Ship Greenwich.

[Enclosure No. 8.]

[A copy of the return of the investments of the master and mates on the transport Atlas has not been found.]*

THE VICTUALLING BOARD TO THE GOVERNOR OF NEW SOUTH WALES.
(No. 4, per H.M.S. Glatton; acknowledged by Governor King, 9th May, 1803.)

Sir, Victualling Office, 10th Augt., 1'02.

10 Aug.

Having, in consequence of an Order from the Right Honorable the Lords Commissioners of His Majesty's Treasury, signified to us by Mr. Addington's Letter of the 20th May last, laden on board His Majesty's Ship Glatton, 58,128 Pounds of Beef and 60,738 Pounds of Pork for the subsistence of Two Hundred and Seventy Male, and One Hundred and Thirty Female Convicts during the space of Nine Months after their arrival at New South Wales, We beg leave to transmit herewith to your Excellency an Invoice of, and the Purser's Receipt for, the said Provisions; and we have to request you will be pleased to cause proper Receipts to be granted for the same.

Shipment of
salt meat on
H.M.S. Glatton.

We have, etc.,

G. P. TOWRY.
FRAS. STEPHENS.
R. S. MOODY.
JOHN HARRISON.

* Note 207.

1802.
10 Aug.

[Enclosures.]

[Copies of the invoice and purser's receipt have not yet been found.]

THE VICTUALLING BOARD TO THE GOVERNOR OF NEW SOUTH WALES.
(No. 3, per H.M.S. Glatton; acknowledged by Governor King, 9th May, 1803.)

Sir, Victualling Office, 10th Aug., 1802.

Shipment of
hops on
H.M.S. Glatton.

The Right Honorable the Lords Commissioners of His Majesty's Treasury, having been pleased to direct us, by Mr. Addington's Letter of the 28th May last, to purchase and Ship on board the Glatton, Six Bags of Hops consigned to you, and to state in the Invoice the Price at which they were Purchased, as part of the same will be disposed of to the Settlers in like manner as other Articles sent out by Government; viz: at an increased Charge of Thirty Pr. Cent; we have to acquaint you that we have accordingly laden the Contents of Six Bags, packed in Six Butts, of Hops equal to 16 cwt. 0 qr. 26 lb. on board His Majesty's Ship Glatton, and herewith we transmit to you an Invoice of, and Purser's Receipt for the same, in the former of which you will observe the Price of the Hops, and Casks have been inserted, requesting you will be pleased to cause proper Receipts to be granted for what shall be delivered.

We have, etc.,

JOHN MARSH.	R. S. MOODY.
G. P. TOWRY.	JOHN HARRISON.
JOHN RODNEY.	N. BOSCAWEN.
FRAS. STEPHENS.	

[Enclosures.]

[Copies of the invoice and purser's receipt have not yet been found.]

SECRETARY NEPEAN TO GOVERNOR KING.

(Per H.M.S. Glatton.)

Sir, Admiralty Office, 11th Augt., 1802.

11 Aug.
A native
passenger.

My Lords Commissioners of the Admiralty having Directed Captain Colnett of His Majestys Ship Glatton, to give a Native of Otaheite* a Passage to New South Wales, I have it in Command from their Lordships to Signify their direction to you to Send him to Otaheite by the first Opportunity that Offers.

I am, etc.,

EVAN NEPEAN.

* Note 208.

LORD HOBART TO GOVERNOR KING.

(Despatch endorsed "General Letter No. 2," per H.M.S. Glatton; acknowledged by Governor King, 9th May, 1803.)

1802.
29 Aug.

Sir, Downing-street, 29th August, 1802.

I have received and have had the honor to lay before the King your letters addressed to the Duke of Portland of the dates specified in the margin.* I have also received from Mr. King your letters addressed to him of the 21st and 23rd of August, which I have perused with great attention.

Despatches
acknowledged.

I observe with a considerable degree of satisfaction the good effects which appear already to have arisen from the plan lately adopted of furnishing the colony with supplies, and I trust that the steps which you have taken to prevent monopoly, and to encourage the importation of dry goods, will shortly enable the inhabitants at large to avail themselves of the advantages to be derived from this system. A supply of salt provisions will continue to be sent out until the increase of the live stock of the settlement shall render this assistance no longer necessary. The contract you have entered into for a supply of cattle and rice from India appears to be advantageous, and, together with the measures you have taken for procuring salt pork from Otaheite, meet my approbation. I shall wait with much anxiety for an account of the voyage of the Porpoise for this purpose to Otaheite, on the success of which it must depend how far it may be advisable to send another ship; but in any event I conceive a vessel of less dimensions than the Porpoise would be perfectly adequate to that service. I lament that the ill-success of your application for a supply of pork to the inhabitants of Norfolk Island, was occasioned by a failure of the crops in that settlement.

Approval of the
system of
supplies.

The reasons assigned in your separate letter A are such as to have justified you in the purchase of the necessaries to which you have alluded from the master of the Anne transport and the supercargo of the American ship Missouri, as well as of the provisions therein mentioned to have been furnished for the public stores by private individuals. I have had great satisfaction in observing from a communication which has been made by Vice-Admiral Sir Roger Curtis to the Lords Commissioners of the Admiralty, that one hundred tierces of salt beef have been forwarded from the Cape of Good Hope to New South Wales on board the Hercules and Atlas convict ships.

The purchase
of stores on
the Anne and
Missouri.

An extract of that part of your letter relating to the stores which were sent out by the Earl Cornwallis and the Royal

* 19 Augt., 1801 (see note 74); 21 Augt., No. 4; 21 Augt., Separate; 21 Augt., Sept. A; 21 Augt., Mily., No. 3; 1 May, Sep. B.

1802.
29 Aug.

Port wine to
be shipped.

Admiral has been transmitted to the Commissioners of Transports, and I have given directions to that Board to provide and forward to New South Wales the several articles which you have requested may be sent out for the use of the colony. I herewith transmit to you a copy of the letter which I directed to be written to the Commissioners on this occasion, by which you will observe that your request for fifteen pipes of port wine for the use of the officers of the civil and military department has been attended to. The same regulations must be adopted for the sale of this wine as you have already been instructed to pursue with regard to the sale of other articles. A quantity of blankets will also accompany the other stores, in compliance with your application.

The regulation
of the price of
grain and
animal food.

The General Orders you have published for the purpose of regulating the price of grain and animal food, appear to have been attended with very beneficial consequences, and it will be proper that you should persevere in the same system as long as it shall be found productive of advantage to the settlement.

The trade
in spirits.

I highly approve of your continued exertions to prevent the improper importation of spirits.* The introduction of beer into general use among the inhabitants would certainly tend in a great degree to lessen the consumption of spirituous liquors. I have, therefore, in conformity to your suggestion, taken measures for furnishing the colony by the present opportunity with a supply of ten tons of porter, six bags of hops, and two complete sets of brewing utensils. I have also recommended to the merchants concerned in the New South Wales fishery to send out by their ships a further supply of porter, and I shall take care that a quantity of hop plants are sent thither at a proper season of the year.

The situation
of settlers at the
Hawkesbury.

Your account† of the distressing situation of the settlers on the Hawkesbury, occasioned by the repeated and destructive inundations of that river, could not but excite the greatest concern, and I cannot help fearing that unless some mode can be devised of guarding against the evils which these unfortunate people have so frequently experienced, even the most persevering will eventually be deterred from subjecting the fruits of their industry to similar misfortunes. How far that end is likely to be attained by the adoption of the plan, suggested in my dispatch No. 1,‡ of introducing into that district the culture of rice, your local knowledge will best enable you to judge and I am anxious to be in possession of your sentiments on this subject, but I confess that subsequent information has led me to apprehend that considerable obstacles will be found to the attempt.

Proposed
cultivation
of rice.

The measures you have pursued to render the labour of the convicts employed on the public account as productive as pos-

* Note 209. † Note 210. ‡ Note 211.

sible, are laudable, and I approve of your having, with this view, hired and cropped one of the farms which, in consequence of the reduced situation of the individuals to whom they belong, are now lying waste. In adverting more particularly to this topic it is impossible not to lament that so many of these farms should be suffered to remain in their present unproductive state. I would, therefore, recommend to you to extend your plan of renting, on the part of Government, to as many of those farms as you may have the means of managing, and of taking them for a term of years in preference to an annual rent. In some instances, where the proprietors should appear deserving, it may be advisable to encourage their industry by giving them the assistance of convicts to work on their lands, stipulating that they should pay for the labour thus afforded them out of the produce of their crops, at the common rate of labouring wages.

1802.
29 Aug.
Leasing of farms approved.

An extract of your letter relating to the supplies of His Majesty's armed vessel Porpoise, together with copies of the orders therein referred to, has been transmitted to the Commissioners of the Navy and to the Victualling Board.

Supplies for H.M.S. Porpoise.

Your account of the progressive state of the woollen and linnen manufactories leads me to anticipate that the settlement will thereby derive the most essential advantages from them. The exertions which have been made by certain of the settlers to improve the growth of wool are highly creditable to the individuals, and cannot be too much encouraged with a view to the future exportation of the finest quality of that article for the market of this country, rather than for the employment of it in the manufactories of the colony, which should be confined to the coarser kind of cloth.

The manufacture of wool and flax.

I felt highly interested in the perusal of your account* of the progress which has been made towards the completion of the institution for the care of the female orphan children, which I make no doubt will continue to be an object of your particular attention. An establishment of a similar nature, for the reception of males, could not fail of being productive of the best effects, and I shall have great satisfaction in hearing of the adoption of a plan for that purpose.

The Orphan Institution.

Your report† of the encreasing state of the live stock of the colony is very satisfactory. I perfectly coincide with you as to the propriety of assisting some of the most industrious settlers with the use of a certain proportion of the labouring oxen and cows belonging to Government. It appears to me that the most advisable mode of rendering this assistance would be to let out such cattle at a moderate hire, the amount of which the borrower should undertake to pay in produce, to be delivered at a specified

The live stock.

* Note 212. † Note 213.

1802.
29 Aug.

rate into the Government stores. By this means the object of the individuals might be attained without prejudice to the public interests. It is certainly very desirable that no pains should be spared to secure some of the wild cattle, and I trust that the persons whom you have employed will succeed in their endeavours for that purpose.

The purchase
of Balmain's
cattle.

I do not disapprove of your having directed Mr. Balmain's stock of cattle to be received into the herds belonging to Government, and as you appear to be satisfied with the valuation thereof, which accompanied your letter, I shall advise the payment of any bills to that amount which may be drawn under your authority in favour of that gentleman. The proposal to which you have alluded, relating to the purchase of Major Foveaux's flock of sheep, does not appear to have been transmitted, but I shall not object to your making this purchase, provided the terms on which it can be concluded are such as shall appear to you to be advantageous to the public.

The problem
of the Irish
transportees.

Your representation* in favour of certain persons who were sent to New South Wales from Ireland during the late rebellion in that kingdom, has been communicated to the Lord Lieutenant, and I herewith enclose a copy of His Excellency's letter to Lord Pelham on the subject. The necessity of observing the utmost caution in every transaction with these people is so very obvious that I am not very much inclined to doubt the propriety of considering their good conduct during the short period of their residence in New South Wales as an atonement for the crimes on account of which it was deemed essential to the safety of their country to expel them from Ireland; and therefore, altho' I see no objection to your continuing to shew indulgence to those whom you have thought deserving objects of it, I am of opinion that they should not be permitted to leave the colony. The Catholic priests Dixon, O'Neal, and Harrold, and a man named Abraham Gough, have been represented to me as persons who may not be undeserving of the conditional emancipation above explained; if their conduct should have justified this representation, and you should be of opinion that the priests may be usefully employed, either as schoolmasters or in the exercise of their clerical functions, you may avail yourself of their services and allow them such moderate compensation as, under the circumstances of their case, you may judge reasonable.

Mutilation of
convict
registers.

The frauds which have been practised by your clerks and those of the late Governor,† by making an alteration in the indents sent out with the convicts, and thereby shortening the periods by which certain of them were sentenced to transportation, rendered it highly necessary that a proper example should be made of the

offenders, and I trust that the steps you have pursued for the discovery and punishment of the persons concerned, will effectually put a stop to such proceedings in future. In order to facilitate your endeavours to ascertain to what extent this practice has prevailed, I herewith transmit for your information duplicate lists of the convicts which were transported from this country to New South Wales during your predecessor's administration, specifying the several periods of their respective sentences.

1802.
29 Aug.

I refer you to a correspondence communicated to me by Lord Pelham, and herewith enclosed, which has passed between the Secretary of State for the Home Department and the Lords Commissioners of the Admiralty for the particulars of a plan which it is intended to adopt for the regular conveyance of convicts to New South Wales twice in each year. The mode proposed by the Lords of the Admiralty of employing the ships which may be appropriated to this service in bringing Home timber has been approved, and I have received the King's commands to direct that you should take such steps as shall appear to you most advisable for preparing timber of the description required, and in the manner recommended by the Navy Board. I also transmit to you a list of articles, the produce of New South Wales, which I have to recommend to your notice as proper to be exported in the ships above-mentioned. It would be advisable to have the iron manufactured into what is termed bar iron, since in that state I conceive it might be found an advantageous article of export to this country and to India. How far it may be adviseable to encourage to any extent the culture of indigo as an article of export must depend in a great measure upon the expence of preparing it so as to be fit for use; and I therefore desire you will cause some cakes to be made and sent home as a specimen, accompanied by a calculation of the cost of preparing it, together with any other information of which you may be in possession on this subject.

System to be adopted in transportation.

Proposed exports from the colony.

Provided the conduct of Mr. Fulton,* during the time he has performed the duties of a clergyman in Norfolk Island, has been such as to merit your approbation, you are at liberty to employ him in that situation, and to allow him to receive the salary allotted to the clergyman of that island, to commence from the date of his having begun to officiate.

Reverend Henry Fulton.

I herewith transmit to you an extract of a letter from the Captain of the Atlas, convict ship, to the Commissioners of Transports, and communicated by them to me, relating to the conduct of Mr. Jamison on his return to New South Wales in that ship. Should a similar representation have been made to you, I trust that you will have caused a full and particular enquiry to be made into the circumstances therein stated. In

The conduct of Surgeon Jamison on the Atlas.

* Note 60.

1802.
29 Aug.
- The return of Surgeon Balmain.
- Pension for Surveyor Alt.
- Appointment of Surveyor Grimes.
- Jas. Williamson appointed deputy-commissary.
- Values of specie current.
- The purchase of the brig Harbinger.
- The settlement at Hunter River.
- The pay of colonial troops.
- the event, however, of that not having been done, I am to desire that you will, immediately upon the receipt of this dispatch, direct an investigation to be made into the subject, and report to me the result by the earliest opportunity.
- Directions will be given to Mr. Balmain to return to New South Wales as soon as the period for which he has obtained leave of absence is expired.
- In consequence of your favorable representation* in behalf of Mr. Alt, I recommended to the Lords Commissioners of the Treasury to allow that gentleman the half-pay of his appointment of Surveyor-General of New South Wales for life. I also recommended that Mr. Grimes should be appointed his successor, and that a deputy surveyor should be sent out to Norfolk Island, to all of which their Lordships have acceded, as you will perceive by the enclosed copy of a letter from Mr. Vansittart to Mr. Sullivan.
- By the copy of another letter from the secretary of the Treasury to Mr. Sullivan you will observe that your recommendation of Mr. James Williamson to be Deputy Commissary in New South Wales has been acceded to.
- I entirely agree with you in the propriety of affixing an established value on the different coins in circulation in the colony. The proclamation you have issued on this subject appears calculated to produce the desired effect.
- Under the circumstances stated in your separate letter B I do not hesitate to approve of the purchase you directed to be made of the Harbinger, brig, for the public use of the colony.
- I had great pleasure in observing the result of the survey you directed to be made of the Coal River, and I approve of your having established a small post in that quarter for the purpose of collecting coals there on account of Government. I shall be glad to hear that your endeavours to render this undertaking a source of revenue are attended with success. It may be advisable for this purpose to encourage the commanders of ships returning to India and to the Cape of Good Hope to take in coals for those markets.
- A copy of your military letter, No. 3, has been transmitted to His Royal Highness the Commander-in-Chief for his information, and I have referred such parts thereof as relate more immediately to the departments over which they preside, to the Secretary of War and the Board of Ordnance.
- I herewith transmit to you the copy of a letter which has been received by Mr. Sullivan from the Deputy Secretary at War on the subject of the pay and stoppages of the troops serving in New South Wales.

* Note 217.

Your appointment of Ensign Barralier to succeed Captain Abbott in the execution of the duties of Engineer and Artillery Officer appears to have been expedient, and, from the favorable representation you have made of the ability of this officer, I shall recommend that such bills as you may authorize being drawn, on account of an allowance to be made to him, at the rate of seven shillings and sixpence per day, shall be paid, until you receive further instructions upon the subject. Such officers of the New South Wales Corps as are in England on leave of absence have been ordered to return to their duty.

1802.
29 Aug.
Appointment
of Ensign
Barralier.

The whole of the circumstances arising out of the trial of Lieutenant Marshall have received my most serious consideration, and, altho' I lament that this proceeding should have been the occasion of so much difference of opinion, I am disposed to believe that this has proceeded on all sides from the peculiarity of the case. I have thought it right to refer the whole of the documents which you have transmitted relating to the trial to the consideration of His Majesty's Attorney and Solicitor General, but I am apprehensive I may not have their report in time to be able to communicate to you the result by the present opportunity. Your suggestion of making an alteration in the existing mode of constituting the Court of Criminal Judicature in New South Wales, by introducing a mixture of civil with the military and naval officers of which it is at present formed, appears to be very deserving of attention.

The trial of
Lieutenant
Marshall.

Constitution of
the criminal
courts.

I have already communicated to you, in my letter of the 30th of January last my approbation of the conduct of Lieutenant-Governor Foveaux in the administration of the affairs of Norfolk Island. By the accounts, which, in compliance with your instructions, he has addressed to the Duke of Portland, and of which I conclude you are also in possession, the interests of this settlement appear to have occupied his continued attention. The measures he has taken to prevent a future scarcity of provisions, by planting a quantity of wheat and Indian corn, were judicious; and I approve of his having, with the same view, appropriated and put into a state of cultivation a proportion of land for the purpose of the better preservation and encrease of the stock of swine. His account of the favorable result of the examination which has been made of Anson's Bay has been communicated to the Lords of the Admiralty and to the Commissioners of Transports.

The
administration
of Norfolk
Island.

In conveying my sentiments to Lieutenant-Governor Foveaux on the several subjects to which I have above adverted, I desire that you will at the same time inform him that I have recommended the payment of the bills of the amount specified in the margin,*

The expenses of
Norfolk Island.

* £1,130 8s.; £571 11s. 6d.; £367 10s.; £3,389 1s. 6d.; £500.

1802.
29 Aug.

The expenses of
Norfolk Island.

being a part of the bills which are stated in his letters to have been drawn on the Lords Commissioners of the Treasury on account of the expences of Norfolk Island. It is right, however, that you should apprize him, in order to prevent the recurrence of a similar inaccuracy, that in his letter to the Duke of Portland of the 12th of March it is stated the bills therein mentioned were drawn on the 10th of that month, whereas it would appear by his letter of advice to the Treasury that the same bills were drawn on the 9th.

I cannot conclude this dispatch without expressing to you the hope I entertain that no considerable period will elapse before the resources to be derived from His Majesty's settlement of New South Wales will be found adequate to the consumption of all essential articles of provisions, and that a material diminution will consequently take place in the burthen at present borne by this country.

I have, &c.,

HOBART.

[Enclosure No. 1.]

UNDER SECRETARY SULLIVAN TO THE TRANSPORT COMMISSIONERS.

Gentlemen,

Downing Street, 17th May, 1802.

I transmit to you herewith by Lord Hobart's direction Extract of a Letter* which has been received from Govr. King dated Sydney, New South Wales, 21st August last with the enclosures therein referred to, and I am to request that you will cause the Articles specified in the lists marked A and B to be purchased and forwarded to New South Wales with a proper Invoice, consigned to the Governor, as those which have been already sent appear to have fully answered the objects for which they were provided. The Articles in the list A are the Annual supply, those in the list B are an Extra demand. I am also to desire that you will cause fifteen Pipes of Port Wine to be purchased and forwarded with these Articles for the use of the Civil and Military Officers of the Settlement. As the Wine is intended to be sold in the same manner as other supplies sent by Government to be disposed of for the accommodation of Individuals, it will be right to specify in the Invoice the price at which it was purchased.

It appearing by the enclosed extract* of Govr. King's Letter that he has communicated to you the particular Articles sent out by the Royal Admiral, that were deficient of the quantities expressed in the Bills of Lading I have only to add that Lord Hobart has desired me to request that you will cause proper inquiry to be made upon this subject.

I am, etc.,

JOHN SULLIVAN.

* Note 218.

The prospects
of the colony
being self-
supporting.

Stores for
the colony.

[Enclosure No. 2.]

THE LORD LIEUTENANT OF IRELAND TO LORD PELHAM.*

1802.
29 Aug.

My Lord,

Dublin Castle, 21st May, 1802.

The problem
of the Irish
transportees.

I have the honor to acknowledge your Lordship's letter of the 15th instant, transmitting an extract of a letter from Governor King, stating the steps which he had thought it right to take with regard to the Irish insurgents that have been sent to New South Wales, and desiring to have my opinion as to the propriety of pardoning certain persons (16) whose names have been transmitted by Governor King, or any and which of them.

I beg leave to observe to your Lordship that I should find it a matter of great difficulty to procure documents respecting the offences of each of these persons on which I could with propriety either recommend or resist their being allowed to return to this country. The instances have been very few in which I have judged it expedient to remit the sentences heretofore passed on persons engaged in the rebellion in Ireland, and only in cases where I was satisfied, from the testimony given to me, that no evil could result from the indulgence. However good the conduct of the prisoners may have been during the time of their confinement at New South Wales, I should not consider that, on such grounds alone, they should be permitted so soon to return to Ireland, and it does not appear to me that I am enabled to form a competent judgment of the circumstances under which any one of the persons contained in Governor King's letter have been transported. The sentences were mostly by Courts-Martial prior to the time when the proceedings of such Courts were sanctioned by law, and in other instances the convictions were summary before magistrates who exercised their powers under the Injunction Acts, and whose proceedings were, in the disturbed state of the country, not recorded.

In answer to that part of your Lordship's letter which desires to have "a correct list of the Irish insurgents who were transported to New South Wales during the late rebellion, with the nature of their offences and the terms for which they were severally transported placed opposite to the name of each person, in order that the same may be transmitted to the Governor of New South Wales."

I am to acquaint your Lordship that accurate lists were made and transmitted to New South Wales of all convicts sent there from Ireland previous to the sailing of the *Friendship*, but that a return has not been kept of the prisoners embarked on board that vessel. They were composed of rebels and deserters convicted by Courts-Martial previous to the law of 1799, and who

* Note 219.

1802.
29 Aug.

The problem
of the Irish
transportees.

were sent during the rebellion to the military depôt of New Geneva Barracks, and embarked by the officer commanding there without any trace of such proceeding having been anywhere recorded. Some persons of a similar description were afterwards embarked on board the *Anne*, transport, for New South Wales, and, with much difficulty, an account of the sentences of these persons (as far as they could be learned) was made out and sent to the Governor. With the *Minerva*, transport, accurate lists were sent in the usual manner, as well as with the vessels which have since sailed, and duplicates of the lists have been forwarded to the Governor as opportunities have since occurred.

I have, &c.,

HARDWICKE.

[Enclosure No. 3.]

[*Copies of the indent papers are not available.*]

[Enclosure No. 4.]

LORD PELHAM TO THE LORDS COMMISSIONERS OF THE ADMIRALTY.

My Lords,

Whitehall, 9th March, 1802.

Having represented to the King the advantages which would arise from the regular conveyance of Convicts to our Settlement at New South Wales twice in each Year in Ships fitted out by Government for that purpose, and commanded by Officers of the Navy such Ships to be freighted back according to the directions given from hence for that purpose and having in consequence received His Majesty's approbation of that measure, I have the Honor to signify to your Lordships the King's pleasure that you should give the necessary directions for having two Vessels (or three should your Lordships be of Opinion that Two will not be sufficient for the regular performance of this service) capable of carrying from 350 to 400 Convicts, each properly fitted up and prepared for that purpose, so that one of them may be regularly despatched from this Country in the Month of May and another in the Month of September in each year, the first of them to be ready to sail in the course of next May.

I am, etc.,

PELHAM.

[Enclosure No. 5.]

THE ADMIRALTY TO LORD PELHAM.

My Lord,

Admiralty Office, 4th April, 1802.

In obedience to His Majesty's Commands signified to us by your Lordship, in your Letter to us of the 9th last Month, we have Ordered His Majesty's Ship the *Glatton*, now at Sheerness to be put into proper condition for the Conveyance of Con-

The system
of bi-annual
transportation.

victs to New South Wales, and have also directed that such other Ships as may be necessary for carrying into Execution the plans pointed out by your Lordship may be got ready in a proper time. The Glatton will be ready to proceed on the above-mentioned Service by the middle of next Month.

1802.
29 Aug.

The system
of bi-annual
transportation.

As it is highly expedient from the scarcity of Timber in this Country that every opportunity should be taken for procuring Timber for His Majesty's Dock Yards, and as we have reason to believe that supplies to any extent may without difficulty be obtained from New South Wales it is our intention that the Ships to be employed in conveying the Convicts thither should bring home as much Timber as they can conveniently contain, and having with a view to that object directed the Navy Board to prepare an Account of the Description and Scantling of such Timber as will be most convenient for His Majesty's Service, we beg leave to enclose a Copy thereof and to submit to your consideration the propriety of transmitting instructions to the Governor of that Settlement by the first opportunity to employ the Convicts under his direction in preparing the Timber in the manner proposed to the Navy Board previously to the arrival of the Glatton that her detention there may be of as short duration as possible.

Supplies of
timber for
naval purposes
from the colony.

We are, etc.,*

[Enclosure No. 6.]

PRODUCE of our settlement at New South Wales, which the ships carrying out convicts may return with.

Produce of
N.S.W.
proposed to
be exported.

STRING-BARK tree, similar to the teak wood of India.

THE BOX tree, the CEDAR, a species of mahogany, most of the GUM TREES. The above are fit for ship timber, and the gum trees in particular, not only for ship timber, but also for blocks, gun carriages, and other articles, subject to great friction and the like, as the wood of them is exceedingly hard and durable. Governor Hunter raised the frame of a vessel of 160 tons, which, for want of strength, he could not finish, but she stood in frame, exposed to the weather upwards of two years, apparently without the smallest decay.

THE SASSAFRAS wood grows in great abundance.

COALS which would find an excellent market at the Cape, are found almost anywhere.

NATIVE FLAX grows luxuriantly in New South Wales.

INDIGO grows spontaneously, and may be cultivated to any extent.

BARK.—Most of the trees in that country afford a bark strongly astringent and well adapted for tanning leather.

* Note 220.

1802.
29 Aug.
Produce of
N.S.W.
proposed to
be exported.

IRON ORE is found in abundance, and as coals are equally so, it is presumed that the Governor may, without difficulty, erect furnaces for smelting it. The cinders, or coke of coals from which the tar has been extracted by the usual process of covering the heap with clay, and inserting a funnel for carrying off the tar, will give the strongest heat.

[Enclosure No. 7.]

EXTRACT of a Letter from Capt. R. Brooks to the Comrs. of Transports, dated Atlas, Cape of Good Hope, 14th April, 1802.

The conduct
of Surgeon
Jamison on
the transport
Atlas.

I AM sorry to Report the Ill conduct of Mr. Jamison. Having a few days before I left Rio been obliged to Order Two Men out of the Ship who were then in the lower Cabin on the point of purchasing Goods from him of all Kinds, which were taken on board as his Cloathing, he seemed to be much hurt at the time. The day after he came on board late in the evening intoxicated, and abused my Officers, and the same time made use of that horrid kind of language which I was not accustomed to, and forced me from my bed when laying ill on the quarter Deck, which caused a fight. He has also behaved very ill to the Two Women passengers. Every indulgence that was possible was done for him. We had some Altercation before we sailed from Cork, because I would not take more goods on board. I told him my Orders from Capt. Raines* was not to exceed more than Two Tons, and by some means or other he has got on board near Five Tons, which I will send you the measurement of in my next Letter.

[Enclosure No. 8.]

SECRETARY VANSITTART TO UNDER SECRETARY SULLIVAN.

Sir, Treasury, 6th Augt., 1802.

Having laid before the Lords Commissioners of His Majestys Treasury your Letter of the 14th May last transmitting an Extract of one from Govr. King from New South Wales relating to Mr. Alt, together with a Copy of the Survey held on that Gentleman, and of his Memorial therein referred to, and stating that you are directed by Lord Hobart to recommend Mr. Alt, in consideration of his Services and infirmities to be placed during the remainder of his life, upon the half pay of his appointment of Surveyor General to the Settlement of New South Wales. And also to request that my Lords will cause an appointment to be made out for Mr. Grimes the Deputy Surveyor of Norfolk Island; I am Commanded by their Lordships to

Pension for
Surveyor Alt.

Appointment
of Surveyor
Grimes.

* Note 221.

acquaint you for the information of Lord Hobart, that My Lords have given directions for the arrangement suggested in your Letter, to be carried into execution, and that My Lords will appoint a proper person to be Deputy Surveyor of Norfolk Island.

1802.
29 Aug.

I am, etc.,

N. VANSITTART.

[Enclosure No. 9.]

SECRETARY SARGENT TO UNDER SECRETARY SULLIVAN.

Sir, Treasury Chambers, 22nd July, 1802.

Having laid before the Lords Commissioners of His Majesty's Treasury, your Letter of 30th March last stating that Governor Hunter has requested that Mr. James Williamson may be appointed a Deputy Commissary at New South Wales I have received their Lordships Commands to acquaint you for the information of Lord Hobart, that they have directed a Warrant to be prepared appointing Mr. Williamson as Deputy Commissary of Stores etc. at New South Wales.

Appointment
of Jas.
Williamson
as deputy-
commissary.

I am, etc.,

JOHN SARGENT.

[Enclosure No. 10.]

SECRETARY LEWIS TO UNDER SECRETARY SULLIVAN.

Sir, War Office, 14th June, 1802.

Having laid before the Secretary of War your Letter of the 28th Ult. and the several papers enclosed therein I am directed to acquaint you for the information of Lord Hobart that the Men of the New South Wales Corps have never been subject to any stoppage on Account of Provisions while serving in that Settlement nor are they so at present; on the contrary they have continued to receive the full subsistence and consolidated allowance of the Soldier as they existed on the 25th May 1797 and now receive the same together with the respective net Sums then granted to the Non Commissioned Officers Drummers and private Men, beyond what they had been previously entitled to when serving abroad.—The enclosed Memorandum stating in detail the case of the Private Soldiers, will, it is conceived explain this to Lord Hobarts entire satisfaction; and Mr. Yorke has only to observe, that the Stoppage for the Rations of Provisions is only Two pence halfpenny from the pay of each man and that on those Stations abroad when the Soldier is liable to stoppage on that account the Private Man's Net Pay is only Sixpence a day.

The pay
of non-
commissioned
officers,
drummers,
and privates.

I am, etc.,

M. LEWIS.

[Sub-enclosure.]

1802.
29 Aug.
The pay of
a private
soldier.

MEMORANDUM relative to the Pay of the Private Soldier at home and in New South Wales, referred to in Mr. Lewis's Letter to Mr. Sullivan dated 14th June 1802.

	Received by the Private Soldier of Foot at home.	Received by the Private Soldier of Foot in N.S. Wales.
Full subsistence prior to the 25th May 1797	6d. pr. Diem	6d. pr. Diem
Consolidated allowance Do ..	2 $\frac{1}{4}$ "	$\frac{1}{2}$ "
Extra price of Bread and Meat	1 $\frac{3}{4}$ "	.....
Net addition made from above date	2 "	2 "
<hr/>		
Augmented Pay of the Private Soldier of Foot when not subject to stoppages for Provisions	1s.	8 $\frac{1}{2}$ d.

LORD HOBART TO GOVERNOR KING.

(Despatch No. 3, per H.M.S. Glatton; acknowledged by Governor King, 9th May, 1803.)

30 Aug.
Reduction of
the New South
Wales Corps.

Sir,

Downing-street, 30th August, 1802.

It having been determined, in consequence of the definitive Treaty of Peace, that a reduction should be made in the strength of the New South Wales Corps, as well as in the regiments of the line, I have received the King's commands to desire that, upon the reduction taking place in that regiment, and for which purpose directions will be sent by His Royal Highness the Commander-in-Chief, you do make it known in General Orders that such of the men as it may be intended to discharge from the service, and who may prefer staying in the colony to returning to this country, will be permitted to become settlers with the like privileges and advantages as those granted to the marines* who became settlers upon the expiration of their respective terms of duty previous to the formation of the New South Wales Corps.

Reduced
soldiers may
become
settlers.

In order that His Majesty's gracious intention in this respect may be clearly and explicitly understood by the men whom it may be intended to reduce, I am further to desire that you will take care to have it fully explained to them that they are entirely at liberty to make their election; and that they may all and each of them return Home, if they prefer it to a continuance in the settlement, by the first opportunity that may offer after the Corps shall be put upon a reduced establishment.

HOBART.

* Note 222.

LORD HOBART TO GOVERNOR KING.

1802.
30 Aug.

(Despatch marked "Separate," per H.M.S. Glatton; acknowledged by Governor King, 9th May, 1803.)

Sir, Downing-street, 30th August, 1802.

In addition to my despatch of the 29th instant, I think it right, in a separate letter, to call your particular attention to the expence of the colony, to the manner of drawing bills upon the Treasury, and to the internal state of the settlement under your government so far as relates immediately to its cultivation, produce, and live stock.

Additional instructions.

Upon the first of these points—viz., the expence of the colony—I cannot refrain from urging you in the strongest manner to use every possible endeavour to diminish the heavy charge with which this country has been hitherto burthened from the first establishment of the settlement of New South Wales.

Expense of the colony.

Bills amounting to the sum of £10,460 2s. 10½d., drawn by Commissary Palmer between the 31st of March and 3rd of July, 1801, upon the Lords Commissioners of the Treasury, I have already recommended to be paid upon account. The remainder of the bills, which it appears by your letters to the Duke of Portland you have authorized the Commissary to draw, have not as yet been referred for my opinion.

Altho' I do not wish you to conceive that I imagine there is any part of the expence incurred which has not been absolutely necessary, yet it is incumbent on me, in my official capacity, to point out to you the strict necessity of enforcing the most rigid economy in every branch of the public service under your management and controul.

Necessity for economy.

With respect to the manner of drawing bills upon the Treasury, I must desire that you will regularly transmit to me separate letters of advice, stating the *number* of the bill, together with the *date*, the *amount*, the *service* for which it is required, and the *name* of the *person* or *persons* in whose favor it may be drawn. Each bill must also be accompanied with a separate letter of advice from the Commissary or the person whom you may authorize to draw the same, which letter must be produced when the bill is presented for acceptance at the Treasury. This method will facilitate the business very much, for by drawing the bills in numerical order and beginning each succeeding year with number one, the annual charge of the settlement will be more readily seen. It will also shew at one view the increase or diminution on the different heads of expence.

Method of drawing bills.

In my general despatch I had occasion to observe to you upon an inaccuracy which Lieutenant-Governor Foveaux had committed relative to a date of a bill. As it is necessary that the

Mistake made by Foveaux.

1802.
30 Aug.

most minute exactness should be observed in all matters of this nature, you will take care to call the Lieutenant-Governor's particular attention to this circumstance,* and, in order that a mistake of this sort may not again occur, you will direct him to draw his bills after the manner herein pointed out to you.

Bills drawn
by Palmer.

Before I quit this part of the subject, I think it right also to desire that you will call upon Mr. Palmer to explain whether the two bills drawn by him in favor of Mr. Stewart and of Mr. Campbell, and of which letters of advice were received at the Treasury, dated 31st of March, 1801, are two of the four bills of which he sent advice in another letter of the 7th of May, two of these bills being in favor of the same persons and for the same sum.

Expenses of
Norfolk Island.

Bills amounting to the sum of £5,958 11s., drawn by Lieutenant-Governor Foveaux, or by his order, I have also recommended to be paid upon account; but this is not the total amount of the bills referred to in his letter to the Duke of Portland. I trust, however, that the expence he may find occasion to incur during the current year will not be so considerable as it was in the last.

Tabulated
returns of
agriculture and
live stock.

With regard to the internal state of the settlement, as far as relates immediately to its cultivation, produce, and live stock, I have, with a view to the more easily and distinctly arranging the information His Majesty's Government is so desirous of receiving, caused a table or plan to be sketched out (of which I enclose a copy for your guidance), for the purpose of enabling you to make a return of the total number of acres either cultivated or held by the Crown, and by the civil and military officers and settlers within the colony.

In filling up this return I should recommend that the settlers be put in classes, according to the proportions of land which they may respectively hold; for instance, those holding 100 acres to be put together, and those holding more or less, according to the different gradations, in like manner. This would prevent the necessity of extending the return to an inconvenient length, and would thereby shew, at one view, the exact state of the settlement, as to its cultivation, its produce, and its live stock.

As little or no difficulty will, I apprehend, arise in carrying this plan into effect, I shall expect that you will hereafter continue to make similar returns twice in every year, by which the progressive advancement of the colony will be regularly seen. You will also instruct the Lieutenant-Governor of Norfolk Island to proceed in a similar manner, for which purpose you will furnish him with a copy of the enclosed paper.

Employment
of convicts.

There is yet another point upon which I did but slightly touch in my general letter—that is, the manner in which the convicts are disposed of; but, as your predecessors were furnished with

* Note 223.

several instructions on this subject, I shall only call your attention generally thereto, and to the Duke of Portland's letters of the 3rd of December, 1798, and of the 5th of November, 1799, taking it for granted that you have been guided in this particular entirely by them, and that you have taken care that such of the convicts, above the number allotted to each settler, have been subsisted and cloathed by those persons, whosoever they may be, that have benefitted by the labour of these unfortunate people, and that they have not been suffered to remain a burthen on the public, while their services were appropriated to private advantage.

1802.
30 Aug.

Assigned
servants.

Having signified to you conditionally my approbation of the purchase which you propose to make of the flock belonging to Lieutenant-Governor Foveaux, and of the stock belonging to Mr. Balmain, I am very much disposed to recommend that you should distribute a certain proportion of the breeding flock and stock amongst such of the *settlers* as may be inclined to purchase. By this liberal proceeding the breed of sheep and other cattle will be more rapidly increased, and the appearance, which certainly at present exists, of monopolizing the stock by keeping it in so few hands, will, in a great degree, be done away with, whereby the public will derive material benefit.

Sale of public
breeding stock
to settlers.

I have, etc.,

HOBART.

[Enclosure.]

[*A copy of the form for returns is not available.*]

GOVERNOR KING TO THE VICTUALLING BOARD.

(Per transport Atlas, *viâ* China.)

Gentlemen,

Sydney, Augt. 31st, 1802.

31 Aug.

I had the Honor of receiving your Lettrs. by the Atlas Hercules Coromandel and Perseus with the Provisions put on board those Ships and have directed the Comy: to furnish the respective Masters with receipts for the Quantities delivered—A General Account of which I enclose, and have the Honor to be

Despatches
acknowledged.

Gentlemen, etc.,

PHILIP GIDLEY KING.

[Enclosure.]

[*A copy of this return is not available.*]

- GOVERNOR KING TO LORD HOBART.

(Per transport Atlas, *viâ* China.)

Sydney, New South Wales,

My Lord,

17th September, 1802.

17 Sept.

Referring your Lordship to the duplicate of my letter No. 8 to the Duke of Portland, dated 9th June, 1802, also to those to

1802.
17 Sept.
Arrival of
transports.

your Lordship dated as p'r margin,* in which I informed of the necessity of purchasing a quantity of salt meat from the master of the American ship Arthur, accompanied by a voucher, and also of the arrival of the ships as p'r margin,† together with a statement of the very proper and laudable conduct of the masters of the Coromandel and Perseus, and the highly improper conduct of the masters of the Hercules and Atlas, to the convicts, &c., during their voyage from England and Ireland to this colony; also the quiet, peaceable, and healthy state of this colony at the latter date; enclosing the Commissary's return of the quantity of salt meat we then had in store, and the time it would last; that we had sufficient grain in Government's hands and that of individuals to continue two-thirds of the full ration to those supported by the Crown until next harvest; that the Geographe and Naturaliste, French ships on discovery, were here refitting, and that Capt'n Flinders, in His Majesty's ship Investigator, with the Lady Nelson, sailed from hence the 22nd July last, to prosecute the service he was ordered on by the Lords of the Admiralty.

The French
exploring
ships.

Surgeon
Thomson to
return in the
Naturaliste.

Having been disappointed in the whaler not returning to this port by which I intended to have sent my answer to your Lordship's despatches dated 30th last January,‡ and not deeming the present a very safe conveyance, I defer sending it by this ship. Mr. James Thomson, Staff-Surgeon (who has my permission to return to England, for the recovery of his health and to arrange his private concerns, he having been nine years in this colony, and intended to go in the whaler), and as the Commodore of the French ships has signified his intention of dispatching the Naturaliste to France from hence, and having, in a very handsome manner, permitted Mr. Thomson and his family to have a passage in that ship, I am induced to send my answers to your Lordship's despatches by that officer, as I have the Commodore's promise that they will remain unmolested in his possession—a measure I should not have adopted was I not possessed of a printed copy of the definitive treaty being concluded between His Majesty and the French Republic.

Convicts in
the Hercules
and Atlas.

As the subjects in the letters above alluded to will be fully stated in my letters by Mr. Thomson, I only shall inform your Lordship that the unfortunate survivors of the convicts sent in the Hercules and Atlas are in a state of convalescence, but too weak and debilitated to be ever of much use.

The master of the Perseus having (as he says, at the recommendation of Sir Roger Curtis) brought some cattle from the

* July 23rd, 1802; August 9th, 1802.

† Coromandel, 13th June; Hercules, 26th June; Atlas, 6th July; Perseus, 4th August.

‡ Note 224.

Cape of Good Hope, which are very nearly of the English breed, and being landed in an excellent state, I directed the Commissary to purchase them for the use of Government, the price of which, by the enclosed voucher, your Lordship will observe is £35 a head, which purchase, together with that of 135 gallons of spirits at 7s. p'r gallon, for the use of the Colonial vessels, I hope will be approved of, as every head of female cattle we can obtain will hasten the time of supplying ourselves with animal food.

1802.
17 Sept.

Cattle from
the Cape of
Good Hope.

As I have not yet signed the bills for the grain and animal food delivered into His Majesty's stores by individuals who required payment during the last quarter, *i.e.*, from March to June, and which amounts to £1,213 19s. 3d., I defer sending the vouchers for that payment until they accompany those for the quarter ending the 30th instant, which, with every other necessary document, will be transmitted by Mr. James Thomson, who will doubtless arrive before this comes to hand. I have a pleasure in informing your Lordship the colony remains in the same peaceable and healthy state as when I had the honor of writing last.

Grain and meat
purchased.

State of the
colony.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure.]

[A copy of the voucher has not yet been found.]

THE VICTUALLING BOARD TO GOVERNOR KING.

(Per transport Cato; acknowledged by Governor King, 9th May, 1803.)

Sir, Victualling Office, 28th Septr., 1802.

28 Sept.

Referring to our Letter of the 25th of January last informing Your Excellency of the Order we had received from the Right Honble. the Lords Commissioners of His Majesty's Treasury for sending out a supply of Pork equal to four Hundred and Ninety two Thousand Four hundred and Twenty eight Pounds, or a proportionate quantity of Beef, Annually for Three Years, for the use of the Settlement at New South Wales: We beg to acquaint You, that, as the Second Years Shipment, we have laden the Cato Victualler, John Park, Master, with Four Hundred and Ninety two Thousand, Four Hundred and Eighty Pounds of Pork, and have consigned the same to you.

Provisions
shipped on
the Cato.

An Invoice of, and the Master's Bills of Lading for, the Pork so Shipped, will be conveyed to you by the Vessel; and we have therefore to request you will cause a Receipt to be granted to the Master for what he shall deliver.

We have, etc.,

JOHN MARSH.	FRANS. STEPHENS.
G. P. TOWRY.	R. S. MOODY.
JOHN RODNEY.	JOHN HARRISON.

THE TRANSPORT COMMISSIONERS TO GOVERNOR KING.

(Per transport Cato.)

Sir,

Transport Office, 11th October, 1802.

Stores shipped
on the Cato.

We beg to Refer you to Our Letter of the 30th July last by His Majestys Ship Glatton and have now to transmit to You the undermentioned Invoices and Bills of Lading for the Remainder of the Articles, Salt pans excepted, which we have purchased and Consigned to Your Address by the Ship Cato, John Park Master, in pursuance of Directions from the Right Honorable the Lords Commissioners of His Majestys Treasury, Signified to Us by Letter from J. H. Addington Esqr. of the 17th June 1802.

Vizt.

No. 1	Gledstanes and Co. for 9 Pipes of Wine	£522	0	0
2	Wm. Jones Ironmongery 2 Bills together	1,466	13	8
3	{ Miles and Co. Slops etc.	2,512	10	0
	{ Thos. Courtney Do	1,890	12	6
4	Brook Watson and Co. various Articles 2 Bills	2,766	19	2
		£9,158 15 4		

The Salt pans are getting ready and Will be Sent by the first Vessel after they are Completed.

We Are, etc., etc.,

AMBROSE SERLE.

WM. HENY. OTWAY.

THE TRANSPORT COMMISSIONERS TO GOVERNOR KING.

(Per transport Cato.)

Sir,

Transport Office, 12th Octr., 1802.

Brewing
utensils shipped
on the Cato.

Pursuant to Directions from the Right Honorable the Lords Commissioners of His Majestys Treasury, Signified to Us by Letter from J. H. Addington Esqr. of the 23rd June last, we have provided and Caused to be Shipped on Board the Cato John Park Master Consigned to your Address One Complete Set of Brewing Utensils for the Use of the Colony at New South Wales; and Inclosed we transmit for your Information, an Invoice and Bill of Lading of the Same.

We are, etc., etc.,

RUPT. GEORGE.

AMBROSE SERLE.

WM. HENY. OTWAY.

[Enclosures.]

[Copies of the invoice and bill of lading have not yet been found.]

MR. A. MARSDEN TO GOVERNOR OF NEW SOUTH WALES.

1802.
16 Oct.

(Per transport Rolla.)

Sir, Dublin Castle, 16th October, 1802.

I enclose herewith a List of Convicts embarked on board the Ship Rolla—Cummings, Master, for New South Wales with the Lord Lieutenant's Warrant assigning to His Majesty's Governor there, the services of those Convicts for the Time they have been respectively sentenced or Transported.

Indent papers of
Irish convicts.

I also enclose a Copy of the list of Convicts on board the Ship Atlas which sailed from Waterford for New South Wales in May last.

I have, &c.,

A. MARSDEN.

[Enclosures.]

[Copies of these indent papers are not available.]

GOVERNOR KING TO LORD HOBART.

(Despatch endorsed "General Letter No. 1," per Surgeon Thomson in the Naturaliste; acknowledged by Lord Hobart, 24th June, 1803.)

Sydney, New South Wales,

My Lord, 30th October, 1802.

30 Oct.

By the arrivals as per margin* I had the honor of receiving your Lordship's despatches and enclosures dated 30th last January. By Lieut't McKellar and the Speedy, south whaler, I had the honor of transmitting to the address of His Grace the Duke of Portland my despatches, dated as per margin,† together with the accompanying duplicates; and as they contain every information respecting the state of this colony at those periods, I have to request your Lordship's general and particular reference thereto. As this will contain the purport of my letters by the Arthur, Coromandel, and Hercules, I shall not trouble your Lordship with these duplicates.

Despatches
acknowledged
and forwarded.

I beg to express the dutiful respect with which I received your communication that I might expect by an early opportunity His Majesty's commission naming me his Governor and Commander-in-Chief of this colony. To abide and regulate my conduct in this important trust by those instructions will be my study, and I trust that when the distance of this colony from His Majesty's Ministers, and the time is considered before answers to my communications can be received, any deviation from the general tenor of those instructions, as well as such prompt measures which circumstances and the local situation of this

Appointment
as Governor
and
Commander-
in-Chief.

* Coromandel, 13th June; Hercules, 26th June; Atlas, 6th July.

† No. 6 and eight Separate Letters, with their Enclosures, dated March 1st and 29th, 1802; No. 7 and five Separate Letters, with their Enclosures, dated May 21st—and June 9th, 1802.

1802.
30 Oct.

Motives of
King's actions.

colony and its inhabitants may render necessary will be considered, as I shall feel it my duty at all times, and on all occasions, to deviate as little as possible therefrom; and when circumstances require such a deviation, I shall not fail to assign my reasons, which, I humbly trust, will receive your Lordship's approbation, or that I may be informed wherein it may appear I have erred, which I respectfully hope (if such cases should occur) will be rather imputed to an error in judgement than intentional neglect.

I shall now proceed to answer the different paragraphs of your Lordship's letter No. 1* in the order they occur, with such explanations as may appear necessary.

Pardons and
emancipations.

Availing myself of the latitude given by your Lordship, I have granted conditional emancipations, and one free pardon, to the respites† left by Gov'r Hunter, which I judged would best accord with His Majesty's most gracious disposition towards those who become the object of his royal mercy.

Depredations
of the natives.

Respecting your Lordship's remarks on the causes that urged the natives to commit the acts that drew on them the resentment of four of the respites above alluded to, I beg leave to state that by a former despatch‡ I communicated, the natives having shown a disposition to become troublesome to the settlers, who, resisting their depredations, all the natives left that district, and soon after plundered many of the settlers, wantonly murdered four white men, and cruelly used some of the convict women at different times. The natives about Sydney and Hawkesbury continued as domesticated as ever, and reprobated the conduct of the natives in the neighbourhood of Parramatta and Toongabbee, who were irritated by an active, daring leader named Pemulwe, and in the few intercourses we had with some of his companions they expressed their sorrow for the part they were obliged to act by the great influence Pemulwe had over them. From their extreme agility, lying in wait for them was out of the question. Decided measures therefore became necessary to prevent the out-settlers from being robbed and plundered, and to restore the natives to a friendly intercourse. With these views (founded on the opinions of the principal officers coinciding with mine), I gave orders for every person doing their utmost to bring Pemulwe in either dead or alive, and as it is a practice strictly observed among the natives that murder should be atoned by the life of the murderer or some one belonging to him, the natives were told "that when Pemulwe was given up they should be re-admitted to our friendship." Some time after two settlers, not having the means

* *Marginal note.*—Dated Jan. 30th, 1802.

† Note 137. ‡ *Marginal note.*—Par. 12 in No. 5, Nov. 14th, 1801.

of securing the persons of Pemulwye and another native, shot them. On this event they requested that Pemulwye's head might be carried to the Governor, and that as he (Pemulwye) was the cause of all that had happened, and all anger being dropped on their part, they hoped I would allow them to return to Parramatta. Orders were immediately given to that effect and not to molest or ill-treat any native. When I received your Lordship's opinion* on this subject I caused the enclosed proclamation to be immediately published, and made the natives fully sensible of the intention and meaning thereof. They expressed much joy and are now on more friendly terms than ever. I have stated this circumstance in corroboration of the remarks made by your Lordship, and I have every hope (as it will be my care) that we shall continue on good terms with them; still the out-settlers must be on their guard against their predatory dispositions.

1802.
30 Oct.

Depredations
of the natives.

I am sorry to say that at this moment many of the people who arrived by the Royal Admiral are in a state of great debility, nor do I apprehend they will ever recover the strength of men. Justice to the commanders and surgeons of the five last arrived ships† requires my mentioning in terms of the highest satisfaction, the excellent state of health and strength of body of both settlers and convicts who arrived by those ships. On the arrival of ships with convicts they are visited by the Naval Officer and Surgeon, who report whether there is any contagious disease in the ship. If their report is favourable, I go on board and enquire into the behaviour of the prisoners and passengers during the voyage, interrogating them respecting their treatment, if they have received the ration and other comforts allowed by Government, and finally whether they have any cause of complaint against any person in the ship, which is not only enquired into, but satisfaction made if requisite. After my inspection the convicts are removed to the Supply, hulk, where they remain two days, in which time they are well washed and new clothed, and are then drafted to the different settlements, placing each ships convicts as much as possible by themselves. I have judged it necessary to enter into this detail to possess your Lordship of the manner in which the convicts have been received here. Copies of the returns your Lordship mentions, to guide my conduct in instituting enquiries respecting any bad treatment the convicts and passengers may meet with on the voyage, I have not yet received‡; otherways I should have acted on them on two occasions, rendered necessary by the conduct of the masters of the Hercules and Atlas, which arrived here after a passage of seven

Convicts on the
Royal Admiral.

Examination
of ships for
contagious
disease.

All incoming
convicts
removed to the
hulk Supply.

* Note 225. † *Marginal note.*—Canada, Minorca, Nile, Coromandel, and Perseus.

‡ *Marginal note.*—Received by the Buffalo since this was wrote (note 226).

1802.
30 Oct.
Condition of
convicts on
the transports
Hercules and
Atlas.

months, with the whole of their convicts either dead or in a dying state. If justice to the masters of the ships who brought their convicts in such a state of good health requires approbation, my duty requires I should transmit to the Commissioners of the Transport Board the log books and surgeons' diaries of those ships, by which, and my letter to that Board, and its enclosures, left open for your Lordship's perusal, you will observe the dreadful diseases that raged on board those ships, and the consequent great mortality, exclusive of the numbers killed on board the Hercules in a mutiny. The miserable state of the survivors on board these ships, the filthy state they were in on their arrival, the great quantity of spirits and other private trade belonging to the master of the Atlas (which evidently deprived the convicts of air, and the means of being kept clean), joined to the complaints made against both masters, rendered an investigation necessary, the result of which is enclosed with my letter to the Transport Board, to which department I presume these reports should be made through your Lordship.

The trial of
Luckyn Betts.

I have the honor to enclose the proceedings of a Court of Vice-Admiralty held on the master of the Hercules for shooting a number of convicts on the passage who were in the act of mutiny, and also for shooting one after it was alledged the mutiny had ended. Your Lordship will observe that on the first count the master was acquitted, and on the second he was found guilty of manslaughter. The Court sentenced him to pay a fine of £500 to the Orphan School, and to be imprisoned until it was paid. As it appeared by the practice of the Admiralty Court* "that in cases which would be manslaughter at land, the jury is always directed to acquit," &c., I therefore judged it advisable to give the master, Mr. Luckyn Betts, a conditional remission of that sentence, until His Majesty's pleasure may be signified thereon, for which purpose I have enclosed his trial, together with the trial of five seamen belonging to the Hercules for being implicated as principals in the mutiny on board that ship, who were acquitted. Should the sentence of the Admiralty Court be confirmed respecting the fine, I respectfully hope it may be transmitted to this colony for the benefit of the institution it was adjudged to. Before I quit this subject I must observe that in consequence of Henry Brown Hayes† (who was sent from Ireland a convict for life in the Atlas) having treated the Staff-surgeon, Mr. Thomas Jamison (who was a passenger in that ship), in a very improper manner, he was sentenced by a Bench of Magistrates to be confined six months in the jail.

The trial of
seamen on the
Hercules.

Henry Brown
Hayes.

His Majesty's pleasure respecting my conforming to the instructions given by the Lords Commissioners of the Treasury to

* *Marginal note.*—See Foster, p. 288. † Note 227.

the Commissary, has and will be punctually observed by me, as stated in my former despatches to the Duke of Portland.*

1802.
30 Oct.

The progress of
viticulture.

As one of the Frenchmen is sufficient to manage the vines until enough grapes are produced to make wine, which cannot be for two or three years to come (if they succeed), I have employed the other (who is a good cooper), making casks, as a wood fit for that purpose, as well as making hoops, has been found. The advantages that will attend the general cultivation of the vine will be great, but it must be individuals of a different description to those usually sent, who can be brought to attend to this desirable object; still, I hope, now the importation of spirits is nearly done away, that some of the more industrious settlers will turn their labor that way, which will depend upon the Frenchmen's success. Upwards of 12,000 vine cuttings are planted on the side of a hill at Parramatta, formed like a crescent, facing the north, which is the best exposition.

In my several despatches to the Duke of Portland, as well as in the reports of the entries and clearances, I have constantly noticed the quantity of spirits imported, landed, and sent away. Since my despatches of the 10th March, 1801, which your Lordship has received, I found it necessary to send another American ship away with upwards of 28,000 gallons of spirits and wines, and a brig with part of a ship's cargoe from India, but last from the Cape of Good Hope, consisting of 8,000 gallons of spirits, after supplying their want of wood and water. By comparing the quantities received from Sep'r, 1800, to Dec'r, 1801, your Lordship will observe how much less in proportion has been brought in the last eight months, *i.e.*, from Dec'r to this date:—

Importation of
spirits and
restrictions
placed thereon.

	Gallons landed.			Galls. sent away.		
In 1801	39,851	...	...	22,000	...
.. 1802	5,115	...	...	5,511	...

In the measures I have adopted I shall persevere, knowing it to be the only means of effectually rescuing this colony from the state it has so long been in, and I sincerely hope that my refusal of any spirits being landed from the American ship Follensby, and my letters to the American Ministers and His Majesty's Consuls,† may prevent supplies of spirits from that quarter, and in some measure put a stop to Americans frequenting this port. It is true that the fortuitious arrival of American ships has frequently saved this colony from experiencing great want. The timely arrival of the Arthur with salt provisions relieved us from the apprehension of immediate want, and being obliged to have recourse to our fine stock. Situated as the stores then were, with only twelve weeks meat at a very reduced ration, I could not with propriety decline directing the meat to be purchased,

Advantages
of visits from
American
ships.

* Marginal note.—No. 3—March 10th, 1801. † Note 228.

1802.
30 Oct.

and I lament that the improper conduct of the masters of the Hercules and Atlas should have rendered it necessary for the price of that meat to pass into the hands of strangers, which they might have saved to the public had they not stopped so unnecessarily at Rio de Janeiro and the Cape.

Economy
practised.

Having in the course of my correspondence,* and more particularly in the "Present State of the Colony" detailed, the measures I was adopting to relieve the public of as much expence as possible, I hope their probable efficacy will be obvious. It is those only who are useful to the public that are victualled by the Crown, excepting the great proportion (*i.e.*, civil, military, children and infirm), who are obliged to be victualled by the Crown, and whose labor is no ways productive, or tending to diminish the expences detailed in the above and other documents lately transmitted.

The
administration
of the
commissariat.

By the general state of the settlement† of this date, your Lordship will observe how little our numbers supported by the Crown are encreased since the last return, notwithstanding 464 people have been landed since. After having adopted the measure, on my first taking the command, of striking those off the stores who had no pretension or claim to be fed at the public expence, I saw no reason why those convicts who are for fourteen years and life, and who have been here a term of years, behaved well, and industrious, might not be permitted to labor for their own support under proper restrictions, which (exclusive of the numbers assigned to individuals) has by experience so fully answered the purpose of "lessening the consumption of public stores, provisions, and cloathing, greatly reduced the expences of the colony, stimulated individual industry, and promoted the collective produce of private property," as remarked by your Lordship.

The conduct
of the Irish
transportees.

In noticing your Lordship's approbation of my conduct,‡ as well as that of Lieutenant-Governor Foveaux, I respectfully request your reference to the duplicate of my last despatches on that subject. The conduct of the United Irishmen has been bad; still I have no thought of any of their wild schemes being carried into execution, nor have a doubt but, if the lower class were not advised by those who think themselves clever and of consequence to the cause, that they would be quiet and happy. As these classes are kept as separate as possible there is no reason to apprehend their contrivances for some time past have gone beyond conversation. The United Irish arrived by the last ships, and those expected, will not diminish the hopes of these we

* *Marginal note.*—Dated 31st Dec'r, 1801, sent by L't McKellar, and p'r Speedy whaler.

† *Marginal note.*—Enclosure No. 3 in Separate A. (See note 229.)

‡ *Marginal note.*—Par. 9 in No. 4, Aug. 21st, 1801.

already have. Every precaution shall be used to counteract their ridiculous plans, and make them as useful as possible, nor do I see cause, with common precaution, to be under any serious apprehension. In a former letter* I communicated my reasons for dismissing the associations, which can be re-embodied on any emergency. I have transmitted that paragraph of your Lordship's observations respecting Major Foveaux to that officer, and I am certain your approbation of his conduct will be as satisfactory to him as it is pleasing to me to communicate.

1802.
30 Oct.

The conduct
of the Irish
transportees.

In my different despatches since the 10th March, 1801, wherein I communicated the great losses of the settlers and the colony by the repeated overflowings of the Hawkesbury, I am happy to say that no flood has happened this year, and that the harvest was well got in, altho' much less ground was sowed than would have been the case had not the settlers suffered so much by the former floods. The same favorable appearances continuing, they continue the cultivation of their farms, which have been so expensive and laborious to clear of timber. The hope of escaping floods (which ensures a plentiful return) encourages them to persevere, which is well for the colony, as private labor has been generally applied to that quarter, where the produce is so great, and so necessary has it been to persevere and make the best use of that place, that from the chance of a good crop being got I was induced to rent an unoccupied farm on account of Government, from which a produce of near 5,500 bushels of wheat will be obtained at the price of 800 bushels. It has been cropped again on the public account, and will be continued until I have a sufficiency of ground cleared, and buildings erected about the new settlement at Castle Hill, to employ the convicts at Government labour, who are more than sufficient to cultivate the grounds at Toongabbee. For the quantity of ground in cultivation on the public account this year, and every other information on the head of cultivation and stock, I refer to the enclosure; and as we have now the advantage of manure, from an increasing herd of 1,200 head of cattle (which have an extensive range of fine pasturage secured to them), I am hopeful the ground cultivated for the public will increase in quantity and produce yearly, which cannot fail of diminishing the expenses of this colony in proportion to our present and future numbers. But I am sorry to repeat that many of the people now at Government labour (particularly those received by the Hercules and Atlas) are, and will continue, in such a debilitated state as to be of little or no use. To maintain them at the public expence is absolutely necessary to prevent their starving.

Farming at the
Hawkesbury.

Renting of
farm by
government.

Prospects
of public
agriculture.

Public
labourers.

Respecting the advantage of rice being cultivated on the low

* *Marginal note.*—Par. 9 in No. 4, Aug. 21st, 1801.

1802.
30 Oct.

Proposed
cultivation
of rice.

Protection
against
floods.

Improvement
in the condition
of settlers.

Distribution
of breeding
stock.

grounds at the Hawkesbury,* which are so liable to be overflowed, there is a probability it might answer (altho' the climate is rather cold for the cultivation of that grain), if we had the means of giving the grounds the necessary irrigations; for altho' the banks of the Hawkesbury are inundated twice or thrice in some years, yet in others the river and creeks seldom rise above the ordinary level, which is at least twenty feet from the top of its lowest banks; consequently, irrigating the grounds could not be done without more expence and labor than our settlers can at present command or attain, and in case of a dry season, or even moderately wet, the rice would fail from the opposite cause to the failure of the wheat and maize; a crop of each being got in a year has the advantage—if one fails the other may succeed. As I have fortunately procured some seed rice from the French ships, a trial is now making in different situations, the result of which I shall inform your Lordship of. Your Lordship's remark respecting removing the buildings to higher grounds out of the reach of the floods has been fully anticipated in every situation that admits of it. The dwellings of the first occupiers of those farms were miserable huts, composed of logs covered with grass; barns they could not afford to build; and since then they have been so involved in debt, thro' the rapacity that existed here, and their losses by floods, that they have neither had the means or encouragement to build more comfortable dwellings and convenient offices. However, I am happy to say that the industrious part of them are now emerging from these difficulties owing to the good harvest they had last year, which enabled many to discharge their debts, and considerably decreased the debts of the others, who have been prevented from contracting more by so great a stop being put to the importation of spirits with which this colony was so long inundated. To these causes must be added the great advantage the settlers, as well as every other description, has experienced, in being able to purchase necessaries from the stores at 25 and 50 per cent. advance, instead of satisfying their domestic wants from monopolizing individuals, often at 400 or 500 per cent. between the ship and the shore. These, and other regulations too numerous to detail in this place, has enabled the industrious to distinguish themselves from the idle and dissipated. And in order to continue that emulation, in my late visit to the settlements at the annual general musters,† I have distributed a portion of breeding stock to those whose exertions during the last year appeared to merit that encouragement from Government. To prevent them from making away with that stock, I published the enclosed Order. And those to whom I have, on the same account, given additional quantities of land, I have

* Note 230. † Marginal note.—In August last.

prevented them from leaving or making away with it, by granting it to their children, who are precluded from alienating it before they have attained the age of twenty-one years, and then not to dispose of it without the Governor's consent first obtained. The numbers thus distinguished from among the settlers, I am sorry to say, are but few; however, I hope next year that my rewards on the part of the Crown will be greater. It is with this view I have offered the premiums contained in the enclosure, which I hope will stimulate industry more than all the seas of spirits that have inundated this colony. Before I quit this subject I feel it my duty to repeat the great expence it is to the Crown sending such settlers as have lately arrived, scarce one among them ever having seen the least cultivation. As I have detailed* the expence and disadvantages of this description of settlers in former despatches, I most respectfully refer your Lordship thereto. I have given these settlers every inducement to benefit themselves and their large families, but I am sorry to say their abilities are but small, and their means still less, as several of them arrived here almost destitute of covering.

1802.
30 Oct.Granting of
land to minors.Premiums
to settlers.Undesirable
settlers.

The details in former despatches respecting the cattle render it unnecessary to add much on that important subject, except that they are well looked after, and increase greatly. Since the arrival of the French ships on discoveries, and the Atlas and Hercules transports, it has been necessary to kill an ox once a week, to restore the survivors in those ships. The purchase of the American salt meat, and the arrival of a part of the supplies from England p'r Coromandel, Hercules, Atlas, and Perseus, has not only enabled us to restore the full ration of salt meat to those supported by the Crown, but has removed the apprehension of having recourse to the stock, which would last but a short time and be very inadequate to our wants. The measures taken to ensure a yearly supply of salt meat, and the increase of our cattle, will make a yearly decrease in the demand for salt meat, which can only be effected by the increase of the live stock we now possess, and the addition of such as we may be able to obtain either from masters of ships, or from India or Madagascar, whither I intend sending the Buffalo as soon as possible after her arrival. Sixteen months having elapsed since the contract was made with Mr. Campbell,† I am inclined to think his partners in Calcutta do not mean to attend to it, as no penalty existed in case of non-performance. Those who have gone out fully persuaded of bringing in a part of the wild cattle have all been unsuccessful, owing to their ferocity. Future efforts may be more

The problem
of the meat
supply and
of cattle.

* Marginal note.—Par. 11 in No. 5, Nov. 14th, 1801, and par. 17 in No. 6, March 1st, 1802.

† Note 231.

1802.
30 Oct.

Explorations of
Barrallier.

fortunate, but I cannot help thinking it will be more advantageous to leave them quiet on this side the mountains until they increase so much as to compel them to move towards the settlements. I am the more confirmed in this idea as the officer* I sent to endeavour to pass the mountains has returned from his first trial† with little hope of effecting it, or making any new discovery, except a very imperfect limestone and a better kind of iron ore than has yet been found. He saw two herds of the wild cattle, of about 200 in each herd, which were too ferocious to approach. His next journey, which he is now preparing for, I hope will be successful, as he is sanguine in his expectations of passing the mountains.‡

Supplies of
clothing.

By former returns, and the Commissary's statement of cloathing on the 31st last December, since when two issues of slops have been made, which has so much reduced the remaining quantity that it has been necessary to use a part of the military cloathing sent by the Coromandel for those at public labour. Such part as may be required by individuals I have directed the Commissary to sell on the terms prescribed, but, as they are mostly military dresses, they but ill suit the settler. The Commissary will keep a distinct account of these appropriations, which will be included in the annual accounts, a copy of which will be sent your Lordship, and on this head, as well as all others of public expenditure, I beg to refer to his last year's accounts. In my seperate letter, A, I have stated the slops we shall need before an answer to this can be received.§

Price of stores
retailed.

The great quantity of articles brought to this colony by private adventurers has greatly lessened the demand for those provided by Government. The Commissary's last year's accounts|| will point out the great benefit resulting from that measure. Your Lordship's directions respecting the price being raised to 50 p'r cent. I have directed the Commissary to comply with. By the different returns transmitted to the Duke of Portland and the Commissary's last year's statement of the public accounts of this colony, your Lordship will observe that the most particular accounts of the disposal of those articles abstracted from any others are kept, and that copies thereof have been regularly transmitted to the Duke of Portland, the latter of which must have come under your Lordship's inspection. I have directed the Commissary to comply with your Lordship's further instructions on this head. As this is an object of much consequence to the

* Marginal note.—Ensign Barallier.

† Marginal note.—He set off Nov. 1st, 1802. ‡ Note 232.

§ Marginal note in original.—A quantity has been received by the Buffalo.

|| Marginal note.—Sent with my letter No. 7 to the Duke of Portland, dated 26th May, 1802.

colony and the public, I conceive it necessary to possess your Lordship how this part of our public concerns is conducted. When these investments arrive they are placed under the direction of the Commissary; the price of each article, with the additional centage, is then printed and dispersed. As no article whatever of public stores can be issued but by notes bearing my signature, Mondays are appropriated for that purpose, when those who are in want of articles from the stores give in their requests, which I approve or not, according to the character of the applicant, the quantities wanted, and the probability of payment. The grain or other compensation to the stores is then delivered, unless payment is allowed to be deferred to the next harvest, when it is demanded. Hence the whole of the purchase goes to Government in grain, &c., and is generally received into the stores as the articles are issued; consequently any profit on those articles cannot be made as a separate or regarded as a future fund, the profit, as well as the prime cost, becoming the immediate advantage of Government, and prevents the necessity of drawing bills for the amount of grain received for the articles issued. When one ship's investment is disposed of the Commissary will then state the returns of the whole, particularizing the part thereof that has been expended for public purposes and given in exchange for grain, &c., which was transmitted for the last year by the Speedy,* from which I hope it will appear that issuing such articles from these investments as the orphans may need, and to give them the overplus of the profit after the other appropriations are made, will be considered the best mode of meeting your Lordship's wishes respecting a donation that will greatly assist our exertions in continuing this necessary and, I may add, indispensable institution, which will be obvious from the number of children (1,141), and that they alone can be regarded as fixed to the soil they have become natives of. During my late visit to the settlements I was happy to find the settlers at the Hawkesbury anxious for the education of their children, of which there are now in that quarter 216. They very commendably entered into a subscription to build a school-house, and, as their exertions have been aided by a few others, I hope soon to see a seminary of useful education rise on the banks of that river. Everything has and will be done by me, and those who assist me, to render the orphan institution permanent and useful, and when I quit the scene I shall form a sincere wish that it may be continued as it has so successfully been began, being well persuaded that nothing else can ever make the future inhabitants useful to themselves or creditable to the country they came from. In a late despatch to the Duke of Portland I transmitted the treasurer of the committee's last year's

1802.
30 Oct.

The retailing
of stores.

Profits from
the retailing
of stores.

A school-house
at the
Hawkesbury.

The Orphan
Institution.

* Marginal note.—No. 7, dated May 26th, 1802.

1802.
30 Oct.

Flour and
despatches
received.

account of that fund; similar returns, as well as that of the goal fund, will be transmitted yearly for your Lordship's inspection.

Since writing the preceeding part of this letter, the Alexander, transport, with 260,636 pounds of flour, arrived the 15th instant, and His Majesty's armed vessel Buffalo the 16th instant, by which vessels I was honored with your Lordship's letters as p'r margin.* I had the honor of receiving your Lordship's information (by duplicate) that my commission as Captain-General and Governor-in-Chief was sent and instructions, the former of which has not yet been received, and the latter I shall continue my obedience to them. This, I believe, has been fully anticipated, which your Lordship will observe by my General Orders that go with these despatches. I lost no time in making public the particulars of the definitive treaty of peace.

Commission
and
instructions
for King.

As several circumstances respecting the detail of this colony are stated in my separate letters attached to this, I must beg to refer your Lordship thereto. I have, &c.,

PHILIP GIDLEY KING.

The transit
of Mercury.

P.S.—The Commandant of the French ship having prolonged his stay to observe the transit of Mercury, enables me to have most of the accounts made up to this date, and to inform your Lordship that we are now getting in our wheat harvest, and that the general behaviour of the inhabitants is quiet, regular, and industrious.

PHILIP GIDLEY KING.

9th November, 1802.

[Enclosure No. 1.]

Proclamation.

By His Excellency Philip Gidley King Esq. etc.

The treatment
of the natives.

WHEREAS a Despatch† by the Coromandel has been received from the Principal Secretary of State for the Colonies, containing His Majesty's Commands, That notwithstanding His permitting the Governor to Remit the Punishment of the five Persons tried by a Court of Criminal Judicature on the 18th of October, 1799,† for wantonly killing Two of the Natives, yet "It should, at the same time, be clearly understood that on future occasions any instance of Injustice or wanton Cruelty towards the Natives will be punished with the utmost severity of the Law"; And His Majesty having at the same time recommended that every means should (after the Receipt of those Despatches) be used to conciliate the Goodwill of the Natives, I do hereby strictly forbid any of His Majesty's Subjects, resident or stationary in this Colony, from using any act of Injustice or wanton Cruelty towards the Natives, on pain of being dealt with in the same manner as if such act of Injustice or wanton Cruelty should be committed

* *Marginal note.*—Dup. 28th Feby.; Dup. 31 Mar. 1802. (See note 233.)

† Note 234.

against the Persons and Estates of any of His Majesty's Subjects; But at the same time that His Majesty forbids any act of Injustice or wanton Cruelty to the Natives, yet the Settler is not to suffer his property to be invaded, or his existence endangered by them; in preserving which he is to use effectual, but at the same time the most humane, means of resisting such attacks. But always observing a great degree of forbearance and plain dealing with the Natives appears the only means they can adopt to avoid future Attacks, and to continue the present good Understanding that exists.

Given etc. this 30th Day of June, 1802.

PHILIP GIDLEY KING.

By Command of His Excellency

W. N. CHAPMAN, Secretary.

God Save the King.

[Enclosure No. 2B.]

[Enclosure 2A will be found on page 594.]

ACCOUNT of Spirits and Wine imported into His Majesty's Colony in New South Wales between the 31st December, 1801, and 30th September, 1802, with the Quantity Sent away and Remains of that landed being lodged in His Majesty's Stores, and Given out as the Governor grants permits.

1802.
30 Oct.
The treatment
of the natives.

Return of
spirits and
wines.

Ships' Names.	Gallons Imported.		Gallons Landed.		Gallons Sent away.		Gallons remaining Bonded in the King's Stores.		Price limited for Spirits.
	Spirits.	Wine.	Spirits.	Wine.	Spirits.	Wine.	Spirits.	Wine.	
Arthur*	2,500	1,230	2,500	618	...	612	...	...	Per gal. 5s. 6d.
Atlas.....	2,166	120	...	...	2,166	120	...	...	.....
Fanny*... ..	5,880	800	2,475	800	3,405	...	...	...	7s. 6d. & 15s.
Perseus.....	140	200	140	...	...	200	...	...	7s.
Between 31st Dec., 1801, and the 30th September, 1802.	10,686	2,350	5,115	1,418	5,571	932	...	...
Between 28th Sept., 1800, and 31st Dec., 1801, as per former Returns.	59,294	30,896	39,851	8,896	32,320	22,000	1,049	4,856	

*American vessels.

Of the above Quantity of Spirits Landed there has been purchased on Account of Government, from the 31st December, 1801, to the 30th September, 1802, viz., for the use of Colonial Vessels, Constables, &c., 135 Gallons, at 7s. per Gallon.

[Enclosure No. 2A.]

ACCOUNT of Spirits and Wine Imported into His Majesty's Colony in New South Wales between the 28th September, 1800, and 31st December, 1801, with the Quantity sent away and remains of that Landed being lodged in His Majesty's Stores and given out as the Governor grants Permits.

1802.
30 Oct.
Return of
spirits and
wines.

Ships Names	Gallons Imported.		Gallons Landed.		Gallons sent away.		Gallons remaining Bonded in the King's Stores.		Price limited for Spirits.
	Spirits.	Wines.	Spirits.	Wines.	Spirits.	Wines.	Spirits.	Wines.	
John Jay*	1,400	276	1,400	276	...	...	...	...	per gal. 8/-
Diana*.....	374	...	374	...	...	...	...	...	5/-
Royal Admiral	7,200	840	7,000	840	200	...	...	...	4/-
Trimmer†	4,000	...	4,000	...	...	...	...	...	10/-
Harbinger	2,800	3,000	2,800	3,000	...	...	353	2,456	8/-
Follensbee*	13,000	15,000	...	...	13,000	15,000	...	...	.....
Margaret	3,000	700	2,800	700	...	...	...	...	6/-
Anne.....	7,500	...	7,500	...	...	...	...	...	6/- & 8/-
Britannia	300	240	300	240	...	...	...	...	9/-
Chance	480	480	480	480	...	...	...	...	.....
Missouri*.....	7,000	7,600	...	600	7,000	7,000	...	...	.....
Greenwich	240	...	120	...	120	...	...	...	9/-
John†	8,000	360	...	360	8,000	...	...	360	.....
Harrington†.....	4,000	...	...	...	4,000	...	...	...	.....
Earl Cornwallis ...	...	2,400	...	2,400	...	...	...	2,040	.....
Venus	1,200	...	1,200	...	...	...	681	...	5/-
Hunter†	1,877	...	1,877	...	...	...	...	...	9/-
Nautilus†	1,200	...	1,200	...	...	...	15	...	5/-
Minorca	1,200	...	1,200	...	...	...	...	...	5/-
Nile.....	1,600	...	1,600	...	...	...	...	...	5/-
Canada	1,800	...	1,800	...	...	...	...	...	5/-
Caroline*	4,000	...	4,000	...	...	...	...	...	6/-
	59,294	30,896	26,974	8,896	32,120	22,000	1,049	4,856	.....

* These vessels are from America.

† Vessels from India.

Of the above Quantities of Spirits Landed there has been Purchased, on Account of Government, the following quantity, from 28th September, 1800, to 31st December, 1801, viz. :—

For the use of Colonial Vessels, Constables, &c... 928½ Gallons.

For the use of His Majesty's Armed Vessel Porpoise, 2,574 „

Average 6/7 per Gallon.

PHILIP GIDLEY KING.

[Enclosure No. 3.]

[The subject of this enclosure is unknown.]

[Enclosure No. 4.]

RETURN of Stock and Ground in Cultivation belonging to Government and Individuals in His Majesty's Territory of New South Wales as taken at the different Musters since the 15th of August 1800.

Date	To whom belonging.	Sheep.	Cattle.	Horses.	Goats.	Hogs.	Number of Acres in—				Number of Acres planted in Maize.
							Wheat.	Barley.	Oats.	Flax.	
August, 1800...	{ Government	625	765	30	12	18	300	...	...	...	100
	{ Individuals	5,499	279	173	2,170	4,008	4,365	...	...	...	2,830
	Total	6,124	1,044	203	2,182	4,026	4,665	...	...	...	2,930
June, 1801.....	{ Government	777	880	30	.....	.....	476	...	...	...	300
	{ Individuals	6,269	362	211	1,259	4,766	4,857 $\frac{1}{4}$	...	...	...	3,564
	Total	7,046	1,242	241	1,259	4,766	.....	...	...	...	3,864
August, 1802....	{ Government	1,044	1,265	37	.....	.....	422	8	...	4	300
	{ Individuals	7,588	478	256	1,146	5,233	4,523 $\frac{1}{4}$	255 $\frac{1}{2}$	3	...	2,835 $\frac{1}{2}$
	Total	8,632	1,743	293	1,146	5,233	4,945	263	3	4	5,835 $\frac{1}{2}$

1802.
30 Oct.
Return of
live stock.

1802.
30 Oct.

[Enclosure No. 5.]
GOVERNMENT ORDER.

Sydney, 31st July, 1802.

Order *re*
allowance
of breeding
stock to
settlers.

THOSE Settlers to whom the Governor has, and may hereafter judge proper to allow Ewes, or any other Breeding Stock, will fully understand that they only hold that Stock in Trust from the Crown for the future Support of their Families; Therefore, the original Stock and its Increase are not to be made away with or sold but by Permission from the Governor. And should the Person to whom such Breeding Stock is allowed die, or be obliged to relinquish his Farm on any account, such Stock and its increase is to revert to the Crown on the Market Price being paid for it. On Conviction before Three Magistrates (one of whom to be the Governor, Lieutenant-Governor, or Judge-Advocate) both the Seller and Buyer will forfeit the original Stock and twice the Value of each Head of Stock sold, being the Increase of those first allowed the Settler for Breeding.

If the Buyer is anyways subject to Military Discipline he or they will be tried for a Disobedience of the above Orders.

[Enclosure No. 6.]

AGRICULTURAL PREMIUMS TO SETTLERS,

Agricultural
premiums to
settlers.

excepting those who have Appointments, receive Salaries, or other recompences from the Crown.

To Settlers who were Settled prior to the 1st of September 1800.

To those who raise the Greatest Quantity of Maize this Year, not being less than 600 Bushels 3 Ewes
Next best, not less than 500 Do 2 Do
Next best, not less than 300 Do 1 Do

to be adjudged.

To Settlers of all Descriptions, who breed the Greatest Quantity of Swine, and return not less than 4,000 lbs. at 6d. per lb. into the Stores between the 1st March and 1st of August 1803 1 Heifer 1 Ewe 0 Lambs

Next best, not less than 3,000 lbs. . . . 0 „ 3 „ 0 „
Next best, not less than 2,000 lbs. . . . 0 „ 1 „ 1 „

to be adjudged.

To the Settlers Family, who Grows, Manufactures and Spins most Flax, within their own Family, in Two Years, from the 1st next December, and raise it from Seed, that will be Given at that Time to Six Candidates who may Offer.

		Cows.	Steers.	Ewes.
First not under . . . lbs. of Yarn		1	1	0
Next not under . . . lbs. „		1	0	0
Next not under . . . lbs. „		0	0	3
Next not under . . . lbs. „		0	0	2

To be Inspected Yearly and Reported by the Constable of the District and Adjudged.

To the Settlers, who Arrived by the Buffalo and Barwell, who reside and Raise on their Farms the Greatest Quantity of Wheat, during the Year 1803 (and are Clear of Debt).

1802.
30 Oct.

Agricultural
premiums to
settlers.

Not being less than	400 Bushels	1 Heifer	2 Ewes
Next not being less than	300 Do	1 ..	0 ..
Next not being less than	200 Do	0 ..	2 ..

to be Adjudged.

To the above, for the Greatest Quantity of Maize on their Own Farms (being out of Debt).

Not less than	600 Bushels	1 Heifer	1 Ewe
Next, not less than	400 Do	1 ..	0 ..
Next, not less than	300 Do	0 ..	2 ..

to be Adjudged.

To the above Settlers,* who shall have the most Comfortable Dwellings, Convenient Offices and their Grounds in the best Order, provided it is approved by the Judges.

Two Oxen, Two Years Old.

To the Settlers, who Arrived by the Minorca, Nile, Canada, Coromandel and Perseus.

Those who are out of Debt, And Raise the most Wheat on their own Farms, and Reside thereon during the Year 1803.

Not being less than	300 Bushells	1 Heifer	1 Ewe
Next, not being less than	250 Do	1 ..	0 ..

to be Adjudged.

Those who Raise most Maize.

Not being less than . . .	500 Bushells	1 Heifer	0 Oxen
Next, not being less than	400 Do	0 ..	1 ..

[Enclosure No. 7.]

ORDERS TO COMMISSARY PALMER.

By etc. etc. etc.

YOU are hereby required and directed to receive into your charge the Investment of Articles for Barter arrived by the Coromandel and Perseus Transports and to exchange them for Grain or Money with such of the Inhabitants as I may grant that Indulgence to; And in consequence of directions from His Majesty's Principal Secretary of State for the Colonies dated 30th January 1802, you will observe the following regulations:—

Instructions re
stores for
barter.

Vizt:

1st. You are to Publish a printed Notice stating the General price of each Article with the advance of 50 p. Cent. on the prime Cost.

* Marginal note.—The same Premium for the Settlers, who came in the Minorca, Nile, Canada, Coromandel, and Perseus.

1802.
30 Oct.
Instructions re
stores for
barter.

2nd. To issue no Article without my written Order.

3rd. Such Articles as are wanted for the Public use of this Colony, you will expend as such on receiving my Separate Order for that purpose, taking proper receipts for the same.

4th. You will Credit His Majesty's Treasury with the Amount of the Prime Cost and Charges of the Articles Sold or Bartered.

5th. You will deduct 5 p. Cent. from the Profit of the Sales and Exchanges, for this additional trouble to yourself and the Storekeepers charged with the Retail.

6th. After paying Salaries to the Two additional Superintendants, of £50 a year each from the profits arising from the Barter or payments of the said Investments you will deliver the Value of such over-plus profit arising from the said 50 p. Cent., into the hands of the Treasurer of the Orphan Fund, twice a Year, *i.e.* on the 20th of July and on the 20th day of February, taking the Committee's receipt for the same as your Voucher.

7th. You are to keep a particular and distinct statement of the disposal of the several Articles and the appropriation of the Profits thereof, Authentic Copies of which you will deliver me, half Yearly, to Transmit to the Principal Secretary of State for the Colonies, Duplicates of which you will forward to the Secretaries of the Treasury and Commissioners for Auditing Public Accounts. For which this shall be your Order.

Given etc. Augt. 10th 1802.

PHILIP GIDLEY KING.

Jno. Palmer Esqr., Commissary.

[Enclosure No. 8.]

Orders to the
committee of
the Orphan
Institution.

GOVERNOR KING TO THE COMMITTEE OF THE ORPHAN INSTITUTION. THE Governor directs the following Extracts from Letters to him from His Majesty's Principal Secretary of State for the Home Department and the Colonies to be Communicated to the Committee for Managing the Orphan Fund.

Duke of Portland, June 19th, 1801. Paragraph 20th. [*Here followed a literal repetition of the said paragraph.*]

Lord Hobart, Jany. 30th, 1802. Paragraph 24th. [*Here followed the whole of the said paragraph.*]

In Consequence of which, the Governor requests the Committee will name an early Day, to examine how far any of the Children, now in the Orphan School, do not Come within the Description pointed out in the 20th Paragraph as above, that they may either be Removed to their Parents, Or an Yearly Sum Stipulated for the Payment of the Provisions etc.

He has also directed the Commissary after giving the Treasury Credit for the Prime Cost and Charge of the Investments Arrived by the Coromandel and Perseus, And deducting the Sum

of One Hundred Pounds Per Annum for the Two additional Superintendants and 5 per Cent. for the Commissary and Storekeepers additional Trouble to appropriate the Profit of such remains to the Benefit of the Orphan Fund which he is directed to Account for with the Committee twice a Year *i.e.* Once before the 20th July and 20th February until the appropriation is countermanded.

A true copy of the original.

W. N. CHAPMAN.

MR. RICHARD SAINTHILL* TO GOVERNOR KING.

(Per transport Rolla.)

Sir,

Cork, Octr. 31st, 1802.

31 Oct.

I herewith Inclose you an Account of the Provisions and Stores Shipped in the Rolla, Robert Cummings, by Order of the Government of Ireland, As also a Certificate from the Master, that all the Convicts have been Victualled on Fresh Provisions since being embarked, not Consuming any put on Board for the Voyage; The Cask of Cloathing No. 1 Contains 52 Setts Mens dresses to Complete them Sent by the Atlas, Musgrave, and No. 6 the Hats; a List of Convicts by this Ship and also those Sent by the Atlas, is Sent by the Lord Lieutenant to Your Excellency by Mr. Cummings.

Convicts and stores on the Rolla.

I have, etc.,

RICHD. SAINTHILL,

A.G.I.

[Enclosures.]

[Copies of the invoices, &c., are not available.]

GOVERNOR KING TO LORD HOBART.

(Despatch endorsed "Separate A," with general letter No. 1, Oct. 30th, 1802, per Surgeon Thomson in the Naturaliste; acknowledged by Lord Hobart, 24th June, 1803.)

My Lord,

Sydney, New South Wales, 9th Nov., 1802.

9 Nov.

With this I have the honour of forwarding a duplicate of my separate letter A sent with my general letter No. 7† to the Duke of Portland, to which and its enclosures I have to request your Lordship's reference.

An abstract of the expences, the necessity of incurring them, the quantity of grain purchased from individuals (from the 1st January to the 30th September), who required payment by bills on the Treasury, also such other bills as have been drawn for the indispensable public use of the colony, are stated in the enclosure, with the value of what remains from purchases since the 1st of last

Returns of expenditure.

* Note 134. † Marginal note.—May 21st, 1802, per Speedy whaler.

1802.
9 Nov.

Reasons for
purchases from
the Arthur.

Purchase of
cattle on the
Perseus.

Supply of
provisions to
the French
ships.

Returns
forwarded.

Report on the
commissariat.

January. To that statement is also annexed an account of grain delivered into the stores from the above date, whether paid for in copper coin or received in exchange for articles from the public investments. By the enclosures Nos. 5 and 6 in my last letter, A,* and my letter No. 8 to the Duke of Portland, your Lordship will observe how much our salt meat was reduced, and the timely arrival of the American ship Arthur with a quantity for sale, which I directed the Commissary to purchase, giving my reasons for so doing. Altho' I am loth to direct any purchase from strangers, yet the circumstances of the colony made it unavoidable, and as such I hope will meet your Lordship's approbation. The master of the Perseus, transport, having brought some breeding cattle from the Cape, and as they are of a superior kind to most that come from that place, I directed the Commissary to purchase them for the Crown at £35 a head for the cows and £28 a head for the males. This purchase I directed, as the more cattle that are introduced into this colony the sooner we shall be able to supply ourselves with animal food. The original voucher for this purchase was sent by the Perseus. On the Alexander's arrival the commandant of the French ships on discovery applied for 60 casks of flour and 25 casks of salt meat to enable him to dispatch the Naturaliste to France and the Geographe to continue her discoveries. The inclosed Order to the Commissary will inform your Lordship that I complied with his request, and you will observe that the price paid for it has been given to those who put grain into the stores in the last quarter, as stated in the abstract.

To these documents are added the last quarterly employment of the convicts maintained at the public expence, a return of the present general state of the numbers in the settlement, and the result of the annual musters taken in August last.

I also enclose the Commissary's return of provisions remaining in store the 30th ult'o and an estimate thereon, by which your Lordship will observe we have now 57 weeks' salt meat for our present numbers, which includes that received by the Coromandel, Hercules, Atlas, Perseus, Alexander, Buffalo, and Atlas, and that we have now 38 weeks' flour and wheat in the store. By that return and Orders† respecting the ration, your Lordship will observe that two-third's ration of grain, *i.e.*, 10½ lb. to each man per week, was issued from 22nd June; that a full ration of grain was issued on the arrival of the Alexander, which will last until the harvest is got in without touching our flour. Although we have had much dry weather, yet every present appearance promises a good return for the ground sowed. As our second

* *Marginal note.*—June 9th.

† *Marginal note.*—See General Orders transmitted with this, Oct. 16th, 1802.
(See note 235.)

windmill is now finished, we shall be able to grind the wheat grown here into flour, which will enable me to receive such quantities* as may be offered by private cultivators, and procure us a store in advance to meet any accident that may happen to future crops.

1802.
9 Nov.

Report on the
commissariat.

As several evil-disposed persons had endeavoured to propagate a report among the settlers that Government would continue to send out flour, and that they had no occasion to cultivate their grounds, in the Order that notified the increase of the reduced ration I noticed that subject and assured the settlers that their grain would be received as usual.

Grain to be
received by
government.

As the grain we now have will last five weeks without touching the flour there will not be more than £100 worth offered to the stores which will be received. But as your Lordship may wish to be informed of the amount of bills drawn for our contingent expences since January 1st last I beg to refer you to the enclosure, which will not only point out for what purposes and the amount of bills drawn during the former year, *i.e.*, 1801, but also for the year 1802, which is now nearly expired.

Bills drawn.

Notwithstanding 1,221 persons† have arrived since the former year (1801), making 1,100 full rations, yet our expences for grain, &c., as stated in the enclosure, will be found much less in proportion for this year (1802), which I hope will prove the œconomy and saving that has been used and made. These circumstances will be more amply detailed after Dec'r 31st, when the Commissary's final accounts for the year are closed, which will be transmitted by the first direct conveyance.

Arrivals
during 1802.

Respecting the quantity of flour now received, I observe by your Lordship's letter No. 2‡ and its enclosure No. 2 that in consequence of my statement of the probable deficiency of grain before the harvest of 1801 could be got in, and the probability of my being necessitated to send to Madras or the Cape for supplies of grain, you had directed the quantity stated in the return (23,387 bushels of wheat) as wanted to compleat the year to be shipped on board the Atlas and Rolla, the latter of which is not yet arrived. I have the honor to enclose a copy of that return, by which your Lordship will observe in the last column it was stated that near 17,000 bushels of the deficiency might be obtained from the settlers and other private speculators, and I certainly ought to have added (to put the meaning of that return beyond a doubt) that the reduction I meant to make, and which was afterwards made in the ration, might spin our grain out till

The supply
of grain.

* *Marginal note.*—Supposed about 13,000 Bushels: see Enclosure No. 4.

† *Marginal note.*—Including those who came by the Minorca, Canada, and Nile.

‡ *Marginal note.*—Dated 30th Jan'y., 1802.

1802.
9 Nov.
—
The supply
of grain.

the next harvest. As the 17,000 bushels stated in my return were given into the stores, and the reduced ration having extended the grain to the harvest, I am sorry Government has been at the expence of sending flour hither. However, it will be advantageous to have such a quantity before hand in case of future accidents by flood; but I beg leave to state *most explicitly* that this colony has not, nor can have further occasion for grain or flour being sent from England whatever accidents may happen to the crops, as the resources in vegetables are great, now that the settlers are turning their attention to gardening, and long before any supplies could possibly arrive the ensuing harvest of wheat and maize could be got in, and having a crop of each at different times of the year secures one if the other should fail.

The supply of
salt meat.

The quantity of salt meat received by the ships as per margin* and that expected from Otaheite in the Porpoise and Norfolk, as well as a quantity which is expected by the Venus that sailed from hence in November last (as stated in my letter No. 6, dated March 1st, 1802, to the Duke of Portland) will, if the latter arrivals are fortunate, preclude any necessity for salt meat being purchased in the colony from any American or other ship except the Venus until the time stated in the return of provisions,† but after that period a further supply of salt meat will be necessary to prevent our live stock being began upon too soon. As all these calculations are made for the numbers *now* in the colony, the demands must increase in proportion as the numbers increase, altho' from the arrangements that are made, and the attention paid to public agriculture, a considerable part of the expences will be saved.

The supply of
general stores.

The return No. 8 contains an account of stores, cloathing, and provisions received, expended, and remaining in His Majesty's stores from 1st January to 30th September last, and the return No. 9 will possess your Lordship of the provisions, stores, cloathing, investments, and passengers received from the ships as per margin,* which have arrived since 1st January‡ last, also a continuation including those received by the Alexander, Buffalo, and second Atlas, all which will furnish every information on those heads, and from the liberality of the supplies received and those I may expect, as required by my last dispatches (with the immense quantity of all kinds of European goods in the hands of individuals which are selling mostly at very little above the prime cost), prevents our present wants being so considerable as they have been. Some articles are particularly wanted, as stated in the enclosed list of wants.

* *Marginal note.*—Coromandel, Atlas, Hercules, Perseus, Buffalo, Atlas.

† *Marginal note.*—24th Jany., 1804. If the Rolla arrives safe. ‡ Note 236.

Referring your Lordship to the eighteenth paragraph of my general letter No. 1,* sent with this, respecting the appropriation of the public investments sent in the Earl Cornwallis, Perseus, Coromandel, and to the Commissary's last year's accounts of the disposal of those articles, as well as with this year's accounts, which will be settled at the end of the year, and of which an abstract will be sent, I shall only observe that the enclosure contains a list of those articles that I judge will be requisite and acceptable to the inhabitants by the first conveyance after your Lordship receives this despatch.

1802.
9 Nov.

Supplies for
retailing at the
public stores.

I directed the Commissary to pay the amount of the ten pipes of port wine, received by the Coromandel and Perseus, to those who had put grain into the stores, which reduced the sum necessary to be drawn for. I have made such observations on the demands respecting the way some of the things are sent out as I hope will prevent the losses we experience in finding many things damaged, particularly on board the Perseus, where much of the most valuable part of the investment was injured by oil leaking on it, as appears by the enclosed report of the surveys.

Distribution of
port wine.

Requesting your Lordship's perusal and consideration of the enclosed documents.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

ABSTRACT of ARTICLES purchased by Mr. Commissary Palmer from the Masters etc. of Vessels for the Public Use of His Majesty's Colony in New South Wales pr. Order of Governor King, also Quarterly Payments for Grain Delivered into the Stores by Private Cultivators (to Supply those necessarily maintained by the Crown) who have Received Articles for their Domestic Use and Comfort from the Masters etc. in whose favor those Bills have been drawn from the 1st January to 30th of September 1802.

Abstract and
vouchers of
stores and
grain
purchased for
the public use.

Purchased from Mr. John Harris Agent to Messrs. Bass and Bishop of the Brig Venus Decr. 31st 1801 as per Voucher No. 15.

		£	s.	d.
Beef	10,000 Pounds @ 10d.	416	13	4
Pork.....	15,120 do @ 9d.	567	0	0
		<hr/>		
		£983	13	4
		<hr/>		

Purchased from Mr. Wm. Wilkinson Master of the Ship Canada, Jan'y 6th 1802 As per Voucher No. 13.

Sugar	26,100 Pounds @ 6½d.	£707	1	10
-------------	---------------------------	------	---	----

* Marginal note.—Dated October 30th, 1802.

1802.
9 Nov.
Abstract and vouchers of stores and grain purchased for the public use.

Purchased from Mr. W. N. Chapman Apr'l 3rd 1802 as per Voucher No. 17.

			£	s.	d.
Ewes	50 in No	@ 40/s.	100	0	0
Lambs and Wethers	39 do	@ 30/s.	58	10	0
			<hr/>		
			£158	10	0

Purchased from Mr. Scott Jenkes Master of the Ship Arthur (American) June 7th 1802 as per Voucher No. 18.

			£	s.	d.
Beef	64,635 Pounds	@ 7½.	2,693	2	6
Pork	33,600 do	@ 9d.	1,260	0	0
Tarr	14 Barrels	@ 40/s.	28	0	0
			<hr/>		
			£3,981	2	6

Purchased from Mr. Jno. Davison, Master of the Ship Perseus September 17th 1802 as pr. Voucher No. 20.

			£	s.	d.
Cows	25 in No.	@ £35	875	0	0
Bulls	4 do	@ £28	112	0	0
Spirits	135 Gallons	@ 7/s.	47	5	0
			<hr/>		
			£1,034	5	0

Purchased from Mr. Wm. Campbell as per Voucher No. 21.

			£	s.	d.
Oil	417 Gallons	@ 4/s	83	8	0
To Ballance the Account of the Said Voucher			70	5	0
			<hr/>		
			£161	13	0

[Voucher No. 15.]

Sydney, New South Wales,

31st Decr., 1801.

John Palmer Esqr. Commissary to His Majesty's Territory of New South Wales Dr.

To Mr. John Harris Agent to Messrs. Bass and Bishop of the Brig Venus.

			£	s.	d.
Pork	50 Barrels 10,000 Pounds	@ 10d.	416	13	4
Beef	45 Tierces 15,120 do	@ 9d.	567	0	0
			<hr/>		
			£983	13	4

By etc. etc. etc.

You are hereby required and directed to draw a Set of Bills on His Majesty's Treasury in Payment for Pork and Beef delivered into His Majesty's Stores the 31st Decr. 1801 amounting to

£983 13s. 4d. as pr. Voucher in favor of Mr. John Harris, proper Vouchers for which you will forward to the Secretaries of the Treasury, giving me Two Setts thereof.

For which this shall be your Order.

Given this 27th March 1802.

PHILIP GIDLEY KING.

1802.
9 Nov.
Abstract and vouchers of stores and grain purchased for the public use.

Mr. John Palmer, Commissary.

[Voucher No. 13.]

Sydney, New South Wales,

January 8th, 1802.

Mr. John Palmer Commissary to His Majesty's Territory of New South Wales Dr.

To Mr. William Wilkinson Master of the Ship Canada.

Sugar 26.100 Pounds @ 6½ £707 1 10

[An order for payment of the usual type was attached to this account.]

[Voucher No. 17.]

Sydney, New South Wales,

March 15th, 1802.

Mr. John Palmer Commissary to His Majesty's Territory New South Wales Dr.

To Mr. Willm. N. Chapman.

Fifty Ewes @ £2 pr. Head £100 0 0

Thirty nine Wethers and Lambs @ £1 10s. do 58 0 0

£158 10 0

We the undersigned in Obedience to the Lieutenant Governor's Order bearing this days Date have taken a strict and careful survey and an account of Sheep the property of Mr. Willm. Neate Chapman and find as follows:

Fifty full Grown Ewes.

Thirteen Ewe Lambs.

Sixteen full Grown Wether Sheep.

One Ram and

Nine Wether Lambs all in a good state and healthy Condition.

Given under Our Hands at Norfolk Island this 14th

Day of January 1802.

MARTIN TIMS, Supt.

JOHN BEST, Supt.

By etc. etc. etc.

WHEREAS Mr. William Neate Chapman late Storekeeper at Norfolk Island and now Deputy Commissary at this place, has represented to me, that he has some Sheep at Norfolk Island, which it would be running a great risque to attempt bringing over here; and having requested that I would Purchase them on account

1802.
9 Nov.

Abstract and
vouchers of
stores and
grain
purchased for
the public use.

of Government at the rate of Two Pounds a head for the Ewes, and One Pound Ten Shillings a head for the Wethers and Lambs; And whereas it appears by the Acting Deputy Commissary's receipt, that he has received on account of Government, at Norfolk Island 50 Ewes and 39 Lambs and Wethers, late belonging to Mr. Willm. Neate Chapman.

You are hereby required and directed to pay Mr. Chapman for the same, agreeable to his proposals, furnishing me with Two Vouchers for the same. For which this shall be your Order.

Given etc. this 15th March 1802.

PHILIP GIDLEY KING.

To John Palmer Esqr., Commissary.

[Voucher No. 18.]

Sydney, New South Wales, 7th June, 1802.

Jno. Palmer Esqr. Commissary to His Majesty's Territory of
New South Wales Dr.

To Mr. Scott Jenkes Master of the
Arthur American.

		£	s.	d.
Beef 64,635 Pounds @ 7 $\frac{3}{4}$ d.		2,693	2	6
Pork 33,600 „ @ 9d.		1,260	0	0
Tar 14 Barrels @ 40s. pr. Bar.		28	0	0
		<hr/>		
		£3,981	2	6

[An order for payment of the usual type was attached to this account.]

[Voucher No. 20.]

Sydney, New South Wales, Sept. 17th, 1802.

John Palmer Esqr. Commissary to His Majesty's Territory of
New South Wales Dr.

To Mr. John Davison Master of the
Ship Perseus.

To 25 Cows @ £35 ea.	875	0	0
„ 4 Bulls „ 28 „	112	0	0
„ 135 Gallons Spirits @ 7/s pr. Gall.	47	5	0
	<hr/>		
	£1,034	5	0

[An order for payment of the usual type was attached to this account.]

RECEIVED this 20th day of September 1802, of John Palmer Esqr. Commissary, One Set of Bills of Exchange on the Right Honble. the Lords Commissioners of His Majesty's Treasury at Ninety days Sight for the Sum of £1,034 5s. Sterling being Payment for the above.

For which I have Signed Five Receipts of this Tenor and Date.

JOHN DAVISON.

We the undersigned do hereby Certify that the above Purchases were made on the most moderate Terms.

RD. ATKINS, J.A.
THOS. SMYTH, P.M.

1802.
9 Nov.

Abstract and vouchers of stores and grain purchased for the public use.

I do hereby Certify that the above Live Stock and Spirits were purchased by John Palmer Esqr. Commissary for the use of the Colony agreeable to my Order.

PHILIP GIDLEY KING.

[Voucher No. 21.]

[A copy of this has not yet been found.]

ABSTRACT of Grain and Animal Food Purchased from the 1st January to 30th September 1802.

Abstract of grain purchased and bills drawn.

Article.	Quantity.	Rate.	Amount.	Amount of bills drawn.	In whose Favor.
Wheat	9,933 ² / ₈ Bush.	8/-	£ 3,973 5 0	£ 3,973 5 0	Sunter, MacKellar, Kearns, Campbell, Lord, Larra, Julian, Balmain, Hassall, & Messrs. Enderbys Campbell, Cox, & Wilshire. George Best.
Maize	1,053 ³ / ₈ do	4/-	210 12 9	210 12 9	
Animal Food	4,373 lbs.	6d.	109 6 6	109 6 6	
	.....	...	4,293 4 3	4,293 4 3	
Wheat	1,157 ² / ₈ Bush.	8/-	462 17 0	462 17 0	Paid for by Bills from the French Commodore for Articles Supplied from the Public Stores.
Maize	1,037 ¹ / ₂ do	4/-	207 11 6	207 11 6	
	.....	...	670 8 6	670 8 6	
Wheat	1,100 ⁷ / ₈ Bush.	8/-	440 3 6	440 3 6	Purchased by Copper Coin.
Maize	385 ⁷ / ₈ do	4/-	77 0 6	77 0 6	
	.....	...	517 4 0	517 4 0	
Wheat	2,417 ⁷ / ₈ Bush.	8/-	966 19 6	966 19 6	Purchased by the Investment sent out by the Earl Cornwallis.
Maize	972 ⁷ / ₈ do	4/-	194 9 9	194 9 9	
Wheat	111 ² / ₈ do	8/-	44 10 6	44 10 6	Purchased by the Investment sent out by the Coronand and Perseus.
Maize	196 ⁷ / ₈ do	4/-	39 4 9	39 4 9	
	.....	...	£1,245 14 6	1,245 14 6	

Vouchers for the above have been regularly Transmitted to His Majesty's Principal Secretary of State and the Right Honorable The Lords Commissioners of His Majesty's Treasury.

1802.
9 Nov.
Return of
quarterly
employment.

[Enclosure No. 2.]
QUARTERLY EMPLOYMENT.

1802.	Month.	Agriculture and Stock.		Buildings.										Boat Builders, &c.			Various Employments.													
		Overseers.	Agriculture on the Public Account.	Care of Govern. Stock.	Brick and Tile Makers.	Bricklayers, Plaistfers, and Labourers	Blacksmiths and Labourers.	Shingle, Pale, and Lath Splitters.	Brick and Timber Carriages.	Stone Cutters and Layers.	Sawyers and Timber Measurers.	House Carpenters and Labourers.	Painters.	Time and Charcoal Burners.	Carpenters, Shipwrights, and Caulkers.	Labourers, Watchm., and Clerks.	Blacksmiths, Sawyers, and Rope Makers.	Making Roads and Repairing Bridges.	Taking care of Govern. Huts.	Wheelwrights, Millwrights, and Labourers.	Armourers and Bailiffs.	Basket and Broom Makers.	Flax Dressers, Wool Carders, and Weavers.	Millers.	Schoolmasters, Sextons, and Bellmen.	Writers or Clerks.	Coopers, Farriers, and Wire Drawers.	Granary, Provision Stores and Clerks.	Executioners and Coalers.	Sadlers.
September ..	Sydney	8	..	8	..	16	19	2	12	14	4	23	1	4	9	6	8	4	4	4	2	1	3	2	3	11	1	7	2	..
	Parranatta....	23	131	49	..	7	15	6	23	..	23	15	..	7	..	..	..	40	12	6	..	3	6	4	1	2	2	6	2	..
	Hawkesbury ..	3	31	1	12	..	..	..	..	2	2	..	..	..	..	..	..	..	1	..	..	..	..	1	1	..	..	..	..	..
	Toongabbe....	6	154	..	10	..	..	..	..	..	..	..	..	..	..	..	..	..	10	..	..	..	..	1	1	..	..	..	..	..
	Total	40	316	58	22	23	34	8	35	14	29	40	1	11	9	6	8	44	27	10	2	4	9	8	6	14	4	15	4	4

QUARTERLY EMPLOYMENT—continued.

1802.	Month.	Various Employments.													Servants.					Recapitulate.					General Total.		
		Natural History Painters and Botanists.	Tanners, Tool-helpers, and Thatchers.	Bakers.	Blind, Insane, and Invalids.	Boiling Salt.	Boats Crews.	Govt. Gardens and Vineyard.	Colonial Vessels.	Town Gang.	Goal Gang.	Constables and Watchmen.	Carrying Water for Guard.	Attending Hospital.	Sick and Convalescents.	Tailors, Shoemakers, and Barbers.	Printers and Bookbinders.	To Commissd. Officers, Civil and Military, includg. Superintendts.	Non-Commissd. Officers of the New South Wales Corps.	Overseers, Constables, and Freemen doing Govt. Work as Artificers.	To Settlers.	Overseers, Stock-keepers, and employed in Agriculture.	Artificers, etc., employed in Buildings.	Shipwrights and Boat Builders		Various Employments.	Servants to Officers, etc.
September ..	Sydney.....	1	..	1	2	8	7	3	45	16	..	2	8	6	5	2	2	64	2	13	3	16	95	23	168	82	
	Parramatta....	1	10	..	5	..	..	..	..	..	20	4	8	27	10	..	..	49	..	15	45	203	96	..	191	110	
	Hawkesbury ..	..	..	..	..	..	..	..	..	15	..	..	..	4	..	..	..	12	..	4	15	35	16	..	42	31	
	Toongabbe ....	..	..	..	..	..	..	..	..	..	9	..	..	2	3	..	..	5	..	..	160	10	..	27	5		
	Total	2	10	1	7	8	12	16	45	31	64	6	16	39	18	2	2	130	2	32	63	414	217	23	428	228	*

Since this Return was made out 194 convicts have arrived by the Second Atlas.

PHILIP GIDLEY KING.

1802.
9 Nov.
Return of quarterly employment.

1802.
9 Nov.

General state
of the
settlement.

[Enclosure No. 3.]
GENERAL STATEMENT of the Inhabitants of His Majesty's Settlement in New South Wales.

Date.	Civil Department Victualled													Military Department Victualled.															
	Govr.	Lieut. Govr and Lieut. Col. of ye Corps.	Judge Advocate.	Commissary.	Principal Surgeon.	Deputy Provost Marshal.	Secretary to the Go- vornor and Deputy Commissary.	Chaplains, one absent on leave in England.	Assistant Surgeons.	Surveyor of Lands (Invalidd).	Deputy Surveyor— Acting Surveyor— General.	Deputy Commissary, Superintendents, Storekeepers, and Vintners.	Women.	Children above Ten Years old.	Children above Two Years old.	Children under Two Years.	Lieut. Colonel and Lieut. Governour.	Captains.	Lieutenants.	Ensigns.	Adjutant, 1 Quarter- master, 1 Paymaster.	Surgeon.	Serjeants.	Drummers.	Privates.	Women.	Children above Ten Years old.	Children above Two Years old.	Children under Two Years old.
1802. 30th Oct.	1	1	1	1	1	1	1	1	1	1	14	4	2	5	..	1	2	5	3	3	3	1	27	16	516	50	5	52	20
Date.	People not Victd. from the Stores.													Week's Provisions in the Stores.															
	Men.	Women.	Children.	Numbers not Victualled from the Stores.	Number of Full Rations not Victd. from the Stores.	Orphans Victual'd from the Stores.	Whole.	Two thirds.	Half.	Quarter.	Numbers Victual'd from the Public Stores.	Numbers at Full Ration.	Men.	Women.	Number of Souls in the Settlement.	83 wks Flour, and Wheat as Flour.	5 wks Beef.	52 wks Pork.	1 day Sugar.	51 wks Maize and Pease.									
1802. 30th Oct.	2,037	874	836	3,747	3,026	1,575	221	221	270	85	2,910	2,027	418	15	6,657	83 wks	5 wks	52 wks	1 day	51 wks									

Examined and Approved.
PHILIP GUDLEY KING.
JOHN PALMER, Commissary.

[Enclosure No. 4.]
STATEMENT of Provisions remaining in His Majesty's Stores in New South Wales 6th November 1802
And Estimate thereon.

Quality.	Quantity remaining in the Stores.	Weekly Issue for 2,627 full Rations now Victualled from the Stores.	Number of Weeks each kind will last.	Quantity wanted for the present Number Victual'd to complete to 31st Decr., 1803.	Statement of the Necessary Expence that will incur to pay for the Provisions for the Use of the Colony for the Numbers now Victualled from the Public Stores.
Beef	111,609 lbs.	20,786 lbs.	5 Wks. 2½ Days, 475 lbs. over	} 23,861 lbs.	When the Rolla arrives there will be Salt-meat to last until the 24th Jan'y., 1804, for the Numbers now victualled which may be prolonged by the Arrival of the Porpoise and Norfolk from Otaheite; also Salt Pork may arrive by the Venus (Mr. Bass), which will be purchased at 6d. per lb.; But a Year's Supply, after the 4th January, 1804, and to arrive here before this time will be necessary as per Demand.
Pork	561,580 lbs.	10,764 lbs.	52 Wks. 2 Days		
Flour	778,517 lbs.	22,728 lbs.	34 Wks. 1½ Days, 995 lbs. over		
Wheat	1,886	28,325 lbs.	4 Wks. 2½ Days, 29 lbs. over	} 10,983 Bush'ls	When the Rolla arrives, there will be enough Flour and Wheat now in Store to last until the 13th October, 1803. To which must be added the following Statement, viz.:— There are 422 Acres of Wheat now reaping belonging to the Crown; Averag'd at 16 Bush- els per Acre will yield 6,752 at 8/- £2,700 16 0 There will be about 5,000 Bush. Maize. 5,000 at 4/- 1,000 0 0 From upwards of 4,000 Acres Cultivated and now reaping by Individuals will be raised at least (of Wheat) 55,000 more than half of which will be Consumed by those who support themselves. 27,500 Judging by last Year there will at least be offered to the Store and will be Received Wheat at 8/- per Bushel. 14,000 } £6,400 0 0 Do Maize at 4/- 4,000 } A Saving of £3,700 16 0
Wheat belong'g to Govt., Supposed in Stacks.	2,286 400				

1802.
9 Nov.
Return of provisions in store.

1802.
9 Nov.
Return of
provisions
in store.

STATEMENT of Provisions remaining in His Majesty's Stores in New South Wales, &c.—*continued.*

Quality.	Quantity remaining in the Stores.	Weekly Issue for 2,627 full Rations now Victualled from the Stores.	Number of Weeks each kind will last.	Quantity wanted for the present Number Victualled to complete to 31st Decr., 1803.	Statement of the Necessary Expence that will incur to pay for the Provisions for the Use of the Colony for the Numbers now Victualled from the Public Stores.
Maize remain'g and Belong'g to Government.	} 1,806½ ...	.....	18 Wks, 4 Days, 164 lbs. over	4,023 Bush'ls.	About 4,000 of that Sum may be drawn for, and the Rest paid in Barter with Articles from the Investments.
Sugar	22,203 lbs.	270 lbs.	82 Wks, 1 Day, 23 lbs. over.	.....	Probable Sum that may be drawn for the Purchase of.....during the year 1803...£4,000 0 0
Pork	74,412 lbs.	10,764 lbs.	6 Wks, 6 Days, 600 lbs. over.	.....	The above will last until June, 1804, when there will be the Crop of 1803 in hand. Therefore no Necessity exists for Sending out any more Grain. Spirits will be wanting for the Watchmen, &c., and Colonial Vessels, which would be Cheaper to send from England as per Demand.
Flour	230,496 lbs.	22,728 lbs.	10 Wks, 1 Day...	.....
Sugar	22,344 lbs.	270 lbs.	82 Wks, 5 Days, 9 lbs. over.	.....	Exclusive of the above Sum of £4,000 to be Drawn for some other Contingent Expences may Occur which Cannot at present be provided for, but it may not exceed .....£2,000 0 0
N.B.—The Hospital and Colonial Vessels will be Supplied from the Sugar.					Probable Sums that may be Drawn for is .....£6,000 0 0

The Proportion of Salt Pork for 2,700 full Rations for Fifty Two Weeks from the 4th of January, 1804, as per Statement above, Including the Addition of Six Ounces of Pork to the Military, is 574,964 Pounds.
The Quantity of the Cheapest Spirits that can be Sent for the Use of the Watchmen, Constables, &c., etc., Colonial Vessels, for One Year is 2,114 Gallons.

JNO. PALMER,
Commissary.

[Enclosure A is on page 615.]

[Enclosure B.]

LIST of every Civil and Military Officer (including Storekeepers and Superintendants) in His Majesty's Territory of New South Wales holding Land by Grant or Lease, or in Possession of Stock, with the Quantity of Ground Cropped, Stock, &c., as Mustered in 1802.

Appointment.	Names.	Grants or Leases in their own names.			No. of Acres Purchased from Settlers, &c.	Total No. of Acres	No. of Acres Clear.	No. of Acres in Wheat and Maize.	Quality and Quantity of Stock.					No. of Convicts assigned supported by their Masters.	
		No. of Grants.	By whom Given.*	Date of first Grant.					No. of Acres.	Horses.	Horned Cattle.	Sheep.	Goats.		Hogs.
CIVIL.															
Governor	Philip Gidley King	3	1 G., 2 H.	May, '93	254	100	26	3	10	..	12	..	..	4	..
Judge-Advocate	Rieland Atkins	3	2 G., 1 K.	Feb'y, '93	170	688	330	21	150	..	18	..	..	22	..
Commissary	John Palmer	2	H.	June, '99	660	40	40	1	470	..	150	..	..	4	..
Prov.-Marshall	Thomas Smyth	2	..	..	..	..	..	..	..	..	27	..	..	..	..
Chaplain	Rich'd Johnston	1	..	..	..	..	..	..	..	..	30	..	..	..	..
Do	Sam'l Marsden	3	1 G., 2 H.	Oct., '94	201	200	5	7	..	..	..	..	..	..	..
Princ'l Surgeon	Will'm Belmain	9	1 P., 1 G., 7 H.	Dec'r, '92	1,255	1,480	180	..	480	..	6	..	..	8	..
Ass't do	James Thomson	1	G.	Dec'r, '94	100	100	..	..	..	..	..	..	..	..	..
Do	D'Arcy Wentworth	2	H.	Nov'r, '99	147	245	24	..	..	..	..	..	..	..	..
Surveyor-General	Augustus Alt.	1	G.	Feb'y, '94	100	100	20	5	..	..	..	..	..	..	..
Deputy do	Charles Grimes	1	..	Oct'r, '94	102	460	100	36	..	..	..	..	..	..	..
Depty-Commissary	W. N. Chapman	2	1 G., 1 H.	..	358	..	..	1	..	..	..	..	..	..	..
Do do	James Williamson	3	H.	Sept., '96	87	74	73	1	..	..	..	..	..	..	..
Store-keeper	William Sutton	2	..	..	..	..	..	..	..	..	..	..	..	..	..
Do	Rowland Hassall	2	H.	April, '99	101	131	20	..	..	..	..	..	..	..	..
Do	William Baker	4	1 G., 1 H.	Dec'r, '94	70	70	10	4	12	..	..	..	..	..	..
Magistrate	Thomas Arndell	2	1 P., 1 G., 2 H.	July, '92	231	561	148	50	88	..	5	..	..	..	..
Chief Constable	George Barrington	1	H.	Sept., '96	30	30	..	..	58	..	..	..	..	..	..
Superintendent	James Bloodworth	1	G.	Dec'r, '94	50	175	35	10	..	..	..	..	..	..	..
Do	Rich'd Fitzgerald	3	1 G., 2 H.	April, '94	190	350	55	19	139	..	3	..	..	..	..
Do	John Jamieson	1	H.	April, '90	100	100	12	6	..	..	..	..	..	..	..
Do	Nicholas Divine	3	2 G., 1 H.	Jan., '94	218	218	68	..	10	..	..	..	..	..	..
Do	Thomas Moore	1	H.	Oct., '99	470	470	100	5	..	..	..	..	..	..	..
Master Boat Builder	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

*" P," Governor Philip; " G," Lieutenant-Governor Grose; " H," Governor Hunter; " K," Governor King.

1802.
9 Nov.
Return of officers of the civil and military staffs holding land.

1802.
9 Nov.
Return of
officers of the
civil and
military staffs
holding land.

LIST of every Civil and Military Officer (including Storekeepers and Superintendants) in His Majesty's Territory of New South Wales holding Land by Grant or Lease, or in Possession of Stock, &c.—*continued.*

Appointment.	Names.	Grants or Leases in their own names.			No. of Acres Purchased from Settlers, &c.	Total No. of Acres held.	No. of Acres Clear.	No. of Acres in Wheat and Malt.	Quality and Quantity of Stock.				No. of Convicts assigned Supported by their Masters.
		No. of Grants.	By whom Given.*	Date of first Grant.					No. of Acres.	Horses.	Horned Cattle.	Sheep.		Goats.	Hogs.
MILITARY.													
Lieut.-Colonel	William Paterson	1	G., 2 H.	Oct., '94	100	100	10	10	40	110	25	9	12
Major	George Johnston	5	1 P., 2 G., 2 H.	Dec'r, '92	586	586	200	165	150	2,750	6	10	16
Captain	John McArthur	4	2 G., 2 H.	Feb'y, '93	320	3,630	300	30	1	...	...	3	1
Do	Edward Abbott	2	H.	Dec'r, '99	704	704	124	...	3	...	...	...	...
Do	J. Townson	3	2 G., 1 H.	Jan., '93	124	...	...	...	...	...	...	...	...
Do	Anthony F. Kemp	...	.....	.....	...	...	...	...	1	...	...	...	...
Do	Ralph Wilson	...	.....	.....	110	30	...	...	2	...	...	...	...
Do	John Piper	3	1 G., 2 H.	Nov'r, '94	100	150	70	65	2	...	4	106	...
Do	Neil Mackellar	2	G.	Oct., '94	100	250	...	...	...	...	...	...	...
Lieutenant.	Thomas Davies	...	.....	.....	660	660	100	70	2	185	174	60	12
Do	Thomas Hobby	2	H.	Dec'r, '99	200	260	40	37	2	23	2	7	1
Do	John Brabyn	1	K.	Oct., 1801	200	100	300	40	2	...	...	8	...
Do	William Moore	1	K.	Oct., 1801	148	30	178	2	...	...	...	...	3
Do	Nicholas Bayly	3	H.	Oct., '99	631	631	30	5	2	...	6	7	...
Do	William Minchin	...	.....	.....	...	100	100	12	...	80	...	...	...
Do	William Lawson	...	.....	.....	...	1,440	350	220	21	41	1,100	...	30
Paymaster	William Cox	...	.....	.....	153	150	120	56	7	4	149	72	10
Surgeon	John Harris	5	1 G., 4 H.	Feb., '94	448	900	160	40	6	104	361	13	6
Quartermaster	Thomas Laycock	5	1 P., 2 G., 2 H.	Feb., '92	448	1,348	160	40	6	104	361	13	10
NAVAL.													
Lieutenant	William Kent	3	H.	May, '96	430	430	40	30	7	...	125	...	20
Do	Robt. Braithwaite	1	H.	Dec'r, '99	100	60	60	63	...	...	...	...	35

* "P," Governor Philip; "G," Lieutenant-Governor Grose; "H," Governor Hunter; "K," Governor King.

[Enclosure A.*]

STATEMENT of the Number of Men, Women, and Children on and off the Stores in New South Wales, as appeared at the General Musters taken between the 5th and 17th of August, 1802:—

1802.
9 Nov.Return of
inhabitants
on and off
the stores.

Settlement.	Men on Stores.	Men off Stores.	Women on Stores.	Women off Stores.	Children on Stores.	Children off Stores.	General Total.
Sydney	468	641	101	461	114	378	2,163
Parramatta, &c. ...	802	519	139	214	149	237	2,060
Hawkesbury	120	398	12	173	18	216	937
Civil	29	.....	.....	11	.....	5	45
Military	573	.....	50	.....	74	.....	697
Settlers.....	200	398	.....	15	.....	.....	433
Colonial & coasting vessels.....	47	81	.....	.....	.....	.....	128
Total.....	2,059	2,037	302	874	355	836	6,453

[Enclosure No. 5.]

[This was a copy of the last paragraph of the general order, dated 27th September, 1802.]

[Enclosure No. 6.]

REMARKS on the Bills drawn in the Year 1801.

BILLS drawn between 31st March and 3rd July 1801 (alluded to in Lord Hobart's Letters) amount to the Sum of £7,267 1s. 1d., and the whole Amount of Bills drawn for that Year ending 31st Decr. 1801 was £10,232 3s. 6d. Bills drawn
in 1801.

The Value of the Articles purchased as above, and remaining in the Stores on the 31st Decr. 1801 for the Service of the Year 1802, as stated in the annexed Abstract No. 4, amounted to £3,297 12s. 4d. which limits the Value of Bills appropriated to the Service of the Year 1801 to £6,934 11s. 2d.

REMARKS on Bills drawn for the Year 1802.

It is to be premised that early in the Year 1802 948 Males and 207 Females and 87 Children arrived in the Colony, making an increase of 1,126 Full Rations many of whom from their debility have remained a useless Burthen which consequently increased the demand for Grain, and it is to be observed that during that Year a quantity of Salt Meat was necessarily purchased amounting to £7,102 13s. 10d. The whole Sum drawn for during the Year 1802, as stated in the Commissary's Year Account, and abstract was £14,105 13s. 11½d. out of which £3,763 8s. 0d. remained for the Service of the present Year 1803, which reduces the Expence of the Year 1802 to £10,342 as stated in the Abstract No. and Commissary's Yearly accounts now transmitted. Bills drawn
in 1802.

* Note 237.

1802.
9 Nov.
Returns
forwarded.

[Enclosure No. 7.]

COPY of a Return in Separate Letter B in General Letter No. 2,
dated 10th March, 1801.

[See Enclosure No. 1 of that despatch.]

[Enclosure No. 8.]

ABSTRACT of Stores, Provisions and Slop Cloathing, received,
Expended and remaining in His Majesty's Stores between
1st Jany. and 6th Nov. 1802.

[A copy of this return is not available.]

[Enclosure No. 9.]

ACCOUNT of Provisions received into His Majesty's Stores
between 20th June and 4 Nov. 1802.

[A copy of this return is not available.]

[Enclosure No. 10.]

LIST of Articles remaining in His Majesty's Stores Nov. 9th
1802. The quantity required for what use wanted and
remarks thereon etc.

[A copy of this return is not available.]

[Enclosure No. 11.]

LIST of Articles for Barter during the year 1804.

[A copy of this return is not available.]

[Enclosure No. 12.]

REPORT OF SURVEY ON THE INVESTMENT SHIPPED ON THE PERSEUS.
Pursuant to an Order from His Excellency Governor King etc.
etc. etc. to us Directed.

Survey of
stores on
the Perseus.

WE Whose Names are hereunto Subscribed, do hereby Certify
upon Oath, that we by the Order of His Excellency Governor
King of New South Wales, have taken a Strict, Careful and
Impartial, Survey on Dry goods, Received into His Majestys
Stores at this Place from the Perseus Mr. John Davison Master
and find them as follows:—

Vizt:—Printed Callicoes (No. 4) 20 Pieces Contain'g 424 $\frac{3}{4}$
Yds. or 50/ pr. Pc.
Wildbores 12 do. 29/6
Duck 14 do. 55/

The above Stated Goods appear to us to have been Damaged
from their having been Stowed with Oil, which has injured
them in Our Opinion at least One Fourth of their Value; The

Goods were said by Mr. John Davison to have been Received and stowed at Deptford under the Inspection and Direction of the Naval Agent in the Month of November 1801 Previous to his taking the Command of the said Ship.

1802.
9 Nov.

Survey of
stores on
the Perseus.

Given under Our hands this 27th Day of September, 1802.

THOS. JAMISON, Acting Surgeon-Genl.

THOS. LAYCOCK, Qr. Master, N.S.W. Corps.

THOS. MOORE, Master Boat Builder to the Colony.

[Enclosure No. 13.]

REPORT OF SURVEY ON OIL SHIPPED ON H.M.S. BUFFALO.

Pursuant to an Order etc. etc. etc.

WE whose Names are hereunto Subscribed, have been on Board His Majesty's Armed Vessel Buffalo and there taken a Strict and Carefull Survey on the leakage of Linseed Oil Complained of and do find as follows, One Cask Containing Forty Seven Gallons, entirely leaked out and Thirty Eight Gallons of another Cask, Containing Forty Six Galls. Amounting in the Whole to Eighty Five Gallons, Owing in Our Opinion to the Oil being put in unfit Cask for that Service; And we do further Declare that we have taken this Survey, with Such Care and Equity, that we are Willing (if required) to make Oath to the Impartiality of our Proceedings.

Survey of oil
on H.M.S.
Buffalo.

Given etc. this 8th Novr. 1802.

THOS. MOORE, Master Builder.

JAMS. BLOODSWORTH, Master Bricklayer.

JOHN GOWEN, Storekeeper.

[Enclosure No. 14.]

GOVERNMENT AND GENERAL ORDERS.

Orders re

March 9th, 1802.

A Criminal Court of Judicature will assemble to-morrow morning at 9 O'Clock for the trial of such persons as may be brought before it.

Assembling of
criminal court.

March 12th, 1802.

THE Regiment under Arms will attend the execution of the Convict now under sentence of death on Monday morning next at 10 O'Clock.

Execution of
a convict.

March 16th and 19th, 1802.

[A proclamation and general order of these dates respectively were forwarded as Enclosure No. 2 to the despatch of Governor King to Under Secretary King, dated 1st March, 1802.]

1802.
9 Nov.
Orders *re*
Issue of
molasses.

20th March, 1802.

THERE being a small quantity of Molasses in the Store, Half-a-Pint will be issued weekly to the Children of the Non-Commissioned Officers and Soldiers that are now victualled. To apply for it every Monday morning at the Dry Store until further Orders.

Beating of
the tap-too.

22nd March, 1802.

THE Tap-too Beating is altered to 8 o'clock until further Orders.

Assembling of
a court martial.

29th March, 1802.

A General Court Martial will assemble on Thursday next, the 1st of April, at 10 o'clock in the forenoon, for the trial of such prisoners as may be brought before it.

Proclamation.

The holding
of seditious
meetings.

2nd April, 1802.

WHEREAS two attempts have lately been made to revive Seditious Meetings composed of those deluded people sent to this Country for the commission of the most diabolical crimes, resulting from the anarchy and confusion aimed at by their silent and concealed employers. And whereas the punishments inflicted on those who were implicated in the design of subverting all Order, and attempting a general massacre of those who might resist their intentions during the year 1800, in this Colony, not having been sufficient to prevent a few turbulent characters from renewing their former attempts, it appears necessary to remind the inhabitants of this Colony of the existing Laws for the prevention and punishment of Sedition, viz. :—

By the 36th of George III, Chap. 8.—“No meetings of more than fifty persons (in this Colony twelve) to be holden; Such meetings without permission and public notice will be deemed unlawful assemblies.”

“If twelve or more persons (two in this Colony) who may have assembled contrary to this Act, shall continue together one hour (in this Colony half-an-hour) after having been required by a Magistrate to disperse (or in this Colony any person of the description of a free-man), they shall suffer Death.”

By the 37th George III, Chap. 123.—“If any person shall administer, or cause to be administered, or to be present at and consenting to the administering, or taking any oath, purporting to bind the persons taking it to engage in any mutinous or seditious purpose, or to disturb the public peace, or to be of any association formed for any such purpose, or to obey the orders of any committee or body of men not lawfully constituted, or of any leader or other person not having authority by law for that purpose, or not to inform against any associate or other person, or not to discover any unlawful combination, or any illegal act or oath done or to be done or taken, shall on conviction be adjudged guilty of felony, and be transported” (besides which in this Colony shall receive a corporal punishment of 1,000 lashes, and the gaol gang during their term of transportation).

“Compulsion shall not justify any person taking such oath, unless he shall, within four days” (in this Colony one day) “after taking it, declare the same, with the whole of what he knows touching

the same, together with the persons who were concerned in or present at the administering such oath." This information to be given to the nearest Magistrate or other Officer.

1802.
9 Nov.

"Persons present at, assisting in, or consenting to the administering such oaths shall be deemed principal offenders.

Orders *re*
The holding
of seditious
meetings.

"Any engagement in the nature of an oath, in whatever manner taken or entered into, shall be deemed an oath."

By the 37th Geo. 3, ch. 70—"Any person who shall attempt to seduce any person serving in His Majesty's Forces from his Duty and Allegiance shall suffer *Death without Benefit of Clergy.*"

Exclusive of the above, it is hereby ordered that if any person or persons shall use words or actions of a seditious tendency they are immediately to be apprehended, and, upon conviction, will suffer the most exemplary punishment. And if any person hearing such words or seeing such action tending to sedition shall not immediately inform the Magistrates, or nearest Officer in Command thereof, they will be punished as Accomplices in such practices.

Persons using
seditious
language.

Any Houses wherein such Meetings may take place will be rased to the ground.

Benjamin Carroll and John Courtney, two of the deluded people mentioned in the above Proclamation, having been detected as active promoters (under the direction of persons at present unknown, but not unsuspected) of attempting to get together a number of offensive weapons for the most destructive purposes, and having been detected in seditious conversation, tending to the destruction of Government, order, and humanity, they are ordered to receive 500 lashes each, in equal proportions, at Sydney, Parramatta, and Toongabbee, and confined in the Gaol Gang during the remainder of their term of transportation. An example which, it is hoped, will deter others from committing those crimes.

Punishment of
persons
collecting
weapons.

God save the King.

2nd April, 1802.

It having been represented to the Governor that some of the Settlers at the Hawkesbury are making a traffic of the Cedar growing on or about that River, he strictly forbids any Cedar being cut down but by his particular permission to the Officer commanding at that place; And if any Cedar Logs or Planks are brought from any part of that River to any other Settlement without the Governor's permission, such Logs or Planks will be seized for the purposes of Government, and the Boats or Carts containing them confiscated to the public use.

Preservation
of cedar.

The time of granting Certificates to those whose term of transportation are expired is necessarily deferred till after the seed-time is over, when further Notice will be given thereof.

Certificates
for expirees.

April 5th, 1802.

THE execution of the Convict now under Sentence of Death is appointed for Saturday next at 11 O'Clock. The New South Wales Corps will attend under arms.

Execution
of a convict.

April 6th, 1802.

THE Officers living in Barracks and who are possessed of farms, whose servants were called to public labour by the Orders of Dec. 16, 1801, will be allowed the labour of one Convict each in lieu of the Barrack Allowance of Coals etc.

Assigned
servants for
officers.

8th April, 1802.

1802.
9 Nov.
Orders *re*
Expirees.

THOSE Male and Female Prisoners who have served their terms of transportation, and are victualled from the Stores, will give in their names, and the ships they came in, to the Secretary's Office at Sydney; the Rev. Mr. Marsden, at Parramatta; C. Grimes, Esq., at Toongabbee; and T. Arndell, Esq., at Hawkesbury; on or before Thursday next, the 15th instant, informing whether they wish to go off the stores. The lists will be transmitted to the Governor's Secretary, when orders will be given accordingly.

Proclamation.

9th April.

Delineation of
land grants.

WHEREAS great confusion will occur hereafter in ascertaining the boundaries of the Allotments of Lands granted to individuals, owing to the smallness of the scale on which they have hitherto been delineated, and the different hands through which the writings have passed (many of which are totally effaced), and many allotments being partially or totally connected together by the verbal agreements of the possessors, which must in a short time cause that confusion and litigation which it is so necessary to provide against, as well for the present and future interests of the Colony as for securing to each person the property he has acquired or become possessed of.

On this consideration I have judged necessary to direct the Surveyor to delineate separate Plans of the Allotments of Land granted in each District, agreeable to the boundaries described in the Registers, on the scale of a mile to an inch. These Plans will accompany the General Chart of the Settlements, directed to be sent to the Secretary of State, Copies of which will be kept in the Secretary and Surveyor's offices. And it is likewise recommended to individuals to obtain from the Surveyor a Copy of the Grounds allotted, or held by Grant, which they are possessed of. And as these Plans, and the Registers, will ever be resorted to for settling all disputes or litigations respecting the Boundaries of such Lands, the Roads by which the possessors have access to their different Settlements, and to Water, either for their domestic purposes, or to the sides of the nearest Navigable Creek, or Banks of the Harbours, Rivers, &c. It is necessary that these several objects should be all clearly defined, for which purpose the Surveyor is directed to give a Week's Notice of the Districts in the order that he delineated the Allotments therein, that individuals may (if they are ignorant of their Boundaries, or that it appears other Farms have been measured into them), attend the Surveyor, who is directed in such cases to re-trace the Boundary lines agreeable to the description contained in the Register of the Grant. And it is to be clearly understood, that no revision of those Allotments will hereafter be allowed of, as the original Register and those Plans must definitely settle all disputes and litigations that may hereafter arise thereon, and of which the Courts of Justice, Magistrates, and all others concerned, are to take Notice and conform to, agreeable to the Tenor of this Proclamation.

God Save the King!

Notice.—The Surveyor will proceed to delineate the different Allotments of Ground held by Grant in the Districts of Sydney, Bullanaming, and Petersham Hill, on Monday, the 19th instant.

The execution of the Prisoner under Sentence of Death, that was to have taken place to-morrow, is countermanded until further Orders.

1802.
9 Nov.

Orders *re*

April 11th, 1802.

A Criminal Court of Judicature to assemble at 10 o'clock to-morrow morning for the Trial of such Offenders as may be brought before it.

Meeting of
criminal
court.

Proclamation.

12th April, 1802.

WHEREAS, in consequence of the unsuccessful attempts that have been made by certain desperate characters to stir up tumult and confusion, I have judged it necessary to direct a general search throughout the dwellings and other premises of the inhabitants of this Colony, this day, at seven o'clock in the morning, for the discovery of all Offensive Weapons.

House-to-house
search for arms.

These are therefore to require the Magistrates to proceed to that search with all possible diligence, taking all the Arms (except those belonging to the Regiment), which they may find in the Towns of Sydney and Parramatta, leaving one Musquet in each settler's possession, which they will insert in a List, together with all other Arms found.

As the Officers' Houses and Barracks have been exempted from this search, they as well as those whose premises have not been searched, are required to deliver Lists of the Arms and other Offensive Weapons they or their Servants are possessed of, to the Governor's Secretary, on or before Saturday next the 17th instant.

God Save the King.

17th April, 1802.

THE Orders of June 1st, 1801, being disobeyed by several individuals who have been allowed to take prisoners off the Stores, Notice is once more given that if any person to whom the labour of prisoners is assigned do let them be on their own hands, turn them over to any other person, or let them out for hire, they will on conviction incur the fine directed by the above Order, and other notice will be taken thereof, according to their situation; and any prisoner thus assigned, who does not give himself up to Government labour if the person to whom he is assigned cannot maintain him, or allows him to be on his own hands on any consideration whatever, will receive 100 lashes and remain in the Gaol Gang for 12 Months.

Assigned
servants.

A search for Arms having taken place, and a number of extra Musquets, &c., found among Settlers, and several in the possession of those who have no occasion for them, it is to be understood that those who retain Arms (which are registered) are to be accountable for them, and every person who gives or exchanges his Arms, or allows any to be taken from them, without acquainting the nearest Magistrate or Officer in Command thereof, will receive a most exemplary punishment as conspiring against the Peace of this Colony.

Result of
the search
for arms.

A pike, completely finished, being found in the possession of two known rebels to the King's authority, exclusive of the handles, made by Benjamin Carroll, Notice is hereby given that if any person hereafter is found with any weapon of that kind, the security of

Discovery
of a pike.

1802.
9 Nov.
Orders re
- the Colony will require the instant execution of every one concerned in the making or concealment thereof. And, as there is much reason to suppose that many other weapons of that kind are concealed, a Pardon and the most desirable reward will be given to the discoverer.
-
- 27th April, 1802.
- Military honours for French officers.
- LIEUT.-COLONEL PATERSON will direct the Centinels to make themselves acquainted with the persons of the Captain and Commissioned Officers of the French Ship *Naturaliste*, and pay them the compliments due to their rank in the Army, when in their uniform, with side-arms, according to the Regulations of this Garrison.
- Visits to French ships.
- No person whatever is to go on board the French Ship without the Governor's or Lieutenant-Governor's permission, except Commissioned Officers, Civil or Military; the latter will not go on board but in Regimentals.
- Regulations for French boats.
- No boat belonging to the French ship is to land at any other part of the Cove but the Governor's Wharf. The Centinel on that post is not to suffer any person whatever belonging to the Settlement to pass his centry-box while any French boats are at the Wharf, unless they have permission from the Officer of the Guard, who will direct a Non-Commissioned Officer to accompany the person to the boat and back again. A Non-Commissioned Officer of the Guard will order all French boats from the Wharf at sunset, unless the Governor allows of their remaining after that hour for any particular reason, which will be communicated to the Officer of the Guard.
- Persons not giving the countersign.
- All Centinels and Constables will stop and confine every person whatever who does not give the Countersign after Gunfire. Commissioned Officers, Civil and Military, will make themselves known to the Centinels as usual.
-
- 28th April, 1802.
- Boats landing at the Governor's wharf.
- No boats to land at the Governor's Wharf except the Governor's gig; boats belonging to His Majesty's ships, with Officers, the Government long boat, and boats belonging to the French Ship *Naturaliste*.
-
- 7th May, 1802.
- [A copy of this order was forwarded as Enclosure No. 1 to the general despatch of Acting-Governor King, dated 21st May, 1802.]
-
- 11th May, 1802.
- Agricultural returns from officers.
- THE Officers, Civil and Military, cultivating ground, are requested to give in an account to the Governor's Secretary, on or before the 16th instant, of the quantity of wheat and maize in their possession, and the quantity they can spare to the public stores.
-
- 14th May, 1802.
- Prisoners in custody.
- THE Constables are to take any Prisoner into their charge and lodge them in the Gaol until delivered by due course; And they are strictly forbid releasing any prisoner whatever whom they have taken or received in charge, but by order of the Governor, Lieutenant-Governor, or a Magistrate.
- Certificates for expirées.
- Those prisoners whose Terms of Transportation will be expired on the 26th of May are to attend at the Secretary's Office on Monday, the 31st May, for their certificates.

A General Muster will be made about the 10th of July.

The Governor feels it necessary to remind those Officers possessed of Stock (who drew their Ration of Salt Meat on Saturday last) of the convenience that leaving it in the Public Stores would be of at this time.

1802.
9 Nov.
Orders re
Officers'
rations.

17th May, 1802.

THE former Orders respecting no Wheat, Flour, Biscuit, Fresh or Salted Meat, being sent from the shore to any ship or vessel without the Governor's permit is to be strictly attended to by the Centinels, and whoever else it may concern.

Export of
provisions.

19th May, 1802.

HIS Majesty's ship Porpoise sails for Norfolk Island on Sunday next. The Lieutenant Governor of Norfolk Island's suspension of Mr. Fane Edge, from the duty and pay of Provost Marshall of Norfolk Island being approved of, Mr. Martin Tims is to act, and receive the pay as Provost Marshal, until His Majesty's Pleasure is known.

Sailing of
H.M.S.
Porpoise.
Civil
appointments.

22nd May, 1802.

THE pay of Mr. Martin Tims, as Provost-Marshal of Norfolk Island, commences the 13th March, 1802. Mr. Nathaniel Lucas is appointed Master Carpenter, and Robert Jones Superintendent, of Norfolk Island, the 13th of March, 1802.

Civil
appointments.

The Governor has limited the Commander of the American ship Arthur to 100 per cent. advance on the Invoice Price of the Articles he has for sale, on condition of not demanding more than 7s. 6d. per gallon for the 3,000 gallons of rum, and 15s. per gallon (duty on both included) for the 3 pipes of Hollands gin, which he is allowed to sell by the Governor's Permits.

Sale of stores
from the
Arthur.

The supply of Salt Provisions purchased from the Master of the Arthur will enable the Governor to direct the Commissary to make an increase in the Ration of Salt Meat next Saturday.

Rations.

24th May.

THE Governor has directed the following distribution of Spirits, arrived by the Arthur, to be made, viz:—

Distribution
of spirits.

The Governor and Lieutenant-Governor . . .	60	Gallons	each.
Officers, Civil and Military	33	do.	do.
Officers at Norfolk Island	100	do.	
Non-Commissioned Officers and Privates ..	300	do.	
Licensed People	20	do.	do.
Superintendants	10	do.	do.

Ann Marsh has this day been convicted of selling Spirits without a license on the Sabbath, and bribing a Constable to say she had only half-a-gallon in her house when she had eight gallons. Exclusive of the forfeiture of the Spirits and the bribe of £5, she has incurred the different Penalties amounting to £20 sterling, which has been levied on her effects. This example, it is hoped, will deter others from incurring similar losses. It is the Governor's express Orders that no Spirits are even to be given by any person, or sold by any licensed person, on the Sabbath.

Illicit trade
in spirits.

28th May, 1802.

1802.
9 Nov.Orders *re*
Tolls on
South Creek
bridge.

WHEREAS Andrew Thompson (Settler and Constable) has been at a great Expence in constructing a Floating Bridge over the South Creek, at the Hawkesbury, leading from the Parramatta Road to the Green Hills, which is of great convenience to the Settlers and Inhabitants in this Colony; and as the Subscriptions for carrying on that Work have been very inconsiderable in comparison to the expence, he has requested that a permanent Toll may be established by Authority, for Persons, &c., passing that Bridge, as may compensate him for the expence he has been at, and to enable him to keep it in repair. In consequence of that just claim, the following Toll is established, for the Term of 14 Years from this Date, provided he keeps the said Bridge in constant Repair (Accidents by Flood or Fire excepted), viz.: For each Foot Passenger, 4d., or 10s. per annum; For each Horse, 2s. 6d., or £2 10s. per annum; for every Cart or Carriage, 1s. 6d., or £1 10s. per annum.

Government having subscribed £15 and two Men for three Months towards erecting the said Bridge, Constables and Government Men going or returning from public labour, who have a Pass signed by the Magistrate at Parramatta, Toon-Gabbee, or Sydney, or from the Magistrate at Hawkesbury, as well as every Officer and Soldier in the actual execution of public duty, are to pass free of any Toll; But if any person whatever endeavours to impose by passing under these pretexs, they will, on conviction, forfeit £5 to the Proprietor of the said Bridge.

The Governor having given to Andrew Thompson the exclusive privilege of keeping and maintaining the Bridge, and the Receipt of the Tolls arising therefrom, for the space of 14 years, from this Date, any Person keeping a Passage-Boat, or using any other mode of carrying or conveying Passengers, Horses, or Carts across the South Creek, will, on conviction before two Magistrates, forfeit the sum of £5 for each offence to the Proprietor of the Bridge.

Henry Kable, having misbehaved in the execution of his Duty, as Chief Constable, at Sydney, is removed from that situation. The Constables are to be under the Provost-Marshal's directions till further orders.

Thomas Parsonage, Constable, having extorted money from the prisoners under his charge, is punished with 50 lashes.

Notwithstanding the repeated Orders to the contrary, yet the indulgence given to individuals of purchasing articles from the Stores for their domestic uses are still abused, by being converted into an extortionate traffic, for which Daniel Parnell has this day been punished with 50 lashes. If any person is detected in turning that advantage to such improper purposes, they will be punished according to the situation of the delinquent, and ever after be deprived of that and every other advantage of the same kind.

[The last paragraph of this order was forwarded as Enclosure No. 2 to the despatch of Governor King to Under Secretary King, dated 26th May, 1802.]

2nd June, 1802.

JOHN SIMMONDS has been sentenced by a Bench of Magistrates to hard labour for 12 Months, for inveigling away two Apprentices from the Speedy, South Whaler, and secreting their cloaths.

Friday next being the Anniversary of His Majesty's Birth Day, the New South Wales Corps will fire three vollies at noon, after which a Royal Salute is to be fired from the Batteries, beginning

Government
officers and
servants to
pass free.Ferry boats
prohibited.Dismissals
of police.Re-sale of
stores bought
from the
crown.Punishment
for inciting
to desert.King's
birthday.

at the Main Guard, going on to Bennelong's Point, Dawes's Point, and the Field Pieces in front of the Barracks, making up the deficiency from Dawes's Point: His Majesty's Ship Investigator will fire a Royal Salute at one o'clock, and such of the Merchant vessels as salute are to begin when the Investigator has fired her second gun.

1802.
9 Nov.
Orders re

3rd June, 1802.

To-morrow being the Anniversary of His Majesty's Birth Day, the Governor will be ready to receive the Compliments of the Officers Civil and Military, and those of His Majesty's Ships, at half-an-hour past one o'clock.

Reception at
Government
House.

4th June, 1802.

His Excellency the Governor has been pleased to grant the following Pardons and Conditional Emancipations, viz., Four Free Pardons. Twenty-nine Emancipations.

Pardons and
emancipations
on the King's
birthday.

No Free Pardons or Emancipations, except on extraordinary occasions, will be granted or application attended to in future but on the King's Birthday; and it is to be understood that the Candidates for a participation in His Majesty's mercy will be confined to those alone whose behaviour, merit, and industry may render suitable objects.

6th June, 1802.

A Criminal Court of Judicature to assemble at 10 o'clock on Thursday morning next, for the trial of such offenders as may be brought before it.

Meeting of
criminal
court.

Maize shelled, well dried and cleaned, to be received into His Majesty's Store at the Hawkesbury at 4s. per Bushel, deducting 3d. per Bushel for freight and carriage.

Maize to be
received into
store.

11th June, 1802.

The Governor has directed the Commissary not to take up any Receipts for Grain given into the Stores for payment for a longer time than Seven Days after the Quarters expire, and that he Closes the Quarterly Accounts by the 20th of the Month following the Quarter Day, after which time no Public Claims are to be made, or attention paid to them.

Quarterly
settlement
of claims.

It is once more directed that those who have not paid their Government Debts do make immediate Payment in Maize or Wheat to the utmost of their ability; otherwise it will be necessary for the Commissary to procure the Payment by means which will not be resorted to without much reluctance.

Debts due to
the crown.

Such a proportion of slop Cloathing as the stores may admit of will be issued to those prisoners who labour for Government, at 2 O'Clock on Tuesday afternoon, the 15th instant, at the respective settlements.

Issue of
clothing.

The former Orders respecting no Slops or Articles issued to those at Public Labour being sold or purchased are to be strictly attended to.

Those who have obtained absolute emancipations, and who leave the Colony, will do well to enquire if the Counterpart of such pardon has been sent to England, otherwise they may be taken up.

Absolute
pardons.

13th June, 1802.

1802.
9 Nov.
Orders *re*
Appointments
of King as
governor and
Atkins as
Judge-advocate.

His Majesty's Principal Secretary of State for the Colonies has communicated His Majesty's Commands and Appointment of Captain Philip Gidley King, of the Royal Navy, to be his Governor and Commander-in-Chief of the Territory of New South Wales in the room of the late Governor Hunter; And also that His Majesty had been pleased to confirm the Appointment of Richard Atkins, Esq., to the Office of Judge-Advocate of the Territory; And that His Majesty had been pleased to allow of the Respites left under Sentence of Death and Transportation by Governor Hunter to be pardoned on such Terms as His Excellency may judge proper for the ends of Justice; and on taking into consideration the length of time Isaac Nicholls, William Collins, John William Lancashire, Edward Powell, Simon Freebody, James Metcalf, William Timms, William Butler, and Chapman Morris have been in a state of suspense, and from their general good conduct in that period, His Excellency is pleased to direct a Free Pardon to be made out forthwith for Isaac Nicholls, and Conditional Emancipations for the other persons abovenamed.

Pardons.

14th June, 1802.

Rations.

THE Governor is instructed to direct the Commissary to conform to the following Weekly Proportion as a full Ration for those necessarily provisioned from the public Stores, whenever the state of the Stores will admit thereof, viz. :—

Beef, 7 Pounds, or Pork 4 Pounds; Flour or Meal, 8 Pounds, or the addition of a quarter of a pound of Wheat for each pound of Flour if the Wheat cannot be ground.

Pease or other Pulse, 3 Pounds; Sugar, 6 Ounces, in lieu of 6 Ounces of Butter to the Civil and Military establishments.

Distribution
of port wine.

Five Pipes of Port Wine are received by the Coromandel which the Commissary is directed to distribute in the following proportions to the Commissioned Officers, Civil and Military, at this place and at Norfolk Island.

SYDNEY.

To the Governor	1 pipe.
Lieut.-Governor	1 hhd.
Military Officers	1½ pipe.
Civil Officers	1 pipe.

NORFOLK ISLAND.

Lieut.-Governor	1 hhd.
Officers, Civil and Military	1 hhd.

A person to be appointed by Lieut.-Col. Paterson to receive the proportion for the Military Officers, who is to give the Commissary an order on the Paymaster for £42 15s. for each Pipe delivered. The Officers of the Civil Department to give the Commissary their notes-of-hand on delivery of the Wine. A similar quantity being on board the *Perseus* will be divided in the same proportion.

Stores for
barter.

Half the Investment of Articles of Use for the Inhabitants (to be exchanged for Grain), is arrived in the *Coromandel*, and the other half is expected in the *Perseus*, which will be disposed of at the advance of 50 per cent. on the prime cost in exchange, agreeable to the directions of the Secretary of State for the Colonies.

Import duty.

Goods of all kinds brought for sale by individuals, from any Port to the Eastward of the Cape of Good Hope, are to pay a Duty of 5 per Cent. *ad valorem* on the price they were laid in at, which

must be attested before the *Governor*, exclusive of the Wharfage; and the Duty on Spirits and Wines, Goods of all kinds, except of British manufacture, brought from any part of the World, are to pay a similar Duty. The monies arising from this Fund to be appropriated to the Orphan Establishment of this Colony, which, the Governor is happy to inform the Inhabitants, has received His Majesty's Most Gracious Support and Assurance of Protection.

1802.
9 Nov.

Orders re
Funds for the
Orphan
Institution.

The Governor has it in Command to prevent and prohibit any person in this Government from paying more than 80 per cent. on the prime cost of all articles.

The Principal Secretary of State for the Colonies having notified the happy event of a *Peace* being established between His Britannick Majesty and the French Republick, His Majesty's Proclamation on that behalf is this day made public.

Peace with
France.

The Issue of Slops, which was to have taken place to-morrow, is deferred till Saturday, the 26th Instant, a Proportion being arrived which will enable the Commissary to make the Serving more complete.

Issue of
clothing.

17th June, 1802.

THOSE who have been allowed to take Prisoners off the Stores, and who are in want of slop cloathing, in the proportion of one suit for each Man, are to deliver to the Governor's Secretary a List of their Names, on or before Saturday, the 19th Inst., and to lodge Wheat or Maize in the Store equal to the value of the slops, before the first Friday in July, when slops will be issued to that description of people. The receiving days will be Mondays and Fridays for the Maize or Wheat.

Sale of
clothing for
assigned
servants.

No Officer's Servant, or Prisoner allowed to Superintendants, Overseers, &c., will be allowed to receive slops, unless those to whom they are allotted give their Names in to the Governor's Secretary on or before Thursday, the 25th instant.

No Persons victualled from the Public Stores throughout the Colony (the Civil and Military alone excepted) will be allowed a Ration, unless they draw it personally on the three Saturdays succeeding the Date hereof.

Rations to be
drawn in
person.

21st June, 1802.

A Court of Criminal Judicature is to be convened on Wednesday morning next, the 23d Instant, at ten o'clock, for the trial of such offenders as may be brought before it. The Court to consist of the Judge-Advocate, and six Officers of the New South Wales Corps.

Meeting of the
criminal
court.

The General Orders of the 27th and 28th of April, respecting the Naturaliste, are to be observed respecting the Geographe.

The
Geographe.

23rd June, 1802.

JOHN REDMAN is appointed to act as Head Constable of Sydney, in the room of Henry Kable.

Civil
appointment.

24th June, 1802.

THE following Proportion of Slops will be issued to the Male Prisoners victualled by Government and at public Labour. To-morrow (Friday) and Saturday Afternoons, at 2 o'Clock, at the respective Settlements, viz. :—

Issue of
clothing.

A Shirt or Frock.

A Hat.

A Jacket.

Two Pair of Stockings.

A Pair of Trowsers or Breeches.

A Pair of Shoes.

1802.
9 Nov.

Orders re
Issue of
clothing.

The Overseers are to give a List of their Gangs in to the Secretary's Office, at Sydney, and to the Rev. Mr. Marsden, at Parramatta, before 12 o'Clock To-morrow, and to have their Men at the Dry Stores at 2 o'Clock, when they will receive their Proportions.

The Officers' Servants will be served their Proportions on Tuesday next, the 29th inst., at 10 o'Clock.

And those who have Prisoners off the Store, and have delivered Wheat or Maize into the Stores in Payment for the Slops, will receive their Proportions on Friday the 2nd and Saturday the 3rd of July next.

25th June, 1802.

Price of
clothing.

THE Commissary is directed to charge those who may be allowed to receive slops for the prisoners assigned to them, £2 4s. 7d. for each suit, or in that proportion, for such articles as the stores may afford, agreeable to the Treasury Directions.

It is to be observed that when any prisoner is sent from one Settlement to another as a punishment by a Magistrate, they will not be removed until the time limited by the Magistrate expires.

No appeal
from the
magistrates.

As the Magistrates exert themselves in a very laudable manner for the preservation of order and regularity in the different Settlements, it is the Governor's determination not to allow of any deviation from their decisions which he may approve of; Therefore, no applications on that behalf will in future be attended to, as the dissolute and vicious alone will become the objects of those punishments.

Penalty for
harbouring
assigned
servants.

John Bowman and Wm. Skinner, settlers at the Hawkesbury, are fined £5 each for harbouring and employing the Convict servants of an Officer, and in disobedience of the Public Orders on that behalf.

28th June.

Military
relief.

LIEUTENANT-COLONEL PATERSON will direct a Captain to take Post at Parramatta.

Seniority of
Surgeon
Jamison.

It is His Majesty's Pleasure that Mr. Thomas Jamison, Staff-Surgeon of this Territory, shall, on the resignation or death of Mr. Wm. Balmain, succeed to the situation of Surgeon-General of New South Wales, without any reference to the date of his present Commission. Mr. Jamison, being arrived, is to act as Surgeon-General during the absence of Mr. Balmain.

Civil
appointments.

Mr. James Thomson, Staff-Surgeon, is to hold himself in readiness to embark for Norfolk Island as Surgeon to that Settlement.

Conditional
pardon.

In consequence of the intercession of the Commandant of the French Expedition of Discoveries, His Excellency has granted a Pardon to Wm. Russell, now under Sentence of Death, conditionally on his being transported to Norfolk Island for life.

1st July, 1802.

Military
relief.

As an opportunity (which may not occur for some time) will offer in the course of a month, for relieving Capt. Abbott, and such other officers of the Corps now at Norfolk Island as Lieutenant-Colonel Paterson may judge proper, the Officers he may order for that service are to hold themselves in readiness to embark about that period.

2nd July, 1802.

A COURT of Vice-Admiralty will assemble on Monday next, the 5th Instant, at half-past Nine in the Morning, at Sydney, for the Trial of the Master of the Hercules, Transport, for shooting, and causing to be shot, Fourteen Convicts, who, it is alledged, were attempting to take the Ship Hercules under his command.

The Salt Meat purchased from the American,* and that since received, admits of the Full Ration of Salt Meat being issued Tomorrow.

From the increased Numbers in the Colony, and a Number more being expected, a Retrenchment in the present Ration of Grain will be expedient, as soon as the quantity in hand can be ascertained, which may be by next Week. On this occasion the former Advice is repeated, for those who possess Ground to cultivate a Portion of it with Potatoes and Esculent Plants, which will be of great benefit before the ensuing Harvest is got in.

It having been determined by the Magistrates, and accepted by the Bakers, that 3 lbs. of Wheat fully compensated the latter for a Loaf weighing Two Pounds when One Day old, as stated in the Orders of the 8th, 14th, and 19th of May, 1801 †; Notwithstanding this Arrangement the Governor is informed that the Bakers are in the habit of demanding Fourpence per Pound for Bread, which attaches a further Gain of 4s. on a Bushel of Wheat, making in the whole 6s. 7½d. Profit to the Baker on a Bushel of Wheat at 8s. per Bushel. To account for this excessive Charge the Bakers urge the exorbitant Price they pay for Wheat, viz., from Twelve Shillings to a Guinea per Bushel. That Reason can only hold good respecting what they purchase from Individuals (whose Avarice appears to be greater than their Humanity), but cannot be admitted with respect to the Weekly Quantity of Wheat issued from the Stores.

To prevent those starving Extortions it is hereby ordered that no Person whatever do Buy or Sell Wheat or Maize for more than the Store Price, viz., 8s. per Bushel for the former and 4s. for the latter, except in the Season for Sowing, when an additional Price may be demanded for Seed. And every Baker is strictly forbid charging more than 3d. per Pound for Bread made of Wheat, according to the Ordinance on that Behalf, which allows of 2s. 3d. in a Bushel (exclusive of the Bran) Profit to the Baker.

It is to be fully understood that in this, as well as in all other Orders of a similar nature, the Sterling Value of Gold, Silver, and Copper money, or good Bills, is alone considered; but when Articles are given and taken in Exchange the General Order of the 1st of October, 1800, ‡ is sufficiently binding. Nor can any Person within this Government refuse taking Copper, or any other Coin described in the Proclamation of Nov. 19, 1800. ‡

The Magistrates and Courts of Judicature are hereby directed to decide all Causes and Complaints coming within the Meaning of this Ordinance, according to its Purport, By which it is the Governor's Intention To place Bread within the Reach of those who need it most.

6th July, 1802.

MR. JAMES THOMSON, Staff-surgeon of Norfolk, having obtained the Governor's permission to return to England by an early opportunity for the recovery of his health and on his private concerns, with one Year's leave from his arrival in England till he re-embarks for this Settlement, Mr. D'Arcy Wentworth, next in seniority, will

1802.

9 Nov.

Orders re
Meeting of
Vice-Admiralty
Court.

Rations.

Price of
bread.

Fixation of
price of wheat,
maize, and
bread.

Payments.

Civil
appointments.

* Note 200.

† Note 239.

‡ Note 240.

do the duty of Staff-Surgeon of Norfolk Island until Mr. Thomson's return, or that the return of Mr. Wm. Balmain renders it necessary for Mr. Thomas Jamison to resume that situation.

As the number of Gentlemen in the Medical Department in the Colony will not admit of Mr. Thomson's leaving it without finding a person to do his duty, and having engaged Mr. Charles Throsby* for that purpose, that Gentleman is allowed to do Mr. Thomson's duty until his return.

Mr. D. Wentworth will hold himself in readiness to embark for Norfolk Island in about three weeks.

It is to be understood that not less than three Commissioned Staff-Surgeons are to be resident in this Colony and one at Norfolk Island, which Regulation will allow of two being absent on leave.

Mr. D. Wentworth will be recommended for the pay of Staff-Surgeon of Norfolk Island from the day he takes that charge until superseded by Mr. Jamison or Mr. Thomson.

22nd July, 1802.

As the reduced Quantity of Wheat and Maize renders it necessary to go to Two-Thirds of the Full Ration of Grain, the Commissary is directed to Issue the following Ration till further Orders, viz. :—

The full Ration of Meat to continue to all Males; Flour 4 lbs. or Wheat 5 lbs., and Maize 2 lbs. and a half, and 3 lbs. of Maize in lieu of Pease; Women and Children in proportion.

To the Civil and Military 6 Ounces of Sugar.

The Commanders and Masters of all Ships needing Supplies of Grain are desired to put their respective Ships' Companies on a reduced Ration similar to the above.

A General Muster of all the Male Prisoners off or on the Stores, Also Free Men of all Descriptions (except those who hold Ground by Grant, Lease, or Renting,) on or off the Stores, will be taken at Hawkesbury, Parramatta, and Sydney, on Thursday, the 5th of August, at 8 o'clock in the Morning.

Those at Sydney and in its Districts are to assemble at the Yard of the Orphan House; Those at Parramatta, George's River, and its Districts, at the Court-house at Parramatta; And those at Hawkesbury and in its Neighbourhood, at the Magistrate's in Command there.

The Women Prisoners, and those who are Free, of all Descriptions, with their Children, whether on or off the Stores, are to be present at the above Places, on Thursday, the 12th of August.

The Settlers of all Descriptions will be Mustered as soon after as possible, Notice of which will be given.

All Persons not appearing at those Musters will be taken up as Vagrants, and punished to the utmost Extent of the Law, if free; and if Prisoners they will be sentenced Twelve Months' confinement in the Gaol-Gang. Attempts to impose false Accounts of any Person, absent or present, will be punished with the utmost Severity.

23rd July, 1802.

His Excellency is pleased to direct that in all Spiritual, Judicial, and Parochial Proceedings, Transactions, Deeds, Instruments, and Registers, that the Districts of Sydney, Petersham, Bulanaming, Concord, and Liberty Plains, be comprised with a Parish to be henceforward named "Saint Phillip," in honor of the first Governor of this Territory; and that the Districts of Parramatta, Banks' Town, Prospect Hill, Toongabbie, Seven Hills, Castle Hill, Eastern

* Note 241.

1802.
9 Nov.
Orders re
Civil
appointments.

Ration of
grain.

General
muster.

Delineation
of parishes.

Farms, Field of Mars, Northern Boundaries, Ponds, and Kissing Point, be comprised with a Parish to be henceforward named "St. John's," in honor of the late Governor, Captain John Hunter; and that the Churches now building at Sydney and Parramatta be respectively named Saint Phillip and Saint John.

1802.
9 Nov.

Orders *re*
Naming of
churches.

24th July, 1802.

JOHN MARSH, John Campbell, Samuel Wilcocks, and William Kimber have been punished with 100 lashes each for robbing the French ship *Geographe* of a quantity of Canvas; for which crime the Gunner and a Soldier belonging to that Ship have been condemned to the chain by the Sentence of a Court-Martial held on board the *Geographe*.

Punishment
for robbery
on the
Geographe.

William Kimber, principal in the above Robbery, exclusive of the above punishment, has forfeited his hut and boat to the public use, in which and by which this robbery has been carried on.

James Hardwick has also received 100 lashes, and is ordered to work in the Gaol Gang for purchasing Gunpowder and Ball, contrary to the Orders on that behalf, and selling the same to the Inhabitants.

As the strictest enquiry is making for a quantity of Gunpowder stolen from the *Geographe*, all persons who have purchased any since the arrival of that Ship are to inform the nearest Magistrate thereof, on pain of being dealt with as receivers of stolen goods with the aggravation of landing Powder being totally prohibited.

Masters and Officers, &c., of Ships will recollect that landing an ounce of Gunpowder or any Arms without the Governor's written Permit subjects them to the immediate forfeiture of their Bond and Charter-party.

Landing of
powder.

29th July, 1802.

MR. RICHARD FITZGERALD is directed to act as Inspector and Director of all the Agricultural Settlements belonging to the Crown.

Civil
appointment.

31st July, 1802.

[A copy of this order was also forwarded as Enclosure No. 5 to the general despatch of Governor King, dated 30th October, 1802.]

Parramatta, 1st August, 1802.

OFFICERS having stock-keepers and one servant in charge of their houses or farms are to send their names to the Secretary's Office, Sydney, Rev'd Mr. Marsden, Parramatta, or T. Arndell, Esq., at Hawkesbury, according to the places where they are victualled. Those returns to be made as above, on Wednesday Morning at 9 o'clock.

Return of
officers' farm
labourers.

The Governor has allowed the Supercargo of the *Fanny*, American Brigg, to dispose of 2,700 Gallons of Spirits in the following Proportions, viz. :—

Distribution
of spirits.

To Licensed Persons, 3 Hhds. of New England and 2 Hhds. of West India Rum.

To Civil Department, 3 Hhds. of New England Rum, 2 Hhds. of West India do. and 1 Pipe of Brandy.

To Military Department, ditto, do. do.

and the remainder to be bonded for the purpose of being disposed of by Permits to whomsoever the Governor may think proper. Not more than 7s. per gallon for the New England Rum, and 15s. for the West India Rum, Brandy, and Geneva (including the Duty) is to be paid.

6th August, 1802.

1802.
9 Nov.
Orders re
Muster of
settlers.

THE Settlers and other Persons cultivating or occupying Grounds, either by Grant, Lease, Renting, or Permission, will be mustered by the Governor at the following times and places, viz. :—

Those in Sydney and its Districts, at Government House, Sydney, on Tuesday morning, the 10th inst., at 8 o'clock.

Those at Parramatta and in its Districts, at Government House there, on Friday morning, the 13th, at 8 o'clock.

Those at Hawkesbury, at Government House there, on Monday morning, the 16th, at 8 o'clock.

Officers to
make returns.

Officers, Civil and Military, holding Ground as above are directed to give an account of their farms, stock, &c., according to the Forms left with the Governor's Secretary, the Rev'd Mr. Marsden, and Thomas Arndell, Esqr. Those Forms to be filled up previous to the day of Muster at the respective Settlements where the farms may be placed.

8th August, 1802.

Distribution
of port wine.

THE other Five Pipes of Port Wine, arrived by the *Perseus*, will be distributed in the following proportions to the Civil and Military Officers, viz.

No. 1. To the Governor and Lieut. Governors of the Territory and Norfolk Island, One Pipe.

Nos. II and III. To Civil Officers, two Pipes.

Nos. IV and V. To Military Officers, two Pipes; including both descriptions at Norfolk Island.

A Mistake having been made in the General Orders of the 14th of last June, in calculating the Advance of 50 per Cent. on the Prime Cost of the Wine *i.e.*, £32 10s. the Commissary is directed to demand the sum of £48 15s. for each of the ten Pipes brought by the *Perseus* and *Coromandel*.

11th August, 1802.

Prince of Wales's
birthday.

TO-MORROW being the Anniversary of His Royal Highness the Prince of Wales's Birth Day, the New South Wales Corps will fire three Rounds at Noon in Honour of the Day.

24th August, 1802.

Officials to
wait on the
governor.

THE Judge Advocate, Commissary, Principal Surgeon, and Provost Marshal, are directed to wait on the Governor every Morning at nine o'clock; or in his absence from Sydney, on the Lieutenant Governor, or Officer in Command, for his Orders.

10th September, 1802.

Medical staff.

THAT part of the Order of the 6th of July last relating to Mr. D. Wentworth's going to Norfolk Island as Surgeon is countermanded at his own request, and Mr. Charles Throsby, engaged by Mr. James Thomson to do his Duty as Surgeon of Norfolk Island during his absence, will hold himself in readiness to embark on board the *Harrington* for that place.

18th September, 1802.

Conviction of
Robinson for
perjury.

MICHAEL ROBINSON, a Convict for Life and Conditionally Emancipated, acting as Clerk to the Judge-Advocate and Magistrates, having been convicted on the clearest evidence before His Excellency, when sitting as Judge of the Court of Appeals,* of wilful and corrupt Perjury, evidently intended to mislead the Governor's

* Note 242.

decision to the manifest injury of one of the parties in the Appeal then before him, and otherwise perverting the course of Justice, the said Michael Robinson was sentenced for the above crime by His Excellency during the sitting of the said Court of Appeals, and by virtue of the Statutes provided on that behalf, to be Transported for Seven Years to Norfolk Island at hard labour.

1802.
9 Nov.

Orders re
Conviction of
Robinson for
perjury.

On this occasion the Governor considers it necessary to say he has had frequent occasion to think this infamous practice has been often resorted to in this Colony for the worst of purposes, that of screening guilty persons from the punishment which the Law directs to be inflicted on offenders; and as a caution to those who may be led or advised to commit a crime so destructive to Society and the administration of Justice, he is determined to bring every offender of that description to the most condign punishment which the Law authorises. And as it appeared on the above Appeal that a Gallon of Rum had been most unjustifiably and oppressively demanded as a fee for the delivery of a Bail Bond, the Governor judges it necessary that the Costs attending Civil Actions should be published for the information of every person under his Command, and to require that every other Demand should be resisted, viz. :—

Perjury.

Fees in
civil actions.

Fees allowed to the Provost-Marshall on Civil Actions.

	£	s.	d.
For every Writ or Warrant of Execution above £10, and not exceeding £20	0	10	0
To the Judge-Advocate's Clerk	0	1	0
For every Writ and Warrant of Execution above £20, and not exceeding £50	0	15	0
To the Judge-Advocate's Clerk	0	1	0
For every Writ and Warrant of Execution above £50	1	0	0
To the Judge-Advocate's Clerk	0	2	0

On Summonses.

Two-thirds to the Provost-Marshall, and One-third to the Judge-Advocate's Clerk.

If under 40s., Fourpence; If above 40s. and under £5, Sixpence; and if above £5, Ninepence.

To Witnesses.

For Travelling Expenses to Sydney from the Hawkesbury	0	10	0
Ditto from Sydney to the Hawkesbury	0	10	0
Allowances per Day while attending the Civil Court	0	2	6
For Travelling Expenses to Sydney from Parramatta	0	5	0
Ditto from Sydney to Parramatta	0	5	0
Allowance per Day while attending the Civil Court	0	2	6
Ditto at Sydney while attending ditto	0	2	6

Court of Appeals before the Governor.

To the Provost-Marshall, £1 1s.; to the Secretary or Clerk, £1 1s.; to the Doorkeeper, 5s.

No Person will pay Fee or Reward to any Person whatever under Government, except such Fees as the Governor allows his Clerk (who receives no Salary from Government) to demand, a Table of which is hung up in the Secretary's Office for the Information of those who wish to see them.

21st September.

THE Tap-too will beat at 9 o'clock at night, and the Guard will mount at 8 o'clock in the morning until further Orders.

Beating of
tap-too.

24th September.

A COURT of Criminal Judicature to assemble at Sydney on Monday next, the 27th Instant, at 9 o'clock in the Morning, for the trial of such offenders as may be brought before it.

The Rents of Leases and Quit-Rents due from the 28th Sept'r, 1800, to the 28th Sept'r, 1802, are to be paid into the hands of D. D. Mann, at the Secretary's Office, on or before the 28th of October next.

The Grants and Leases not yet delivered are lodged with the said D. D. Mann, at the Secretary's Office, Sydney; the Rev. Mr. Marsden, Parramatta; and T. Arndell, Esq., Hawkesbury, where those to whom they belong will apply and pay the fees previous to their delivery. It is expected that no further Notice on these heads will be necessary, as the Governor has appropriated the above Rents and his Fees on Grants and Leases to the Benefit of the Orphans.

No application to be made for any person going off the Stores until after Harvest.

The Governor has directed the Commissary to exchange One suit of Military Dresses for Two suits of Boys' Cloathing, which he is to dispose of for Grain to those whom the Governor may approve.

27th September, 1802.

THE Governor judges it necessary for the present and future Information of this Garrison and the Inhabitants of the Colony, to insert the following Articles from the French Marine Instructions, as far as it respects the Place. His Majesty's Colours were shown on board the French Ships now in this Port on the Anniversary of their New Year, viz. :—

"The Flags of Foreign Nations that are intended to be distinguished, are to be hoisted at the starboard Main Yard-arm, and when there is no necessity for that distinction, no other than the French Flag is to be hoisted in that place."

It having been the Constant Practice of the Governor to sign the Initials of his Name to the many Orders and Permits which he has an hourly occasion to give, for the delivery of Articles from His Majesty's Stores, and as it has equally been an allowed and known Practice for the Commissary and Deputy Commissaries at Sydney and Parramatta to sign the Initials of their Names to the Notes for the delivery of the Rations of Grain on issuing days, all such Signatures that are not disavowed on Oath by the Governor, Commissary, and the said Deputy Commissaries are to be accounted as Real Signatures, the Forgery or Falsification of which, as it tends to Defraud and Rob the Public Stores, will be prosecuted as the Law directs, and has amply provided for.

Rowland Hassall, Storekeeper at Parramatta, not having discovered the constant Frauds practised by the Repeated Forgeries of the Deputy Commissary of Parramatta's initials, to obtain Wheat from His Majesty's Stores, is discharged from that Situation, to which a Successor will be appointed.

The Stores at Hawkesbury being full of Maize, and the Government Vessels mostly refitting, no more Maize can be taken into the Store at that place, but any Quantity in Cobb will be received into the Stores at Sydney.

28th September.

A COURT of Criminal Judicature to assemble on Thursday next, the 30th Instant at 10 o'clock in the Forenoon for the trial of such offenders as may be brought before it.

1802.
9 Nov.

Orders re

Payment of
rents and
quit rents.Delivery of
grants and
leases.Display of
colours.Recognition
of initials as
signatures.Discharge
of Hassall.Hawkesbury
stores full.Meeting of
criminal
court.

30th September, 1802.

1802.
9 Nov.

MICHAEL KNOWLAND is appointed Superintendent of Convicts in the room of Rowland Hassall.

The Acting Deputy Commissary at Parramatta is directed in future to serve the Prisoners their Ration of Provisions as soon after Daylight as possible on Saturday Mornings; to the Civil and Detachment on Monday Mornings at 8 o'clock. Those issues to be at the upper Store. A Centinel is to be placed at the upper Store during the time of issue, which a Non-Commissioned Officer will always attend.

Orders *re*
Issue of
Rations.

The Days for Grain being received into the Stores from individuals at Sydney, Parramatta, and Hawkesbury, are Fridays.

The foregoing are True Copies from the Original General Order Books.

PHILIP GIDLEY KING.

GOVERNOR KING TO LORD HOBART.

(Despatch respecting Entries and Clearances, per Surgeon Thomson in the *Naturaliste*; acknowledged by Lord Hobart, 24th June, 1803.)

Sydney, New South Wales,

My Lord,

9th November, 1802.

By Lieut't Neil McKellar, of the New South Wales Corps, I had the honour of transmitting, to the address of His Grace the Duke of Portland, the entries and clearances of vessels into and from this port up to the 31st December, 1801. I now transmit the Naval Officer's half-year's report of entries and clearances of vessels into and from this port from the 31st December, 1801, to 30th June, 1802, as well as a report from the latter period up to the 30th September, and continued to the present date.

Shipping
returns.

Respecting the importation of spirits and wines, I beg to refer your Lordship to my general letter of this date.

The spermaceti whale fishery has answered extremely well, and the ships sent out from England have been for the most part successful. It appears a very desirable object to the masters to be enabled to follow the course of the whales, which invariably go a N. or N.E. course. From what enquiries I have made, I find none of them have gone beyond the limits, altho' the temptation has been very great. In my last I had the honour of transmitting a set of queries, with the answers of the masters of the vessels then in this port, which I hope will operate in obtaining them the object of their pursuits, as it is so intimately connected with the welfare of this colony.

Whale
fishery.

The small vessels that catch seals about the islands in Basses Straits and Van Dieman's Land belong to individuals of this place. A quantity of seal skins and oil has been brought by those vessels. The former they sell or barter with masters of ships going to China, but as their value has considerably fallen in China, they get very little for them at present. However, as this is the most considerable among the very few natural productions

Sealing in
Bass' Strait.

1802.
9 Nov.

of this country that can be esteemed commercial, and as they will always be received in China, I have, and shall, encourage that pursuit as much as possible to those who may be of industrious and enterprising dispositions among the inhabitants.

Arrival of
sealing
schooner.

On the 9th September a French schooner* arrived in six weeks from the Isle of France, from whence she sailed with an intention of sealing on the Islands of St. Paul and Amsterdam. Missing those islands, it was their intention to have sealed about Llewen's Land, but having received much damage they came here to repair, and asked leave to catch seals in and about Basses Straits. As I could not but regard this visit as a prelude to a number more of the same nation coming here, after allowing him to refit and supply his wants of wood and water, I directed the letter (of which the enclosed is a copy) to be written to him, and I humbly request being furnished with such instructions as may be judged necessary to guide my future conduct on this head, particularly respecting French and American vessels.

Export of coal.

Of the natural productions of this country, I am sorry our present discoveries do not extend beyond coals and fustick. Of the former, several vessels going to India have taken a quantity. A brig* has also taken a quantity to the Cape of Good Hope, which I am informed sold for £7 per ton. How far they will be an object of trade to India I am not informed. Samples of fustick have been sent to Sir Joseph Banks, but as it is so cheap in the West Indies I doubt its being of any commercial value.

Improvement
in growing
of wool.

The introduction of some half-bred Spanish rams among the increasing flocks of individuals, and the consequent improvement of their fleeces, will in the course of a few years produce sufficient wool to cloath the inhabitants. This manufacture, as well as that of flax, is carried on, altho' to no great extent for want of two overseers who are free men and properly qualified to superintend and direct these manufactures.

Import duty.

I have directed a duty of 5 per cent. to be laid on all wares and merchandize brought from any port to the eastward of the Cape, as well as all other goods not of British manufacture, which is to be appropriated to the Orphan Fund. My reasons for this measure are the necessity of encouraging English manufactures in preference to those which come from India, on account of their being more durable and of better quality; and preventing the great intercourse of Americans, whereby the money drawn for the necessary contingent expences passes into the hands of strangers, exclusive of the evils arising from the great quantity of spirits hitherto brought from that quarter.

I have, &c.,

PHILIP GIDLEY KING.

* Note 243.

[Enclosure No. 1.]

SHIPPING RETURN, INWARDS.

[The appendix to this table is on page 644.]

A List of Ships and Vessels which have enter'd Inwards in the Harbour of Port Jackson, in His Majesty's Territory of New South Wales, between the 1st day of Jan'y, 1802, and the 30th day of June, following, with the particular quantity and quality of the lading of each vessel.

Time of Entry.	Vessel's name.	Master's name.	Built.	Number of			Where and when built.	Where and when registered.	Owner's name.	General cargo.	From whence.
				Tons.	Guns.	Men.					
— Jan.	Fly	— Turner	Foreign	200	24	100	Bombay	Bombay ..	.....	Bombay.
24 "	Harrington	Wm. Campbell ..	"	100	6	39	Calcutta	Calcutta ..	.....	Norfolk Island.
18 Feb.	Margaret	Jno. Bayers ..	British	121	10	15	1799	London ..	See Appendix A	Coast of Peru.	
26 April	Naturaliste	Eml. Hamelin ..	Foreign	350	8	100	France	France	On discoveries	Whaling.	
30 "	Speedy	Geo. Quenced ..	British	313	20	24	London	London ..	See Appendix B	England.	
9 May	Investigator	M. Flinders	"	295	10	24	Deptford	" ..	See Appendix C	Whaling.	
10 "	Venus	B. Gardner	"	301	6	24	County of Dorset ..	Providence	See Appendix D	Providence	
12 "	Britannia	Rt. Turnbull ..	"	265	6	30	Somerset	Calcutta ..	See Appendix E	Sealing.	
21 "	Arthur	Seot-Jenkes ..	Foreign	100	6	39	Calcutta	Calcutta ..	See Appendix F	England.	
1 June	Harrington	Wm. Campbell ..	"	522	12	44	Chittagong	London ..	See Appendix G	.....
13 "	Coromandel ..	A. Sterling	"	338	2	23	France	France	On discoveries	Whaling.	
18 "	Geographe	Comde. Baudin ..	British	382	4	24	London	London ..	See Appendix H	"	
25 "	Greenwich	A. Law	Foreign	395	10	32	America	" ..	See Appendix I	Ireland.	
26 "	General Boyd ..	— Bunker	British	350	8	100	Newcastle	France ..	See Appendix J	.....
28 "	Heracles	L. Bette	Foreign .....	.....	.....	.....	.....	.....	On discoveries	.....
28 "	Naturaliste	Eml. Hamelin ..	Foreign	

1802.
9 Nov.
Shipping returns.

Shipping
returns.

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9 Nov.

SHIPPING RETURNS.

[The appendix to this table is on page 644.]

A List of Ships and Vessels which have entered Inwards in the harbour of Port Jackson, in his Majesty's territory of New South Wales, between the 1st day of July, 1802, and the 31st day of December following, with the particular quantity and quality of the lading of each vessel.

Time of Entry.	Vessel's Name.	Master's Name.	Built.	Number of			Where and when built.	Where and when registered.	Owner's Name.	General Cargo.	From whence.	Where and when bond given.
				Tons.	Guns.	Men.						
6 July ...	Atlas	Rd. Brooks ...	British	435	12	28	Durham ...	London	Messrs. Clays..	See Appendix E	Ireland	Sydney.
9 ,, ...	Fanny (brig)	E. Smith	Foreign	185	5	12	Newbury, America.	Portsmouth, America.	Harris and Smith.	See Appendix F	Boston .....	.....
4 Aug....	Perseus	Jno. Davison...	British	362	8	38	Stockton	London	Reeve and Green.	See Appendix G	London .....	.....
11 ,, ...	Harriet	Sam'l Chace ...	Foreign	227	6	20	Prize	,,	Messrs. Mathers.	840 barrels oil...	Whaling .....	.....
9 Sept....	Surprise (schooner).	Alex'r Le Corre	,,	90	...	12	.....	Isle of France	.....	See Appendix H	Isle of France	.....
16 Oct....	Alexander ...	J's. Norman ...	,,	278	10	24	Quebec ...	London	Jno. Locke ...	See Appendix I	London .....	.....
16 ,, ...	Buffalo	Wm. Kent ...	.....	...	...	...	.....	.....	H. M. S.	Stores.....	,, .....	.....
30 ,, ...	Atlas	Thos. Musgrave	Foreign	543	12	54	Quebec ...	London	Beatson & Co.	See Appendix J	Ireland .....	.....

SHIPPING RETURN, OUTWARDS.

A List of Ships and Vessels which have clear'd Outwards from the Harbour of Port Jackson in His Majesty's Colony of New South Wales, between the 1st day of Jan'y, 1802, and the 30th day of June following, with the particular quantity and quality of the lading of each vessel.

Time of clearing.	Ship's name.	Master's name.	Built.	Tons.	Guns.	Men.	Where and when built.	Where and when registered.	Owner's name.	General cargo.	Whither bound.	Where and when bond given.
6 Feb.	Canada.....	Wm. Wilkinson	British	403	10	38	Newcastle, Meh. 13, 1801	London, 1801	F. & T. Hurry	Ballast	China	Sydney, Nov., 1801
"	Nile	Js. Sunter	"	322	10	30	"	"	"	"	"	"
"	Minorea	Jno. Leith	"	407	10	36	"	"	"	"	"	"
"	Fly	- Turner	Foreign	200	24	107	Bombay	Bombay	Hon'ble E. I. Compy's. Chace & Co.	Cruiser	Bombay	"
20 "	Snow-Harring-ton.	Wm. Campbell	"	100	6	39	Calcutta	Calcutta	"	Ballast	Sealing	June, 1801
29 Mch	Schooner Caro-line.	St. Tuckerman	"	103	2	9	New Bedford	New Bedford	Swain & Co.	"	New Bedford	Decr., 1801
1 May	Nautilus	R. Simpson	"	60	14	19	Calcutta	Fort William	Rt. Berry	"	Eastw'd	Sept., 1801
18 "	Naturaliste.....	E. Ifamelin	"	350	8	100	France	France	Republick	On discoveries	"	"
5 June	Brig Margaret	Jno. Buyers	British	121	10	28	Novr., 1797	London	Turnbull & Co.	Ballast	Sealing	Feb'y., 1802
6 "	Speedy	G. Quedsted	"	313	0	24	London, 1779	London, 1791	Enderbys	170 tons sperm oil.	Whaling	Jan'y., 1800
12 "	Britannia	R. Turnbull	"	301	6	24	C. of Dorset, 1783.	London, 1787	Enderbys	1,300 barrels, do.	"	Mch., 1801
26 "	Venus	B. Gardner	"	295	10	24	Deputford, 1788.	London, 1800	Champions	550 do. do.	"	Sept., 1801

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Shipping
returns.

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returns.

SHIPPING RETURN.

A List of Ships and Vessels which have clear'd Outwards from the Harbour of Port Jackson in His Majesty's Territory of New South Wales, between the 1st day of July, 1802, and the 31st day of Dec'r following, with the particular quantity and quality of the lading of each Vessel.

Time of Clearing.	Vessel's name.	Master's name.	Built.	Tons.	Guns.	Men.	Where and when built.	Where and when registered.	Owner's name.	General cargo.	Whither bound.
22 July	Arthur	Scott Jenkes ...	Foreign	265	6	20	Somerset	Providence	Brown & Co.	Ballast	China.
"	Coromandel	Alexr. Sterling	British ...	522	12	44	Chittagong	London	Reeve & Co.	"	"
"	Investigator	M. Flinders ...	" ..	...	20	83	.....	" .....	H. M. Ship.....	On discoveries ...	.....
10 Aug.	Greenwich	Alexr. Law ...	" ..	338	2	24	London ...	"	Messrs. Enderbys	1,000 barrels oil...	Whaling.
"	General Boyd ...	Owen Bunker	Foreign	302	4	24	America ...	"	Watson & Co. ...	50 ton ..	"
12 "	Hercules	Luckyn Betts...	British ...	395	10	35	Newcastle	"	Simm. Semple ...	Ballast	China.
20 "	Harrict	Saml. Chace ...	Foreign	227	6	20	Prize	"	S. Mathers.....	840 barrels oil ...	Whaling.
4 Oct'r	Schooner Surprise	Alexr. Le Corre	" ..	90	...	12	.....	Ile of France ...	.....	Ballast	Sealing.
8 "	Harrington	Wm. Campbell	" ..	180	6	40	Calcutta ...	Calcutta	Chace & Co.	"	Coast Peru.
"	Persus	Jno. Davison...	British ...	362	8	50	Stockton	London	Reeve & Green...	"	China.
"	Atlas	Rd. Brooks ...	" ..	435	12	40	Durham ...	"	Messrs. Clays.....	Do, and a part of her cargo.	"

APPENDIX TO SHIPPING INWARDS.

*January to June.*1802.
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A.—General Cargo of the Brig Margaret. 49 bales Cloths. 1 Invoice of cargoes of ships.
trunk threads. 1 Do. Sundries. 8 boxes Nails. 1 bale Fans. 2½ of ships.
pack'ges Tortoise Shells.

B.—General Cargo of the Ship Speedy. 170 Tons Sperm Oil.

C.—General Cargo of the Ship Venus. 550 Barrels Sperm Oil.

D.—General Cargo of the Ship Britannia. 1,300 Barrels Sperm Oil.

E.—General Cargo of the Ship Arthur. 400 Barrels Beef. 200 Do. Pork. 12 Hhds. Tobacco. 13 Kegs Negro Do. 2 Do. Pig Tail Do. 1 Hhd. Loafe Sugar. 15 Boxes Sperm Candles. 80 Do. Tallow Do. 40 ps. Raven Duck. 40 Do. Russia Do. 40 Do. Sheetings. 200 ps. Nankeens. 32 Firkins Butter. 20 boxes Soap. 4 Qr. Chests bohea Tea. 2 Chests Hyson Do. 2 Chests Hyson Skin. 2 Do. Souchong Do. 2 pipes Port Wine. 6 Do. Teneriffe. 90 Cases Claret Do. 35 Casks Porter. 35 Hhds. Rum. 3 pipes Gin. 3 Boxes Glass Ware, contg. Tumblers, Wine Glasses etc.

30 Barrels, 1 Cask Spirits, 1 trunk Bonnets } Seamen.
Several small pack'gs Tobacco and ps. Goods }

F.—General Cargo of the Snow Harrington. 500 Galls. Elephants Oil. 5,200 Seal Skins.

G.—General Cargo of the Ship Coromandel. 8 Casks Shot. 4 trunks. 2 Cases Call'os and Dimities. A parcel Ribbons. 3 Bags Corks. 2 Cases Shoes. 1 Case Telescopes. 1 Case 8 Boxes Medicines. 1 Case Cotton and Worst'd Hose. 1 Chest Tea. 1 Box Surgeons Instruments. 2 Cases Linnens.

H.—General Cargo of the Ship Greenwich. 1,000 Barrels Sperm Oil.

I.—General Cargo of the Ship General Boyd. 5 Tons Sperm Oil.

J.—General Cargo of the Ship Hercules. 10 Casks Glass Ware. 1 Do. Earthen Do. 1 trunk Haberdashery. 1 trunk Cottons. quantity loafe Sugar. 2 Chests Tea. 3 boxes pipes. 2 Do. Hardware. few Boxes Soap. 1 Box. 1 Bundle Slops and Haberdash'y, 2 firkins Butter. 1 trunk Boots and Shoes. few cases pickles to the Purser.

APPENDIX TO SHIPPING INWARDS.

July to December.

E.—General Cargo of the Ship Atlas. 1 Bale Cloth. 1 trunk Thread. 2 Casks Leather. 2 Cases Sadlery. 1 Do. Whips. 4 trunks Stationary. 2 Cases Copper. 3 trunks Shoes. 30 Boxes tin plate. 1 Box Brushes. 1 Case Guns. 9 Cases Hardware. 1 Case Pistols. 12 parcels Mill'd Lead. patent Shot. 4 Butts Ale. 30 Kegs Tongues. 200 Do. Tripe. 65 Hams. 24 Casks Cheese. 28 Chests Tea. 400 Barrels Beef and pork. Bottled Porter. 50 firkins Butter. 6 Cases Glass Ware. 5 Hhds. Paint. 50 Bottles Do. Oil. 22 Anchors. 10 Gross nails. 6 Bales Sail Cloth. 40 Boxes Soap. 30 Do. Candles. 1,450 Gall. Gin. 716 Do. Brandy. 14 Cases Cut Glass. 4 Boxes Linnen. 1 Do. Tabinet. 2 trunks Shoes.

10 packgs. Cheese. 5 Cases and 4 trunks Hatts. 2 trunks Shoes. 7 Do. Sundries. 4 Qr. Casks Wine. 3 boxes Soap. 2 firkins Butter (Mates).

F.—General Cargo of the American Brig Fanny. 52 Hhds. Rum. 18 Do. Molasses. 225 Barrels Beef and Pork. 9 Pipes M. Wine. 3 Cases Hatts. 1 Do. Hosiery. 50 Boxes Chocolate. 60 Cases Noyau. 5 trunk Shoes. 16 Boxes Brown Sugar. 4 Boxes Slops.

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—
Invoices
of cargoes
of ships.

1 Case Hatts. 3 Bags Snuff. 1 Box Salt Fish. 1 Do. Glass Ware. 49 bags Shot. 50 Barrels Tar. 40 Do. Flour. 60 Boxes Candles. 4 packag's Duck. 70 Boxes Soap. 2 Hhds 31 Kegs and 10 double Do. Butter. 44 Boxes China. 11 Chests and 4 Boxes Tea. 2 Bales Cotton Cloths. 1,970 Feet Oars. 10 Crates Ware. 3 Boxes Glass Do. 74 Boxes Cheese. 2 doz. Cases razors. 8 Barrels Rum. 2 pipes Brandy. 2½ Barrels Rum. 150 Cases Gin. 20 Casks Pt. Wine. 2 Barrels Gin. 2 Barrels Brandy. 6 Patent Logs. 1 Chest Slops. 13 Hhds. 31 Barrels 57 Kegs Negro head Tobacco.

G.—General Cargo of the Ship Perseus. 3 trunks Cotton. 2 Chests Slops. 15 Kegs Lead. 5 Barrels Pitch. 5 Do. Tar. 2 Boxes Arrow Root. 1 Chest Tea. 4 Casks Shot. parcel ribb'n. 4 bags Corks. 1 trunk Stockings. 2 Boxes Hatts. 4 Casks Butter. 240 Gall. Rum. 200 Do. Wine. 300 lbs. Coffee. 400 Do. Sugar. 6 Kegs Tripe. 30 Hd. Horned Cattle 4 Sheep 3 Goats. 20 Casks Beef and Pork. 1 Box Spy Glasses.

H.—General Cargo of the Schooner Surprise. 12 Barrels Naval Stores. 10 Boxes Soap. 12 Chests Tea. 8 Ton Salt. 20 Cwt. Rice. 4 Casks Wine. 3 Do. Rum. 30 Musketts.

I.—General Cargo of the Ship Alexander. 3 trunks. 1 Box. 1 Bale Haberdash'y. 4 trunks Shoes and B. 7 Casks. 2 Bags. 10 Jugs. 8 Barrels of Ship Chandlery. 4 Boxes Toys. 6 trunks. 4 Bales Woollen drap'y. 1 trunk Gloves. 1 Case perfum'ry. 2 Do. Mustard. 5 Do. and 2 Casks Oilmaus Stores. 27 bags Sugar. 16 Cases Cheese. 24 Hams. 3 trunks Hosiery. 13 Cases. 1 Hhd. 1 Cask Glass Ware. 8 Cases Stationary. 12 Firkins Butter. 11 Cases Hatts. 5 rolls Tobacco. 3 Cases. 1 Chest. 2 Bundles Cutlery etc. 400 Gall. Wine. 78 doz. Porter. 1 trunk jewellery. 1 Do. Millenry.

J.—General Cargo of the Ship Atlas. Large Assortment Tin and plated Ware. Japan Do. Do. Brushes Combs Wts. and Scales etc. Looking Glasses. Tobacco. Musical Instruments. quantity Glass ware Woollen Cloths. Bird Cages. Hatts. Mush'd and pickles. Stationary, and Haberd'y. Cutlery. Paints. Soap. 5 Mills Grind, and etc. Corn Shoes and Boots. Shalls and Muslins. Wooden Clocks. Toyes. Quantity Ironmongery. Pins and Needles. Snuff. Dimities and Irishes Cross Cut Saws. Smiths Anvils and Bellows. Soddler and Glue. 4 Cases Stafford Ware. Quantity ribbons. 188 Bars. 155 Bolts Swedish Iron. 60 Hhds. Porter. 30 Boxes Cheese. 2 Cases Sugar. 36 Doz. M. Wine 1 Punch 1 Hhd. Rum. 1 Do. Wiskey. Sugar and Coffee.

[Enclosure No. 2.]

JOHN HARRIS TO COMMANDER LE CORRE.

Sir, Sydney, New South Wales, 20th September, 1802.

The sealing
voyage of the
Surprise.

His Excellency the Governor, in consequence of your letter of the 10th instant, and the report of survey taken on the defects of your vessel, allowed her to enter the Cove, and every assistance given towards repairing those defects, and to sell such of the articles, stated in the manifest, as may be necessary to pay for the same. He directs me to inform you that, observing by your clearance from the Isle of France you are bound on a sealing voyage on the coast of New Holland, and from thence to China, he feels it his indispenible duty to inform you that as he has no

official instructions respecting foreigners fishing or sealing on the coasts and islands of his Britannic Majesty's territory of New South Wales (the limits of which are designed as per margin*), he does not consider himself authorized to grant any general permission until he has received instructions on that head from His Majesty; but, as it appears that your vessel has been fitted out on a speculative voyage, the failure of which by any interdiction of his might injure those concerned in your vessel individually; and, under the circumstances in which you came here, he does not withhold his permission for your vessel sealing on the coasts of this country, which is to be clearly understood as confined to your vessel alone and not as a general permission, until the Governor receives instructions, which he will solicit by the first opportunity. In the meantime, it is necessary to advise you that he has given an exclusive privilege to some inhabitants of this colony to seal on Cape Barren and the islands adjacent thereunto; and that he has given other English vessels and companies permission to seal on King's Island, at the west entrance of Basses Straits, which will necessarily preclude your undertaking to catch seals on those places.

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The sealing
voyage of the
Surprize.

I am, &c.,

JOHN HARRIS, Naval Officer.

GOVERNOR KING TO LORD HOBART.

(Despatch marked "Superintendents and Storekeepers, No. 1," per Surgeon Thomson in the *Naturaliste*; acknowledged by Lord Hobart, 24th June, 1803.)

Sydney, New South Wales,

My Lord,

9th November, 1802.

With this I have the honor to enclose a return of the superintendants and storekeepers, also an account of those who have been discharged, with the appointments in their stead, together with a return of the officers present and absent on the civil establishment,† and a list of such officers as do extra duties and receive no salaries.

Returns
forwarded.

In my former despatches I have pointed out the great inconvenience felt by Government in the grounds about Toongabbee, which Governor Phillip originally intended as a public agricultural settlement, being granted away to individuals, and the necessity I was under to make a new settlement, where upwards of 100 acres are cleared and cropped, and several useful buildings erected; and having near 300 acres in cultivation‡ on account of the Crown at Hawkesbury, until more ground is cleared at the new settlement, there is an absolute necessity for a person versed in cultivation to have the general inspection and superintendance of those divided public farms at Toongabbee, Hawkesbury, and

Public
agriculture.

* The margin is blank. † Note 244. ‡ *Marginal note.*—171 in wheat, 120 in maize.

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Superintendent
of public
agriculture.

Castle Hill, where so great a proportion of Government servants are employed. For that purpose I fixed on a person who has conducted the settlement at Toongabbee for eleven years past, agreeable to the enclosed order, which I hope will meet your Lordship's approbation, as it will make the publick labor much more productive.

Superintendent
at Castle Hill
and of public
works.

From the distance of those settlements from each other, it has also been necessary to appoint a steady, careful man, as an extra superintendant over the settlement at Castle Hill, whose salary as well as that of another extra superintendant to inspect and construct public buildings, I have directed the Commissary to pay as stated in the enclosed order. These are additional expences I should not have put the public to, but for the great utility I am certain they will be of in directing the public labor to advantage and consequent saving to the Crown.

Salary of John
Jamieson.

In my several letters I have detailed the good state and the great care taken of the public stock by the superintendant, from whose attention and abilities the Crown has received considerable advantage. His charge and the great value of it to the Crown daily increasing, I took upon myself to make an increase of £50 per annum to his salary as superintendant, as stated in the enclosed order. I did hope for this necessary addition to his salary (he having a large family) being approved of, but as yet I have had no information on that subject. Should this application remain still unanswered, I hope when your Lordship reflects on the great service this person has been of and is to the public, that my further request of being authorized to give him £150 a year may not be deemed premature, as I cannot expect him to continue his exertions without some adequate recompence for the whole of his time which he gives up to this important trust, and discharges it very much to my satisfaction and the public advantage.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

Return of
superintendents
and
storekeepers.

RETURN of Superintendants of Convicts Storekeepers etc. Employed in New South Wales, October 10th, 1802.

[*This return is similar to that forwarded as the first part of Enclosure No. 5 to the despatch marked No. 7, and dated 21st May, 1802, from Governor King to the Duke of Portland, subject to the omission of all officers at Norfolk Island and the following alterations and additions.*]

William Baker.—Storekeeper at Hawkesbury.

William Sutton.—Ditto at Parramatta and Acting Deputy Commissary in the Room of Mr. James Williamson.

Richd. Fitzgerald.—Superintendent of Agriculture at Toon Gabbee and appointed Inspector of all Government's Agricultural Concerns at Toon Gabbee Hawkesbury and Castle Hill Vide Separate Letter now sent.

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Return of
superintendents
and
storekeepers.

Jno. Jamieson.—Has the Care and Superintendance of the whole of Government's Stock of Cattle Horses and Sheep from Sepr. 28th, 1800. Vide Separate Letter on the Head now sent.

The dates of appointment were omitted from:—

Rowd. Hassall	Martin Mason
Peter Hodges	John Whitter

ACCOUNT of former Superintendants and Storekeepers Discharged since the 27th September 1800 in New South Wales.

[*This return is similar to that forwarded as the second part of the said Enclosure No. 5, subject to the omission of the officers on the staff at Norfolk Island and the following alterations.*]

Andrew Hume.—*The appointment of his successor is not noted.*

Willm. Broughton.—*The appointment as Actg. Dy. Commissary is not noted.*

Jas. Luckey *vice* Jas. Puckley.

[Enclosure No. 2.]

RETURN of Officers on the Civil Establishment of His Majesty's Colony of New South Wales absent on leave in England with a reference to the places where they may probably be heard of, Sept. 30th 1802.

Return of
officers absent
on leave.

Rd. Johnson, Clergyman.—On Govr. Hunter's leave, Sept. 28th, 1800, Ambrose Martin, Esq. Banker, Finch Lane, Cornhill, or W. Wilberforce Esq. M.P.

Wm. Balmain, Surgeon General.—On Secy. of State's leave, Aug. 21st, 1801, Messrs. Clementson & Denton, Clements' Inn.

Chas. Haddock, Chaplain, Norfolk Island.—Has never appeared in the Colony.

Jas. Thomson, Staff Surgeon.—Goes in the *Naturaliste* with Governor King's leave for Twelve Months after his arrival.

[*The return of civil officers present at their respective duties was also transmitted but is not available.*]

[Enclosure No. 3.]

ORDER RE SALARY OF PRINCIPAL SUPERINTENDENT.

By etc. etc.

WHEREAS from the increase of Convicts sent to this Colony, And it having been necessary to Commence another Agricultural

Salary of
principal
superintendent.

1802.
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Salary of
principal
superintendent.

Settlement at Castle Hill for the employment of the Convicts at Public Labour; And as Government has been prevented from having its Cultivated Grounds Connected, by Reason of the Grants that have been made about Toongabbee; And as the Public Benefit requires that there should be a Principal Superintendant to inspect into the Public Cultivation carried on at the Different Settlements,—I have judged it proper to appoint Mr. Richard Fitzgerald, Superintendant to that Trust, to whom you Will pay an Additional £50 per Annum out of such Monies or Stores as you may have in your Charge belonging to the Crown, including the same in your Accounts with The Lords Commissioners of His Majesty's Treasury, Accompanied with its proper Vouchers. And there being an equal necessity for having an Additional Superintendant to reside at Castle Hill, And another additional Superintendant to Superintend and Construct Public Buildings, You are hereby required and directed to pay each of the above Two additional Superintendants £50 per Annum, Commencing from the 31st of last March, from the Fund pointed out by my Order of the 10th instant.

For which this shall be your Order.

Given etc. August 11th, 1802.

PHILIP GIDLEY KING.

John Palmer Esq., Commissary.

GOVERNOR KING TO LORD HOBART.

(Despatch endorsed "Military No. 1," per Surgeon Thomson in the *Naturaliste*; acknowledged by Lord Hobart, 24th June; 1803.)

Sydney, New South Wales,

My Lord,

9th November, 1802.

In referring your Lordship to my Military Letter No. 4,* and its Documents, to the Duke of Portland, I sensibly feel the trouble that will be occasioned by being once more compelled to make those representations which neither my situation nor the Subject can allow me to conceal or repress.

In the above Letter it fell to my Lot to detail the measures rendered necessary by the Conduct of Captn. McArthur of the New South Wales Corps—Lieut.-Col. Paterson's secession from the decided Opposition, and Public Insults I met with on the part of several Officers of the Corps; His Duel with Captn. McArthur; The latter's refusing to come out of the Arrest he was placed in, until the event of the Wound Col'l Paterson received was decided, or giving any security for keeping the Peace, which imposed on me the necessity of sending the former to England. Also the necessity Col'l Paterson was under of Trying Ensign

The behaviour
of the military.

* *Marginal note.*—Dated Mar. 1st, 1802.

Bayly by a General Court-Martial for disobedience of his Orders; My having Tried the same Officer for having disobeyed my General Orders, and Captn. Piper for the Charges preferred against him by me,—As I was the prosecutor, the Proceedings and Sentence of the Two latter Courts-Martial were referred to His Majesty's decision.

1802.
9 Nov.

The behaviour
of the military.

I hoped the impression of these events on Col. Paterson would have ensured the good understanding they procured, which I am sorry to say has been interrupted by recent circumstances, previous to detailing which I must inform your Lordship what I believe is no secret, either in the Department your Lordship has succeeded to, or to His Royal Highness the Commander-in-Chief, namely, that several Officers, Civil and Military, had made Fortunes by the infamous Traffic in Spirits, which was so long carried on in defiance of every honorable consideration that ought to attach to those who hold their Sovereign's Commission. Repeated information of these enormities, and the heavy Sums drawn, occasioned a representation being made to His Royal Highness the Commander-in-Chief (by your Lordship's Predecessor), who ordered Colonel Paterson (then in England) to rejoin the Corps.* I was soon after dispatched in a Whaler on the most unpopular Errand—To Supercede the then Governor, Put a Stop to Officers Trading and dealing in Spirituous Liquors, Destroy the oppressive Monopolies that had so long existed, and to make a total reform in the expensive and dishonorable plans which had prevailed so long. To possess your Lordship of what I had to contend with, I have enclosed a copy of that part of your predecessor's letter on that head to the Governor I was to supercede, and which was to guide my conduct, to which I request your Lordship's reference in this place.

Traffic in spirits
by officers.

King appointed
to make
reforms.

On arriving I found the same practices prevailing, and as soon as decency towards the late Governor admitted I took the measure stated in the Enclosure to inform the Officers of the Instructions I was to conform to, which I presume will be considered the most delicate mode I could have adopted. Added to this, the General Orders, as p'r margin,† will assure your Lordship that my exertions were as strenuous and firm as ill calculated to gain popularity among the different descriptions of those I had to Command, where the Interest of one part was so closely attacked, and the propensity of the other Classes to obtain Spirits at any rate prevailed to so great a degree as to require the most decided but cautious Conduct to carry my Instructions into effect.

The officers
informed of
King's
proposed
reforms.

My returns have informed your Lordship of my sending a great quantity of Spirits away and that the purchase of what I permitted to be landed was easy to the Individual, profitable to

The spirit
traffic.

* Marginal note.—Nov. 13th, 1799.

† The margin is blank.

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Opposition
from
monopolists.

the Community, and the quantity to each person small, but sufficient for their domestic use. This did not satisfy the Monopolizers; their Market was spoiled. The Settlers, &c., were not allowed to Mortgage their growing Crops, and, to compleat the disappointment of those Vultures who enriched themselves at the Expence and Existance of their fellow-creatures, Government wisely adopted the measure of supplying the Inhabitants (at 50 p'r Cent. advance) with such necessaries as they could not purchase from the Monopolizers for less than 1,000 p'r Cent. on the prime Cost.

The effect of
restrictions on
the spirit
traffic.

These Regulations, together with the stop that has been put to Vessels bringing spirits from India, the little encouragement given to Americans, and the Restrictions pointed out in the Port Orders, has nearly, if not quite, done away the importation of that destructive Article from all Quarters. However, from the time of the above Regulations and many others taking place (which commenced with my taking the Command) began the partial discontent, Secret opposition, and difficulties thrown in my way; All which I certainly expected. They are too Numerous and Contemptable to wound your Lordship's Ears with their detail; But as they have occasioned the Contents of the Book of General Orders* that accompanys this letter, And a reference had to the index will be a faint Sketch of what I have had to contend with.

Importation
of spirits on
the Atlas
causes
mortality
on that ship.

In this place I respectfully request your Lordship's reference to my General Letter† now sent, and the Enclosures to the Transport Board for the Inhuman treatment on the Voyage of the Irish Convicts who came by the Atlas; The quantity of Spirits and bulky private Trade, the Master had on board having greatly contributed to the Mortality that prevailed in that Ship I forbid any of the Spirits being landed—For what has followed I humbly request your Lordship's candid perusal and consideration of the enclosed Correspondence and my further remarks thereon.

Misconduct
of Kemp.

On receiving the French Commodore's Letter No. 1, Lieut.-Col'l. Paterson being then at Parramatta, I communicated the Circumstances to him as contained in the Letters Nos. 1 and 2, and hoped he would have seen Capt. Kemp's conduct in such a point of View as to require his making an Apology to the French Officers and Myself, without convening and consulting the Officers of the Corps, the Mischief of which had been but too visible on former occasions. I was sorry to find by his Letter No. 3 that he had called a Meeting of the Officers of the Corps, and requested me to Order a meeting of the Civil and Military Officers for the purpose of satisfying me of the zeal he has had to support me in the Government etc.

Paterson's
reply.

* Note 185. † *Marginal note.*—No. 1, Dated 30th October, 1802, Par. 7 and 8.

Former Examples now convinced me that all hopes of this business being settled by the Commanding Officer of the Corps himself, was at an end; And knowing what was to be expected from former meetings of that kind, where several Officers of the Corps were inimical to the Colonel as well as myself, I sent Adj. Minchin the Note No. 5 to which I received the answer No. 6 and soon after Colonel Paterson's Letter No. 7 enclosing an Apology No. 8 which the Officers of the Corps required Capt. Kemp to make the French Officers; whose Answer is contained in No. 24—Which I presume is sufficient proof of the Idea the Officers of the Corps and the French Officers had of Capt. Kemp's improper Conduct towards the latter, who had every claim to Hospitality and undeserving insult. Thus the Explanation and reparation required by the Commodore and the French Officers ended—The paper No. 9 signed by the Officers of the Corps, containing a Mutilated Extract of my Letter to Col. Paterson of the 4th October, by introducing the word "Complaint" as stated in my Letter, No. 14,* joined to Adj. Minchin's declaration on his Honor in No. 10 which totally contradicts the express sense conveyed by his words in his note No. 6 in answer to mine of No. 5 appeared so much calculated to throw doubt on what he had advanced to be true, as contained in the four first Paragraphs of my Letter No. 2 to Col. Paterson that I found it necessary to write Col. Paterson the Letter No. 11 which with the Depositions taken in consequence thereof and my Letter No. 14 I hoped would enable him to judge of himself and for himself, as stated in the 8th 9th and 10th Paragraphs of my Letter No. 14—How far these substantiated Proofs may operate on your Lordship's mind I shall not presume to anticipate, as it appears Col. Paterson by his Answer No. 16 instead of using his own Opinion, refers it to a General Court-Martial to determine which of the Two Officers had Acted with Candor or otherwise.—Col. Paterson having in No. 16 repeated his request of a meeting being convened of the Officers Civil and Military for their Testimony etc. I declined that measure for this reason: That had I consented my presence must have been necessary—To have stated (whatever that Testimony might have been respecting the support Col. Paterson has given me etc.) His and the other Officers of the Corps's decided Opposition to my endeavours to do justice in the case of Lt. Marshall, which is now before your Lordship and brought on my being treated with Public Insult by those Officers 'till Col. Paterson found it necessary to act for himself, but not 'till he had been prevailed on to sign a Public Letter insinuating Complaint against me, addressed to His Royal Highness the Duke of York's Secretary, and a private Letter to our

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King's
explanation
of the
correspondence
about the case
of Captain
Kemp.

Paterson
requests a
meeting of
officers.

Paterson and
the case of
Marshall.

* Marginal note.—Par. 6.

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The Paterson-
Macarthur
duel.

mutual Friend Sir Jos. Banks, both endeavouring to traduce my Public Character unknown to me 'till they were sent away—The artfull manner in which these dark attacks were communicated to me, (by those Col. Paterson had consulted in writing both) and his quitting the Combination entered into against me, which drew on him the Duel with Captn. McArthur of the Corps must have become Subjects of consideration and animadversion had I allowed of such Meeting as he requested, and in which I must have stated, these and other Circumstances in contradiction of his assertions in giving me every assistance etc. Delicacy to the situation he holds prevented my allowing any such Meetings, having from Experience and recent proof known the evil tendency of them—But in stating these my reasons for declining his request; I feel it an indispensable justice to say, that in my occasional absences on the Public Service from Sydney that I have generally found every thing well managed under Lt.-Governor Paterson's directions assisted by Mr. Harris as I have hitherto been, and I am well convinced and warranted in asserting that whenever Col. Paterson Acts from his *own* Sentiments he does what is justly right and strictly Honorable.

Testimony in
favour of
Paterson.

Harris in
charge of the
police.

Soon after taking the Command I found it necessary to seek the assistance of an Officer to manage the Police of this Settlement as a Magistrate under my direction, and that of the Lt.-Govrs. in my absence—Mr. Harris Surgeon of the New South Wales Corps, who had ever maintained the most respectable Character as a Gentleman, joined to an unwearied Activity and intelligence, was anxious to give that unpopular and unrewarded assistance—Col. Paterson highly approved the Choice I had made and gave his hearty consent to it.—On the Naval Officer's situation becoming vacant Mr. Harris succeeded to that Office and collector of the assessments, which has enabled me to carry on several useful and extensive Public Works at no Expence to the Crown he was also an Active Member of the Jail and Orphan Committees and was in every respect a valuable assistant to me, and to the Lt.-Govr. in my absence from Head Quarters, where Mr. Harris's duty requires his attendance as Surgeon of the Corps. The Naval Officer's duty, (which may in this Settlement be more properly termed Captn. of the Port) consists in giving Masters of Ships the Port Orders; Receiving their Bonds; and enforcing the Orders relating to Shipping, all this he did, much to mine and Lt.-Govr. Paterson's satisfaction, and To the evident Public benefit and conspicuous General Good of His Majesty's Service without neglecting an Hours duty as Surgeon of the Corps.

Harris
appointed
naval officer.

Ens'n Barrallier of the New South Wales Corps, being a good Navigator, Surveyor and Engineer, with Col. Paterson's entire approbation and permission went in the Lady Nelson to Basses Straits, a part of which and Western Port he very accurately Surveyed and brought several objects of Natural History from thence, which have been transmitted to the President of the Royal Society—He went with Col. Paterson to Survey and explore Hunter's River and afterwards acted as Engineer and Artillery Officer having charge of the inspection and direction of the Military defences, Batteries, and Cannon in this Settlement, with Col. Paterson's previous approbation—Since then he has made One journey into the Mountains and is the Officer I have mentioned in my General Letter sent with this*—The different things he has collected have been sent to Sir Joseph Banks, and his Charts to your Lordship as well as the Admiralty.

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Services of
Ensign
Barrallier.

I have stated the public Services these Officers have been of, and the assistance I have received from them, to possess your Lordship how sensibly I felt Lt.-Col. Paterson's remarks, contained in the Documents as p'r Margin,† which I could not but consider as withdrawing Ens'n Barrallier and Surgeon Harris, from the Offices they had so usefully performed; nor did I see any other mode of preventing the Secret representation that Experience told me would be made and my future Humiliations than by dispensing with every assistance, that interfered with the Military duty of the Corps, excepting the Choice of an Aid-du-Camp an Orderly Serjeant at Head Quarters, and an Orderly Private at Parramatta who were named with Col. Paterson's previous Sanction.

King
compelled
to ask no
assistance
from officers.

In consequence of Lt.-Col. Paterson's request a General Court-Martial was Ordered to be held on Surgeon Harris and Adjutant Minchin on the Charges stated in the Appendix, which were to decide, which of those Two Officers had acted with Candour—Previous to the Court's meeting I received a Message by the Officiating Deputy Judge-Advocate from the Officers with the Approbation of Lt.-Col. Paterson requesting that the Court-Martial might be postponed—This I readily complied with, But was sorry to find it, unproductive of the desired end.

Court martial
on Harris and
Minchin.

Mr. Harris being first tried—The Second Charge against him being withdrawn in Court, by the Prosecutor (Col. Paterson). No part of the remaining Charge being proved, The Court having judged any defence unnecessary, and its Sentence having pronounced the Charge against him Groundless, and unanimously and most Honorably acquitted him, I approved the Sentence, as

The trial of
Harris.

* *Marginal note.*—No. 1, dated Oct. 30, Par. 17th.

† *Marginal note.*—Par. 4 of No. 16, Par. 6 of No. 17, No. 18, No. 19.

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The trial of
Minchin.

Mr. Harris's Integrity Honor and Propriety of Conduct was too Notorious to be doubted. To the Minutes of that Court-Martial and my remarks thereon I have to request your Lordship's reference—Adj. Minchin was afterwards Tried—As I did not feel myself justifiable, in the Situation I have the Honor to hold, or the knowledge I had of the events to approve the sentence, I directed a Revisal of it, and the proceedings; stating my reasons for it—As the Court adhered to its Sentence, I am obliged to refer it and the proceedings to the Royal decision, for which purpose, I have transmitted it with my further observations thereon, to the Judge-Advocate General by the bearer of this Despatch, who officiated on that occasion as Deputy Judge-Advocate.

Insults by
Kemp to
French officers
and King.

Had Captain Kemp been guided by any prudent consideration, (knowing how much every Soldier and Convict thirsted for a moments Intoxication and the length they would go to obtain it,) he certainly ought to have informed his Commanding Officer or me of the inflaming reports he so industriously Circulated, Instead of which he attacks my Conduct in a manner concealed from me, (until occasion might make a discovery useful to him) but Public to every one else, and that at the unjustifiable Expence of Insulting strange Officers, who by their conduct and Situation, had every claim to our good Offices, while under our protection—To those highly injured Officers he was compelled to make an Apology*—To me as Govr. every redress was denied by the Commanding Officer excepting his avowal that Captn. Kemp did wrong in not reporting what he had heard to his Commanding Officer—Had he done this perhaps I might have been informed of it—But neither was done and on my repeatedly stating these Circumstances, I am told by the Commanding Officer that he has urged Captn. Kemp for an answer—How far No. 22 could be satisfactory to me, but rather an additional Insult I shall make no other Comment on, than what is stated in Letters Nos. 23, 26, and 27.

Opposition to
John Harris.

Respecting Mr. Harris he has long been the object of Secret resentment for his assiduity in assisting me to carry the King's Instructions respecting Spirituous Liquors into effect—I was sorry to find Col. Paterson in his Letter No. 20,† and in the same Paragraph where he avows the impropriety of Captn. Kemp's Conduct, censure Mr. Harris (The Naval Officer) in such harsh and contradictory terms—In answer to Col. Paterson's censure contained in those Paragraphs—The charge on which Mr. Harris was Tried; The Circumstance attending his Trial and Honorable

* *Marginal note.*—Enclosure B, Nos. 8, 24 and 25; No. 14, par. 2, 3, and 4; No. 16, par. 2; No. 17, par. 3, 5; No. 20, par. 2, 3, 5; No. 21, par. 3; No. 22.

† *Marginal note.*—Par. 2, 3, 4, 5.

Acquittal without being asked for a Defence is the only comment I shall trouble your Lordship with, to evince that Mr. Harris had Acted with Candour, Integrity and strict propriety of Conduct throughout the business; and should any further proof be requisite, the conviction that must have dwelt on Col. Paterson's mind of Mr. Harris's good conduct, when he applied by his message No. 31 (joined to the Inhabitants Petitions No. 32 and 34*) for his being reinstated as a Magistrate, after the censure he had applied to him in the above Paragraph appears the most unequivocal Proof of the General Estimation Mr. Harris was and is held in.

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Opposition to
John Harris.

As those Courts-Martial were to decide whether Mr. Harris or Adj. Minchin had been acting with candour or told the Truth And as I have referred the proceedings and Sentence of the latter's Court-Martial to His Majesty's decision, I shall make, no further observation, but humbly and respectfully to request your Lordship's candid perusal and consideration of this Letter.

The reason for
the courts
martial.

And as I am obliged in this distant part of His Majesty's Dominions to act on my own Ideas in forwarding his Majesty's Instructions, enforcing obedience thereto and attaining the object required of me, I am hopeful of meeting that support, which my situation encourages me to solicit, for the better enabling me to persevere in executing the duties of the Office I hold, with Honor to His Majesty's Service and benefit to the Public Intrest.

King's
isolated
position.

I have forwarded to the Secretary of War the Monthly Returns of the New South Wales Corps, from the 31st Decr. 1801 to the 1st November 1802—The last Monthly return I enclose for your Lordship's information.

Monthly
returns of
N.S.W. Corps.

My reason for making the necessary alterations in the Ration, (now that we can issue it complete), and the Arrangement of those supported by the Crown, I have made the Subject of a Separate Letter attached to this.

Many of the Irish Convicts lately arrived having been persuaded, that a Settlement of Europeans, exists beyond the Mountains, I have sent an Officer to explore them, and convince those thoughtless People of their Folley, and as the abilities of Ens'n Barrallier, (who now acts as my Aid-du-Camp) points him out as the most eligible Person to send on that service, I have established Two Depôts† of Provisions in different parts of the Mountains, which will enable him to persevere, and obtain a more perfect knowledge of the interior of this Country.

Explorations
of Barrallier.

In my former Letters I stated that in consequence of the trouble given by the Irish Convicts, I had with the coincidence of Lt.-Col. Paterson formed Two associations‡ which were of the

* Note 245.

† Note 246.

‡ Note 247.

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Arrival of
Irish rebels.

utmost use, until the cause for apprehension was done away, when they were disembodied as stated in a former Letter. On the late Arrival of 400 Irish Convicts, (Mostly Rebels,) I conceived it adviseable, (in consequence of the Duke of Portland's approbation of that measure, And your Lordship's strong recommendation to the same effect,*) to rename the Officers and to re-embody the Men for One Week to deliver them, their Cloathing and Arms after which they will be dispersed, But ready in case of any emergency to assist the New South Wales Corps—I have the Honor to enclose a return of their Numbers. .

Appointment
of barrack
master.

As a great Expence has attended keeping the Barracks appropriated to the Civil and Military in repair, being neglected when uninhabited, as well as to prevent waste I have taken it upon me to appoint Captn. Thomas Rowley late of the Corps to act as Barrack Master for which Service he is remunerated from the Public Stores.

Reconciliation
of Paterson
and Johnston.

Agreeable to your Lordship's directions on Major Johnston's Arrival, I Communicated your Letter, as well as that of Col. Brownrigg to Lt.-Col. Paterson, to that Officer, and released him from his Arrest agreeable to your directions, as stated in my General Orders, and as I wished to Settle the difference that existed between Col. Paterson and Major Johnston, they arranged their differences in my presence, and left Government House good Friends—In undertaking this Office, I considered it a duty incumbent on me, altho' I have not been so fortunate as to experience that attention and support I conceive I have a right to expect from Col. Paterson, in the late events that have happened here.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure A.]

EXTRACT from the Duke of Portland's Letter to Governor Hunter, dated 5th Novr. 1799.

[*This extract consisted of the seventh paragraph of the despatch.*]

COMMUNICATION of Governor King's Instructions respecting Officers Trading.

[*This enclosure consisted of the letter from Lieutenant-Governor King to Lieutenant-Colonel Paterson, forwarded as Enclosure No. 1, in the despatch of the former to the Duke of Portland, dated 18th September, 1800.*]

* Marginal note.—19th June, 1801, Par. 17 ; 30th Jan., 1802, Par. 16.

[Series of Enclosures marked "B."]

[Enclosure No. 1.]

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LE COMMANDANT EN CHEF BAUDIN AU GOUVERNEUR KING.

Monsieur le Gouverneur, Géographe, 4 Octobre, 1802.

La plainte que vous a été portée ces jours passés, et dont vous avez eu la bonté de me donner connoissance, étoit de nature à ne pas vous laisser douter que je ferois tous mes efforts pour découvrir jusqu'à quelle point elle étoit fondée, et qu'ils pouvoient être ceux des officiers qui servent dans l'expédition dont le commandement m'est confié qui avoient osé enfreindre vos ordres et les miens d'une manière si contraire aux lois d'honneur de notre marine militaire, lois qui vous sont parfaitement connues.

Les renseignements de toutes espèces que je me suis procuré m'ont convaincu qu'aucun officier français, soit à bord du Géographe, soit à bord du Naturaliste ou du Casuarina, ne s'est rendu coupable du délit dont il a été accusé; mais comme des informations qui m'étoient personnelles ne satisfaisoient l'accusateur de mes officiers, j'ai donné ordre à Messieurs St. Crig et Freycinet de se rendre immédiatement chez vous, pour répondre en personne de leur conduite, ces deux officiers ayant été particulièrement designé. Ce qu'ils ont de vous dire vous aura mis à même de juger s'ils ont mérités d'être cités en public.

J'espère que vous aurez la complaisance de vouloir bien me faire savoir si, véritablement, ils se sont rendus coupables de désobéissance; et s'il est prouvé qu'ils aient vendus du rum pour de l'argent, j'en ferai un exemple qui apprendra au public jusqu'à qu'elle point nous portons la délicatesse à ce sujet, mais aussi, dans le cas contraire, je réclamerai votre justice pour que celui qui les a calomniés auprès du colonel Paterson et de vous soit tenu à des réparations analogues à celles que doivent attendre les officiers français et militaires, quand après avoir exposé en public leur conduite il est démontré qu'ils ont été injustement accusés ou malicieusement compromis. Toute affaire qui attaque l'honneur d'un officier est délicate. Vous savez que le soupçon, même sans fondement, est une injure qui se pardonne difficilement, et je ne vous dissimulerai pas que j'ai été cbligé d'employer l'autorité pour éviter une scène dont les suites seroient infiniment désagréable, quelqu'en fussent les événements. Soit indiscrétion, soit méchanceté, il n'en est pas moins vrai que tous mes officiers et moi-même nous sommes trouvés compromis dans cette affaire. J'en ai fait peu de cas pour ce qui me concerne, et vous savez que, bien loin de donner du rum à sa valeur dans le pays, je l'ai placé sur le prix de 10

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schelin, afin que les personnes qui m'ont procuré des objets d'histoire naturelle ou des remplacements en vivres y trouvassent un bénéfice qui put les engager à nous bien servir.

Je puis également vous assurer sur ma parole d'honneur qu'il n'a pas été descendu à terre une pinte des 800 gallons d'eau-de-vie que vous avez permis de prendre à bord de l'Atlas. Cette quantité est uniquement réservée pour nos consommations en mer.

Si celui ou ceux qui se sont plaints avoient réfléchi aux suites de leur démarches, je dois croire qu'ils auroient été plus circonspects dans leur conduite, comme plus réservés dans leur propos; mais puisqu'il en a été autrement, j'attends les réparations qu'on doit à l'honneur outragé, car vous ne pouvez pas douter que si quelqu'un de mes officiers venoit à s'écarter des égards réciproque que tous les hommes se doivent les uns aux autres, je ne les commis à tous ce qu'on doit attendre dans pareilles circonstances.

J'ai l'honneur d'être, etc.,

N. BAUDIN.

[*Translation of Enclosure No. 1 by Governor King.*]

COMMODORE BAUDIN TO GOVERNOR KING.

Sir,

On board Le Géographe, 4th October, 1802.

The complaint which has been made to you a few days ago and which you have had the kindness of communicating to me, was of such a nature as to convince me that I should not let it pass without doing all I could to find to what extent it was founded, and to ascertain who could be those of the officers serving in the expedition, the commanding of which is entrusted to me, who had dared to disobey your orders and mine in a manner so contrary to the laws of honour of our Navy—laws with which you are fully acquainted.

The information I have collected from all sides has convinced me that no French officers, either on Le Géographe, Le Naturaliste, or Le Casuarina, are guilty of the offence they have been charged with committing; but as that information is only personal to me, and did not satisfy the accuser of my officers, I have ordered Messrs. Saint Crig and Freycinet to go at once and see you to answer personally for their conduct, as these two officers had been particularly pointed out. What they have to say will enable you to see whether they have merited being thus called before the tribunal of public opinion.

I hope you will let me know really whether they have been guilty of disobedience, and whether it is proved that they have sold rum for money, and I shall make such an example that the public will learn how scrupulous we are on such a matter; but, also, should it prove to be otherwise, I should claim from your sense of justice, that he who has calumniated them to Colonel Paterson and yourself, should be compelled to make such reparation as those French officers expect when, after having made their conduct public, it is demonstrated that they were unjustly accused and maliciously compromised. Every matter which attacks the honour of an officer is a very delicate one. You well know, also, that suspicion, even if unfounded, is an insult not easily forgiven; and I shall not conceal

from you the fact that I have been compelled to make use of all my authority to avoid a scene, the consequences of which would be infinitely disagreeable, whatever the result of it might be. It is none the less true that, be it out of thoughtlessness or of wickedness, all my officers and myself are compromised in this affair. As far as I am concerned, I do not take much notice of it, as you know that, far from giving the rum for its own value in the country, I have quoted it at 10s., so that those who have procured me specimens of natural history and provisions should get a profit which would induce them to serve us well.

I can also give you my word of honour that not one pint of the 800 gallons of brandy that you allowed me to take from the Atlas has been landed, the whole of that quantity being kept for consumption when at sea.

If he or they who have complained had given a thought to the consequences of their action, I have reason to believe that they would have been more circumspect in their conduct and more discreet in their conversation; but as it has been otherwise, I am awaiting for the reparation which is due to outraged honour, for you cannot doubt that, were my officers to ignore the reciprocal regards which men owe to one another, I would compel them to submit to them.

I am, &c.,

N. BAUDIN.

[*Enclosure No. 2.*]

GOVERNOR KING TO LIEUTENANT-COLONEL PATERSON.

Sir,

Sydney, 4th October, 1802.

1. I enclose for your inspection and consideration a translation of a letter from Monsieur Baudin, Commander-in-Chief of the ships belonging to the French Republic, now lying in this port.

2. Before I make any observation on that letter, it is necessary I should inform you that on Thursday last, in consequence of a message I received from Monsieur Baudin, by his captain, respecting a supposed irregularity in the Naval Officer's department with respect to himself, which on explanation proved to be an error in his clerk in carrying a message he was not authorized to do, on this occasion the Naval Officer informed me that he had heard so much lately about the French officers and spirituous liquors, in which my conduct as well as his own was concerned, that he found it necessary to inform me that the officers of the New South Wales Corps made many reflections on the Commodore and the French officers being allowed to purchase spirits from the Atlas, whilst they could not be allowed any from that ship; that Adjutant Minchin had informed him publicly that Col. Paterson had made observations on L't St. Crig, of the Naturaliste, paying away spirits at 25s. per gallon; that Capt'n Kemp had informed some of the officers of the Corps, and had sent for a man named Chapman* to confirm it in their presence, and on the parade that he had told Capt'n Kemp that he

* *Marginal note by Governor King.*—"Has been a convict and a bad character."

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(Chapman) had bought eight bottles of spirits from the first lieutenant of the *Geographe*, for which he had paid him in money at 5s. per bottle.

3. On receiving this information, which I could not but consider as an attack on my conduct in allowing the French officers that privilege and denying it to the officers under my immediate command, and giving me reason to suppose that the French Commodore had broken the word of honor he gave me before any intercourse took place with his ships, that nothing with respect to spirits should happen that could anyways deviate from the allowed rules and customs observed by the officers belonging to the colony.

4. Impressed with these ideas, I sent for the Commodore and expostulated with him upon the impropriety of his officers' conduct and his deceiving me, if privy to any such transaction. To the latter charge he assured me of his total ignorance, and that he would send the officers complained of to me. Soon after L't St. Crig came, when I sent for the Adjutant and Naval Officer. He positively denied, on his word of honor as an officer, ever having paid spirits away at that rate, being never possessed of any but his daily ration, which he did not drink, but exchanged it for vegetables, eggs, and such other things as he wanted.* Adjutant Minchin said that the Naval Officer must have misunderstood him respecting Colonel Paterson's having given the information respecting Mr. St. Crig, but that he said it was some time ago talked of in the Colonel's viranda among some officers of the Corps in the presence of Colonel Paterson; he also said that a man (who had been a convict) named Chapman informed Capt'n Kemp that he had purchased spirits for 5s. per bottle from a French officer, describing the first lieutenant of the *Geographe*, which Chapman afterwards confirmed on the parade, on being called up and questioned by Capt'n Kemp before him (Adjutant Minchin) and several other officers of the Corps. On hearing this L't St. Crig requested that Chapman might be sent for, who, on the question being put to him, whether he had purchased any spirits from the lieut. of the *Geographe*, said not from him, but that he had from another officer, describing First Lieutenant Freycinet, of the *Naturaliste*, who now commands the *Casuarina*. I requested the Commodore to send for this officer who came the following day, and in the presence of the Adjutant, Naval Officer, Judge-Advocate, and Chapman, he heard the latter's assertion which he denied on his honor as an officer, and stated, "that when the *Naturaliste* arrived here Chapman went

* *Marginal note by Governor King*.—"About the time the permit was granted (17th Aug't) to the Commodore for 800 gallons of spirits from the *Atlas*."

on board to offer his services to supply the etat major (lieutenant mess) with vegetables, and every other article they wanted during their stay; that they offered him their daily ration of spirits at the same rate it was allowed the officers on shore to exchange for articles for their domestic use, *i.e.*, 20s. per gallon; that he supplied them for some time, and about five weeks ago, Chapman having conducted himself improperly, they declined having anything further to do with him, and the person who conducts the affairs of the mess (who is not an officer) was directed to settle with Chapman, when it appeared that he had drawn two gallons of spirits more than he had furnished articles for, which he required Chapman to settle, and that he (Lieut. Freycinet) has since been informed that 20s. per gallon was paid for that deficit." This being interpreted to Chapman, he asked L't Freycinet if he had not taken him to his cabin, and offered him eight bottles of spirits at 5s. per bottle, which he (Chapman) declared he could not do, as he would not be able to get his price for it on shore. To this the officer gave his word of honor, and everything that was dear to him as an officer, that no transaction of the kind alluded to had ever taken place. Chapman then asked whether he did not purchase such a quantity from his (L't Freycinet's) domestic? He said no, not from his domestic, but that he knew a domestic belonging to an under officer had sold him some.* Lieut. Freycinet was asked by the Judge-Advocate to declare on his word of honor as an officer whether he either directly or indirectly received any payment for it. He declared that he never did, and should consider himself unworthy to hold the commission he does if he ever did any thing of the kind. Chapman persisted that what he had advanced was truth. He was asked to produce any proof of what he had advanced respecting those officers. Said no other person was privy to it. He then produced a written note from Mr. Colas, a surgeon's mate of the *Naturaliste* to Mr. La Tour, his messmate, to require from Chapman 20s., for which he said he received a gallon of spirits. Mr. Colas being sent for, in the presence of the above officers, says that he gave Chapman a four-pound note to pay for some articles he had furnished to the mess he belonged to, and that there was a deficiency of 20s. which Chapman could not pay, and as he (Colas) was going to Hawkesbury the next morning, he gave Chapman a written note to give his messmate the ballance, but declares he never sold any spirits to Chapman, or any other person, and defies him to prove it. Such, sir, is the result of an examination that has cost me much time, when it ought to have been otherways employed. It now remains for me to state my opinion on these subjects, which I have already done to the

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* *Marginal note by Governor King.*—"For which he was punished."

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French Commodore. Respecting L't St. Crig, you best know how far such an observation came from you. The high character he has borne among the officers of this colony warrants my firm belief of his assertions that he is totally innocent of what may or what may not have been said against him.

5. Lieut. Freycinet has always been noticed as an amiable officer and gentleman by those I have ever conversed with respecting him. His clear and unequivocal account of the transaction has been such that I place the fullest confidence in its veracity, and his being innocent of the foul and unsupported charge brought against him by a miscreant whose villainy was roused and put in action by being disgraced, and no longer employed, for his malpractices in the bargain he had made. And, as a last resource, he accuses a person who is not an officer of a similar transaction; to support it he brings a bill drawn for 20s. May not every officer and man in this colony be made the victim of such infamous accusations if such a character could bring creditable proof to support his assertions? Still this inventive genius is not at a loss for resources. He then complained of what he had said to Capt'n Kemp being in an unguarded moment, when Capt. Kemp had two servants in his store-room, listening to what he (Chapman) said. Here I dismissed the parties, and directed the Adjutant to inform you of Chapman's last assertion respecting Capt'n Kemp, and that I requested you would take the proper steps.

6. The preceding part of this letter being read before the Judge-Advocate, Adjutant Minchin, and the Naval Officer* (who were present at these examinations, and gave the information that produced them, and acknowledged to be true), will be the most eligible persons to clear up any doubt that may arise of their validity.

7. What Capt'n Kemp's motives were (as far as concerns the French officers) for questioning Chapman in his house, and afterwards calling him on the parade and questioning him before the adjutant and other officers of the Corps, I shall make no other comment on than that it most certainly has occasioned the present misunderstanding between the Commodore and the French officers, with myself, and every other military officer in the garrison, a misunderstanding which can only tend to do away the sense they may entertain of the attentions they have hitherto acknowledged, cause an opinion but little honorable to the character of British officers, and ultimately become the subject of representation between His Majesty and the French Republic, a circumstance that cannot be pleasing to any. It is to obviate, if possible, these mischiefs that I transmit you the

* Note 248.

enclosed, no ways doubting but you will cause that justice to be done which the laws of honor and hospitality, due to officers belonging to ships putting in here in a state of distress, demands.

8. Having thus far discharged my duty in what regards the honor of our country (an honor equally committed to the charge of every officer holding his Sovereign's commission as to mine), I shall proceed to remark on such subjects in these proceedings as immediately concern my conduct as His Majesty's Governor of this territory; and had not the information been given by the Naval Officer as stated in the first part of this letter, my conduct and that officer's would most probably have become the open subject of animadversion, when the power of clearing it up rested with neither of us—I mean until after the French ships' departure—as no officer or other person were disposed to give me this information, and was it not for the explanation required by me of the Naval Officer respecting the irregularity complained of by the French Commodore, I make no doubt but I should have remained ignorant of it until some circumstance had brought it to light, or rather obscurity, after the French ships' departure. If you was present at any time when the hardships of the officers of the Corps said they laboured under (according to their public assertions, in your varanda and in your presence, as Adjutant Minchin says) in being prevented from having any spirits from the Atlas, while the French officers were allowed to have 800 gallons to bring on shore to sell, ought I not to have been informed of it by some officer? And whether it was before or after these reflections were used I cannot say; but as you had my unsealed answer to the master of the Atlas from Hawkesbury, where I then was, stating my reasons why I refused him permission to land his spirits, possessed as you were of that official information, and the natural idea you must have had of the disapprobation with which the impropriety of my conduct would have been viewed by Government, whose instructions I have to render every assistance to the French ships, and every thinking man in the world, had I prohibited the French Commander from purchasing 800 gallons of those spirits to enable him to prosecute his voyage. Had all this occurred, if you heard those reflections used, you surely would have silenced those public remarks injurious to my honor as Governor of this territory, which, it appears, was not done, or that Captain Kemp has very improperly conducted himself.

9. Waiting your answer on those points, and the measures you my judge it necessary to pursue for affording that justice which Monsieur Baudin claims.

I have, &c.,

PHILIP GIDLEY KING.

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[Enclosure No. 3.]

LIEUTENANT-COLONEL PATERSON TO GOVERNOR KING.

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Sir,

Sydney, 5th October, 1802.

1. I had the honor to receive your letter of yesterday, and have ordered a meeting of the officers of the Corps to enquire how far Capt'n Kemp was justified in using the expressions alluded to in that letter. As soon as their opinions are given, I shall report them to your Excellency.

2. What respects myself of having made use of Lt. St. Crig's name, I believe I have explained to that gentleman's satisfaction; but, to prevent any misconstruction being put upon that explanation, I intend addressing the Commodore on the subject, and also to convince that I have not been wanting in attention to him or his officers, or ever deviated from the situation I have the honor to be placed in; and I hope I shall be fortunate enough to assure your Excellency that the conversation which passed in my varanda was not of that nature to be noticed by me.

3. That I may be enabled to satisfy your Excellency of the zeal I have had to support you in the government (after the court of enquiry has taken place), may I request you will order a meeting of the civil and military officers in the colony, for the purpose of my asking them that question.

I have, &c.,

W. PATERSON.

[Enclosure No. 4.]

GOVERNOR KING TO LIEUTENANT-COLONEL PATERSON.

Sir,

Sydney, 5th October, 1802.

I have received yours of this date in answer to mine of the 4th instant, to which I shall reply when I am possessed of the result of the measures you have judged it necessary to adopt.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 5.]

W. N. CHAPMAN TO ADJUTANT MINCHIN.

Government House, 5th October, 1802.

THE Governor requests Adjutant Minchin will do him the favor to acquaint him of the time (as near as he can recollect) when the conversations took place in the Colonel's varanda on the hardships the officers of the colony laboured under, and also the day on which Chapman was called on the parade by Captain Kemp, and questioned before yourself and several other officers respecting his purchasing spirits for money from the French officers.

W. N. CHAPMAN.

[Enclosure No. 6.]

ADJUTANT MINCHIN TO GOVERNOR KING.

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Sir,

Sydney Barracks, 5th October, 1802.

I have just received your Excellency's note, desiring me to acquaint you of the time (as near as I can recollect) of the conversations which took place respecting the hardships the officers of the colony laboured under, which happened (to the best of my knowledge) about the time your Excellency granted a permit for the Commodore to have spirits from the Atlas, and I think the questions put by Capt'n Kemp to William Chapman were about the same date.

I am, &c.,

W. MINCHIN,

Adj't, N. S'h W. Corps.

[Enclosure No. 7.]

LIEUTENANT-COLONEL PATERSON TO GOVERNOR KING.

Sir,

Sydney, 6th October, 1802.

I have the honor to enclose you the opinions of the officers,* who I assembled this morning for the purpose of investigating into Captain Kemp's conduct, respecting the expression he made use of, as stated in your Excellency's letter of the 4th inst., to me, and hoped the enclosed apology,* addressed to Commodore Baudin, will be satisfactory to him as well as the French officers; and that the accompanying declarations of the officers assembled will exculpate me in not having reported to you a private conversation which I could not conceive to be a complaint, or in any degree injurious to your Excellency's character as Governor of this territory.

I have, &c.,

W. PATERSON.

[Enclosure No. 8.]

CAPTAIN KEMP TO COMMODORE BAUDIN.

Sir,

Sydney, 6th October, 1802.

As the conversation relating to the officers of the French ships which you have the honor to command, respecting their selling spirits was mentioned by me as a general conversation, I therefore could have no intention of bringing a charge against either of them, and I beg leave to assure you I did not first mention it to the Governor, nor have I only related but what has been asserted by Chapman.

I beg you, sir, and the French officers under your command, will be fully assured how much I am concerned that any occurrence brought forward by me should be considered as done with a view of injuring their honor, as it is so totally different from my wishes and so unconnected with my ideas of them, which I trust my attentions to several of them has fully proved. I am further

* Note 249.

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requested by my brother officers to say that the officers on board the French ships will be considered by them in the same estimation as they were on their arrival in the colony.

I am, &c.,

ANTHONY FENN KEMP,
Capt'n of the N. S. Wales Corps.

Endorsement by Governor King.—I conceive the within apology to be highly honorable to the officers of the New South Wales Corps in requiring its being made, and that it appears a sufficient apology to those officers who have conceived themselves injured, as represented by the French Commodore's letter to me of the 4th instant.

P. G. KING.

[Enclosure No. 9.]

OFFICERS TO GOVERNOR KING.

IN answer to the following extract from a letter sent by Governor King to Lieut.-Col. Paterson, the undersigned officers totally deny making any such complaint* in his presence:—

“If you were present at any time when the hardships the officers of the Corps said they laboured under, according to their public assertions in your verander and in your presence, in being prevented from having any spirits from the Atlas, while the French officers were allowed to have 800 gallons to bring on shore to sell.”†

RALPH WILSON, Captain.

ANTHONY FENN KEMP, Capt.

JOHN PIPER, Capt.

THOS. DAVIES, Lieut.

THOS. HOBBY, L't.

WM. MOORE, L't.

NICH'S BAYLEY, Ensign.

WM. MINCHIN, Ens. and Adj't.

F. BARRALLIER, Ens.

J. HARRIS, Surg'n N.S.W.C.

WM. COX, Paymaster.

THOS. LAYCOCK, Q'm'r.

[Enclosure No. 10.]

ADJUTANT MINCHIN'S DECLARATION.

Sydney, 6th October, 1802.

I DECLARE on my word of honor that I do not recollect ever hearing any officer complain to Colonel Paterson of their labouring under any hardships from not being allowed to have spirits from the Atlas, nor did I assert anything of that kind to Governor King, but that I told the Governor of having heard of Mr. St. Crig's paying away spirits at twenty-five shillings per gallon, in a general conversation in the Colonel's verander, where he was, I will admit, but nothing more.‡ I have, &c.,

W. MINCHIN,
Adj't, N.S.W.C.

* *Note by Governor King.*—“Vide my letter of the 4th, No. 2. No such word appears; proved by my letter No. 14.”

† *Note by Governor King.*—“For what but an improper purpose could the omission (as Adj't Minchin says) be made? See letter No. 2, par. 3.”

‡ *Note by Governor King.*—“Is not this a pointed contradiction of what he asserts in his letter No. 6, and his avowal of the truth of my letter No. 2, as far as para. 6, and that also?”

[Enclosure No. 11.]

GOVERNOR KING TO LIEUTENANT-COLONEL PATERSON.

Sir,

Sydney, 6th October, 1802.

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I have received your letter of this date and its enclosures.* Adjutant Minchin will no doubt be able to account for the different tenor of the paper enclosed with yours to his declaration of yesterday, a copy of which I enclose.* When I receive an explanation on that head, I shall proceed to answer yours.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 12.]

ADJUTANT MINCHIN TO LIEUTENANT-COLONEL PATERSON.

Sir,

Sydney, 6th October, 1802.

On perusing Governor King's letter to you of this day's date respecting me, I find that His Excellency wishes me to account for the different tenor of my letter to him of yesterday, and my declaration to you of this day, and on that head I can only observe that mine of yesterday to Governor King was in answer to a note I received from His Excellency, a copy of which I have the honor of enclosing, in which you will see that the Governor desires me to acquaint him with the time, as near as I can recollect, when the conversation took place in the Colonel's verander, on the hardships that the officers of the colony laboured under.† As I was unacquainted with that conversation having taken place in your verander, you will observe, in my answer to the Governor, that I only mention at what time such conversation took place, but do not particularise where; and when I answered Governor King's note yesterday, I had not the smallest doubt but that His Excellency would have taken it as I really meant,‡ which was that I had heard such conversations, that they were publick, but at what particular place I could not possibly inform him.

I trust, sir, this explanation will prove to the Governor, and to you, that I have not in my letter to His Excellency yesterday, or in my declaration to you to-day, either deviated from the truth or contradicted myself.

I have, &c.,

W. MINCHIN,

Ens'n and Adj't, N.S.W. Corps.

* Note 250. † Note by Governor King.—“Has he not said in the first four lines of this page, in his declarations on honor, that the conversation did take place, &c.?”
‡ Note by Governor King.—“Does he not say in his declaration, as above, that it was in the Colonel's veranda and in his (the Colonel's) presence?”

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[Enclosure No. 13.]

GOVERNOR KING TO LIEUTENANT-COLONEL PATERSON.

Sir,

Sydney, 6th October, 1802.

To elucidate truth, I have to request you will compare with my Secretary the rough draft of my letter to you of the 4th inst. with the original in your possession, and that you will allow the Naval Officer and Judge-Advocate to be present; and if the copy and original are the same, and satisfactory to them, you will, as a magistrate of this colony, have the goodness to take their depositions in proof of the tenor of the second, third, and fourth paragraphs of the above letter.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 14.]

GOVERNOR KING TO LIEUTENANT-COLONEL PATERSON.

Sir,

Sydney, 7th October, 1802.

1. I received yours of yesterday and the day before in answer to mine of the 4th inst., with their enclosures.

2. Captain Kemp's apology to the French officers appears to me as just as it was necessary. I have forwarded it to the Commdore with the enclosed letter.

3. Had Capt'n Kemp done his duty as an officer he would have instantly informed me of Chapman's assertions in his house. I should have been much obliged to him and would have made an instant enquiry why the King's Instructions and my General Orders were treated with contempt by strangers in violation of their Commander's word of honor. Instead of Capt'n Kemp taking that proper step, he questions Chapman again publicly on the parade so long ago as about the 17th last August (for so Adjutant Minchin says to me in his letter of the 5th instant, a copy of which you have), including a period of six weeks. What motives Captain Kemp had for this conduct I will not prejudge; but I cannot forget that on Monday, the 13th Sept'r last, Captain Kemp, in the presence of the Naval Officer, applied to me for some of the Atlas's spirits, and that I told him if any were landed he should have an equal proportion with myself and the youngest ensign in the Corps. Here was surely a time for Capt'n Kemp's giving me the information of Chapman's assertion, which, as Adjutant Minchin says, was about a month before. No, such information I never got 'till by the accident stated in my letter of the 4th, and remarks thereon.

4. I trust, sir, you will discover the impropriety of that officer's conduct in not informing me the instant he heard it asserted

that the French officers were selling spirits for money, knowing it to be a disobedience of my General Orders, consequent on the Royal Instructions.

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5. As to the explanation you have made to the French Commadore respecting Lt. St. Crig being ignorant of it, I can make no observations thereon, nor can I doubt but you have investigated the truth, and that a proper censure has fallen on those who have denied what they once asserted, which must be the case either with the Naval Officer or Adjutant.

6. For what purpose the word "complaint" is conceived and used in the officers and Adjutant Minchin's declaration transmitted by you, I cannot tell; no part whatever of my letter warrants it. Had open "complaint" been made, I most certainly should have heard of it, conceived myself obliged, and would have instantly explained or redressed it; but it has been conversations and assertions in public places that I notice, such as are stated in my letter to you of the 4th instant.

7. I cannot conceive any conversation before you, as Lieutenant-Governor, in your viranda,* and in the hearing of a centinel, who might put and convey what construction he pleased on it to the barracks, to be private, when it related to the objects stated in the Naval Officers and Adjutants information to me on the 3rd instant, confirmed by both to be true when my letter to you of the 4th instant was read to them in the presence of the Judge-Advocate and my Secretary; again confirmed by his answer to my Secretary's letter to him of the 5th, copies of which you have. With these proofs (which I must further elucidate) either the Naval Officer or Adjutant has not been acting with candour, and it rests with you to which of the two you ought to give the greatest credit.

8. It might be wished that a full transcript had been made, in your officers opinion, who you convened yesterday, when they quoted the paragraph of my letter, in which they left out the parenthesis "as Adjutant Minchin says"; and that he did say so I will faithfully adduce and transcribe the following proofs:—

1. The whole of my letter to you of the 4th instant, which you consequently have.
2. The depositions of the Naval Officers, Judge-Advocate, and my Secretary.
3. My Secretary's letter to Adjutant Minchin, of the 5th, and his answer to me.
4. His written declaration on his honor before the officers, which of course you are possessed of.

* *Marginal note by Governor King.*—"Experience shows that soldiers and sailors have taken advantage of less cause to be troublesome, exclusive of what might be expected from the other inhabitants of this colony."

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9. Examine these documents, sir, I beseech you, of yourself and for yourself. Does not the last contradict the incontrovertible evidence of the other six documents? Where am I to look for truth? I desired an explanation of the contradiction in his letter to me of the 5th, and his declaration of the 6th instant. He says in that attempt "that he only mentioned at what time such conversations took place, but did not particularize where." Here, sir, he is wrong; for does he not say in his declaration that he does not recollect ever hearing any officer complain (instead of assert) to Col. Paterson of their labouring, &c. Where does he find that in any part of my letter? But you may discover that he avows in his letter of the 5th to me, that he quotes the time those conversations took place respecting the hardships, &c. You will also discover what he says in the latter part of his declaration which may or may not (as he chooses to interpret it), constitute the conversation he alludes to in his letter to me of the 5th, for it only relates to two subjects—that, and Captain Kemp's questions to Chapman.

10. Now, sir, I request you to cast your eye on my Secretary's letter to him of the 5th.* Is not the positive word "varanda" used? Why, then, did he not at that time, and in his answer, deny either the place or the subject of conversation? But acknowledging the latter to the full extent of the question, and passing the other over in silence, does not refute it. It carries too great a conviction with it.

11. With these documents it rests with you to take a proper notice of him who has deceived you, or me, as the veracity of the information I proceeded on, to render justice to the French officers, and to set my conduct in what regards the Atlas's spirits in a true light, must rest with the Naval Officer, who is surgeon of the Corps you command, and the Adjutant, in doing which you will render me and yourself justice.

12. I have now only to observe that in the measures I have pursued respecting the Atlas's, as well as all other spirits brought to the colony, I have faithfully and honorably discharged the obedience I owe my Sovereign's Instructions, without neglecting the unasked and impartial convenience of every description of people under my command. How far that has been most impartially considered by me, with respect to the officers of the colony, will appear from the Naval Officer's report, which I have directed him to prepare and deliver to you.

I have, &c.,
PHILIP GIDLEY KING.

* Note 251.

[*Enclosure No. 15.*]

GOVERNOR KING TO COMMODORE BAUDIN.

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Sir,

7th October, 1802.

In answer to yours of the 4th, I beg to express the concern I feel that any circumstances should happen for a moment to suspend the good intelligence that has existed between yourself, the officers under your command, and every officer of this garrison.

I have the honor to inform you that, after a mature investigation, it appears that as far back as about the time I gave you the permit to furnish the *Geographe* with 800 gallons of spirits, Captain Kemp, of the New South Wales Corps, was told by Chapman, in his house, that the French officers were in the habit of selling spirits on shore for money, and that he questioned the said Chapman afterwards, on the public parade, before Adjutant Minchin and other officers of the Corps, whether he had not told him so.

Had this circumstance ever been communicated to me before the 2nd inst., when I sent for and taxed you with a breach of your word of honor, I should certainly have informed you of it the instant I heard it; but my ignorance thereof was as great as that of you or your officers, till your message respecting the Naval Officer brought it to light.

You will observe that I lost no time in profiting by your condescension in submitting your officers to an examination before a foreign authority. The result has been highly honorable to them, which I have the honor to enclose for your information and, if you judge necessary, for their satisfaction.

Col. Paterson having judged necessary to convene a meeting of the officers under his command to decide on Captain Kemp's conduct, I have the honor to enclose Captain Kemp's letter of apology and my remarks thereon, which I submit to you and your officers.

I have, &c.,

PHILIP GIDLEY KING.

[*Enclosure No. 16.*]

LIEUTENANT-COLONEL PATERSON TO GOVERNOR KING.

Sir,

Sydney, 8th October, 1802.

1. I had yesterday the honor to receive your letter with the enclosures, and have studiously perused the contents and compared the documents you allude to.

2. What respects Captain Kemp, Mr. Harris, and Adjutant Minchin I have communicated to them this morning. As your Excellency very justly observes, altho' Mr. Harris and Adjutant

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Minchin were unanimous in your presence, they most certainly have been very contradictory since, and as Mr. Harris publicly said that Adjutant Minchin's declaration to me (a copy of which your Excellency has) was correct, I could not suppose it was otherwise, and I have no other means of proving whether both of these officers have acted like gentlemen in this instance but that of bringing them to trial by a General Court-Martial. If your Excellency is pleased to order it I shall do myself the honor of furnishing you with the charges I have to bring against them; but, whatever may be the result, I hope you will not afterwards deny me what I requested in my letter, dated the 5th inst., viz., a meeting of the officers, civil and military, that I may have their testimony how far I have acted wrong in not reporting to your Excellency a circumstance which could not in any way effect your character as Governor of this territory; and from the state of discipline the regiment is in which I have the honor to command, allowing the centinel to have heard the conversation said to have passed in my varanda, it could not have been of that consequence to apprehend any danger from its being carried to the barracks, otherwise I most assuredly should have taken serious notice of it at the moment, and reported it to your Excellency.*

3. I have nothing further to observe at present, sir, not having been fortunate enough to satisfy your Excellency on this point, than this: that I have had the honor to hold His Majesty's commission unsullied for these twenty-three years, and have served in the most honorable and confidential situations in His Majesty's service. I have also had the honor to be placed in the same situation your Excellency holds, and conducted myself with satisfaction to the colony, and had the approbation of His Majesty's Ministers. And it is also pleasing at this moment my being in possession of testimonials of my good conduct in the situations I have had the honor to be placed in, and was never suspected but by your Excellency of withholding anything from those I have had the honor to serve under, where their characters was in question, or the tale-bearer of conversations for the sake of creating mischief, which can be done with no other view than to ingratiate themselves and to give trouble to others, which in this instance has been completely effected.

4. I hope your Excellency will do me the justice that I have not been wanting in giving you every assistance in support of His Majesty's Government, in doing which I may have acted contrary to the instructions I have received from His Royal Highness the

* *Marginal note by Governor King.*—"A week after the date of this, the regiment refused their ration because it was necessary to issue the wheat, spoiling in the stores, before the flour; their conduct was so mutinous that the ringleader was sentenced to 200 lashes by a Regimental Court-Martial."

Commander-in-Chief.* This, sir, I have done with no other view than to give you every assistance that lay in my power.

I have, &c.,

W. PATERSON.

[*Enclosure No. 17.*]

GOVERNOR KING TO LIEUTENANT-COLONEL PATERSON.

Sir,

Sydney, 8th October, 1802.

1. Yours of this date is now before me. I beg leave to observe that I do not notice therein any explanation from you as Commanding Officer of the New South Wales Corps in answer to my representation of Captn. Kemp's conduct, which rests with you to inform me whether you conceive he was right or wrong in not communicating to me the assertions made use of by Chapman in his house, as stated in my letter of yesterday. If he is wrong, I certainly ought to have expected the most ample apology before now. At any event I look up to you on that behalf.

2. The necessary measures respecting a General Court-Martial will be taken when I am favored with the charges you mean to bring against Adjutant Minchin and Mr. Harris.

3. Having stated so much in my letter of the 4th, and my letter of yesterday, respecting the necessity of my being informed of every subject that could give a shadow of cause for discontent, it is unnecessary for me to make any further comment on that business than to refer it [to] that authority which will judge impartially of both our conducts. Having been unfortunate enough to be present at several mutinies of serious import, where the leading causes, by being neglected in their rise, produced consequences that all concerned in them saw with regret how easily they might have been stopped had the primary cause been remedied in time.

4. I do not suspect you, sir, or any man! If I have reason to remark on any person's conduct under my command in what relates to His Majesty's service and the welfare and tranquility of this colony, I always have and will do it in an honourable and open manner.

5. Would you have had me pass over unnoticed the open and honourable information I received from the Naval Officer on a point that, if neglected, constituted a neglect of duty on my part? Was I to tell the French Commodore that I would not attend to his claims for justice on behalf of his officers, who were determined to call Captain Kemp to a private account had not

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* *Marginal note by Governor King.*—"Why was not this remark made when the instructions were received?"

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the Commodore prevented it? Had I, sir, neglected all this I should most justly have merited those representations which experience tells me would no doubt have been made.

6. How far any instructions you may have received from His Royal Highness the Commander-in-Chief can in any ways be a hindrance to your supporting His Majesty's Government and rendering me assistance, I am as yet to learn; but that I may not put any improper constructions thereon, I must request the favour of being informed what those instructions are; and in the meantime, to evince the high respect and veneration I have for anything that can be construed into a wish of His Royal Highness the Commander-in-Chief, I do, sir, as His Majesty's Captain-General and Commander-in-Chief of this colony, require your instant compliance and enforcement of every Order and instruction you may be possessed of from His Royal Highness, which I am well convinced will not militate against His Majesty's Government, or your inclination to support me in the due administration of the important trust delegated to me.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 18.]

LIEUTENANT-COLONEL PATERSON TO GOVERNOR KING.

Sir,

Sydney, 8th October, 1802.

1. I have this moment the honour of your Excellency's letter of this date, and transmit you the following paragraph of His Royal Highness the Commander-in-Chief's instructions to me, dated 4th of August, 1801, respecting the officers under my command, viz.: "Not being permitted on any account whatever to engage into the cultivation of farms, or in any occupation that are to detach them from their military duty."*

2. What I meant being contrary to my instructions, as stated in the above paragraph, has been for the welfare of the colony and not to frustrate your Excellency's wishes.

3. In the latter I mean Mr. Harris and Ensign Barrallier, as they have both been frequently detached from their military duties, which I admitted of purposely for the good of His Majesty's service as well as an accommodation to your Excellency.

4. What respects officers being engaged in the cultivation of farms, when I received these Instructions,† I ordered that as soon

* *Marginal note by Governor King.*—"It appears Colonel Paterson received these Orders 10th July last, a period of three months, and this is the first time he made the objection or hinted that the duties performed by those officers militated against that Instruction."

† *Marginal note by Governor King.*—"Was not that a proper time for any suggestions being made respecting those officers?"

as the present crop was off the ground they must desist from the cultivation of farms in future, as stated in my regimental orderly book, dated the 10th July last.

5. The charges against Mr. Harris and Adjutant Minchin I shall do myself the honour of transmitting to your Excellency to-morrow.

I have, &c.,

W. PATERSON.

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[Enclosure No. 19.]

GOVERNOR KING TO LIEUTENANT-COLONEL PATERSON.

Sir,

Sydney, 8th October, 1802.

I had the honor to receive yours in reply to mine of this day, enclosing His Royal Highness the Commander-in-Chief's instructions to you; and as you construe those instructions as having a retrospect to Ensign Barrallier and Surgeon Harris, I have to request that you will instantly order the former gentleman to his duty, and that you will consider how far Surgeon Harris's doing the duty of Naval Officer interferes with his military duty. Your answer on the latter point will be necessary as soon as possible, to enable me to shew with what prompt attention I honor His Royal Highness's commands, altho' your inference of Ensign Barrallier supercedes the Royal instructions communicated by His Majesty's Principal Secretary of State for the Home Department.

I beg to assure you, sir, I have no accommodation unconnected with the interest of His Majesty's service in the zealous and highly useful duties the above two officers have hitherto so honorably performed with your entire approbation.

I have received no elucidation yet respecting Captain Kemp.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 20.]

LIEUTENANT-COLONEL PATERSON TO GOVERNOR KING.

Sir,

Sydney, 9th October, 1802.

1. I had the honor to receive your Excellency's letter of last night, wherein you request me to order Ensign Barrallier to do his duty in the regiment, and to know how far the Naval Officer and magistrate interferes with Surgeon Harris's military duties. When I mentioned those two officers I did not mean to deprive the public of their services; but from the unfortunate misunderstanding that at present exists between your Excellency and me, I must beg that you will take the responsibility of their holding any other occupations than their military duties upon yourself.*

* Marginal note by Governor King.—“How could I agree to this, and subject myself to future humiliations?”

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2. I must now come to a point, and to explain to your Excellency why the present misunderstanding exists. It takes its rise from Captain Kemp, and is reported to your Excellency by Mr. Harris, with blame attached to me, which has occasioned the reflections and unpleasant constructions upon my conduct, and consequently wounded that good understanding between us which once existed.

3. Captain Kemp did wrong in not reporting to his Commanding Officer what he had heard officially from Chapman,* which, I am confident, would have been settled by the officers of the regiment in an honourable manner, without the risque of its being made a private business, and would not have occasioned any explanation between yourself and Commodore Baudin. Mr. Harris's conduct is, in my mind, much worse than the former gentleman's. He gets Captain Kemp's assertions, as also another information, wherein his Commanding Officer is concerned, and carries the whole to your Excellency, and you give him the credit of having acted open† and honorably to you, altho' you allow but for your having had occasion to blame him in another instance, no such information would have been given. But place yourself, sir, in my situation as his Commanding Officer. He is going with information,‡ “that the officers of the New South Wales Corps had made many reflections of the Commodore and the French officers being allowed to purchase spirits,” &c., &c., as stated in your Excellency's letter of the 4th instant, and with another information with my name attached to it. I say, sir, in this instance he has neither acted openly or honorably to me§; he has acted, sir, with contempt and disrespect to me as his Commanding Officer. Altho' I was not at head-quarters I might have had the information in two hours.

4. If any officer is allowed to act unnoticed as Mr. Harris has done, there is an end to all discipline, command, and respect which is due to me as his Commanding Officer. I am conscious, when your Excellency considers that part of Mr. Harris's conduct, as surgeon of the Corps|| I have the honor to command, you will judge how far he has acted with propriety towards me.

5. I have the honor to enclose the charges against Mr. Harris; also those against Ensign and Adj't Minchin,¶ with a letter from

* *Marginal note by Governor King.*—“Which he publicly and most industriously circulated (see letter No. 2, Captain Kemp's apology, No. 8, and French officer's reply, No. 24).”

† *Marginal note by Governor King.*—“Certainly, and in the just discharge of his duty as Naval Officer.”

‡ *Marginal note by Governor King.*—“As Naval Officer, which appears on his Court-Martial.”

§ *Marginal note by Governor King.*—“Had Col. Paterson been present, he would have known that the information was not concealed, or meant to be so.”

|| *Marginal note by Governor King.*—“He was acting then as Naval Officer.”

¶ Note 252.

the latter.* I have urged Captain Kemp for an answer to that part of your letter which relates to him, and have the honor to enclose it.

6. I beg now to assure your Excellency that, notwithstanding the unpleasant existing misunderstanding, I shall not relax in any shape, either in my civil or military situations, and shall continue to render every assistance that lays in my power for the welfare of the colony, and to support your authority as the Governor of this territory.

I have, &c.,
W. PATERSON.

[Enclosure No. 21.]

ADJUTANT MINCHIN TO LIEUTENANT-COLONEL PATERSON.

Sir, Sydney Barracks, 8th October, 1802.

I am much obliged by the extract which you did me the honor to favor me with from a letter of the Governor.

With respect to His Excellency's allusion, what I have said is truly just and critical, and altho' I feel hurt that such an attempt could be made towards my dishonor, I am more surprized at its cause.

To you, sir, as my Commanding Officer, I now complain of being so unjustly accused, and doubt not but you will afford me an opportunity of convincing you and my brother officers that my veracity is not to be doubted, and that I have not deviated from either the character of an officer or a gentleman.

I have, &c.,
W. MINCHIN,
Ens. and Adj't.

[Enclosure No. 22.]

CAPTAIN KEMP TO LIEUTENANT-COLONEL PATERSON.

Sir, Sydney, 9th October, 1802.

I received yours this morning, and in answer thereto take the liberty of remarking that in my own opinion it would be very unbecoming me to be carrying tales backwards and forwards on such subjects as the French officers being accused of selling spirits.†

To you, sir, as my Commanding Officer, I beg leave to apologize for any part of my conduct that appears to you to be contrary to the etiquette of the service.

I have, &c.,
ANTHONY FENN KEMP,
Captain of the N. S. Wales Corps.

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* Note 253. † Marginal note by Governor King.—“Then why did Capt'n Kemp take such uncommon pains to substantiate and publicly assert it?”

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[*Enclosure No. 23.*]

GOVERNOR KING TO LIEUTENANT-COLONEL PATERSON.

Sir,

Sydney, 9th October, 1802.

The enclosed two letters I have just received from Mons'r Baudin, to which I annex a translation. The Commodore having furnished me with duplicates, you can retain the originals, which you will observe is the French officers' answer to Capt. Kemp's apology to them.

As you judged it necessary to convene the officers of your Corps to decide on Capt'n Kemp's conduct in that respect, which produced the apology, you will have the goodness to reconvene those officers, and cause to be read to them the enclosed letter, in the original and translation.

I have just received yours in answer to my note of last night. You will observe by the General Orders of this day, that the Court-Martial you desire is ordered for Tuesday next, when the addition of the 6th instant is made to the charges, and that, so far from taking any responsibility on myself, contrary to the meaning you attach to the Duke of York's instructions to you, I refer you to the arrangements I have this day made in consequence of your representation. I also observe Capt'n Kemp's letter to you (by no means satisfactory to me). I wished to be possessed of your opinion as a military officer, whether I can with propriety, as Commander-in-Chief (issuing the warrant for a General Court-Martial), personally prosecute Capt'n Kemp.

The remaining subjects of your letter having been so fully anticipated in my letters to you of the 4th and 6th instants, I must not only refer you to them on every point contained in yours of this date, but also request that you will lay my letter of the 6th, as well as the 4th, with their respective documents, before the members of the Court-Martial, for which purpose I have returned the charges to have the 6th instant inserted as well as the 4th instant.

I have, &c.,

PHILIP GIDLEY KING.

[*Enclosure No. 24.*]

LE COMMANDANT EN CHEF BAUDIN AU GOUVERNEUR KING.

Géographe,

Monsieur le Gouverneur,

11 Vendémiaire, an 11.

La lettre que m'a adressé Monsieur Kemp,* capitaine au régiment de la Nouvelle-Galles du Sud, ayant été communiquée

* Note 254.

aux états-majors assemblés, j'ai l'honneur de vous transmettre une copie de la réponse qu'ils ont jugés convenable d'y faire, et qui est ainsi conçue:—

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A bord du Géographe,
le 11 Vendémiaire, an 11.

Citoyen commandant,

D'après vos ordres, j'ai appelé à bord tous les officiers de la division en appuyant le signal d'un coup de canon. Je leur ai communiqué la lettre que vous a écrite Monsieur Kemp, capitaine au régiment de la Nouvelle-Galles.

Tous les officiers français, persuadés que Monsieur Kemp avoit le premier donné lieu à l'accusation fautive portée contre eux, et avoit employé tous ses moyens pour en fournir des preuves, avoient sentis d'autant plus vivement la déloyauté de ce procédé qu'ils devoient moins s'y attendre de la part d'un officier anglais. Ils ont vus avec plaisir que Monsieur Kemp n'a jamais eu l'intention de porter atteinte à leur honneur. Ils en reçoivent l'assurance, parcequ'il entre dans leur principes de ne jamais douter de la vérité d'un officier. Ils eurent désirer que Monsieur Kemp, connoissant mieux la délicatesse des officiers français, n'eut pas en les répétant, accredité les propos d'un homme obscur qui ne fussent jamais parvenu ni à Monsieur Le Gouverneur ni à nous s'ils n'eurent passés par une bouche qui devoit leur donner de la vraisemblance.

Les officiers de l'expédition française sont sensibles aux témoignages d'estime de Messieurs les officiers du régiment de la Nouvelle-Galles, et les assurent que celle qu'ils leur portent en retour ne sauroit être atterré par des torts particuliers.

RONSARD.

FREYCINET aîné.

FREYCINET jeune.

ST. CRIG.

etc., etc., etc.

[Enclosure No. 25.]

COMMANDANT BAUDIN TO CAPTAIN KEMP.

Monsieur,

j'ai Reçu la lettre que vous m'avez fait l'honneur de m'écrire et vous transmet la Réponse que les officiers qui sont sous mes ordres y font. Comme l'affaire dont il est question leur est plus particuliere qu' a moi; j'ai pensé que leur Réponse pourvit mieux vous Convenir que la miene.

j'ai l'honneur d'être très parfaitement.

Monsieur,

votre Serviteur,

N. BAUDIN.

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[Enclosure No. 26.]

LIEUTENANT-COLONEL PATERSON TO GOVERNOR KING.

Sir,

Sydney, 10th October, 1802.

In answer to your Excellency's letter of yesterday, wherein you request my opinion as a military officer whether you can, as Commander-in-Chief issuing the warrant for a Court-Martial, personally prosecute Capt. Kemp.

I find no difficulty to inform your Excellency that it is customary for the accuser to prosecute against a prisoner. How far that may be consistent with your situation as Governor concerning Captain Kemp does not rest with me as a military officer to instruct you.

With the greatest respect to your Excellency's authority, I beg leave to state, as commanding the New South Wales Corps, that the detail of the regiment rests with me alone, and in not noticing this I should be remiss in my duty, in consequence of your Excellency naming the officers for the Court-Martial in your General Orders of yesterday.

I have, &c.,

W. PATERSON.

[Enclosure No. 27.]

GOVERNOR KING TO LIEUTENANT-COLONEL PATERSON.

Sir,

Sydney, 10th October, 1802.

I have received yours of this morning. From your answer to my question contained in my letter yesterday I can only guess that if you mean it as an opinion it coincides with mine, that it is not consistent for me to prosecute Captain Kemp personally; and as experience has dearly taught me the fallaciousness of deputing another person to prosecute in my stead, having failed in my application to you as Commanding Officer of the Corps on the subject of Captain Kemp, I must represent that officer's whole conduct to an authority from which I hope for that justice I cannot obtain here.

I can assure you, sir, that I had no intention of doing yesterday what I have never attempted—interfering with the detail of the regiment under your command. As it appears wrong to you, I request you will regard it as unintentional, as I thought your being the prosecutor it would be more delicate your not having anything to do with the detail that might on that occasion put in or exclude any officer from sitting. To that error I beg you would impute any seeming impropriety on that head. I believe the only person omitted was Lieut. Brabyn. My reason for it was his being on the Parramatta detachment under Captain Piper, who, being of superior rank to Lieut. Brabyn, I named him. But that anything I have done may not be construed into impeding the course of justice I send you the precept I meant

to issue, and have to request you will make such alterations as you may deem proper; and that as many officers as possible may be assembled, I dispense with the officers on my guard attending during the days of the trials.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 28.]

GOVERNOR KING TO LIEUTENANT-COLONEL PATERSON.

Sir,

Sydney, 11th October, 1802.

The hitherto well-conducted police of this settlement being now abandoned by the removal of Mr. Harris, it is incumbent on me, and necessary for the welfare of this settlement, that I should charge you with the administration of that department.

You will observe by the General Orders* of this day that every person concerned with the police do make their daily and constant occasional reports to you in the first instance, which you will enquire into; and in all cases where punishments are necessary you will convene the magistrates and report your decision to me if at Sydney; but if I am at Parramatta, or any other out-settlement, you will consider yourself at liberty to inflict any punishment under 100 lashes. Any arrangements you may judge necessary to offer for my approbation, and which you may judge conducive for preserving the good order of this settlement, I shall most readily attend to it.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 29.]

GOVERNOR KING TO LIEUTENANT-COLONEL PATERSON.

11th October, 1802.

GOVERNOR KING, in answer to Colonel Paterson's message by Lieut. Hobby, requests the names of the officers in writing for to-morrow's Court-Martial, with the exception of Capt'n Kemp, for the reasons stated in the General Orders of to-day*; of one officer for the command of the Parramatta Detachment, where there are 2,980 convicts and inhabitants; and of Ensign Laycock, if he is not of age to sit at a Court-Martial.

The officer of the guard who does not choose to dine with the Governor is at liberty to quit his guard from 3 o'clock 'till the evening parade.

Members for the General Court-Martial ordered to assemble to-morrow:—

CAPT. RALPH WILSON, President.

CAPTAIN JOHN PIPER.

LIEUT. THOS. DAVIES.

LIEUT. THOS. HOBBY.

LIEUT. WM. MOORE.

ENSIGN N. BAYLY.

ENSIGN F. BARRALLIER.

T. HOBBY,

Lieut. and Act'g-Adj't, New South Wales Corps.

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[Enclosure No. 30.]

* TO LIEUT.-GOVERNOR PATERSON.

Sir,

Sydney, 12th October, 1802.

I am Commanded by the Governor to inform you, that in Order to prevent your being interrupted, in your present Prosecutions, he has given directions that no Reports respecting the Police, or Applications on that head are to be made to you until after the Military Trials are finished. I have, etc.,

*

[Enclosure No. 31.]

LIEUTENANT-COLONEL PATERSON TO MR. THOMSON.

Sydney, 13th October, 1802.

L'T.-COLONEL PATERSON requests Mr. Thomson will deliver to His Excellency Governor King the following message:—

That tho' it appeared to the Colonel that His Royal Highness the Duke of York might see an impropriety in Mr. Harris, surgeon of the New South Wales Corps, holding the situation of Naval Officer, and that it might be contrary to his instructions.

Yet at the same time there did not appear to him the same impropriety in his doing the duty of a magistrate, and which he could fill without in any way being considered as detaching him from regimental duty; and as Mr. Harris had already filled that office with great credit to himself and with much benefit to the police of the colony and the good of His Majesty's service in general, the Colonel, as Lieut.-Governor and Commanding Officer of the New South Wales Corps, has to request his Excellency the Governor will reinstate him again in the office of magistrate, but that the Colonel does not ask this from any view of throwing on Mr. Harris any duties which might fall upon himself as L't-Governor.

W. PATERSON.

[Enclosure No. 32.]

PETITION TO GOVERNOR KING.

The most humble petition of the inhabitants of Sydney,—
Respectfully sheweth:—

That they feel it a duty incumbent upon themselves to address you, and represent that, from the first moment John Harris, Esq're, was appointed a magistrate, they have to return him thanks for his assiduity in administering justice, and his unremitting attention to the high situation he held; his vigilance in detecting vice, and his faithful representation of all such matters as came before him. Under his magisterial eye we have enjoyed perfect security in person and property. We could lay down in safety, knowing that Mr. Harris was always awake. His ear was always ready to hear the tale of the unfortunate, and the public voice is, that he administered justice most impartially.

Your Excellency's petitioners are induced thus to trouble you in acknowledging the goodness, the rectitude of conduct, the fair and impartial decisions of John Harris, Esq're, as a magistrate and Naval Officer; and if they are allowed a voice, they crave to observe that none can exceed that gentleman in discharge of the important Colonial duties entrusted to his care and management.

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The petitioners unanimously join in request that your Excellency will be pleased to hear thus their brief prayer, wishing that John Harris, Esq're, may be still continued in his magisterial capacity to rule over us under your Excellency's directions, because under his directions we have lived happy and protected; his vigilance has guarded us in person and property, and we trust that the voice of a few, tho' greater in power than us, will not affect the character of a gentleman that we suppose and have every reason to think invulnerable.

That he may not feel the least diminution of your Excellency's confidence, but that he may be restored and enjoy the highest honors you can bestow, we most respectfully and most ardently pray, &c.

[*Enclosure No. 33.*]

GOVERNOR KING TO LIEUTENANT-COLONEL PATERSON.

Sir, 16th October, 1802.

Before I answer your written message delivered me by Mr. Thomson, containing your request for Mr. Harris to be reinstated as a magistrate, I have to request being informed whether you consider his receiving the rents, assessments, &c., being one of the committee for managing the Gaol and Orphan Funds and institutions, as militating against the meaning you have attached to His Royal Highness the Commander-in-Chief's instructions to you, as all this business is transacted at Sydney where his duty as surgeon of the New South Wales Corps requires his attendance.

I have, &c.,
PHILIP GIDLEY KING.

[*Enclosure No. 34.*]

LIEUTENANT-COLONEL PATERSON TO GOVERNOR KING.

Sir, Sydney, 16th October, 1802.

In answer to your Excellency's letter respecting Mr. Harris holding the different situations therein contained, I do not conceive that either of them detaches him from his military duties, and it will give me great pleasure to find him reinstated in all those situations.

I have, &c.,
W. PATERSON.

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[*Enclosure No. 35.*]

GOVERNOR KING TO LIEUTENANT-COLONEL PATERSON.

Sir,

Sydney, 16th October, 1802.

I have the honor of answering your written message to me by Mr. Thomson of the 13th inst.

Persuaded as I am and ever have been of the honor, integrity, and unparalleled assiduity of Mr. Harris in the different offices he has filled with your consent and approbation, yet, sir, when I recur to the last paragraph of your first and the third paragraph of your second letters to me of the 8th instant, and to the first, third, and fourth of yours of the 9th instant, with my answers thereto; and when I consider the duty of a magistrate may eventually call Mr. Harris to Parramatta or Hawkesbury, which would certainly interfere with his duty as surgeon of the Corps you command, I am sorry, on reflecting over those circumstances, that I cannot consider myself justifiable (without subjecting that officer to censure and myself to experience fresh humiliations on that head), in acceding to your request, and the petition of the inhabitants of this settlement to reinstate Mr. Harris as a magistrate, which office, as you justly observe, he has already filled with great credit to himself, and with much benefit to the police of the colony, and the good of His Majesty's service in general.

I have, &c.,

PHILIP GIDLEY KING.

[*Appendix No. 1.*]

AFFIDAVIT OF SECRETARY CHAPMAN.

MR. WILLIAM NEATE CHAPMAN came before me this day, and after having read and compared a Copy of a Letter from Governor King to me dated 4th Octr. 1802, with the Original now in my possession, voluntarily deposes, "That on the 4th Inst. October Govr. King sent for Adjutant Minchin, and the Naval Officer, (Mr. Harris) and read to them in his presence that part of the above Letter now produced, containing the information of Mr. John Harris, Naval Officer, and Adjutant Minchin respecting the Assertions and Conversations used by some Officers of the New South Wales Corps, on the subject of the French Officers being allowed to purchase Spirits and sell for Money, while they could get none as stated in the 2nd, 3rd and 4th Paragraphs of that Letter—That after having read the first or Second Paragraph, Govr. King addressed himself to those Gentlemen and said "If there is any thing wrong you will Correct me"—That after finished reading the above Statement, He, Govr. King again addressed those Gentlemen and asked them twice if what he had read was true and Correct; Adjutant Minchin Answered

“Yes, perfectly”—and the Naval Officer, “Yes I will take my Oath of it”—Mr. Chapman further deposes that the Judge Advocate was present at reading the latter part of the Statement, which referred to his Examination of Lieutenant Freycignet and the Surgeon’s Mate—That the Judge Advocate was present at finishing reading that statement and to the Governor’s interrogations to the Naval Officer respecting the Truth of the Contents, he Answered in the affirmative.

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W. N. CHAPMAN,

Secy. to the Governor.

Sworn before me this 7th day of October, 1802.

W. PATERSON.

[Appendix No. 2.]

AFFIDAVIT OF SURGEON HARRIS.

MR. JOHN HARRIS Surgeon of the New South Wales Corps and Naval Officer came before me this day and after having read and compared a Copy of a Letter from Governor King to me of the 4th Octr. 1802, with the Original now in my possession, Voluntarily deposes, That on the 4th Instant Octr. Governor King sent for Adjutant Minchin and himself and read to them in the presence of Mr. Chapman, the Secry., that part of the above Letter now produced containing the information which I had given and that of Adjutant Minchin respecting the Assertions and Conversations used by some of the Officers of the New South Wales Corps on the subject of some of the French Officers being allowed Spirits and to Sell on Shore for Money while they could not get any as stated in the above Letter; That His Excell’y the Governor after he had read over the Letter asked Adj. Minchin if it was true and Correct, that if it was not he would be obliged to him (Adj. Minchin) if he would correct him—to which the Adj. replied it was perfectly Correct—That the Governor then asked me if what related to me was true, that I replied, that I would take my Oath of it if required—that some time afterwards the Adj. remarked to me what a tenacious Memory the Governor had, that he had taken no Notes of the preceeding days Conversation, and that he had not forgot a word, to which I replied, he had.

That the Judge Advocate was present when the latter part of the Governor’s Letter was read, who also replied that as far as came within his knowledge it was true and Correct.

J. HARRIS,

Surgeon N.S.W. Corps and Naval Officer.

Sworn before me this 7th Octr. 1802.

W. PATERSON.

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[Appendix No. 3.]

AFFIDAVIT OF JUDGE-ADVOCATE ATKINS.

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French officers.

CAME before me this day Richard Atkins Esquire Judge Advocate and Voluntarily deposed that the part of the Letter His Excellency the Governor read to me was perfectly Correct, and that I was desired by him to retire while the first part of the Letter was read.

RD. ATKINS, J.A.

Sworn before me this 7th October 1802.

W. PATERSON.

[Appendix No. 4.]

INDICTMENTS OF SURGEON HARRIS AND ENSIGN MINCHIN.

Indictment
of Surgeon
Harris.

CHARGE 1st.—John Harris Esqr. Surgeon New South Wales Corps Charged by the Commanding Officer with ungentlemanlike Conduct in accusing Ensign and Adj. Minchin of having advanced a Circumstance which Ensign and Adj. Minchin denies, viz.—That of having informed His Excellency Governor King that some of the Officers of the Corps had Complained of their labouring under Hardships in the Commanding Officer's presence.

2nd.—For disrespect to his Commanding Officer in not informing him of a Circumstance "As stated in the first Charge"—which effected his Character and has occasioned a very serious Misunderstanding between him and His Excellency the Governor.

Indictment
of Adjutant
Minchin.

Charge 1st.—Ensign and Adj. Minchin of the New South Wales Corps Charged by the Commanding Officer with ungentlemanlike Conduct in denying that he ever told Governor King that the Conversations of the Officers of the Corps labouring under Hardships passed in the Commanding Officer's Varanda and in the Commanding Officer's presence as asserted by John Harris Esqr. Surgeon in the same Corps, and in His Excellency's, Govr. Kings, Letter to me of the 4th and 6th Inst. October.

W. PATERSON,

Lt.-Col. Comdg. N.S.W. Corps.

[Appendix No. 5.]

DEPUTY JUDGE-ADVOCATE THOMSON TO GOVERNOR KING.

Sir, Sydney, Tuesday, 12th October, 1802.

Postponement
of court
martial.

I applied this morning to your Excellency (with the approbation of Lieut.-Colonel Paterson) to postpone the General Court-Martial which was to have sat this day on John Harris, Esqr., Surgeon, and Ensign and Adjutant Minchin, of the New South Wales Corps, at the particular request of the officers who were to compose that Court, and who were of opinion that an

explanation might prevent the disagreeable necessity of a Court-Martial, and, also, that I myself might have an opportunity of examining more minutely the charges against those officers, the nature of the evidence in support of those charges, and the defence the prisoners meant to advance.

I have now to inform your Excellency that the efforts of two officers who were selected for the purpose of effecting the explanation required have proved unsuccessful, and, from what I have myself seen, I am clearly of opinion that the charges are so grounded that a General Court-Martial must take place, which I have communicated to Colonel Paterson, who desires me to request your Excellency to put it in orders for the General Court-Martial to sit to-morrow.

I have, &c.,

JAS. THOMSON,

Officiating Deputy Judge-Advocate.

THE preceding Papers were read by the Judge Advocate in the presence of the parties concerned, and acknowledged by them to be true and faithful copies of the Originals.

RICHARD ATKINS, J.A.

THOS. JAMISON, J.P.

[Enclosure C.]

ORDER FOR COURT-MARTIAL.

By etc. etc.

IT being expedient for His Majesty's service that a General Court-Martial should forthwith be assembled, for the purpose of trying John Harris, Esquire, surgeon of the New South Wales Corps, on the following charges, to be exhibited against him by Lieutenant-Colonel William Paterson, commanding the said Corps, viz. :—

Charge 1st.—“John Harris, Esquire, surgeon, New South Wales Corps, charged by the Commanding Officer with ungentlemanlike conduct, in accusing Ensign and Adj't Minchin of having advanced a circumstance which Ensign and Adj't Minchin denies, viz. :—‘That of having informed His Excellency, Governor King, that some of the officers of the Corps had complained of their labouring under hardships in the Commanding Officer's varanda, and in the Commanding Officer's presence.’”

Charge 2nd.—“For disrespect to his Commanding Officer, in not informing him of a circumstance, ‘as stated in the first charge,’ which effected his character, and has occasioned a very serious misunderstanding between him and His Excellency the Governor.” And also for the purpose of trying Ensign and Adjutant Minchin, of the New South Wales Corps, on the following charge, to be exhibited against him, by Lieutenant-Colonel

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for the court
martial.

Precept for
holding court
martial.

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holding court
martial.

William Paterson, commanding the said Corps, viz.:—" Ensign and Adj't Minchin, of the New South Wales Corps, charged by the Commanding Officer, with ungentlemanlike conduct in denying that he ever told Governor King that the conversations of the officers of the Corps labouring under hardships, passed in the Commanding Officer's varanda, and in the Commanding Officer's presence, as asserted by John Harris, Esquire, surgeon in the same Corps, and in His Excellency's, Governor King's letters to me of the 4th and 6th instant, October."

By virtue of the powers delegated to me, I do hereby nominate, constitute, and appoint you, the undermentioned officers, to compose such General Court-Martial; and do direct and require you severally, respectively, and personally, to attend at the quarters of Captain Ralph Wilson, in Sydney, on Wednesday next, being the thirteenth day of this instant, October, then and there, after guard mounting in the forenoon of the same day, to proceed to the tryals of the said John Harris, Esquire, and Ensign and Adjutant Minchin.

Given etc. this 9th day of October, 1802.

PHILIP GIDLEY KING.

To Captain Ralph Wilson, President; Captain John Piper, Lieutenant Thomas Davies, Lieutenant Thomas Hobby, Lieutenant William Moore, Ensign Nicholas Bayly, Ensign Francis Barallier.

To James Thomson, Esquire, Staff-Surgeon, appointed to officiate as Deputy Judge-Advocate on this especial occasion.

A true copy.

RALPH WILSON, Capt'n and President.

JAS. THOMSON, Officiating Dep'y-Judge-Advocate.

PROCEEDINGS OF COURT-MARTIAL.

13th October, 1802.

Proceedings
of court
martial.

AT a General Court-Martial, held at Sydney, in His Majesty's territory called New South Wales, on the 13th day of Oct'r, 1802, by virtue of a precept under the hand and seal of His Excellency Philip Gidley King, Esq're, Captain-General and Governor-in-Chief in and over the said territory and dependencies, &c.

Present:—Captain Ralph Wilson (president), Captain John Piper, Lieutenant Thomas Davies, Lieutenant Thomas Hobby, Lieutenant William Moore, Ensign Nicholas Bayly, Ensign Francis Barrallier (members of New South Wales Corps).

James Thomson, Esq'r., officiating Deputy Judge-Advocate.

The precept for assembling the Court, and also the warrants constituting and authorizing Capt'n Ralph Wilson to sit as President of the Court, and James Thomson, Esq're to officiate as Deputy Judge-Advocate for the occasion, being read.

1802.
9 Nov.
Proceedings
of court
martial.

The Court and Judge-Advocate being sworn.

JOHN HARRIS, Esq're, Surgeon of the New South Wales Corps, charged by Lieut.-Colonel William Paterson, commanding the New South Wales Corps, with:

Charge 1.—Ungentlemanlike conduct, in accusing Ensign and Adjutant Minchin of having advanced a circumstance, which Ensign and Adjutant Minchin denies, viz., that of having informed His Excellency Governor King that some of the officers of the Corps had complained of their labouring under hardships in the Commanding Officer's varanda and in the Commanding Officer's presence.

Charge 2.—As stated in the precept and warrants, being withdrawn by the wish of Lieut.-Colonel Paterson and desire of the prisoner.

The charge being read, and the prisoner asked whether he is guilty or not guilty of the matter of accusation, pleads he is NOT GUILTY.

LIEUTENANT-COLONEL PATERSON, being called on to substantiate the charge, produced to the Court some correspondence with the Governor, which he adduces to support the prosecution.

The prisoner made objections to any written documents or papers being produced in evidence against him.

The Court cleared on the question to deliberate on the propriety of admitting as evidence the written papers, are of opinion, that the written documents produced by Colonel Paterson as prosecutor, should be admitted as the best evidence that can be had.

MR. WILLIAM NEATE CHAPMAN, Secretary to His Excellency, being called on and sworn, deposed to the following questions from Lieut.-Colonel Paterson:—

Q. 1.—Examine those depositions, letters, and documents, and say whether they are originals or exact copies of them, as they have either been wrote by you or passed through your hand as the Governor's Secretary?

A.—The letters endorsed on the back No. 1 of the 4th October, No. 8 of the 6th October, and No. 9 of the 7th October, to be originals; and the several depositions, No. 10, are true copies.

The Court being cleared, and on opening, required of Colonel Paterson to produce to them such extracts from the papers before the Court, as he may find necessary to substantiate the charge.

1802.
9 Nov.

Proceedings
of court
martial.

The Colonel produced the following extract from His Excellency's letter of the 7th October, viz.:—"Either the Naval Officer or Adjutant Minchin has not been acting with candour, and it rests with you to which of the two you ought to give the greatest credit."

MR. CHAPMAN, being again called in, deposed to the following questions from the prisoner:—

Q. 1.—Can you take it on you to say I ever informed the Governor that the officers of the New South Wales Corps had complained to the Lieut.-Colonel of any hardships they laboured under, as stated in his charge against me?

A.—No; never.

Q. 2.—Did you consider what I said to the Governor as a complaint tending to involve Colonel Paterson in any difficulty whatever, or as an information incumbent on my duty as Naval Officer, which concerns the Governor's General Orders in respect to spirits?

A.—I conceive it as information incumbent on you to give to the Governor officially as Naval Officer.

Q. 3.—The length of time I have been about the Governor's person, have you ever heard me repeat or give any information respecting any officer whatever to their prejudice?

A.—No; on the contrary, I always observed Mr. Harris studiously avoided using any officer's name, excepting in endeavouring to do him a service.

Q. 4.—Have you not heard the Governor, as well as the Lieut.-Governor, express themselves in terms of high approbation at my conduct as a magistrate, and other offices I have held with their approbation?

A.—Yes; I have heard them both more than once speak to that effect.

The Colonel stated he had nothing farther to bring forward in support of the prosecution.

The Court being cleared, and having considered the evidence in support of the prosecution, are of opinion there is no necessity for putting the prisoner to the trouble of making any defence; and it appears to the Court that the charge exhibited against John Harris, Esqr., Surgeon of the New South Wales Corps, is groundless, and do therefore unanimously and most honorably acquit him.

RALPH WILSON, Capt., N. S. Wales Corps, President.

I approve the above sentence of honorable acquittal.

Oct. 13. A True Copy.

PHILIP GIDLEY KING.

RALPH WILSON, Capt. and President.

JAS. THOMSON, Officiating Depty. Judge Advc.

1802.
9 Nov.Monthly
return of
N.S.W. Corps.MONTHLY RETURN of His Majesty's New South Wales Corps, &c.—*continued.*

Absent Officers' Names and Rank.	From what time.	By whose leave.	To what time.
Colonel Grose	15th December, 1794	His Majesty's .....	.....
Captain Townson	15th February, 1800	Do .....	.....
Lieut. Patullo	25th August, 1801	Resignation given in .....	.....
Captain McArthur	16th November, 1801	Under arrest, by His Excellency Governor King, Embarked for England with ye Governor's Dispatches.	.....
Lieut. McKellar	29th March, 1802 .....	.....	.....
Names and Rank of Officers on duty, and what duty.	Vacant Officers, and by what means.	Names of Officers Present.	
Major Foveaux, at Norfolk Island.	Lieut. Crawford, dead.	Lieut. Colonel Paterson.	Ensign and Adj. Minchin.
Captain Abbott, do	Serjeants on command, 7.	Captain Johnston.	Ensign Bayly.
Captain Piper, at Parramatta.	Drummers do 2.	Captain Wilson.*	Ensign Barrallier.
Lieut. Hobby, do	Serjeants on furlough, 1.	Captain Kemp.	Paymaster Cox.
Lieut. Brabyn, do	.....	Lieut. Davies.	Qr.-Master Laycock.
Ensign Lawson, at Norfolk Island.	.....	Lieut. Moore.	Surgeon Harris.
Ensign Maundrell, do	.....	Ensign Laycock.	.....
Ensign Piper, do	.....	.....	.....
Ensign Anderson, do	.....	.....	.....
Assist. Surgeon Roberts, do	.....	.....	.....

* Embarked for Norfolk Island.

[Enclosure E.]

1802.
9 Nov.

GENERAL ORDER.

28th October, 1802.

THE Governor has for some time been informed of a Report, as wicked as it is false, and calculated to bring the believers of it to Destruction, that a Settlement of White People exists on the other side of the Mountains, &c., And that several of the Prisoners were so far deluded as to concert means for reaching that Settlement, in consequence of which, several have lately absconded from their Labour, Nine of whom have been apprehended, and on the Examination before the Magistrates, it appeared that some of them, instead of taking the course to the Mountains, had gone to the Sea-side, others had reached near the Nepean, whilst those less instructed than the latter, had wandered about near the place they had left, after being absent Ten Days, most of them nearly starved, and living on Grass for Five Days out of the Ten.

Order *re*
a report of
a settlement
across the Blue
Mountains.

Exclusive of former unhappy examples, The fate which befell those who took the Norfolk, the dismal end of the unfortunate Lime-burners, who were killed by the Natives on landing a few Miles from hence, and the folly of the late Land adventurers, joined to the punishment they have already received in being nearly starved, and the Corporeal Punishment awarded by the Magistrates as an example, it is hoped that what has occurred to those ignorant and infatuated People may have its effect upon others, and prevent such Schemes, as wild as they prove unsuccessful and destructive to those concerned in them.

A few simple and ill-informed People have been led into these ridiculous Plans, the consequences of which have been that those among them who pretended to a greater share of Wisdom than the rest have sacrificed the others by forcing them ashore, where they have been destroyed by the Natives, and a part of them executed for Piracy; Nor is there a doubt that if the present adventurers could have reached the foot of the Mountains, they must have languished and died for want of Food before they could have got a Mile into them.

Let those who are invited to such mad and inconsiderate undertakings reflect upon these things, and they will easily discover the risque attending such ill-judged enterprises.

[Enclosure F.]

EFFECTIVE Roll of the Loyal Sydney Association* Company,
Sydney 9th Novr. 1802.

Roll of the
Loyal Sydney
Association.

Captain Thomas Rowley

Serjeants James Bloodsworth

John Gowen

Lieutenant Thomas Smyth

John Griffiths

* Note 52.

1802. 9 Nov. Roll of the Loyal Sydney Association.	Corporals <u>Thomas Collier</u> <u>Richard Robinson</u>	Privates	Joseph Inches William Jenkins Murty Kearnes John Lewis Fredk. Meredith William Miller John Marsden Thomas Mansfield Edward Pales William Peachy Thomas Randall Thomas Radley Wm. Roberts
	Privates <u>John Anslip</u> <u>Thomas Allwright</u> <u>John Arnes</u> <u>Geo. Atkinson</u> <u>John Anson</u> <u>James Bartram</u> <u>John Burgess</u> <u>Wm. Bruce</u> <u>Wm. Chapman</u> <u>Francis Cox</u> <u>Thomas Caldwell</u> <u>Edward Collins</u> <u>Daniel Chambers</u> <u>John Davis</u> <u>Charles Evans</u> <u>William Fielder</u> <u>Edward Gould</u> <u>James Hanks</u> <u>Edward Holt</u> <u>William Hollis</u> <u>Samuel Heckley</u>	25 35 40	Thomas Raby Wm. Sparks John Sparrow James Spooner Thomas Salmon Walter Scott Samuel Thorley John Tucker James Underwood Willm. Wall
			T. ROWLEY, Captain.

Roll of the
Loyal
Parramatta
Association.

LIST of the Loyal Parramatta Association 9th Novr. 1802.			
Captain <u>James Thomson</u>	Privates	Tim'y Hollister Wm. Hubbard Thomas Joyce Willm. Mounslow Jos. Maund Richard Mortimore Thos. McEnzie Ladoc Pettitt Jos. Saunders Andrew Snowdon Humphry Thorn Jos. Ward James Wright Charles Wright John Whitter Daniel Welling John Weavers	
Lieut. <u>John Jamieson</u> <u>D'Arcy Wentworth</u>			
Serjeant <u>James Larra</u>			
Corporal <u>John Stephenson</u>			
Drummers <u>Richd. Collier</u> <u>Richd. Calcutt</u>	15		
Privates <u>James Beane</u> <u>Benjm. Cowen</u> <u>Thomas Coseur</u> <u>William Cole</u> <u>Willm. Goodwin</u>	20 22		
			JAS. THOMSON, Captain.

GOVERNOR KING TO LORD HOBART.

(Despatch endorsed "Separate, with Military Letter No. 1," per Surgeon Thomson in the Naturaliste; acknowledged by Lord Hobart, 24th June, 1803.)

Sydney, New South Wales,

My Lord,

9th November, 1802.

On the arrival of the ample supply of flour and salt meat by the late transports, and His Majesty's ship Buffalo, which arrived here the 16th ult'o, and being enabled thereby to issue a

Arrival of
H.M.S.
Buffalo.

full ration to the military, agreeable to the Commissary's instructions from the Lords of the Treasury, I judged it incumbent on me to take some steps respecting the deductions to be made on the military ration, as pointed out by His Majesty's warrant on that behalf. In this place I must refer your Lordship to my letter to His Grace the Duke of Portland, of which I enclose the copy of a paragraph, and correspondence that related to this object. As Col'l Paterson received the instructions contained in the Secretary at War's letter to him on September 27th, 1800, and did not judge it necessary to take any steps then, as we could not serve a complete ration, I deferred taking any steps until I might receive instructions in answer to the above paragraph; but as the deductions were dispensed with by the orders of my predecessor, and as it is now in our power to continue the complete ration, I judged it necessary to submit the choice to Lieut't-Col'l Paterson, as stated in the General Orders of the 22'd October, a copy of which, with my correspondence, and the final regulations on that head, I have the honor to enclose, with a statement showing that the complete ration and deductions gives a saving to Government of £3,491 16s. 8d. per ann.*

1802.
9 Nov.

Deductions
from the
military ration.

What I have done in this case, your Lordship will observe, has been to free myself of a future responsibility; and from the necessity of issuing a complete ration to the military now it is in my power, agreeable to the directions received from the Treasury, and in conformity to His Majesty's warrant in that behalf, which do not mention any deductions from the commission and staff officers of troops serving abroad, your Lordship will observe that I have continued the Treasury ration to the latter descriptions until I receive instructions on that head.

The orders I have given the Commissary consequent on the above regulation I hope will be approved of, and found sufficient to recover the amount of the deductions.

Your Lordship will also observe, by the first part of the General Orders of the 22'd ult'o, that from the number of families on the store, I found it necessary, in conformity to my instructions, to order the wives, children, and female servants belonging to commissioned officers on the civil establishment (which consequently includes my own), to be struck off the stores; and, altho' I can find no army regulations, or obtain information which warrants any wives or families of officers or soldiers being supported at the public expence, yet, for the convenience of the New South Wales Corps, I have continued the Treasury ration to five women and their families in each company, limiting that indulgence to those who came free and married from England, being in my opinion a

Officers'
families to be
victualled at
their expence.

* *Marginal note.*—656 rank and file, as per monthly return for Nov., 1802.

1802.
9 Nov.

necessary distinction, as many of the convicts who are married to private soldiers are too depraved and wicked to be allowed any indulgence whatever.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

EXTRACT FROM GOVERNOR KING'S MILITARY LETTER No. 3.
to His Grace the Duke of Portland, dated Augt. 21st, 1801.

[*This extract comprised the third paragraph of the despatch.*]

[Papers forming Enclosure No. 2.]

EXTRACT FROM GENERAL ORDER, dated 22nd October, 1802.

THE following Regulations are to be made respecting those hitherto victualled from the public stores, viz. :—

The Wives, Children, and Female Servants of the Commissioned Officers of the Civil Department are to be struck off the Stores;

Not more than Five Women (who never have been Convicts), Wives of Officers or Soldiers, are to be victualled at the Public Expence for each Company of the New South Wales Corps.

The following Limitation of Servants victualled by the Crown is to take place to-morrow :—

To the Governor, 10 Domestic Servants;

To the Lieutenant-Governor, Five ditto;

To Commissioned Civil Officers living in Barracks, Two ditto;

To Commanding Officer of Troops, Three ditto;

To Captains living in barracks, Two ditto;

To Subalterns living in barracks, One ditto.

The Civil and Military from this date are entitled to have their arrears of sugar made good when any can be purchased.

As the measures taken by Government to supply a full Ration, and as the Governor is pointedly instructed to issue a full Ration to the Troops and Convicts as long as the Stores will allow of it, which lays the Governor under the necessity of conforming to the King's Warrant of the 25th May, 1797, with regard to the full Military Ration, whereby a stoppage is made of 3d. per diem from each Private and 3d. from each Non-Commissioned Officer; But whilst he has received the most pointed instructions respecting the distribution of the Rations and keeping the Troops at a full Allowance, yet he has received no official directions respecting the stoppages. It therefore remains with the Commanding Officer to determine whether the Regiment should receive the full Rations, subject to the stoppages, as prescribed by the King's Warrant, as above, or whether the Treasury Ration for the Settlement at large should be continued until Orders are received on that head.

The Commanding Officer of the New South Wales Corps will inform the Governor of the names of the five Women and their Children for each Company whom he wishes to have victualled;

Orders re
rations for
civil and
military.

Also a list of the servants that the Officers of the Military Department wish to retain, agreeable to the above Orders, for the purpose of supplying their barracks with wood, etc.

1802.
9 Nov.

LIEUTENANT-COLONEL PATERSON TO GOVERNOR KING.

Sir, Sydney, 22nd October, 1802.

Considering your Excellency as Commander-in-Chief of this colony, I cannot take upon me any responsibility respecting the ration for the military more than what I have advanced to your Secretary, and a reference to His Majesty's warrant of the 6th Feb'y, 1799; also the Secretary of War's letter to me, dated the 27th Sept'r, 1800, a copy of which is enclosed.

Correspondence
with Paterson
re military
rations.

Any orders your Excellency may please to give on this head I shall cheerfully attend to.

I have, &c.,

W. PATERSON.

GOVERNOR KING TO LIEUTENANT-COLONEL PATERSON.

Sir, Sydney, 23rd October, 1802.

I have received yours, and as you inform me that you decline being responsible respecting the ration for the military more than what you have advanced to my Secretary, and referring to the King's Instructions of Feb'y 6th, 1799, and the Secretary at War's letter to you of the 27th Sept'r, 1800.

If the Warrant of Feb'y, '99, does not differ from that of May, 1797, there can be no doubt the Secretary at War's letter confirms that order, which, joined to my instructions as stated in the General Orders of yesterday to issue the military a full ration, requires an obedience to the letter of the King's Warrant of May, 1797, to which the Secretary of War alludes.

I have to request you will have the goodness to inform me as soon as possible how far your responsibility goes, as you communicated to my Secretary yesterday. I will also thank you for your opinion respecting the officers' ration, as the warrant only expresses the commissioned officers and privates.

I have, &c.,

PHILIP GIDLEY KING.

LIEUTENANT-COLONEL PATERSON TO GOVERNOR KING.

Sir, Sydney, 23rd October, 1802.

I have the honor to enclose the warrant of the 6th Feb'y, 1799, which your Excellency can compare with that of May, 1797. When the full ration is issued I consider myself responsible for the deduction of threepence halfpenny for each non-commissioned officer, drummer, and private, in the regiment, and my opinion is that the officers ought to receive a ration, as animal food cannot be had but at a most exorbitant price.

1802.
9 Nov.

In the course of to-day I shall give your Excellency the names of the servants the officers retain, and also a list of the soldiers' wives and children.

I have, &c.,
W. PATERSON.

[Enclosure No. 3.]

ORDERS TO COMMISSARY PALMER RE MILITARY RATIONS.

By etc. etc. etc.

Commissary's
orders re
military rations.

WHEREAS it is necessary in Consequence of the Instructions you have Received from the Lords Commissioners of His Majesty's Treasury, that the Troops on this Service, should have a full Ration of Provisions as long as the Stores will admit thereof.

You are hereby required and Directed to Deliver to the Quarter Master of the New South Wales Corps, a Sufficient Quantity of Provisions Weekly, to Issue the following Ration to the Non-Commissioned Officers and Privates in Conformity to the Regulation on that head And agreeable to the General Orders of the Day (*i.e.* Ten Pounds and a half of Flour or Thirteen Pounds of Wheat And Ten Pounds and a half of Beef or Four Pounds Six Ounces of Pork to each Man per Week).

And as it is necessary that you should transmit a Correct Account, of the Rations so issued, you are to Observe the following Regulations on this Behalf.

Vizt. To Require the Quarter Master to Deliver to you a monthly list of the Military for Rations, Distinguishing Officers at Treasury And Non-Commissioned Officers and Privates at Military Ration, Signed by the Quarter Master And approved by the Commanding Officer.

Any Alteration that may be necessary to be made Weekly, to be Signed by the Quarter Master, in writing to you, Signed and Approved of as above.

The Monthly list to be Delivered to you on the 24th of each Month And the Weekly alterations on Thursday Mornings.

The Monthly lists to be inspected and Signed by the Commanding Officer, Quarter Master and yourself previous to the 31st of December Annually, when they are to be made up for the Twelve Months and sent with a Statement of the Numbers Victualled for the Year to the Secretaries of the Treasury and Auditors of Public Accounts, Delivering me a Copy of the Same.

Against each Non-Commissioned Officers etc. and Privates Name Contained in the lists, you will set off the Amount of their Years Deduction, as pointed out by the following Paragraph of His Majestys Warrant, bearing Date the 6th February, 1799. Vizt:—

“AND IT IS OUR WILL and PLEASURE, that there shall be taken a Deduction of Three pence halfpenny, a day from the full Pay

of each, Serjeant, Corporal, Trumpeter, Drummer, Fifer, and Private Man of our said Corps, when Stationed in Jamaica in New South Wales at Gibraltar etc."

For which this shall be your Order.

GIVEN etc. this 23rd Oct. 1802.

PHILIP GIDLEY KING.

1802.
9 Nov.

GOVERNOR KING TO LORD HOBART.

(Despatch marked "Marine Letter No. 1," per Surgeon Thomson in the *Naturaliste*; acknowledged by Lord Hobart, 24th June, 1803.)

My Lord, Sydney, New South Wales, November 9th, 1802.

1. Referring you to the Duplicate of my Separate Letter to the Duke of Portland by the *Speedy*, I have to inform you, that His Majesty's Sloop *Investigator* and the *Lady Nelson*, sailed the 22nd last July to continue the Survey of the Coasts of this Country, Captn. Flinders having communicated his intentions to the Lords of the Admiralty, I shall only observe, that his first object was to examine and Pass thro' Endeavour Strait.

Sailing of the
Investigator
and *Lady*
Nelson.

2. In the above Letter I informed that the *Naturaliste*, one of the French Ships on discovery had put in here for refreshments and sailed again; Monsieur Baudin, Commander of the *Geographe*, and of the Expedition arrived here the 22nd June, with only Twelve Men able to work the Ship, having lost several by Death (Both Ships lost 47 Men by Death since they left France) and all the rest in the last Stage of Scurvey. Twenty Eight of the worst were admitted into our Hospital, who, with the assistance of Vegetables and Fresh Meat, all recovered.—The *Geographe* having lost some Copper off her bottom the Commandant requested permission to heave her down, which I complied with.—The *Naturaliste* returned the 3rd July having got round the South Cape, and proceeded as far to the Westward as 136° Et. of Green'h when the continuance of Westerly Gales and want of Provisions, prevented her going to the Isle of France, which I find was intended—Those Ships' wants of Salt Meat and Spirits were amply provided for by the Arrival of the American,* and the full quantity of Bread and Grain they demanded was furnished by Individuals—As the Numbers on board the *Geographe* were so much reduced and the Commandant having signified his intention of sending the *Naturaliste* to France, with Men just sufficient to work her, he applied for permission to purchase a small Vessel of Twenty Tons belonging to an Individual to accompany him, during the remainder of his Voyage which I complied with, and I hope his situation will procure me your Lordship's Approbation for having granted that request. This Vessel is to be commanded by One of his Lieutenants and

Arrival of the
Naturaliste and
Geographe.

Damages to the
Geographe.

Purchase of
vessel by
Baudin.

* Note 238.

1802.
9 Nov.

Restrictions
placed on
officers and
crew.

manned from the Two Ships—In my Letter already alluded to, I communicated the restrictions I judged it necessary to lay the Captain and Officers of the *Naturaliste* under, which were extended to the *Geographe* on her Arrival, those restrictions and the Ships having constantly lain in Neutral Bay, except when the *Geographe* was heaving down, has secured the most unexceptional conduct of our Visitors whose intercourse with the Inhabitants was thereby entirely prevented, and I have every reason to give the most satisfactory Approbation of the good Conduct of Monsieur Baudin his Officers and Ships Companies during their Stay here.

Proposed
movements
of Baudin.

3. On leaving this I understand Monsieur Baudin intends to repass through Basses Straits, from thence he sends the *Naturaliste* to France with the very extensive collections in every Branch of Natural History that he has made on the different Coasts of this Country, he intends examining that part of the South Coast, where Captn. Flinders has preceded him, from thence he intends examining the W. and N.W. Coasts and the Gulph of Carpentaria in which I have no doubt he will be long preceded by Captn. Flinders, I understand, he then means to visit the Moluccas and from thence to return to France.

Examination
of the coast
of West
Australia.

The Bay he discovered on the Land of Lyons and Named by him "Bai de Geographe" is the only opening they saw either on Llewens's Edle's or the Land of Endraght except Shark's Bay, and Swan River; Monr. Baudin as well as his Officers describe the Coasts on the S.W. and W. sides hardly accessible from the number of small Islands and Rocks with which they are lined, and every appearance of Sterility which is verified by the drawings made of every part of the Coast he has Visited, which I have seen, and are most accurately delineated; Notwithstanding the very great collection he has made in every branch of Natural History, yet I am inclined to think from his Geographical pursuits that collecting alone is not the principal object of his Mission, as it has very forcibly struck me that they have an intention of looking for a place proper to make a similar Establishment to this, on the W. or N.W. Coast, it has also occurred to me, that they may have some intention of laying claim to Van Dieman's Land, now it is known to be insulated from New Holland; my only reason for this supposition is the length of time, and the very accurate and extensive Survey he has taken of what is called by us "Storm Bay Passage" and by the French "Le Canal D'Entrecasteaux" to whom they attribute the discovery of that passage—How far either or both these conjectures may be probable I cannot say but I judge it necessary to communicate my thoughts thereon and to request Instructions for my Conduct in case the latter conjecture should be verified.

Probability of a
settlement by
the French.

I have already stated my Ideas respecting the Policy of forming a Settlement at Port Phillip, in Basses Straits, and in Storm Bay Passage, or Derwent River, on the East side of Van Dieman's Land, reflection on this subject confirms me in the necessity of forming Settlements at One or both those places, unfortunately I have no person I can at present Name to such a situation—Should One offer equal to that charge I shall take it upon me to Settle One or both those places for the reasons stated in my former Letter on that Subject.

1802.
9 Nov.

Proposed
settlements at
Port Phillip
and in
Tasmania.

His Majesty's Ship Buffalo arrived here the 16th Ulto. when I received a Letter from my Lords Commissioners of the Admiralty appointing me Principal Commander of that Ship, she is now unloading, and when clear, will be immediately refitted for Sea; I also received their Lordships' Directions to consider the Lady Nelson as a Tender, attached to that ship, and to bear fifteen Supernumeraries on her Books for Provisions and Wages to man the Lady Nelson.—Altho' that Vessel is now absent with the Investigator, and probably will not return 'till next June, yet I have withdrawn her from the Colonial list of Vessels.

Arrival of
H.M.S.
Buffalo.

Instructions
received.

I intended sending Captain Flinders' Despatches to the Admiralty containing his Charts etc. as far as he has gone by the Whaler I mentioned In my General Letter of this date, but as that Vessel did not call here, I have been necessitated to send this by Mr. Thomson, who takes his passage in the Naturaliste, and as I consider it necessary to preclude Captn. Flinders present Surveys from the most distant probability of falling into other hands, I shall defer sending them until the Greenwich Whaler sails which will be about next February, and may be expected in England about next July—But as their Lordships, may expect some account of his progress, I have related his Verbal Communications to me, in my Letter to their Secretary.

Captain
Flinders'
surveys.

I am much concerned to say that the Norfolk Colonial Brig, which sailed from hence in November last for Otaheite in quest of a Cargo of Salt Pork, in not being returned, makes me apprehensive for her safety, which I hope to find unfounded when the Porpoise returns, As she sailed in May last on the same Service I look for her next month.

Apprehensions
for the safety
of the Norfolk
brig.

I have the Honor to enclose a Return of His Majesty's Ships and Colonial Vessels, by which your Lordship will observe that the Buffalo is fitting as fast as possible for Sea but as she is just clear of her Cargo, I have not yet determined whether she will be able to go to Bombay or Bengal for Cattle and Horses, as it is too late to send her to the Cape.

Return of
shipping.

I have, &c.,
PHILIP GIDLEY KING.

1802.
9 Nov.
Return of
government
vessels.

[Enclosure.]
His MAJESTY'S and Colonial Vessels Employed in N. S. Wales, 9th November, 1802.

Names.	Rigged.	Tonnage.	When and where Built or Purchased.	No. of Officers and Men.	Pay per Month.		Pay per Annum.		In what State.	General Employment.
					£ s. d.	£ s. d.	£ s. d.	£ s. d.		
Buffalo	Ship .....	..	On the Establishment of the Navy.	.....	.....	.....	.....	.....	.....	Fitting for service.
Porpoise	Do .....	..	Do.	.....	.....	.....	.....	.....	.....	Came to Otaheite in quest of Salt Pork, Sailed in May last.
Supply	Hulk	60	Paid as a Contingent Expence of the Colony to the 16th Oct.	Lt. and Comm'r, Chief Mate.....	.....	.....	.....	.....	.....	Receives Empty Casks & other Stores. Arrived from England in December, 1800; has since been three Voyages of Survey in Bass's Straits and Hunter's River, and is now with His Majesty's ship Investigator.
Lady Nelson ..	Brig	60	1802, then as a Tender to the Buffalo, by order of the Admiralty.	2nd do .....	.....	.....	.....	.....	.....
Norfolk.....	Brig	56	Purchased in May, 1801. Built in 1797 of Quebec oak.	1 Mate	6 0 0	2 2 0	78 0 0	0 0	Do ..	Sailed for Otaheite, November the 8th, 1801, for Salt Pork.
Francis	Schooner ..	40	Came in Frame from England, per Pitt, in March, 1798.	2nd do	2 5 0	2 5 0	29 5 0	0 0	Do ..	Has been very Actively Employed in going between Port Jackson and Norfolk Island, bringing Grain from Hawkesbury, & Coals from Hunter's River; Now gone to Norfolk Island.
Cumberland ..	Do ..	26	Sydney, 1801	5 Able Seamen ..	7 0 0	7 0 0	91 0 0	0 0	Do ..	Bringing Grain from Hawkesbury.
Bee	Sloop.....	11	Long Boat, Decked ...	Master	4 0 0	4 0 0	52 0 0	0 0	Do ..	
2 Long boats	} 3 Pinnaces ... 3 Small boats ... 1 Large flat ...	}	Very old	Mate	2 5 0	2 5 0	29 5 0	0 0	Do ..	A very useful Vessel for bringing Grain, &c., from the different Settlements, and many other very useful Public purposes. Variously Employed in the Harbour.
3 Pinnaces ...				3 Able Seamen ..	4 4 0	4 4 0	54 12 0	0 0		
3 Small boats ...				Master and 3 Men who receive an Extra Ration from Stores.	10 9 0	10 9 0	135 17 0	0 0		
1 Large flat ...	.....	.....	.....	.....	.....	.....	.....	.....	.....	Constantly repairing.

Vessels Built for.—Portland, brig, 160 tons, in Frame; no Shipwrights to work on her.
Integrity, sloop, 51 tons, Two Boats.

PHILIP GIDLEY KING.

GOVERNOR KING TO LORD HOBART.

1802.
9 Nov.

(Despatch per Surgeon Thomson in the Naturaliste; acknowledged by Lord Hobart, 24th June, 1803.)

My Lord,

Novr. 9th, 1802.

Mr. Thomas Jamison, Staff Surgeon of Norfolk Island, and now acting principal Surgeon to this Territory, having sent me the enclosed Letters with a request that they might be forwarded to your Lordship, I beg leave to transmit them by this conveyance and have etc.

Letters from
Jamison.

PHILIP GIDLEY KING.

[Enclosure No. 1.]

SURGEON JAMISON TO LORD HOBART.

My Lord,

Sydney, 8th November, 1802.

His Majesty's Service being materially concerned in the Subject which I am now about to submit to your consideration, I cannot doubt that you will deem my inducement hereto some apology for the liberty I take in trespassing on your patience.

Were I tacitly to pass over the complicated abuses committed on board the Atlas Transport, I should consider myself highly reprehensible. A due sense of moral duty urges the information contained in this letter, and I shall neither exaggerate or diminish the facts it states, but detail the circumstances I communicate truly as they occurred, in the hope that if attended to I may be the instrument of future benefit to His Majesty's Service, in preventing a repetition of abuses disgraceful to humanity, by bringing the offender in the present Instance to such just punishment as the nature and extent of his offences (on due investigation) may seem to deserve.

Abuses on the
transport Atlas.

The principal matter of complaint I have to enter into against Mr. Rich'd Brooks, Master of the Atlas (and whence originates various causes of accusation), is that he shipped on board said Vessel under his command a far greater quantity of goods and Merchandize for his own private trade than could be possibly warranted by the usage of the Service he was engaged in. By such conduct the Ship was so deeply laden that it became necessary to keep the air Scuttles in general closed, and the deadlights frequently shut in. His Ideas totally absorbed in commercial speculations for his own individual Emolument, every duty he owed to Government was disregarded. The ship during the Passage was suffered to continue in a State of accumulating filthiness which exceeds description. The usual modes of preserving health and cleanliness on shipboard was seldom attended to,—even the Hammocks and bedding were as permanent fixtures, the Salutary custom of airing them upon deck being generally omitted. From the above circumstances, and the humidity

Effects of
private
shipments by
Rd. Brooks.Conditions
on board.

1802.
9 Nov.Outbreaks
of disease.Treatment of
the sick.

created by the confined state of the Convicts, the air became noxious to such a degree as to extinguish the candles burning in the cabin. The just observation that foul air and filth generate disease was verified in the Atlas. A dangerous fever and dysentery appeared amongst the Convicts, to which numbers fell victims; nor were the necessary means adopted to check the progress of this destroying Malady used; on the contrary it should seem, from the conduct pursued, that it was intended to aid the baneful influence of this harbinger of Death, for one half the hospital was occupied as a sail room, and by this arrangement the Sick were some of them obliged to sleep in the Prison with other Prisoners who were in health. The prevailing disease being contagious in its Kind, the Infection extended, from the causes above recited, and the Malady became almost general. I have further to remark upon the above head that when the ship lay at Rio, the Prisoners being kept on shore presented a favourable opportunity to expel Infection from on board by washing and fumigation; but the Surgeon could do neither to effect, the Prison being almost filled with Sundry Kinds of Lumber, principally Mr. Brooks's private property. Having in the foregoing remarks touched chiefly on the calamitous situation of the Prisoners on board the Atlas, I shall proceed with and conclude what relates to those unhappy People, ere I make a summary recapitulation of the other enormities of their unfeeling persecution.

Trimming of
the ship.

On the upper deck the Spars were raised three or four feet high on each side in the waist, and the long Boat placed in the centre; the main Hatchway was stowed full of casks, that not a breath of air could pass down into the Prisons, and the stantions of the after Hatchway was boarded up so close that it was impossible that a breath of air could pass that way; the wind Sails were without hoops to expand the canvas of which they were formed; and being also never repaired, or otherwise attended to, that it was only the name, being every way uncalculated to answer the purposes of utility for which they were intended; and from the combination of circumstances that I have thus endeavoured to describe, it was impossible that the Prisoners could continue healthy. The afflictions of these Ill-fated beings (the Convicts) did not cease here. The water daily issued, and called three pints, did not exceed a beer quart (infinitely too little for men on a constant salt regimen), and that the thirst and hunger they endured might bear some proportion to each other, they were defrauded of a great part of their ration of Provisions; all the Sick were confined to what they termed a vegetable diet, which consisted of Pease, Barley, Rice, and Oatmeal; their animal food

Condition of
the convicts.

entirely withheld, altho' the full Ration is charged to Government; their being deprived of their Beef and Pork, and curtailed in the species given as an equivalent in lieu by false weights and measures, together with the filthy wretchedness of an insupportable durance, soon induced that debility which eventually terminated in a Typhus Fever and Scurvy; and as it should seem that avarice and cruelty were the predominant features in the character of Mr. Brooks, he carried the further exercise of cruelties on these pitiable objects to a degree that almost exceeds the bounds of credibility. It was no uncommon spectacle to behold these suffering people labouring under the extraordinary incumbrance of two pair of heavy Irons on their legs and one round the neck, with a large padlock as an appendage that weighed at least a pound and a half. The poor creature, almost strangled and sinking under his burden of afflictions, must perforce remain thus situated night and day, till a capricious change in the disposition of his tormentor should lead him to remit the punishment.

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Outbreak of
typhus and
scurvy.

Amongst other incentives to Sickness, as also a preventative to a recovery of the afflicted, was a rule adopted on board the Atlas to extinguish the fire (used for dressing the Provisions) at the hour of dinner, which rendered it impossible for the Surgeon to cause drinks, or other comfortable aliments, to be prepared for his patients. The situation of the Passengers was unpleasant in the extreme. The after ladder was built up; the communication with the Deck was by the After Hatchway, and when the Seamen were employed in the After Hold, which was frequently, ascent or descent was almost impossible; the Steerage—in fact every dry and secure part of the Vessel—was stowed with private Investments of the Master and his creatures, so that the Passengers have to creep under hammocks and over the chests to gain their Cabins, and when there incommoded in such a manner as to be every way uncomfortable, their baggage being crowded therein with themselves; the tonnage allowed to them by the Commissioners of Transport, which ought to have been stowed in the hold, was deposited as above; the Stores belonging to Government occupied the place in the Vessel that was so ill adapted to their Security that numberless packages were adrift about the Vessel, their contents trampling under foot, and others were damaged and destroyed by the oozing of the water from the Hatchways and Scuttles. Any respect or attention in Mr Brooks to the accommodation of the Official Servants of the Crown was entirely out of the question. A Prisoner on board, and from whom he had extorted three or four hundred Guineas, was the only person who had any pre-eminence with Mr. Brooks. This person messed with him, enjoyed a part of the Round-House,

Situation of
the passengers.

Henry Brown
Hayes.

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Treatment of
Jamison.

and the cabin allotted for the Passengers was in part stowed with his Baggage. The striking contrast in Mr. Brooks's conduct in relation to the Prisoner alluded to above and his deportment towards me was so Singular and unprecedented, that I cannot pass it over unnoticed. My bed-place where I Slept was rather on a contracted Scale, and underneath was stowed four casks of Sugar, which were usually required on deck twice a week. My cases were as constantly cast loose, and in danger of being broke to pieces. In the opposite side of the Cabin was a Scuttle, and under it Mr. Brooks had stowed a number of his packages, which underwent a frequent examination, so that my peace and rest were eternally disturbed. These, with the other circumstances of personal disrespect and ill-treatment, rendered my situation so highly disagreeable that I was compelled to leave the ship at Rio Janeiro. (Mr. Carstairs, Supercargo of the Martha, who is to be heard of at No. 50, Lime-street, London, can give your Lordship some information on the filthy and encumbered state of the Atlas at Rio, and the abuse I received at that place.)

Fraudulent
retention of
spirits and
provisions.

I have already remarked on the fraudulent retention of the Convicts' Provisions. The Passengers, Troops, &c., felt a similar Imposition in the Spirits issued as a part of their allowance from Government, it being constantly adulterated before it was served to them. This is a truth that can be averred in the testimony of a number who were on board.

Private
investments on
the Atlas.

The immense quantity of private trade in the Ship was a Source of Calamity to all on board, as it served to take up the Stowage required for water and other necessary purposes, prevented the circulation of the air between decks by the means used for its Security, and marred the necessary progress of the Passengers and others throughout the Ship, exclusive of the loss and damage sustained by the Crown in the disposition made of the Government Stores, whose Security and preservation were objects infinitely beneath Mr. Brooks's consideration. A minute Schedule of the private property which I have had occasion so often to allude to would far exceed the bounds I have prescribed to myself in this letter. I shall, therefore, only observe that Mr. Brooks's investment alone, had it met a good market, would have gone near to defray the expences for the voyage to New South Wales, exclusive of the above. Mr. Byron, the first Mate, had a considerable share of Merchandize on board. Mr. Wellen, the Second Mate, had also an Investment, but in a lesser proportion. The former is a relation of the Owners, and both devoted to the Master, Mr. Brooks. Should an enquiry into the atrocities I complain of from the Information herein Stated, I must advise caution in the degree of credit that may be given to the Testimony of Mr. Byron and Wellen, for the reasons already urged.

Could Mr. Walker, the Ship's Purser and Steward, be applied to with caution and address ere the Subject in question should be too loudly rumoured, particular and essential Information might be obtained from him, as he copied the Invoices of all or the greater part of the Investments on board, and was privy to the greater part of all his fraudulent practices. Mr. Walker, the Surgeon, can make every necessary communication in the Medical department.

1802.
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Inquiries re
mismanagement
on the Atlas.

The protracted and circuitous Passage of the Atlas to New South Wales is a further Subject of Censure, as the rout taken was evidently pursued with no other view but to obtain a Sale for the private trade. A part was disposed of at Rio Janeiro, where Mr. Brooks, meeting a Master of a Vessel (lately from New South Wales), was by him informed that the Colony was overstocked with all kinds of European Goods. This information suggested as an alternative the Cape of Good Hope. Thither he sailed and disposed of Such Articles as suited that market. His proceeding to this place with the residue at length became a matter of necessity. Should these delays and consequent miseries and Deaths of Seventy of the Convicts, several of whom were in the last Stage of Scurvy and were suffered to die in their Irons on board the Atlas—should this fatality be deemed to have arisen in consequence of the Prisoners being kept longer than necessary on board the Ship—become a matter of charge against Mr. Brooks, I must give you some hints relative to a letter which may be introduced as a subterfuge from the accusation of protracting his voyage to suit his own private purpose. The letter alluded to was written and forwarded by Lukyn Betts, Master of the Hercules, to Mr. Brooks, of the Atlas, expressing a wish that the two vessels should consort with each other from Rio (where this letter was written) to the Cape. This could be no more than a mere collusion to afford the latter a pretext for touching at the Cape, for Mr. Brooks paid no attention to the course steered by the Hercules, and parted company at Midday five days after sailing from Rio. I refer you to the Log Book of the Hercules for a confirmation of the above remark. To conclude, should the flagitious conduct of Mr. Brooks in the various instances here mentioned, and that can be further enumerated, incline His Majesty's Ministers to consider such a man deserving the censure of the Laws he has so basely violated, and, further, should they deem my return to Europe necessary on the occasion, I have only to declare my readiness to obey their intimation to such effect, it being a cause of Humanity and Justice. I should feel happy to bear an unerring testimony to the truth of what is here asserted.

I have, &c.,

THOS. JAMISON.

1802.
9 Nov.

[Enclosure No. 2.]

SURGEON JAMISON TO GOVERNOR KING.

Sir,

Sydney, November 12th, 1802.

Your regard to the impartial administration of Justice will doubtless lead Your Excellency to deem worthy your attention the Subject on which I now address you, and should the result of your deliberations, thereon, coincide with my wishes herein stated I shall rest assured of your compliance with my requests specified in the Sequel of this Letter.

Civil suit:
Jamison v.
Brooks.

I must first remind you (as being immediately necessary to my present purpose) that I instituted a Process in a Civil Court of Jurisdiction convened on the occasion in this Colony, against Mr. Richd. Brooks Master of the Ship Atlas, founded on and comprised under ten distinct Charges of accusation: the most material of which was one complaint, for Violent Outrage and Assault committed on my Person by Mr. R. Brooks and his adherents on board the Ship abovementioned, then lying in the Harbour of Rio Janeiro; on this offence (so highly Militant to every existing Law for the safety and preservation of the Subject) The Court of Civil Jurisdiction whom the Charge was brought before, declared their Incompetency to decide, such declaration grounded on the circumstance, that the aggression complained of was committed at a Place without the limits of their Authority: for the same reason the expences incurred on my being left at Portsmouth was not taken cognizance of: The Eight other Charges were recognised and received by the Court, and fully substantiated by the concurring testimony of Witnesses; and the leading Article of Charge tending to prove a preconceived Intention in Mr. Brooks to leave me behind at Portsmouth was not even by him contraverted, satisfying himself with simply saying that it was not his duty to give me notice to embark, altho' it fully appeared, that I had been previously recognized by Mr. Brooks as a Kings Officer, and intended Passenger in the Ship he commanded by the Order of Government, in who's service the Atlas was then engaged: whether or not Mr. Brooks' conduct in the above Instance may be deemed reprehensible, thus much I can say, that by his neglect to apprise me of his intention to Sail I was consequently left on Shore; and being myself at the same time under Orders (which I felt bound to obey) to proceed to this Colony, I incurred a extra expence of more than One Hundred Pounds in following the Ship Atlas from Portsmouth to Waterford and Cork, at the latter I embarked with Mr. Brooks and thence proceeded to Rio—Mr. R. Brooks' conduct towards me between the two ports abovementioned, being replete with fraud, Insolence, and degradation,

and afterwards succeeded by the Assault alluded to in a former part of this Letter, I was compelled to quit the Atlas at Rio, and from thence procure for myself a Passage on board the Hercules to this Colony; and in addition to the reasons already urged for leaving the Ship, I was advised by Letter from Captn. Willson of the New South Wales Corps, that my life was in imminent peril If I proceeded further in a situation, subject to the avowed malice of Mr. Brooks—who had declared to him (Captn. Willson) his Inimical intention on board the Atlas; at Rio before my leaving the Ship, I aimed to embark my effects with me on board the Hercules. In this I was prevented by Mr. R. Brooks, and on my arrival here, and on bringing on Shore my Baggage from the Atlas, I found I had sustained much loss in my property, from Pillage and their being removed from my Cabin to a place of less security in the fore hold amongst the Water Casks, and other circumstances, all originating in, and proceeding from the flagitious, and unprincipaled conduct of Mr. Brooks—Thus on account of the expence I incurred in following the Atlas from Portsmouth to Waterford and Cork, and Abuses, Indignities, and fraud practised on me by Mr. Brooks on my Passage from thence to Rio, my ultimately leaving the Ship and engaging a new conveyance from the latter place to this Colony, tending to the Injury of my Health, and loss of my property—these Circumstances are clearly proved under Eight separate heads; I moderately stated my damages at Three Hundred Pounds (reserving to myself the intention of a future prosecution against Mr. Brooks for the Assault on my Person and the expences incurred in following the Atlas to Cork) when the Court made an award in my favour of One Hundred Pounds and Costs; from this decree Mr. B. appealed to Your Excellency, when you was pleased to set aside the Verdict of the Court, In part allowing me only Fifty Pounds with Costs and five per Cent. thereon, being the Expences I had incurred in Obtaining a Passage on board the Hercules from Rio Janeiro to this Colony—On the ground that an Action of Remuneration for damages sustained could not lay against the Master of a Transport Ship, but must attach to the owners thereof—Now as Your Excellency's determination does by no means do away the propriety on my part, of still pursuing legal means of redress, for the personal injuries I have received, and losses that I have sustained; and it being my fixed Intention to obtain Justice as well for my Personal satisfaction, as for future example to others in like Case offending, which latter inducement I feel as a duty I owe to Society—to aid the accomplishment of my wishes in the above particulars I request that you will be pleased to transmit to the Commissioners for conducting His Majesty's Transport Service,

1802.
9 Nov.

Civil suit:
Jamison v.
Brooks.

Transhipment
of Jamison to
the Hercules.

Loss of
property by
Jamison.

Damages
claimed.

Appeal to the
governor.

Appeal to the
Transport
Board.

1802.
9 Nov.
—
Appeal to the
Transport
Board.

the Papers herewith inclosed, as doubtless there are some certain provisions made by the Board for the proper conduct of owners, and Masters of Transports in all engagements by them entered into with Government, therefore these necessary communications being made to the Commissioners, (as far as relates to the subject in question) will enable them to Judge if there is cause of blame, and to whom it must attach; I further solicit in addition to the information I may receive from the Commissioners of Transport (in answer to the above suggestions) to know if a Process can be instituted and followed in the Courts at Home, in my Name, and on my behalf on written Testimony only, and should such be impossible, and my Personal appearance be Indispensibly necessary for obtaining that Justice I may be deemed entitled to expect, I must then hope you will Cause the substance of my complaints (with such comments thereon as may seem proper and necessary) to be laid before His Majesty's Ministers in who's providence it is to grant me leave to return to Britain that I may be enabled to procure that redress of my grievances which from the Circumstances already recapitulated, I cannot possibly obtain in this Colony.

Sir, I have, etc.,
THOS. JAMISON.

[Sub-enclosure No. 1.]

AFFIDAVIT OF SURGEON JAMISON.

Jamison's
affidavit
re assault
by Brooks.

Cumberland { Thomas Jamison Esqr., Acting Surgeon General
to Wit { for the Territory of New South Wales at the
time being, Maketh Oath and saith.—

I came rather late in the Evening on board the Ship Atlas; on Saturday the Twentieth day of February in the Year One Thousand eight hundred and two, said Vessel then Lying in the Harbour of Rio Janario, on descending the After Ladder, I found the Steerage so blocked up that the way to my Cabin was utterly impeded by Packages stowed there; I endeavoured with my foot to remove them, but not succeeding in my efforts to obtain a Passage; by pushing out of my way a Case which effectually prevented my progress, I laid hold of it with my hand, when the part I held broke off,—and with much difficulty, I at length reached my Cabin.—Shortly afterwards (having undressed) I put on my dressing gown and went on deck, Mr. Byron first Mate of the Atlas addressed himself to me Ironically saying he was much obliged to me for breaking open his Case, (meaning the Case I had removed) and exposing his property to the Sailors in the Steerage: I told him in reply that he was not

obliged to me, and that there was no personality intended by me, in removing the Case in question, as it prevented my going into my Cabin; Mr. Byron, in a style of much haughtiness and contumely, demanded to know, If I wanted to Command the Ship; I replied that I neither wanted to command, or to interfere in anything relating to the Ship; but as the Atlas was in His Majesty's Service, and myself a King's Officer, and ordered a Cabin in her for my accommodation, I of consequence expected a passage to it: and that I further should require in future, that my access to my Cabin, should not be obstructed by packages stowed in the way thereto as had been hitherto the Case. Mr. Richard Brooks Master of the Atlas being then in his bed, called out from the Cabin where he lay, and asked what noise that was on deck; Mr. Byron replied that some words had taken place between him and Mr. Jamison, Mr. Brooks then said, Mr. Byron put that mutinous Scoundrel (meaning me) in Irons; irritated by such illiberal language I told Mr. Brooks he lied, and that I was neither Mutinous, nor a scoundrel, without further altercation Mr. Brooks came out of his Cabin, struck me repeatedly and to prevent all possibility on my part of resistance or defence, whilst thus assaulted, I was forcibly held by Mr. Byron, Mr. John Willen, and others; I was knocked down on the deck by Mr. Brooks, and being down, then overpowered by him and his adherents, in such defenceless situation, with unmanly violence he made repeated blows at me, until he had vented his savage, and brutal passion, when he returned again to his Cabin.

THOS. JAMISON.

Sworn before me One of His Majesty's Justices of the Peace
for the Territory aforesaid this 27th day of Octr. 1802.

JAS. THOMSON.

[Sub-enclosure No. 2.]

AFFIDAVIT OF MATTHEW WHITE.

Cumberland } Matthew White Private Soldier in the New
to Wit } South Wales Corps: Maketh Oath and saith.—

Affidavit by
White *re*
assault by
Brooks on
Jamison.

I was embarked on board the Atlas on my passage to this Colony: on the Evening of Saturday the Twentieth Day of February in the Year One Thousand eight Hundred and two, said Vessel then Lying in the Harbour of Rio Janeiro—and being below in the birth allotted me in the Ship I heard some loud words passing on Deck, curiosity compelled me to ascend to learn the cause of dispute: when I came on deck I saw Mr. Jamison Surgeon for the Territory of New South Wales, a Passenger on board, and Mr. Byron Chief Mate of the Atlas, talking

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Affidavit by
White re
assault by
Brooks on
Jamison.

to each other with some warmth; the Subject I could not distinctly hear, for on the instant, I heard Mr. Richd. Brooks Master of the Atlas from his Cabin where he lay, call out: Mr. Byron put that mutinous Scoundrel in Irons, I then heard Mr. Jamison immediately say to Mr. Brooks, you lie; I am neither mutinous, nor a Scoundrel; Mr. Brooks then came out upon the Deck and struck Mr. Jamison several times, and whilst so beaten, and abused, Mr. Byron held Mr. Jamison, Mr. Byron perceiving me to notice the transaction, ordered me off Deck, I obeyed, a Noise as of a Person struggling to escape from Violence, and the voices of different people succeeded for some time after I had gone below.

his
MATTHEW X WHITE.
mark

Sworn before me One of His Majesty's Justices of the Peace for His Majesty's Territory of New South Wales—at Sydney in the said Territory this 27th day of October, 1802.

JAS. THOMSON.

GOVERNOR KING TO LORD HOBART.

(Despatch per Surgeon Thomson in the Naturaliste; acknowledged by Lord Hobart, 24th June, 1803.)

My Lord, Sydney, New South Wales, Nov. 9th, 1802.

With this I have the Honor to forward copies of my Letters to the Governor-General of India and the Company's Supercargo at Canton, the object of which is more effectually to lessen the Emigration of People from this Colony to India.

Emigration
from N.S.W.
to India
and China.

Port orders.

I also enclose Copies of the New Bonds and two copies of the last Port Orders—It is adviseable to print off a number of Copies, and one or more of each to be given the Masters of Ships when taken up, as a guide for their conduct.

General orders.

I also enclose the General Orders which respect the Police and have issued since my last Despatch. I have also enclosed a Book* and some separate Sheets, which is provided with an Index containing all the Orders from my taking the Command, 'till the present period.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

GOVERNOR KING TO THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

Sydney, New South Wales,

Sept. 28th, 1802.

My Lord,

With this I have the Honor of Enclosing a Copy of my Letter to the Honble. Company's Supercargo at Canton, as I am

* Note 185.

well persuaded, that notwithstanding the former Bonds entered into by Masters of Ships going to India and China, yet that your Lordships views and my Exertions on that head are thwarted by the connivance of the Masters of Ships, their Officers and Men, secreting Prisoners.

1802.
9 Nov.
—
Escape of
convicts to
India.

This Colony is in a very peaceable State and every thing going on well.

I have, etc.,

PHILIP GIDLEY KING.

[Enclosure No. 2.]

GOVERNOR KING TO THE EAST INDIA COMPANY'S SUPERCARGO AT CANTON.

Sydney, New South Wales,

Sir,

Sept. 28th, 1802.

His Excellency the Governor General of the Honble. East Indian Company's Territories having by his Letter in Council of 11th Nov: 99, (a Duplicate of which is Enclosed) strongly recommended the necessity of people who ever have been Convicts not being allowed to be received on board any Ships bound to India or China; in consequence of which the Masters of Ships bound to India or China have always entered into Penalty Bonds—But from the nature of this Harbour, and the various means Convicts whose Terms of Transportation are not expired have of secreting themselves on board Ships, I have judged it necessary to cause fresh Bonds to be entered into, and beg to suggest whether it would not be entering more fully into the Governor General's Ideas for the Passengers allowed to go from hence to England in those Ships being Mustered on their Arrival at Macou* and again Mustered on their departure, and any person whose Names are not expressed in the List that will always be forwarded to you of those who have my leave, to be confined, and the Master of the Ship obliged to take them on to England at his own Expence; These precautions I have no doubt will greatly prevent the Emigration of those whose terms are expired to the Honorable Company's Settlements; I request your care and forwarding the Enclosed to His Excellency the Governor General in Council, which Contains a Duplicate of this Letter.

Emigration of
expiries and
escape of
convicts to
China.

I have, etc.,

PHILIP GIDLEY KING.

[Enclosure No. 3.]

[A copy of the new bond is not available.]

* Note 257.

[Enclosure No. 4.]

REGULATIONS

to be observed

By the Commanders of English or Foreign Merchant Vessels, arriving in Port Jackson; and by all Merchants, Importers, and Consignees, resident in His Majesty's Territory called New South Wales.

I.—Only the Pilot, or Officer sent by the Governor, is to board any Vessel arriving at this Port, until an Union or Ensign is hoisted on board such Vessel Foreign Vessels to lie in Neutral Bay.

II.—A Guard will be sent on board, to prevent any articles from being landed, until permission is given. The Guard to be as comfortably lodged as Circumstances will allow of, and not to be interrupted or insulted in their duty.

III.—When the Vessel is secured, the Master is to make his report at the Naval Officer's Office, and enter the Vessel; to produce a Manifest of his Cargo, specifying the different Articles in the Vessel for sale. He is then to give Bond of Security, in the penalty of £200 sterling, that neither himself, or any other person whatsoever, sends from the Vessel any articles for sale, until the Permit is given for that purpose; and not to send from the Vessel any spirits, wine, beer or other strong drinks, after that General Permission is given, without a written Permit, signed by the Governor, and countersigned by the Naval Officer; nor to send from the Vessel, or to sell, any arms or ammunition to any person, without the Governor's permission as above, on pain of the Bond being forfeited, together with the Charter-party, if in Government Service.

IV.—Liquors, etc. thus permitted and purchased, are to be landed at the Hospital Wharf (and no where else in this Harbour): The Master to be responsible to the Naval Officer for the Assessments.

V.—In case the Obligation of the Bond is forfeited, half the penalty goes to the Orphan Fund, and the other half to persons informing, prosecuting, or suing for the same; and the whole of the seizure will be the property of the person or persons making it.

VI.—Masters, bound to India or China, to give Bonds before they are cleared out, not to take away any Convict or Convicts from hence, or to land any that have ever been Convicts, in any part of the Company's Territories.

VII.—Vessels leaving this Port, or persons going in them, to advertise a week previous to sailing.

1802.
9 Nov.Port
regulations.

VIII.—Strong Drinks are not to be given to Natives, on board ships.

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IX.—Masters to cry the Credit of their Seamen down, immediately on their arrival. Port regulations.

X.—Masters are to give a security of £200 (previous to their Permission to Trade being granted) not to take any person from this Colony, but by the Governor's written Permission. They are also to give Bond, binding themselves, their Officers, and Ship's Company respectively, in the sum of £50 a head, for each Convict or other person secreted on board, contrary to the Eleventh Article of these Instructions: This sum to be levied upon conviction, before a Bench of Magistrates, on the Officer or Seaman secreting such person; in default of which the penalties of the Bond to be paid by the Commander. And if any Convict should be discovered on Board after the Vessel has left this Port, the Master is enjoined to deliver him, her, and every such Convict, to the Commanding Officer at the first English Port he touches at, as having absconded from hence.

XI.—No Convict, either Male or Female, is to be received on board any Vessel in the Harbour without a Pass from the Governor, Officer in Command, or officiating Magistrate. No Boats are to remain on shore after 8 o'Clock. No Seamen are to go into the Country without a Pass; and, if found on shore after Dark without such Pass or Permission from a Magistrate, they will be confined until the Morning, and otherwise dealt with as the case may require. No Boat is to go up or down the Harbour without a trusty Person in the command of her.

XII.—Boats landing in any part of the Cove but the Hospital Wharf, except such as belong to the Hospital, Salt Pans, or to Kings Ships, without permission being first obtained from the Governor, or Lieutenant-Governor, will be fired on by the Centinels and seized.

XIII.—No Boats to land on Garden Island, without the Governor's permission.

XIV.—Masters and Officers of Merchant Vessels to carry a Lantern, if they are on Shore after Tap-too Beating; and to make themselves known to the Centinels, when hailed.

XV.—If Merchant Vessels' Boats do not answer when hailed by Centinels, or from any Ship whatever, they are to be fired at, and detained until they are reported. When Sailors abscond from Vessels they belong to, or are taken up after hours, the Masters must receive them on board again, unless for a temporary Punishment, they wish them to be confined in Gaol; In

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Port
regulations.

which case they must be victualled from the Vessel, and may be worked in the Gaol Gang, or kept in confinement, as the Masters may choose: Masters will be held responsible for all Gaol, and other incidental Fees. The Constable and Gaoler's established Fee, for each Seamen taken up or lodged in the Gaol, is 10s. per night.

XVI.—The Watering Place on the North Shore, and the adjacent Grounds, being granted to the Trustees of the Orphan Fund, those Merchant Vessels that Water or Wood, there or in any other part of the Harbour, are to pay for permission.

XVII.—All Soldiers Necessaries and Bedding, as well as the Slop Cloaths issued to the Convicts, and every other description of King's Stores, being the property of the Crown both before and after they are issued, none of those Articles are to be purchased, under pain of the Purchaser being prosecuted for receiving stolen Goods.

XVIII.—If any of the Natives are killed, or Violence offered to their Women, the Offenders will be tried for their Lives.

XIX.—Persons dying on board are to be buried ashore. No Stones, Gravel, Ballast or Iron-Hoops are to be thrown overboard below High Water Mark, on the penalty of Five Pounds Sterling for each Offence, Two Thirds to the Informer and One Third to the Orphan Fund.

XX.—No Merchant Vessel is to attempt leaving this Port, without the Naval Officer's Certificate, countersigned by the Governor, or Lieutenant-Governor in his absence, that the Master, Owner, Importer, or Consignee has fully complied with the preceding Regulations. This Certificate is to be given to the Officer ordered to smoke or search the Vessel for Deserters; who will deliver it to the Master previous to his leaving the Vessel; which will be communicated to the Battery at George's Head by signal from the Officer, sent to search for Deserters: Otherwise, the Ship or Vessel will be fired at and detained, until these necessary Regulations are fully complied with.

* * * A Table of the Fees, Assessments etc. to which Masters of Vessels, etc., are liable, is hung up in the Naval Officer and Secretary's Offices.

Masters, and all Persons concerned in Shipping, having business with the Governor, are to be at Government House any Morning (Sunday excepted) at half past eight o'Clock.

By Command of His Excellency.

W. N. CHAPMAN, Secretary.

Sydney, Oct. 10th, 1802.

[Enclosure No. 5.]

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GENERAL ORDER RE THE POLICE.

10th October, 1802.

THE Provost-Marshal, Head Constable, Gaoler, and every other Person concerned in the Police, will make their daily and occasional Reports to the Lieutenant-Governor, to whom all complaints respecting breaches of the Peace are to be made in the first instance, and in his absence from Headquarters, to the Judge-Advocate or nearest Magistrate.

Orders *re*
the police.

GOVERNOR KING TO SECRETARY NEPEAN.

(Per Surgeon Thomson in the *Naturaliste*.)

Sir, Sydney, New South Wales, Nov. 9, 1802.

Referring you to the Duplicate of my Letter by the Speedy, I have to inform you that his Majesty's Sloop Investigator and the Lady Nelson sailed the 22nd last July to continue the Survey of the Coasts of this Country, Capt. Flinders (whose Dispatches go by this Conveyance) having communicated his future intentions to the Lords of the Admiralty, I shall only observe, that his first object was to examine and pass through Endeavour Straits.

Departure
of the
Investigator
and Lady
Nelson.Proposed
examination of
Endeavour
Strait.

[*The second and third paragraphs of this letter were duplicates of the corresponding paragraphs in the despatch of Governor King to Lord Hobart, marked "Marine Letter No. 1," and dated 9th November, 1802.*]

In the first Paragraph of this Letter you will observe that it was my intention to have forwarded Capt. Flinders' Box of Dispatches to you by this conveyance, which I then concluded would be by the Britannia Whaler, but as that Vessel went off the Coast without calling here as the Master promis'd, I am determin'd on not sending it by this conveyance least any accident should happen, as this goes by one of our assistant Surgeons going home on leave, who, Commodore Baudin has order'd a passage on board the *Naturaliste*—And as I consider it necessary to preclude Capt. Flinders' present Surveys from the most distant probability of falling into other hands, I shall defer sending them until the Greenwich Whaler sails, which will be about next February, and may be expected in England about next July.—But as their Lordships may expect some account of his progress* I shall relate his verbal communications to me.

Flinders'
despatches to
be sent in the
Greenwich.

After leaving the Cape of Good Hope he made the extremity of the South Cape (of Vancouvre) on the East point of the Land of Lyons, He went into King George the Thirds Harbour

Explorations
by Flinders.

* Note 258.

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Explorations
by Flinders.

which he survey'd, and from thence he coasted along the S.W. Coast, examining every part most minutely, particularly the numerous Archipelago of Islands which extend as far to the Eastward as $136^{\circ} 20'$ E. in the Latitude of $35^{\circ} 24'$ S. Longitude 135° E. nearly, he fell in with two immense Gulphs, which went in the direction of North nearly 200 Miles* (if I am correct in my recollection) he went as high as he could go in the Ship and traced round the heads of these deep Gulphs or Inlets in his Boats—These Inlets are within the Archipelago—He afterwards discovered a small Island with abundance of Salt on it, he then stop'd some time at the Eastern Island, nam'd by him Kangaroo Island, which is of very great extent, and where his Ship's Company were quite refreshed by the numerous Kangaroos and other Animals which it abounded with, the day after leaving it, he fell in with the Geographe, from thence he trac'd the remainder of the S.W. Coast, which he found a strait barren shore, until he got to the west entrance of the Straits when he went into Port Philip (which was two months before discovered by Acting Lieut. Murray in the Lady Nelson, and consequently a new discovery to Capt. Flinders). This Port he survey'd, and afterwards examin'd the East side of Kings Island which had previously been surveyed by Mr. Murray in the Lady Nelson.

Meeting
with the
Geographe.

Chart of
Port Phillip.

Capt. Flinders having given me a Copy of the Northernmost part of the Archipelago in case I should have it in my power to send a Vessel for Salt, and also a Copy of his Survey of Port Philip, I have had them retrac'd and have the honor to enclose them—Exclusive of his Box, which I mean to send by the Greenwich, he has left sealed Duplicates in case any accident should happen to the Investigator.

Arrival
of the
Buffalo.

His Majestys Ship Buffalo arriv'd here the 16th ulto. when I received your letter, enclosing a Commission appointing me principal Commander of that Ship, she is now unloading and when clear will be immediately refitted for Sea. In obedience to their Lordships' directions I have deliver'd Lt. Wm. Kent his Commission, which I dated the day of the Buffalo's arrival, the 16th Octr. and have enter'd him on the Buffalo's Books for Wages and Victuals as Second Commander. I also receiv'd their Lordships' directions to reduce the Porpoise to her former establishment, which shall be complied with the instant she returns from Otaheite for which place she sail'd 27th last May, in quest of another Cargo of Salt Pork and may be expected back next Month—I also receiv'd the Navy Board Notice that their Lordships had approv'd of the Lady Nelson's being considered as a

Commission
for Kent.

Reduction
of the
establishment
of the Porpoise.

* Note in original.—On this Coast the Investigator's Boat with the Master, a Mid and Seven Seamen were lost, suppos'd to have overset in a Squall.

Tender to the Buffalo, while employ'd upon the business of Surveying; and that the Buffalo should be allowed 15 supernumerary Seamen for Victuals to enable her to lend that number to the Tender—which regulation I have complied with by bearing that number on the Buffalo's Books as directed by their Lordships' orders to the Navy Board, in consequence of which the Lady Nelson was discharged from the Colonial List of Vessels on the 16 Octr.

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The Lady Nelson to act as tender to the Buffalo.

As the Buffalo came from England one Lieutenant short of Complement, and on Capt. Kent's recommendation of Mr. Alexr. Forsyth's attention and diligence in doing the duty of 2nd Lieut. from England to this place, and as he has passed for a Lieut. I took it upon me, to give him an Acting Order, of which I have the honor to enclose a Copy, to which is added Capt. Kent's Certificate of his conduct and an attested Copy of his passing Certificate, all which I respectfully Submit to their Lordships' consideration.

Appointment of Forsyth as 2nd Lieutenant.

I have, &c.,

PHILIP GIDLEY KING.

I have the honor to enclose the weekly account of His Majesty's Armed Vessel Buffalo, and the detention of the French Ships enables me to inform their Lordships that the Porpoise arriv'd at Otaheite the 28th July last and was procuring a Cargo of Salt Pork for the Colony when the Venus sail'd from thence.

Arrival of the Porpoise at Otaheite.

Novr. 15, 1802.

[Enclosures.]

[Copies of the papers relating to Acting-Lieutenant Forsyth and the weekly account of H.M.S. Buffalo have not yet been found.]

GOVERNOR KING TO THE RT. HON. THE SECRETARY AT WAR.

(Per Surgeon Thomson in the Naturaliste.)

Sir, Sydney, N. South Wales, Nov. 9th, 1802.

By Lieut. Neil McKellar I had the Honor of transmitting the Monthly Returns of His Majesty's New South Wales Corps serving in this Colony from July to the 31st December 1801, I now transmit those from the last date to the 1st November 1802.

Monthly return of the N.S.W. Corps.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure.]

[This return was similar to Enclosure D in the despatch of Governor King marked "Military No. 1," and dated 9th November, 1802.]

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GOVERNOR KING TO TRANSPORT COMMISSIONERS.

(Per Surgeon Thomson in the *Naturaliste*; acknowledged by the Commissioners, 14th November, 1803.)

Gentlemen,

Sydney, 9th November, 1802.

Thomson to
return in the
Naturaliste.

As the whaler mentioned in my last has left the coast without calling here, I have made application to Commodore Baudin (who commands the French expedition of discoveries that have been some time past repairing and refitting in this port), to allow Mr. James Thomson, staff surgeon, who has my leave to return to England, to take his passage on board the *Naturaliste*, which ship the Commodore intends to despatch to Europe, when he gets through Bass's Straits. That gentleman I hope will arrive safe with my letters, &c.

Civil suits:
Jamison v.
H. B. Hayes,
and v. Brooks.

Referring you to the enclosed duplicate of my last letter (9th August, 1802), and as the following subjects may eventually come before your Board, I judge it necessary to inform you that actions in our courts of justice have been instituted by Mr. Thomas Jamison, Surgeon of Norfolk Island, and acting as Principal Surgeon here, who embarked as a passenger in the *Atlas* for this country, against Henry Browne Hayes, a convict on board that ship, who lived with the master, and against the master himself, for assault, and having suffered considerably by his property being damaged. H. B. Hayes was sentenced by the magistrates to six months imprisonment for his threatening and improper conduct to Mr. Jamison. The Court of Vice-Admiralty and the Court of Civil Jurisdiction, not considering the master of the *Atlas* within the jurisdiction of those Courts, have declined trying him for the assault. Mr. Jamison commenced an action of damages against him for the recovery of the value of the goods he had damaged, in consequence of their improper stowage, also for the losses he sustained on being obliged to leave the *Atlas* at Rio Janeiro, in consequence of the ill-treatment he received, and paying for his further passage in the *Hercules*, remuneration of all which he craved. The Civil Court, after sitting near a fortnight, gave a verdict against the master of £100 and costs. From this verdict he appealed to me, and as the proceedings of the Civil Court are extremely voluminous, it is next to impossible for me to get them transcribed. I enclose a copy of my award in consequence of the appeal, and which will inform you of my reasons for that opinion. I also enclose my correspondence with the master of the *Atlas* respecting the quantity of spirits, &c., which he brought here for sale. He was allowed to land every article but the spirits, to which I at last gave permission for the reasons stated in the enclosures. But he did not land any that remained after supplying the French Commodore with 800 gallons for the

Spirits
imported on
the *Atlas*.

use of the expedition. Perhaps he will call at Norfolk Island and dispose of [it] there, which I cannot prevent, as he declared he was not bound thither.

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Previous to the Atlas's departure I rec'd the information contained in the enclosure, and much other to the same purpose, respecting the master's having appropriated to his own use a quantity of the provisions put on board that ship at Cork for the use of the convicts and passengers on the voyage. An investigation thereof was publicly made which I enclose for your information, and as the magistrate who took the depositions (Mr. James Thomson) will wait on your Board, I beg to refer you to him for any further information. As far as my own opinion goes, there is certainly great reason to suspect foul-play.

Purloining of provisions by Rd. Brooks.

I also enclose the Report of a Survey on a part of the Public Investment brought out in the Perseus, which has materially injured a great part of the most valuable things.

Survey of stores on the Perseus.

As similar circumstances may arise in this colony, I beg to request you will allow the following questions to be put to your solicitor, and his answers sent to me, if it can be done with propriety, viz.:—As the charter-parties are made between the Commissioners for conducting His Majesty's Transport Service on the part of His Majesty, and the brokers on the part of the owners, is any infringement of the charter-party cognizable and recoverable before and by the Courts of Judicature in this colony?

Legal queries.

If so, in what manner is a verdict of damages to be recovered—on the ship, or by masters bills on the owners?

If these actions are not cognizable in this colony, I beg to be informed whether the present mode I have adopted, in what respects the complaints of the master of the Atlas having purloined some of the provisions put on board for the use of the convicts on the passage, and the survey on the damaged part of the Perseus's investment, are sufficient information for your Board to act upon?

The Alexander arrived here the 15th Ulto. and is now Clearing, by that Ship and the Buffalo, I received your Letters as pr. Margin,* informing me of the several Articles shipped on board the latter Ship, the mistake in the Invoice of Blankets, and the Alexander's Charter Party.

Shipments by the Alexander and Buffalo.

Besides the Articles damaged on board the Perseus, almost the whole of the Paint Oil was lost by leaking through the Staves of the Casks it was sent in—And the Seives which are most valuable here, are arrived totally useless owing to their being packed in a Matt, which did not exclude the rusting effects of the Salt-water—I beg to suggest that when any of the above Articles

Damages to stores.

* Nov. 12, 1801; Nov. 19, 1801; Jan. 2, 1802; Jan. 19, 1802.

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are sent out, it would be advisable to have the Oil in Glazed Jars, and the Seives in Water-tight Casks, by which means both these Articles will arrive in a useful State.

Arrival of
the Atlas.

The Atlas (Musgrave) arrived here the 30th ultimo, after a five-months' voyage from Waterford. He lost no convicts on the passage, and the whole were in perfect health and fit for immediate labour, and expressed the greatest thanks to the master and surgeon for their attention and kindness to them. This is a proof that the masters of the Atlas (Brooks) and Hercules might have brought their cargoes equally as well and expeditious.

Convicts,
provisions,
and stores
shipped.

From Lieut. Sainthill I received the necessary information respecting the Prisoners, Provisions, Clothing, and other Articles put on board the Atlas—A great part of which he has returned into the Store here, which is very uncommon, as timely care is taken to expend it.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

COPY of Award on an appeal Brooks v. Jamison.

[*The copy of this award* has not yet been found.*]

[Enclosure No. 2.]

This consisted of seven letters, of which six are not available, viz.:—

Correspondence
re spirits on
the Atlas.

From the Master of the Atlas Transport to Gov. King to obtain permission for the Sale of his Spirits and another requesting leave to compleat certain repairs to His Ship previous to quitting the Port.

From Rd. Brooks, Master of the Atlas to Governor King, 10th Sept. 1802.

From Rd. Brooks to the Naval Officer, 25th Sept., 1802, with his answer thereto.

From Mr. J. Harris, Naval Officer, to Mr. R. Brooks, 12th September, 1802.

The seventh letter was the following:—

GOVERNOR KING TO CAPTAIN RICHARD BROOKS.

Sir,

Hawkesbury, 3rd August, 1802.

I have received yours of Yesterday, enclosing copies of two Papers Certifying the Spirits on board the Atlas were duly shipped in London and at Portsmouth. Your omitting the Shipment of other Spirits at the places you touched at on your Passage will be supplied by your Entries being transmitted to the Transport Board.

You state having received a Letter from Captain Rains, by order of the Secretary of State, dated 14th July, 1801. If that Letter and the other information you must have received did not absolutely forbid your bringing Spirits here, Ought it not to have prevented you taking so great a Quantity, exclusive of the quantity of private Trade put into a Vessel carrying a Number of Prisoners from one Corner of the Globe to the other, And that, as far as relates to the Spirits, on the more than probable chance of your not being allowed to land any part of it, much less the whole?

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Correspondence
re spirits on
the Atlas.

Had you employed the time between the date of Captain Rains's letter and your Shipment of Spirits in procuring the Transport Board's permission for taking the quantity of Spirits and bulky private Trade that you have brought here, I am convinced that the Humanity and Wisdom of that Hon'ble Board would have had the discernment to have withdrawn half the Number of Prisoners Contracted to be sent in the Atlas, As it would have occurred to them that the Health and existence (which events have justified) of so many people kept in Confinement must be greatly endangered by their accommodations being encroached on so much as it appears they have been on board the Atlas.

You express your sorrow "That the personal Errors imputed to you should prejudice the Interest of your Owners, who, you say (and I know), are Merchants of the highest respectability, and for whom you act merely as an Agent." I have too high an Opinion of their respectability to suppose they directed you to receive the quantity of Spirits and bulky private Trade which made it necessary to store the 'tween Decks with Lead (which prevented its being Cleaned), and the Hospital and Prison with the Ship's Sails, Rope, &c., in direct violation of the Charter Party; And if I were inclined to Credit that your Owners directed all this, Yet I am sure their Humanity would have recoiled with horror at the dreadful Mortality that prevailed on your Voyage, and the Inhuman situation of a great part of the dying remains of your Cargo when the Atlas arrived here, and which I have no hesitation in declaring my belief that much of these Miseries were owing to your deviation from the Charter Party, which so amply provided for the Health and Comfort of the unfortunate Creatures committed to your Charge. However, until I am informed to the contrary, I shall disbelieve that either the Transport Board or your Owners sanctioned such a quantity of Spirits and private trade being put on board, to the manifest injury of the Prisoners and the Public Welfare.

You say "That you look up to my protection in a concern of so much magnitude, and request my permission to dispose of your

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Correspondence
re spirits on
the Atlas.

Spirits and Porter," in reply to which I must remark that had you consulted your Owners or your own Interest, you would not have brought any, particularly after the receipt of Captain Rains's letter; But as you have judged proper to bring such a Quantity of Spirits, I do not feel myself justified, under every Circumstance, to grant any Permit whatever, except for the Porter, nor shall a drop of the Spirits you have brought be landed in this Colony, to prevent the Inhabitants being beggared thereby. And I am the more particular in this refusal, as Permits have just been given for landing what I deem a sufficient quantity for the present use of the Inhabitants. I am, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 3.]

Copy of Proceedings on the Examination of Mr. R. Brooks, Master of the Atlas, for purloining provisions sent on board that vessel belonging to Government.

[This enclosure has not yet been found.]

[Enclosure No. 4.]

[This consisted of a return as to the expence of provisions on board the Atlas on her voyage to New South Wales, a copy of which has not been found, and the report of the Survey on the damaged part of the Perseus' Investment, which was also forwarded as Enclosure No. 12 to the despatch of Governor King to Lord Hobart, marked "Separate A," and dated 9th November, 1802.]

GOVERNOR KING TO THE COMMISSIONERS OF THE NAVY.

(Per Surgeon Thomson in the Naturaliste.)

Nov. 9th, 1802.

[A copy of this despatch has not been found.]

GOVERNOR KING TO THE VICTUALLING BOARD.

(Per Surgeon Thomson in the Naturaliste.)

Gentlemen, Sydney, New South Wales, Nov. 9th, 1802.

Despatches
acknowledged.

By the Coromandel, Hercules, Atlas, Perseus, Alexander, and Atlas Transports, and His Majestys Ship Buffalo, I have the honor of yours as per Margin*—Communicating the Quantity of Provisions, they brought for the Use of the Colony and His Majestys Sloop Investigator, which the Commissary has received into his Charge, And has given the Master Receipts, for what they have landed, including the Remains from that put on board for the Convicts on their Voyage and after their Landing.

Stores by the
Atlas and
Hercules.

By the Atlas and Hercules† which Stopped at the Cape of Good Hope, The Commissary Received Fifty Tierces of Beef by each

* The margin is blank. † Marginal note.—One Hundred Tierces in both Ships.

Ship, which was sent by the Agent Victualler, in Consequence of an Order from Sir Roger Curtis, for which I directed the Commissary to give the Masters Receipts.

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9 Nov.

I have, etc.,

PHILIP GIDLEY KING.

GOVERNOR KING TO SIR STEPHEN COTTRELL.

(Per Surgeon Thomson in the Naturaliste.)

Sir, Sydney, New South Wales, Nov. 9th, 1802.

[For the 1st, 3rd, 4th, 5th, 6th, and 7th paragraphs of this letter see the 1st, 3rd, 4th, 6th, 7th, and 8th paragraphs of the despatch to Lord Hobart respecting Entries and Clearances, dated 9th November, 1802, with the addition of the following to the first paragraph.] By the Entries now sent as well as those alluded to, you will observe the great quantity of Merchandize brought here for sale, several Vessels have taken the greatest part of their Cargoes away again and those that remain are selling at a very small advance on the prime cost.

Returns of
shipping.

2d. You will observe by the Enclosure the quantity of Spirits and Wine Imported here and sent away during the year 1801. The prevention of Spirits being sent from India the restrictions on Masters of Transports coming here with Spirits and the discouragement given to Americans bringing such quantities will soon rid this Colony of the Seas of Spirits with which it has been inundated so long. This you will, Sir, observe is nearly effected, by comparing the quantities imported during the last Nine Months and that Imported in 1801.

Return of
spirits imported
and sent away.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

[The shipping returns were duplicates of those forwarded to Lord Hobart, as Enclosure No. 1 to the despatch respecting Entries and Clearances, dated 9th November, 1802.]

[Enclosure No. 2.]

[The return relating to spirits and wines was also forwarded as Enclosure No. 2 in the despatch to Lord Hobart, dated 30th October, 1802.]

GOVERNOR KING TO MR. WM. CHINNERY.

(Per French ship Naturaliste.)

Sir, Sydney, N.S.W., Nov. 9th, 1802.

With this I enclose a List of the Officers on the Civil Establishment of this Colony, present and absent on leave; also a list of Superintendants and Storekeepers.

Returns of
the civil staff.

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9 Nov.

An additional
superintendent.

I have found it necessary to appoint a General Superintendent of all Government's Agricultural concerns and have given to the Commissary an Order to pay him £50 pr. Ann: in addition to his Superintendants Pay.

I have informed my Lord Hobart of this Circumstance, and the necessity, as well as an addition to be made to the Superintendent of the Stocks salary, which I hope you will forward as much as is in your power.

I have, etc.,

PHILIP GIDLEY KING.

[Enclosure.]

[A copy of this return* has not yet been found.]

GOVERNOR KING TO LORD HOBART.

(Despatch per Surgeon Thomson in the *Naturaliste*; acknowledged by Lord Hobart, 24th June, 1803.)

10 Nov.

My Lord,

Sydney, N.S.W., Nov. 10th, 1802.

Return of
prisoners tried.

With this I have the Honor to transmit a list of the persons Tried by the Criminal Court of Jurisdiction of this Territory since I took the command up to the present date, in which I hope it will appear that I have not abused the prerogative, His Majesty has been pleased to delegate to the Governor of this Territory.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure.]

[A copy of this return has not yet been found.]

GOVERNOR KING TO LORD HOBART.

(Despatch per Surgeon Thomson in the *Naturaliste*; acknowledged by Lord Hobart, 24th June, 1803.)

15 Nov.

My Lord,

Sydney, New South Wales,

15th November, 1802.

Arrival of
the *Venus*
from Otaheite
with pork.

The French ships being detained until this date by contrary winds enables me further to inform your Lordship that Mr. Bass arrived here with the *Venus* the 14th inst., from Otaheite, with 57 tons of salted pork. By a reference to my letter, No. 5,† to the Duke of Portland, your Lordship will observe the contract entered into with Mr. Bass to bring pork here at 6d. per lb. Had not the late supplies arrived from England we should have been destitute now of salt meat, and of course must have had recourse to stock; that misfortune the arrival of this vessel would have prevented. I therefore feel it incumbent on me to comply with

* Note 260. † Marginal note.—Dated Nov. 14th, 1801.

the terms of the contract—to receive all that he cannot dispose of to individuals, at 6d. per lb. What that quantity will be, or the condition it is in, I am unable to say at present, as the Venus is but just arrived, and the French ships on the point of sailing.

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By that vessel I received the information contained in the enclosures from the Porpoise and Norfolk, brig. The loss of the latter I cannot but regret. However, as no means have been left untried by me to attain the grand object of reducing the expences of the colony, had not a hurricane thwarted my measures we should have had the vessel as well as the cargo of salt pork she had procured. The latter comes by the Porpoise, but the former is irrecoverable. The Porpoise was procuring a cargo, which there is little doubt of her compleating. She may return previous to the whaler's departure, when I shall state the quantity of salt pork received by that ship, and the quantity purchased from Mr. Bass, both which supplies will save a great expence.

Loss of the
brig Norfolk.

By the Venus I have received a journal of the transactions at Otaheite. As it contains matter of public curiosity, I shall do myself the honor of transcribing and forwarding it by the Greenwich, whaler.

Transactions
at Otaheite.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.*]

REV. JOHN JEFFERSON TO GOVERNOR KING.

Matavia, Otaheite,

Sir,

Augt. 9th, 1802.

Your Excellency's by Captn. Scott was Received July 31st: And every Assistance Rendered for Accomplishing the end of the Porpoise's Second Voyage; The Unhappy Civil War that this Island is embroiled in, and has been for Ten Weeks before the Vessel's Arrival appeared to give but little hopes of Success here. Captn. Scott was desirous of trying Eimeo; But Otoo and Pomarre were extremely averse to the Porpoises going from Matavia, And were not inclined to Remove the Raphove that was in force there, and without that he would not have succeeded. The King and Pomarre promised, that, if the Ship remained here, they would Dispatch Canoes Directly for hogs. On August 1st The Porpoise Anchored in the Bay And the next Day, upwards of 30 Canoes were sent off to Eimeo for hogs. This Day 82 Arrived And were given in the name of Otoo and Pomarre, 60 as a present to his Majesty King George And the Governor of N. S. Wales and 22 to the Commander of the Ship, besides the above More are expected from Eimeo and Others from Yarraboo, which are to be Considered as presents from Pomarre's Family, exclusive of what or Can be Obtained by Barter.

Civil war
at Otaheite.

Pork procured
by Pomarre.

* Note 261.

1802.
15 Nov.
Reports from
Otaheite.

The Political State of the Island And the fate of the Norfolk, Your Excellency will no doubt hear from Captn. Bishop should he live (for at present he is very ill) to see Sydney, And also from a Journal that Your Excellency will find enclosed, and etc.

We thank your Excellency, for your Continued Attention to Our Affairs. Mr. Marsden's Letter on the Subject we received; And as we found a Mistake of some Consequence in the Accounts transmitted us, we have Written back to him to endeavour to get it rectified. Your Excellency's Interference, if requisite, will increase our Obligations.

Supplies
required.

We are also indebted to your Excellency for your kind Offer of Attending anew to the relief of our Wants; But at present we have no particular Call for anything. We have Requested Mr. Marsden to Send us a little Tea and 12,000 Shingles, if Opportunity Serves; we are in expectation of Seeing Soon a Vessel from our Friends.

Specimens
from Otaheite.

The Book Your Excellency mentions as being in Mr. Shelley's hands, Mr. Shelley says that Your Excellency promised to lend him such a Book; But supposes, that thro' the great hurry of Business, it slipt Your Memory And therefore he never got it.

As for the Furmerick and Ginger, Your Excellency requests us to procure for you—a little Furmerick we shall use our Efforts to Collect as a Sample; but a large Quantity we Cannot Promise. Ginger, we believe, there is none in the Island; what has been thought that, proves to be only another kind of Furmerick Shells and Seeds, such as we can get, shall be sent by the Porpoise.

Pomarre's
visit impossible.

As Otaheite is involved in Commotion, Pomarre cannot be Spared from the Island; So that Your Excellency will be Saved from Trouble and Inconvenience on his Account. Wishing your Excellency health, Peace and Prosperity.

We Remain, etc.,

JOHN JEFFERSON,
for the Missionaries.

[Enclosure No. 2.*]

REV. JOHN JEFFERSON TO GOVERNOR KING.

Sir,

Matavia, Otaheite, Aug. 12, 1802.

Your Excellency's favour by Captn. House Came to hand Jany. 19th And as with the Porpoise, so with the Norfolk, all the Assistance in our Power was rendered her. But things were much Alter'd at the Norfolk's Arrival, to what they were at the Porpoise's; Hogs were very Scarce, and Capt. H. had great Trouble to procure the Major part of those he did get; The National Affairs of the Island were in a very unsettled State

Arrival of
the Norfolk.

* Note 261.

and some Idolatrous Ceremonies Called for the attendance of Otoo and Pomarre etc. So they did not and Could not agreeably to their Ideas of the Importance of those Ceremonies exert themselves As I doubt not they otherwise would.

1802.
15 Nov.

Your Excellency's presents by Capt. H. were given According to Order.

The Venus Anchored in Matavia Bay about a Week after the Norfolk, Capt. Bishop and five men remained here to procure and Salt Pork, while Mr. Bass proceeded with the Vessel to the Sandwich Islands to do the same.

Arrival of
the Venus.

Mr. and Mrs. Shelly after a long and distressing Voyage arrived in good health. Your Excellency's kindness to Mr. S. and attention to our Affairs demand our Warmest thanks; Your Excellency's investment of myself with Magisterial Authority* I accepted not to please myself, but that I may be an Instrument for good to others.

Appointment of
Jefferson as
a magistrate.

What has befallen the Norfolk, with Certain Transactions, that have been brought forth since Jany. 19th are Recorded in the Journal, to which I must refer your Excellency for Satisfaction.

Loss of
the Norfolk.

I am, etc.,

JOHN JEFFERSON.

[Enclosure No. 3.†]

LIEUTENANT SCOTT TO GOVERNOR KING.

Porpoise, Matavia Bay, Otaheite,

18th August, 1802.

Sir,

I beg leave to inform you His Majesty's Armed Vessel Porpoise, having performed the Service you was pleased to enjoin off Norfolk Island, arrived in the Bay the first Instant; Since which I have been using my utmost exertions to put your further Orders into Execution. On Account of a Civil War existing on the Island, it is impossible for me to inform you whether I shall be able to Obtain the Quantity of Pork, I may want at this Island or not. If not it is my Intention to visit the Islands named in your Orders. This doubt leaves it out of my Power to inform you with any Degree of Precision when you may expect the Porpoise at Port Jackson.

Arrival of
the Porpoise
at Otaheite.

The fate of the Norfolk Mr. House's Communication, which Accompanies this Letter will fully inform you of. The Pork he has Collected and Cured, I shall take on board the Porpoise as well as the Materials saved from the Wreck, together with himself and Ship's Company.

Loss of the
Norfolk.

I am, etc.,

WM. SCOTT.

* Note 262.

† Note 261.

1802.
15 Nov.

[Enclosure No. 4.*]

MR. W. HOUSE TO LIEUTENANT SCOTT.

Hon'd Sir,

August 17th, 1802.

Wreck of the
Norfolk.

I am very sorry that I have to inform you that the Hull of the Armed Colonial Brig Norfolk is now laying on Shore upon Matavia Beach, and for want of sufficient Strength *and principally Materials* I fear she may remain where she now lays.

Accompanying this you have the Norfolk's Journal for your Perusal likewise a Copy of the Protest sworn to by all the Ships Company (Peter Robinson and the Centinels on Shore duty at the time excepted).

I am, etc.,

W. HOUSE.

On shore at Matavia
upon the Island of Otaheite.

The Quantity of Pork that I have Collected and saved I conceive to be about Ten Tons.

[Enclosure No. 5.*]

EXTRACTS from the Log Book of the NORFOLK Armed Colonial Brig, respecting the Wreck of that Vessel in Matavia Bay, Otaheite.

Log-book of
the Norfolk.

1802. Tuesday, March 23rd.—Strong Breezes, with Constant rain. Wind N.W. and a very heavy Swell rolling into the Bay, about 4 A.M. parted the small bower Cable 4 or 5 fms. from the Anchor, in Consequence of which, she swang to the best Bower, And the Wind Northering at the same time, brought her to ride Open to the Channel between Dolphin Bank and the Reef, and where she Rode very hard. The Wind, Sea encreasing having no other Anchor to let go nor more than 5 or 8 fms. of the Best Bower Cable on board. There was no more than what was necessary to freshen hawse.

Accordingly we bent the Main Sail and Forestay Sail, in Order that if she should part to Run her upon the Beach if possible and Save our lives.—expecting nothing less than to drive on Shore under One Tree Hill among the Rocks.

Wednesday, 24th.—An encreasing Wind and Sea the Vessel riding very hard and Shipping a Great deal of Water, riding and expecting every Pitch she takes that the Cable must part.—Afternoon excessive heavy Squalls with hard Rain and for some Minutes an interval of Calm—So that the very Strong Streams that runs out of the River, cant the Vessel across the Stream, And she rides between both, In the Calms she Rolls the Water in on the One Side and out on the Other, the Gale still encreasing and an incessant rain, the Wind at N.N.W.

Thursday, 25th.—Excessive hard Gales and mountainous Seas, the Vessel rides very hard And labours very much, the Sea breaking repeatedly over her all Night—At Daylight the gale and Sea encreasing with heavy Squalls and hard Rain, the Sea Still breaking over Us—about 9 A.M. finding that one Strand of Best Bower Cable was gone, about 2 or 3 fms. from the hawse and that we Could not ride much longer, in our Situation, I Called the Ships

* Note 261.

Company Aft and pointed out to them the Situation we were in etc.—Vizt. If the Vessel should part when her head, was in the Eastward, I Could Run on Shore, upon some part of the Beach, where we might Save our Lives and the Vessel's Property and probably get the Vessel off again and Repair the Hull so as to Carry us home—And if she should part with her head to the Westward nothing Could save her from being among the Rocks, under One Tree hill, the Stream was running so rapidly to the Westward, if that was the Case the Vessel would soon be in Peices, And no Assistance could be given Us, so as to Save our Lives.

The Opinion of the Ship's Company (Peter Robertson excepted) was to Run her on Shore, while we should have Daylight to Save all that we Could—About 10 A.M. Seeing no Symptoms of the Gale or Sea abating; The Fore Stay Sail was set and the Remaining two Strands of the Cable was Cut. And in about 5 Minutes after the Vessel took the Ground, about half a Cables length of the Sandy Beach And she soon beat herself high enough to Walk on Shore, between the Surfs, Captn. Bishop and Men the Missionaries and Natives were down upon the Beach and gave me all the Assistance in their Power to Save the things out of the Vessel And in about 3 hours every thing was out of her except the Pork; about half an hour after she took the Ground, I observed the Copper was Coming off the larboard Bilge. And at the same time some of the Sheathing came on Shore from her Starboard Bilge. And the Bilge of her appeared to me to be Started inwards, the Water flowing into her very fast and the Vessels Striking exceedingly hard, I expected she must part or go to Peices in a Short time And the Sea encreasing all the Time; After Advising with Captain Bishop, I had the Mast Cut away, which seemed greatly to ease her, but the Surf beating over her still.—In the Evening has the Water fell, the Surf abated, and she lay with a very little Motion, having made a bed for herself in the Sand and full of Water.—Placed a Centinel on the Beach all Night, to prevent the Natives from Plundering.—The Mission's offered me a Room in their House for myself, but Captn. Bishop offered me and the Ship's Company, room in his House until we Could Suit Ourselves better, therefore his Offer I accepted.—Every Assistance in the Power of all Parties was given And the Natives kept from Theiving by Mr. Lewin and Pulpit. One of Captain Bishop's Men who took everything under their Care, as they Came on Shore, they being Armed for the said Purpose; And about Dark in the Evening every thing was Housed that Came on Shore.—The Ship's Company lay at Captn. Bishop's this Night, How Providential it was for so many Englishmen to be upon the Island, at that time Otherwise our lives would hardly have been safe.

Friday, 26th.—At Midnight a Decreasing Gale and a falling Sea. Employed Stripping the Masts And getting the Rigging under Shelter at the Salting House And Stowing the Spars outside likewise bringing the Sails from the Missionaries' House And Spreading them to prevent their Rotting, by laying in a heap as to Dry them it is impossible, for it is Constant Rain And the Wind about North—Found the Vessel's Hull bedded in the Sand And the Surf beating over her. No Work done on board—This afternoon I took the Ships Company with me to Mr. Jefferson's where they all swore to the Protest voluntarily (Peter Robertson excepted).—Went on Board the Brig this Evening and found her in a Solid body of Sand And nearly full of Water.

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15 Nov.

Log-book of
the Norfolk.

1802.
15 Nov.
Log-book of
the Norfolk.

Saturday, 27th.—Very heavy Squalls of Wind and Rain, the Surf breaking over the Vessel, the most of this 24 hours, so that Nothing Can be done on Board; However she is well bedded in the Sand that she can take but little more harm, than what she has already got.

Wednesday, 31st.—A Strong Sea Breeze Wind N.E. Employed Pumping the Water out of the Brig, upon the falling Tide about 11 A.M. The Water was out of the Vessel as low as the keelson. I had Captn. Bishop on Board with his Carpenter, Mr. Jefferson And my own Carpenter to give their Opinion of the Vessel's Hull.— In Examining the after part under the Cabin Platform, they found the Skin gone between the two Timbers on both Sides and Could feel nothing but Sand, Several of the Futtocks and the Floor Timbers appear to be broken and out of their Places, the trunnels are all Started and the Planks and lining bilged in between the Mast (We Cannot find any bolts in her Bottom or in any of the Butt Ends)—The Wood Ends aft are Started (and no Wonder) having nothing but Nails to hold them, all the Oakum that can be seen in the Bottom is Dring Rotten, but the Bottom Planks appear to be Perfectly Sound.

Friday, April 2d.—Pleasant Weather, got every loose thing out of the Brig that can be found; Opened the New Cable and Spliced the Strands together to make a Purchase fall to turn the Vessel over, if we can, And to examine her Bottom (But I fear the fall we be too Short) if we can do that it will enable Us to Come at her much better to break her up than what we Can now And if we Can Repair her, this must be done by some Means, besides she will remain without Harm much longer, when she sits on her Bottom, than laying upon her bilge, as to Repair her in this country without Materials is impossible.

Friday, 16th.—Squally with Thunder, lightning And heavy Rain, Baled and Pumped the Water out of her.—Captn. Bishop and his Carpenter, Mr. Jefferson And the Carpenter of the Norfolk Came on board about noon And examined the Brig's Hull And they found the Vessel in such a State as to be irreparable in my present Situation.—The State of the Vessel's Hull is as follows Viz. Six futtock Timbers on the Starboard and Seven on the larboard side loose and Widely Separated from the Planks of the Bottom—Two of the Midship floor Timbers sprang, the Trunnels generally Started over her Bottom between the Masts, a leak in the Starboard Quarter whereby it appears that the 2nd and 3rd Planks up from the Keel, about 6 feet from the Sternpost was bulged and Splintered, a leak in the Starboard Pump Well, whereby it appeared that the Garboard Streak is either Stove or Started from the Rabbit of the Keel; hence the Joint Opinion of the Whole is, that the Brig Norfolk is irreparable by any means now Upon this Island of Otaheite And that for Two Reasons—First as the Vessel is now laying in the Wash of the Surf, she must be Removed from thence upon Dry land Or else within the Banks of the River, then placed in a Dry Dock Or else upon blocks on Shore, the Copper taken off and her Bottom totally laid open to replace the futtock and Floor timbers, the Trunnels driven out and Cauled all over above and below. Second, Having no Cordage Purchases nor Naval Stores to Accomplish any part of the aforesaid necessities for rendering the Norfolk Sea Worthy, Still it is our Opinion that from the Soundness of the Planks and Timbers that if speedy means should Arrive, the Vessel may yet be Saved.

Pleasant Weather, this Day we got the Small Bower Anchor with the Stock so much Worn Eaten that it broke in Peices in the Man's hands, has they lifted the Anchor by it, upon the Beach.

1802.
15 Nov.
Log-book of
the Norfolk.

A True Copy of the Original Journal Transmitted to me.

PHILIP GIDLEY KING.

[Enclosure No. 6.*]

PROTEST OF THE CREW OF THE NORFOLK.

WE the Underwritten do solemnly protest that on Tuesday March 23rd in the Year of Our Lord 1802—His Majesty's Armed Colonial Brig Norfolk was laying Moored in Matavia Bay in the Island of Otaheite, the wind then blowing strong from the N.W. with constant rain and a very heavy Swell rolling into the Bay which continued all that day and night, and that about 4 A.M. on Wednesday the small Bower Cable parted between four and five Fathoms from the Anchor, in consequence of which she tended to the Best Bower, and the wind coming round more to the Northward at the same time brought the Vessel to ride in the opening of the Channel between the Dolphin Rock and the Reef, where she rode very hard. In this situation the Vessel lay the whole of Wednesday night, during which time it blew very strong with heavy rains and Mountainous Seas that repeatedly broke over her.

Protest of
the crew of
the Norfolk.

We do furthermore solemnly Protest that about 9 A.M. on Thursday the 25th of March One Strand of the best bower Cable gave way, about Two Fathoms from the Hawse Hole and that about 10 seeing that there was no appearance of the wind and Seas abating and a certainty should the Cable part and the Vessel's head cast to the Westward that she would drive on shore under One Tree Hill where the Vessel would be immediately dashed in pieces and nothing saved; but if her head could be brought to cast to the Eastward, she could be ran on shore on the Beach where not only the Persons, but the Cargo also may be saved and even a probability that the Vessel may be got off again; therefore, with the unanimous consent of the Ship's Company, one man (Peter Robinson) excepted, the Fore Stay Sail was set, the remaining two Strands of the Cable Cut, and in a few Minutes after the Vessel took the Ground upon the Sandy Beach where by the Assistance of Captain Bishop and men Missionaries, and Natives, everything but the Pork was landed. The Gale not abating and the Surf running very high, for the easement of the Vessel the Masts were cut away.

* Note 261.

1802.
15 Nov.
Protest of
the crew of
the Norfolk.

In Witness to the truth thereof we make Oath and set our Hands this Twenty Sixth day of March 1802.

W. HOUSE, Commander	his	THOS. HOLT	his
EDWD. BECKFORD	X		mark
	mark	RICHD. ROOME	his
CHAS. FREEMAN			X
			mark
JOHN WHITE		JOHN DAILY	his
			X
JOHN CEARFOOT			mark
			his
WILLM. STEVENSON		JOSH. REES	X
			mark
JOHN USHER		JAS. CONNOR	his
			X
JOHN TAYLOR		WILLM. MURPHY	mark

The Corporal and 2 Centinels doing duty on Shore to be excepted.

The above Protest was duly Sworn to before me the Revd. John Jefferson, Clerk, His Majesty's Justice of Peace for the Island of Otaheite etc. this Twenty Sixth day of March in the Year of Our Lord 1802.

JOHN JEFFERSON.

GOVERNOR KING TO SIR CHARLES MORGAN, BART.

(Per Surgeon Thomson in the Naturaliste.)

Sir,

Sydney, N.S.W., Nov. 15th, 1802.

Courts martial
on Harris
and Minchin.

Under cover to His Majesty's Principal Secretary of State for the Colonies, I have the Honor to forward to your address a Letter from Mr. James Thomson, Staff Surgeon of this Territory, inclosing the Proceedings of Two General Courts Martial (of which he officiated as Deputy Judge-Advocate,) held on the Adjutant and Surgeon of the N.S.W. Corps, at the desire of Lt. Col. Paterson, to determine which of the above officers acted with Candor and Truth on some late occurrences that have happened here—The circumstances attending the Surgeon's acquittal required my approving that Sentence; But from my conviction and knowledge of the circumstances attending these events, I could not consider the sentence on Adj. Minchin adequate either to the written or Oral evidence, named in the Charge and produced on the Trial; Under this impression I required the Court to revise the proceedings for the Reasons stated in the Letter attached to the Minutes; As the Court adhered to the former sentence and not considering myself justifiable in approving that sentence as stated in the General

Orders of the 16th Ulto. I have to request you will be pleased to lay those Courts Martial before His Majesty with my humble and dutiful reference of the sentence passed on Adj. Minchin, together with my remarks as communicated to the Officiating Deputy Judge-Advocate, to the Royal Decision.

1802.
15 Nov.
—
Courts martial
on Harris
and Minchin.

The Letters and other Correspondence on the causes that led to these Trials, I have transmitted to my Lord Hobart by the opportunity which the Officiating Deputy Judge-Advocate goes by, on leave of absence he had previously obtained—I have directed him to attend your commands.

I have, &c.,
PHILIP GIDLEY KING.

[Enclosure No. 1.]

GOVERNOR KING TO JAS. THOMSON, OFFICIATING AS DEPUTY JUDGE-ADVOCATE.

Sir, Sydney, N.S.W., October 16th, 1802.

Agreeable to my General Orders of the 16th Instant, you will make a fair Transcript of the General Courts Martial, held on Mr. Harris and Adj. Minchin of the N.S.W. Corps, of which you Officiated as Deputy Judge-Advocate, and transmit them to His Majesty's Judge-Advocate General, for the purposes contained in that Order.

Thomson to
transmit
copies of
courts martial
on Harris and
Minchin.

And as the proceedings and sentence of the Court Martial on Adj. Minchin's Trial are referred by me to His Majesty's decision you will offer the following remarks which I conceive necessary to make on that Trial to the Judge-Advocate General's consideration, for his laying them before His Majesty with the proceedings.

As those Courts Martial were instituted to determine, which of those officers had acted with Candor and adhered to the Truth, in the causes that produced them, I presume that the Circumstances attending Surgeon Harris's Trial, rescued that Gentleman from the most distant suspicion of being actuated by any dishonorable or improper motive. In observing on the proceedings of Adj. Minchin's Trial I am compelled to contradict Col. Paterson's assertion that he is called on *by me* to undertake the Office of Prosecutor, which his Correspondence will invalidate. Wherein it will appear, That calling a Meeting of his Officers to decide on a complaint that could (and I make no doubt would) have been settled by himself Honorably, and satisfactorily, and afterwards asking for a Court Martial, were his own Act and Deed—The paragraph from my Letter which he quotes is strictly true, my reason for the words, "To which of the Two you ought to give the greatest Credit" arose from Mr. Harris's known

Criticism on
the trials.

1802.
15 Nov.

Minchin's
veracity.

Integrity and Honor, (which was most amply verified by the Circumstances of his Honorable acquittal) and Lt. Col. Paterson or myself having never associated with Adj. Minchin since the part he had in the Transactions that led to Lt. Col. Paterson's Duel with Capt. McArthur, and since the Lieut. Col. Received a Letter from Col. Grose (commanding the Corps) calling in question Adj. Minchin's veracity which Letter, Lt. Colonel Paterson caused to be read to the Adjutant—The same Letter Lt. Col. Paterson also read to me, and some of the Civil Officers, (among whom was yourself,) without any restraint or secrecy required.* Those were my reasons for using the words quoted from my Letter on Adj. Minchin's Trial by the Prosecutor Vizt. "To which of the Two you ought to give the greatest Credit."

Criticism on
Minchin's
trial.

On the subject of my Letter to the President requiring a revival, I shall make no observation on, nor to the evident contradictions contained in the Documents alluded to in that Letter and as they are partly attached to the Minutes I shall now proceed to remark on the Evidences.

On the first Question to Mr. Chapman—Had the Court adverted to the whole Evidence of my Letters as required by Lt. Col. Paterson in the Charges it would have discovered that only as far as the 7th Paragraph was read to Mr. Minchin and Mr. Harris in the presence of the Witness, which was verified by the Depositions annexed to the Proceedings.

On the 2d Question to Mr. Chapman—Had the Paragraph quoted been read to Adj. Minchin and Mr. Harris, my observation in the 6th Paragraph of the same Letter would have been unnecessary—It was wrote by me in the course of the same Letter, as a remark consequent on what Adj. Minchin had declared to be true in the 4th Paragraph, which he twice after allows to be true, as will appear by his Letter in answer to mine and his declaration on Honor, both of which are attached to the proceedings, but am ignorant for what purpose the dates are omitted, they will appear by examining the attached correspondence transmitted to my Lord Hobart.

The 1st Question to Mr. Harris—Corroborates my remarks on the first Question to Mr. Chapman, that the First Four Paragraphs of my Letter of the 4th October were read.

On Question 2d stands 3d in the proceedings.—Had the Court allowed of my Letter No. 6 being read or examined, as required by the Charge, they would have seen that the word "*Complained*"

* *Marginal note*.—Col. Paterson's Opinion of Adj. Minchin may be further confirmed by a reference to his public letter to Col. Brownrigg dated March 1802 respecting Capt. McArthur.

was never used by me, but substituted for "*Conversation and assertion*" by the Meeting of Officers—and which it appears obtained with the same Officers, who also composed the General Court Martial—And from the Witness not being allowed to give any explanation whatever, he could give no other answer than he did, as he never used, or heard the word "complained" mentioned. On this Trial I have no observation to make than this, That if the Court had been inclined to have made a General reference to the Letters named in the Charges—Had not suppressed one of them and substituted a Paragraph of another and made partial Extracts, without attending to, or considering the context, I am persuaded the decision must have been otherwise.

An attempted irregularity of that Court I feel myself obliged to state as a Justice I owe to the Honor of His Majesty's service—I am informed that during the examination of a Witness, (Mr. Chapman) that Lt. Hobby, (one of the members) expressed a wish to take the prosecutor out of Court to speak to him and asked your opinion as to its propriety, that you told him it was irregular—That he asked the Members individually who had no objection, and that the prosecutor (Lt. Col. Paterson) and the member of the Court (Lt. Hobby,) rose from their seats to go out, but were prevented by Ensign Bayly (another Member of the Court) who suggested that the prosecutor had better decline it—

I have, &c.,

PHILIP GIDLEY KING.

1802.
15 Nov.
Criticism on
Minchin's
trial.

Irregularities
of the court
martial.

[Enclosure No. 2.]

GOVERNOR KING TO JAS. THOMSON OFFICIATING DY. JUDGE-ADVOCATE.

Sir,

Sydney, October 17th, 1802.

Justice to myself requires that I should request you to communicate the Enclosed Letters to the Judge-Advocate General of His Majesty's Forces, in further support of the remarks I found it necessary to make on Adj. Minchin's Court Martial in my Letter of yesterday, together with my Letter* of Yesterday's date.

Papers to be
transmitted
to the judge-
advocate
general.

I have, &c.,

PHILIP GIDLEY KING.

GOVERNOR KING TO UNDER SECRETARY SULLIVAN.

(Per Surgeon Thomson in the Naturaliste.)

Sir,

Sydney, N. So. Wales, Novr. 16th, 1802.

16 Nov.

In answer to your Letter respecting Jas. Gordon, I have to inform you that I Communicated the Contents of that Letter as well as a prior one that I received from Mr. J. King; and

The return of
Jas. Gordon.

* Note 263.

1802.
16 Nov.
Jas. Gordon.

to whom I have explained every circumstance respecting this person; I am fully of opinion that he has forfeited every further consideration of his Employer, as he not only altho' Victualled and supplied for some time at the public Expence, but hired himself as a Gardner to the Commissary— whose service he has recently been prevented from quitting to go with the Commander of the French Ships on Discoveries.

King's
despatches.

I am sorry that Circumstances have made my present despatches so voluminous as I fear they will appear to you, but as I could not conceal a word they contain without a manifest Injury to the Public Service, I hope you will make many allowances for my situation, Goaded and perplexed as I have been, but in the Line of Duty etc. through obedience to my Instructions and Ideas of the benefitting the public Service and discharging the trust reposed in me Honorable to His Majesty's Service and advantageous to the Public, are the of my Conduct I hope for that Candid consideration of my representations as may encourage me in the Just discharge of the most arduous undertaking.

I have, &c.,

PHILIP GIDLEY KING.

Services of
Thomson.

I have desired the Bearer of my Despatches Mr. J. Thompson to attend your Commands, a twelve year's residence in this Colony has enabled him to be perfect Master of what has been done here.

GOVERNOR KING TO LORD HOBART.

(Despatch per Surgeon Thomson in the *Naturaliste*; acknowledged by Lord Hobart, 24th June, 1803.)

17 Nov. My Lord, Sydney, N. S. Wales, 17th November, 1802.

Seniority of
Jamison.

I had the honor of receiving your Lordship's letter respecting Mr. Thomas Jamison being considered as next in succession on the medical staff of this colony to the present Surgeon-General, Mr. Balmain.

Return of
Thomson to
England.

As Mr. James Thompson had applied some time past to go to England to arrange some private affairs as well as to restore him to health, having some time past laboured under an asthmatic complaint, I took on myself to grant him that liberty on Mr. Thomas Jamison's return.

Thomson a
passenger
in the
Naturaliste.

It was intended he should have gone by a whaler, but as he was disappointed by the ship not calling here, he has taken his passage in the *Naturaliste*; and as I have charged that gentleman with my dispatches to your Lordship, I beg leave to mention him

as well qualified to give you every information your Lordship may require and which a twelve years' residence as Staff Surgeon will enable him to give.

I have, &c.,

PHILIP GIDLEY KING.

1802.
17 Nov.

GOVERNOR KING TO LORD HOBART.

(Despatch per colonial vessel Cumberland to Elephant Bay, thence per French ship Naturaliste; acknowledged by Lord Hobart, 24th June, 1803.)

My Lord, Sydney, New South Wales, Novr. 23rd, 1802.

23 Nov.

A few Hours after the French Ships were out of sight, I was informed that some of the French Officers, during their stay here had informed Lt. Col. Paterson and others, that it was the intention of the French, to make a Settlement, in what is called by us "Storm Bay Passage" and by the French "Le Canal D'Entrecasteaux" on the East side of Van Dieman's Land, as I understood Col. Paterson was in possession of the Circumstances I required his information, as I had no other Idea on that Subject than what I have stated in my Marine Letter of the 9th Instant, And which proceeded alone from the Circumstance of the time they were employed in Surveying that part; Col. Paterson's Answer, I have the Honor to enclose—I have lost no time in expediting the Cumberland Armed Colonial Schooner—She sails this day and from the Arrangements I have made, His Majesty's Claim to that part of this Territory cannot be disputed—Your Lordship will observe by No. 1 that the Officer I have entrusted with this Expedition is directed to proceed immediately to Van Dieman's Land—Which is an Instruction I have given him to communicate to Monsr. Baudin if he falls in with him, as I know his intention is to go immediately through Basses Straits and whatever may be in contemplation it cannot be performed by him, how far he may have recommended it to the French Government I do not know—It seems by Col. Paterson's Information that they do intend it: It is my intention as soon as the Porpoise arrives, to despatch her with a small Establishment to the most Eligible place at "Storm Bay Passage" and one at Port Phillip or King's Island—Your Lordship's Instructions on those points I shall be glad to receive as soon as possible.

Proposed
French
settlement in
Storm Bay.

Settlement
to be
established at
Port Phillip
or in
Tasmania.

I have, &c.,

PHILIP GIDLEY KING.

P.S.—Since closing the above the Lady Nelson has arrived, having been much disabled among the Shoals to the Northward in Latitude 20° So., which obliged Captn. Flinders to send her back, I have just had time to get his Letter to me transcribed and have sent it to the Secretary of the Admiralty.

Return of the
Lady Nelson.

Novr. 26. 6 p.m.

P. G. KING.

1802.
23 Nov.

[Enclosure No. 1.]

INSTRUCTIONS TO ACTING-LIEUTENANT ROBBINS.

22nd November, 1802.

Instructions
to acting-
lieutenant
Robbins re
examination of
Bass Strait.

You are hereby required and directed to embark on board His Majesty's Colonial vessel Cumberland, whose master has my orders to receive you and follow your directions on the service you are about to perform.

In the same vessel will be embarked the Surveyor-General of this territory and the people as p'r margin.*

You will proceed without loss of time to King's Island, at the west entrance of Basses Straits. The east side from Point Farewell to Seal Bay having been surveyed by the Lady Nelson, you need not loose time in surveying that part unless any material error should appear, which you will note. The depth of water and entrance into the lagoon that has been seen on the east side is an object to ascertain how far a small vessel might go in and lye in safety. Should the wind prevail at west, you will find Elephant Bay a good roadstead from whence you may make such excursions into the island as will not prevent you from rejoining the vessel again in case of the appearance of a change of wind. As New Year's Harbour is the safest anchorage for the vessel in all winds, that place is to be preferred for her to lye in, while you, with the surveyor, surgeon, and gard'ner, proceed to explore the interior and coasts of King's Island. In executing that service you will pay particular attention to the face of the country, wherever it is hilly, plain, or swampy; the nature and depth of the soil, noting such parts, and the apparent quantities of ground which are capable of cultivation or grazing to advantage; also fresh water in streams, springs, ponds, or lagoons; the quantity, quality, and size of the timber growing on the island; and what parts of the coasts appear accessible to boats. You will also observe the best situation for settlements, in which you will have a view to the commercial advantages, access of vessels, obtaining fresh water, and its defence. You will also observe where settlers can be advantageously placed, and finally make such general daily observations as may guide my judgement in the most proper places to establish settlements, committing all your observations to writing, and noting the above objects on the charts you are provided with. You will, with the assistance of the surgeon and gardner, collect and bring small samples of all stones, timber, plants, &c., you may find on different parts of the island. With this object you will proceed to Port Phillip (Capt. Flinders's and Lieut. Murray's surveys of which you are provided with), and proceed to the most

* The margin is blank.

minute investigation of that spacious harbour, the unsurveyed part of which you will determine as well as possible, noticing the depth of water and shoals throughout, particularly all the parts that have not been sounded or surveyed by the above officers, making every remark and observation on the land and interior as pointed out in the preceeding part of these orders respecting King's Island. Should a continuance of foul winds oblige you to put into Western Port, you will make similar observations on the land about that harbour.

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23 Nov.
Instructions
to acting-
lieutenant
Robbins *re*
examination of
Bass Strait.

On leaving Port Phillip you will endeavour to take advantage of the wind and weather to examine the unsurveyed part between that port and Cape Albany Otway, ascertaining the exact latitude, and, if circumstances should allow, to determine the longitude as near as possible of that promontory.

As circumstances may occur to prevent your executing those orders to their full extent and meaning, you will in that, as well as in most other cases, consult with the Surveyor-General, Mr. Rushwith, and Mr. McCallum,* at the same time using your own discretion; and as you will act in conjunction with the Surveyor-General, you will cause every assistance to be given him for executing the instructions he is furnished with, and of which you are provided with a copy.

In the execution of these instructions you will observe the directions contained in my separate order of this date.

Having performed this service in as complete a manner as possible, you will return here without loss of time, where I shall expect you the beginning of March.

You will keep a minute and correct daily journal of your proceedings, and on your arrival you will exact from every person on board the vessel the journal and observations, charts, &c., they have made on the voyage, as well as all objects of natural history which they may have collected, taking care that their journals and observations are sealed up when delivered by them to you, all which you will deliver to me for the information of His Majesty's Ministers. For all which this shall be your authority.

PHILIP GIDLEY KING.

[Enclosure No. 2.]

LIEUTENANT-COLONEL PATERSON TO GOVERNOR KING.

LT. COL. PATERSON presents his Compliments to Governor King, the Conversation was so General among the French Officers respecting their making a Settlement in the Straits of D'Entrecasteaux that the Colonel could not suppose it was unknown

Paterson's
report of the
proposals of
the French.

* Note 264.

1802.
23 Nov.

to Governor King, otherways he should have communicated the moment he heard of it nor did he consider it any thing more than common place conversation.

Paterson's
report of the
proposals of
the French.

Tuesday Morning Novr. 18th 1802.

ONE of the Officers who spoke of it sent Colonel P. the accompanying Charts—

A true Copy of the Original.

W. N. CHAPMAN, Secy.

GOVERNOR KING TO SECRETARY NEPEAN.

(Despatch per colonial vessel Cumberland to Elephant Bay, thence per French ship Naturaliste.)

Sir,

Sydney, Novr. 23rd, 1802.

Having an urgent occasion to dispatch a Colonial Vessel to Basses Straits, which I have explained to the Secretary of State for the Colonies, And as it is probable that Vessel will fall in with the French Ships before they get out of the Straits, I have just time to inform you that the Lady Nelson returned from Captain Flinders, while the Cumberland was going out of the Harbour—I have detained her to get his Letter to me transcribed—Every other Information I shall communicate for their Lordships' information by the Whalers—Acting Lieutenant Murray has met with Captain Flinders's Approbation.

The Investigator after having grounded several times, was left in safety off Cumberland Islands.—The Lady Nelson's damages will be soon repaired.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure.]

COMMANDER FLINDERS TO GOVERNOR KING.

His Majesty's Sloop Investigator,

Sir,

Off Cumberland Isles, 18th October, 1802.

Although I am persuaded that it will give your Excellency pleasure to be informed that I have thus far been able to fulfill the orders intrusted to my execution, in having explored the coast of New South Wales and the isles lying off it from Hervey's Bay to Broad Sound, with minuteness, and I hope accuracy, and consequently have made some discoveries which the hasty manner in which the great Captain Cook passed did not permit him to make; yet it is of much concern to me that the danger attending the latter part of this navigation could not be surmounted without such a loss of anchors to both vessels, and of other damage to the Lady Nelson, that I judged it to be most for the advantage of the service in which we are engaged, that she should return to Port Jackson.

Return of the
Lady Nelson
disabled.

The
Investigator
aground.

Examination of
the north-
eastern coast.

The loss of her main keel, which happened when absent from the Investigator, and the damage done to the trunk, rendering it unfit to receive another which I got made for it, has so much reduced her former capacity of beating to windward, which then was not great, that it is become imprudent to send her into any situation where her safety at all depends upon beating, and this has been since further increased by the loss of part of the after-keel, and it appears to me, as well as to the commander of her, that (to use his expression) the keels are the life and soul of the vessel.

1802.
23 Nov.
—
Damages to the
Lady Nelson.

Of the three anchors with which the brig was supplied one is now lost, and a second broken; and her two cables are both reduced by cutting off bad parts, and are otherwise chafed. Other deficiencies of stores, which the brig now has, and which will increase very fast, could be supplied by the Investigator, but the loss of three anchors, which has already happened to the ship, renders me unable to replace those lost by the brig without distressing ourselves, since I should have neither a stream or a kedge anchor left on board wherewith to save the bowers, or to heave the ship off from any shoal or reef upon which she may probably get.

Loss of
anchors from
the Lady
Nelson.

On consulting with the first lieutenant of the Investigator and the commander of the Lady Nelson it appeared that the advantages to the Investigator arising from the attendance of the brig would balance against the disadvantages, as follows:—

Advantages
and
disadvantages
of the Lady
Nelson as
tender.

1. The Lady Nelson might keep ahead of the ship and give notice of danger, and probably save the ship from getting into it.

2. She would be useful to explore rivers and bays whilst the ship remained safely at anchor, and also places where it would be unsafe to send the ship.

3. The brig might be of the greatest service in saving the people on board the Investigator in case of a fatal accident happening to her.

These were the whole sum of advantages that could be performed by her in her best state; and on the other hand there were the following drawbacks and disadvantages:—

1. For the brig to keep ahead the Investigator must generally keep under very easy sail, which would frequently occasion much loss of time, especially in the run from hence to Carpentaria, which the expected monsoon requires should be performed as expeditiously as a due regard to safety will permit. Within the reefs, where the greatest danger is to be apprehended, we have generally found a boat to be of equal, and frequently of greater, service in this respect than the Lady Nelson.

2. There now remains but little prospect of any large rivers in New Holland, the whole south coast and the most likely places

1802.
23 Nov.

Advantages
and
disadvantages
of the Lady
Nelson as
tender.

upon the east being already explored by us; but, nevertheless, the brig might be very useful to us in this second point of view.

3. In case of the loss of the Investigator it is undoubtedly of much consequence to have a second vessel, but in the present state of the brig the probabilities are that the ship will rather have to save the people of the Lady Nelson; and this brings me to another object of some consideration; should the brig be lost, she cannot certainly be of any farther service to us; but if she gets safe to Port Jackson she may be of the greatest use in a future expedition when her damages are repaired and wants supplied.

4. For the brig to perform any part of what is above mentioned, it is necessary that she be supplied with at least one of the only two small anchors in the ship; and she will soon be in equal want of the only hawser which I have, to replace a worn stream cable with, or of which lower rigging can be made; she will also have occasion for much rope and other small stores, and for three or four months' provisions.

Was I so desirous to keep her, bad as she is, as to distress the Investigator in order to supply her wants, yet another loss equal to what she has sustained in this early part of the voyage would oblige her to run for the nearest port, in which case the Investigator would have been distressed to little purpose; and experience has already shewn me that we are liable to part company.

Upon mature deliberation of the above circumstances, I have given Lieutenant Murray orders to return; and as the Lady Nelson can spare her launch without inconvenience, I have kept it, until our arrival at Port Jackson, to replace a six-oared cutter which the great rapidity of the tide in a passage between Island Head and Cape Townsend deprived us of, but fortunately without the loss of any man.

I kept the brig until a passage out to sea could be found clear of the reefs, and this appearing now to be the case I intend going into the Gulph of Carpentaria with all expedition, leaving the remainder of this coast, and what will be missed in Torres' Strait, for the time when the Lady Nelson will be fit to accompany me; and I hope to have the east side of the gulph explored before the N.W. monsoon comes in upon us.

I enclose to your Excellency an abstract of what is already done, and such parts of it as you may judge material will no doubt be transmitted to the Admiralty for the information of my Lords Commissioners.

I have the pleasure to add that the Investigator's ship's company are in good health and spirits, and that

I have, &c.,

MATTW. FLINDERS.

The Lady
Nelson ordered
to return.

Proposed
explorations.

[Sub-enclosure.]

1802.
23 Nov.Proceedings
of the
Investigator.*Abstract of the Investigator's proceedings since leaving Port Jackson, 20th July, 1802.*

1. A close examination of the coast from the Three Brothers to latitude $30^{\circ} 26'$ S.

2. Ditto from Shoal Bay to Cape Byron.

3. Ditto from latitude $26^{\circ} 11'$ S. to Hervey's Bay.

These were performed during the run, with very little loss of time, and are principally what Captain Cook passed in the night and what I had not seen in the Norfolk sloop. A shoal opening in Wide Bay, some rocks lying four or five miles to the N.E. of Cape Moreton and that Break-sea Spit, consists of many sands and reefs, between which are some small passages of two fathoms, are the principal differences I noticed, besides several deviations in the coast-line.

Cape Moreton
and Break-sea
Spit.

4. Between Hervey's Bay and Cape Palmerston some discoveries were made, the deficiencies in former charts filled up, and some few errors corrected. The breadth of Hervey's Bay is $16'$ less than in Captain Cook's chart, and this difference of longitude goes on increasing from thence to this place, where it is 45 miles. The time-keepers, as well as more than seventy-four sets of lunar observations on different parts of the coast, all coincide in giving this quantity to the eastward. Whether I shall find $50'$ of difference to the east of Cape York, as was the case with Captain Bligh, I am anxious to ascertain.

Hervey Bay.

5. A port is discovered whose entrance is in latitude $23^{\circ} 53'$ So., and it has another entrance in $23^{\circ} 44'$ So., but this last is inaccessible to ships. The head of this port communicates with Keppel Bay by a boat-passage, and, consequently, insulates Cape Capricorn. The port affords wood and water, but there are shoals in the entrance.

Keppel Bay.

6. Keppel bay is examined, and found to afford shelter, wood, and, at this time, water. The bay branches out into five arms, and has many shoals and banks in it. The tide rises 12 feet here.

7. Some corrections and additions are made to the coast from Keppel Bay to the latitude of $22^{\circ} 29'$, where is situated an island upon which grows the Norfolk Island pine. This is in the entrance of the 2nd discovered port; and here, at a place to the west of the island, we watered the vessels. This port is valuable on account of the pines, some of which are fit for topmasts.

8. Hervey's Isles are now laid down more accurately than heretofore.

Hervey Isles.

9. The vessel passed into Shoal-water Bay between Cape Townsend and Island Head, but the passage is unsafe. The bay is examined, and found to extend S.E'ward to $22^{\circ} 40'$ So. There are many shoals and isles in the bay, but no fresh-water streams come into it. The rise of the spring-tide is about 18 feet in this bay.

10. Another passage, but an unsafe one, is found into Thirsty Sound, dividing Long Island into two parts. The south end of the island is in $22^{\circ} 16'$ So.

Thirsty Sound.

11. Broad Sound is examined, and found to extend in a S.E. direction to latitude $22^{\circ} 40'$. It is almost wholly occupied by shoals for the last 26 miles, and the banks are so low and thickly covered

Broad Sound.

1802.
23 Nov.
Proceedings
of the
Investigator.

by mangroves that it is scarcely possible to land. The rise of the neap-tide here is about 20, and of the spring-tide 30 feet. No accessible fresh water was found in it or upon Long Island.

12. Many additions and some corrections are made to the Northumberland Isles. The principal of the former is the largest island of a cluster in latitude $21^{\circ} 39'$, and N.N.E. from Peer Head. At the west side of this island we found good shelter, pines convenient for procuring, and, at the side, a curious little basin, fresh water in sufficient abundance to fill up both vessels.

Reefs off
Cumberland
Isles.

13. The reefs laid down in my chart of 1800 I find to extend as far as the Cumberland Isles without any safe passage through them, but abreast of the isles the reefs appear to end. I say appear, for, although we are as far to the north as the northernmost island, and 40 miles to the east of it, and have a clear sea, yet it is possible that reefs may be met with to the N.E'ward.

14. The addition of several islands is made to the Cumberland Isles, but this cluster is not yet examined.

Intercourse
with natives.

15. Friendly intercourse was obtained with the natives at Hervey's Bay, Keppel Bay, and Shoal-water Bay.

MATTW. FLINDERS.

THE COMMISSIONERS OF THE NAVY TO GOVERNOR KING.

(Per H.M.S. Glatton; acknowledged by Governor King, 1st March, 1804.)

27 Nov.
Shipment of
stores for the
Glatton.

Sir, Navy Office, 27th November, 1802.

We have Rec'd your letter of the 28th May last relative to a Supply of Stores for the Porpoise and Acquaint you a Suit of Sails, some Cordage and other Articles have been sent out for her in the Glatton, and we have directed the remainder of the Articles now represented to be Wanted to be Sent out by the Calcutta at present fitting at Chatham.

And are, etc.,

WM. RULE.

WM. PALMER.

W. HARWOOD.

SIR CHARLES MORGAN TO GOVERNOR KING.

(Per H.M.S. Calcutta.)

Judge-Advocate General's Office,

11th December, 1802.

Sir,

11 Dec.
The trial of
John Piper.

I have had the honor, in conformity to your desire, expressed in your letter of the 1st of March last, to submit to His Majesty the proceedings of a General Court-Martial, then lately held at Sydney, in New South Wales, upon the trial of Lieutenant John Piper* (having local rank of Captain) of the New South Wales Corps, charged with "having broken his word of honor, highly derogatory to his character as a British officer bearing his Sovereign's commission, by taking advantage of

* Note 179.

General Orders of the 21st September, 1801, coming out of arrest and refusing to comply with the terms as stated in said Order, after having pledged his word of honor so to do"; and also with "having disobeyed the General Order of the 21st September, 1801," upon both of which charges he was acquitted;—

1802.
11 Dec.

The trial of
John Piper.

And I have it in command to acquaint you that the Court-Martial having, after a revision of the sentence, adhered to their opinion, Captain Piper is entitled to the benefit of that acquittal, nor does His Majesty entertain a doubt that their decision was the result of an impartial judgment; but as the Court has not stated the ground upon which that decision was founded, the same is only to be collected from the evidence as set forth in the minutes, and His Majesty is thereby led to think that the acquittal has principally turned upon the manner in which a letter of apology from the prisoner had been received, coupled with the circumstance of his having afterwards been permitted to do duty in the regiment, from which two circumstances the Court-Martial has inferred that the offence for which Captain Piper was put upon his trial had been passed over and done away, and His Majesty is the rather inclined to ascribe the determination of the Court to that motive, and considers it proper that it should so be understood, because there seems to be very little doubt upon the whole that a part of Captain Piper's conduct was open to blame, nor did the line of defence which he adopted seem calculated to help his cause, inasmuch as he appears to have been not more solicitous to defend his own conduct than to arraign that of the prosecutor, his Commanding Officer, who had laudably exerted himself for preventing duelling and for preserving the peace, which in one instance had already been violated.

His Majesty, without directing that those sentiments be declared in Public Orders, thinks it, however, proper that they be communicated to all the military officers serving within the colony under your command.

I have, &c.,

CHAS. MORGAN.

SIR CHARLES MORGAN TO GOVERNOR KING.

(Per H.M.S. Calcutta.)

Judge-Advocate General's Office,

11th December, 1802.

Sir,

Having had the honor of laying before the King the proceedings of a General Court-Martial held at Sydney, in New South Wales, on the 11th day of January, 1802, upon the trial of Ensign Nicholas Bayly,* of the New South Wales Corps, who

The trial of
Bayly.

* Note 180.

1802.
11 Dec.
The trial of
Bayly.

was charged with and found guilty of "disobeying an order of Lieutenant-Colonel William Paterson, of the same Corps, in refusing to attend a meeting of the civil and military officers of the colony, at the Lieutenant-Governor's, on Sunday, the 3rd January, 1802," and was adjudged to be reprimanded by the Commander-in-Chief of the territory,—I am commanded to acquaint you that His Majesty has thought fit to confirm this lenient sentence of the Court-Martial.

The second
trial of
Bayly.

I have also had the honor of submitting to His Majesty the proceedings of a General Court-Martial held on the 3rd day of February, 1802, upon the trial of the same officer, Ensign Nicholas Bayly, charged with "disobedience of General Orders of the 26th December, 1800, by repeatedly beating and horse-whipping his convict servant, J— H—, particularly on Friday, the 22nd January, 1802, which every officer and other person was strictly forbidden to do by the said order," upon which charge he (Ensign Bayly) was found guilty, and was adjudged to be suspended from rank and pay for the space of three calendar months,—and am by His Majesty's command to notify that His Majesty by no means considers the punishment awarded by the Court-Martial as more than adequate to the offence of which Ensign Bayly has been found guilty; but, having taken into his Royal consideration the very long period of painful suspense and uncertainty respecting the sentence of the Court-Martial which that officer will necessarily sustain, and perceiving that he is now become fully sensible of his misconduct, His Majesty is graciously pleased to remit the sentence, and to permit that he, Ensign Bayly, be restored to the function of his commission in the New South Wales Corps.

I have, &c.,

CHAS. MORGAN.

GOVERNOR KING TO LORD HOBART.

(Despatch endorsed "No number," per transport Atlas, *viâ* China.)

31 Dec.

Sydney, New South Wales,

My Lord,

31st Dec., 1802.

As nothing material has occurred here since the departure of Mr. Thomson by the French ships with my despatches dated in November last, and as the route of the ship this goes by is very circuitous, I shall defer sending duplicates until a more direct opportunity offers.

Return of the
Venus from
Otaheite.

By the enclosed separate letter* sent with the above despatches, your Lordship will observe that the Venus had arrived with a cargo of salt pork from the Society Islands. As Mr. Bass was allowed to dispose of as much as he could to individuals, the

* Marginal note.—Nov. 15th, 1802.

quantity remaining for the stores was 86,556 lb., which I directed the Commissary to receive, agreeable to the contract, at 6d. p'r lb.; and as Mr. Bass brought a quantity of very fine salt from the Sandwich Islands, which is much needed for salting pork at Norfolk Island, and will be a great relief to the settlers at this place, to whom it will be given in exchange for wheat at 2½d. per lb.; the quantity purchased is 30,034 lb., at 1½d. p'r lb. These purchases together amount to £2,351 12s. 3d., which I have directed the Commissary to liquidate by bills on His Majesty's Treasury, a voucher for which I have the honor to enclose, and hope these purchases will be approved of, as the pork is so much cheaper than it could be sent from England for, which has induced me to continue the contract for another voyage.

1802.
31 Dec.

Purchase of
pork and salt
from Bass.

A second
contract made.

His Majesty's armed vessel Porpoise arrived here the 19th inst. with about 40,000 lb. of salt pork for the public use of the colony, which was procured at little more than about 2d. p'r lb. in barter for articles sent from hence.

Return of
H.M.S.
Porpoise from
Otaheite.

As this is the second voyage the Porpoise has made to these islands, the Venus also having brought a great quantity of pork, and there being also other adventurers from India on the same speculation, I am apprehensive the swine will be greatly exhausted on those islands which are accessible to Europeans, and that it will be necessary to allow them some time to renew their stock, which will prevent me from sending the Porpoise for some time, particularly as Mr. Bass is going again.

The loss of the Norfolk brig was very unfortunate, but being one of those misfortunes arising from unforeseen hurricanes, it is a great satisfaction no lives were lost and nothing destroyed but the vessel's hull. On the return of the people belonging to her by the Porpoise I directed the master's and people's conduct to be enquired into, and whether it would be worth the expence to send a ship and people to recover the hull. The enclosure is the officers' report, by which it appears an attempt of that kind would be attended with much expence, exclusive of the probability of finding her wreck separated. The cost of this vessel was originally £700. She has been of much service. Another vessel of the same size is now building, and in great forwardness.

The loss of
the Norfolk.

Inquiry into
the loss.

Ensign Barrallier, of the New South Wales Corps, has done the duty of Artillery Officer and Engineer, to which duty he had voluntarily performed that of civil engineer and surveyed Bass's Straits and other places on the coast. As he has ceased doing those duties for the reasons given in my last military letter, I have taken it upon me to direct the Commissary to pay him 5s. per diem for the time he was so employed, and 1s. 6d. p. diem to an assistant, which I hope will meet your Lordship's approbation,

Services of
Ensign
Barrallier.

1802.
31 Dec.

in liquidation of which I have directed the Commissary to draw a bill on His Majesty's Treasury, and have the honor to enclose a voucher.

Explorations
of Barrallier.

In my last I had the honor of informing your Lordship that having taken Ensign Barrallier as my aid-du-camp that he was set out on a second journey to the mountains. After an absence of seven weeks he returned a few days ago, having penetrated 140 miles to the westward of Parramatta and 100 miles in the mountains,* which he was enabled to persevere in by the depôts of provisions established at convenient distances for his party. The result of his journey is that this formidable barrier is impassable for man, with every probability that no part of the numerous wild cattle have got beyond these mountains, which so far secures them to the future advantage of this colony, unless they take a south route, as some idea obtains here that the range terminates about Port Jarvis. To ascertain this point I intend sending Mr. Barrallier shortly to Port Jarvis and to penetrate as far as he can to the westward from thence. The particular detail of his last journey and chart shall be forwarded by the first direct conveyance, as it is not yet arranged. Some parties have lately been sent out to endeavour bringing in a part of the cattle, but I am sorry to say without success, owing to the wild and ferocious state of those animals. However, no means will be left untried to recover a part of them if possible.

Occurrence of
a drought.

Instead of the inundations we experienced the last two years, this has been remarkable for a long continued drought, with the most oppressive sultry weather ever felt here. Still I have the pleasure to say that our harvest of wheat has been tolerably good and well got in; but the crops of maize will be thin, altho' some favorable hopes are formed, as we have had much rain these few days past.

The problem
of the grain
supply.

The stores continue open for the receipt of wheat from private cultivators, either for barter or at 8s. per bushel. It is my intention to reserve that belonging to Government (upwards of 7,000 bushels) till the last, the necessity of which the experience of former years have pointed out. Every exertion is making to get as much ground as possible cleared at the new settlement at Castle Hill, where 300 men are now employed, which, with the wheat furnished by private cultivators, will prevent the necessity of any more flour being sent here unless a very great number of people are sent out.

Commissariat
returns.

I enclose the Commissary's return of salt meat (including that received by the Venus and Porpoise), also flour and grain now in the stores, with the time each specie will last to, together with such other statements as will give your Lordship every present

* Note 232.

information on that head, reserving more detailed statements until this year's accounts are closed, which I hope to forward by the first direct conveyance from hence. By the return now sent your Lordship will observe that we now have 64 weeks' salt provisions for our present numbers victualled, which will last at a full ration until about the end of March, 1804, before which period it will be advisable to send a further supply of salt provisions to prevent the necessity of having too early a recourse to our live stock, which by the superintendent's weekly return your Lordship will observe amounts to 1,438 head of cattle. It is true that number will greatly increase, but not equal by any means to the consumption of those victualled from the public stores.

1802.
31 Dec.
Commissariat
returns.

I am happy to inform your Lordship of the general good conduct of those under my charge.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

VOUCHERS FOR PURCHASE OF PORK FROM MESSRS. BASS & BISHOP.

Sydney, New South Wales,

Decemr. 27th, 1802.

John Palmer Esqr. Commry. to H.M.

Territory of New South Wales Dr.

To Messrs. Bass and Bishop.

			£	s.	d.
Pork	86.556 lbs.	@ 6d.	2,163	18	0
Salt	30.034 Lbs.	@ 1½d.	187	14	3
			<hr/>		
			£2,351	12	3

The purchase
of pork from
Bass and
Bishop.

Received this 27th Day of December 1802 of John Palmer Esqr., Commissary, Two Setts of Bills of Exchange on the Right Honble. The Lords Commissioners of His Majesty's Treasury at 90 Days Sight for the Sum of £2,351 12s. 3d. Sterling being Payment for the above Provisions and Salt.

For which I have Signed Five Receipts of this Tenor and Date.

GEO. BASS, for

Bass and Bishop.

We the Undermentioned hereby Certify the above Purchases, have been made on the most Moderate Terms.

RICHD. ATKINS, J.A.

THOS. SMYTH, P.M.

I do hereby Certify that the above Provisions and Salt were purchased by John Palmer Esqr. Commissary for the Use of the Colony, agreeably to the Tenor of the Contract, made by me with Messrs. Bass and Bishop.

PHILIP GIDLEY KING.

1802.
31 Dec.

The purchase
of pork from
Bass and
Bishop.

ORDER FOR PAYMENT.

By etc. etc. etc.

You are hereby required and directed to draw a Sett of Bills of Exchange on the Right Honble. The Lords Commissioners Of His Majesty's Treasury at 90 Days Sight in favour of Messrs. Bass and Bishop, for the Sum of £2,351 12s. 3d. for the above Provisions and Salt, purchased for the Public Use of the Colony December 27th 1802; Taking Care to Transmit, proper Vouchers for the Same, furnishing me with two Setts thereof.

For which this shall be your Order.

Given etc. this 27th Decemr. 1802.

PHILIP GIDLEY KING.

John Palmer Esqr., Commissary.

[Enclosure No. 2.]

ORDER FOR INQUIRY ABOUT THE LOSS OF THE BRIG NORFOLK.

By etc. etc. etc.

Order for
inquiry re
the loss of
the Norfolk.

MR. WILLIAM HOUSE, Master of His Majesty's Colonial Armed Brig Norfolk, having by his Letter to me dated Matavia Bay Augt. 17th 1802 represented the necessity he was under of Cutting the Cable of the said Colonial Brig on the 25th March 1802, and running her on the Beach at Matavia, to prevent the fatal Consequences to those on board that Vessel had she parted (then riding by two Strands of her Cable) and cast the wrong way.

And as the said Master and Brig's Crew are returned to this place in His Majesty's Armed Vessel Porpoise; You are hereby required and directed to Examine the said Master and Crew respecting the loss of that Vessel, whether the disaster could have been prevented, and whether any cause of blame attaches to any Person on board the said Vessel respecting her loss. You will also enquire of the Commander of His Majesty's Armed Vessel Porpoise, the Master of the Norfolk and such other Officers as you may judge necessary, how far it would be advisable and worth the Expence of repairing and getting the said Brig off again; Reporting to me from under your Hands your Proceedings herein.

Given etc. this 23d day of Decr., 1802.

PHILIP GIDLEY KING.

Capt. W. Kent 2nd Comr. H.M.S. Buffalo.

Lieut. Chas. Ingles of H.M.S. Buffalo.

Mr. Ralph Stott, Master of His Majesty's Ship Buffalo.

REPORT OF OFFICERS ON THE LOSS OF THE BRIG NORFOLK.

1802.
31 Dec.

IN Obedience to the Commands of Philip Gidley King Esquire principal Commander of His Majesty's Ship Buffalo, Intimated to William Kent Esquire, Second Commander of the Said Ship—We the Undersigned have as far as was possible investigated the proceedings of William House, Master of the Colonial Brig the Norfolk on and Subsequent to the 23rd day of March 1802 Relative to the loss of the Said Brig in Matavia Bay in the Island of Otaheite; as also the possibility and expediency of getting the Said Brig off again and giving her such repairs as would render her fit for His Majesty's Service, And we find as follows.

Inquiry re
the loss of
the Norfolk.

On the 23rd day of March 1802 the Colonial Brig Norfolk was lying Moored in Matavia Bay with a heavy Sea and a great fresh Breeze running from the River in two different Channels—That about 4 A.M. the Small Bower or Lee Cable parted, the Vessel in Consequence Swung to the Best Bower And only remaining Cable—In the Morning, the Swell increased; Bent the Mainsail and Fore Stay Sail.

Wednesday the 24th Wind and Sea, increasing expected to be driven on Shore on One Tree Hill among the Rocks.

Thursday 25th Hard Gales Constant Rain with a heavy Sea frequently breaking over us—At 9 A.M. perceived One Strand of the Cable, gone about 2 fathoms outside the hawse, pointed out the Situation to the Ship's Company, who in general thought it possible that Could the Vessel be Cast to the Eastward, there would be a probability of saving her the Cargo and lives of the Crew by running her on Shore on a Sandy Beach on the Starboard Qr. but if she parted from the best Bower Cable And Cast to the Westward, which was by no means improbable, sheering about as she was, she must inevitably have gone among the Rocks on One Tree Hill where every Soul must have perished And the Vessel and Cargo been totally lost.

This Statement is Corroborated by the Testimony of Six of the Crew then on Board.

Peter Robinson says as follows—The Cable from which she was Cut was not Stranded Altho' in Bad Condition—He never was consulted upon the Necessity of running the Vessel on Shore, by Cutting her Cable And had he been, he would not have Consented to such a Measure, for he is of opinion she would have Rode out the Gale from the Offset Occasioned by the Discharge, from the Two Channels astern,—That had the Cable been Stranded, it might have been in board, as it was frequently Slack, but that at Times there was a very heavy Strain upon it, but he did not consider it a good One.

1802.
31 Dec.

Inquiry re
the loss of
the Norfolk.

We are of Opinion that nothing could have been done, even had the Cable not been Stranded (which does not appear to be proved) so effectually to preserve the lives of the Crew the Vessel and Cargo As to Cut the Cable at the Instant she would Cast to the Eastward and run her on Shore upon the Beach in Broad Daylight.

WM. KENT, 2nd Comr. of H.M.S. Buffalo.

CHAS. INGLES, 1st Lieut. of H.M.S. Buffalo.

RALPH STOTT, Master.

Report on
proposed
salvage of
the Norfolk.

With respect to the expediency of getting the Said Vessel off the Shore we find as follows from Mr. Wm. House Master and the Crew.

As soon as she had grounded, the Sea continued to throw her up on the Beach, within half a Cables length of the Shore violently breaking over her, at which she stopt being nearly filled with Water—the Copper and Sheathing was observed to drive on Shore And about 2 O'Clock her Masts were Cut away in Order to lighten her—On the 31st the Gale having abated, the Pumps were Sufficient to Clear her of Water, on the Ebb Tide, but when the flood made, it was not possible to keep her free—After ripping up the lining—Six of the futtock Timbers on the Starboard Side and Seven on the Larboard were Observed to be Separated, Two of the Midship floor Timbers Sprung, the Tree-nails generally Started over her Bottom, between the Masts a Leak on the Starboard Qr. whereby it appeared that the Second and Third Planks were Stove, a Leak also in the Starboard Pump Well, by which it appeared the Larboard Streak was either Stove or Started from the Rebate in the Keel.

On the 19th May the Sand was Washed away from the Stern of the Vessel sufficiently to perceive Six or Eight feet of the keel much shattered and the Larboard Streak, separated as far as could be seen, the Stern Post was Separated And the Tenon Sticking in the Sand.

Mess. Scott and House are therefore of Opinion that Owing to the Great Distance of the Island, the expence attending the fitting out of a Vessel with every thing requisite for getting her off and repairing her, and above all the little probability that she is at present remaining in the same State, as when last seen by them, that it would not be advisable to Attempt such a Thing.

In which Opinion we Concurr.

WM. KENT, 2nd Comr. of H.M.S. Buffalo.

CHAS. INGLES, 2nd Lieut. of H.M.S. Buffalo.

RALPH STOTT, Master.

A True Copy of the Original.

PHILIP GIDLEY KING.

[Enclosure No. 3.]

1802.
31 Dec.

[A copy of the Commissary's return has not yet been found.]

GOVERNOR KING TO THE COMMISSIONERS OF THE NAVY.

(Per transport Atlas, *viâ* China; acknowledged by the Commissioners, 13th January, 1804.)

Gentlemen,

December 31st, 1802.

Referring you to my Letter of the 9th Ultimo a Copy of which I have the honor to enclose, I have now to inform you that the Porpoise Returned from Otaheite on the 19th Inst. with a Quantity of Salt Pork procured at the Islands.—The Reduction of her Complement took place the Day of her Arrival but as I have judged it necessary for the Discipline of the Ship that Mr. Scott should still retain his Appellation of Acting Lieutenant (which he does not Solicit being Confirmed in) And will of Course Cease, when he quits this Colony, he still retains the nominal Appointment which I have Communicated to My Lords Commissioners of the Admiralty.

Return of
the Porpoise
from Otaheite.

Status of Scott.

As the Porpoise Sailed for Otaheite short of the increased Complement, she had only four Men to Discharge on her return. 2 were turned over to the Buffalo and two being unserviceable were discharged by Certificate whose Wages from the Peculiarity of those Peoples Situations, I directed the Commissary to pay here, and to Account with your Board for the Same, that being the only mode of Satisfying their Claims, I hope will be approved of.

Discharge
of seamen.

By the enclosed Report of Survey on the Porpoise's Standing and running Rigging, To replace it with new is become absolutely requisite, I therefore Directed the Commissary to purchase a Small Quantity of Cordage from the Master of the Atlas, and to draw Bills on your Board for the Payment thereof; I was the more inclined to Order this Purchase, as the Price was reasonable, being under 50 per cent. on the Prime Cost, And to have Supplied the Porpoise's Wants from the remains of Cordage in the Colonial Stores, would not have left a fathom for any other Purpose.

Naval stores
for H.M.S.
Porpoise.

Captain Flinders of His Majestys Sloop Investigator, having informed me by his Letter, dated from the Cumberland Isles October 18th last of the loss of his Cutter and as that Ship will be much Distressed for a Boat on her Return to enable her to Prosecute their Survey, I have Directed the Commissary to purchase a Cutter, with her Masts and Sails, which the Master

Loss of cutter
by the
Investigator.

1802.
31 Dec.

of the Atlas had to Dispose of and to Draw Bills on your Board for the Amount; The Boat is now in Charge of the Master Carpenter here, And When Captain Flinders arrives his Receipt shall be forwarded.

Refitting of
the Porpoise.

The Porpoise's Hull, Masts and Yards, being in a Good State, she will want a Complete refitting in her Rigging of Sails, before she can proceed to Sea again, And I am Sorry to Say that our Store of Canvas and many other Articles, will be very inadequate to that Purpose.

I have, etc.,
P. G. KING.

[Enclosure.]

[*A copy of the report on the rigging of H.M.S. Porpoise has not yet been found.*]

COMMENTARY.

COMMENTARY

ON

DESPATCHES.

JANUARY, 1801—DECEMBER, 1802.

Note 1, page 3.

Despatch per brig Trimmer, viâ India.

In King's private letter-book, there is a memorandum that this despatch was forwarded "*per Diana, viâ India.*" In the returns of shipping, forwarded by Acting-Governor King with his despatch, dated 21st August, 1801, the *Diana* is stated to have cleared for China on the 1st of December, 1800 (*see* page 129). This despatch is clearly a modified duplicate of that to Secretary Nepean, dated 31st December, 1800 (*see* volume II, page 699), the points of difference lying in the fact that the account of Grant's voyage was incorporated in the text of the earlier letter, and formed an annexure to the later letter. These two despatches form excellent examples of the variations which occur in the dates and composition of similar despatches. King's memorandum, as to the boat which carried the despatches, is difficult to explain.

Note 2, page 4.

The Seal.

Governor Phillip, on his arrival at Port Jackson in 1788, was not provided with any public seal. In his second commission (*see* volume I, page 4) it was stated "Wee do hereby authorize and empower you to keep and use the public seal, which will be herewith delivered to you, or shall be hereafter sent to you, for sealing all things whatsoever that shall pass the Great Seal of our said territory and its dependencies." Although this commission was signed in April, 1787, the preparation of a design for the seal was not ordered by the King-in-Council until the 21st of May, 1790. The design for the seal was approved on the 4th of August following, and was described thus:—

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

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

The warrant for using the seal of the territory and the seal itself were received by Phillip *per* H.M.S. *Gorgon*, on the 21st of September, 1791.

Prior to the receipt of this seal, Phillip had issued many land grants in N.S.W. and at Norfolk Island, but no emancipations or pardons, which documents required the use of the territorial seal. The land grants had been issued with the following sentence in the attestation clause: "I have hereto set my hand and the seal of my Arms (The Seal of the Territory not being yet received)." Phillip's private seal was impressed with a large signet ring on red sealing-wax, and was used for commissions, warrants, and precepts, as well as for the more important documents. After receiving the territorial seal, Phillip called in all the land grants, and re-granted them with the seal of the territory. In doing this, he was inconvenienced by the want of wax, and for many years, notwithstanding requisitions made for it, the seal of the territory was impressed on moistened paper. The result is that at present no impression of this seal on wax is available.

This same seal was used by Grose, Paterson, Hunter, and King, in succession, after Phillip's departure. Grose used the seal by virtue of the antepenultimate clause (*see* volume I, page 8) of Phillip's second commission, which stated that, in the event of Phillip's death or absence, we "give and grant [to the Lieutenant-Governor] all and singular the powers and authorities herein granted." In the penultimate clause (*see* volume I, page 8) in the same commission, Paterson was granted similar powers, when administering the government. Hunter and King used it by virtue of their respective commissions (*see* volume I, page 515, and volume II, page 605).

On the union with Ireland, a warrant was issued to King, dated 1st January, 1801 (*see* page 4), to allow him to continue using the same seal until a new one was prepared (*see* succeeding volumes).

Note 3, page 5.

My instructions to the Acting Commissary.

A copy of these instructions was forwarded by Acting-Governor King with his despatch, dated 28th September, 1800 (*see* volume II, page 632 *et seq.*). The acting commissary was Mr. Thomas Laycock. He had been appointed a deputy commissary on the 6th of November, 1794, *vice* Thomas Freeman, deceased. Prior to the departure of acting commissary James Williamson in H.M.S. *Buffalo*, he was appointed acting commissary in Williamson's place on the 1st of October, 1800, and held office until the return of commissary Palmer, on the 6th of November following. On the 12th of December, 1800, he resigned his position as a deputy commissary. Prior to taking duty in the commissariat department in 1794, he had been quartermaster in the New South Wales Corps.

Note 4, pages 6 and 58.

*I received your Grace's instructions how the latter vessel was to be employed.
Your instructions respecting the latter.*

The instructions were contained in the Duke of Portland's despatch to the Governor of New South Wales, dated 22nd April, 1800 (*see* volume II, page 498).

Note 5, pages 6 and 368.

The two Frenchmen.

The Frenchmen cultivating the vine.

Antoine Landrien and Francois de Riveau were prisoners of war, who had been confined on board the prison ships at Portsmouth. Their first attempt at the cultivation of the vine was made at the Crescent, which was the old name for the amphitheatre on the banks of the river behind the Government House at Parramatta.

Note 6, pages 8, 10, 14, 99, and 111.

No. 1, Sept. 28th, 1800.

No. 2, Sept. 28th, 1800.

In my letter, No. 1, [with] marginal note, 28th Sept., 1800.

No. 1, No. 2, General No. 3, 28th Sept.

My letter, No. 3, [with] Marginal note, 10 March, 1801.

Acting-Governor King wrote one general despatch, dated 28th September, 1800. In the 15th paragraph, the postscript and the papers forming Enclosure No. 13, he referred to "the mutinous and seditious behaviour of the Irish convicts." In the 3rd, 4th, and 5th paragraphs of the same despatch, he detailed "the licentiousness, beggary and misery of the settlers," and in the 7th paragraph, he reported that a miner was employed in the neighbourhood of Sydney, searching for coal.

In consequence, King's marginal notes are misleading, for in them he apparently referred to two different despatches, numbered 1 and 2, and dated 28th September, 1800, whereas actually all three references were to the same despatch. The correct number of the latter despatch was 2, as endorsed on the despatch itself: despatch, number 1, was dated 29th April, 1800. King, later, adopted the correct notation, as is seen by the fifth quotation, which referred to his general despatch No. 3, being dated 10th March, 1801.

The acknowledgments of these despatches by the Duke of Portland in the fourth quotation cannot be explained, as three numbered despatches are given, and despatch marked "F" omitted in the despatches transmitted by H.M.S. *Buffalo*.

Note 7, page 9.

A Catholic priest.

The Reverend Peter O'Neil. He had been arrested in Ireland on suspicion of complicity with the rebels, and, as was frequently the custom at that time, had been thrown into prison without any form of civil or military trial. Three days later, he had been submitted to a searching examination, but no incriminating evidence had been discovered. Failure attended also an attempt to extort a confession by stripping and giving him 275 lashes. He was transported in the ship *Anne*, and arrived in Port Jackson on the 21st of February, 1801. It is improbable that Acting-Governor King's estimate of him was correct, because, by instructions from the Lord Lieutenant of Ireland, he received permission to return on the 19th of November, 1802.

Note 8, pages 13 and 433.

No master weaver has yet been appointed in the room of him who died coming out.

The person appointed was drowned on the passage out.

The reference was to Edward Wise, who had been appointed master weaver, and had sailed in the whaler *Speedy* to take up his duties. He was lost overboard on the 14th of March, 1800, after leaving the Cape of Good Hope.

Note 9, page 13.

In a separate letter.

The letter referred to was addressed to Under Secretary King, and was dated 18th October, 1800 (*see* volume II, page 688 *et seq.*).

Note 10, page 14.

A Government vessel of 25 tons.

This was the colonial sloop *Norfolk*, which had been built at Norfolk Island in 1798, and had been used by Bass and Flinders in the circumnavigation of Tasmania. She was seized by the convicts at the end of October,

1800. Acting-Governor King stated that she was of 25 tons burthen, whereas Governor Hunter, in a return, stated that she was of 16 tons (*see* volume II, page 564). This sloop must be distinguished from the brig *Harbinger*, which was purchased in June, 1801, and re-named the *Norfolk* (*see* page 88 *et seq.*), and was wrecked at Otaheite in March, 1802 (*see* page 729).

Note 11, pages 14 and 125.

The clergyman that was engaged to go to Norfolk Island.

The Rev. Mr. Haddock . . . it is not his intention to come at all.

The Reverend Charles Haddock was appointed, in 1798, as a missionary to Norfolk Island by the Society for the Propagation of the Gospel, but in November, 1800, after drawing several sums from the Society, he was struck off the list of missionaries, as he had not then left England. Prior to leaving England in the whaler *Speedy*, King had secured his appointment as official chaplain at Norfolk Island. Haddock, however, like George Alexander, provost-marshal in the first establishment, never came to the colony. The chaplaincy at Norfolk Island was filled by the Reverend Henry Fulton (*see* note 60).

Note 12, pages 15 and 42.

Mr. Richard Dore died the 13th December last.

The remains of the late Richard Dore . . . may be attended to the place of interment by the civil and military.

This was the first instance of official notice being given to a funeral of one who had died in the colony. The funeral expenses amounted to £8 7s. 6d., and the undertaker's name was Isaac Layton. Dore died intestate, and his liabilities exceeded his assets. His estate is of interest, as it was the cause of new regulations announced in the order of Acting-Governor King, dated 15th December, 1800 (*see* page 42), whereby priority was given to certain debts in a deceased estate.

After Dore's death, an inventory of his effects was taken by Captain McKellar and Thomas Laycock. These effects were then sold by David Bevan at public auction, realising the sum of £350 2s. 4d. Out of these proceeds, under the new orders, payments in full were made to Dr. Harris, £10 10s. for medical attendance; to the undertaker, £8 7s. 6d.; to the Crown, £13 15s. 11d.; to the Orphan Fund, £3, and to the auctioneer, as commission, £17 0s. 9d. A balance of £297 0s. 2d. remained, which was distributed amongst the remaining creditors, whose claims amounted to £409 3s. 11d.

Note 13, pages 22, 118, and 149.

The despatch dated 10th March, 1801, see post page 58.

In the letter of which this is an enclosure.

Acting-Governor King communicated with the Secretary of State as opportunity offered, and submitted a general despatch, which was marked with a number; in this despatch he forwarded a summary of all matters of consequence which had taken place in the colony since the last preceding general despatch. In addition, he wrote despatches from time to time, which were marked variously, "Separate," "Separate A," "B," "C," according to the number written, and "Military," "Marine," "Superintendents and Storekeepers," &c., according to the subject matter contained in them. All these despatches were regarded as enclosures to the general despatch with which they were forwarded, whether written and dated before or after the chief despatch. Thus, in the general despatch No. 2, dated 28th September, 1800, the following eight letters were regarded as enclosures: "Separate A," dated 27th

June; "Separate B," 28th September; "Separate C," 9th September; "Separate D," 18th September; "Separate E," 28th September; "Separate F," 28th September; "Separate G," 8th October; "Military No. 1," 28th September.

Note 14, page 38.

Thursday, 18th November, 1800.

By the order of this date, the registration of legal documents, exclusive of actual land grants, was initiated as from the 27th November, 1800. This system was elaborated by a general order, dated the 26th February, 1802 (*see* page 473), when it became necessary on and after the 6th of March, 1802, to have all transfers of land and assignments of any kind examined and registered at the judge-advocate's office. This register, commenced in 1802, is still extant. It consists of eighty-eight leaves stabbed and stitched in one section. The size of each page is $9\frac{3}{8}$ in. by $7\frac{1}{16}$ in., and it is written on hand-made paper, watermarked with a crown over a flourish on one leaf, and W over 1794 on the other leaf, but many leaves are not watermarked at all. The title page is written and worded as follows:—

Judge Advocate's Office
6th March
1802

Register
of Assignments and other Legal
Instruments

Pursuant to His Excellency the Governor's Public
Order of the 27th February, 1802

It will be noticed that the title page quoted the order as dated 27th February, whereas the copy of the order transmitted by King is dated 26th February.

The first entry is No. 1:—

2nd March, 1802.	Augustus Alt Esq. to John Palmer Esq.	} Assignment by Indorsement of Hermitage Farm for £300 Stg.
------------------	---	--

The entry bearing the earliest date is No. 132:—

22 Jany. 1794	David Collins to John Palmer Esq.	} same as the preceding, of another Allotmt of Surry Hill Farm (no Quantity of Acres specified) for £43 Sterlg.
---------------	---	--

The entries made were dated from the 22nd January, 1794, to:—

10 Novr. 1807	Lease of Cudoris Farm, Haw's, from Wm. Cuddy to Jno. Smith 5 Years £16 per yr.
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There are fourteen hundred and twenty-seven entries in the book, and the three quoted form excellent examples of the style of registration.

Note 15, page 41.

Mr. George Barrington.

George Barrington had been the famous pickpocket, who had arrived in Port Jackson by the transport *William and Ann*, on the 28th of August, 1791. A few weeks after his arrival, he had been appointed by Governor Phillip head constable at Parramatta, a position he held until his retirement. Phillip also granted him a conditional emancipation, dated 2nd November, 1792. By

the general order of the 28th November, 1800, he was granted a pension of £25 *per annum*. Shortly after his retirement, he became a lunatic, and his estate was placed in the care of trustees acting under a commission for its management. Previously he had received a grant of thirty acres at North Boundary, dated 3rd November, 1792, from Governor Phillip, and a second grant of thirty acres at North Brush in the Field of Mars, from Lieut.-Governor Grose, dated 9th December, 1794. At a later date, he had acquired a farm on the banks of the Hawkesbury, opposite Cornwallis, consisting of fifty acres. His death took place on Friday, 28th December, 1804, at Parramatta, and his farm at the Hawkesbury was advertised for sale two days later.

Note 16, page 41.

The sentence of the General Court Martial is approved.

Before the sentence of a general court martial could be carried out, it was necessary for it to be approved or disapproved by the commanding officer on the station, or reserved by him for ultimate submission to the judge-advocate general in England. The commanding officer in the colony was the governor or his deputy, and his decisions on the sentences were announced in general orders.

Note 17, page 42.

The following Priority for the Discharge of Deceased person's debts.

By clause 5 of the charter of justice (*see* volume I, series IV), the court of civil jurisdiction was authorised "to grant probate of wills and administration of the personal estates of intestates dying within the place or settlement aforesaid."

The first sitting of the court in this jurisdiction was held on the 20th of July, 1790, when letters of administration were granted to John Peter Shapcote, son of John Shapcote, deceased, intestate (*see The Beginnings of Government*). These letters were granted by virtue of the acts 22 and 23 Car. II, cap. X, and four days were allowed for filing accounts.

Several applications for probate and letters of administration have been examined between the date of Shapcote's and that of Dore's; but no orders, that are known, attempted to initiate new procedures in the legal administration, such as this one did. It illustrated in a marked degree how a governor was a law-giver to the colony, and could make or modify a statute by simply issuing a general order.

Note 18, page 47.

The enclosure of the Orphan House.

This enclosure lay on the north side of the modern Bridge-street, and was bounded on the west by George-street, and on the east by the tidal waters at the mouth of the Tank Stream. The land was adjacent to the parade ground of the military, and, being centrally situated, was a convenient place to assemble in the event of an alarm.

Note 19, page 57.

No larger letter . . . can be sent overland.

The practice adopted for sending despatches was to place them all with their enclosures in a despatch-box, which was placed in the custody of a military or civil officer, travelling to England, or, when no one was available, in the charge of the master of the ship. If the ship was not proceeding direct to England, the box with its custodian, if an officer, was transhipped to the ship that would reach England quickest. It was the practice for a

ship carrying despatches to land the custodian of the despatches with the box on the first convenient point of the English coast encountered, and for him to proceed post haste to London.

In the case of this particular despatch, it was the first recorded as being carried overland. It must have been carried loose on the *Trimmer*, otherwise the seals of the despatch-box, carrying despatches of the same date, would have been broken in India. Letters sent by the overland route were carried by ships from Bombay to Bassorah in the Persian Gulf. The first overland journey was along the valley of the Euphrates to Iskenderoon on the southern coast of Asia Minor. From this port, the letters were carried by ship to Trieste, thence overland to Ostend, and by ship across to London.

Note 20, pages 58 and 84.

Two other vessels.

These two vessels were the *Harbinger*, a brig of 56 tons, under the command of John Black, and the *Margaret*, a brig of 121 tons, under the command of John Buyers. They passed through Bass' Strait in the first and last weeks of January, 1801, respectively. An account of their voyages is detailed in note 64.

Note 21, page 58.

An island.

This island was named Governor King's Island, and is now known as King Island. The northern and north-eastern coastlines were discovered by Black on the 1st of January, 1801, and by Buyers on the 26th of January following.

Note 22, page 62.

Instructions to Lieutenant Grant.

These instructions were an amplification, with the available local knowledge, of those received by Acting-Governor King, enclosed in the Duke of Portland's despatch, dated 22nd April, 1800. In order to assist in the objects of the voyage, the sloop *Bee*, of 11 tons, was ordered to act as tender to the *Lady Nelson*. Four days after leaving Port Jackson, the *Bee* was found to be unsuitable as a tender, and was ordered to return when in the neighbourhood of Jervis Bay. The principal objectives of this voyage, as detailed in these instructions, were an examination of the coastline of Victoria from Western Port to Cape Nelson, a survey of King Island, and an examination of the western entrance to Bass' Strait between Cape Otway and King Island, and between the latter and Hunter's Islands.

Note 23, page 73.

The former is acting in a death vacancy.

Francis Barrallier (*see* note 208, volume II) had been appointed by Governor Hunter in general orders, dated 2nd July, 1800, to act as an ensign. A copy of this order is not available, and the only death vacancies at that time which have been traced are those of two lieutenants, Burn and Lucas.

Note 24, page 74.

Also page 323.

The agent of a dealer is gone to England with an intention of prosecuting me for ordering about two hundred gallons of liquor to be staved.

The reference is to a licensed victualler, named John Harris, who, by general orders dated 31st December, 1800 (*see* page 45), was deprived of his license for purchasing the rations of convicts for spirits. King, in his letter to Under Secretary King, dated 8th November, 1801 (*see* page 323), stated that John Macarthur was the principal, and Harris only his agent.

Note 25, page 74.

The master of an American ship.

James Perry, master of the American ship *Follensbe*, of 269 tons, belonging to Messrs. Vernon and Co. 13,000 gallons of spirits and 15,000 gallons of wine were imported in her, but King did not allow any of this cargo to be landed.

Note 26, page 76.

Also pages 77, 78, 79, 80, 81, 82.

[*Enclosure A.*]

The alphabetical notation of the enclosures was frequently adopted by King in his despatches to the Admiralty, and in his marine and military despatches to the Secretary of State. A good example of the latter will be found on page 654 *et seq.*, enclosures A to F, inclusive.

Note 27, page 76.

A Commission dated 6th February, 1800.

A commission, dated the 6th February, 1800, was received in Port Jackson by H.M.S. *Porpoise* on the 6th of November following. This commission appointed King commander of H.M.S. *Reliance*, but as this ship had sailed from Port Jackson on the 3rd of March, 1800, the commission was of no avail.

Note 28, page 82.

The Masters who brought out the Porpoise and Buffalo.

The masters were William Scott, a master in the navy, on the *Porpoise*, and William Raven on the *Buffalo*. Both ships came out under the control of the Commissioners of the Navy. The *Porpoise* arrived in Port Jackson on the 6th of November, 1800, and on the same day King issued a warrant to Scott (*see* page 77), appointing him second commander of the ship. The *Buffalo* arrived on the 3rd of May, 1799, shortly after the *Supply* had been condemned, and the crew of the *Supply*, with her commander, Wm. Kent, were transferred to the new ship. The crews of King's vessels on the voyage to New South Wales came out under special terms, receiving pay in excess of that usually due to officers and men of the navy, and were returned to England usually at the earliest opportunity.

Note 29, page 85.

The great length of time they had been on board.

In this sentence, King probably referred to the stores, which had been embarked on the two ships called the *Porpoise*. The first *Porpoise* was laden with stores, and sailed for the colony at the end of August, 1799, but in the following month returned to Spithead disabled, and was condemned in October. A Spanish prize, the *Infanta Amelia*, was then purchased and renamed the *Porpoise*, and the crew and stores on the first *Porpoise* were transhipped to the second *Porpoise*. The latter ship sailed on the 17th of March, 1800, and arrived in Port Jackson on the 6th of November following.

Note 30, page 88.

1st May, 1801.

This is a striking example of the antedating of a letter without any apparent reason. The whole despatch and its enclosures were regarded as an enclosure to the general letter, numbered 4 and dated 21st August, 1801. The enclosures to this despatch, dated 1st May, 1801, are themselves dated 27th June, 3rd August, and 30th June, and are all mentioned in the text of the despatch, which therefore could not have been written on the day it was dated.

Note 31, page 88.

The Colonial schooner.

This vessel had been brought out in frame on the *Pitt*, which arrived in Port Jackson on the 14th of February, 1792. She was put together and launched in July, 1793, by means of rollers, under the superintendence of Wm. Raven, at that time master of the *Britannia*. She was of 40 tons burthen, and was christened the *Francis*, in compliment to Lieutenant-Governor Grose's son. She cost, including furniture and stores, £901. She was commanded by William House, a boatswain invalided from Vancouver's expedition.

Note 32, page 93.

The margin is blank.

The three ships referred to were the *Canada*, *Minorca*, and *Nile*. For full particulars of these ships and their cargo, see pages 452 and 454.

Note 33, page 100.

The measure of numbering and marking the cattle belonging to the Crown.

See the seventh paragraph of the general despatch, numbered 2, and dated 28th September, 1800, from King to the Duke of Portland (vol. II, page 609).

Note 34, page 100.

The Act for regulating the whale fishery.

The charter of the East India Company gave the company exclusive trading rights from the Cape of Good Hope to the Straits of Magellan. The result was that whaling vessels were not allowed to carry out merchandise to the colony, but were compelled to come out in ballast, which in itself was a great loss. The oil, seal-skins, and timber, which were carried home, were liable to seizure, as the cargo consisted of exports from a prohibited area, and thus caused an infringement of the Company's charter. In July, 1805, the *Lady Barlow* arrived in the Thames, and the ship and cargo of oil and skins were seized. Four months later, she was released, on condition that the cargo should be sold for export only. The cargo consisted of 260 tons elephant oil, 14,000 dry fur seal-skins, and 100 tons of beef-wood. It was sold at a loss of nearly £7,150.

The evil effects on the whaling industry caused by this charter were not corrected for some time (see volumes V and VI).

Note 35, page 101.

Separate letter, A. Separate letter, B. Separate letter, C.

Separate letter, A, was dated 27th June, 1800 (see vol. II, page 509 *et seq.*). Separate letter, B, was dated 28th September, 1800 (see vol. II, page 651 *et seq.*). Separate letter, C, was dated 9th September, 1800 (see vol. II, page 532 *et seq.*).

Note 36, page 102.

His Majesty's instructions which forbid all officers . . . being concerned in . . . traffick in spirituous liquors.

In the eleventh paragraph of his despatch, numbered 2 and dated 28th September, 1800 (see vol. II, page 611), King stated that he had formed these instructions himself on those given to Governor Hunter (see paragraph 9, page 523, vol. I), and on verbal communications he had with Under Secretary King. In the paragraph numbered 7, in King's instructions to Foveaux (see vol. II, page 516), and in King's letter to Paterson, dated 8th September, 1800 (see vol. II, page 543), definitive instructions were quoted with reference to officers trading in spirits. However, in the second and fifth

paragraphs (*see* vol. II, pages 669 and 673) of King's despatch to Under Secretary King, King regrets that he had received no instructions. Therefore Portland's formal approval of the fulfilment by King of his instructions is difficult to understand.

Note 37, page 107.

Estimate from the 10th of October, 1800, to the 10th of October, 1801.

These dates are mistakes in the original; the salaries were calculated from the 10th of October, 1800, to the 31st of December, 1801. The reason for the change was that during 1801, the affairs of the colonies were transferred from the home department to the department of war, the latter being then known as the department of war and the colonies (*see* note 49), and the accounts were closed at the end of each year.

Note 38, pages 109, 110, 117.

Per transport Anne.

No acknowledgment of these three despatches has been found. That addressed to Under Secretary King was probably considered not to require a reply. The subject matter of the two addressed to the Duke of Portland was repeated in two despatches, dated 21st August, 1801 (*see* pages 120 and 148); the latter were sent direct to England by the *Albion*, which sailed on the 26th August, and the former were sent *via* Bengal in the *Anne*, which cleared on the 9th July. It is probable that the despatches, dated 21st August, 1801, were received first and replied to on the 29th August, 1802, by Lord Hobart, and that therefore it was unnecessary to reply to those, dated 5th July, 1801, when they were received, as they contained the same subject matter.

Note 39, page 112.

General Orders, which I have the honour to enclose.

The general orders, dated from 14th March, 1801, to 11th August, 1801, together with an index, were enclosed also in a despatch to Under Secretary King, dated 21st August, 1801 (*see* pages 248 to 262, inclusive). Orders, dated from 12th October, 1800, to 9th March, 1801, will be found on pages 33 to 50, both inclusive.

Note 40, page 112.

Also page 426.

The Flood in:

A summary of the floods recorded in the governor's despatches prior to the date of this despatch, 8th July, 1801, is:—

- (1) On or about 1st September, 1795, a flood reaching twenty-five feet above its usual level, and rising very suddenly.
- (2) About the end of March, 1799, a flood at the break-up of a drought, reaching fifty feet above the ordinary level, and rising very suddenly.
- (3) On or about 15th March, 1800, the river overflowed its banks, after an excessively wet season, and the flood continued some weeks.
- (4) In October, 1800, a flood occurred (*see* footnote, page 112).
- (5) Another flood then followed, the details of which are not available.
- (6) In February, 1801, a flood occurred (*see* footnote, page 112).
- (7) In May, 1801, another flood, the details of which are not available.

Note 41, pages 113 and 427.

I have been obliged to rent a large farm.

One of the most productive.

This was a farm of 171 acres in the district of the Hawkesbury, which King leased at fifteen shillings per acre. It was entirely cropped with wheat, and produced 5,500 bushels, or an average of a little over 32 bushels to the acre.

Note 42, page 113.

In my letter, No. 2.

See paragraph three of the despatch to the Duke of Portland, dated 28th September, 1800, page 606, volume II.

Note 43, page 114.

My separate letter.

See the fourth paragraph (page 59) of the despatch to the Duke of Portland, marked "Separate A," and dated 10th March, 1801.

Note 44, page 114.

The enclosed letters on that subject.

The letter to the Commissioners of the Navy was dated 26th May, 1801, and the missing orders to the commissary (noted as enclosure No. 1 on page 97) were probably duplicates of the orders to Commissary Palmer, forwarded as Enclosure No. 7 (see page 143) to the general despatch, numbered 4, from Acting-Governor King to the Duke of Portland, dated 21st August, 1801.

A copy of the despatch to the Victualling Board has not yet been found.

Note 45, page 115.

Blanks in the original.

The number of deaths on the transport *Anne* has not been ascertained. King reported to the Duke of Portland, under date 30th November, 1800 (see vol. II, page 697), that there were 150 Irish convicts on board, when the ship was at Rio Janeiro. In the return, dated 23rd February, 1801 (see page 18), 127 male and 24 female convicts were given as arriving in Port Jackson.

The *Earl Cornwallis* arrived on the 12th of June, 1801, and 200 male and 100 female convicts were intended to be embarked on her, but the number of arrivals are not available.

Note 46, page 116.

The soil about Western Port to be equal in goodness to that of Norfolk Island.

The soil at Norfolk Island was regarded by the early settlers as a standard of excellence. Lieutenant Grant had not then visited Norfolk Island, and was therefore personally unaware of the nature of the soil, and his opinion must have rested on the reports of one of his crew, or on some other report.

Note 47, page 116.

Another Colonial vessel.

The schooner *Francis* (see note 31).

Note 48, page 117.

The enclosures.

The enclosures to the general despatch, numbered 4, did not include the government and general orders, but these were forwarded with a despatch to Under Secretary King, dated 21st August, 1801 (see page 248 *et seq.*).

Note 49, page 119.

Lord Hobart to Acting-Governor King.

This despatch contained the first information received by King of the transference of the control of the colonies to another department. In 1793 there were two principal secretaries of state controlling the home and foreign departments, the affairs of Ireland and the colonies being looked after by a sub-branch of the home department. In 1794, a third secretary of state was appointed to take charge of the war department, and in 1801 the control of the colonies was transferred from the home office to this new department, which then became known as the department of war and the colonies. This status continued until the year 1854, when the war with Russia created the necessity of a fourth secretary of state for war, and the colonies became the exclusive charge of one principal secretary of state supervising the colonial department (*see* also note 5, volume I).

This letter was addressed by Lord Hobart to Lieutenant-Governor King in the copy of it, which is preserved in King's private letter-book. Unfortunately, in most cases the style of addressing the despatches cannot be ascertained.

Note 50, page 121.

A situation that Governor Phillip intended as a stock farm for Government.

This farm was situated near Castle Hill, and on March 1st, 1802, it was incorporated in a reserve of 34,539 acres for public purposes, "until revoked by His Majesty's special commands" (*see* note 174).

Note 51, page 121.

Your Grace's notification.

The information of the union of Great Britain with Ireland was contained in a despatch from the Duke of Portland to the Governor of New South Wales, dated 17th November, 1800 (*see* vol. II, page 695). The official celebrations on the occasion were announced in general orders dated 29th May, 1801 (*see* page 253).

Note 52, page 122.

Also pages 260 and 691.

The Association.

In the first week in September, 1800, many reports were current about proposed rebellions amongst the Irish convicts. In consequence, on the 6th of September, Governor Hunter issued an order, commanding all "civil officers and such housekeepers, who are free men, possessing property, and good characters in the town of Sydney" (*see* volume II, page 595), to assemble, and from amongst these, fifty men were to be chosen to be used as an armed police under the command of the civil officers. A similar order was issued to the inhabitants at Parramatta.

On the following day, the men selected were enrolled into two companies, the Loyal Sydney Association and the Loyal Parramatta Association, under the commands of Wm. Balmain and Richard Atkins, respectively. They were enrolled on the condition that "they are not to expect pay for the voluntary offer of their services" (*see* volume II, page 637), and were the first organised volunteer corps in Australia.

They were victualled from the public stores, and were provided with uniforms, firearms, and ammunition, which were kept at the main guard. They were drilled twice a week, between 4.30 and 5.30 p.m., by Sergeants Jamieson and Flemming at Sydney, and Sergeant McMullen at Parramatta.

Further enrolments were called for, and their duties in the event of an alarm were detailed in general orders, dated 28th December, 1800 (*see* page 44).

In general orders, dated 27th July, 1801 (*see* page 260), the companies were disbanded, both receiving "the Governor's approbation of their general good conduct and attention." This step was taken because Balmain (commandant at that time of both associations) was leaving for England, and Thomson (captain of the Parramatta Association) was detailed for duty at Sydney.

The numbers during this period, according to the victualling lists, had been on the 10th of March, and 30th June, 1801, at Sydney 50 and 51, and at Parramatta 40 and 28, respectively.

In the victualling returns for 1st March, 21st May, and 9th November, 1802, there are no records of any members being victualled.

For reasons given by King in his despatch of the 9th November, 1802, they were re-embodied under altered conditions (*see* page 654). The effective roll of the corps was enclosed in the same despatch (*see* page 691) with the exclusion of Balmain's name as captain-commandant of both associations owing to his absence in England.

The orders, dated 22nd October, 1802 (*see* volume IV), announced the new system of enrolment. They were somewhat ambiguous in the opening sentence—"The Commander-in-Chief is instructed not to dispense with the Loyal Associations." This announcement, after the orders of the 27th July, 1801 (*see* page 260), and the non-appearance of members on the victualling returns transmitted during 1802, is difficult to explain.

Note 53, page 122.

Many of whom without any sentence being sent here against them.

The transportation of convicts from Ireland, in the transport *Friendship* and the ships which immediately succeeded her, was very irregular. These transportees had been convicted by courts martial and under the summary jurisdiction of magistrates exercising powers under the Injunction Acts. Many of the proceedings of these courts were not recorded, and consequently the preparation of correct indent papers was impossible. When this fact became known amongst the Irish convicts in the settlement, it naturally created a feeling of unrest and dissatisfaction.

Note 54, page 122.

Also page 244.

His clerk was discovered to have made several erasements in the indents . . . which . . . was done for the reward of £12 for changing from life to seven years, and more in some cases.

The indent papers of all transportees, which had been received in the settlement together with the counterparts of all pardons issued by the governor, were filed in the office of the secretary to the governor during Hunter's government. The free access which the clerk had to these registers gave him large powers of acting unlawfully. A fixed tariff for fraud became adopted, *sub rosa*, varying according to the amount of alteration required in the registers, and the notoriety of the convict affected. The alterations were not always made in favour of the convict, and some appear to have been animated by malice, as early in 1801 King issued a warrant of emancipation to a convict, because there had been palpable tampering with his indent paper, altering his sentence to life. King, in his letter to Under Secretary King, dated 21st August, 1801 (*see* page 244), estimated that at least two hundred convicts had left the colony under expiring certificates obtained by fraud.

A remarkable example of these frauds was tried in the case of a man who accompanied Governor Hunter to England as servant. He was indicted at the Old Bailey, on the 18th September, 1801, for being a convict returned from a sentence of transportation for life. Governor Hunter gave evidence in his favour, and stated that the sentence recorded in the registers at Sydney was transportation for seven years. The prosecution proved the case, and the convict was found guilty, with a recommendation for mercy.

When the perpetration of these frauds was fully discovered, King issued a general order, dated 4th August, 1801 (*see* page 144). When the report of the crime reached England, Lord Hobart transmitted, with his general despatch, numbered 2 and dated 29th August, 1802, a complete list of convicts transported during the government of Hunter, in order that the registers might be placed in order.

Note 55, page 123.

My separate letter, B.

The despatch from Acting-Governor King to the Duke of Portland, dated 1st May, 1801 (*see* page 88 *et seq.*).

Note 56, page 124.

It would not last longer than thirteen weeks . . . as stated on the back of that return.

The statement on the back of the return is printed on page 153. It is worth noting that King's statement in the text of the despatch, *i.e.*, "thirteen weeks," does not agree with that in the return, *i.e.*, beef, sixteen weeks, and mutton, two weeks and three quarters of a day.

Note 57, page 124.

In my letter by the Buffalo.

The despatch from Lieutenant-Governor King to the Duke of Portland, marked "Separate C," and dated 9th September, 1800 (*see* volume II, page 533).

Note 58, page 125.

Also page 146.

I enclose his proposals, and have to request your Grace's instructions thereon.

In the list of enclosures to this despatch, preserved in King's letter-book, the papers relating to Major Foveaux's sheep are given as forming enclosure No. 13. Lord Hobart, however, in his reply, stated that "the proposal . . . does not appear to have been transmitted."

Note 59, page 125.

Your Grace's letter.

The despatch from the Duke of Portland to the Governor of New South Wales, dated 29th August, 1801 (*see* volume II, page 532).

Note 60, page 125.

Also page 565.

The Rev. Mr. Fulton.

The Reverend Henry Fulton, a clergyman of the Church of England, was sentenced in 1798 to transportation from Ireland for alleged seditious practices in connection with the rebellion. He arrived in the transport *Minerva* with other Irish rebels on the 11th January, 1800. He was granted a conditional emancipation, dated 8th November following, and in general orders, dated 20th November, it was announced that he would perform divine service at the Hawkesbury on Sunday, 7th December, 1800. He was ordered

to proceed to Norfolk Island, and take up the duties of chaplain there, *vice* Reverend Charles Haddock, who had not arrived. He sailed in H.M.S. *Porpoise* on the 17th of February, 1801, and on the 9th of May, 1802, Governor King notified Lord Hobart that he had directed the commissary to draw on the colonial agent in favour of Fulton for the full salary of £96 per annum, as chaplain of Norfolk Island, from the date of his commencing duty there. In December, 1805, he received an absolute pardon from Governor King.

Note 61, page 140.

Acting-Governor King's Proclamation to English Merchant Captains calling at Otaheite.

King, during the period in which he occupied the position of acting-governor, exercised jurisdiction under the commission of Governor Hunter (*see* volume I, page 513), and his own dormant commission, dated 1st May, 1798 (*see* volume II, page 605). Both of these commissions gave him jurisdiction over the territory of New South Wales, "including all the islands adjacent in the Pacific Ocean within the latitudes aforesaid of 10° 37' south and 43° 39' south," the limit of jurisdiction seaward being undefined. This proclamation was issued as Captain-General and Governor-in-Chief (*see* note 186) in and over the territory of N.S.W. and its dependencies, including the islands in the South Pacific Ocean, and not under any Admiralty jurisdiction. The appointment of the Reverend John Jefferson justice of the peace for the island of Otaheite, and the issue of this proclamation indicates that King, at least, considered that his jurisdiction extended nearly sixty degrees of longitude east of Port Jackson, but whether this was intended by the authorities in England is doubtful (*c.f.* volume I, note 1, and the subsequent actions of Macquarie and the British government in later volumes with regard to New Zealand).

Note 62, page 146.

Surveyor-General Alt.

At the time of writing this memorial, Surveyor-General Alt was in his seventieth year. He had practically discontinued his labours in April, 1797, owing to his failing eyesight. He was granted a pension of £91 5s., which was half of his former salary, and lived to enjoy it, until his death at Parramatta on the 9th of January, 1815 (*see* volume I, note 169).

Note 63, page 167.

The duplicate of my letter.

The despatch of Acting-Governor King to the Duke of Portland, marked "Separate A," and dated 10th March, 1801 (*see* page 58 *et seq.*).

Note 64, page 168.

Also pages 264, 436, and 437.

Lieut. Grant's passage . . . No. 1; Mr. Black's passage . . . No. 2; and the Margaret's, No. 3; . . . Ensign Barrallier's survey . . . No. 4.

Grant, in his memorial (*see* page 61), stated that he first sighted the land in longitude 142° east, by calculation; but in this he was mistaken, and the first land sighted was near Cape Northumberland in longitude 140° 40' east, on the 3rd of December, 1800. From this point he followed the coastline to the islands off Portland Bay, which he reached on the 5th of December, discovering and naming in his passage Capes Bridgewater and Nelson. He then steered a direct course for Cape Otway, which he passed on the 7th following, and proceeding almost due east to Wilson's Promontory, he passed through the islands in those parts on the 8th of December, and arrived in

Sydney Cove on the 16th of December, 1800. In his passage, he described two deep bays or gulfs between the neighbourhood of Cape Nelson and Cape Otway, and between the latter and Wilson's Promontory.

The first land sighted in the *Harbinger*, under the command of Captain Black, was in the neighbourhood of Cape Otway, on the 1st of January, 1801, when cruising in a north-easterly direction. After reaching the neighbourhood of Cape Patten, Black steered a south-south-westerly course, and discovered King Island; after sailing for some miles along the western coast of the island, he turned north again, and rounding the north-west end, he steered almost due west for Wilson's Promontory, and passing through the islands in that neighbourhood, arrived in Port Jackson on the 12th of January.

Land was first sighted in the brig *Margaret*, under the command of John Buyers, in the neighbourhood of Cape Northumberland, on the 25th of January, 1801. A course was then set off the land, and it is doubtful if any of the actual coast was sighted, with the possible exception of Cape Bridge-water, until the west shore of King Island was reached. Buyers then steered a course around the northern end of the island into the open sea, reaching about 39° south latitude midway between Cape Otway and Wilson's Promontory. The course was then changed, and passing the Furneaux Group, Port Jackson was reached on the 7th of February, 1801.

Ensign Barrallier's survey of Western Port was made during the visit of the *Lady Nelson*, between the 22nd of March and the 28th of April, 1801.

Note 65, page 168.

A lieut't of the Reliance in 1798.

John Shortland, jun., first lieutenant of H.M.S. *Reliance*. He had been sent in the governor's whale-boat in pursuit of some convicts who had escaped in the government boat called the *Cumberland*, which must be distinguished from the schooner *Cumberland*, also belonging to government. He examined the entrance to Hunter River on the 19th of September, 1797, and discovered the presence of coal during his stay there.

Note 66, page 169.

I have established a small post there.

A brief attempt at settlement at Coal Harbour (now the port of Newcastle) was made by Hugh Meehan, of the *Anna Josepha*, on a voyage to procure coal and timber. He constructed a saw-pit at Freshwater Bay, within the north head of the harbour, and after obtaining a cargo, he returned to Port Jackson on the 29th of May, 1801, after a stay of nearly a month.

In the month of June following, a detachment was taken to the harbour in the *Lady Nelson* and *Francis*, and settled at Collier's Point on the south side of the harbour. The site was chosen by Lieutenant-Governor Paterson, after hearing the reports of two miners, named Broadbent and Platt. The detachment consisted of Corporal Wixtead, in command, five privates, and twelve convicts. The method of mining was very crude; three of the convicts were employed getting coal, whilst six were employed in carrying it to the seaside in baskets, the output under these conditions being three tons *per diem*.

Wixtead was soon involved in disputes, and, about three months after the commencement of the settlement, Martin Mason was appointed magistrate and superintendent. Before the 14th November, the population had been increased, and included Mason, a corporal, five privates, and sixteen convicts. On the 21st November, Mason reported that he was raising nine tons *per diem* with the labour of three miners and three carriers working five hours a day. Four mines were then opened, one being 34 yards underground, a second

31 yards, a third 27 yards, and a fourth 10 yards. All were working on a seam 36 inches thick, containing 14 inches of clay and rubbish, and overlying this was a seam of 18 inches good coal.

In the meantime regulations and royalties to govern mining by private individuals had been issued in general orders, dated 3rd July, 1801 (*see* page 257).

Mason shortly afterwards misconducted himself, and before the end of the year all were withdrawn, excepting the five privates. Shortly after the settlement was abandoned.

The locality was then known as Coal Harbour, but the following quotation from the *Christian Observer*, dated July, 1802, is curious, and may have suggested the modern name:—"Governor Hunter had formed a small settlement at Hunter River for the purpose of working the coal, which is of the same nature with that of Newcastle."

Note 67, page 169.

A prize brig.

The brig *Anna Josepha*, a prize to the whaler *Betsey*, under the command of Hugh Meehan, and owned by Lord and Meehan. She was of 170 tons burthen, and carried a crew of twenty-eight men with two guns.

Note 68, page 169.

A copy of the extracts from Lieutenant Grant's Journal.

The full journal of Lieutenant Grant in Bass' Strait will be found in series V, volume I. A copy of the extracts forwarded with this despatch is not available.

Note 69, page 169.

Lieutenant Grant's Journal at Hunter River.

Grant, in this journal, used the nautical method of keeping time, reckoning each day from noon to noon. There is thus a difference of one day in all p.m. times; for example, p.m. of the 15th, nautical time, would be p.m. of the 14th, civil time.

The following notes on different days are for assistance in the identification of localities and names:—

14th June.—Coal Island is now known as Nobby's Head, and is no longer an island.

15th June.—Mr. Meehan was Hugh Meehan, master of the *Anna Josepha*.

17th June.—Ash Island is now known as Moscheto Island. The islands now known as Ash and Dempsey Islands were one island originally, which was called Greville Island.

28th June.—Paterson's River was that part of the river above Raymond Terrace which is now known as Hunter River.

8th July.—This journey was considered by the explorers to be up the Paterson River (now known as the Hunter River).

Mount Ann was the extremity of the spur of hills which lies almost due west from the modern town of Paterson.

Mount Elizabeth is now named Mount Tangerangin.

Note 70, page 173.

W.P., J.G., J.H., F.B.

These initials were those of William Paterson, James Grant, John Harris, and Francis Barrallier.

Note 71, page 174.

Lieut.-Colonel Paterson's Journal.

This journal was written in civil time, but there is a mistake in the date of June 17th (*see* note 72).

The following notes on different days are for assistance in the identification of places (*see* also note 69):—

15th June.—Pirate Point was the name given to the most southerly land on the northern side of the entrance to the port of Newcastle. A large area has been reclaimed at this point since Paterson's visit.

Freshwater Bay was on the western side of Stockton.

Colliers Point was near the landward end of the present breakwater.

Sheep Pasture Hills was the name given to the hills to the east of the city of Newcastle.

19th June.—Needle Island is now known as Spit Island.

29th June.—Paterson River is now the Hunter River above Raymond Terrace.

1st July.—Shanks Forest Plains was the name given to the neighbourhood of the modern towns of Maitland.

3rd July.—Mount York is now known as the Sugarloaf, a peak in the Sugarloaf Range, south of Maitland.

10th July.—King's Range are the mountains which extend from Mount Tanagerin, include Mount Tyramah, and terminate in a spur to the west of the modern town of Paterson.

The immense plain is now known as the Gummum plains, near Merriwa.

14th July.—Hunter River is now known as the Williams River.

15th July.—Mount King was also named Mount Harris, and lay east of Clarencetown.

Mount Grant was the name given to a hill near Fosterton.

Note 72, page 175.

June 17.

This date appears twice in Paterson's journal, and on comparison with Grant's journal (*see* page 170) the correct dating cannot be deduced. Grant's journal was kept in nautical time, Paterson's in civil time. Both journals agree that the *Lady Nelson* came to anchor in the early morning of the 15th civil time. Both agree on the joint visit to Ash Island on the 17th civil time. But Grant states the land was selected for coal-mining in the a.m. of the 16th nautical (*i.e.*, 16th civil), whereas Paterson states that it was accomplished on the 15th civil. The examination of Mangrove Creek by Paterson and Grant on the 17th civil is noted by Paterson, and not by Grant; whereas the visit to Ash Island is noted by both on the 17th civil. Hence the impossibility of deduction.

Note 73, pages 179 and 414.

The carradgan.

The carradjang.

The trees known to the aborigines as the kurradjong, the bark of which was used by them for tying. They are known to botanists as *Hibiscus heterophyllus*, *Sterculia diversifolia*, and *Trema aspera*.

Note 74, page 187.

Sydney, N. S. Wales, Aug. 21st, 1801.

This is the date in the original copy of the despatch examined, but it was acknowledged by Lord Hobart to Governor King, in a despatch of the 29th August, 1802, as being dated 19th August, 1801.

Note 75, page 219.

Attested copies of my letter to them, and their answer to me, which answers some part of your letter of yesterday.

Acting-Governor King to the Judge-Advocate and Lieutenant Grant, dated 18th August, 1801 (*see* page 220).

Judge-Advocate Atkins and Lieutenant Grant to Acting-Governor King, dated 18th August, 1801 (*see* page 220).

The members of the criminal court to Acting-Governor King, dated 17th August, 1801 (*see* page 218).

Note 76, page 220.

Enclosing another.

The members of the criminal court to Acting-Governor King, dated 17th August, 1801 (*see* page 218).

Note 77, page 232.

In a joint letter.

Judge-Advocate Atkins and Lieutenant James Grant to Acting-Governor King, dated 18th August, 1801 (*see* page 220).

Note 78, page 239.

Your report.

The report of the court transmitted by Judge-Advocate Atkins, under date 7th August, 1801 (*see* page 238).

Note 79, page 241.

A letter from your Excellency.

Acting-Governor King to the Judge-Advocate, dated 7th August, 1801 (*see* page 239).

Note 80, page 243.

The articles I have ticked.

This refers to the list forwarded as Enclosure No. 5 to the despatch from Acting-Governor King to the Duke of Portland, marked "Separate A," and dated 21st August, 1801 (*see* page 162). In the copy available no tick marks are shown.

Note 81, page 246.

Blank in manuscript.

The reference is probably to the letter of Captain Macarthur to Acting-Governor King, dated 18th August, 1801, and the reply thereto, dated the 19th of August (*see* page 221 *et seq.*).

Note 82, page 247.

The Xenophon.

The *Xenophon* was selected as the most suitable vessel for the explorations of Matthew Flinders, and was re-named H.M.S.V. *Investigator*; she mounted twenty guns, and carried a crew of eighty-three men. She arrived in Port Jackson from England on the 9th of May, 1802.

Note 83, page 248.

Postscript at the bottom of my military letter.

In the military letter No. 3, dated 21st August, 1801, to the Duke of Portland (*see* page 180 *et seq.*), there is no report as to the resignation of Captain Abbott and the appointment of Ensign Barrallier, but these staff changes are fully recorded in a despatch to Under Secretary King, dated 23rd August, 1801.

Note 84, pages 248 and 261.

[*Enclosure No. 1.*]

[*Enclosure No. 2.*]

The enclosure numbered one contained all the orders from the 28th of September, but all of prior date to 14th March, 1801, have been omitted, as those dated from the 29th September to the 10th October, 1800, will be found in volume II, pages 621 to 627, those dated from the 12th October, 1800, to the 9th March, 1802, on ante pages 33 to 50. The index covered all these three instalments.

Note 85, page 253.

The present Union.

This was the flag created by a proclamation of James I, on the union of England and Scotland. It was described as "the red cross, commonly called St. George's cross, and the white cross, commonly called St. Andrew's cross, joined together according to the form made by our own heralds."

The flag adopted on the union of Ireland with England and Scotland was described as combining "the cross of St. Patrick, a saltire gules on a field argent, with the other two."

Note 86, page 259.

The Register Book.

This is the second register of land grants, which was commenced during the administration of Governor Phillip in 1792 (*see* note 171, volume I). This register is extant, and records, first, a number of re-grants made after the receipt of the territorial seal, the first being the re-grants to James Ruse, Webb, Reid, and Schaffer, on the 22nd of February, 1792, followed by ten re-grants, dated the 3rd of January, 1792. The volume is a large folio, written on paper, bearing no watermark, and measuring 25 $\frac{1}{2}$ in. by 19 $\frac{3}{8}$ in.

Note 87, page 261.

From the 25th day of September, 1800, until the 30th June, 1801.

In several of his returns, King dated them from the 25th of September. This is difficult to explain, as his own statement is extant, stating that he did not assume the government until the 28th of September. With regard to the general orders, the first issued by King was dated 29th September, 1800, and the last issued by Hunter were a military order, dated 25th September, and a miscellaneous order, dated 26th September, 1800.

Note 89, page 266.

A copy of this return has not yet been found.

This return was probably similar to Enclosure No. 1 (*see* pages 182 and 183) of the despatch, marked "Military No. 3," and dated 21st August, 1801, from Acting-Governor King to the Duke of Portland.

Note 90, pages 274 and 320.

Despatch per brig Anna Josepha.

These despatches were placed on board the brig *Anna Josepha*, in the care of Lieutenant James Grant, but when the despatch-box was opened in London, it was found to be empty. Before the brig sailed, King had been warned that such a theft would be attempted, and the conduct of the master, H. Meehan, fully justified such a warning. In consequence, the box was not sent on board until the brig was under weigh, and Meehan was compelled to give a bond of £500 that neither Lieutenant Grant nor the despatches should be interfered with. The *Anna Josepha* left for the Cape of Good

Hope, and at that port Grant transhipped. When he heard of the theft, King severely censured Grant. The theft was evidently instigated by someone who was desirous of suppressing first information of the Macarthur-Paterson-Marshall trouble.

Note 91, page 276.

*Correspondence forwarded in the despatch dated
21st August, 1801.*

See pages 218 to 242.

Note 92, page 277.

Lieut't Crawford having died on the passage.

Henry Crawford, a lieutenant of the New South Wales Corps, appointed 7th August, 1800, was travelling in the *Earl Cornwallis* to join his regiment. On the night of the 3rd of February, when at Rio de Janeiro, he fell overboard and was drowned.

Note 93, page 277.

*A bench of magistrates who would not take it upon themselves to say that
Lieutenant Marshall had any felonious intentions.*

A bench of magistrates consisted of one or more justices of the peace, usually sitting with the judge-advocate. When the bench sat as a court of inquiry, their procedure was to comply with the summoning precept; in the inquiry *re the Marquis Cornwallis* (see page 653 *et seq.*, volume I), only evidence was taken; in the case of the *Queen* (see page 283 *et seq.*, volume I), a neutral verdict was brought in, and in the case of the Irish conspiracy (see page 642 *et seq.*, volume II), they brought in a verdict of guilty, with recommendations of definite punishments. An excellent example of the procedure is the inquiry held on the 10th August, 1801 (see enclosures numbered 6 and 7, page 240).

The proceedings of the inquiry *re Marshall* are not available, and it is therefore impossible to say whether the magistrates were assuming an antagonistic action to King.

Note 94, page 278.

Also page 279.

A Memorial.

Until the proceedings were laid before me.

Lieutenant Marshall's memorial was dated 30th July, 1801 (see page 236 *et seq.*). King's reply was written on the same afternoon at 5 p.m. by his secretary, W. N. Chapman (see sub-enclosure 3, page 238).

Note 95, page 278.

The members met, but instantly dispersed.

The members of the court met on the 7th of August, 1801, and their reasons for instantly adjourning are given in sub-enclosure 3 (see page 238).

Note 96, page 278.

A letter from the five military members.

A reply from the same five members.

The five military members were Wm. Paterson, John Piper, Neil McKellar, Thos. Davies, and Hugh Piper, and their letter referred to is dated 11th August, 1801 (see page 241).

The reply was dated 17th August, 1801 (see page 218).

Note 97, page 279.

Five depositions.

The depositions of the five military members of the court formed sub-enclosures numbered 11, 12, 13, 14, and 15 (*see* pages 226 to 229).

Note 98, page 279.

A conditional remission of his sentence.

The warrant was dated 18th August, 1801 (*see* pages 216-217).

Note 99, page 279.

Capt'n McArthur wrote me a letter.

His letter, my reply and his own corroborations.

Captain Macarthur's letter was dated 18th August, 1801 (*see* page 221). King's reply was dated 19th August, 1801 (*see* page 222 *et seq.*). The "corroborations" were expressed in Macarthur's letter, dated 22nd August, 1801 (*see* pages 233-234).

Note 100, page 280.

Also pages 284 and 285.

*A letter to Sir Joseph Banks reflecting on the present scarcity.
A public letter to General Brownrigg, containing
reflections against my public conduct in the recent events.*

Of the letter to Sir Joseph Banks, only an undated extract was transmitted (*see* page 294); Colonel Paterson's letter to General Brownrigg was dated 24th August, 1801 (*see* page 289 *et seq.*).

Note 101, page 280.

Their respective reports.

Captain McKellar's report was transmitted as sub-enclosure No. 5 (*see* page 296), Captain Piper's as sub-enclosure No. 6 (*see* page 297).

Note 102, page 281.

The Order.

The government and general order was dated 15th September, 1801 (*see* page 295).

Note 103, page 282.

He might have had recourse to a General Court Martial.

The letters between King and Paterson on this point were dated 21st and 29th September, 1801 (*see* sub-enclosures Nos. 1 and 2, on page 301).

Note 104, pages 282 and 283.

Orders of the 21st.

The government and general order, dated 21st September, 1801 (*see* page 298).

Note 105, page 282.

A letter from Capt'n McArthur.

The singular certificate.

His letter of the 21st as stated in the documents.

The letter from Macarthur to King was dated 16th September, 1801 (*see* page 307). The singular certificate was in reference to the condition of Macarthur's pistols (*see* sub-enclosure No. 7, page 297).

Macarthur's letter of the 21st September was addressed to Adjutant Minchin (*see* sub-enclosure No. 3, page 308).

Note 106, page 282.

Capt'n Piper wrote to the Judge Advocate.

Captain Piper's letter to Judge-Advocate Atkins is marked "Monday evening" (*see* sub-enclosure No. 6, page 306).

Note 107, page 283.

Captain Piper to sign his own recognisance.

See the letter from Atkins to Piper, dated 22nd September, 1801 (see sub-enclosure No. 7, page 306).

Note 108, page 283.

Captain McArthur would give no bond until an information was lodged that he intended to break the peace.
The other from Capt'n Piper from which he had evidently copied it.

The similarity of Macarthur's and Piper's replies is shown by the letters of Piper and Marsden to Atkins, each dated 22nd September (see sub-enclosure No. 8, page 306, and sub-enclosure No. 5, page 309).

Note 109, page 283.

A letter addressed to him by Capt'n McArthur.
General Orders of the 15th.

Macarthur's letter to Adjutant Minchin is dated 21st September, 1801 (see page 308). The general orders dated 15th September will be found on page 295.

Note 110, page 284.

His insinuating artful letter to me of the 18th August.

This letter was from Macarthur to King, dated at Parramatta 18th August, 1801 (see page 221).

Note 111, page 286.

The rest of his conduct.

Compare the whole of this paragraph with the following letters:—

Lieutenant Hobby to Acting-Governor King, 5th October, 1801 (see page 299).

Acting-Governor King to Lieut.-Colonel Paterson, 7th October, 1801 (see page 300).

Ensign Moore to Lieut.-Colonel Paterson, 30th October, 1801 (see page 300).

Note 112, page 286.

Abridgement of Proceedings.

The full proceedings of the trial of Lieutenant Marshall were forwarded as Enclosure No. 1, to a despatch of King to Portland, dated 21st August, 1801 (see page 188 *et seq.*). The papers mentioned in this abridgment will be found as follows:—No. 2, on pages 209 and 210; No. 3, on page 210; No. 5 refers to No. 6, on page 211; No. 6 refers to No. 7, on page 212 *et seq.*; No. 7 refers to No. 8, on pages 215 and 216.

Note 113, page 289.

Colonel Paterson to General Brownrigg—Marginal Notes by Governor King.

General Brownrigg was secretary to H.R.H. the Duke of York. Both King and the judge-advocate, Atkins, appear to have been convinced that this letter was instigated, if not actually written, by Captain Macarthur. King had realised that the military officers had voluntarily withdrawn from association with himself, with the exception of Paterson, and the writing of this letter, and allowing it or a copy to fall into King's possession, seems as if it was an attempt to cause an estrangement between Paterson himself and King. Macarthur was the leader of the military party against King. The subject matter of the letter was not a fair statement of facts, as some of King's marginal notes demonstrate; and if it was not composed in ignorance, it must have been written with some ulterior motive.

Note 114, page 290.

One of a letter.

The references which occur in this letter and the remarks thereon are as follows:—

- | | | |
|---------------|---|---|
| Paragraph 7. | <i>one of a letter</i> | <i>see</i> King to the Judge-Advocate, dated 7th August, 1801 (page 239). |
| Paragraph 8. | <i>the memorial answered by No. 3 wrote the letter letters 10 to 17 and 21 to 24 threatening letter</i> | <i>see</i> sub-enclosure No. 1 (page 236). <i>see</i> Secretary Chapman to Marshall, dated 30th July, 1801 (page 238). a copy of this letter, dated 5th August, was not transmitted. <i>see</i> sub-enclosures 10 to 17 (pages 225 to 233). <i>see</i> sub-enclosures 21 to 24 (pages 235 and 236). |
| Paragraph 9. | <i>No. 2</i> | <i>see</i> members of the court to King, dated 11th August, 1801 (page 241). |
| | <i>No. 3</i> | <i>see</i> King to the members of the court, dated 11th August, 1801 (page 241). |
| | <i>No. 4</i> | <i>see</i> members of the court to King, dated 17th August, 1801 (page 218). |
| | <i>Nos. 9 and 11</i> | <i>see</i> members of the court to King, dated 11th and 17th August, 1801 (pages 241 and 218). |
| Paragraph 10. | <i>No. 5.</i> | <i>see</i> King to Atkins and Grant, dated 18th August, 1801 (page 220). |
| | <i>No. 6</i> | <i>see</i> Atkins and Grant to King, dated 18th August, 1801 (page 220). |
| | <i>No. 7</i> | <i>see</i> members of the court to King, dated 20th August, 1801 (page 225). |
| | <i>No. 8 enclosing two letters.</i> | <i>see</i> King to Atkins and Grant, dated 18th August, 1801 (page 220); the enclosures were Atkins to King (page 229), and Grant to King (page 231). |
| | <i>No. 12, 13, 14, 21 (including five depositions) 25 and 28.</i> | <i>see</i> sub-enclosures Nos. 10, 11, 12, 13, 14, and 15 (pages 225 and 229)—Atkins to King, dated 21st August, 1801 (page 229); Grant to King, dated 21st August, 1801 (page 231); Macarthur to King, dated 22nd August, 1801 (page 233); McKellar to Macarthur, dated 21st August, 1801 (page 234); Balmain to Macarthur, dated 21st August, 1801 (pages 234 and 235). |
| Paragraph 11. | <i>Nos. 9 and 11</i> | <i>see</i> members of the court to King, dated 11th August, 1801 (page 241), and 17th August (page 218). |

Note 115, page 298.

The surgeons.

The surgeons in attendance on Lieutenant-Colonel Paterson were John Harris, surgeon to the N. S. Wales Corps; James Thomson, acting principal surgeon in the colony; and George Bass, formerly surgeon in the navy, and at that time supercargo of the brig *Venus*.

Note 116, page 303.

Acting-Governor King to Captain Piper.

This letter was undated, but on reference to the succeeding letter, it is evident that it was written on the 19th, 20th, or 21st September, 1801.

Note 117, page 305.

Copy of a certificate.

A copy of the certificate will be found on page 297. The whole dispute arose on a point of etiquette, whether or not one party to a duel should be allowed to load his own pistol.

Note 118, page 307.

Prepare myself for another duty of detachment at Norfolk Island.

By general orders, dated 15th September, 1801 (*see* page 295), Macarthur was ordered for detachment duty at Norfolk Island as soon as Lieutenant-Colonel Paterson's life was out of danger. He was to embark on the *Lady Nelson* for that post. This proposed change in Macarthur's duty forms a curious parallel to the action of Governor Phillip towards Lieutenant-Governor Grose, whose removal to Norfolk Island (*see* page xxi, volume I) prevented strife between the military and the governor, except that the latter action became an accomplished fact, and in Macarthur's case it was avoided by his clever actions.

Note 119, page 309.

Attested report given by Capt'ns McKellar and Piper respecting this duel with Lt-Col. Paterson.

Copies of these reports will be found on pages 296 and 297. McKellar's report was circumstantial and elaborate; Piper, Macarthur's second, evidently did not wish to disclose any of the minor circumstances, and wrote a brief summary of essential facts.

Note 120, page 309.

The enclosed.

This enclosure was the government and general order, dated 21st September, 1801 (*see* page 298). It was delivered by Marsden, as magistrate at Parramatta. In consequence of Macarthur's actions on this occasion, he was ordered to England under arrest by general orders, dated 23rd September, 1801 (*see* page 298).

Note 121, page 311.

The paper.

A copy of this paper was not transmitted to England, and is not available.

Note 122, page 320.

Copy of a card.

J. F. Jefferie was the purser on the *Earl Cornwallis*. Towards the end of July, 1801, he consented to act as second to Lieut. Marshall, naval agent on the *Earl Cornwallis*, in a proposed duel with Captain Macarthur, for whom

Captain Abbott acted as second (*see* pages 199-200). Lieut. Marshall waited on the ground at the time appointed, but there was no appearance of the challenger, the reason given being that Abbott objected to go out with Jefferie as a co-equal. It is a strange action, that Macarthur should have invited Jefferie and "any Friends he may have with him from the *Cornwallis*" to his home at Parramatta, especially on an evening when Captain Abbott was to be present (*see* page 277).

Note 123, page 321.

The Norfolk of 56 tons.

The brig *Norfolk*, then known as the *Harbinger*, was purchased by King from John Black, agent for Michael Hogan, the vendor, for £700 sterling on the 26th June, 1801. She had been built at Quebec in 1797, and was manned by a master, one mate and 6 able seamen. William House was appointed commander by general orders, dated 6th November, 1801, and on the 8th November following, she sailed for Otaheite. The brig was wrecked during a hurricane at Matavia Bay on the 25th March, 1802 (*see* page 728 *et seq.*).

Note 124, page 321.

Captain McArthur.

Captain McKellar.

Captain Macarthur embarked on board the *Hunter* for Calcutta, the passage money of £100 sterling being paid by Acting-Governor King; the *Hunter* was dismasted in a typhoon, and was obliged to seek shelter at Amboyna. At this port, Macarthur transhipped into the *Princess Charlotte*, drawing bills for £250 on the Treasury for his passage. These latter bills were disallowed by the Treasury, and the amount was deducted from Macarthur's pay.

Captain McKellar embarked on board the *Caroline*, which sailed for New Bedford on the 29th March, 1802. He obtained a free passage to that port, in return for concessions granted to St. Tuckerman, master of the *Caroline*, by Governor King for the landing of 4,000 gallons of spirits. McKellar received orders (*see* page 476) to draw on the Treasury for his expenses in, and passage money from, America. On the 24th February, 1803, Lord Hobart reported that no news had been received of him; but in the same despatch he acknowledged the receipt of the despatches, or duplicates of them, of which McKellar had carried the originals.

These two passages indicate the cost and danger incurred in travelling at that time.

Note 125, page 323.

Without a single written instruction.

This is another admission by King of the issue of regulations, making drastic changes, without any royal authority. *See* note 195, volume II.

Note 126, page 326.

Since my last I have formed a small settlement at Coal Harbour.

In his separate despatch, dated August 21st, 1801, Acting-Governor King stated (*see* page 169) that he had established a small post at Newcastle, consisting of a non-commissioned officer, eight privates, and twelve prisoners (*see* note 66). It is difficult to understand the words "since my last," unless King referred to the separate despatch as an enclosure to his last general letter, also dated August 21st.

Note 127, page 326.

The engineer and surveyor.

The engineer was Francis Barrallier and the surveyor Charles Grimes. They both were engaged in the examination of the Hunter River and its district. Grimes' report was forwarded as enclosure No. 12 (*see* page 413 *et seq.*) to the general despatch, numbered 6 and dated 1st March, 1802, from Governor King to the Duke of Portland. Barrallier completed the more exact survey of the harbour and river commenced in June and July, 1801, when on board the *Lady Nelson*.

Note 128, page 327.

Also page 370.

An India merchant.

Robert Campbell, who was a partner in a firm of merchants at Calcutta. The contract for the importation of cattle was signed on the tenth of March, 1801 (*see* page 29 *et seq.*). It was completed by the arrival of the *Castle of Good Hope* on the 14th February, 1803, having 307 Bengal cows, six horses, and four asses on board (*see* volume IV).

Note 129, page 330.

Artificers and mechanics.

From the beginning of the colony, there had been a deficiency in the number of artificers amongst the convicts. Governors Phillip and Hunter both reported the scarcity, without the adoption of a remedy, and both adopted the practice of hiring soldiers and others to carry on public works. When Acting-Governor King assumed the administration, he refused to hire free labour at five shillings a day, and created much opposition to himself in consequence (*see* pages 246-247).

Note 130, page 334.

Rev. John Jefferson.

In the year 1796, the London Missionary Society established a missionary settlement on the island of Otaheite. This was strongly resented by the natives, and they showed great violence to the settlers. In consequence, when the *Nautilus* arrived off the island, a large number of the missionary company sailed in her for Port Jackson on the 30th of March, 1798.

There then remained at Otaheite the Reverend John Jefferson and six of the first settlers. Jefferson had acted as secretary to the original establishment. The missionary station was located at Matavai Bay. Through the goodwill of King Pomarre, the settlement prospered for some years; but a general rebellion, in 1808, compelled Pomarre himself and all the missionaries to flee from Otaheite. The former went to Eimeo, whilst most of the latter went to Huaheine. Here the missionaries became firmly established. On the 11th of May, 1820, they succeeded in persuading the chiefs to codify their laws, which were printed at the mission printing press. This press continued disseminating pamphlets in the native language as late as 1839, which now form some of the prizes to a bibliophile.

Note 131, page 337.

Also page 400.

The brig Venus.

The brig *Venus*, of 142 tons burthen, arrived in Port Jackson on the 28th August, 1801. She carried eight guns, though built for twelve, and was

manned by twenty men, under the command of C. Bishop. She was purchased at auction sale in London by a syndicate to trade in New South Wales and the south seas. The total capital invested in her was £10,890, and amongst the subscribers to this sum were: Thomas Jameson, £2,705; William Kent, £1,686; James Williamson, £925; James Innes, £150; William Waterhouse, £800; Robert Barry, £1,500; James Crichton, £1,500; Sarah Bass, £200; Sarah and Eliza Bass, £120; D'l May, £500; Robt. Scott, £260; Wm. Bishop, £444; and Wm. Waterhouse, £150. George Bass, late surgeon, R.N., was supercargo. Insurance was paid for £7,650, at the rate of four guineas per cent., covering a voyage to "Botany Bay, Port Jackson, or all or any ports or places in New South Wales, New Holland, Van Dieman's Land, or in the islands adjacent." Bass entered into two contracts (*see* pages 337 and 747) to procure pork from Otaheite (*see* also volume IV, and note 52, volume II).

Note 132, page 345.

The Return of Sept. 23, 1800.

This return was forwarded as Enclosures 9 and 10 (*see* volume II, page 631) to the general despatch, numbered 2 and dated 28th Sept., 1800, from Acting-Governor King to the Duke of Portland.

Note 133, page 345.

The following particulars.

In Enclosure No. 3 (*see* volume II, page 538) to the despatch marked "Separate C," and dated 9th September, 1800, from Lieutenant-Governor King to the Duke of Portland, Macarthur's proposal for the sale of his stock was detailed. It consisted of thirty-five horned cattle for £1,850, ten horses for £650, and 600 sheep for £1,500, a total of £4,000, for which sum Elizabeth Farm (*see* note 209, volume II) was to be included. King recommended the acceptance of this proposal, but the Duke of Portland, in his reply (*see* page 101), dated 19th June, 1801, would not consider it, and regretted that an officer had been allowed to acquire such possessions at public cost. Before this reply had been received, Macarthur, ten days before he sailed, purchased from Major Foveaux 1,350 sheep and 1,770 acres, for the sum of £2,000 sterling. Macarthur then notified King that these sheep must be included in the first proposal. As the original proposal offered the sheep to government at £2 10s. each, and those purchased from Foveaux cost £1 9s. 7½d. each, not including a farm of 1,770 acres, Macarthur expected a profit of £1 0s. 4½d. per sheep purchased, with the land as further profit. Macarthur would have made a profit of almost seventy per cent. on the Foveaux sheep if the proposal had been completed.

Note 134, pages 349 and 599.

Mr. Richard Sainthill.

Lieutenant Richard Sainthill was officially styled agent for the Government of Ireland. He carried out the entire supervision of the convicts, provisions, clothing, and other stores, which were embarked on board the transport ships whose port of departure was in Ireland. He was also responsible for the transmission of all indent papers and invoices of goods to the governor of New South Wales.

Note 135, page 349.

James Gordon.

James Gordon arrived in Port Jackson in February, 1801, under an agreement with Mr. Woodford to collect botanical specimens, at a salary of £8 per month. When he arrived, no instructions had been received by King *re* the

payment of his salary, as in the case of George Caley under a similar agreement with Sir Joseph Banks (*see* note 96, volume II). King, therefore, victualled him from the public stores, and allowed him some money for his personal expenses. His conduct was not exemplary, and at one time he hired himself as a gardener to the commissary, instead of fulfilling the object of his visit to the colony. His return to England was ordered in despatches dated 27th November, 1801, and 4th February, 1802, and in the latter King was instructed to draw bills on Mr. Woodford for his passage money and any expenses incurred.

Note 136, page 365.

Under Secretary Sullivan.

John Sullivan was the son of Benjamin Sullivan, clerk of the crown for the counties of Cork and Waterford. He was born in April, 1749. At the time of the creation of the department for war and the colonies, in 1801, he was made under secretary of that department. He held office until 1805, and in the same year was made a member of the privy council. He died in December, 1828.

Note 137, page 366.

Also pages 372 and 582.

Persons mentioned in the enclosed list respecting whom no decisive instructions appear to have been given to you.

Isaac Nichols had been found guilty of receiving stolen goods in March, 1799 (*see* volume II, page 285 *et seq.*). Owing to certain peculiar circumstances in connection with the trial, Governor Hunter had suspended his sentence, pending reference to England.

J. W. Lancashire (wrongly called T.W. on the list on page 372) had been tried on the 1st of April, 1799 (*see* volume II, page 317) on a charge of uttering a forged note, and had been found guilty by four out of the seven members of the court. Chapman Morris had been tried for forgery (*see* volume II, page 424), in December, 1799, and was found guilty by four members of the court.

In accordance with the terms of the charter of justice, these two trials and the sentences had automatically to be referred to England.

Powell, Freebody, Metcalfe, Timms, and Butler were arraigned in October, 1799 (*see* volume II, page 403 *et seq.*) for the murder of two natives, but owing to four members of the court voting that the case should be specially reserved for sentence, it was referred to England.

The conditional emancipations mentioned on page 582 were prepared, but subsequently cancelled. The men affected were pardoned only for their colonial crimes, and allowed to work out their original sentences of transportation.

Note 138, page 367.

The Medical Inspector.

This referred to Sir John Fitzpatrick, who was inspector-general of health, acting under the home department, and stationed at Portsmouth. The inspection of convict transport ships was not a part of his routine duties; for, in 1802, he put in a claim for remuneration for extra services performed in the inspection of fifteen transports, containing 2,646 convicts, between the 27th of June, 1795, and the 1st of January, 1802. In his inspections, he attended to the ventilation and condition of the convicts transported, the location of privies, &c., and ordered the removal of bulk-heads and other necessary changes.

Note 139, page 368.

The measures public stores.

Lord Hobart's reference was to King's report contained in the eleventh paragraph (*see* page 8) of his despatch to the Duke of Portland, numbered 3, and dated 10th March, 1801.

Note 140, page 369.

Your observations upon the conduct of the Irish convicts.

The reference was to the twelfth paragraph (*see* pages 8 and 9) of King's despatch to the Duke of Portland, numbered 3, and dated 10th March, 1801.

Note 141, page 369.

Your report of the state of the cattle.

The reference was to the fifteenth paragraph (*see* page 11) of King's despatch to the Duke of Portland, numbered 3, and dated 10th March, 1801.

Note 142, page 371.

It is probable that Mr. Johnson will not return to New South Wales.

The Reverend Richard Johnson did not return to the colony. He came out in the first fleet, and held the first religious service on shipboard in waters near Sydney on January 20th, 1788, in Botany Bay, and the first service on shore on February 3rd following in Sydney Cove. He continued to hold regular services on Sundays, when weather permitted, until a barn was erected and utilised for religious purposes. In the middle of August, 1793, he completed the first church (*see* note 241, volume I), which was burnt down in October, 1798. He administered to the religious welfare of the colonists by himself, until the arrival of the Reverend Samuel Marsden in the *William* on the 10th of March, 1794. He experienced considerable opposition, especially under the administration of Grose (*see* note 73, volume II). He applied for leave of absence on the 5th of July, 1798, and sailed with Governor Hunter on H.M.S. *Buffalo* in October, 1800. Before his departure he sold his Canterbury Farm Estate to Paymaster Wm. Cox, and probably at that time anticipated his non-return.

Note 143, page 371.

The conduct of Major Foveaux vigilant course.

This was in reply to paragraph 25 (*see* page 15) of King's despatch to the Duke of Portland, dated 10th March, 1801, and to Major Foveaux's letter (*see* volume of Norfolk Island papers), which was enclosed.

Note 144, page 371.

The mutiny on board that ship.

This was in reply to paragraph 26 (*see* page 15) of King's despatch to the Duke of Portland, dated 10th March, 1801. (*See* also pages 84 and 355.)

Note 145, page 371.

Your military letter.

Your separate letter B.

The military letter is the despatch, "Military No. 2," King to Portland, dated 10th March, 1801 (*see* page 73).

The separate letter B is the despatch, marked "Separate B," King to Portland, dated 10th March, 1801 (*see* page 67 *et seq.*).

Note 146, page 381.

23rd May, 1801; 8th June, 1801; 8th June, 1801; 8th June, 1801; all rec'd 15th Decr., 1801.

The three acknowledgments of letters, dated the 8th June, 1801, probably referred to the one despatch and its two enclosures, all of similar date (*see* pages 97-98); for a similar instance, compare note 149.

Note 147, page 391.

Governor King's Instructions.

On comparison of these instructions with those of Governor Hunter (*see* volume I, page 520 *et seq.*), it will be found that those issued to King are almost literal copies of those issued to Hunter, subject to minor textual differences, and alterations in the first paragraphs, rendered necessary by the different positions of Hunter and King, at the time the instructions were issued.

King's instructions to the commissary, issued in accordance with his own "instructions" (*see* volume II, page 632 *et seq.*), his limitation of the price of wheat, in accordance with his own "instructions" (*see* volume II, page 692), and, above all, the literal quotation of a paragraph from his own "instructions," with regard to the traffic in spirits by military officers (*see* volume II, page 543), are all most difficult to explain. There may have been certain verbal discussions between King and the Duke of Portland and Under Secretary King with reference to much needed reforms, upon which King framed these and other references to instructions. But when these final instructions were being drawn up, it was not considered necessary to give King any further directions under the royal sign manual than those given to Hunter. It is possible that the authorities considered that the instructions issued to Hunter and King were sufficient in the hands of a strong man, but this does not explain King's composition of new paragraphs (*see* volume II, page 543), and his use of imaginary instructions.

Note 148, page 397.

In the most convenient part of each township.

The word "township" had a specific meaning at the beginning of the nineteenth century. It consisted of an aggregation of settlers in a defined area, and usually contained one or more collections of houses, known as "towns." The area of a township was frequently as much as 20,000 or 30,000 acres, and is somewhat paralleled by the modern term shire. In the formation of "townships," before allotting the lands, it was necessary to select the most suitable site or sites for "towns."

Note 149, page 398.

January 10th; May 29th; June 9th, 9th, 12th, 19th, 19th, 1801.

The acknowledgments of the letters, dated May 29th, June 9th, June 9th, June 12th, probably referred to enclosures numbered 2 and 3 (for 29th, 9th, 9th, 12th) to the despatch, dated June 19th, 1801; the second letter, dated 19th June, 1801, also probably referred to the despatch from Under Secretary King to Acting-Governor King of that date (compare note 146).

Note 150, page 401.

An officer is now going to endeavour to penetrate the interior.

Ensign Francis Barrallier, who made two exploring journeys in the country to the west-south-west of Camden. His first tour, during October, 1802, was preliminary to the second, and was for the purpose of selecting a site for a depôt. That result was achieved, and in addition the Nattai River was discovered. His second tour is detailed in note 232.

Note 151, page 402.

A separate letter on this head.

The despatch from Acting-Governor King to Under Secretary King, dated 14th November, 1801 (*see* pages 345 and 346).

Note 152, page 403.

A small vessel of 26 tons.

The schooner *Cumberland*, which was commenced at Sydney Cove by Governor Hunter, and launched in September, 1801. She was of 26 tons burthen, and carried a master, mate, and three able seamen as crew.

Note 153, page 403.

The articles from the John Jay.

The purchases made are detailed in volume II, pages 683 *et seq.* The Duke of Portland's approval was given in his despatch, dated 19th June, 1801, in the fourth concluding paragraph (*see* page 102).

Note 154, page 403.

In that case.

King referred to the decision that all courts martial should be held in the colony (*see* page 105 *et seq.*).

Note 155, page 405.

Also page 490.

The unfortunate man who was drowned on the passage.

Edward Wise, who was lost overboard after leaving the Cape of Good Hope (*see* note 8).

Note 156, page 406.

The person who went there in the command.

Martin Mason, who had acted previously as surgeon on H.M.S. *Buffalo*. He had been appointed a magistrate for the districts of Parramatta and Toongabbe by general orders, dated 9th January, 1801. The nature of his misconduct at Hunter River has not been elucidated.

Note 157, page 413.

Governor King to British Consuls in North America.

This letter was addressed care of Consul Barelay, the British consul at New York.

Note 158, page 413.

A copy of the printed notice . . . has not yet been found.

The printing press, imported in the first fleet, began to be utilised in November, 1795, and from 1797 to 1800 a convict was regularly detailed by Governor Hunter as printer in the returns of employment. The earliest specimens of colonial printing that the editor is aware of are Instructions for the constables of the country districts, addressed to James Everitt, constable for the district of Lane Cove, dated 16th November, 1796, and Instructions to the watchmen of the town division, dated 18th November, 1796. Work on the press was very desultory prior to the appointment of George Howe, *alias* George Happy, all important orders being issued as broadsides. Howe received an absolute pardon on account of his services in January, 1806 (*see* note 185 and volume IV).

Note 159, page 413.

Observations by Surveyor Grimes on Hunter River.

Surveyor Grimes, as also Lieutenant Grant and Lieutenant-Colonel Paterson, made use of the original and not the modern nomenclature of the rivers (*see* note 69). The Basin included all the water around the islands within the entrance and Fullarton (now Fullerton) Cove. The Paterson River flowed into the Hunter, from a westerly direction, at Raymond Terrace, where the Williams River now joins the Hunter. The Hunter (now known as the Williams) drained the valley bounded on the east side by the Edgerton Hills (the hills east of the town of Paterson), and Hobby Hills (west of the town of Dungog), and on the west side by a hill east of Clarencetown, then named Mount Harris, and a hill near Fosterton, then known as Mount Grant. The country described between Edgerton and Hobby's Hills was the country between the modern towns of Seaham and Dungog.

Note 160, page 416.

Also page 480.

Copies of the returns of officers of the civil department and of the superintendents have not yet been found.

A comparison of similar returns, dated 10th March, 1801 (*see* page 53), and May 21st, 1802 (*see* pages 494 and 495), will show the small changes made during fourteen months, and will practically take the place of the missing return.

Note 161, page 418.

State of His Majesty's Settlements in New South Wales.

These annual statements reported the yearly transactions in detail. Unfortunately the similar statement for 1802 makes large extracts from this statement, and to avoid useless repetition the editor has made use of [A], [B], [C], &c., and italics, which were not in the original, but refer to a similar statement for 1802, which was forwarded with the despatches, dated 9th May, 1803 (*see* volume IV).

Note 162, page 419.

Also page 438.

Sept. 23, 1800 (when Governor Hunter left the colony).

Governor King frequently quoted this date as the beginning of his returns, and in this case as the beginning of his administration. In his despatch, dated the 28th September, 1800, he stated "the command was not given up to me before the date of this letter" (*see* volume II, page 606). Governor Hunter did not embark on board H.M.S. *Buffalo* until the 28th September, and did not sail from Port Jackson, a part of the colony, until the 21st of October, 1800. In consequence, King's statement was most inaccurate.

Note 163, page 420.

See state of Settlement under Military Department for July, 1800, and March, 1801.

The state of the settlement, dated September 29th, 1800, will be found on page 679, volume II; that for March, 1801, will be found on page 70. Both of these returns detail the military department, but neither of them mention an engineer and artillery department.

Note 164, page 421.

Appendix No. 1.

There are no appendices attached to the copy of this statement which is available. The form and subject matter of this appendix would have been similar to the return on page 92, with the addition of the particulars of the schooner *Cumberland* from the return on page 700.

Note 165, page 429.

The footrot and water in the head.

In the *Shepherd's Guide*, a treatise written by James Hogg, the Ettrick shepherd, which was the standard treatise used by the early colonists on sheep diseases, the following particulars are given of these two maladies as they appeared at that period:—

Footrot is caused by the hoofs of sheep becoming alternately wet and dry. As a result of this, small cracks open about the roots of the hoofs, and "by repeating the same cause, of wetting and drying them several times every day, these cracks enlarge and suppurate." When this is allowed to proceed, "it degenerates into a foul and tedious ulcer, renders the sheep extremely lame, forces them often to walk, or rather creep, on their knees; the hoofs drop off." The cure recommended was:—"When a sheep is first observed affected by it, let it be brought in, and the sore foot washed well with soap and urine; then well bathed with turpentine, and afterwards rubbed all over with tar, and bound up with flannel; and if it is then turned to a clean, dry pasture, the cure is certain."

Water in the head was known also as Hydrocephalus and Sturdy. This is described as a collection of water within the brain, from exposure to too rough and boisterous weather, "but whether it is a certain internal distillation, or admitted from without from the serosity of the skin, is not so easily determined." "The water settles sometimes in one corner of the skull, sometimes in another; but whenever it begins, it continues to increase and gain upon the brain, until it is either extracted, or the animal so much wasted, that it dies as lean as wood, at which period the brain is commonly half wasted away, and the skull full of these noxious fluids." The treatment generally adopted was to tap the fluid over the portion of the skull that had atrophied by pressure, to remove all the fluid and the containing sack, if possible, and carefully to cover the opening with a wax cloth.

Note 166, page 429.

Three Spanish rams in 1797.

These rams were a part of the flock belonging to the widow of Colonel Gordon, at the Cape of Good Hope (*see* note 24, volume II).

Note 167, page 436.

Fustick.

The true fustick of southern Europe and Asia is a tree of the natural order *Anacardiaceæ*, and is known as *Rhus Cotinus*. From the wood a fine yellow dye can be obtained.

Note 168, page 436.

An officer.

The reference was to Ensign Barrallier and his expedition, which lasted from the 5th of November to the 24th December, 1802 (*see* note 232).

Note 169, page 436.

A person.

The scientific people.

The person was George Caley. He did not commence his expedition until December, 1802, when he crossed the Nepean River at a ford near the railway bridge at Menangle. He then followed the general course of the Nepean, keeping to the tops of the hills, till in the neighbourhood of Douglas Park. From there he kept close to the river until he crossed Stonequarry Creek, when he went west for a few miles; he then travelled south-south-west, and discovered the big lagoon at Picton Lakes, naming it "Scirpus Mere." On his return journey, he took a general north-north-east course, crossing the range near the Razorback, and the Nepean River at a ford just below Camden Park house.

The scientists were Robert Brown, naturalist; William Westall, landscape and figure draughtsman; Ferdinand Bauer, botanical draughtsman; Peter Good, gardener, and John Allen, miner.

Note 170, page 437.

Two vessels.

The *Speedy*, of 313 tons; George Quedstedt, master.

The *Britannia*, of 301 tons; Robert Turnbull, master.

Note 171, page 437.

Wilson's Promontory is 39° 10' south and 146° 51' east.

The true position is 39° 7' 55" south, and 146° 25' 37" east.

Note 172, pages 437 and 445.

Also page 511.

The chart.

The plan.

These charts and plans will be found in the volume of charts.

Note 173, page 437.

The conjecture of N. S. Wales being insulated . . . remains undecided.

See note 293, volume II.

Note 174, pages 446 and 447.

Reservation of Land for the Crown.

Two other plots of ground.

The area of land in the deed quoted was 34,539 acres, and was situated north-north-west of Parramatta, nearly parallel to what is now the road from that city to Wiseman's Ferry. The two other plots of ground consisted of 38,728 and 6,017 acres, and were situated in the district of Prospect. All three were dated 1st March, 1802. These deeds form the first reservation of large areas for public purposes. King evidently thought that such a grant was more irrevocable than a proclamation or general order, as he had already experienced the effect of Governor Phillip's general order *re* land in the town of Sydney, and even he himself had broken it. On 11th August, 1804, he adopted somewhat similar procedures in granting commons for different districts (*see* volume IV).

Note 175, page 448.

Tippo Sultaun.

The Indian chief, who was more familiarly known as Tippoo Sahib. He had been killed in his palace at Seringapatam on the 4th of May, 1799.

Note 176, page 455.

Robt. Alcock, Thos. Blacket, Edwd. Cox.

Alcock, Blacket, Cox, Burton, and another convict were tried for murder. The four named were sentenced to death, with a recommendation of Alcock to mercy. Burton was executed, and the trials of the other three were submitted to the opinion of the English authorities.

Note 177, page 455.

Jno. Chap. Morris, Jno. W'm. Lancashire, Wm. Collins.

Lord Hobart had already forwarded instructions, with reference to these respites, in his despatch, numbered 1, and dated 30th January, 1802 (*see* page 366), which had not then been received by King. In this despatch, dated 1st March, it is strange that King does not mention the cases of Isaac Nichols, and of the five men found guilty of killing two natives (*see* note 137).

Note 178, page 456.

Lieut't McKellar may arrive about the same time as Capt'n McArthur.

Macarthur reported his arrival in London to Lord Pelham on the 21st of December, 1802. McKellar had not arrived on the 24th of February, 1803, nor had any news been heard of him, and anxiety was then felt for his welfare (*see* note 124).

Note 179, page 456.

Also pages 478 and 744.

I found it necessary to try Lieut. John Piper.

The trial of Piper arose out of charges in connection with his conduct subsequent to the Macarthur-Paterson duel. The charges are quoted in Sir Charles Morgan's letter, dated 11th December, 1802 (*see* page 744). King's criticism on the trial will be found in his despatch, dated 1st March, 1802 (*see* page 479). In this trial Sir Charles Morgan upheld the actions of the members of the court martial. (*See* also series IV, volume I.)

Note 180, page 457.

Also pages 478 and 745.

It has also been necessary to try Ensign Bayly . . . twice within one month.

There were two trials of Ensign Bayly, one for disobedience of Paterson's orders, and the second for disobedience of King's orders. King's criticism of the trials were submitted in his despatch to the judge-advocate general, dated 1st March, 1802 (*see* page 478), and the correspondence prior to the trial to the Duke of Portland (*see* page 458 *et seq.*). The charges and opinions of Sir Charles Morgan were detailed in the latter's despatch, dated 11th December, 1802 (*see* pages 745 and 746) (*see* also series IV, volume I.).

Note 181, pages 458 and 462.

All the General Orders, issued by me from the time I took the command up to the present date, which has an index.

Government and General Orders.

The orders previously forwarded have been omitted. They were:—

from the 29th September to the 10th October, 1800 (*see* volume II, pages 621 to 627);

from the 12th October, 1800, to the 9th March, 1801 (*see* pages 33 to 50);

from the 14th March, 1801, to the 11th August, 1801 (*see* pages 248 to 260).

A copy of the index transmitted with this despatch has not been found. An index from September, 1800, to the 11th August, 1801 (*see* pages 261 and

262) was sent as an enclosure of a despatch to Under Secretary King, dated 21st August, 1801. This index is greatly inferior to that taken to England by Governor Hunter, of the whole of the orders issued by him (*see* volume II, page 597 *et seq.*).

Note 182, page 459.

Also page 460.

The Commander-in-Chief's letter to you of March 6th, 1799.

My letter to you dated the 8th September, 1800.

The 7th article of my Instructions to Major Joseph Foveaux.

In my last despatch from His Majesty's Principal Secretary of State for the Home Department.

The first letter will be found in volume I, series VII. This letter ordered Lieut.-Colonel Paterson to return to the command of the corps, and to use all his influence to prevent the officers from participating in the retail trade of spirits and other goods sometimes at a profit of "one hundred shillings for one."

The second letter is that on page 542, volume II.

The 7th article of Foveaux's instructions will be found on page 516, volume II.

The reference in the fourth quotation was to the twenty-third paragraph of the Duke of Portland's despatch, dated 19th June, 1801 (*see* page 102).

Note 183, pages 460 and 461.

General Orders of the 24th last October.

This general order will be found on page 465.

Note 184, page 461.

Those of this day.

The King's Instructions.

The general order dated the 28th December, 1801, will be found on pages 468 and 469.

The King's instructions, here referred to, were those contained in the Commander-in-Chief's letter to Lieut.-Colonel Paterson, dated March 6th, 1799 (*see* note 182).

Note 185, pages 465 and 648.

Also page 710.

A printed abridgment.

Book of General Orders.

The printed abridgment was a broadside, which was circulated amongst the licensed houses and many of the colonists for general information. It contained the most important orders, and was frequently mentioned in the proceedings before the bench of magistrates, but the editor has not seen a copy.

The book of general orders is the first book known to have been printed in Australia. It is a small quarto, the tallest copy examined measuring 8½ in. by 5¾ in., another 8⅞ in. by 5¼ in. The copy that used to belong to Sir John Hay and Mr. David Scott Mitchell is only 7¼ in. tall. It was printed on paper watermarked with an allegorical design contained within a double oval. It is bound with a blank leaf, title leaf, i to xii pages, 1 to 12 pages, and 1 to 122 pages. Four pages form a section, pages 1 to 12 forming sections A to C, pages 1 to 122 comprising sections A to Z, Aa to Gg, and one leaf of Hh.

The first order printed is dated the 11th February, but the title page states that it was the 16th February. The orders issued prior to the administration of Governor King are on pages 1 to 12. Those issued by the same governor begin with one dated October 1st, not 28th of September, 1800, as stated on the title page, and terminate with one dated the 30th of September, 1802. These were printed on a separate pagination of pages from 1 to 122. The title page is as follows:—

NEW SOUTH WALES

General Standing Orders:

SELECTED FROM THE GENERAL ORDERS ISSUED BY

FORMER GOVERNORS,

From the 16th of February, 1791, to the 6th of September, 1800.

ALSO,

General Orders issued by Governor King,

FROM

The 28th of September, 1800 to the 30th of September, 1802.

SYDNEY

PRINTED AT GOVERNMENT PRESS

1802.

Note 186, page 467.

The Governor in Chief.

The commission under which King acted (*see* volume II, page 605) gave him no power to use the title of "Governor-in-Chief," and the assumption of this title is paralleled by many of his actions in the few months prior to Governor Hunter's departure. His commission as Governor-in-Chief (*see* page 384) was not signed until the 20th of February, 1802, and the instructions were not received by King until the 16th of October, 1802, and the order from which the title is quoted was dated the 16th December, 1801.

The orders referred to by King were dated from the 29th September to the 17th of October, 1800 (*see* volume II, pages 621 to 627, and page 692, also ante pages 33 and 34). The orders which were issued by King about assigned servants were dated 1st and 2nd October, 1800 (*see* volume II, pages 622, 623, and 624).

The words placed in *parentheses* by King were not a *verbatim* quotation from a despatch, as they appear to be. On a comparison of the quotations in the order with the Duke of Portland's despatch, dated 19th June, 1801 (*see* page 99), which was received by King on the 14th of December following, it will be seen that they are King's modifications of paragraphs 2, 3, and 7 of the said despatch.

Note 187, page 471.

Dec. 26th, 1800.—June 1st, 1801.—Jan. 12th, 1802.

These orders will be found on pages 43, 254, and 470.

Note 188, page 472.

28th September, 1800.—2nd of October, 1800—Hunter's Orders.

The 28th of September, 1800, was the day on which King took over the administration. The orders referred to will be found on pages 623 and 624, and on pages 585 and 214 in volume II, the last two being dated 11th June, 1799, and 15th May, 1798.

Note 189, page 473.

The Order of the 26th of December, 1800.

This order will be found on page 43.

Note 190, page 480.

Parliamentary Estimate for the year 1801, in which there appears an advance in all the salaries.

Governor King was evidently unaware of the new termination of the financial year on the 31st December, instead of the 10th October, each year, which was initiated at the time of the departmental changes in the administration of the colonies. He may have been misled by the misdating (*see* page 107) of the last estimates forwarded (*see* note 37). The change was shown in the estimates for 1802 (*see* page 485).

Note 191, pages 482 and 509.

Acting-L't Murray's journal.

After pages 482 and 509 had been printed, a copy of acting-lieutenant Murray's journal was located, and will be printed, when transcribed, in volume I, series V.

Murray, as acting-lieutenant commanding the *Lady Nelson*, was instructed by King, if he had a leading wind into Bass' Strait, to proceed direct to Wilson's Promontory, and examine the coastline between Point Schank and Cape Otway. In following this course, he discovered the entrance to Port Phillip on January 5th, 1802, but was unable to enter, on account of the bad weather and currents. He, accordingly, sailed for King Island, and continued the survey of its north and east coasts. This completed, he returned to Western Port, and sent Bowen, his first mate, and five men in a boat to examine the entrance to Port Phillip; they accomplished this by passing into the bay, on the 2nd of February, and promptly returned to report to Murray. Bad weather continued, and Murray, with the *Lady Nelson*, was unable to enter until the 15th of February, 1802. Murray spent twenty-five days in examining the bay, and returned to Port Jackson on the 16th of March, 1802.

Note 192, pages 483 and 498.

Returns from Norfolk Island.

The Norfolk Island papers are very voluminous and are being collected for publication in volumes by themselves.

Note 193, page 484.

Lieut.-Governor Benter.

The reason for including Benter's name with King's alone in the address of this despatch has not yet been elucidated.

Note 194, page 487.

Lieutenant Governor King.

This was the address affixed to this despatch by Secretary Nepean or his clerk. If it was not an error, it is strange that the addressor was unaware

of the fact that King's commission as governor-in-chief had been signed on the 20th of February, 1802, and that his status was no longer that of a lieutenant-governor, acting as governor in the colony of New South Wales (*c.f.* note 49).

Note 195, page 487.

Your Letter of the 30th November.

The information that Nepean referred to was contained in a letter dated by Acting-Governor King the 10th of March, 1801 (*see* page 75 *et seq.*).

Note 196, page 498.

The Sessions Papers.

The sessions papers were periodical reports of the criminal trials compiled from records taken in shorthand. Those taken at the Old Bailey were issued as:

THE WHOLE
PROCEEDINGS
ON THE
KING'S Commiffion of the Peace, Oyer and Terminer,
and Gaol Delivery for the CITY of LONDON;
AND ALSO
The Gaol Delivery for the County of *Middlefex*;
HELD AT
JUSTICE HALL in the OLD BAILEY.

They were medium quarto volumes, devoting about six hundred double-columned pages to a year's proceedings. As they gave the personal history of the transportees' sentences, and contained numerous precedents, they would be of great value to the judge-advocate, when any one of the transportees was placed on trial in the colony.

Note 197, page 511.

Your Grace's letter.

Directions from the Admiralty.

The letter from the Duke of Portland was dated 26th June, 1801 (*see* page 110). The directions from the Admiralty were received in a letter from Secretary Nepean, dated 23rd June, 1801 (*see* page 110).

Note 198, page 520.

Also page 521.

While the ship was in the Spanish service.

H.M.S. *Porpoise* had been a Spanish prize to the ship *Argo*, and was formerly known as the *Infanta Amelia*. She was purchased at Portsmouth for the service of the colony. She was manned and rigged from the first *Porpoise*. She left England on the 17th of March, 1800, and arrived in Port Jackson on the 6th of November following.

Note 199, page 522.

Also page 531.

A Vessel being wrecked on . . . King's Island.

The identity of this vessel has not yet been traced.

Note 200, pages 526 and 697.

The arrival of the American.

The reference is to the American ship *Arthur*, of 265 tons, Scott Jenkes, master. She arrived on the 21st May, 1802, and her cargo is detailed on page 641.

Note 201, page 526.

The Norfolk is not yet returned. I hope she is safe.

The *Norfolk* had been wrecked on the 25th of March, 1802 (*see* page 728 *et seq.*).

Note 202, page 528.

Another Settlement in the Straits, I hope will be attended to.

The reference was to the fifth paragraph (*see* page 490) of the despatch, numbered 7, and dated 21st May, from Governor King to the Duke of Portland, in which King advocated a settlement at Port Phillip.

Note 203, page 535.

Without waiting for the whaler stated in the enclosed duplicate.

The *Venus* (B. Gardiner), whose sailing was delayed until the 18th of May, 1803.

Note 204, page 535.

My letter to that Board.

The despatch of Governor King to the Transport Commissioners, dated 9th August, 1802 (*see* page 552 *et seq.*).

Note 205, pages 542 and 549.

The prisoner entered upon his defence.

I call Mr. Aken Chief Mate.

In most of the early trials, the addresses for the prosecution and defence were read in court from written statements, and were not taken down in court, but were copied afterwards and attached to the proceedings somewhat like an exhibit. On page 542, after the assembling of the court on the 8th July, 1802, Captain Betts' address in defence ought to be read concluding with the words "I call Mr. Aken Chief Mate." The address of Betts was spoken of as "No. 2." In the transcript received, no number was given to the address, but it was probably No. 2, and the indictment on page 536 was No. 1.

Note 206, page 553.

You will observe the dreadful mortality . . . exclusive of the numbers killed.

This information was transmitted in the sub-enclosure on page 554, and in the footnote on page 557.

Note 207, page 559.

The return of the investments of the master and mates.

The general cargo, including that shipped by the mates, of the *Atlas*, a ship of 435 tons, with a crew of twenty-eight, will be found in the second appendix, marked "E," on page 641. In addition, she carried 151 male and 28 female convicts, and some passengers.

Note 208, page 560.

A Native of Otaheite.

This referred to an Otaheitian named Mowie, who had visited England, and returned to Sydney on H.M.S. *Glatton*, on the way to his native island. He died on the 6th of August, 1803, before there was a ship available for his return to Otaheite, the cause of death being described as scrofula and decay.

Note 209, page 562.

The improper importation of spirits.

Lord Hobart referred to the third paragraph (*see* page 111) of the despatch from Acting-Governor King to the Duke of Portland, dated 8th July, 1801, which was repeated in the despatch of the 21st of August, and to King's account of the quantity of spirits and wine imported and sent away, and observations on the same (*see* page 131) sent in the despatch, numbered 4, and dated 21st August, 1801, from Acting-Governor King to the Duke of Portland.

Note 210, page 562.

Your account of the distressing situation.

King's report was given in the fourth paragraph (*see* page 112) of his despatch to the Duke of Portland, dated 8th July, 1801, which was repeated in the corresponding paragraph of his despatch, dated 21st August, 1801.

Note 211, page 562.

Suggested in my dispatch No. 1.

The suggestion was made in paragraph 17 (*see* page 369) of Lord Hobart's despatch to Acting-Governor King, dated 30th January, 1802, and numbered 1.

Note 212, page 563.

Your account of the institution.

The account was submitted by King in paragraph 11 (*see* page 123), of his despatch, numbered 4, and dated 21st August, 1801, to the Duke of Portland. The proceedings of the committee of the Orphan Institution during this period will be found in volume IV, as enclosure No. 9 to the despatch, numbered 2, and dated 9th May, 1803, from Governor King to Lord Hobart.

Note 213, page 563.

Your report of the increasing state of the live stock.

This report is contained in paragraph 13 (*see* page 123), and enclosures numbered 10 and 11, of the despatch from Acting-Governor King to the Duke of Portland, dated 21st August, 1801, and numbered 4.

Note 214, page 564.

Your representation in favour of certain persons.

King's recommendation for the emancipation of some Irish convicts was contained in the ninth paragraph (*see* page 122) of his general despatch to the Duke of Portland, numbered 4, and dated 21st August, 1801.

Three of the names mentioned in this despatch from Lord Hobart were pardoned, as follows, before and after its receipt *per* H.M.S. *Glatton*, on the 11th of March, 1803:—

The Reverend James Dixon received a conditional emancipation by proclamation on the 19th April, 1803, "to enable him to exercise his clerical function as a Roman Catholic priest."

The Reverend Peter O'Neil received permission to return to Ireland, by directions of the Lord Lieutenant of Ireland. This was announced in general orders, dated 19th November, 1802.

The Reverend James Harold received a conditional emancipation dated 3rd January, 1809, during the insurrectionary government.

There is no record of a pardon for Abraham Gough in the counterparts of pardons issued, prior to the year 1809.

Note 215, page 564.

The frauds practised by your clerks and those of the late Governor.

See paragraph 10 (page 122) of Acting-Governor King's despatch, numbered 4, and dated 21st August, 1801, and also note 54.

Note 217, page 566.

Your favourable representation in behalf of Mr. Alt.

See paragraph 19 (page 126) and enclosure numbered 14 (see pages 146 and 147) of Acting-Governor King's general despatch, numbered 4, and dated 21st August, 1801.

Note 218, page 568.

Extract of a Letter.

The enclosed extract.

The letter referred to was the despatch of Acting-Governor King to the Duke of Portland, marked "Separate A," and dated 21st August, 1801 (see page 148 *et seq.*).

The second extract was the fourth paragraph of the same despatch.

Note 219, page 569.

Lord Pelham.

Thomas, Lord Pelham, was born in April, 1756. He became deeply interested in Irish politics, and was considered an expert on them. He left Ireland just before the rebellion, and retired from politics for a short time. In 1801, he accepted office as secretary of state for the home department. He then became engaged in some deep quarrels, and also resented the removal of the control of the colonies from his office. In order to avoid too much friction in the ministry, he resigned from the department of home affairs in July, 1803, and took charge of the duchy of Lancaster. When Pitt returned to power, in 1805, he went out of office. He succeeded his father as second Earl of Chichester on the 8th of January, 1805.

Note 220, page 571.

We are, etc.

The copy of this letter in King's letter-book is unsigned. It was probably signed by two or more of the commissioners for executing the office of Lord High Admiral, namely, T. Trowbridge, Jas. Adams, J. Markham, or Wm. Elliot.

Note 221, page 571.

Capt. Raines.

Stephen Rains (not Raines) was one of the agents of the commissioners for conducting his Majesty's transport service. It was his duty to supervise the stores and provisions that were intended for the use of the convicts, to superintend the stowing of cargo, and to ascertain whether the general conditions of the ship's charter were complied with before sailing.

Note 222, page 574.

The like privileges and advantages as those granted to the marines.

The privileges granted to the marines consisted of a grant of land according to their rank, viz.:—To every non-commissioned officer, a grant of 130 acres, if single, and 150 acres if married; to every private, 80 acres if single, and 100 acres if married; and an additional 10 acres for every child of a grantee. These grants were to be free of all taxes, quit-rents, and other acknowledgments, for the space of ten years, and thereafter to be liable to an annual quit-rent of one shilling for every fifty acres.

In addition, the grantees were to be fed and clothed for one year, and receive seed and tools from the public stores for the same period, and to be allowed the service of such convicts as the governor thought fit.

Note 223, page 576.

The Lieutenant Governor's particular attention to this circumstance.

The mistake referred to was detailed in the last paragraph of page 567, in Lord Hobart's despatch, dated 29th August, 1802, and numbered 2.

Note 224, page 578.

Your Lordship's despatches, dated 30th last January.

See page 366 et seq.

Note 225, page 583.

Your Lordship's opinion.

See paragraph 4 (page 366) of Lord Hobart's general despatch, numbered 1, and dated 30th January, 1802.

The proclamation was forwarded as Enclosure No. 1 (*see page 592*). In the original order-book, a draft proclamation, which has been cancelled, precedes this one, and is of interest. It is in the handwriting of W. N. Chapman, secretary to the governor, and is as follows:—

“Whereas, in consequence of the outrages committed by the natives in murdering Dan'l Conroy, storekeeper, and severely wounding Mr. Smith, settler, in a wanton and inhuman manner, it was directed by the General Orders of the 1st May, 1801, that the natives should be driven from the settler's habitations in the districts of Parramatta, George's River, and Prospect Hill by firing at them, but not to extend to [obliterated] any other district, nor to [obliterated] in the harbour, at Sydney, or on the road leading to Parramatta; and as two other white men and a woman were afterwards killed in a savage and wanton manner by the same band of natives, among whom Pemulwye was known to be the principal in all those and former barbarities; in consequence of which it was directed in General Orders of 22nd last November, that Pemulwye should be brought in alive or dead. In consequence of which two settlers shot Pemulwye and [obliterated], another principal, the 2nd instant [obliterated]. The natives requested that the head of the former should be carried to the Governor, with a promise of their doing no more mischief if they might be permitted among the inhabitants of the above three districts, and on receiving that message a public notice was immediately given, ordering no person whatever to use any violence towards the natives, but to receive them at Parramatta and its neighbourhood as heretofore. In consequence of which the natives now resort to the above districts with as much confidence as before.”

Note 226, page 583.

I have not yet received.

H.M.S. *Buffalo* arrived on the 16th of October, 1802, and this despatch was dated 30th October, and in one duplicate copy of it, 9th November.

From the evidence of the quoted sentence, it must have been written some weeks before the day on which it was dated.

Note 227, page 583.

Henry Brown Hayes.

Sir Henry Brown Hayes was a wealthy Irish knight. He had held the office of sheriff in the city of Cork. He abducted a wealthy Quaker heiress, and a large reward was offered for his arrest. Tired of avoiding apprehension, he walked one day into the shop of his hairdresser in Cork, and told the latter to inform the authorities of his whereabouts and claim the reward. He was tried, found guilty, and sentenced to death, which sentence was afterwards altered to transportation for life. He was transported in the *Atlas*, and paid the master, Richard Brooks, some hundreds of pounds to be allowed to travel and mess with him. During his voyage, he insulted Surgeon Jamison, who was a passenger on the ship. After the arrival of the *Atlas* in Port Jackson on the 6th of July, 1802, he was tried before the bench of magistrates for his conduct towards Jamison, and was sentenced to six months' imprisonment. When he had served five months, he was released, and ordered to be transferred to the settlement at Castle Hill. His subsequent career was an exceptional one (*see* subsequent volumes).

Note 228, page 585.

My letters to the American Ministers and His Majesty's Consuls.

Acting-Governor King's letter to the American Minister in London, dated February, 1801, will be found on page 56; his letter to the British Consuls in North America, dated 1st March, 1802, on page 413.

Note 229, page 586.

The general state of the settlement of this date.

This return will be found on page 610. It will be noticed on examination that the return is dated 30th October, and therefore this portion of the despatch must have been written on that day, whilst five and a half paragraphs earlier were written on or before the 16th of October (*c.f.* note 226).

Note 230, page 588.

Rice being cultivated on the low grounds at the Hawkesbury.

The proposal for the cultivation of rice was made in paragraph 17 (*see* page 369) of Lord Hobart's despatch, dated 30th January, 1802, and numbered 1, and again in paragraph 7 (*see* page 562) of Lord Hobart's despatch, dated 29th August, 1802, and numbered 2. The latter reference to the problem had not been received by King when he was making this reply.

Note 231, page 589.

The contract was made with Mr. Campbell.

The contract was signed on the 10th of March, 1801 (*see* page 29 *et seq.*), that is, nineteen months and twenty days prior to the day of dating this letter (*c.f.* notes 226 and 229).

Note 232, page 590.

Also page 748.

He is sanguine of his expectations of passing the mountains.

This was the most important inland expedition of Ensign Francis Barrallier (*see* volume II, note 208). He possessed considerable scientific abilities, and, on this tour, kept a detailed journal, day by day (*see* volume

I, series V); but unfortunately during the journey the needle of the theodolite was injured, and the injury was not discovered until some time after his return to Sydney, so his bearings have to be corrected.

He left Prospect on the 5th November, 1802, with a party consisting of four soldiers and five convicts. Their provisions were carried in a waggon drawn by two bullocks. The Nepean River was crossed on the following day at a ford near Camden Park House, and passing Long, Spectacle, Carra-beely, and Menangle ponds (using their modern names), he formed a depôt at Nattai on the 9th November. On the following day, he descended the gorge of the Nattai River, and on the 11th November he discovered the junction of the Nattai with the Wollondilly River. The latter river was crossed just above the junction of the Tonalli River, and a short examination was made of the parish of the Peaks. He then returned to the depôt at Nattai, reaching it on the 13th November. The whole party rested until the 21st, and during that time the waggon, which had been sent back to the settlements on the 10th for provisions, returned laden on the 19th. On the 22nd, the exploring party started afresh, and following their former route, reached their old encampment at the junction of the Wollondilly with the Tonalli River. During the following days, Barrallier and his men passed between the headwaters of Jooriland Creek and the range of the Peaks, crossed the range separating the counties of Westmoreland and Georgiana, and reached the headwaters of the Abercrombie River a little distance from Tuena. The return journey was commenced on the 29th November, and the depôt was reached on the 2nd (?3rd) of December. After resting, Barrallier commenced a third expedition on the 15th (?16th) December. He took his former course to the camp on the Tonalli River, and then traced the Wollondilly River, travelling on its eastern bank as far as the southern end of Wangaderry Parish. His return to the depôt was accomplished on the 20th (?21st) December, and on the following day he left for Sydney, which he reached on the 24th (?25th). The last four dates are doubtful, as Barrallier included in his diary a day dated the 31st November. (For fuller details, see series V, volume I.)

Note 233, page 592.

Dup. 28th Feby.; Dup. 31 Mar., 1802.

These two despatches will be found on page 383 *et seq.*, and on page 484; according to the copies examined, they were carried by the transport *Alexander* and H.M. ship *Buffalo*, which ships arrived at Port Jackson on the 15th and 16th October. It is difficult to understand this statement of King, that his commission had not been received.

Note 234, page 592.

A Despatch.

Five Persons tried . . . on the 18th of October, 1799.

The despatch was dated 30th January, 1802, and numbered 1 by Lord Hobart (*see* page 366); one copy of the despatch was placed on board the *Coromandel* and another on the *Hercules*, and they arrived in Port Jackson on the 13th and 26th of June, 1802.

The five persons tried were Ed. Powell, Simon Freebody, Jas. Metcalfe, Wm. Timms, and Wm. Butler (*see* the proceedings at their trial, volume II, page 403 *et seq.*, and note 137 *ante*).

The paragraph quoted is the fifth paragraph of the despatch of 30th January.

Note 235, page 600.

See General Orders transmitted with this, October 16th, 1802.

This general order will be found in volume IV, as an enclosure to a despatch from Governor King to Lord Hobart, dated 7th August, 1803, and

numbered 3. The general orders forwarded with this despatch have the certifying clause after the order dated September 30th, and there is no evidence except this footnote that any of later date were sent until those enclosed with the despatch, dated 7th August, 1803, excepting those contained in the *Sydney Gazettes* forwarded on the 9th May, 1803.

Note 236, page 602.

Which have arrived since 1st January last.

It will be noticed that the date given in enclosure 9 (20th June) does not agree with the date given in the text (1st January). The ship *Coromandel*, one of the vessels mentioned, arrived on the 13th June, seven days before the date given as the beginning of the return transmitted. The *Margaret*, from Peru, and the *Arthur*, from Providence, arrived with a general cargo after the date given in the text, but are not mentioned.

Note 237, page 615.

Enclosure A.

Enclosures A and B are as they are marked and placed in the original registration of enclosures. It is probable they were interpolated after most of the enclosures had been numbered.

Note 239, page 629.

Orders of the 8th, 14th, and 19th of May, 1801.

See pages 250, 251, 252, and 253.

Note 240, page 629.

Order of the 1st of October, 1800.

The Proclamation of Nov. 19, 1800.

The order will be found on page 623, volume II; the proclamation on ante page 39.

Note 241, page 630.

Mr. Charles Throsby.

Charles Throsby arrived in Port Jackson as surgeon on the transport *Coromandel* on the 13th of June, 1802. He was engaged to do duty as *locum tenens* for the colonial surgeon at Norfolk Island on the 10th September following, on account of Surgeon Thomson's proposed absence in England. On October 13th, after the medical staff had been re-arranged, his position as acting-surgeon at Castle Hill, and his appointment as acting-magistrate of the territory, were authorised. He subsequently did excellent service as commandant at Newcastle (*see* volume V).

Note 242, page 632.

Michael Robinson . . . as Judge of the Court of Appeals.

The account of Robinson's previous history in England will be found in note 193, volume II. Governor Hunter, ignorant of the man's former life, granted him a conditional emancipation, dated 8th June, 1798. He was then employed as clerk to Judge-Advocate Dore. He continued in this position, to the various judge-advocates, until on the 18th of September, 1802, he was found guilty and sentenced to seven years' transportation to Norfolk Island, for wilful and corrupt perjury before the court of appeals. His history, then, becomes indefinite, until on the 24th of July, and the 10th of August, 1805, Governor King ordered him to be transported to Norfolk Island. In December, 1806, he returned to Sydney without Governor's Bligh's orders. (*See* also succeeding volumes.)

The court of appeal was established by clauses 11 and 12 of the charter of justice (*see* series IV, volume I). Its procedure, in causes where the debt or thing in demand did not exceed £300, was similar, as regards process of summons, hearing of cause, and process of execution, as that adopted in the inferior court (*see* *Beginnings of Government*, page 9). Where the amount involved exceeded £300, appeal was allowed to the privy council in England.

Note 243, page 636.

A French schooner.

A brig.

The schooner *Surprise*, Alex. Le Corre, master, of 90 tons burthen, manned by a crew of twelve. For details of her cargo *see* appendix H (page 642).

The brig *Anna Josepha*, H. Meehan master, of 170 tons burthen, manned by a crew of twenty-eight. Her cargo consisted of 100 tons of coal and 4,000 feet of timber.

Note 244, page 643.

A return of the officers present on the civil establishment.

A copy of this return has not yet been found, but it can be compiled by a comparison of the returns on pages 494 and 495 in this volume, and by the returns transmitted with a despatch, dated 9th May, 1803 (*see* volume IV) from Governor King to Lord Hobart.

Note 245, page 653.

The Inhabitants Petitions No. 32 and 34.

In the transcripts that have been transmitted, there was only one petition of the inhabitants (*see* Enclosure No. 32).

Note 246, page 653.

Two Dépôts of Provisions.

Ensign Barrallier selected Nattai as a site for a provision dépôt for the use of exploring parties. The location of the second mentioned in King's despatch is not clear. The governor probably referred to the government hut established at the ford over the Nepean, about two miles below the Menangle railway bridge, which was the chief ford used at that period.

Note 247, page 653.

Two associations.

The Loyal Sydney Association and the Loyal Parramatta Association (*see* note 52).

Note 248, page 660.

The naval officer.

The naval officer was Surgeon John Harris, of the N.S.W. Corps. In this position, he had charge of the entries and clearances of all shipping, and the collection of shipping dues and customs duties.

Note 249, page 663.

The opinions of the officers.

The enclosed apology.

The opinions of the officers were forwarded as Enclosure No. 9, and the enclosed apology as Enclosure No. 8.

Note 250, page 665.

Your letter of this date and its enclosures.

A copy of which I enclose.

The first reference was to enclosures numbered 8 and 9; the second reference was to enclosure numbered 6.

Note 251, page 668.

My Secretary's letter to him of the 5th.

This was Chapman's letter, forwarded as Enclosure No. 5.

Note 252, page 674.

Those against Ensign and Adj't Minchin.

These charges will be found in appendix numbered 4; see page 684.

Note 253, page 675.

A letter from the latter.

This was the following letter, forming enclosure numbered 21.

Note 254, page 676.

La lettre que m' adressé Monsieur Kemp.

This is the letter forwarded as enclosure numbered 8 (see page 663).

Note 255, page 679.

The General Orders of this day.

This order will be found in enclosure, numbered 5, to the despatch of Governor King, numbered 2, and dated 7th August, 1803 (see volume IV). The substance of the order was to ask Colonel Paterson for the names of officers eligible to sit on the court martial, with the exception of Captain Kemp, who was an interested party to the trial.

Note 256, page 680.

[The two blanks.]

This evidently was a letter written by W. N. Chapman, secretary to the governor, but in the copy transmitted it was unsigned.

Note 257, page 711.

Macao.

Macao is the Portuguese settlement on the western side of the estuary of the river flowing past Canton. In the early nineteenth century it was at the height of prosperity, as, owing to the unsettled conditions in China, it became the depôt for the produce of southern China, which was to be shipped to the European markets.

Note 258, page 715.

Some account of his [Flinders'] progress.

The discoveries of Lieut. Matthew Flinders prior to the date of this letter were made in the voyage of the *Francis* during February, 1798. In this voyage, he examined Ninety Mile Beach, which had already been coasted by Bass, and the islands at the eastern entrance to Bass' Strait; the discoveries of Judgment Rocks, South West Isle, the Pyramid, and the north-western coast of Flinders' Island were new.

His second expedition was made in the company of Bass in the sloop *Norfolk*, together with the privately-owned *Nautilus*. In this voyage, they left Sydney Cove on October 7th, 1798, and returned to Port Jackson on

the 12th of January, 1799. During these three months, the circumnavigation of Tasmania was accomplished, and the existence of Bass' Strait, almost proved by Bass in his whaleboat voyage, was confirmed.

His third exploration was undertaken during the voyage to Sydney of H.M.A.S.V. *Investigator*, between December, 1801, and May, 1802. He made the neighbourhood of Cape Leeuwin on the 6th of December, 1801; from this point, he examined the coast including the Great Australian Bight as far as Kangaroo Island. He left Kangaroo Island on April 7th, and met *Le Géographe* when she had just completed the passage of Bass' Strait. He then re-examined the discoveries of Grant in the *Lady Nelson*, Black in the *Harbinger*, and Murray in the *Lady Nelson*, and arrived in Port Jackson on the 9th of May, 1802.

Governor King referred to the last expedition in this despatch, dated 9th November, 1802. It will be observed that the great work of Flinders was only commencing. The voyage of Bass and Flinders in the whaleboat has been omitted, as, although very adventurous, it was not of importance.

Note 259, page 720.

The copy of this award.

The following is a copy of this award, extracted from King's own records of the appeals:—

Whereas etc. etc. etc.

Mr. Richard Brooks	Appellant
	against
Mr. Thomas Jamison	Respondent

When after truly and Impartially hearing and weighing the Evidence and testimony of such Witnesses and Documents as were brought forward by the Parties in this Cause, It Appeared that the Respondent's Baggage and other property was Received on Board the *Atlas* by Appellant's Orders, that the Owners are responsible for any Damage that may befall them during the Passage, and as the Charter Party was made in London by the Transport Board, so damages must be there and by that Board recovered, and how far Respondent is liable to pay Freight for the Overplus to the Two Tons Ordered him by the Transport Board, must Depend on the Commissioners and Owners of the Ship.

It also appears from the very improper treatment Respondent received on the Passage from the Appellant his Officers and Others, that the Respondent was compelled to leave the *Atlas* at Rio de Janeiro and agree for a Passage in the *Hercules* Transport, whereby he was put to a Considerable Extra Expence I DO THEREFORE AWARD that the appellant do pay the Respondent the sum of £50 Sterling and Interest at 5 per Cent., being the Passage Money Respondent paid for his Passage in the *Hercules* from Rio de Janeiro to this Port together with the full Costs of Suit.

Given etc. this 22 Septemb'r 1802.

PHILIP GIDLEY KING.

To the Judge-Advocate
and Provost Marshall etc.

Note 260, page 724.

A copy of this return.

This would be a similar return to that noted on page 643; see note 244.

Note 261, pages 725 to 731.

Enclosure No. 1 to Enclosure No. 6.

King's register of these enclosures is not available, and they have been placed in the order they are mentioned in the despatch.

Note 262, page 727.

Your Excellency's investment of myself with magisterial authority.

By the twelfth clause (*see* page 386) of his commission, King was empowered to appoint justices of the peace within the limits of his jurisdiction. By this appointment of Jefferson as a magistrate, he laid definite claim to territorial rights over the island of Otaheite (*c.f.* ante note 61, and volume I, note 1).

Note 263, page 732.

My Letters of Yesterday's date.

See Enclosure No. 1 on page 733.

Note 264, page 739.

The Surveyor-General Mr. Rushwith and Mr. MacCallum.

The surveyor-general was Chas. Grimes, Mr. Rushwith was a gardener, and Mr. MacCallum was a surgeon who had been pardoned on the 28th of July, 1801, to enable him to practise his profession.

SYNOPSIS OF DESPATCHES.

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by—	Date of acknowledgment.
King, Under Secretary	King, Acting Governor	? 1800.	.....	Transport Britannia	1	King, Acting Governor	1801. 8 July.
King, Acting Governor	Nepean, Secretary	1801.	.....	Brig Trimmer	3	.....	.....
Portland, Duke of	Governor of N.S.W.	5 Jan.	.....	Transports Nile, Canada, and Minorca.	4	King, Acting Governor	1 Mar.
King, Acting Governor	Portland, Duke of	10 Jan.	.....	Brig Trimmer	4	Hobart, Lord	30 Jan.
Do	do	10 Mar.	No. 3	do	56	do	30 Jan.
Do	do	10 Mar.	Separate A	do	57	do	30 Jan.
Do	do	10 Mar.	Separate B	do	68	do	30 Jan.
Do	do	10 Mar.	Military No. 2	do	73	do	30 Jan.
Do	King, Under Secretary	10 Mar.	.....	do	73	Sullivan, Under Secre- tary.	4 Feb.
Do	Nepean, Secretary	10 Mar.	.....	do	75	Nepean, Secretary	5 May. 1801.
Do	Transport Commissioners	10 Mar.	.....	do	83	Commissioners.....	31 Dec.
Do	Commissioners of the Navy	10 Mar.	.....	do	85	.....	.....
Do	Chinnery, William	10 April	.....	Whaler Albion	86	.....	1802.
Do	Portland, Duke of	1 May	Separate B	do	88	Hobart, Lord	29 Aug.
Do	Hunter, Governor	13 May	.....	Transports Nile, Canada, and Minorca.	93	King, Acting Governor	2 Feb.
Victualling Board							
Transport Commissioners	King, Acting Governor	23 May	.....	do	93	do	2 Feb.
King, Acting Governor	Portland, Duke of	26 May	.....	Whaler Albion	94	.....	.....
Do	Commissioners of the Navy	26 May	.....	do	96	.....	.....
Transport Commissioners	King, Acting Governor	8 June	.....	Transports Nile, Canada, and Minorca.	97	King, Acting Governor	2 Feb.
Portland, Duke of	do	19 June	.....	Transports Nile, Canada, and Minorca.	99	King, Governor	1 Mar.
King, Under Secretary	do	19 June	.....	Transports Nile, Canada, and Minorca.	108	do	1 Mar.
Nepean, Secretary	King, Under Secretary	21 June	.....	Transport Anne	109	.....	.....
Portland, Duke of	King, Acting Governor	23 June	.....	H.M.S. Investigator	110	King, Governor	21 May.
King, Acting Governor	do	26 June	.....	do	110	do	21 May
Portland, Duke of	do	8 July	.....	Transports Anne	110	.....	.....
Do	do	8 July	.....	do	117	.....	.....
Do	Governor of N.S.W.	4 Aug.	.....	Transports Hercules and Atlas.	119	King, Governor	31 Aug
Victualling Board							
Hobart, Lord	King, Acting Governor	6 Aug.	.....	do	119	do	17 Nov.
Do	do	20 Aug.	.....	do	120	do	17 Nov.

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by—	Date of acknowledgment.
King, Acting Governor	Portland, Duke of	1801. 21 Aug.	No. 4	Whaler Albion	120	Hobart, Lord	1802. 29 Aug.
Do do	do	21 Aug.	Separate A	do	148	do	29 Aug.
Do do	do	21 Aug.	Separate	do	167	do	29 Aug.
Do do	do	21 Aug.	Military No. 3	do	180	do	29 Aug.
Do do	do	21 Aug.	do	do	187	do	29 Aug.
Do do	King, Under Secretary	21 Aug.	do	do	242	do	29 Aug.
Do do	Nepean, Secretary	21 Aug.	do	do	263	do	29 Aug.
Do do	Transport Commissioners	21 Aug.	do	do	264	do	29 Aug.
Do do	Coktrel, Sir Stephen	21 Aug.	do	do	265	do	29 Aug.
Do do	Secretary at War	21 Aug.	do	do	265	do	29 Aug.
Do do	Portland, Duke of	22 Aug.	do	do	266	Lewis, Secretary	1 May.
Do do	Nepean, Secretary	22 Aug.	do	do	266	Hobart, Lord	29 Aug.
Do do	King, Under Secretary	23 Aug.	do	do	266	Nepean, Secretary	5 May.
Do do	do	25 Aug.	do	do	267	Hobart, Lord	29 Aug.
Do do	Transport Commissioners	25 Aug.	do	do	268	do	29 Aug.
Do do	do	25 Aug.	do	do	268	do	29 Aug.
Do do	King, Acting Governor	26 Aug.	do	do	268	do	29 Aug.
Transport Commissioners	do	26 Aug.	do	Transports Hercules and Atlas	269	King, Governor	9 Aug.
Hobart, Lord	do	27 Aug.	No. 2	H.M.S. Buffalo	269	do	30 Oct.
Do	Governors of the Colonies	2 Oct.	Circular	Ship Hope	272	do	30 Oct.
King, Acting Governor	Nepean, Secretary	31 Oct.	do	Brig Anna Josepha	272	do	30 Oct.
Do do	Portland, Duke of	5 Nov.	do	do	274	do	30 Oct.
Do do	King, Under Secretary	8 Nov.	do	Ship Hope	320	do	30 Oct.
Do do	do	8 Nov.	Private	do	321	do	30 Oct.
Transport Commissioners	King, Acting Governor	12 Nov.	do	H.M.S. Buffalo	325	King, Governor	9 Nov. 1803.
King, Acting Governor	Portland, Duke of	14 Nov.	No. 5	Ship Hope	326	Hobart Lord	24 Feb.
Do do	do	14 Nov.	Separate A	do	341	do	24 Feb.
Do do	King, Under Secretary	14 Nov.	do	do	345	do	24 Feb.
Do do	do	14 Nov.	do	do	346	do	24 Feb.
Do do	Secretaries of the Treasury	14 Nov.	do	do	348	do	24 Feb.
Do do	do	14 Nov.	do	do	348	do	24 Feb.
Do do	do	14 Nov.	do	do	348	do	24 Feb.
Transport Commissioners	King, Acting Governor	19 Nov.	do	H.M.S. Buffalo	349	King, Governor	1802. 9 Nov.
Sainthill, Richard	do	25 Nov.	do	Transport Hercules	349	do	9 Nov.
Hobart, Lord	do	27 Nov.	do	H.M.S. Buffalo	349	King, Governor	9 Nov.
Nepean, Secretary	do	2 Dec.	do	do	350	do	9 Nov.
Commissioners of the Navy	do	10 Dec.	do	do	351	do	9 Nov.
Transport Commissioners	do	31 Dec.	do	Transport Perseus	354	King, Governor	9 Aug.
Do do	do	31 Dec.	do	do	355	do	9 Aug.
Do do	do	1802.	do	do	355	do	9 Aug.
Victualling Board	Governor of N.S.W.	1 Jan.	do	Transport Coromandel	356	do	31 Aug.

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by—	Date of acknowledgment.
Transport Commissioners	King, Acting Governor	1802.	.....	Transport Alexander	357	King, Governor	1802.
Do do	do do	2 Jan.	.....	do	358	do	9 Nov.
Victualling Board	Governor of N.S.W.	19 Jan.	.....	Transport Coromandel	363	do	31 Aug.
Do	do	25 Jan.	.....	do	364	do	31 Aug.
Sullivan, Under Secretary	King, Acting Governor	26 Jan.	.....	Transport Alexander	365	do	1803.
Do do	do do	26 Jan.	.....	do	365	do	9 May.
Hobart, Lord	do do	30 Jan.	.....	Transport Hercules	366	do	1802.
Do do	do do	30 Jan.	No. 1	do	373	do	30 Oct.
Do do	do do	30 Jan.	No. 2	do	376	do	30 Oct.
Sullivan, Under Secretary	do do	30 Jan.	.....	Transport Alexander	377	do	1803.
Do do	do do	30 Jan.	.....	do	377	do	9 May.
Do do	do do	1 Feb.	.....	Transport Hercules	378	do	9 May.
Do do	do do	2 Feb.	.....	do	378	do	9 May.
King, Acting Governor	King, Under Secretary	2 Feb.	.....	Transport Canada	379	.....	.....
Do do	Victualling Board	2 Feb.	.....	do	381	.....	1802.
Do do	Transport Commissioners	2 Feb.	.....	do	381	Commissioners	14 Nov.
Sullivan, Under Secretary	King, Acting Governor	4 Feb.	.....	Transport Alexander	382	King, Governor	11 May.
Commissioners of the Navy	do do	? Feb.	.....	H.M.S. Buffalo	382	.....	.....
Transport Commissioners	do do	4 Feb.	.....	Transport Hercules	382	King, Governor	9 Aug.
Sullivan, Under Secretary	King, Governor	26 Feb.	.....	Transport Alexander	383	do	1803.
Hobart, Lord	do do	26 Feb.	.....	do	383	do	9 May.
King, Governor	Portland, Duke of	1 Mar.	No. 6	Schooner Caroline	398	Hobart, Lord	9 May.
Do do	do do	1 Mar.	Separate A	do	416	do	24 Feb.
Do do	do do	1 Mar.	Separate	do	445	do	24 Feb.
Do do	do do	1 Mar.	.....	do	447	do	24 Feb.
Do do	do do	1 Mar.	.....	do	451	do	24 Feb.
Do do	do do	1 Mar.	.....	do	455	do	24 Feb.
Do do	do do	1 Mar.	Military No. 4	do	455	do	24 Feb.
Do do	King, Under Secretary	1 Mar.	.....	do	474	do	24 Feb.
Do do	Judge Advocate General	1 Mar.	.....	do	478	Morgan, Sir Charles	1802.
Do do	Coffreil, Sir Stephen	1 Mar.	.....	do	479	.....	11 Dec.
Do do	Secretary at War	1 Mar.	.....	do	480	.....	.....
Do do	Chinnery, William	1 Mar.	.....	do	480	.....	.....
Victualling Board	Governor of N.S.W.	16 Mar.	.....	Transport Alexander	481	King, Governor	9 Nov.
Transport Commissioners	King, Governor	19 Mar.	.....	do	482	.....	1803.
King, Governor	Portland, Duke of	29 Mar.	.....	Schooner Caroline	482	Hobart, Lord	14 Feb.

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by—	Date of acknowledgment.
King, Governor	Nepcan, Secretary	1802.	.....	Schooner Caroline.....	483	.....	1803.
Hobart, Lord	King, Governor	29 Mar.	Circular	H.M.S. Glutton	484	King, Governor	9 May.
Do	Governor of N.S.W.	1 May	Circular	do	484	do	9 May.
Sullivan, Under Secretary	King, Governor	1 May	.....	do	486	do	9 May.
Lewis, Secretary	do	1 May	.....	do	487	.....	12 April.
Nepcan, Secretary	King, Lieut. Governor	5 May	.....	do	487	King, Governor	12 April.
Do	do	11 May	No. 7	Ship Bridgewater	488	do .....	.....
Transport Commissioners	King, Governor	21 May	.....	Whaler Speedy	498	Hobart, Lord	24 Feb.
King, Governor	Portland, Duke of	21 May	Separate A	do	508	do	24 Feb.
Do	do	21 May	Separate B	do	516	do	24 Feb.
Do	King, Under Secretary	21 May	.....	do	516	.....	.....
Do	Nepcan, Secretary	21 May	.....	do	517	.....	.....
Do	Victualling Board	21 May	.....	do	517	.....	.....
Do	Chinnery, William	21 May	.....	do	518	.....	.....
Do	King, Under Secretary	26 May	.....	do	518	Hobart, Lord	24 Feb.
Do	Nepcan, Secretary	28 May	.....	do	520	.....	1802.
Do	Commissioners of the Navy	28 May	.....	do	520	Commissioners of the Navy.	27 Nov.
Sainthill, Richard	King, Governor	28 May	.....	Transport Atlas	522	.....	1803.
King, Governor	King, Under Secretary	5 June	.....	Whaler Speedy	522	Hobart, Lord	24 Feb.
Do	Nepcan, Secretary	5 June	.....	do	525	.....	.....
Do	King, Under Secretary	5 June	.....	do	526	Hobart, Lord	24 Feb.
Do	Transport Commissioners	5 June	.....	do	528	Commissioners	14 Nov.
Do	Portland, Duke of	9 June	No. 8	Transport Hercules	529	.....	.....
Do	King, Governor	28 June	No. 1	Transport Bridgewater	530	King, Governor	9 May.
Do	do	16 July	No. 2	H.M.S. Glutton	530	do	9 May.
Transport Commissioners	do	16 July	.....	do	531	.....	.....
King, Governor	Hobart, Lord	23 July	.....	Transport Hercules	531	.....	.....
Do	Transport Commissioners	23 July	.....	do	531	.....	.....
Transport Commissioners	King, Governor	30 July	.....	H.M.S. Glutton	532	King, Governor	9 May.
Commissioners of the Navy	do	3 Aug.	.....	do	532	do	9 May.
Sullivan, Under Secretary	King, Governor	5 Aug.	.....	do	533	do	9 May.
Do	do	5 Aug.	.....	do	533	do	9 May.
King, Governor	Hobart, Lord	9 Aug.	.....	Transport Hercules	535	.....	.....
Do	Transport Commissioners	9 Aug.	.....	do	535	.....	.....
Do	Governor of N.S.W.	10 Aug.	No. 4	H.M.S. Glutton	552	Commissioners	14 Nov.
Do	do	10 Aug.	No. 3	do	559	King, Governor	9 May.
Do	do	10 Aug.	.....	do	560	do	9 May.
Nepcan, Secretary	King, Governor	11 Aug.	.....	do	560	.....	.....
Hobart, Lord	do	29 Aug.	No. 2	do	561	King, Governor	9 May.
Do	do	30 Aug.	No. 3	do	574	do	9 May.

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by—	Date of acknowledgment.
Hobart, Lord	King, Governor	1802.	Separate	H.M.S. Glatton	575	King, Governor	1803.
King, Governor	Victualing Board	30 Aug.	.....	Transport Atlas	577	.....	9 May.
Do	Hobart, Lord	17 Sept.	.....	do	577	.....	.....
Victualing Board	King, Governor	28 Sept.	.....	Transport, Cato	579	King, Governor	9 May.
Do	do	11 Oct.	.....	do	580	.....	.....
Do	do	12 Oct.	.....	do	580	.....	.....
Marsden, A.	Governor of N.S.W.	16 Oct.	.....	Transport, Rolla	581	.....	.....
King, Governor	Hobart, Lord	30 Oct.	No. 1	Ship Naturaliste	581	Hobart, Lord	24 June.
King, Governor	King, Governor	31 Oct.	.....	Transport, Kolla	599	.....	.....
Saunthill, Richard	Hobart, Lord	9 Nov.	Sept. A	Ship Naturaliste	599	Hobart, Lord	24 June
King, Governor	do	9 Nov.	Entries and Clearances.	do	635	do	24 June.
Do	do	9 Nov.	Superintendents and Storekeepers	do	643	do	24 June.
Do	do	9 Nov.	Military No. 1	do	646	do	24 June.
Do	do	9 Nov.	Separate with Military No. 1	do	692	do	24 June.
Do	do	9 Nov.	Marine No. 1	do	697	do	24 June.
Do	do	9 Nov.	.....	do	701	do	24 June.
Do	do	9 Nov.	.....	do	710	do	24 June.
Do	do	9 Nov.	.....	do	715	do	24 June.
Do	Nepean, Secretary	9 Nov.	.....	do	717	.....	.....
Do	Secretary at War	9 Nov.	.....	do	718	Commissioners	14 Nov.
Do	Transport Commissioners	9 Nov.	.....	do	722	.....	.....
Do	Commissioners of the Navy	9 Nov.	.....	do	722	.....	.....
Do	Victualing Board	9 Nov.	.....	do	722	.....	.....
Do	Cottrell, Sir Stephen	9 Nov.	.....	do	723	.....	.....
Do	Chinnery, William	9 Nov.	.....	do	723	.....	.....
Do	Hobart, Lord	10 Nov.	.....	do	724	Hobart, Lord	24 June.
Do	do	15 Nov.	.....	do	724	do	24 June.
Do	Morgan, Sir Charles	15 Nov.	.....	do	732	.....	.....
Do	Sullivan, Under Secretary	16 Nov.	.....	do	735	.....	.....
Do	Hobart, Lord	17 Nov.	.....	do	736	Hobart, Lord	24 June.
Do	do	23 Nov.	.....	Cumberland and Naturaliste.	737	do	24 June.
Do	Nepean, Secretary	23 Nov.	.....	do	740	.....	1804.
Commissioners of the Navy	King, Governor	27 Nov.	.....	H.M.S. Glatton	744	King, Governor	1 Mar.
Morgan, Sir Charles	do	11 Dec.	.....	H.M.S. Calcutta	744	.....	.....
Do	do	11 Dec.	.....	do	745	.....	.....
King, Governor	Hobart, Lord	31 Dec.	No number	Transport Atlas	746
Do	Commissioners of the Navy	31 Dec.	do	753	Commissioners	13 Jan.

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